&c. Mr. Speaker, even delicacy for the feelings of the general or any other citizen should so far have effect as to prevent their character from being traduced where they cannot be permitted to be heard in their own vindication, and where there is no legal authority to investigate their case or to decide upon their character. The members of this House, sir, are privileged from being called to account or punished elsewhere, for what they say on this floor, but to prevent the abuse of this necessary privilege to the purposes of private enmity, caprice, passion or indiscretion, under the hypocritical disguise of zeal for the public good, the House is not only authorised to prescribe its own rules of decorum, but also to punish or even expel a member for the breach of these rules. Sir, even mentioning or implicating the name or character of an officer or citizen on this floor, so as to impute blame to his character, is a breach of decorum, and ought to be punished, and though it has in some few instances passed with impunity in public bodies, it has never failed to degrade the character of him who takes that indecent and ungentlemanly liberty, in the public opinion, and to sink the character of the public body that permits it. No such conduct ought to be permitted unless in order to impeachment of a public officer, or in order to the punishment of a contempt.

On this occasion, sir, I am not however influenced by delicacy for the feelings of general Wilkinson; I am influenced by a delicacy of a superior kind; I am influenced very seriously, sir, by a delicacy for the character of this House. I am jealous lest, instead being the constitutional protectors of the citizens, we should give ground to suspect that we would submit to become instruments of persecution or private revenge at the instigation of any of our own members. We have courts of justice with trial by jury for the application of our laws to the punishment of crimes and the protection of innocence; but those citizens who choose to accept of offices, civil or military, are obliged to surrender the right of trial by jury for official crimes, as security for their official trust. Civil officers subject themselves to impeachment which may result in disqualification and infamy, and military officers to a decision of courts martial, which may result in forfeiture of life.

Mr. Speaker, we can only prescribe to the Executive or the courts of justice, civil or military, by a law of Congress, if the laws are insufficient for the detection or punishment of crimes, let Congress revise them or make new laws. If there are not a sufficient number of courts established, Congress has authority to organize other courts; but one branch of Congress alone has no right officially to enquire into or sit in judgment on the character of executive officers, except with a view to impeachment, which it is admitted does not apply to this case. It is admitted even by the advocates of the resolution that the House can pass no sentence in this case; why then begin what we cannot finish? Happily the resolution for raising a committee with authority to call for persons, papers, records, &c. has been rejected by such a majority as does honor to the House; but the propriety of doing so has been again advocated, and may probably again be renewed; but I am confident, Mr. Speaker, that this House will never institute a court of slander out of its own body, or degrade itself into a court of star chamber. If general Wilkinson is guilty, which he may be for aught I know, let his guilt be detected and punished by the proper tribunal, which is at his own request already appointed. Permit me, sir, to conclude by saying that on a review of the whole subject, as it has been conducted, general Wilkinson is not the sole, nor the principal object. Whatever danger there might have been in 1796, during gen. Washington's presidency, or in the four following years of Mr Adams's presidency, there is no such danger now as to justify a member of this House in stopping and delaying by solemn grimace, a bill which has for its object the necessary enforcement of the embargo, every hour's delay of which in so far defeated its salutary effects in favor of the peace of the country; yet we know that by this stratagem, I cannot call it less, that important bill was delayed in its passage several days, though the member who moved the resolution before the House had voted against the embargo, after having been the original mover, and advocate of it; yet this will not account for his novel interruption of the passage of the supplementary law through the House; reasons for this must be sought for elsewhere, and time and circumstances will sufficiently suggest these reasons to every member and citizen acquainted with them.

Mr. Bibb understood the motion for postponement was made for the purpose of giving the gentleman from Orleans time to lay before the House such information as he possessed. To vote on this it became necessary for him to enquire when the gentleman from Orleans would give his information? If he could do it in one or two days? If he could, Mr. B. said he should vote for the postponement; but if not, he should vote against it, because he was unwilling to hold up the character of any man to suspicion.

Mr. Clark had no other wish than to obtain time to draw up his information; he could probably prepare it by Monday.

The motion for postponement was carried, 70 to 32.

*(DEBATE TO BE CONTINUED.)*

### Wednesday, January 27.

*Mr. Blackledge* presented a Map of the state of N. Carolina from Jonathan Price and John Strother, the receipt of which the Speaker was desired to acknowledge.

The report of the committee of Commerce and Manufactures, on the memorial from the city of Washington, relative to erecting that city into a port of entry, was taken up and concurred with.

The House took up for consideration the amendments made by the Senate to the bill for erecting a BRIDGE over the river POTOMAC, which were concurred in without debate and without division. [The bill only requires the sanction of the President to be a law.]

