avowed to Mr. T. Pinckney, by Lord Grenville. The papers contained in Mr. Jefferson's celebrated communications of 1793 and 4, with the British & French governments. There was then no necessity. The same disposition appears in the proclamation of admiral Sir Horatio Nelson, of April 11, 1797, before Cadiz, in which he declared that it was "found right that Spain should no longer have *any* trade!" Here is not even a plea or appearance of necessity, yet admiral Nelson allowed himself so to use his power and commission, as to set up a blockade at the expence of the indefeasible rights of our neutral agriculture and commerce. The order of the British government of November 6th, 1793, was equally unwarrantable and equally unfounded in necessity. It authorised the carrying in of all American vessels having on board the produce of the French colonies. We were in our colonial days and have been since in the course and practice of the legitimate importations of hundreds of cargoes of molasses from the French colonies. The naval despotism of G. Britain in November 1793, made these a cause of seizure—*Surely without necessity.*—England has allowed a *mere corporation of merchants*, to usurp the dominions of all the native princes of India, so as to exclude us and all other maritime nations from the whole Peninsula, as if it were a proper estate of their English trading company; and now, *to crown the whole*, they have determined that we shall not buy or sell with the *myriads* who inhabit Europe!—that *mighty Europe* shall no longer have any trade!—that we must carry on trade with their European dominions alone—that all this is requisite to the manifestation of "*the resentment*" of the British government at the recent conduct of Prussia! The king of G. Britain was coerced into a neutrality in his Hanoverian character by the power of France. Prussia acted the same neutral part. Now Prussia goes a step farther, under equal circumstances of coercion. All the relations and connexions of the British royal family on the European continent (as well by blood as by marriage) act the same part. Yet neutral friendly America, is no longer to be allowed, by the British navy, to sell her crops to these very relations and their subjects. This is undeniably a measure of the *most excessive* nature. Mr. Fox far, very far exceeds Lord Grenville, and Mr. Pitt. To the neutral world, he out Herods Herod. We recently supposed, that tho' a faithful Britain, he was still enough of the citizen of the world to love justice and right in his intercourse with the amicable, the right, and the just. Can it be supposed, that the American people will submit to *laws of trade*, unprecedented and abitrary, framed by the *executive* government of that country, whose *legislative* supremacy, with pleas of "necessity" & *virtual* representative character, they successfully denied in arms? Will *six* organized millions in 1806, submit to *worse* than what *two* little unorganized millions refused to bear twenty years ago? Is America to bear alledged British necessities, and her own real necessities also? Are reason and *justice and fixed principle* to be expunged from the maritime code, and the will of a single prince to be the law of neutrals on the ocean? Is this the stile and manner in which Britain protects the liberties of the world? Is it for such purposes, that she maintains it to be *necessary*, that she should possess the superiority at sea—the sovereignty of the ocean?

The real "*necessities*" of Britain are at this time completely misunderstood, as *we* believe, and *we* have an equal right to think, when the measures alleged to be "*necessary*", affect us. The discussion of this point may be a subject of future consideration. In the mean time it may be well temperately and firmly, to observe, that to interfere with the *legitimate* and advantageous sales of *the crops* and *merchandise* of the greatest neutral and friendly consumer of British manufactures, at a moment too when the rest of the civilized world throws them on the hands of the British manufacturers, appears to us to be as *unwise*, as it is unlawful, unexampled, and insupportable. Their real *necessities* demand that they diligently increase our ability and our means and *our dispositions* to purchase their redundant and *rejected* manufactures by enabling us to sell our *crops* and *foreign merchandise* at increased prices. Instead of this, they propose an *illegitimate* and *offensive* obstruction of our markets, to the proportionate destruction of our means of purchase, forcing us by a necessity, real and *imperious*, to manufacture those *foreign* and *domestic* raw materials, which must otherwise perish in our hands.

WASHINGTON CITY.

MONDAY, JUNE 16.

COMMUNICATION.

To correct the errors and misrepresentations of certain *printed* sheets, that have been *privately* circulated by Commodore Truxtun, the following state of facts, with the accompanying remarks, is published.

