CONGRESS.

HOUSE OF REPRESENTATIVES.

Debate on the passage of the bill concerning courts martial and courts of enquiry—Continued.

SATURDAY, MARCH 12.

Mr. SLOAN said that during the discussion on this subject he had remained silent; and if the bill in its operations had been confined to the military, he should have remained content to give a silent vote. Had he considered it merely harmless, he should have been silent; but considering it a dangerous innovation, striking a blow at the most sacred rights and privileges, he could not consistently with his conscience, sit still and barely give his negative vote. Shall I, said he, be branded with joining in opposition, with having departed from principle? I came not here to see with any man's eyes, to hear with any man's ears, or judge with any man's understanding. I came here to use that discretion which God and nature have given me, and to protect in every case the liberties of my country. However high I may value, and my former conduct has fully evinced this, that part of this House who are supporting this bill, however near and dear has been my connection with them, it would ill comport with the dictates of my conscience, and the rights and liberties of my country, should I look to the source whence this or any other bill has been produced. Wherever I am intrusted as a watchman to guard the treasure of our rights, it behoves me to look at the production and not at the source from which it flows.

I have considered this bill as aiming a death-blow at the rights & liberties of the people of the U. S. & if gentlemen are anxious that their speeches should go forward and their vote be recorded, I do not wish to disguise my sentiments or conceal my vote. Although much has been said on the cause and origin of this bill, I beg the attention of the House to some brief observations on what gave rise to it. A resolution was introduced to raise a committee of enquiry into the conduct of a certain high officer; I opposed this measure, and it is certainly within the recollection of every member that I not only opposed it but zealously opposed it. Is there a member on the floor who was more decidedly opposed to it, or one who expressed himself in more pointed language believing that it was unconstitutional, and not within the line of our duty? While however I expressed my dislike to that measure, I considered it of trivial consequence, compared with this bill. It was a temporary and singular affair; if unconstitutional and improper, it was confined to a single object, and when that had been obtained, would have ceased to operate. But what is this bill? Not temporary; for unless a future Congress repeal it, it will continue in *perpetuo.* And what a blending of two powers together! Shall I be accused of presumption or ignorance in offering my sentiments in opposition to those expressed by a number of members of legal abilities, who no doubt suppose they have explained this matter in so clear a point of view that there can be no doubt on it? However I may respect them, and however superior may be their knowledge, I must act according to the dictates of my conscience. Permit me to say that I cannot understand the language of some gentlemen: a gentleman from Kentucky, of legal knowledge (Mr. Johnson) says that if this bill extended military powers, he would oppose it; this he declared, and I cannot understand it. If I understand the subject aright, the power of military courts is at present confined within the line of the army: on the other hand, if I understand it aright, this bill extends their power to six millions of people, to every inhabitant of these states. I must go to school again before I can understand this; it is an extension to a dangerous degree, and such as I hope will never be sanctioned by a law of the U. S. It is giving to a tribunal before limited in its powers, a power which is unlimited as to the extent of its operation, and depending entirely upon the commander in chief. I have no opinion of mixing the two powers together. I cannot conceive any case in which the provision could be of service except the one to which he had alluded, and that can have no weight; I cannot see that it can have any bearing on that case, or be of any advantage to the accused. What is his situation? Certain witnesses have been summoned; their refusal to attend is sufficiently significant, and answers every purpose of exculpation; therefore this case does not apply. This bill mixes together the two powers, military and civil, which have heretofore remained entirely separate, and God grant that they may ever so remain. I hope to speak with proper deference and respect to my brethren in legislation, but I must speak plainly and in the language of which I am capable. Under this impression I must ask whether they would have given their sanction to this bill ten years ago? At that time although I did not possess a seat on this floor, my attention was turned to the liberty and true interest of the country, nor can I now agree to this principle; I would not when John Adams was President, nor will I now when Thomas Jefferson is President.

A member from Maryland who spoke this morning observed that it was scarcely possible to introduce a bill in such a shape but ingenuity will find objections to it; permit me to retort by saying that no bill however improper can be brought into this House, but the ingenuity of members will find some plausible pretext for it. The gentleman has told us that if the bill contained those evils he would oppose it; I will say that if his eyes are open he must see them. He has endeavored to wipe them away; but he has labored in vain, for he has not touched the principle. It is not the detail but the principle to which I object. Cases have been supposed as possible, in order, to find a ground for the bill; it has been said that a poor man's life might be taken away for want of evidence. We might sit here year after year to suppose cases which might occur, on which we might pass laws; but we cannot legislate upon these suppositions. I call upon gentlemen to say whether in twenty years, in so perilous times, one single man has become the victim of a tyrant, whether in one single instance a man has been put to death unjustly? Did ever a military man suffer, crying out when the rope was about his neck, "I die for want of a witness?" I believe not.