The House took up for consideration the resolution lately offered by Mr. Key for the erection of a standing committee of the House to enquire and report on all concerns relative to the district of Columbia.

*Mr. Findley* observed that he had long been in favor of appointing a committee of this kind. The citizens of the district of Columbia were not and could not be represented on this floor. He wished to see the business consolidated, so that they might be justly heard.

*Mr. Key* said his object in this motion had merely been to render more simple to the House the legislating for the district. It would save many committees from being raised, and promote consistency and uniformity in the laws relating to the district.

The resolution was then agreed to without a division, and Messrs. Key, Van Dyke, Love, Holland, Brown, Livermore, and Taylor appointed the committee.

*Mr. G. W. Campbell* moved for the order of the day on the bill from the Senate for increasing the military peace establishment of the U. States.

[This bill contemplates the raising one battalion of riflemen, one battalion of cavalry, one regiment of infantry, and the increasing the number of men in each company now in service to the number of one hundred and twenty.]

*Mr. Nelson* moved that its further consideration be postponed till the 1st March.

*Mr. Chandler* wished the gentleman to alter his motion so as to let it lie on the table.

*Mr. Nelson.* I cannot consent, for this reason: I expect to be absent for some time, and whenever the bill is called up, I wish to make some few observations upon it.

*Mr. Chandler.* I am opposed to taking up the bill at this time, because it will depend upon circumstances whether we ought to act on it or not. If we have peace with the powers possessing territory adjoining to us, it is unnecessary to add to our peace establishment, it being a subject on which we should be extremely cautious. Circumstances might arise which would render it necessary to add to our peace establishment before the first of March.

*Mr. W. Alston.* The views of both gentlemen would be answered by the bill's being referred to a select committee to examine into the propriety of passing it, which would be precluded by a postponement or by its lying on the table.

*The Speaker.* The bill has been already referred to a committee of the whole House: and therefore cannot at present be referred to any other committee.

*Mr. Nelson.* This bill sent down from the Senate contemplates adding a very small number of men to the peace establishment of the U. S. It is a little trifling bill which does not deserve countenance. On this great continent where there are now so few troops, it is contemplated to make to them an addition of two battalions, and increase the number of men in each company to one hundred and twenty. Such an addition will be but a drop of water in the ocean; the country will not feel the effects of it; it will be doing nothing. It is doing business by halves—a petty miserable measure, of which the U. S. will never feel the benefit. I have another objection. The committee to whom was referred the other day a resolution for increasing our war establishment, are prepared to report a bill to the House for that purpose. If the bill so to be reported shall pass, it will be unnecessary to pass this bill; because we shall be in war, and have no occasion for a peace establishment. It will be better to let this miserable thing lie on the table, or postpone it till we see whether or not we shall pass the war bill. If that does not pass, little as this thing is, and much as I despise the principle of it, gentlemen may take their own way with it; but if the war bill does pass, certainly this should not.

*Mr. Desha.* The gentleman is mistaken as to the contents of the bill, for there are three instead of two regiments to be raised; and these are essentially necessary, whether we have war or not. Take into view the city of New Orleans; threatened without, and we know it is said to be disaffected within, it is an object of the greatest consequence to the U. S. to retain it in safety; and there ought to be troops in its neighborhood, whether in peace or war. I am opposed to postponement, though I should have no objection to its lying on the table.

*Mr. Nelson.* I should be very sorry if it be indeed necessary to keep a standing army to take care of New Orleans. If the citizens of that city are so depraved as not to be kept in order without a military force among them, I wish I had never heard of them.

*Mr. Desha.* The gentleman has misunderstood me. I mean that they are so divided, that they may not be united to defend the place sufficiently against a foreign enemy; and advantage will be taken of this circumstance. New Orleans is a very vulnerable point, and of as much consequence perhaps as any port in the U. S. and I believe it is necessary that there should be a strong garrison kept there at all times.

*Mr. Dawson.* A few days ago the House unanimously passed a resolution for increasing the military establishment of the U. S. having reference as I had supposed, to a war establishment; in pursuance of which I am now prepared to report a bill, which, if passed, will render unnecessary the bill for an increase of the peace establishment. I therefore wish this business to lie on the table.

*Mr. G. W. Campbell.* I believe that we can act upon this subject as well at this time as at any other. The arguments of the gentleman from Maryland prove, if any thing, that this bill may be immediately decided. He tells us, if we have war, this is nothing; if we have no war, it is not necessary to increase the peace established—and therefore, we can decide upon it now. I am not prepared to say that this addition ought to be made, but do not know why gentlemen should call this so *little* a thing. From the general features of the bill it is evidently intended to produce an addition to our peace establishment. My idea of it is, that it is intended to provide, as well against the hostility of the Indians on our frontier, as against the marauding parties of any foreign power. I think it a questionable point, whether, our extended frontier does not require an additional force. You have been frequently told in the House that the Indians have of late threatened much; that the population of the territory of the United States in their vicinity is small and much scattered. This subject should be brought before the House, when also I should wish to hear what information gentlemen can offer on the subject.

