steer clear of the question of morality. But at the same time that he considered it prudent to avoid this discussion, he could not but think the interest of the union involved in the measure pursued by South-Carolina. It was but a short time since Congress had received a representation from that state expressing the great danger apprehended from slaves pouring into the country. It would be recollected how earnestly they had been pressed to pass a law, to counteract this effect, which in some of its provisions was so exceptionable as not to be agreed to. When I recollect this circumstance, said Mr. Smilie, I feel surprised that that state has again opened the importation of slaves. It is true that the importation from the West-Indies is not opened. But this description of persons, though in the first instance brought from Africa, may, at a future day, be converted into as formidable enemies as the others.

This measure so far effects the interests of the union, as it tends to weaken the common defence of the country: into which every slave that is admitted must be viewed in the light of an imported enemy. In this view the act of the legislature of South-Carolina seriously affects the union. For we know that in case of an insurrection in any one part of our country, the union is obliged to suppress it.

Mr. Smilie said he would notice a few other objections urged against this resolution; he would first declare, as to revenue, so far as the resolution was considered merely in that light, he was not its advocate; for he abhorred the idea of raising a revenue from a traffic in human beings; if it were considered only in that light he should vote against it. But he viewed the subject on a larger scale. He considered its effects on national character.

Gentlemen say the tax will sanction the law of South-Carolina. Such an argument he could not comprehend. He had ever understood that the laying a duty on any particular article of trade rendered it more difficult to carry that trade on. He knew the proposed tax was very small; but small as it was, it would have some effect; it would, at all events, shew that it was a trade not approbated by the legislature of the union.

Mr. Smilie concluded by saying that whether the resolution was expedient or not, it was before them, and they must express their sentiments upon it. He would ask, whether it would be for the reputation of the nation to reject it? As to the existence of slavery in some parts of the union, they were not chargeable with it. It was out of their power to help it. But, on this occasion, some act was required of the House, expressive of their disapprobation of the renewed importation of slaves.

Mr. LYON said he considered the resolution as giving a sanction to the trade; and he also considered the state of South-Carolina as having, in the passage of the law admitting slaves, exercised the right of a sovereign state.—He should, therefore, not vote for the resolution, but for the postponement.

Mr. HUGER said the arguments urged by the friends of the motion were two-fold. One class of gentlemen say they are not in favor of this tax for purposes of revenue, but to manifest the opinion of the national legislature; while another class declare their only reason for laying it is the revenue it will bring into the treasury. A decision, therefore, by the House, will settle no principle; for supposing that a majority of the members shall be found in favor of the tax, one half of them will vote for it on one principle and one half on another. Under these circumstances he appealed to gentlemen, inclined to favor the resolution, whether it would not be the best policy to wait until the legislature of South-Carolina had an opportunity of repealing the obnoxious law. Is it a pleasant thing to any gentleman on this floor to throw a stigma upon a state? And will not gentlemen from the middle and eastern states recollect that the situation of South-Carolina is very different from that of their states? Let *them*, then, do as much good as they can at home; but, let them, in God's name, permit us, to act for ourselves. It is a very easy thing to make some harsh remarks on the conduct of particular states, even of the state of Pennsylvania;—much as that state is deservedly respected, Mr. H. said he did not believe that state stood one iota higher than other states in the union. For he believed that peculiar interest operated there as well as in other states.

Mr. Huger said, from what had been expressed to-day, he did not believe the people of South-Carolina friendly to the act admitting the importation of slaves. Every representative of that state on this floor wished, he believed, that it had never been passed. But, as it had passed, they conceived it their duty to resist a measure which went to censure the state for the exercise of an undoubted right.

After making some further remarks, Mr. H. concluded by expressing his hope that the resolution would be postponed.

