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CONGRESS.

DEBATE ON GUN-BOATS—CONCLUDED.

MR. RANDOLPH said that so long as the details of the bill were under consideration, he had forborne to trouble the House with his sentiments, but now on its final passage, he conceived himself entitled to express freely and fully his objections to it. His object was not to make proselytes, but to present to the House and to his country the grounds of his refusal to sanction the measure. When perhaps seventy or eighty speakers had repeatedly risen in its favor, it was surely reasonable that the few individuals opposed to it should be heard in their own behalf. He complained of the manner in which business had been conducted. Instead of a comprehensive system, the whole extent of which might be embraced by the House, measures had been laid before them, piece-meal, and discussions of the most vague and unprofitable nature had grown out of them. So far from that general diffusion of information which was so desirable, they were totally destitute of any concerning the disjointed members which had been laid upon their table, and which he despaired ever seeing connected in one perfect whole. The deliberations which had arisen upon them defied analysis. It was a sort of Parthian warfare in which the difficulty lay not in vanquishing the enemy, but in coming up with him. He had not proceeded (as was alledged) upon his own speculative opinion. Experiment had proved the inadequacy of this species of armament. When the President of the U. S. issued his proclamation, commanding the British ships of war to retire from our waters, the want of adequate force alone could justify a failure to carry that Proclamation into effect. A consciousness of his incapacity to enforce obedience to it, was notoriously one of the causes why Congress had been convened. Whosoever denied this must have the hardihood to charge the President with being deficient in his duty, which he presumed gentlemen were not prepared to do—and surely it was his bounden duty to enforce respect for the authority of the nation on those by whom it had been treated with derision and contempt. The British force remaining within our jurisdiction, in defiance of the laws, were as much an invading foe as if they had taken possession of the Capitol. The miseries of war had been feelingly depicted. Mr. R. was as strong an advocate for peace as any gentleman on that floor—provided it were a safe and honorable peace. To his apprehension the arguments which had been urged would justify submission to any extent. He would ask if it was the duty of the Chesapeake to submit for the sake of peace, or to have resisted to the utmost of her strength? She was no more called upon by her duty to resist that attack than the nation was now called upon to repel the attack which had been made upon her sovereignty. The obligation to resist was in both cases the same. Was any person disposed to applaud as a preserver of peace the unfortunate man of whom he should say no more than that he was not more bound to return the broadside of the enemy than government were to expel their ships from our harbors after commanding them to depart. Much as he cherished peace, Mr. R. would be sorry to see it preserved by such forbearance; and it was only the inability to execute that could reconcile it for a moment to the feelings of the nation. The proclamation ought not to have been issued, or it should have been enforced. Let it not be supposed that he was an advocate for defence by 44 gun frigates. Since the existence of their navy the U. S. had lost two of their stoutest ships to an enemy, and in both instances, without even a shew of resistance. It was true that in one of these instances, the victor, as if in contempt, had thrown the worthless thing back upon our hands instead of sending it where he wished it had gone, to Halifax, or to the bottom. An attempt to build a navy at this time would bring not relief but suffering. Mr. R. put little confidence in the regular navy, as it was called, which just sufficed to bait the war trap, or in the gun-boats. Like the contemptible insects to which they had been compared by their advocates, it was hoped that they would find shelter in their insignificance, but if they should prove instruments of annoyance, eventually they would be turned against ourselves. He wished to see the public treasure employed in putting arms into the hands of all who were capable of bearing them, and in providing heavy artillery, not in the erection of a naval force, which, whether great or small, unless it too could retreat beyond the mountains, must fall into the hands of the enemy. If they wanted a force that should combine strength with simplicity, ready at all times for the public protection, they had such a force amply in their power.

