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HISTORY

OF THE

Last Session of Congress.

[CONTINUED]

Georgia Cession.

On the 26th of April, the Prefident communicated, by meffage, certain articles of agreement entered into by the commiffioners of the United States and of Georgia, by which Georgia cedes to the United States all claim to the jurifdiction and foil of lands fouth of Tenneffee, according to a fixed boundary line; on the condition that the United States pay Georgia one million two hundred and fifty thoufand dollars out of the net proceeds of the fales of the land' The territory ceded to form a ftate as foon as it fhall contain fixty thoufand perfons.

Mr. Grifwold moved the appointment of a committee to bring in a bill to repeal an act for the amicable fettlement of limits with the ftate of Georgia, &c.

The object of this motion was to prevent the agreement lately made between the commiffioners of the United States & of Gergia from going into effect before the next feffion of Congrefs, the faid agreement declaring that the fettlement fhall be conclufive, unlefs Congrefs fhall repeal within fix months the above law.

This motion was fupported by Meffrs. Grifwold, Henderfon and Davis, and oppofed by Meffrs. Milledge, S. Smith and Elmendorf.

When the yeas and nays were taken, and the motion loft—Yeas 24—Nays 55.

Convention with Great Britain.

On the 27th of April the Prefident communicated the copy of a convention entered into between the United States and Great Britain.

The Meffage ftated, that "the commiffioners who were appointed to carry into execution the fixth article of the treaty of amity, commerce and navigation between the United States and Great Britain, having differed in their conftruction of that article, and feparated in confequence of that difference, the Prefident of the United States took immediate meafures for obtaining convential explanations of that article for the government of the commiffioners. Finding, however, great difficulties oppofed to a fettlement in that way, he authorized our minifter at the court of London to meet a prepofition, that the United States, by the payment of a fixed fum, fhould difcharge themfelves from their refponfibility for fuch debts as cannot be recovered from the individual debtors. A convention has accordingly been figned, fixing the fum to be paid at fix hundred thoufand pounds fterling, in three equal and annual inftalments, which has been ratified by me, with the advice and confent of the Senate."

Agreeably to the terms of the convention an act paffed on the 3rd of May appropriating two millions fix hundred and fixty-four thoufand dollars, being equal to 600,000 pounds fterling.

Whatever may be the ultimate iffue of this arrangement, it may be proper to remark that it is to be confidered as fubftantially the act of the former adminiftration. Under its aufpices the negociation was commenced, and fo far matured as only to leave unfettled the fum to be paid by the United States. It is underftood, and it is believed the fact may be fully relied on, that under that adminiftration, authority was given to extend the fum as far as *one million* fterling. This licenfe was revoked by the prefent adminiftration, who inftructed their minifter to agree to allow 600,000 pounds, in correfpondence with the ftipulated faith of the government, and no more. The difference, therefore, may be viewed as gained by the decifion with which the negociation was clofed.

Petition of Thomas Cooper.

On the 28th of April, a petition of Thomas Cooper, of the county of Northumberland, in the ftate of Pennfylvania, was prefented to the Houfe, and read, fetting forth that in the month of April, eighteen hundred, he was tried and condemned at Philadelphia, before Samuel Chafe and Richard Peters, judges of the circuit court of the United States there fitting, for having written and publifhed a libel upon the political character and conduct of John Adams, the then Prefident of the United States; and was thereupon adjudged to pay a fine of four hundred dollars, and to fuffer an imprifonment of fix months, which punifhment he accordingly underwent.—That he apprehends the faid trial, condemnation and punifhment were unjuft: —firft, becaufe the law commonly called the fedition law, under which he was indicted, was paffed in direct oppofition to the letter and the fpirit of the conftitution of the United States:—and fecondly, becaufe the faid judges did not only take for granted the conftitutionality of the faid law, but did unjuftly and improperly refufe to grant him a fubpœna ad teftificandum directed to the faid John Adams, and therefore praying fuch redrefs as the wifdom of Congrefs fhall deign to beftow.

Mr. Grifwold moved a rejection of the prayer of the petition, which motion was fuperceded by one made by Mr. Giles to poftpone its confideration to the third Monday in November, which after a warm debate, was carried by a large majority.

The next day Mr. Grifwold moved to amend the Journal in relation to this petition, as ftated above, fo as to exhibit the prayer in more general terms, which he confidered to be the ufual practice, on which a converfation enfued, in which it was replied that the ufual courfe had, in this inftance, been purfued, and that the Journal needed no amendment. The motion to amend was loft.

Report of Committee of Inveftigation.