Mr. STANTON—Mr. Speaker, I am highly gratified to find hon. members in every part of the House who reprobate the infamous traffic of buying and selling the human species. On this occasion but few remarks are necessary, if morality, humanity and justice are conducive to the happiness of society; it is not my duty nor intention to criminate the state of South Carolina, whose late conduct has created serious and well founded alarm. It is a duty I owe to my constituents and to myself, not to connive at a measure, that in my humble opinion, goes to shake the Pillars of public security, and threatens corruption to the morals of our citizens and tarnishes the American character. Sir, while I deprecate, the repeal of the non-importation act of S. Carolina, I console myself with the pleasing expectation, that the state will retract the error, they have recently, and unguardedly fallen into, and I cannot doubt, but the hon. members from that state on this floor will lend their aid to effect so desirable a measure to enact again the prohibitory statute. We are told if the House adopt the resolution, it will irritate S. Carolina notwithstanding the opposers of the resolution confess the impolitic conduct of S. Carolina. I wish not to offend any of our sister states, much less that important state, whose wisdom, virtue and patriotism has been conspicuous on every other occasion. The opposers of the resolution inform us, its adoption will both encourage and sanction the importation, and that they have a constitutional right to import until 1808. I grant it, but I hope better things of that state, and things that accompany reformation. She has recently, with other states emancipated herself from tyranny and oppression; and will she sully her fair fame, by commencing tyrant herself? Sir, the speakers from the state of S. Carolina, and particularly the hon. member who offered a resolution as a substitute to the one under consideration, delivered himself in sentiments of the most admirable humanity and constitutional love and zeal for his country, and if he were a member from any other state in the union, I should have the honor, I make no doubt, of voting with him for the resolution on your table. Sir, I am sensible the general government cannot prohibit this traffic previous to the year 1808, this is one of those humiliating concessions, made by that venerable convention who framed the constitution, and we are bound by it. I ask is the policy of the measure, embraced by the resolution sound? I believe it is, I consider slaves a luxury, they are considered by the constitution 3 5ths of them to give a representative, and I ask why not tax them. Its a sound maxim, that representation and taxation should go hand in hand; to lay a tax being the only constitutional power the general government possess—I think its good policy to exercise it—its the opinion of some gentlemen, and the hon. gentleman before me whose sound judgment and correctness, I highly approve on most occasions, considers the tax of little consideration in point of revenue. I beg leave to differ with him, when I take into consideration the wish of many influential characters, to emigrate to our new acquired territory, and carry with them slaves almost without number: we may fairly calculate, that the probable number imported will be not less than 100,000 a year for four years, will bring a revenue of four million of dollars, the sum may be appropriated to remunerate the veteran, war worn old soldier, that is now languishing in misery, and whose just claim is barred by an act of limitation. I beg pardon of the House for this deviation from the subject under consideration—While I am up I beg the indulgence of the House to permit me to relate to the House what I beheld on the road to the seat of government, 20 or 30 negroes chained to each other and drove like mules to market; I asked the gentleman who appeared to have charge of them, if they were criminals, he answered with a smile, No sir, they have been sold. Sir, this awful sight gave me such sensations and emotions, that it is painful to relate, and not easily described; Sir, if I have been compelled in the discharge of the duty I owe to society and my constituents in the remarks, that may wound the feelings of any hon. member, who may differ with me in sentiment, I regret it much, as I am conscious it was far from my intention, I shall give my vote for the resolution.

The state of Rhode Island from whence I come, passed a law declaring negro children born posterior to 1784, as free as white children. Mr. Speaker, I mention this statute merely to obviate the erroneous impression, that otherwise might be made with a view to mislead the public mind, that the citizens of R. Island are disposed to favor the villainous traffic; I wish not to egotize, but I can assure the House this traffic has been abhorrent to me upwards of 40 years, and if I should live to see 1808, that auspicious period in our national compact shall be exonerated from that tragic feature that has cast a shade on that valuable instrument; if the important acquisition of Louisiana gave ample cause for festivity, still greater cause shall we have when the glorious period shall arrive of 1808, that shall be my jubilee.