Commodore Truxtun in the month of January 1802 was ordered by the Secretary of the Navy to repair to Norfolk, and to assume the command of the frigate Chesapeake. The instructions, in relation to the command he was to have as commodore of the Mediterranean squadron, were postponed by the President until the ship was ready to weigh anchor. Adverting to the accidental circumstance that captain James Barron had been with commodore Dale as the first officer of his ship, and knowing at the same time that the temper of commodore Truxtun was somewhat suspicious, the Secretary of the Navy informed him that he should have as his first officer captain Campbell, who accordingly had proceeded on his journey towards Norfolk as far as the city of Washington; but in consequence of a recent injury in one of his knees he was unable to proceed further, and was moreover represented to the Secretary of the Navy as at that time unfit for duty. This was communicated to commodore Truxtun, who immediately in high dudgeon tendered to the Navy Department his resignation (under certain qualifications) by letter dated March 3, 1802, of which the following is an extract.

"I note what you say of captain Campbell; if he cannot go, I trust you will send Rodgers or some other of capability. The officers destined for this ship are all young and very inexperienced—and though in due time may be clever, they are deficient at present—and the task for me on the intended service, would be too severe without some aid—and I have had heretofore much trouble in organizing a squadron and at the same time attending all the duty in detail on board my own ship. Under these circumstances, and having a reputation to lose which I am very tenacious of, I should consider myself wanting in that duty which I owe to *myself* and to *my family*, if I was to proceed without being placed in a situation *similar* to the commander of the squadron now in the Mediterranean, and if this cannot be done—I must beg leave *to quit the service.*"

By the order of the President the resignation of commodore Truxtun thus tendered was accepted, and the following is the letter of the Secretary of the Navy to him.

—

COMMODORE TRUXTUN,
Navy Department,
13 *March*, 1802.

SIR—I have received with real concern your letter of the 3d inst. notifying your determination to quit the service, unless you can have an additional captain to command your ship under you. The condition, sir, is impossible. It is well known that from the reduction of the officers in pursuance of the act of Congress of the last session, there is not at this time within the United States a captain of the navy that we could require to take a secondary station on board a ship. As this must have been known to you I cannot but consider your notification as absolute. It is to be regretted that it had not been made at an earlier period, so as to have allowed me to ask from you a reconsideration of the subject: But at this moment, when the ship is almost ready to depart, neither the object of her destination, nor the expences of the delay will allow time for negociation. I would presume too that you had deliberately viewed the case under all its aspects, and that no considerations which I could present, would be new to your mind. It remains then for me, however reluctantly, to acquiesce in your determination, and to lessen as much as possible the expence and injury, which such a notification at this point of time may occasion, by dispatching, as I have done, orders to captain Morris at Boston to repair immediately to Norfolk and to assume the command of the Chesapeake. *Until his arrival* I have committed the charge of the ship to *Lieutenant* Smith.

I have the honor to be,
Your most obedient servant,
R. SMITH.

To this letter, thus accepting his resignation, the Secretary of the Navy received from commodore Truxtun an answer, dated March 22, 1802, of which the following is an extract of what relates to the point in question.

"I am honored with your letter of the 13th, and note its contents, *which is well.* The only part of it that I feel *hurt* at is your mention of regret that I did not make known to you my determination at an earlier period. It is not however necessary for me to dwell much on the subject, *now the business is settled*, but I must remark that the *cold reception of the President* at Washington, and the conduct I met there (unnecessary to mention here) was far from inducing me to believe that the *appointment I held* was congenial to the feelings of Mr. Jefferson."

Three years and an half after commodore Truxtun had thus quit the service, the following letter, with its enclosures, was addressed by him to the navy department.

OFFICIAL.

Hon. ROBERT SMITH, *Esq.*
Secretary of the Navy.
Philadelphia, 7 Sept. 1805.

I never intentionally wrote an ambiguous letter in my life that I remember, but have ever wished to be explicit in every thing.