On the 29th of April Mr. Nicholfon made a report from the committee appointed to enquire whether monies drawn from the treafury have been faithfully applied to the objects for which they were appropriated, & regularly accounted for; and whether any further arrangements are neceffary to promote economy, enforce adherence to legiflative reftrictions, and fecure the accountability of perfons entrufted with public money.

The report, with the accompanying documents, is very voluminous, and when printed was found to cover 160 folio pages.

The reader will at once perceive the importance of the duty confided to the committee. Charges had been made againft the former adminiftration for illegal difburfements of public money to a great extent, and had been as frequently repelled as urged. Public opinion, varioufly operated upon by different political convictions, had fettled in oppofite judgments, and the unbiaffed mind, in the collifion of party fentiments, knew not to which conclufion to yield. It was evident that much unjuft crimination had been made; but it was not evident that much juft cenfure was not alfo denied. In this ftate of uncertainty, it became the duty of an adminiftration, entering into power, to enquire into the paft fituation of the fifcal affairs of the government, to afcertain abufes, if fuch had exifted, and to apply a remedy againft their recurrence.

Under thefe impreffions, the committee was formed with the unanimous approbation of the Houfe, and the members of which it was compofed was an unequivocal atteftation of the impartial fpirit which animated the majority, three members out of feven being federal, though the relative numbers of the houfe were nearly as two to one.

The vaftnefs of the field of refearch committed, precluded the poffibility of an entire view of it being prefented during the feffion. Yet the report, tho' incomplete, will be found to embrace a fatisfactory view of the general operations of the late adminiftration, with a few of the moft important individual acts under it.

From this report it appeared:—

That to a vaft extent, monies appropriated by law to one object had been applied to another. This the committee juftly confidered a dangerous infraction of the conftitution, the effect of which was, by the removal of legiflative control, to place the public treafure at the mercy of the executive.

That 32,872 dollars was drawn from the treafury and expended without legal authority, for the removal of the public offices to the city of Wafhington; this fum having been devoted to *perfonal and private* objects uncontemplated by law.

That Mr. Randolph had been fued for 51,000 dollars due by him.

That the accounts of Meffrs. Jefferfon, Marfhall and Madifon, have been fully fettled.

That the accounts of Mr. Pickering are not finally fettled.

"He remains charged with a fum of 3,383 dollars and 20 cents, erroneoufly paid by him for the freight of a veffel fuppofed to have been employed by the conful at Tripoli, and with another fum of 3,289 dollars and 60 cents, being the balance of an advance made to Samuel Hodgdon, for the purpofe of being remitted to Mr. Humphreys, at Madrid, in part of his falary, which Mr. Humphreys did not receive. Both thefe fums it is believed may, and will be recovered from the perfons to whom they were refpectively advanced. But the principal reafon which appears to have prevented an ultimate fettlement with him, arifes from the circumftance of his not having applied the whole of the money drawn by him from the treafury, to the fpecific objects for which it was appropriated by law. For the extent and refult of this mifapplication, the committee refer to the ftatement marked (C) accompanying the communication of the fecretary of the treafury, under date of the 2d of March. From this ftatement it appears, that Mr. Pickering drew from the treafury under the appropriations made "for defraying the expences incident to the intercourfe with foreign nations,—for negociating treaties with the Barbary powers, and for the contingent expences of government,"—the fum of 63,999 dollars and 57 cents more than he applied to thofe feveral objects, which, together with the fum of 14,588 dollars and 54 cents gained by him on the purchafe of bills of exchange for the ufe of the government, form an aggregate of 78,588 dollars and 11 cents. The fame ftatement (C) will fhew that the whole of this fum was expended by him on objects of a public nature (as far as the committee can afcertain the fact) but this expenditure having been made from appropriations defigned for other objects by law, the mifapplication of the money has prevented the comptroller of the treafury from fettling his accounts."

That four navy yards had been purchafed without authority, and the money mifapplied that was paid for them.

That 152,608 dollars had been expended in the erection of a Laboratory, near Philadelphia, without legal authority.

That fecret fervice money had been illegally expended under the war department, without an accountability to the offices of the treafury.

That an appointment had been illegally conferred on Mr. Tracy, a Senator of the United States, whereby he had been at the fame time paid as a legiflator and an executive agent.

That Mr. M'Henry, former Secretary of War, had been illegally allowed a fum paid by him for houfe-rent.

