and the still more barbarous murder of his fellow citizens in the *Chesapeake*, (since the passage of that law, and its suspension) you are called upon to retrace your steps, to decline all resistance—to shrink from the contest—and virtually say to Great Britain—we feel your chastisement—and we regret that we have taken any step which may irritate your people or government. The people of America, said Mr. C. would frown with indignant contempt on a conduct of this kind—and even the people of Great Britain, if they possessed the spirit of freemen, would feel a contempt for a conduct so pusillanimous, so inconsistent with the dignity of a nation.—They could not do otherwise (however they might seem to approve the measure) than despise the meanness of a people, who would make a shew of resistance in defence of their injured rights, and after repeated insults, relinquish the contest, without reparation, and tamely submit to the most aggravated aggressions. If we were to deliberate on pursuing such a conduct—if we expressed a doubt on the propriety of rejecting with indignation such a proposition, we would justly merit and receive the universal execration of the people of America. Mr. C. concluded by declaring his determination to vote against the reference of the petition to any committee—and expressing his hope that such reference would not be agreed to by the House.

Mr. Eppes said, that in voting against the reference of this petition, he should not consider himself as casting a censure on the presenting it, or as violating the right of petitioning which every man possessed. One reason only would influence him in his vote. He did not consider Congress possessed of that information which would enable them to act on any subject relative to our relations with Great Britain. He thought the House should not depart from a rule which they had laid down, though they had been four weeks in session, and every gentleman felt a sense of the injury received, they were determined not to take any step till they had full information on which to ground their determination. And now because a body of merchants came forward and petitioned for it, should they depart from that rule? It had been said that not referring it would be a disrespect to those who offered it; and the gentleman from S. C. had said it would be a violation of the constitution. With respect to the petitioners, a petition introduced by them would meet with the same respect from him as if it had been introduced by the most conspicuous member in the House: if a motion had been made by a member to enquire into the propriety of repealing this law, he would in the same manner have voted against referring it. As to the constitutional right of petitioning, when a petition was received and read, the constitution was fulfilled. Whether it should be referred or how otherwise disposed of, remained for members to determine, for which decision they were answerable to their consciences. This objection was fully answered by the precedent in the case of the Yazoo claim, the memorial on which was rejected without a reference. Under these views he should vote against the reference, and in doing so, did not wish to wound the feelings of any member, or consider himself as violating the constitution.

Mr. J. Clay conceived that the constitution, in securing to ever citizen of the U. S. the right of petitioning, meant that the nature of his petition should be enquired into; but he was neither advocating the petition, nor vindicating the intentions of every man whose name was subscribed to the petition; he only wished that a proper respect might be paid to it. There was no necessity for entering into Executive secrets, or to go into the office of the Secretary of State; he merely wished an enquiry into the petition.

Mr. Cook was sorry that so much time had been spent to so little purpose; he conceived the committee of Commerce and Manufactures had no further information on our political relations than any other part of the House.

Mr. Rhea (T.) said he should always consider sacred the constitutional right of petitioning the legislature on any point; but it was in the power of the legislature to say whether they would give that petition a hearing or not after they had received it.

Mr. Lyon said it was immaterial as to the respectability of the petitioners. He understood what the nature of the petition was, and thought it right that they might make an enquiry: he wished them to have a direct answer, and as quick as possible, by a refusal to refer their petition.

The question was agreed to be taken by yeas and nays.

(Debate to be continued.)

Contested election

(Mr. Rowan's remarks, concluded from the last page.)

to the elected. It might have been unfortunate if they had; the different interests of the different states would have assigned different qualifications. In such circumstances could any unanimity have been expected? No. It had therefore forcibly obtruded itself upon the people, that they should affix permanent qualifications; which were only that a member should have arrived to the age of 25 years, have been 7 years a citizen of the U. States, and should be an inhabitant of the state for which he was chosen. No power had been given to the state sovereignties to superadd qualifications. If they had left this power with the states, this government would not have been an union, but a distraction.