It seems to attract the attention and sympathy of the members of this House to vote in favor of this bill, because there is a prospect of calling out the militia. The argument is poor. I understand by what I have heard read that the militia called out are to be tried by courts martial consisting of their own officers. Will the calling these men into service immediately transform them into tyrants? I cannot suppose that a court martial consisting of militia officers would deny to the party accused the opportunity of obtaining witnesses; on the other hand, I will not suppose that any witness would be so unjust as to refuse to attend to screen an innocent man accused. This has been the case for 30 years, and such I trust will always be the case. It is contended by the supporters of this bill that the law respecting courts martial is too vague. I am not a military man; but if I had known nothing of the subject before this discussion, dull indeed must have been my old brains, if I did not know something about them by this time. If I understand the nature of a court martial, it was intended to exist but as an evil, to punish crimes which it would be dangerous even to the safety of the U. S. to try in civil courts. Does this bill go to destroy entirely this plan? Dull of apprehension must any person be, who cannot see that it may prove of ill consequence. If there should be a traitor taken before a court martial who shall declare that he has a witness in civil life, may he not evade a trial, till he may escape prosecution? Is it not better that the law as it now stands should take its course, and that traitors should be brought to immediate justice? I conceive it is.

I shall not much longer take up the time of the House. I have endeavored to discharge my duty. I believe that the military officers in our standing army will perform their duty with propriety, humanity and justice, and that we should never take from them the necessary power, that is, the power to punish traitors in a summary way, and I will not entertain a thought so derogatory to their honor, as to suppose that this power will be abused. I will suppose that the officers of both our regular force and militia, if we should unfortunately be involved in a war, will continue to act with humanity, justice and propriety. I wish to keep the civil and military powers distinct; the blending them would lay a foundation for military despotism. It is of no avail to tell me that we have a worthy President; I acknowledge it; but that is no reason to tell me that the power given by this bill will not be abused. I am not certain how long that will be the case; and I will give no power to a virtuous man which a vicious man might abuse.

Mr. S. concluded with a solemn hope that the bill would not pass this House; if it passed this House, that it would not receive the sanction of a law.

MR. HOLLAND certainly expected that the gentleman last up would vote for this bill after declaring that he entertained so high an opinion of courts martial. In this respect, said Mr H. there is no difference in sentiment betwixt the gentleman from New Jersey and myself. I believe that no danger will arise from giving the power contemplated by this bill to courts martial to examine witnesses, because I believe that the officers composing courts martial are gentlemen, and know how to treat witnesses with that respect to which they are entitled. I believe that witnesses will be under less embarrassment when giving their testimony before a court martial than before a court of civil jurisdiction; and my reason for that belief is this: I admit that military courts may not be possessed of much legal information, but the witness is not liable to be interrupted by the examination of an attorney; courts martial will not suffer this; they are men of honor. The witness then is relieved from this, & this is the most disagreeable to a witness, who dread cross-examination, and rightly too, as he is often made to contradict himself. This does not occur to a witness before a court martial.

A gentleman from Kentucky (Mr. Rowan) while on this subject mentioned that one great inconvenience by this bill is that the witness has not the power to bring in other witnesses to corroborate his testimony. This is not the general practice in civil courts; it has not been the practice so far as I know in civil cases. It is true that when a witness is brought before a court and there are circumstances which may discredit his testimony, either party has the right to bring in corroborative testimony. The principle therefore in that respect is the same in courts martial if this bill pass, as in civil courts. It will always be in the power of the parties before a court martial to bring in testimony to strengthen or to invalidate testimony.

