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CONGRESS.

House of Representatives.

WEDNESDAY, DECEMBER 24.

Debate on authorising the acceptance of Volunteers.

(Concluded.)

The resolution having been read—

Mr. Varnum observed that the difficulty started by the gentleman from Connecticut was not ideal; and that although the volunteers might be accepted for two years, yet they might be scattered in a shorter time. This difficulty did not attend calling out a detachment of the militia, whose numbers would remain for a long time pretty nearly the same.

Mr. Varnum said he wished to enquire what kind of troops these volunteers were to be denominated? Were they to be considered as belonging to the militia or the army? He knew of no other description of troops. The constitution had authorised the general government to provide for the defence of the country by raising armies, whose officers are to be appointed by the President with the advice and consent of the Senate, or by organizing and disciplining the militia, whose officers were appointed as directed by the state authorities. The contemplated body appeared to him to be of neither of these descriptions. It also appeared to him that a serious difficulty might occur in the appointment of their officers. It might be considered as doubtful whether the executive department of the government possessed the right of appointing the officers of any corps except those to which authority was given by the constitution—and these were the militia. Mr. V. said he thought if the resolution directed that the volunteer corps should be commanded by officers of the militia, this difficulty would be removed.

Mr. Varnum added that he did not see that the President would be certain of being able to command any particular number of these men that might be wanted at any time. Suppose any of the state governments should neglect to appoint their officers, there were no means to compel the state authorities to make the appointment. Was it safe to rest the defence of the country on this ground?

Mr. Fisk said that the gentleman last up had two objections to the resolution; the first that these corps would belong to no regular force; and the second that there was no power vested in the executive to commission the officers. The second objection was founded on the first, and if the first fell to the ground the last would fall to the ground with it. If it could be shewn that these corps would be a part of the militia of the county all difficulty would be removed. If they examined the constitution they would find that Congress had power to organize as well as arm the militia. The gentleman would not contend that Congress was obliged to organize the militia the same way in every state. The present corps were on the same ground with the common militia; they were only subject to be called on at any exigency—so was the existing militia. The advantage, however, of the former over the latter was that they would be equipped and prepared for service.

With regard to the difficulty as to officers it would occur in every case that had been mentioned. If there should be a detachment of the militia, the detachment would not consist of whole companies, but of parts of companies, who, when called into service, must have the officers attached to the entire companies, or new ones.

Mr. G. W. Campbell said he apprehended that the difficulty suggested by the gentleman from Mass. had arisen in a great degree from not understanding the term *state authorities* in the same way with the committee. The first difficulty stated by the gentleman, of the possibility of the corps separating, appeared to him very extraordinary. The objection went too far to be a sound one. It went to shew that because they could not have a force which should be always equally strong, they ought therefore have none at all. But the gentleman might easily overcome this difficulty by augmenting the number of volunteers to 40 instead of 30,000.

Another objection offered Mr. C. said had been answered by the gentleman on his left (Mr. Fisk.) He would, therefore, only add that he could not believe the gentleman had seriously reflected on the subject when he expressed a doubt whether this force would be of the militia or the regular army. It is expressly stated in the resolution that it shall be composed of such company or companies as may offer their services. Mr. C. said he did not pretend to be much conversant in military language. But according to his understanding of the term a company implied a certain number of men with officers appointed over them. The resolution went farther, and made it necessary that the officers should be appointed by the state authorities, not meaning as the gentleman seemed to infer, that they should be appointed by the executive, but in the way prescribed by the respective state laws.

The gentleman had also enquired whether it will be safe to rest the defence of the country on these volunteers. We say that this will be providing a more efficient force than at present exists. As to any other more effective force the propriety of that may be discussed hereafter. The acceptance of volunteers will not preclude the adoption of other measures, it they shall be deemed necessary.

Mr. C. said he would have no objection to any amendment predicated on the principle that the officers should be appointed according to the laws of the several states; but this he considered as matter of detail, which would be better settled when a bill was brought in.

Mr. C. said it had been suggested by the gentleman that the President might appoint the officers; but he differed widely from him on this head. He did not conceive they possessed the power to authorise the President to appoint them. There had been once a law to this effect; but it had been very generally reprobated by the republican party, who had considered it unconstitutional. Mr. C. said in his opinion it was directly in the teeth of the constitution.