Mr. SOUTHARD observed that the object contemplated to be answered by the rising of the committee was to give an opportunity to the legislature of South-Carolina to repeal the law admitting the importation of slaves.—He was opposed to the rising of the committee for this reason. He believed the House proceeding to act upon the resolution would have a much greater influence upon that state. For he did presume that the House would agree to the resolution, and to a law founded upon it; and he also believed that if they proceeded to this extent, the legislature of South-Carolina would be most likely to be induced from that very circumstance to repeal the law. We are told that a number of the citizens of that state are opposed to the law, and every representative of South-Carolina on this floor regrets its passage. Mr. S. said he believed almost every member of the House was of this opinion. If then we shall dismiss this resolution, what effect will the act have on the whole United States? Will it not convey the idea that the Congress of the United States do not consider the introduction of slaves into the country a real evil? For this, Mr. S. said he was opposed to the rising of the committee, as it would prevent the House from declaring their sentiments on so important a question. He did not so much regret the introduction of the resolution as some gentlemen who had spoken. He rather rejoiced at it, as it gave the national legislature an opportunity to bear their opinion against the increase of slaves in the United States. Mr. S. said he avoided intentionally saying any thing on this occasion as to the right of holding slaves already in the country; meaning to confine his remarks entirely to the impolicy and injustice of allowing new importations of them. And he was surprised, after the exposure of the evils likely to ensue from it, gentlemen still opposed the resolution. Let them look forward to what may happen before the four years shall elapse when we may make the importation a capital offence; and consider how large a number may be previously introduced. Mr. S. said he did not consider the resolution important so far as it went to raise revenue; but if any state would encourage the traffic, he thought they ought to be made to pay for it.

Mr. SLOAN declared himself against the proposed postponement, which was supported on the supposition that South-Carolina would repeal the law allowing the importation of slaves, a supposition which might prove illusory. Even should the law be repealed, he saw no injury that would result from passing the resolution. Should the law not be repealed, it was extremely probable that a very large importation would take place—at least a hundred thousand might be introduced, the evil of which to the United States would be incalculable. Mr. S. said that in his humble opinion to pass over the business would be to create the appearance throughout the union that Congress were disposed to sanction this traffic. He should, therefore, vote against the committee rising.

After a few further remarks made by Mr. Huger and Mr. Lucas the question was taken on the rising of the committee, and passed in the negative, Ayes 58—Noes 60.

When the resolution was agreed to, Ayes 69.

The committee rose and reported their agreement to the resolution, which the House immediately took into consideration.

*Mr. Winn* moved to postpone the further consideration of the resolution till the first Monday in January, and required the Yeas and Nays.

*Mr. J. Clay* said, as it was probable that he should vote for the postponement, it was proper to assign the reasons which decided his vote. From information given to the House during the present discussion, it appeared that considerable agitation existed on the subject of the law admitting the importation of slaves in the state of South-Carolina. As there appeared to be considerable irritation in the state, the interposition of the House might frustrate its repeal. From the ideas of the representatives of that state, it was probable that, on fuller reflection, the legislature would repeal this act. If, after an opportunity was given them, they should not repeal it, he should certainly vote for the resolution. But wishing to prevent the traffic, rather than to raise revenue, he should vote for the postponement.

Mr. Lucas, Mr. Sloan and Mr. Stanton concisely opposed the postponement, and Mr. Claiborne supported it.

The question was then taken on the postponement by Yeas and Nays, and passed in the negative—Yeas 54—Nays 62, as follow:

YEAS—Messrs. Alston, jun. Alexander, Bedinger. Betton, Blackledge, Bowie, Boyle, Butler, J. Campbell, Casey, Claiborne, J. Clay, Crowningshield, Cutts, Dana, Davenport, Dawson, Dickson, Dwight, Earle, Early, Elliot, Eustis, Fowler, Gray, Gregg, R. Griswold, Hammond, Hampton, Hastings, J. Heister, Holland, Huger, Leib, Lowndes, Lyon, M'Cord, Meriwether, T. Moore, Nicholson, Plater, J. Randolph, J. Rhea, (of Tennessee) Sandford, Skinner, J. C. Smith, Stephenson, Tenney, Thatcher, Van Rensselaer, Verplank, L. Williams, Winn, and Wynns.