But if the legislature may annex additional qualifications to the members of the House of Representatives, so they may also to the Senate. The members of the Senate were considered as particularly the Representatives of the states, the members of this House as Representatives of the people of the union; distinct interests. And if the House decided that the state of Maryland did possess power to annex qualifications, they decided against the liberties of the people; for the members who composed the U. S. convention were from the people; they performed the functions of representatives of the people and of representatives of the state sovereignties: to the state sovereignties they granted additional rights, & others they reserved; among which last was the power of choosing the representatives of the people, subject only to the qualifications of residence, &c. The state of Maryland had varied the qualifications thus fixed, and confined the residence of the member from that state to Baltimore, a particular part of his district.

Mr. R. said, he was the more anxious on this question, because it appeared that other encroachments had been made on the constitution. A gentleman from North Carolina had said, that in his state the residence was confined to the respective districts from which they were elected. It was therefore high time the people should rectify these errors; or, he agreed with the gentleman from Virginia, though from different causes, the constitution would become a dead letter. He thought it therefore important to determine whether states were in relation to the union, what counties were in relation to states. He believed that as to the purpose of electing members to the lower House of Congress, the states were to the union what counties were to a state, and that districts in a state were to that state what election precincts were to a county. All for the convenience of the electors, and not in abridgement of their rights. We would be shocked at a law requiring a county representative to reside in a particular one of its several precincts. Not less improper is it to require that the representative in Congress from a state should reside in a particular part of any one district of that state. The people cannot be confined in their choice of a representative within narrower limits than those of the state.

Mr. R. said, the House ought to go on constitutional grounds; and he held it and was willing to express it as his opinion on the question, that persons voting for a member to Congress had a right to vote for a candidate residing out of their district as well as in it; and that if a man out of a district had a majority of votes given in that district, he was duly elected a member of that House. Suppose the legislature of Maryland, instead of determining that one representative should be chosen from the city of Baltimore, had declared that all the representatives of the state should be chosen from Baltimore. If she had power to confine one to a particular district, why not all? If they permitted the legislature to contract the choice within a district why not to a particular part of it? He was therefore impressed that in advocating the doctrine he had laid down, he was advocating the rights of the people: for it appeared that the rights of the electors and the elected, were invaded at the same time; on one side they had encroached on the liberties of the people to be chosen, and on the other side contracted their latitude of choice.

Mr. R. said, that he believed it was one of the most prominent attributes of sovereignty to extend its power; that each sovereignty was politically though not physically of equal power; that sovereignty whether applied to states or to the union, had an equal bias to self-extension. While they guarded against encroachment on state sovereignties, they must not let them encroach on the sovereignty of the union. The rights of each consisted in a true observance on the part of each, of the rights of the others. The state of Maryland had encroached on the rights of the people of the union; for it was a particular right of the sovereignty of the union, to fix qualifications for representatives to Congress, as they are fixed in the constitution, which right the legislature of Maryland had contravened.

He was struck yesterday by the force of an argument of the gentleman from Pennsylvania, who had cited the naturalization law in illustration of the present case. Would it be permitted to any state to enact laws regulating this matter after Congress had legislated upon the subject? He presumed not; for if one state might, so might another, and they would not concur; hence a want of uniformity would result. Now, it seemed to Mr. R. that if a state could not legislate in the latter case they could not in the former; they were subjects on which uniformity was at least equally important. On an uniformity of qualification for members of that House depended every thing dear to the nation; it was a point on which the people of the union ought to be most jealous, & the last on which they should be assailed. He should vote for the resolution of the committee of elections, but he wished the subject to be so divided that separate questions might be taken on each point. He was unwilling that there should be any thing connected with the constitutional point, that not a doubt might remain on its decision. The evils which had been represented yesterday as likely to result from this decision, by the gentleman from Virginia, whose talents and motives he had been always in the habit of revering, Mr. R thought bore no proportion to evils which might result from a contrary decision. He had said that transient persons might be elected members of that House; the confidence in this particular was reposed with the people; they were to take care that a man who did not possess constitutional qualifications should not be sent there; and if it were discovered by the House that one of its members was not constitutionally qualified, his seat would be vacated.

Mr. R. observed, that the doctrine laid down by some gentlemen, that the electors and elected should possess similar qualifications, did not seem to him to be the sense of the constitution; for it had annexed different qualifications. Perhaps it would be good policy in the states not to annex qualifications even to an elector which did not attach to the elected. It seemed that the state of Virginia had enacted that no person should be entitled to vote who was not a freeholder; and it was argued that therefore no person could be elected who did not possess that qualification; which was contrary to the sense of the constitution.