If in the first instance he had had no objection to this bill, a remark of his worthy friend from N. Carolina, who had introduced it, would have determined Mr. R. to set his face against it It was that when the boats were built they were to rely upon a marine militia to man them—to cap the climax, a *marine militia!* But perhaps on this subject too they might be told that they were inexperienced and ought not to decide, for that men the most conversant with *marine militias* (but in what school he did not pretend to tell) pronounced them to be the best possible accompaniment to gun boats. There were two sorts of experience: that of an enlarged, liberal, reflecting mind possessing powers of high discrimination, capable of comparing objects in all their various relations to each other; and a little, petty, personal experience extending to a few matters of insignificant detail. Because a man had served on board a merchant vessel, whether in the forecastle or the cabin, did that entitle him to talk magisterially on systems of naval defence? Or because he could box the compass was he better calculated for the head of an admiralty than John Lord Spencer, who was probably destitute of that elegant accomplishment; but who, because he was a *statesman*, and not because he was an able bodied *seamen*, had conducted the naval affairs of his country with a success and glory that might be equalled but never could be surpassed. What *personal* experience, so much relied upon, could our own executive officers be supposed to have upon this subject?

Mr. R. hoped that those who were in favor of the bill, and whom he believed to be a large majority of the House, would excuse him if he could not vote for it on a principle on which he had ever refused to act, and would refuse as long as he should remain in public life. It was perfectly consistent and proper that gentlemen, who had always been the champions of executive, doctrines and voted for measures because they emanated from a source which was the God of their idolatry, should support systems because they were ushered into the House in a particular way. These courtly doctrines had always been too refined for him—his deliberate approbation must accompany his vote. A strong objection to the bill in question was the delusive views held out to the House on the subject of its expencce. It had been said that 250 dollars per man would cover the whole cost, (he was informed that it would amount perhaps to four times that sum) and not one third of the number of men necessary to navigate and fight the boats had been taken into the account: and it had been further urged that, as the boats would be in service not more than six months in the year, one half of the whole annual expence would be saved. Mr. R. asked if it was possible for such a statement to pass upon the most credulous and uninformed man in society. If they were laid up at the end of every six months, and the men discharged, was it not evident that new premiums, bounties, and additional cloathing would be necessary at every new term of service? How absurd then to talk of a saving of one half by employing them only during one half of the year. Besides, what was to become of our defence during the remainder of it. Surely if the boats were necessary in January, they would be so in June, and if wanting in June they were equally so in January.

But it was whispered out of doors, that these boats were not to be built. This, although at first sight it might seem to remove all his objections to the bill, would, if true, enhance his opposition to it, because it would lock up a vast sum of money from the necessities of the public, and tended to hang out lights of false security to the people. If however negociation was to precede measures of actual defence and we possessed the power (as had been asserted) of driving the British squadron from our waters, but had magnanimously refused to exercise it, for the sake of preserving peace, he trusted that the departure of that squadron would be insisted on as a preliminary to all further negociation. A gentleman, whose opinions seemed to be almost oracular in that House, had dropt an expression which threw great light upon the present state of our affairs. It was to this effect; that if the House were not in possession of any copies of dispatches from our ministers at London, they had seen all that the Executive had received on the subject of our negociation there, from its commencement to its final close. [Mr. Nicholas here explained; he had said that all that had taken place they had seen.] Mr. R. said that the gentleman could have no reason to suppose that he was in any wise disposed to misunderstand him, but that he sate at the time almost in contact with the gentleman, and could distinctly hear him: his closing observation was (of which I believe I reminded him when he resumed his seat) *from its commencement to its final close.* [Mr. N. said those were his words.] If such then, said Mr. R. was the state of affairs, did it call for forbearance on our part of our indisputable rights within our own jurisdiction?

In the course of the observations which he had thrown out, very much at random, on this subject, he had not conceived himself authorised, when speaking of the late outrage committed by Great Britain, to indulge in a strain of invective against the aggressor, as if that could wipe away the stigma attached to his own country. He knew that so far from vindicating the national honor by such conduct, he should but wound it more deeply. If we have war, said he, let us not deceive ourselves. We shall meet an enemy worthy of our arms—men of the same race, sprung from the same Anglo-Saxon stock; and let us not now tarnish our glory, if the God of battles should crown our efforts with success, or embitter our defeat, should the event be adverse, by stigmatizing with every epithet of contumely and contempt the people against whom we shall have to contend.