This bill has been objected to because it augments the power of military courts. Is this correct? Does this bill give any new jurisdiction? Certainly not, for it does not give them power over a single subject of which they had not power before. What is it that the bill contemplates? Nothing more than to enable courts martial to have a full view of the subject before them. As the law stands they have not this in their power. Courts martial now can only partially procure witnesses; the bill before us is intended to remedy that evil—not to give new powers to courts martial, but to allow them testimony which under the existing law cannot be brought before courts martial. For this purpose and this alone, is the bill brought before you. Is it not proper, laudable and right? Why shall the citizen whose integrity cannot be doubted, be excluded from giving testimony before courts martial? There is no reason why persons accused before a court martial may not have the benefit of testimony, nor why government may not have the same to support the guilt of persons accused. It is certainly clear that courts martial ought to have before them every thing relating to the subject and ample power should be given to obtain it; to effect this object the bill on your table has been produced. Then why this great clamor against the bill. It seems a little strange that gentlemen should take the ground they do, when we consider the manner in which the subject was introduced, and the circumstance which induced the House to consider this bill. A cry was raised in this House against a certain officer; a resolution was passed requesting the President to enquire into his conduct. This was opposed by myself and others. A majority of the House however, resolved that an enquiry should be made into his conduct. The President of the U. States informed the House that an enquiry had already been granted; and it would seem to me, independently of the suggestions of the President, that gentlemen who wished an enquiry would have agreed to examine the law, and see whether it afforded the remedy which they themselves had suggested. Have they done so? No. When the law is examined and found to be defective, and that witnesses cannot be brought forward to support the prosecution, or to exonerate the officer if innocent, they are off; they want no more of it; they will not touch it. I should suppose those very gentlemen would vote for a law to make this enquiry ample and just; that they would supply the defect, more especially if they believe the officer to be guilty. I should think that gentlemen would en masse come forward, and empower the courts to prosecute an enquiry. When this subject was under discussion it was suggested that no doubt the President would do his duty. Consistently with that language, gentlemen ought now to come forward and enable the Executive to do justice. Will they do so? No; they wish the law to stand as it is—that the great mass of our citizens should be excluded except they voluntarily tender their services. Is it possible that under circumstances of this kind, an officer on trial can shew his innocence? Certainly not; it has become necessary to pass this law to effect the object gentlemen had so much at heart at an early period in the session, that a certain high officer might be either condemned or acquitted. I trust considerations of this kind will excite every gentleman who voted for that enquiry to support this bill.

(DEBATE TO BE CONTINUED.)

CAME home with my Cow, a stray CALF—Whoever hath lost the same may have it by proving property and paying charges, on application to

WM. BOWHAY,
at the Navy Yard.

April 11——3t

NEW & INTERESTING POLITICAL PAMPHLET.

This day is Published, by Birch and Small, No. 37, South Second street Philadelphia.

CONSIDERATIONS

On the causes, objects, and consequences of the present war; and on the expediency, or the danger of peace with France.

By WILLIAM ROSCOE, Esq.
Late member of Parliament for Liverpool.

This important Pamphlet passed through four editions in one month, from its first appearance in London. The present publication is from the 4th English edition.

☞ A few copies of the above work are this day received and for sale at *J. March's* Bookstore, George Town; *R. C. Weightman*, Pennsylvania avenue, and *D. Rapine*, Capitol Hill, Washington; and *James Kennedy*, Bookseller Alexandria.

April 11——3t.

FOR SALE OR RENT.

A Valuable CORNER LOT, well improved, in the city of Washington, fronting south on Pennsylvania avenue west on the west Market Square. The improvements thereon are a *three story brick HOUSE*, lately papered & painted in great taste, and finished every other way proportionately, two story Kitchen, built with brick, a covered way between, and a commodious and dry Cellar; also two small FRAME HOUSES, now under a good rent. Any person wishing to rent or purchase will find this a desirable situation for business or retirement, should it not be sold or rented before the 18th inst. then it will be set up at *Public Auction*, at 4 P. M. (if fair, if not the next fair day). For terms of rent or sale, apply on the Premises, to

ALEX. M'DONALD.

April 11——3t

CHARLOTTE HALL,
MARCH 27, 1808.

WHEN the emulation and exertions of youth are sanctioned by the respectability and experience of riper years how serious is the calamity which deprives them of a Friend.

The Washington Society unanimously have resolved to wear crape upon the left arm for the space of one month as a small but sincere token of respect to to the memory of NATHANIEL C. WEEMS, Esq. of Prince Georges county late an honorary member of that Society.

Signed by order,
ROBERT MURPHY,
Secretary.

