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CONGRESS.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, FEBRUARY 4.

DEBATE on fortifying ports and harbors, continued.

MR. ELLIOT said he should not have risen again, had not his remarks been misunderstood. He had not said that he expected war during the recess. He had only intimated the expectation that the moment of danger would occur in the recess. He was willing to go further, and to say, that he believed the moment of danger had already arrived. He believed the greatest danger of war now existed, and that it could not be avoided without national degradation. He said he had spoken of no secret documents, nor of a secret cabinet, if any such existed; but he he alluded to publications in the newspapers, from which we knew that we were under the necessity of making a treaty with Spain under the dictation of France, or of going to war with both those nations. Was it not then a time of the greatest danger? He had however but little expectation, though the national honor required war, that we should be engaged in war. On the contrary, he believed that the old maxim of millions for defence, but not a cent for tribute, was about to be reversed.

MR. FISK. With the gentleman just sat down, I apprehend there is some danger when gentlemen are so alarmed and bewildered in their imaginations as entirely to lose sight of the question of postponement before the House, and to go into the general principles and policy of fortifications, and when a mere question of policy is found to draw forth such a discussion. I did not expect on such an occasion that any gentleman would have so lost himself in the mazes of fancy as to make himself believe that he saw things which did not exist, and predict events which no rational man believes will ever take place. My colleague has said that we must suffer national disgrace, or have a war with Spain and France—that we dare not deny this and give the people the information we possess. I wish to know what information we have to give? I wish gentlemen to point it out? Has any thing transpired like that alluded to by my colleague to warrant his assertion? Nothing of the kind has—there is no probability of war—appearances now are not so unfavourable as they were one year ago. To maintain peace with other nations it is necessary that we treat them with decent respect, and have some kind of confidence in them, there ought on our part to be manifested a disposition to keep peace. Is this the way to shew such a confidence? To declare we are on the eve of a war while we are in the midst of a negotiation, which promises a happy issue? I see no benefit in such observations—I discard them. Gentlemen seem to think fortifications of such importance, that if erected they would protect the country from war, their ships from plunder, their seamen from insult and impressment. If fortifications could answer the good purposes stated, it would be proper to make them. But has experience decided in their favour? Look at the old world; let us profit by their examples. The nations of Europe have gone into extensive plans of fortifications and armaments. Have not war and devastation spread themselves from one end to the other of that continent? Have fortifications protected them? Have they not, on the contrary, been among the causes of the devastation and misery in that country? There is more reason for them in the old world than here. There every nation is surrounded by enemies and jealous of its neighbours, while here we are divided from the old world and powerful rivals by an immense ocean. When we were weak and struggled through imminent dangers, to gain our independence, we then relied on the yeomanry of our country. In 1793 Great Britain insulted our flag and thretened us with the hostilities of the Indians. Did we then avert the calamity by fortifying or building navies? No, other measures were resorted to, and proved successful; since which it has so happened that we have experienced the blessings of peace and happiness beyond any nation on earth. I will ask whether we are in more danger now than in 1793? If not, where is the necessity of those expensive measures?

In 1798 France threatened us with war. We did not then carry on fortifications to any great extent. We have been progressing ever since in strength and numbers, and yet we are now called on to fortify when we are not threatened by any nation.

I presume the great body of the yeomanry, whenever their rights are invaded, or danger offers, will be ready to meet and repel it. Formerly we depended upon them, and we were not disappointed. I believe if danger were now to present itself, we should not be disappointed.

Gentlemen say we ought to inspire our people with confidence. Is this the way by exciting a clamor of imaginary danger? And telling them they can only rely on fortifications.

Mr. F. said he would have no objection to ordering two or three of the public vessels to New-York, where in case of danger they might be manned by their own seamen. But he did not see at present the necessity of the measures asked, or the existence of the danger pointed out. He was in favor of the postponement.

MR. VAN CORTLANDT said this subject was highly important, as it respected the safety of the country. He did not wish the measures of defence intirely confined to fortifications. They had a number of vessels of war, which he thought might be advantageously used, as circumstance might require. Let then the sum that is proposed be appropriated, and let the President use it as he pleases, either in gun boats or fortifications. He was against the postponement, that the sense of the House might be tried on the motion, he had the honor of submitting.