Mr. Varnum said he did not know but that the ideas of the gentleman were perfectly correct; but if so, none other than whole companies could be accepted. He, however, rather thought his ideas incorrect, the words of the resolution were [Mr. Varnum here read the first resolution.] Now a company, according to the meaning of the word, was a body of men composed of 64 privates, who, if they should associate together, although drawn from different companies, the President would have a right to accept; and if so the idea of companies, who may offer, having officers, was incorrect.

Mr. Varnum said he was perfectly willing to adopt measures for the protection of the country. And if the militia were not properly organised, that they should be organised anew. If, however, they were so organised as to deserve to be trusted, it was improper to introduce a system which virtually declared them unworthy of confidence. The country was at this time in rather a peculiar situation. They had heard a great deal about conspiracies and people were collecting together for certain purposes. He trusted there was no part of the people that would join in any dangerous attempts against the peace of the country; yet on the principle of the resolution, such men might associate and choose their officers, with the view of carrying on the plans they have in contemplation.

Mr. Bidwell observed that the objects his colleague had in view would be attainable in the details of the bill—viz. that the officers should be taken from the existing militia officers of the state where there was no authority in the executives to appoint them. This was, however, a matter of detail; but to remove the difficulty of his colleague he would offer an amendment to the resolution. Mr. Bidwell then moved to strike out "whose commissioned officers shall be appointed by the respective state and territorial authorities;" and insert "who shall be commanded by such officers of the militia of the states and territories to which such companies shall respectively belong as shall be designated by the executive authority of each state or territory.

The question was then taken on filling the blank with "two" years, and carried without a division.

Mr. G. W. Campbell said he had before remarked that this was a point that would be most properly settled in the details of the bill. But he would observe that it was not his object to give the appointment of the officers to the executives; but that they should be appointed by the respective authorities provided in the several states.

Mr. *Bidwell* replied that the operation of the amendment would not be such as the gentleman from Tennessee combated. It only went to give the executive of the states a right to designate for the command such of the existing militia officers as they might think proper.

Mr. *Smilie* said he was against the amendment. In the state he represented the militia had a right to make choice of all their officers from a colonel downwards; and he had no doubt of their being many men in the ranks who would make very good officers. As the amendment went to limit the range of choice, he was hostile to it. There were likewise other considerations that made him unfriendly to it. Was it not important, when men went out to sacrifice their lives in defence of their country, they should have the choice of their own officers? Would not this strengthen the attachment both of men and officers? Would not pride too have its influence on them? And would they not be more ready to support men of their own choice? Was it not to men being advanced according to their merit that the French army was indebted for its great ascendancy.

Mr. *Alston* said, if they hesitated in the passage of any resolution on this subject, until every gentleman was satisfied as to the mode of officering the militia, there was no period which could be assigned to the protraction; as in every state a different mode prevailed. They could never be able to get along. Could not gentlemen agree to give up, in some degree, their own peculiar ideas, when an object of so much importance was to be effected? He did not care, how the object was effected, provided it was constitutionally effected.

Mr. *Elmer* said the amendment went, as far as it had any operation at all, to do away the principle contained in the resolution, which was to authorise the calling out a body of volunteers. If the amendment prevailed the men would be volunteers, but the officers be drafted. He could not see where the difficulty existed. The resolution authorised the President to call out any company or companies, which must consist of officers as well as privates; the same would be the case in the instance of larger corps, such as a battalion or a regiment, and the only difficulty which could arise would be with respect to officers of a superior grade. Should there be a difficulty on this head where one company was taken from one regiment, and one from another, it might be provided for in the details of a bill. For these reasons he should vote against the amendment.

Mr. *Dana* called for a division of the question; when on striking out the words moved by Mr. *Bidwell*, only ten members rose, and the motion to insert the other words fell of course.

Mr. *Masters* thought affairs looked very serious, and he rose to enquire whether these were all the measures contemplated to be taken. When the invasion of our territory was in question, he thought the most efficient measures ought to be adopted.

Mr. *G. W. Campbell* said he really did not suppose it was for the committee to tell the House what they ought to do. They had made a report in part, in which they recommended the adoption of such measures as they considered proper at this time. What might be proper to be done hereafter he would not pretend to say; but he thought there might be a general concurrence in the measure now proposed, even by those who wished to aid it by stronger measures.

Mr. *Kelly* had no objection to authorizing the acceptance of volunteer corps; his sole objection was as to the proposed mode. He believed such a measure necessary, but he could not give his consent to the terms of the resolution, or to the manner in which it was proposed to raise this force.