The report concludes in the following manner:

"Upon the whole the committee are of opinion that confiderable fums of the public money have been greatly mifapplied, and that much expence has been incurred without any legal authority; but for the reafons before affigned, it has been impoffible for them to make a complete inveftigation. Nor do they believe that an inveftigation entirely fatisfactory can be made, unlefs the Houfe fhould think proper to appoint a committee for this purpofe to fit during the recefs, with directions to make a report to the next feffion of Congrefs.

"The committee deem it their duty to obferve, that appropriations for the contingencies of the war and navy departments are, at all times, liable to abufes, not only from the very large fums ufually appropriated therefor, but alfo, from the impracticability of fpecifying by law, the precife objects to which fuch fums are applicable; and the committee are of opinion, that giving publicity to the accounts of the expenditures of monies appropriated for contingencies, would have the moft direct tendency, to correct the latitude of conftruction formerly exercifed in that refpect, by the heads of thofe departments, to promote economy in, and attach a proper degree of confidence to the future proceedings of thefe departments. And the committee can difcern no poffible inconvenience in a difclofure of that nature, fince they believe that there is no neceffity nor propriety for applying the principle of fecret fervice money to either of thofe departments; and at leaft, it ought to be fo confidered, until it fhould be otherwife determined by law.

"The committee are, therefore, of opinion, that a claufe to this effect, ought to be inferted in the bill already reported by them, refpecting the accountability of officers.

On the firft of May, Mr. Grifwold moved to recommit this report, on the ground that it was incomplete, and that it was calculated, by the erroneous inferences drawn from facts, to deceive the public. His arguments were enforced by thofe of Mr. Bayard, by whom, as well as Mr. Grifwold, each item of the report was animadverted upon with great warmth, and the tendency of the whole reprefented as falacious and unworthy of the Houfe.

To the feveral charges urged againft the report, Meffrs. Nicholfon, R. Williams and Randolph replied with appropriate fpirit. They clearly fhewed the objections to be groundlefs, and vindicated the truth and correctnefs of the report in its general outline as well as its individual features when the queftion was taken by yeas and nays on the recommitment and loft—Yeas 22—Nays 46.

Amendment of Conftitution refpecting the election of Prefident.

During the month of February propofitions of amendment to the Conftitution with refpect to the mode of choofing the Prefident and Vice Prefident were offered to the Houfe of Reprefentatives from the ftates of Vermont, New York and North Carolina, by their refpective delegates.

After feveral unavailing attempts to attract the attention of the Houfe to this interefting fubject, Mr. Van Cortlandt made a vigorous and fuccefsful effort to that effect on the 1ft of May.— He was fupported by Mr. Elmendorf; and oppofed by Meffrs. Huger, Fofter, Davis, Bayard and Mott; when the yeas and nays were called on taking into confideration the amendatory propofition, and carried—Yeas 38—Nays 30.

The propofition was then read as follows:

"Refolved, That in all future elections of Prefident and Vice Prefident, the perfons voted for fhall be particularly defignated by declaring which is voted for as Prefident and which as Vice Prefident."

A debate enfued of a nature as extraordinary as defultory, in which Mr. Huger threw himfelf into prominent view as an opponent of the *prefent* adoption of the amendment, and was aided by Meffrs. Bayard, Fofter and Dana.

Thefe gentlemen declared that they had not matured their judgments on the expediency of the amendment; though their impreffions were rather favourable to it; but that they fhould refift its adoption at this late period of the feffion, when the Houfe was thin, and all expectation of the fubject being difcuffed was over. The more important an amendment to the Conftitution, the more commanding was the neceffity of giving it, previoufly to adoption, a full, calm and difpaffionate examination.— As this could not be obtained at this period, they confidered it their duty, if coerced into a vote on the fubject, to reject it.

On the other hand among the friends of the amendment, Meffrs. Van Cortlandt, Elmendorf, Bacon, and Mitchill declared that though the day were late it was never too late to do a good act, or to difcharge a commanding duty.— The Conftitution was acknowledged on all hands to be defective; its defects had recently developed a fcene which might have been attended with effects fatal to the harmony of the union; and it became the conftitutional organs of the public will to embrace the earlieft proper occafion for redreffing an evil of fuch an alarming nature. If the Houfe were thin, owing to feveral members having abandoned their feats, that very circumftance was an evidence that thofe who left the Houfe were friendly or at leaft indifferent to the adoption of the amendment.

After a fucceffion of motions of poftponement varioufly modified, the amendment was agreed to by the Conftitutional majority of 49 to 24; and afterwards paffed at a third reading by 47 yeas to 14 nays.

It may be proper to notice that every negative vote was federal.