MR. THOMAS said if the motion to postpone was persisted in, he should be under the necessity of asking the Yeas and Nays, as it went to involve the main proposition. He could not, he said, tax the gentleman from Maryland (Mr. Lloyd) with a design to defeat this measure in an unfair way, as he had declared himself against it in any shape in which it could be presented to the House. Gentlemen however would recollect that this measure had been recommended by the President at the opening of the session—that it had been referred to a select committee, who had not reported until some time in January—that it lay on the table in consequence of the indisposition of the chairman of this committee—and that after more than two-thirds of the session was past it was at last taken up for consideration. Under these circumstances, though the measure is yet in a perfectly immature state, and when there are but four weeks of the session remaining, a motion is made to postpone it for half the remaining time. Could gentlemen look at these circumstances and not see that the motion was evidently intended to defeat the whole measure?

MR. LLOYD said he would most cheerfully join the gentleman from New York in calling for the Yeas and Nays. It was never his wish to vote in conclave; and if every man in America were present, he should speak and vote as he then did. It was an unpleasant thing for him to be again under the necessity of assigning his reasons for this motion. His colleague had reported the resolutions under consideration, and had voted for every part of them. If, therefore, gentlemen would consent to wait until he should return, they would have one more vote for them. It was obvious that this would be the strangest reason on earth, for making his motion, if his object were to defeat the resolutions. His primary motive for the motion had been, to give his colleague an opportunity of vindicating the arguments he had urged on this subject. Mr. L. said the arguments of gentlemen in opposition had furnished him with additional motives to postpone the subject. They tell us that war is impending. For his own part he saw no reason for this opinion; but a short delay might throw some light on this point, and might, if such an opinion appeared to be well founded, induce those at present opposed to the resolutions to vote for them. If the existence of danger could be satisfactorily shewn to him, he would go as far as any man in defending the country. But without such proof, he would never consent to be lavish of thousands.

Mr. Lloyd said he did not pretend to possess any military knowledge. He was willing to allow col. Williams all the merit claimed for him. So far as respected the principle of a fortifications, his opinions were no doubt correct. But allowing his premises, was he to infer that the U. S. were competent to fortify a coast of a thousand miles in extent? If it were intended to fortify the whole coast, he would ask where were the funds? Because we will not defend the whole coast, are we to be told that the people are not protected? Because we do not accomplish that which is impossible, are we to be charged with a disregard to the interests of the nation? When every man knows it is impossible to defend the sea coast, without a vast standing army and an enormous expence, which the nation is not now able to bear. So far from the omission to do this alienating the affections of the people from the government, he thought that the measures urged by gentlemen would be the most effectual means of alienating them.

MR. MASTERS—The representatives from New York have not contended for partial appropriations, as many gentlemen seem to suppose. They contend for a much larger sum to be appropriated, than is now filled in the blank of the resolution, to enable the President to begin and complete permanent works for fortifications at the most important and defenceless places. The last session of Congress a large number of petitions was presented to this House relative to fortifying the port & harbor of N. York; the legislature of that state instructed their Senators & requested their representatives to use their best endeavors to procure Congress to fortify & defend the port and harbor of that city; which must be admitted is in a defenceless situation, and can be approached by water from two different points, and laid under contribution by a single frigate. The decision of this House was then against us. The applications from the city of New York have been renewed; almost innumerable petitions are before you, and what are we told? Rather than fortify, gentlemen would sooner see our citizens flee to the mountains for protection. Yes, like the Arabs, behold the picture, 70,000 men, women and children in one city fleeing in confusion from their homes! Never, never, let it again be said that Americans must flee before an enemy for the want of the protection of your government. If they must flee, let it be at the point of the bayonet with force opposed to force.

It is painful to me to see the disposition of this House so hostile to every thing that looks like a systematic policy of permanent national defence. The additional sum of 20,000 dollars, to the unexpended balance of the last year, is so contemptible a sum, that it has the appearance of ridicule on your petitioners.

Was there ever a civilized nation under heaven, in the same circumstances, who so completely neglected to fortify their principal places and most vulnerable points? We are constantly insulted and constantly in treaty with other nations, year after year in order to settle differences and preserve peace. Yet we pursue no efficient measures for fortification and defence. The most part of our sea port towns from Georgia to Maine are liable to be laid in ashes, by the most insignificant force. If you expect to enjoy your independence and liberty, you must protect that independence and liberty; if you enjoy unalienable rights, you must protect and defend those rights; or the enemies of your republican institutions will ridicule your government, and laugh at your weakness; which, indeed they have already done. I hope that neither the decision of this House, nor the Gods will invite traitors, conspirators, pirates and picaroons, to glory and fortune, at the expence of the interest dignity, and honor of this nation.

The report of the Secretary at War would seem to carry the idea, as though great things were doing for New York; but this is to be tested by the expenditure and appropriation.