NAYS—Messrs. Anderson, Archer, Baldwin, Bard, Boyd, Brown, Bryan, Chamberlain, Clagget, M. Clay, Conrad, Elmer, Eppes, Findley, Gillespie, Goodwyn, G. Griswold, Hanna, Helms, Hoge, Holmes, Hough, Jackson, Jones, Kennedy, Knight, Lewis, jun. Livingston, Lucas, M'Creery, S. L. Mitchill, N. R. Moore, Morrow, New, Newton, jun. Olin, Palmer, T. M. Randolph, Richards, Rodney, Root, Sammons, Seaver, Sloan, Smilie, J. Smith, (of N. York) J. Smith, (of Vir.) Southard, Stanford, Stanton, Stewart, Taggart, Thompson, A. Trigg, J. Trigg, Van Cortland, Van Horne, Varnum, Wadsworth, Walton, M. Williams, and Winston.

When the resolution was agreed to—Ayes 71.

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# WASHINGTON CITY,

FRIDAY, March 16.

The Senate have elected Mr. FRANKLIN, of North Carolina, President pro-tempore of the Senate in the absence of the Vice-President of the United State.

It may quiet the unfounded apprehensions which have been lately excited, to state, from information derived from the Governor General of Louisiana, that perfect tranquility prevails at New-Orleans.

*The following is a more particular statement of the proceedings of the Senate in the trial of impeachment of JOHN PICKERING, then that heretofore published.*

March 5.

On the question, will the court hear evidence and counsel respecting the insanity of John Pickering, upon the suggestion contained in the petition of Jacob S. Pickering, and the letter of Robert G. Harper, the Yeas and Nays were required, and were as follows:

YEAS—Messrs. Adams, Anderson, Baldwin, Bradley Dayton Ellery, Franklin, Hillhouse, Logan, Olcott, Pickering, Plumer, I. Smith, J. Smith, (Ohio) J. Smith, (N. Y.) Tracy, Wells, White 18.

NAYS—Messrs. Armstrong, Breckenridge, Cocke, Jackson, Nicholas, Potter, S. Smith, Stone, Sumter, Venable, Worthington, Wright. 12.

March 7.

On motion, Resolved that the secretary inform the House of Representatives that the court of Impeachments is open and now ready to receive and hear the Managers in support of the articles of Impeachment exhibited by them against John Pickering, district judge of the district of New-Hampshire. The Yeas and Nays being required were as follow:

YEAS.——Messrs. Anderson, Baldwin, Breckinridge, Cocke, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, I. Smith, S. Smith, J. Smith, (N. Y.) J. Smith, (Ohio) Stone, Sumter, Venable, Worthington, Wright—19.

NAYS.—Messrs. Adams, Bradley, Ellery, Hillhouse, Olcott, Pickering, Plumer, Tracy.—8.

The agreement to this resolution is to be considered as a virtual decension, on the part of the court, to suspend their proceedings in consequence of the deposition offered by Mr. Harper.

March 9.

On motion, that it be Resolved, as the opinion of this court, that the proceedings on the articles of Impeachment exhibited by the House of Representatives against John Pickering be postponed to the day of .

It passed in the Negative.

YEAS—Messrs. Adams, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, Wells, Waite—10.

NAYS—Messrs. Anderson, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, I. Smith, S. Smith, J. Smith (Ohio) J. Smith, (N. Y.) Stone, Sumter, Venable, Worthington, Wright—20.

March 10.