Mr. R. said, he would therefore conclude with expressing an opinion in favor of the resolution of the committee of elections; and that he was convinced of the right of the House to determine on the constitutionality of any state law, when it came legitimately before them, as in the present case. Whilst he relied on the state sovereignties, he also revered the national sovereignty, as one without which the state sovereignties could not be preserved; and by which, if the state sovereignties were assailed, they could alone be rescued.

(DEBATE TO BE CONTINUED.)

Monday, November 30.

Mr. Findley moved that the petition of Arthur St. Clair presented at former session, be referred to the committee on Claims barred, &c. Agreed.

Mr. Porter presented the petition of sundry coppersmiths, and braziers of the city of Philadelphia, which was referred to the committee of Commerce and Manufactures.

Mr. Mumford moved that the petition of the inspectors of the city of Philadelphia, presented at a former session, be referred to the committee of the whole to whom several reports on like petitions had been referred—Agreed.

Mr. Findley presented the petition of the Associate Reformed Church in the city of Washington, praying for an act of incorporation; which was referred to a committee composed of three.

Mr. Cook said that the House had been long in session, and had yet done nothing towards the purpose for which they were called together. For the purpose of coming to the consideration of the subject, and for obtaining the proper information he offered the following resolutions:

1st. *Resolved*, That the Secretary of the Navy be directed to lay before this House a statement of the frigates, and other armed vessels composing the navy of the United States, distinguishing those in actual service from those in ordinary, and noting such as want repairs, with an estimate of the sums necessary to prepare them for immediate service, and the probable time necessary to make such repairs.

2d. *Resolved*, That the Secretary of the Navy be directed to lay before this House, a statement of the number of officers and men respectively belonging to the navy of the United States and the corps of marines.

3d. *Resolved*, That the Secretary of the Navy be directed to lay before this House, an estimate of the number of officers and men which would be necessary to complete the manning the whole and entire navy of the United States including the gun-boats with an estimate of the expenditures respectively necessary for maintaining them, in actual service during one year.

4th. *Resolved*, That the Secretary of the Navy be directed to lay before this House a statement of the quantity, quality, and present state of the timber and other materials belonging to the United States now on hand suitable for building ships of war, describing the force and size for which such timber and other materials are suitable.

Mr. Blount objected to the passage of the first resolution as entirely unnecessary, as he had in his hand a letter from the Secretary of the Navy, giving part of the information asked for by that resolution, and as the committee of aggressions had actually requested of the Secretary of the Navy information which would embrace all that was contemplated by it.

Some conversation ensued on the particular information wished, and the propriety of calling for it, between Messrs. Cook, Blount, Smilie, Milnor, Mumford, Dana, Tallmadge and Gardner; during which a motion was made by Mr. *Smilie* to postpone the consideration of the resolutions till this day week, on which Mr. *Mumford* offered the following remarks:

He said, that more than a month had expired since they were assembled here on an extraordinary occasion, and the nation had been constantly looking up to them in full expectation that they were occupied in measures of defence. It was true that a select committee had made a report authorizing the Secretary at War to sell a few muskets and establish a cannon foundery in this place; it was also true that the committee of aggressions had made a report. He did not mean to arraign the measures of their Committees; it was far from his intention; he had the fullest confidence in them, he made no doubt they had discharged their duty with fidelity. But they had also duties to perform to themselves and to their country, and he did hope they would immediately proceed on measures of defence. Would they put it in the power of a foreign minister to write to his court that they might pursue their own measures, that they had nothing to apprehend from the American Congress, as they were occupied in their domestic concerns? Although they had no official information of late date before them relating to their affairs with Great Britain, he yet presumed every member of the House was convinced of the hostile disposition of that government. Look to Nova Scotia (said Mr. M.) you there find her militia in a state of requisition, fortifying the port and harbor of Halifax, numerous reinforcements daily arriving there, and at Quebec, under the command of a vigilant enterprizing officer; the whole of their naval force on the lakes prepared for war; numerous tribes of savages assembled at their instigation in the neighborhood of Detroit, a secret expedition from Europe consisting of 20,000 men ostensibly given out for South America to re-conquer Buenos Ayres, when in fact they might attack some vulnerable part of our country; 14 sail of the line and 18 frigates they had heard were bound to the West Indies, when in reality they might together with what force they had at Halifax, blockade the whole of our ports and harbors in order to overawe our government, and enforce the demands very likely to be made by their Minister extraordinary daily expected to arrive in this country. When they were thus threatened, there could be but one sentiment and he hoped they would not delay a moment in taking such efficient measures as would at least defend the country.