*Mr. Macon.* I do not believe it necessary to make so large an addition to our present peace establishment, and am willing to postpone the bill. The gentleman from Kentucky has told us of the divisions in Orleans, and that it is necessary for that reason to keep troops there. The transfer of Louisiana was made without the assistance of arms. The difference of opinion there is the same as every where else exists betwixt federalists and republicans; and his observation would apply fully as well to any other place as to New-Orleans. For what are these regiments contemplated to be raised? Not for war, but in addition to our peace establishment. There is no necessity for increasing it: I fear that gentlemen, from the very best of motives, will go on to encrease our *peace* establisment, till we have as large a standing army as any other nation. Great objects often arise from small beginnings. If we raise troops, let it be for war; let the peace establishment rest as it is. I shall vote for the motion under consideration, but had rather vote for an indefinite postponement.

*Mr. Desha.* Although opposed to postponement, I do not know that I am entirely in favor of the bill. The gentleman from North Carolina has told us that he is opposed to increasing the establishment for the purpose of protecting New-Orleans, because the people in that country is divided only as we are, into republicans and federalists. A great part of the inhabitants of that country, on the contrary, are attached to monarchical government; and many of them being yet subjects of Spain, they are attached to that government. They are monarchists, not federalists or republicans; and by a very natural inference, will attach themselves to foreign governments.

*Mr. Gardner.* I hope the motion for postponement will prevail. I am sorry that the honorable Senate should have chosen at this time to add to our peace establishment after adopting a *war* measure by laying an embargo. If we are to have war, on which we cannot yet decide, we shall undoubtedly continue the strong measures which we have this session commenced; but until that momentous question is decided, I am clearly in favor of posponing the consideration of our *peace* establishment.

*Mr. Dana.* Perhaps it might be as well to refer this bill to a select committee, and therefore to vote against the present motion. Although the title of the bill be, "A bill supplementary to an act entitled "An act fixing the military peace establishment of the United States," and although the first section provides for the erection of some forces in addition to our present peace establishment, I really never have imagined, when troops were raised for peace, that it would be contrary to law for them to fight in case of war. I did conceive that when on our peace establishment they could as well fight is if raised expressly for war. If therefore there should be danger on our frontier, and if it is supposed that the regular forces there placed as a security against annoyance are not sufficient, and that more are necessary to preserve peace, I do not see any impropriety in raising an additional number; and as gentlemen from that part of the union, possessed of better means of information than myself, seem to imagine it to be at least worthy of consideration, I am not anxious for postponing it. The honorable gentleman from North Carolina (Mr. Macon) seems to suppose that there is not more difference of opinion there than there is in other parts of the United States between federalists and republicans. I fancy the gentleman must take these terms in a sense very different from that which is derived from a most authentic source; for, from very high authority the nation has been told that "we are all federalists; we are all republicans." If we are *all* of one character, we are certainly not contending one against the other; the gentleman's words must therefore convey a meaning different from this highly authentic definition. Could any one imagine that if one character is here applicable to all, though possibly there may be some *slight* shade of difference, that there is no more difference of opinion in the territories? As respects the inhabitants of some of those territories, biassed by strong monarchical attachments, their habits of life have rendered them liable to foreign influence in a much greater degree than the people within the old United States. It is therefore peculiarly necessary that this part of the country should have the assistance of regular troops to repel invasion.

*Mr. Witherell.* This postponement of business looks too much like getting rid of it altogether. I think we shall not be in a better situation to decide on the necessity for adopting this bill on the first day of March than we are now. If it should lie on the table or be left within our reach, I am not afraid that we shall lay violent hands on it. We are not generally in such a hurry to get through business that we tear it to pieces in getting hold of it. As this is the first time the subject has come under notice, I am as perfectly incapable of deciding on the bill as when it first came from the Senate. I should wish it to lie on the table, or that it may be referred to a select committee.