If he understood the report, it went to raise a force which according to the first resolution was considered necessary for the defence of New-Orleans. The second resolution provides for the acceptance of volunteers. This force was not subject, after being accepted, to the authority of the U. S. till called into actual service. The resolution amounted to this:—When the volunteer corps offered their services, in case they were not armed and equipped, they are to be armed and equipped at the expence of the U.S.—subject to the call of the President of the U. S. within two years; but not subject to the rules for the government of the army until called into actual service. When accepted, they become detached from the rules for the government of the militia of the respective states, without coming under the government of the rules of war, and thus appear to be under no government whatever. Suppose the President should accept of these volunteers immediately, they will not, notwithstanding, until called into actual service, be subject to his control; they will be only subject to such rules as they may chuse to prescribe for themselves. Now it may happen, that volunteer corps may offer at New-Orleans, who, before the cession of that country, belonged to the King of Spain, and who, after they are armed by the U. S. may change their sentiments, and chuse to go under the government of their old masters, or establish themselves in entirely detached corps. Under this view of the subject, Mr. Kelly said he could not be in favor of the resolution. But if it could be so modelled as to authorise the President to accept volunteer corps which would pass immediately under the government of the U. S. he would agree to it.

Mr. *Eppes* said he had hardly supposed there would have been any opposition to this resolution. When they considered the present situation of the U. S. and when every man would admit that it was right to resort to preparatory measures of defence of some kind, he would ask gentlemen what course they would wish to pursue? Would they in the existing posture of affairs vote for raising an army, when they were not certain that there would be any occasion for it? If not, what expedient was left? Either to call out the militia, or to resort to a system of volunteers. The objection to calling out the militia had been already stated. Situated as they were, in some points not organised, and at a distance from the scene where they would be required to act, the public interest would materially suffer if we trusted exclusively to them. On the other hand if volunteers were received, if their patriotism was allowed to rally round the country, there was reason to believe that they would in every respect prove sufficient for its defence, without costing the public a dollar until called into actual service. Mr. Eppes said he did not know that he should have said a word on this subject, but that the observations of the gentleman from Pennsylvania (Mr. Kell) required some notice.

We had recently acquired territory, and men who supported the character of Americans. He trusted they were disposed to treat and cherish them as such, and not to stamp them with the imputation of suspicion. When we have been officially notified on a recent occasion by the President of the U. S. that they have acted with fidelity towards us, shall it be said that they may hereafter raise their arm in favor of their ancient masters. Mr. Eppes said he begged leave to call the attention of the House to that part of the message which related to this subject. "I inform you with great pleasure, of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow citizens in every part of the union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur." Shall men, thus recently presented to our notice, be now branded as traitors to their country?

Mr. Kelly said he had been certainly misunderstood. He did not mean to say any such thing as had been imputed to him. He had barely said that if accepted and not called into service, some of them might hereafter possibly be disposed in favor of a change of masters. He did not mean to brand the people he had referred to, but merely to provide against what might be deemed a possible case.

Mr. G. W. Campbell said he did not expect that this subject would have taken up more than a few minutes, and he should not have again troubled the committee but for the insinuations thrown out by gentlemen.

The gentleman from Massachusetts had insinuated that some of the volunteer corps might prove unfaithful to the U. S. Why such an idea had been thrown out he could not comprehend, even if there was fear of such a result. Nothing was more likely to excite the feelings of persons so disposed, than to know that they were the objects of our suspicion. Are those men, whose services are wanted, to be told that they may turn their arms against their country? Is this the way to command their services or their confidence? Mr C. regretted this insinuation more than any thing he had heard thrown out in that body. Instead of this treatment, we ought to convince them that they possess our confidence, especially as every gentleman knew that the compensation offered would pay scarcely a fourth part of their expences. There would therefore be little inducement for them to turn out, if they knew they would be the objects of suspicion.

As to the people on the frontiers, there was as little ground to suspect the purity of their conduct, as the conduct of persons in the heart of the Atlantic states. If there were conspirators against the peace of the country, you will find the body of them, said Mr. C. composed of men who have hitherto resided in the old parts of the confederacy. You will find few or none of them on the frontiers; and so far as I am acquainted with the people of this country I believe there is no part of them more attached to the government and the union than the Americans on the frontier settlements, and I may extend the remark to a large portion of the foreigners.