The ideas suggested by other gentlemen, being nearly correspondent with those already given, are omitted for want of room, and to allow the admission of a greater part of the debate on fortifications.

Mr. Cook, consented to withdraw the first resolution till the information asked for by the committee of aggressions was received, which might altogether supersede it, or induce him to modify it so as to obtain his object.

The three last resolutions were then agreed to without a division.

On motion of *Mr. Blount*, the House went into a committee of the whole Mr. Bassett in the chair, on the second report of the committee of aggressions, which recommends the following resolutions:

Resolved, That it is expedient to authorise the President of the U. S. to cause such fortifications to be erected as, in addition to those heretofore built, will, with the assistance of gun-boats, afford effectual protection to our ports & harbors, & preserve therein the respect due to the constituted authorities of the nation, and that their be, and hereby is, appropriated for that purpose, out of any monies in the treasury not otherwise appropriated, the sum of dollars.

Resolved, That it is expedient to authorise the President of the U. S. to cause to be built an additional number of gun-boats not exceeding and to arm, equip, man, fit, and employ the same for the protection of our ports and harbors; and that there be, and hereby is appropriated for that purpose out of any monies in the treasury, not otherwise appropriated, the sum of

The report being read, and the first resolution under consideration.

Mr. Blount said he would state, in as few words as he could, the views of the committee in presenting to their consideration the resolution now before them. It would be seen that the committee were of opinion that the fortifications contemplated were equally necessary in time of peace & in time of war. For the circumstance of our being at peace hitherto had not restrained the rapacity and insolence of British naval commanders, & similar conduct would be continued, unless there were created in our harbors a force sufficient to repel it. The contemplated sum to complete the fortifications already established and to erect others, was, in addition to what remained unexpended of former appropriations for that purpose, about 750,000 dollars, in case a war took place; in case of peace, or our former state not properly of peace or war, 300,000 dollars would be sufficient, that being as large a sum as could conveniently be expended in the course of the year. It was not necessary that the blank in the resolution should be filled at present, and it would accord better with his wishes, if it were left till a bill should be brought in conformably to the resolution.

The second resolution proposed an appropriation for building a certain number of gun boats. The reason of preference by the committee of this mode of defence, was, that it was the only defence that could be provided in a short time. However gentlemen might differ in opinion with respect to a naval force, all would agree that at this time they had not means or time to provide any other defence than that proposed by the committee. It was proposed to erect 188 additional gun boats which with the number already built, would amount to 267, the number proposed as sufficient for the purpose of defence. The secretary of war, who was not called upon in form to give information to the committee, was requested to call on the committee, and converse with them on the subject, and the substance of his answers was contained in a paper which Mr. B. held in his hand, but which the committee did not propose should be submitted to the House at present as it might contain matter not proper for disclosure. He would put it into the hands of the clerk who might read such parts of it as would shew what were the views of the secretary of war on the subject—such as gave entire satisfaction to the committee, and such as they hoped would be satisfactory to the House. With these observations, and one other, that these fortifications were not contemplated to be of a fixed or expensive kind, but principally heavy artillery mounted on travelling carriages, that might be moved from place to place, he would submit the subject to the consideration of the committee.

Mr. Dana enquired if there was any statement of the balance remaining unexpended of former appropriations.

Mr. Blount said there was not a distinct statement, nor was it in the power of the secretary to give it, but it was upwards of 100,000 dollars, which in addition to 750,000 dollars, would make about 874,000 dollars.

Mr. Quincy wished to know of the chairman of the committee, whether this money was to be appropriated exclusively to erect new fortifications, or to repair old ones, or for both.

Mr. Blount said the sum of 750,000 dollars was considered sufficient to complete such fortifications as have been erected on proper scites, and to erect such others as might be necessary in aid of gun boats. The secretary of the navy could not state the particular sum that each place would require. Past experience had shewn that such express appropria