Some gentlemen say that the Secretary at War is the proper organ and source of information on this subject, and he does not want any further appropriation for fortifications. If this is his opinion, or that 20,000 dollars can be useful or answer any valuable purpose, or that the nation ought not to be fortified; then I say it is time, high time, that the good old patriot retire from the war department. I say it, and as an independent representative, have a right to say it—for such is my opinion. I am for a regular system of national defence, the Secretary at War to the contrary notwithstanding.

MR. VAN RENSSELAER. I am againgst the motion for postponement. Although I have no reason to believe that any observations I can offer will alter a vote given in the committee of the whole, I consider it a duty incumbent on me to deliver my sentiments on the general question now before you. The sum of 20,000 dollars has been voted for fortifying the ports and harbors of the U. S.—250,000 dollars for building gun boats. The peculiar situation of New-York requires a speedy decision, not that I calculate on the present appropriation as an object by which it will in the least be benefitted—but I think it of the first importance that the citizens should know the fate of their application to Congress for an appropriation adequate to fortifying the port "against *national hostility and predatory incursions*," a port that renders to your treasury above one fourth of the whole revenue of the U. S. The friends of this measure are peculiarly unfortunate, whenever this question is discussed on the floor of Congress from the manner in which it is treated. For they are told, that it is the height of folly to fortify, inasmuch as the sum requisite will be enormous, and after all an army can land, and subdue the fortresses. If we ask for fortifications that will inspire confidence and render our city secure against the attack of a picaroon, we are told by the opposers of fortifications, there is a profound peace, and no danger to be apprehended. If I understand any thing respecting our public relations, this proposition is fallacious and dangerous. For so threatening is the aspect of our affairs that the whole nation is alive with anxiety about the result. But let us admit for a moment that we have no cause of apprehension from abroad. Are there no other considerations that merit attention, and call for a generous appropriation towards securing the city of New-York against an attack on the property of its citizens and its banks? Have we not within less than twelve months seen an extraordinary armament fitted out in our ports to invade some of the Spanish provinces in South America? I mean, sir, the Miranda armament—and have we not been told from the highest authority recently, that an enterprize has been formed, and movements made either to sever the union, or invade Mexico from your own territory, and by your own citizens? An enterprise and movements that have excited and continue to excite such great sensibility within these walls, as well as through the union, which if any person had predicted 18 months ago, he would have been called a mad man. And will gentlemen persist in saying that it is folly for us to guard N. York against possible and probable events? What is the object of Miranda and Burr's expeditions but money? What gives life to their armaments but the dollars of Mexico and the wealth of Peru? Can any man suppose that Burr or Miranda could find followers in an expedition to the inhospitable regions of Cape Horn? Would it surprise you more, Mr. Speaker, to hear that a set of renegado Americans, or blacks from the island of Hayti, had laid N. York under contribution with an armament (in its present defenceless state) than that Miranda should attempt to conquer South America with one armed ship—and Burr sever the union or invade Mexico by your own citizens? Notwithstanding the armament has failed, and the expedition is crushed, yet, sir, I undertake to say, that our fears are not groundless as to the possibility of plundering the city of New-York, should an armed force have the audacity to attempt it. Amongst other arguments offered against fortifying New-York we are told by an honorable gentleman from North Carolina (Mr. Holland) "that the severity of warfare has been much meliorated, and that cities are not burnt by shipping or laid under contribution." To this I reply that every sea port town in Europe is well fortified, not with a view alone to resist the fleet of an enemy, but to prevent a corsair or picaroon from annoying or molesting them. We hear frequently something said on this floor about a survey of the port of New-York and the estimates of the cost of the contemplated works. I know that a survey of the port and harbor of New York has been made the last summer, and that it is to be found in the war office. Why it has not been laid before Congress, is not for me at present to explain, but it is sufficient to say that we have no official information about the soundings of the channel from the sea to the city, or about the elevated ground and islands that may be the most suitable sites for fortifications, and the money necessary to erect them. I contend, sir, that new works ought to be erected, and that the fortifications on Governor's island are inadequate to defence. Fort Jay on that island is a square fort composed of a sodded rampart and wooden parapet. Of the front next to N. York not one gun through any of its embrazures could hit a ship on East river, and the whole courtine could fire no where without endangering the city—for this fort no doubt, originally was intended by the British to awe the city. The rampart is merely a bank of sand, and the wooden parapet is a mass of rotten timber. The last summer a skilful engineer has inclosed the whole—and to take off the destructive fire of the courtine towards the city a raveline has been executed which now gives two directions, one towards the East river, and the other ranging the front of the city battery towards the entrance of the North river. Will, it be said, Sir, that a work like this is adequate for defence? But here we are told by an honorable gentleman from South Carolina, that the sum of 20,000 dollars is an ample sum to fortify the ports and harbors in the U. S. for the year 1807, inasmuch as 102,000 dollars remain unexpended of 150,000 dollars appropriated last year, added to 70,000 dollars in the general appropriation bill. Here I trust the gentleman will permit me to correct him. The 70,000 dollars have already been expended for the army, and as to the 102,000 dollars said to be in the treasury, we find in a letter dated 12th December last, from the Secretary of war to the chairman of the committee appointed "on so much of the President's message as relates to the repairs of fortifications, and to the farther protection of our ports, towns and rivers"—that the fort intended to have been erected at Charleston in South Carolina had not been commenced, owing to a disappointment in fixing the proper site, and that at New Orleans the same disappointment had occasioned the same delay in the erection of works there—and can it be said that these new fortifications will leave one cent unexpended out of the 102,000 dollars. No, sir, the sum will be found inadequate. And suppose the whole is not laid out *there*, does it follow that the overplus will be laid out at New York? The appropriation was general for all the ports and harbors. If the sum of 20,000 dollars voted in committee of the whole for the current year, were laid out on fort Jay, it would only enable your engineer to do as he has done—*patch up*.