Mr. *Elmer* believed that the sentiments of the gentleman from Pennsylvania were such as required notice in the details of the bill, in which it might be necessary to provide for the safe-keeping of the arms confided to the voteers, as well as to determine by what rules they should be governed until they were actually called into service.

Mr. Dana said, if a bill were before the House, it might be proper to discuss all these details. This, however, was only a resolution fixing the principle. If a bill, it would be totally defective. It contained no provision as to the government of the body, or as to the staff or field officers; but these defects would doubtless be provided for in the bill. Since, however, he was up, he would say he was far from considering the observations of his friend from Pennsylvania, as meriting the animadversions passed upon them. He had merely observed that among 30,000 men there might be some who would be disaffected to the U. S. He had fixed no particular imputation on any body of men. If he were wrong in this opinion, he was wrong in believing the President of the U. S. who had announced the unpleasant fact, that enterprises had been formed against the possessions of a foreign power. His friend from Pennsylvania had merely alluded to this idea, without specifying any particular point where such disaffection might arise.

Mr. *Clarke* said it appeared to him that the gentleman from Pennsylvania had not meant any particular allusion to the people of the Orleans territory, who had been invariably attached to every nation under whose protection they had been placed. He was able to state from circumstances within his immediate knowledge that when the forces of the United States were not sufficient for the taking possession of the country, it was owing to the men under his command that the U. S. obtained peaceable possession. The people of the territory had offered their services to the U. S. and had been disregarded by the man put over them, and a preference given to another corps. The militia was in an unorganised state—there was indeed no militia in the territory. But he would venture to say that whenever their services were required they would come forward immediately, and would form a band for the defence of the country; and that if there should be a conspiracy against the U. S. there would be no Louisiana concerned in it.

Mr. Eppes rose merely to put the gentleman from Connecticut right. The gentleman from Pennsylvania had specially alluded to the militia of Orleans, and had spoken of their antient masters.

The question was then put on the resolution, which was agreed to without a division—when the two resolutions were referred to a select committee to bring in a bill.

OHIO LEGISLATURE.

Debate on the Bill to prevent certain acts hostile to the peace and tranquility of the United States.

TUESDAY, Dec. 2.

The Houſe then reſolved itſelf into a committee of the whole on the bill, Mr. Burr in the chair, and after ſome deſultory obſervations,

MR. BEECHER ſaid that he was in favor of the committee riſing, reporting progreſs, and aſking leave to ſit again, with the view of giving members an opportunity of making themſeleves better acquainted with the proviſions of the bill. That he could not ſee what neceſſity there was for hurrying a bill thro' three readings through the committee of the whole in one afternoon; but that unleſs its final paſſage was poſtponed, he ſhould be under the neceſſity of voting againſt it—The governor has ſaid he is informed there are perſons engaged in an expedition hoſtile to the peace and tranquility of the Uni ed States. Upon what foundation this information is had, we are not told, poſſibly it may be on his knowledge; of this we are ignorant. How are we to know whether it be ſufficient cauſe to warrant a law of the purport of the bill now under conſideration. This bill goes forward to the world as a declaration of the legiſlature, that we have traitors in the boſom of our country. If we are ready to ſanction this principle, he ſhould like to know on what poſitive authority it is done.

He ſaid the conſtitution as if guarding againſt a queſtion being two haſtily decidedly, has declared a bill ſhall be read three different days; but we can receive a communication the firſt day of our ſeſſion, refer it to a committee, who the ſame day report by bill, and without reflecting on the important proviſions of the bill paſs it into a law, which in its operation may bear hard on the the peaceable navigator of our rivers. Every citizen has the privilege of tranſporting down our rivers any kind of merchandize; and gun-powder is often made an article of traffic—which might become the property of an enemy—ſo are guns, ſtill he could not ſee why we ſhould levy ſuch heavy penalties—for to be detained until the Supreme Court can grant relief, amounts to a prohibition, as the market may be thus loſt, and the adventurer ruined.

It appears neceſſarily a duty in governments to prevent improper ſteps being taken by individuals within their juriſdiction. Perhaps this may be one, we are going to prevent, for it has been often reported, ſomething hoſtile is in agitation. Grant it to be the caſe, that report cannot juſtify us in paſſing too haſtily this act. It would appear as if we feared that we cannot prevent the enterprize, and therefore go thus raſhly to work.

MR. CASS ſaid he was well aware the proviſions of the bill now under conſideration, were important and the penalties heavy; but he could ſee a