On motion that it be Resolved, that this Court is not at present prepared to give their final decision upon the articles of Impeachment preferred by the House of Representatives against John Pickering, district Judge for the district of New-Hampshire, for high crimes and misdemeanors, the said John Pickering not having appeared, and it being suggested to the court by Jacob S. Pickering, son of the said John Pickering, that the said John Pickering, at the time of the conduct charged against him, in the said articles of Impeachment, as high crimes and misdemeanors, was, and is yet insane, which suggestion has been supported by the testimony of two members of the court; and, by the affidavits of sundry persons, whose integrity and varacity is unimpeached. And it being further suggested in the said petition, that at such future day as the court may appoint, the body of the said John Pickering shall be produced in court, and further testimony in his behalf, which would enable the court to judge for themselves, as to the insanity of the said John Pickering, and to act more understandingly in the premises, but that the said John Pickering owing to bodily infirmity could not be brought to court at present, at so great a distance, and at this inclement season of the year, without imminent hazard of his life.

It passed in the negative—Yeas 9—Nays 19.

YEAS—Messrs. Adams, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, Wells, White, 9.

NAYS—Messrs. Anderson, Armstrong, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, I. Smith, S. Smith, J. Smith, (Ohio) Venable, Sumpter, Worthington, Wright—19.

## *House of Representatives.*

WEDNESDAY, March 14, 1804.

*Mr. Thomson*, from the committee appointed for that purpose, reported a bill concerning the public buildings in the city of Washington, appropriating 50,000 dollars.

Read twice, and referred to a committee of the whole to morrow.

*Dr. Eustis* presented a memorial of sundry inhabitants of the city of Washington praying an act of incorporation for a commercial company.

Ordered to lie on the table.

The House took up Mr. J. Clay's resolution for the appointment of a committee to enquire into the expediency of authorising the legislature of Pennsylvania to lay a certain tonnage duty for improving the navigation of the river Delaware and the port of Philadelphia.

After a few remarks made by Mr. Clay in support of the resolution, it was negatived—Ayes 36—Noes 42.

The House went into a committee of the whole—Mr. DAWSON in the chair—on the bill from the Senate, providing for the government of Louisiana.

*Mr. Leib* moved to amend the section, fixing the salary of the governor of Orleans, by striking out 5,000 dollars, for the purpose of inserting 3,000 dollars.

The sum of 5,000 dollars was, he observed, higher than that allowed some of our heads of department, and was, in his opinion, above the necessary allowance.

*Mr. Nicholson* said he should have no objection to striking out 5,000 dollars; but it would be for the purpose of inserting a higher sum. The office of governor of this territory was unquestionably one of the most important under the government of the United States. In casting his eyes on those persons competent to a discharge of the great duties attached to the office of governor, Mr. Nicholson said his mind had settled upon few individuals with whom it was satisfied. So impressed was he with the importance of the station, that he would agree to give the governor a salary equal to that allowed to any foreign minister. A man ought to be appointed, possessed of and entitled to the full confidence of the executive, and who, by his manners, character and conduct, would win the esteem and love of those over whom he is called to preside. It was also well known to the members of the House that the expences of living were greater at New Orleans than in any part of the United States. Hitherto the governor of Spain had received a salary of 8,000 dollars. To give the governor the paltry sum of 3,000 dollars will not enable him to pay his expences. For these reasons Mr. N. called for a division of the question.

The question was put on striking out 5,000 dollars, and passed in the negative—Ayes 40—Noes 44.

*Mr. Leib* moved an amendment extending to the inhabitants of Louisiana the naturalization act of the United States.

Mr. R. Griswold opposed the amendment, from an impression that it was not expedient to vest the courts of Louisiana with the power of naturalization.

*Mr. J. Clay* supported the amendment; as it went to extend to the inhabitants of Louisiana the privileges promised them by the treaty. Whether the proposed amendment would have this effect, he was not ready to say. If it would not, he hoped his colleague would move one that would have that effect. This privilege had been promised and ought to be granted. He presumed that a residence of five years would be required, as the privileges promised were to be received under the constitution. Mr. Clay concluded by saying there was a wide difference between naturalizing the inhabitants of Louisiana, and ad-