At the time I wrote to you my letter of the 3d of March, 1802, from Norfolk, I was extremely unwell, although I kept about as much as I could, to facilitate the frigate's equipment and departure for the station she was intended. I was, however, finally obliged not only to go to and remain confined in my chamber for a time, but to *my bed*—and after being removed to a vessel when scarcely a convalescent, and reaching my farm in New-Jersey, I was again confined in the same manner for a length of time, and few, if any, not even physicians, expected that I should ever again be restored to my usual health. In the state of health then that I was in, and *the state of mind too*, when I wrote to you on the 3d of March aforesaid—it is possible my letter in some particular may have appeared to you ambiguous, or wanting farther explanation—but the *intention* of that letter was simply to communicate to you *my desire of leave* to relinquish the *command on the Mediterranean service*, without a second captain being furnished me, and it would have been immaterial to me, whether he had been of the 1st, 2d, or 3d grade, a full captain—master commandant, or lieutenant commandant.

The inclosed letters from my friend, Charles Biddle, Esq. and from commodore Dale—the former I wrote to at the same time I wrote to you from Norfolk as already mentioned on this subject, and when I wrote to several other gentlemen, and with whom I have often conversed since, will corroborate my explanation of my letter of the 3d of March 1802—and the latter gentleman, who I was to have relieved in the Mediterranean, arrived in Hampton Roads from off that service with the frigate President, I think on the very day captain Morris received from me the command of the Chesapeake, and he commodore Dale very well recollects that I then said to him, and on all occasions since have said to him, when that subject has been introduced, that I merely withdrew from the Mediterranean command, because I deemed farther aid than was furnished necessary for that service, and that I had at no time any intention of resigning my commission, or leaving the general service of the navy, otherwise I should have most certainly forwarded to you my commission, as is usual when a resignation is made. But permit me, sir, to add farther that no letter written by me after I took command of the Chesapeake, prior or subsequent to that of the 3rd of March aforesaid, *public* or *private*, which has any thing in it conveying an appearance of the smallest intention in me of resigning my standing in the navy. It would be useless for me to add any thing farther in this letter than to pray you write me fully of my situation, and to accept my sincere respect, and that esteem with which I have the honor to be,

Sir, your obedient humble servant,
THOMAS TRUXTUN.

P. S. I could most certainly produce many other letters written to my friends and their answers similar, but that cannot be necessary in this case for Mr. Secretary Smith.

T. T.

—

CHARLES BIDDLE, Esq.
Philadelphia, 7th Sept. 1805.

My dear sir,

Much having been said every where whether I had resigned my commission in the navy, or simply declined the command of the Mediterranean squadron, in consequence of not having a captain sent me to act as a second captain under my broad pendant on board the frigate Chesapeake, as had been agreed by the secretary of the navy, I feel it due to myself as well as to others, to inquire of my friend, Charles Biddle, to declare and pronounce candidly as a man of honor and a gentleman, how he precisely understood, from the moment I quitted the command of the squadron to the present time, from every conversation he has had with me, this thing to be. Commodore Dale was my predecessor, commanding in the Mediterranean, and he returned to Hampton Roads a short time after my declining to command the squadron without a second captain as aforesaid; and he must know from myself, whether I had resigned my standing in the navy, or whether I had simply resigned, or begged leave to decline the Mediterranean service, in consequence of my not being properly equipt for such a command, or as he had been equipt, and as I had deemed necessary and proper, and as it appears the government deemed necessary and proper by a letter I have from general Dearborne, dated 13th June, 1801. It is of some importance that these things should be clearly understood, for they have lain dormant a long time, and you will be pleased to ask Dale to declare simply by note his opinion on this question, which is to me, at least, of some magnitude, because what I have said and written to you, I have said and written to others, and I use but one language, though it is possible Mr. Secretary Smith may have considered some expressions in my letter of the third of March, either ambiguous or wanting of explanation, and in either case I am ready to explain.

Accept assurances, my dear sir, of the high consideration, respect and esteem, with which I am always your's, &c.

THOMAS TRUXTUN.

—

COMMODORE TRUXTUN.
Philadelphia, September 7, 1805.

Dear sir,

From your letter to me at the time you resigned the command of the squadron going up the Mediterranean, and what has since passed between us on the subject, I know you had no intention of resigning your commission, and I am very certain you would not have given up the command of the squadron had a captain or lieutenant commandant been appointed under you; and I do believe had you been consulted, and government had put it in your power to have appointed one from the officers then up the Mediterranean, you would have sailed without either.