April 4—3t

TUNIS CRAVEN

HAS removed his entire stock of DRY GOODS from Alexandria to Washington, and is now opening, at his new Store, between the Marine Garrison and Navy Yard Gate, an assortment equal to any in the District;—among which are,

Wood's best London cloths,
Do. double milled & plain cassimeres,
Bennett's cords and velvets,
Constitution Gerrow, hunting, Trafalgar, and silver cords,
Velvets,
Imperial, Brunswick waistcoating,
Silk moleskins do.
Toilinets, swansdown do.
Plain and figured Marseilles do.
Bearskin coatings,
Plains, kerseys, halfthicks,
Rose and duffil blankets, flannels,
Superfine green cloth table covers,
Calicoes, colored cambrics,
Ginghams, silk and cotton chambrays,
Furniture Chintz,
Cambric and jaconet muslins,
India and British book do.
India mullmull figured and plain,
Plain and figured lenoes,
Laced cambrics,
Elegant tamboured mulls,
Grecian robes and Peliese dresses,
8 4 damask and raw silk shawls,
Damask scarfs,
Camel's hair and swansdown do.
Down scarfs,
Long and short lace sleeves, spider & nett sleeves,
Extra long and habit kid gloves,
Do. do. silk do.
Do do. raw silk do.
Cross-barred and plain Mantuas and lutestrings,
Persians and Medes,
Thread and cotton laces,
Lace caps and handkerchiefs,
Book muslin and leno cap patterns,
4-4 7-8 Irish linens,
Long lawns, linen cambrics,
Irish diapers, table-cloths, napkins,
Cotton counterpanes,
Cambric Dimities,
Common do.
Furniture do.
Ladies' and gentlemen's silk, thread, cotton, worsted, lamb's wool & Angola hose,
Gentlemen's pantaloon do.
Silk cords and buttons,
Ribbons, floss threads,
Scarlet and other colored bombazets,
Hearth rugs, Russia sheeting, ticklingburg,
Osnaburgs, baftas, gurrahs, &c. &c.

ALSO,

Imperial and young hyson tea of a superior quality in small boxes, to suit families, or by the pound—Also genuine Havanna segars.

T. C. is determined to sell on the lowest terms.

February 3—tf

NOTICE.

THE Subscriber being anxious to settle all his business, has sold his entire stock of goods to John Peter; he therefore requests all those indebted to him to call and pay their accounts, (*particularly such as are of long standing, as further indulgence cannot be given them*). His Books are removed to the counting house of his brother Romulus Riggs, where all his accounts will be ready for settlement by his assistant Mr. Samuel C. Offut, or

ELISHA RIGGS.

George Town, March 16—tf

LINDSAY'S HOTEL.

The Subscriber has taken that well calculated house on the Capitol Hill. Late occupied by *Mr. Frost* formerly by *Mr. Stelle*—Where he intends to open a Tavern on the 24th October. Those gentlemen who may favor him with their Custom may rely on every attention in the Power of the Public's devoted Servant.

GEO. W. LINDSAY.

N.B.—EIGHT or TEN *BOARDERS* may be conveniently accommodated.

October 19—tf.

PORTRAITS,

PAINTED IN OIL COLORS.

By C. BOYLE, at the Building formerly occupied by Mr. G. Stewart, Pennsylvania avenue.

Washington, March 11—tf

ROSS AND GETTY,

HAVE for sale at their store George Town, the following articles just received from Philadelphia, by the schooner Carolina, capt. HAND, jun. viz.

30 kegs butter,
20 barrels, New Town, Pippin Apples,
10 do. buck wheat flour,
10 do. Cranberries, and
10 do shell bark hickery nuts.

Also a small assignment of very elegant Looking Glasses, Waiters, Trays, polished steel Shovel and Tongs, with cu and brass heads, &c. &c.

January 9—tf

This is to give Notice—

THAT the subscriber of St. Mary's hath obtained from the Orphan's Court of Saint Mary's county in Maryland, Letters Testamentary on the personal estate of Wilfred Neale, late of Saint Mary's county, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same with the vouchers thereof to the subscriber at or before the 25th day of September next, they may otherwise by law be excluded from all benefit of the said estate.

Given under my hand this 20th day of March 1808.

HENRY NEALE, Ex'r.

March 25—6w

FOR SALE.

THE Two story Brick HOUSE, situate on square number 930 in the city o. *Washington* now occupied by Mr. Tunis Craven, as a retail store. The eligibility of this stand for the retail business is excelled by none in this city; being situate on the principal street to the Navy Yard, and very near the Navy Yard Gate. Any person desirous of purchasing the above property may be shewn it by applying to the subscriber, who will also make known the terms of sale

WM. BRENT.

Washington city, Dec. 18—wtf

A GREAT BARGAIN.