The question having been put on the passage of the gun-boat bill, was decided by yeas and nays as follow:

YEAS—Messrs. Alexander, L. J. Alston, W. Alston, Bacon, Bard, Barker, Bassett, Bibb, Blackledge, Blake, junior, Blount, Boyle, Brown, Burwell, Butler, Calhoun, G. W. Campbell, J. Campbell, Carlton, Chandler, Chittenden, Clopton, Cobb, Cook, Crowninshield, Culpepper, Cutts, Dana, Dawson, Deane, Desha, Durell, Eppes, Findley, Fisk, Franklin, Gardner, Goldsborough, Goodwyn, Green, Harris, Heister, Helms, Holland, Holmes, Howard, Humphreys, Isley, Jenkins, Johnson, Jones, Kelley, Kenan, Kirkpatrick, Knight, Lambert, Lewis, Livermore, Lloyd, Love, Marion, M'Creery, Milnor, D. Montgomery, J. Montgomery, N. R. Moore, T. Moore, Jere. Morrow, Jno. Morrow, Mumford, Nelson, Newbold, Newton, Nicholas, Porter, Pugh, Rea (Penn.) Rhea, (Tenn.) J. Richards, M. Richards, Riker, Rowan, Sawyer, Seaver, Sloan, Smelt, Smilie, J. K. Smith, S. Smith, J. Smith, Southard, Storer, Sturges, Swart, Taggart, Taylor, Thomas, Thompson, Troup, Upham, Van Allen, Van Dyke, Van Horne, Van Rensselaer, Wharton, Whitehill, Wilbour, M. Williams, Wilson, Winn, Witherall.—111.

NAYS—Messrs. Champion, M. Clay, Davenport, Elliott, Ely, Garnett, Gray, Hoge, Macon, Masters, Mosely, Pitkin, Quincy, Randolph, Russell, Stanford, Stedman, Tallmadge, Trigg.—19.

DEBATE

On the memorial of the Governor by direction of the Legislature of Massachusetts, in favor of the Yazoo Claimants.

(Concluded.)

MR. CHANDLER remarked that he had understood the gentleman from Georgia just sat down to say that it was his object to treat the petition with contempt, and if he understood him rightly, the petitioners also. The petitioners were no other than the legislature of Massachusetts. Would the gentleman indeed treat them with contempt? For what? He had said that here was corruption in the way, that there was a claim of corruption. Did he mean to say the legislature was corrupt? [Mr. Bibb declared that he did not impute corrupt motives to the legislature.] Mr. C. continued: If the gentleman did not attribute to them corruption, why would he treat them with contempt? Why not suffer the memorial to take the common course? Why not permit it to be referred? Mr. C. said he knew nothing about the justice of the claim. How far the legislature of Georgia who made the grant might have been corrupt, or how far it deserved censure, let the gentlemen from Georgia determine, for he would not undertake it; he hoped however that gentlemen would not attribute corruption to the legislature of Massachusetts. As to these claimants having a share in corrupting the legislature of Georgia, he knew nothing about it; but the memorial coming from at least a respectable source, he hoped it would receive the same attention as was given to every private petition couched in decent terms.

MR. MARION said he was one of those opposed to making any compromise with any claimants of lands; he should consider it a compromise of principle not of policy; but at the same time he was disposed to treat any memorial from a state legislature with respect. As the memorial stated, all the documents on the subject being already in possession of the House, he should suppose the House would be as competent to decide on it in committee of the whole, as if it were previously sent to a select committee. Therefore, not wishing to treat the memorial with disrespect, he made a motion to refer it to a committee of the whole.'

This motion taking preference of the motion for commitment to a select committee, and the Yeas and Nays being called on it,

MR. QUINCY lamented the passion which was displayed on this occasion, for in truth there were at present sufficient sources of irritation without this. He would not have risen at this time, as he was very little interested in the business more than that he wished to perform what was his duty to his state, but to defend a class of people, some of whom were his constituents. He wished the House to divest itself of prejudice, and take a clear view of the subject. He considered the memorial on the table from the legislature of Massachusetts, not as adopting the principle of the Yazoo claim, not as attempting to foreclose this House in the exercise of its rights, but he considered it as presenting to this House the temper of the state; a temper and feeling, not excited by any fondness for individual speculation or aggrandizement, much less from any inclination to favor fraud or corruption; but from a perception of the ruin brought upon many individuals by this thing. Yes, ruin fallen, not as gentlemen had asserted, upon great speculators; but in many instances, upon humble individuals, who were induced to take part in this speculation because they believed it honorable, and because they had confidence in the opinions of those who conducted it.