This propofed amendment was taken to the Senate, where after being warmly oppofed by Meffrs. Morris and Tracy, and warmly fupported by Meffrs. Breckenridge and Clinton, it failed of adoption by the deficiency of a fingle vote; the votes for it being 15; and thofe againft 9.

In this body alfo, every negative vote, except that of Mr. Stone, was federal.

Thus terminated in abortion a meafure of vaft intereft to the peace and happinefs of the union. It had been hoped that the experience of recent events would have infured the univerfal concurrence of all good men of whatever party in an amendment, which, by cutting off every fource of intrigue, would have fortified the rights of fuffrage fo effectually as to prevent any man from being elevated to the high office of Prefident, without having previoufly received the unequivocal approbation of a majority of the people. But the hope, rational as it may have appeared to minds uncontaminated by the corrupting influence of party, proved illufive; and thofe, who dared not to avow an open oppofition, found other means to fruftrate thefe honeft and enlightened views. It doubtlefs occurred to fuch men, that, in the unanticipated viciffitude of political events, means might be profitably employed to the furtherance of party purpofes which the propofed amendment would deftroy. Senfibly feeling the want of a majority on their fide, their pride was not too inflexible, in the contemplation of fuch a crifis, to ftoop to meafures calculated to triumph by fraud and intrigue over the will of the nation. The afcription of fuch hidden views would be uncharitable, could any other rational motives be inferred from their conduct. But in vain fhall any mind, in purfuit of other motives, explore the caufes and tendency of this oppofition. There is but one mode in which a fair and unequivocal expreffion of the national will can be obtained in the election of a Prefident, and that is by a defignation of the votes given; and they who oppofe this mode muft neceffarily be confidered as hoftile to a fair and unequivocal expreffion. Thefe confiderations ought not to be fuffered to pafs, without the deliberate and ferious reflection of the people, who, under a due fenfe of their important rights, ought not to contemplate their facrifice with unconcern.

BONAPARTE.

(CONTINUED.)

Notwithftanding the conftant exercife and amufements of which I have fpoken, and in which Bonaparte took fo active a part, I am fully perfuaded that his conftitution fuffered much from long inaction, during his firft years at fchool. A too clofe application may perhaps retard more than a long continued repofe; for, though of a form calculated to refift fatigue, and of much natural ftrength, he had always the appearance of a weak and delicate health. Although of a middle ftature, he is remarkable for the breadth of his fhoulders; his eyes, of a deep blue, are fmall, but animated; his hair brown, his forehead large and prominent, his chin fharp, his face long, and his complexion olive; the general expreffion of his countenance does not ftrike at firft fight; but in obferving him with attention, you readily diftinguifh the traces of deep thinking; and the vivacity of his looks indicates energy and activity.

His withdrawing from the fociety of his comrades had given a hardnefs, perhaps a ferocity, to his manner; and, fubject to violent paffions, his anger againft his young companions fometimes amounted to fury: the inftance I am going to repeat is moft characteriftic.

Every year, on the 25th of Auguft, the day of St. Louis, the pupils of the Military Schools, in honour of the King, were permitted, almoft without reftraint, to give themfelves up to pleafure, and the moft noify demonftrations of joy. Every fpecies of punifhment was fufpended during that happy day, and it is eafy to forefee, that it could feldom pafs without being attended by fome accident;—but without blaming or excufing that too great indulgence of our mafters, I will only recount that of which I was eye witnefs.

Whenever a pupil had reached the age of fourteen, a cuftom (which we kept up with great care), gave him the privilege to purchafe a certain quantity of gun powder for St. Louis's day, and during the fortnight which preceded the folemnity, the young people of that age affociated together to prepare fireworks. The indulgences went even fo far as to intruft them with fome fmall pieces of artillery, fome mufkets and piftols, which were fired to announce the day. What joy! What moment! perhaps the moft happy of their lives.

So compleat and fo animated was the general pleafure amongft the fcholars, as to render more remarkable the indifference, real or affected, which Bonaparte teftified on that occafion, the laft year (1775), which he paffed at the fchool of Brienne. Retired the whole day in his garden, he not only did not participate in the public rejoicings, but affected to continue his ufual ftudy and occupations, without being difturbed by the noife. His comrades were too much engaged in their own amufement to think of troubling him, and would only have laughed at him, if his ftrange behaviour, in an uncommon circumftance, had not drawn upon him the general attention.

Towards nine o'clock of the evening about twenty of the young people were affembled in that garden which joined to his, where the proprietor had promifed a fhow to his friends;—it was a pyramid, compofed of different kinds of fire works, to be played off; unfortunately, he had