JOSEPH WHEATON *Broker and Commission Merchant*, has put into his hands for sale, at his office in F street near the Bank, a valuable property in the city of Washington, consisting of 646,453 square feet of city LOTS advantageously situated on the most prominent and valuable streets, and near the Navy Yard and Bridge, and to be had on the most reasonable terms of payment. This great bargain is recommended to gentlemen desirous of securing an early fortune, in this truly growing and flourishing city; the permanent residence and seat of the government of the United States. Other city property to be had—HOUSES and LOTS—Enquire as above.

All kinds of STOCKS bought and sold.

☞ *Wanted to Purchase a few MILITARY LAND WARRANTS.*

Washington city, Dec. 11—tf

CHARLES H. VARDEN

MERCHANT TAYLOR,

RESPECTFULLY informs the gentlemen of the district of Columbia and public in general, that he has just received by a late arrival from Philadelphia,

A CHOICE ASSORTMENT

Of superfine Cloths, Cassimeres, single and double milled, superfine Coating, black silk Florentines. Likewise an elegant assortment of Spanelets and rich silk Moleskins for waistcoats with a variety of other articles suitable for the season.

Regimentals and Navy Uniforms made in the most elegant and uniform stile of fashion.

Richard Horwell's celebrated patent parallel SUSPENDERS far superior to any hitherto in use can be had on the same terms retail, as at his manufactory.

November 27—tf

THE subscriber has purchased out the stock of GOODS lately belonging to *Mr. Elisha Riggs*, and will be enabled, from the conditions of purchase, to dispose of them in the same house on as liberal if not better terms than they were sold before. He expects by capt. Hand, from Philadelphia this week or the first of next, a handsome Spring Supply, which will make his assortment complete. They were laid in for cash, therefore will accommodate his friends no doubt satisfactorily.

JOHN PETER.

George-Town, March 16—ep4w

THIS IS TO GIVE NOTICE,

That the subscriber of St. Mary's county, hath obtained from the Orphan's Court of St. Mary's county in Maryland Letters Testamentary on the personal estate of of Comund Plowden late of the county aforesaid deceased. All persons having claims against the said deceased are hereby warned to exhibit the same with vouchers thereof to the subscriber, at or before the 25th day of September next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 18th day of March eighteen hundred & eight

HENRY NEALE, Ex'r.

March 25—6

PUBLIC NOTICE.

BY order of the Orphan's Court of Prince George's county, will be sold on Thursday the 21st day of April next, at his late dwelling in Prince George's county, all the personal estate of *John Rustin*, late of said county, deceased, consisting of Horses, Cattle, Hogs, Plantation Utensils and a variety of other articles too numerous to mention. The terms of sale are six months credit, for all sums above ten dollars, the purchaser giving bond with two good securities bearing interest from the day of sale; for all sums to the amount of ten dollars and under, the cash must be paid. The sale to commence at 12 o'clock.

JOHN H. HALL, Adm'r.

March 25—3w

ENGLISH GOODS.

By the JOSEPH ADAMS and ST. JOHN from Liverpool.

APPLETON & CO.

16, Calvert street, Baltimore,

HAVE received their regular supply of Goods, calculated for the present and approaching season:

Cambric and common Calicoes,
Plain and striped Dimities,
Printed Marseilles Vesting,
White Jeans,
Furniture Chintz,
Do. Dimities,
London Superfine Broad Cloths,
Do. do. Cassimeres,
Yorkshire fine cloths and Cassimeres,
Patent Nankeens,
Gurandurells,
Cotton Cassimeres,
6 4 and 4 4 Cambric Muslins,
Japan, Haricord and Check, do.
Plain and figured Mull do.
Leno, Victory, Riddle, &c. do.
Colored do. do. do.
4 4 plain book do.
Ginghams,
Silk do.
Sattins, Persians and Sarsenets,
Bonnet Silks,
Silk Gloves,
Silk Handkerchiefs,
Fancy Shawls,
Cotton Umbrellas,
Do. Braces,
Do. Laces and Footings,
Do. Quiltings,
English Kid Gloves,
Cotton Hosiery,
Handkerchiefs.
Fringes and Red Lace.
Cotton and Linen Checks,
Buttons,
Birmingham Ware &c.

IN STORE,

A few dozen *Gentlemen's best BEAVER HATS* from Marseilles.

These Goods will be sold low for cash or undoubted paper at 60 days.

April 8——10t

FAMILY PHYSICIAN.

A new and greatly improved Family Physician; entitled "The Planter's and Mariner's Companion;"

FOR SALE AT
R. C. WEIGHTMAN's
Book-store, Washington city.
J. MILLIGAN'S George-Town,
And *KID & THOMAS's*, Market street Baltimore.

March 28—3w