With much esteem, I am
Sincerely your's,
CHARLES BIDDLE.

—

COMMODORE DALE.
Philadelphia, Sept. 7, 1805.

Dear sir.

When you arrived from the Mediterranean at Norfolk, did you understand from commodore Truxtun, that when he gave up the command of the squadron to Morris, he had resigned his commission? Or have you at any time since heard him say he had resigned?

Your obedient servant,
CHARLES BIDDLE.

CHARLES BIDDLE, Esq.
Philadelphia, Sept. 7, 1805.

Dear sir,

In answer to your inquiry of me respecting what I heard when I arrived at Norfolk from the Mediterranean, about commodore Truxtun resigning his commission, I can with confidence say that I did not understand at that time that he intended to resign his commission, and from that time to the present, I have understood from commodore Truxtun that he did not resign his commission in the navy.

I am, sir, with much respect,
Your obedient servant,
RICHARD DALE.

—

As the sole object of commodore Truxtun in this last letter, with its enclosures, was to be *re-instated* in the navy, and as the officers of the navy, and especially the captains, were essentially interested *in point of honor* in the decision, the President was restrained by considerations of delicacy from taking his application seriously under deliberation, until he had been favoured with the views of some of the officers. For this purpose the opinions and feelings of the captains, who were in the United States, were ascertained. This was done, not as commodore Truxtun has fancied, to decide whether his letter of March 3, 1802, was or was not a resignation, but to ascertain whether under the explanations and excuses of his last letter of Sept. 7, 1805, they would *willingly* acquiesce in his being again considered in the navy in his former rank. The following letter was the result:

—

COMMODORE TRUXTUN,
Navy Department, 10th February, 1806.

Sir,

Your letter of the 7th of September, 1805, has been submitted to the President, who, from a due consideration thereof in all its relations, and according to the opinion, nearly unanimous, of professional men consulted thereon, has specially charged me to inform you, that having by your letter of the 3rd of March, 1802, quit the service, and having received from this department a letter dated the 13th of the same month, acquiescing in your determination, you cannot now be *re-instated* consistently with the privileges of the captains and other officers of the navy of the United States.

With great respect,
I have the honor to be,
Sir, your obedient servant,
R. SMITH.

[*To be continued*]

CONGRESS.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 28.

DEBATE

On concuring with the committee of the whole on their agreement to the following resolution.

—

Resolved, That a contractor under the government of the U. S. is an officer within the perview and meaning of the constitution, and, as ſuch, is incapable of holding a ſeat in this Houſe.

MR. FISK said he sincerely regretted it was not in his power to vote for this resolution. He regretted there was no such principle in the constitution as it prescribed. Such a principle not being in the constitution, he did not conceive it in the power of the House to make the provision. It was not in his opinion in their power to say a man should not hold a seat in that House who was not prohibited by the constitution. It was on this ground only he was against the resolution under consideration.

MR. J. RANDOLPH. I think the gentleman from Vermont may in perfect consistence with the principle he has laid down, which I do not mean at present to contest, give his vote in favor of this resolution. He says that this House has not a right to make a disqualification which the constitution itself does not attach to the tenure of a seat on this floor—that the constitution draws a line between the qualification and disqualification of a member, and that this House has no right to alter them. What do we propose to do? To add a new disqualification? No—to do that which the constitution puts in our hands, which it not only authorises but enjoins upon us. The constitution declares that each House shall be the judge of the qualification of its members. It is clearly then the duty of the House to expound what is or is not a disqualification; and we are now only about to declare what is such a disqualification,—merely to expound the constitution on this head. I know some gentlemen are startled at the idea of expounding the constitution. But do we not do this every day? Is not the passage of every act a declaration on the part of this House that a decision upon it is among their constitutional powers? Or in other words, is it not an exposition of the constitution? So in this instance, I will suppose a man returned to serve as a member of this House, and that he is declared for some reason to be disqualified from holding a seat. This according to the gentleman would be expounding the constitution. We propose doing no more than saying if the secretary of state, or chief justice should come here, they cannot hold a seat. We say that an abuse exists under the constitution, and offer a remedy.