The memorial on the table was not an expression of the sense of the legislature of Massachusetts on the claim, but a wish from that legislature that the House would again recur to the subject, and see whether on some principle of law or equity, indemnification might not be made. It had been very little in the intention of the legislature of Massachusetts or the citizens of Massachusetts to deny that there had been corruption in the original transaction; but it was a thing of which the legislature of that state knew nothing. It happened at a distance of many hundred miles from them. All he could say was, that they were not participators in the fraud; and notwithstanding the assertion of the gentleman from Georgia that it originated in the town of Boston. Mr. Q. said he would place it on a different ground; that if they had known it to be fraudulent, they would have abandoned and rejected it; this he could say from his personal knowledge of the manner in which this transaction had originally been extended to the state of Massachusetts.

The gentleman from Virginia had observed that the legislature of Massachusetts had not shewn that her citizens were deprived of any constitutional right. Perhaps it would not have been proper for the state of Massachusetts to have alleged to this House that her citizens were aggrieved. It had been said that the title to this land might be tried; but Mr. Q. said a law passed last session had taken away all right which an individual could have to enter upon the land and try his title to it; this was known to the legislature at the time, and was the reason why they had referred the subject to this body, that the House might consider whether this law was constitutional or not. So that although the legislature of Massachusetts had not specifically stated in their memorial that any constitutional right had been denied, every one knew that a law of this kind had been passed infringing the rights of some of her citizens.

With respect to the allegations of fraud and corruption, and the hints thrown out that the legislature of Massachusetts were at this time patronizing fraud, he felt for the gentleman who made it, rather compassion than any thing else. The House very well knew that the gentlemen were placed in a situation very unfortunate for a clear conception of this subject; because they were under the influence of passion prevailing in that state on a subject on which honest and wise men might well doubt. If it were true that there was original corruption, the legislature of Massachusetts knew not of it; if there was not corruption, the assertion fell of course.

It was peculiarly important that this subject should be treated with some degree of attention. It was unquestionably the prevalent opinion in Massachusetts on this subject which had excited so much attention, and in which the people felt an unusual interest, that some mode of law or equity could be devised by which justice in some shape could be awarded to the claimants. This sentiment was universal as far as he knew, and it was well known that those gentlemen who originally brought this land for sale into the northern states, were gentlemen from the southard, and the petitioners rested their claim upon the foundation that at the time they purchased these lands they were ignorant of any corruption or fraud with which the claim was connected.

It had not been his intention to have spoken on this subject, but that it had appeared to him after what had fallen from the gentleman from Georgia, it became his duty to urge to the House the propriety of paying such attention to the memorial of the state of Massachusetts by a reference as was due to every petition; after which the memorial might be considered on such principles as justice and policy might dictate.

MR. MACON himself had no objection to the reference of the petition. The feelings of the people of Massachusetts and Georgia ought alike to be considered. He had no objection to hear the claim discussed again and again, although he never should consent, so long as he possessed his common faculties, to compromise the claim, or give one cent to the claimants. The law was as much open to these people as any other in the U. States; whenever the U. S. sold any part of it they had a right to try their title to it by law. Notwithstanding this, he had no objection to commit the memorial to a committee of the whole; there needed no statement of facts on this question; they had been stated over and over again. He wished a commitment, not because he was favorable to the claim, but because he wished it to be investigated again and again: If he could be convinced that they had a just claim, he should vote in their favor.

With the gentleman from Pennsylvania, he regretted that any thing should be thrown in to divide the House at this time. Unquestionably this lay at the door of those who brought it forward, whom he did not mean to blame, for they had a right, and it might be their duty so to do. As to sending it to a select committee, he could not see any purpose to be answered by it. Committees had reported and facts had been stated almost every year since 1796. What more was wanting? There

(Continued on last page.)