*Mr. Rhea.* I am as much opposed to a standing army as any gentleman in the House; but I shall act as I think right at this time, leaving other gentlemen to do the same. There may be times at which a larger military force is necessary than at others; and the present may be one of those times. An objection has been made to the bill because the number is too small. I do not know whether I shall give my vote for raising all the men proposed by the bill; but part of them are necessary. An objection has been made to the bill because it contemplates an addition to our peace establishment. As I consider that we are now approaching to a state of war, I do not see how the number proposed in addition to our present establishment can be objected to. If this number be raised, or even a further additional number, the number to be raised on a war establishment would be by so many diminished. It is well known that a bill has been passed this session, appropriating a sum of money for erecting and repairing fortifications. If erected they must be garrisoned; and although the number proposed may be considered as now too large, yet, when we advert to those places necessary to be garrisoned, they will not appear to be too many; and when we consider our extended frontier, more may be necessary, if only to guard against incursions of the Indians. I shall vote against the postponement of the bill, and hope it will be now considered: the committee now said to be about to report on a war establishment, may accommodate the number of men to be employed to the number to be raised by this bill for the peace establishment. For another reason I shall vote against postponement: I shall take into consideration every thing which comes before us on the principle of national defence, and make the best of it I can; and I shall consider this measure in that light. What may be the fate of the bill for a war establishment, to be reported by the committee, I do not know; and therefore intending to vote for every thing however small towards the great project of national defence, I shall vote against a postponement of this.

*Mr. J. K. Smith.* I am opposed to the postponement of the bill, and think it ought to be acted on immediately. We know the situation of the western country, and very lately a rebellion has been attempted under Aaron Burr. If he had not been arrested as he was in his career, his project might certainly have led to the establishment of a separate government at New Orleans. I apprehend as much danger from Aaron Burr at this time as at any time since he first determined on the attempt. Gentlemen say that this provision is too small; if they think so, let them enlarge it, and double it if they apprehend danger. They say also that our present peace establishment is large enough; and that if we have not war, that it ought to be reduced. I am not of that opinion. I shall not be lulled into security; for I think that prudence dictates to us an apprehension of danger; I think we may expect it too, and that we ought to make provision for a stand at first. Even this little force would be of some service; although but 1,500 or 2,000 men, they may be of service. I am desirous to give assurance to the friends of the government at New Orleans, and in the territories adjacent, that they shall be protected, and induce them to have confidence in the general government.

*Mr. Holland.* If I viewed the matter in the same light as my friends from Tennessee and New Hampshire, I would vote to take up the bill and pass it immediately. They go upon the ground that it is necessary to augment the peace establishment of the nation; but I see no reason why it should be augmented now or at any time past. The gentleman last up has talked about rebellion, and wishes a peace estabishment to put down rebellion. Certainly the militia of any portion of this country are competent to put down all rebellion. The militia of any single district of any state would not want assistance to suppress any insurrection or conspiracy in the United States. Shall it be said that we must augment our military force to put down rebellion? There are very few in the United States who would rebel; none but a few harmless mal-contents capable of no more harm than making a noise in newspapers. As to the conspiracy of Aaron Burr, what had been the amount of it? Was the aid of the regular force necessary to quell that? No. The militia were vastly more than competent, for that purpose. Burr is become harmless; his sting is drawn. Is it necessary to raise our peace establishment under the expectation of being beset by a foreign power? If it is now, it always has been; we have always been liable to foreign attack. Either our present peace establishment is competent, or it is necessary immediately to go into a war establishment. With respect to the Indians, they are inoffensive; there has not been a time since the expedition against them under General Wayne, that they have not considered themselves as a conquered nation, & looked up to the United States as their masters. If the Indians were considered as dangerous, nothing would be more agreeable to the militia than to go against them; it would be but too agreeable to a portion of the militia to go against them, and demolish the whole nation of Indians. So that in every point of view I consider it improper to adopt the bill and would have voted for an indefinite postponement.

*Mr. Rowan.* The whole northern boundary of Orleans, the Indiana and Michigan territories, and the St. Louis country, are all exposed; and although the Indians may, in the prevailing language of the day, look up to their great father, much alarm has been excited in that country, special missionaries have been sent to enquire into the cause of their tumultuous aggregation, and it is not now known for what purpose they are convened. While that country is in its present unsettled state, until its population is such as to repel the attacks of the Indians, it is prudent to have a small force to co-operate with the militia. It is important that there should be a force established at Orleans for a while; it is the key to the whole western country. Men may talk of patriotism; but it must be known, that any power which possesses the mouth of the Mississippi river, will possess the whole western country. The *amor patriæ* will do very well in theory; but in practice it often yields to private interest. The people in that country are much disaffected; their habits are not American or republican, but lead them to favor monarchical governments. In addition to this they have various causes of discontent. It is necessary to have a military force there, not to keep the people in order, but to prevent a foreign power from taking advantage of the dispositions of the people and using them to its own advantage. It certainly would be a desirable object for any foreign power to possess New-Orleans. It will be known by an enemy that if they can once take footing in it, they can keep possession a sufficient length of time to allow them to receive reinforcements before it could be wrested from them by a force from the U. S. It would be well that the people should be assured that the country will be maintained in our possession. The