I have heard some quibbling about the meaning of the word *officer*. What is the meaning of office? Agency—it is the office of a man's cook to dress his dinner—of a taylor to supply him with clothes—and it is the office of a contractor to fatten on the land—to acquire lordships, demesnes, baronies—extensive territory—by the advantage he derives from holding the public money, in virtue of his contract. But it is asked if a contractor is an officer, and wether he can be impeached, because under the constitution all civil officers are liable to impeachment. Would you impeach the marshal of the District of Columbia? It may be answered that you may impeach him, but that you would not probably do so, because that would be breaking a butterfly on the wheel. Would you impeach a deputy post master? And yet when the post master of New-York accepted his appointment, did he not vacate his seat in the Senate? There is no doubt a contractor is an officer *pro tempore*—it is not an office in perpetuity, but created for a time & for a particular purpoſe. And I will aſk if it is not more dangerous to the independence of the two Houſes to admit commiſſioners and contractors within their walls than officers with legal ſalaries and appointments. If we are to admit either, I ſay give me the legal officer, with a determinate ſalary and definite powers, rather than the contractor who may gain thouſands & tens of thouſands of dollars by a ſingle job. But if the gentleman from Vermont, is of opinion that a contractor is not an officer under the conſtitution, I hope he will join me in another vote, on an amendment which I ſhall beg leave to offer—this goes only to purge theſe walls, not thoſe of the other Houſe—I mean an amendment declaring void all contracts made with members of either Houſe; and on this principle: Between the ſeſſions of the legiſlature it is poſſible for a member to receive a lucrative job, by which he may put thouſands in his pocket, and which being completed in the receſs, and there being no body to take congnizance of it, it will be impoſſible to apply a remedy. But I hope this construction which so far as relates to our own House, we have an undoubted right to make, will obtain as the true conſtruction of the conſtitution. But it is ſaid that this Houſe, and Houſes which may hereafter meet, may give the conſtitution a different conſtruction. No doubt of it; and this may operate to the end of time. A former Houſe paſſed a ſedition law; a ſubſequent Houſe deemed the law unconſtitutional. It is true they did not declare it to be ſo, and I am ſorry for it; but there is no doubt of the fact. Now we may paſs a ſedition law again to-morrow, and the people again riſe up againſt it, and ſend different members to repreſent them. The people may again ſlumber, as long as you keep your hands from their pockets, they will keep their eyes from yours, and in the ſame way this law may be repealed. I can therefore ſee no force in this objection. The courts of juſtice undertake to expound the conſtitution, and ſhall not the Houſe of Repreſentatives be as competent to do this as any court of juſtice? I will ſuppoſe a caſe—that of a man condemned under the ſedition law by a tribunal of juſtice. Suppoſe men of different principles come on the bench—would they heſitate to reverse the preceding deciſion of the court? Indiſputably not.—Here too then we would behold varying and repugnant deciſions.

MR. EPPES. I have no doubt that every objection which can be made to a member of this House holding a civil office during his continuance as a representative applies with equal force to his holding a lucrative contract. The framers of the constitution in excluding civil officers from the floor of the House, most certainly intended to prevent any species of dependence which might influence the conduct of the representative—to prevent his looking up for preferment to the Executive, or being biassed in his vote by Executive favor. A lucrative contract creates the same species of dependence, and every objection which could be urged against an officer applies with equal force against contractors who are dependent on the Executive will, and particularly carriers of the mail. While, however, I make this admission, I do not believe we have power to pass this resolution. The words of the constitution are, "no person holding an office under the U. S. shall be a member of either House during his continuance in office." These words are plain and clear. Their obvious intention was to have excluded officers and officers only. It would certainly have been equally wise to have excluded contractors, because the reason for excluding officers applies to them with equal force. We are not however to enquire what the constitution ought to have been, but what it is. We cannot legislate on its spirit against the strict letter of the instrument. Our enquiry must be, is he an officer? If an officer under the words of the constitution, he is excluded. If not an officer, we cannot exclude him by law. It is true as has been stated, that by the constitution we are made the judges of the qualifications of our own members. This judgment, however, is confined within very narrow limits. The constitution prescribes the qualifications of a member. We can neither narrow or enlarge them by law. Our enquiry can go no further than this—has the representative the qualifications prescribed by the constitution?