If you do not mean to render the place inaccessible by a large naval force, three to four hundred thousand dollars is the least sum requisite; provided you mean to erect one or two additional works on the islands near the channel as you approach the city, to guard the place "against predatory incursion." Last year the executive of the state of New York, addressed the President of the United States on this subject; the legislature of the state instructed their members on this floor; the corporation of the city of N. York and its citizens without distinction of party, petitioned Congress to fortify their port and harbor. What did you do? Little or nothing. This session, the corporation, with the citizens, have renewed their application. Is it to be presumed, sir, that the mayor, aldermen, and common coucil of a city like New York, who are generally composed of men of talents, and respectability of character in society, would ask for a grant of money to fortify, unless it was necessary and practicable? Need we confine ourselves to the state of New York for an opinion on that subject? No, sir, I find that the President in his message at the commencement of the session says, "that a further appropriation will be necessary for repairing fortifications already established, and the erection of such other works as may have real effect in obstructing the approach of an enemy to our sea port towns, or their remaining before them."

I entreat gentlemen to notice this part of the message, which I hope will have some weight, if the memorials have none.

But, sir, I almost despond in the apprehension that this session will close as the former did—*Nothing done for New York.*

We hear gentlemen from the south say we cannot consent to lavish the treasure of the union in fortifying your port and harbor—others say that it will do no good. This, sir, is language that we understand, and language which leaves us no room to hope that any thing effectual will be done. But let me tell gentlemen, this conduct will have a more serious effect than they are aware of. The states to the south have for a series of years past had every grant of money that was called for—even six thousand dollars have been appropriated for a horse path, which is more than New-York can expect *out* of the 20,000 dollars you mean to appropriate for the current year for fortifications.

Can gentlemen be serious when they say this is correct? The citizens of New-York say they cannot, in submissive silence, suppress the feelings which arise out of their condition. If they could, they would be more or less than men. Strong in the consciousness of right, and in the sentiment of freedom; conscious that they have performed towards the union all the duties of faithful citizens, they claim in return, the performance of that great duty of government—*protection*—deny them this, and they will have great reason to believe, that nothing but war or insurrection will make you go.

When New-York entered into the compact with the union, her abundant revenue afforded her ample means of defence—she had not occasion then to ask any of her sister states for assistance—but for promoting the general welfare, and relying implicitly on the protection of the union she yielded her means of defence—confident that it would be afforded to her.

In this I am sorry to say she has been disappointed. The supreme executive and legislative councils, with all classes of citizens, have implored your protection—have warned you of your engagements and demanded their fulfilment. To all this you have turned a deaf ear—you have not only refused their prayer, but have sported with their anxieties and ridiculed their apprehensions.

The question was then taken on postponing the resolution to Monday week and disagreed to—Yeas 40—Nays 76.

State of Maryland, Montgomery county to wit, November term 1806, among other things is the following to, wit:

ORDERED by the court that all ſuits tranſmitted from the General Court to this court, under the act of aſſembly entitled "An act to provide for the organization and regulation of the courts of common law in this ſtate, and for the adminiſtration of juſtice," and continued under the rule to employ new counſel, ſhall not continue longer than to the end of the next court, under the ſaid rule, and the ſuiters intereſted therein are hereby required to appear to the ſame in perſon or by counſel on or before the ſecond day of next term, or the ſame will be tried, or diſcontinued as the caſe may be during the ſaid term.

Copy teſt,

UPTON BEALL, Ck Montgomery county court.

January 5—1iosw4m