For in that momentous hour, when the fate of our nation was suspended on the wings of fortune, if one of our states had withdrawn her assistance from the union, I believe we should not now be within these walls as legislators, but under the scourge of a monarch—and in order to unite us more permanently under our present form of government, I think it would not only be policy but justice to abolish these debts, which are said to be due, as it is impossible to know, whether they were settled on principles of equity and justice between the several states—and as it was a joint cause, and one which will always do honor to America as long as time shall last, I hope that the House will reject the report of the committee, and be of the opinion that the balances, which are reported to be due from the several states ought to be extinguished.

Mr. KENNEDY. Mr. Speaker—The state which I in part represent, being one of those that are denominated debtor states, and being strongly impressed with a belief, that the means by which she has become so, are improper, I conceive it my indispensible duty to submit to the House my reasons for forming such opinion.

In endeavouring to perform this task, the first point that I shall attempt to establish, is, that the act of congress which fixed the ratio according to numbers, & under which the accounts were settled that produced these balances, was unconstitutional, and in order to prove this position, it may not be improper to give, for the the information of these gentlemen who have not made themselves particularly accquainted with the subject, a concise statement of the proceedings of the old congress, relative to the matter now under consideration—Permit me, sir, in the first place to premise, that when the King of Great Britain thought proper to commence a cruel & distressing war against the American colonies, for the purpose of reducing them into a state of passive obedience; it became their interest to unite for their security, and accordingly they associated and leagued together under certain terms and conditions, the whole of which are contained in what is known by the articles of confederation, the 8th of which declares, that all charges of war and all other expenses that shall be incurred for the common defence, or general welfare, shall be defrayed out of a common treasury; which shall be supplied by the several states in proportion to the value of all land within each state, granted to, or surveyed for any person, as such land, and the buildings and improvements thereon shall be estimated according to such mode as the United States in congress assembled, shall from time to time direct, and appoint—and the 13th article thereof prohibits any alteration in any of them, unless agreed to in congress, and which shall be afterwards confirmed by the legislature of every state.—

From which it may be perceived that the manner of settling, adjusting, and finally determining the proportions to be borne by the several states of the expences of the war, was as completely fixed and established as the same by language could be done.

In the year 1782, in order to bring the accounts relative to those expenses to a final settlement, Congress appointed commissioners for that purpose, and at the same time recommended to the several states, to authorise congress in the final settlement of the proportions to be borne by each state of the expenses before mentioned, to adopt such principles as from the particular circumstances of the several states at different periods, might appear just and equitable, without being confined to the rule laid down in the 8th article of confederation—this recommended alteration did not meet with the approbation of all the states—of course it failed, and the article intended to be amended, or affected, thereby remained untouched and unrevoked.

In the year following, they formally agreed to revoke that article, and in the place thereof declared that the charges and expenses of the war should be apportioned among the states according to numbers, which was submitted to the legislatures of the several states, for their ratification—but, in this, as in the first attempt they were also unsuccessful, some of the states deeming it contrary to their interest to adopt the same.

In the year 1787, the subject was again resumed by congress; by passing an ordinance establishing a new board of commissioners with powers, to make a final adjustment of all the accounts agreeable to such quota as congress should thereafter determine—If, sir, congress meant by this ordinance to fix the ratio of expense, agreeable to the 8th article, and to impower the commissioners to make a final adjustment of all the accounts subsisting between the United States, and the several members thereof upon that principle, it was in my opinion correct—but if they intended thereby to declare their power of establishing the ratio upon any other principle, then I must be permitted to say, that the ordinance is in direct violation of the terms of the confederation, and therefore void—for I hold it to be a sound principle, that the old congress had no powers but what were expresly given by the then federal compact, & whenever they exceeded the limits by that instrument prescribed to them, their acts are intirely invalid—Having shewn, as I humbly conceive to the satisfaction of every reasonable gentleman, that the former congress had no power to settle those accounts upon any principles, other than those under which they were contracted, I will omit further remarks on that point, and proceed to shew, that the congress under the federal constitution, are equally as destitute of such powers.

Sir, after the most deliberate examination I have not been able to discover any thing in that instrument that either expresly or implicitly gives to them that power; but, on the contrary, I find the sixth article positively declaring that all debts contracted, and engagements entered into before the adoption of that constitution, should be as valid against the United States under the constitution, as under the confederation.

Will any gentleman pretend to say that when the expences of the war are apportioned among the states according to numbers, that the balances would be precisely the same that they would be when apportioned according to the value of the surveyed or granted land and improvements? I trust that no one will hazard that opinion.

It follows then of course, that if the balances due any of the states upon the settlement of those accounts according to the principles fixed by the act, are less than what they would have been had the settlement been made, according to the principles contained in the confederation, those balances being debts due from the United States are so far as they are reduced not as valid as they were under the confederation, therefore the act that fixes the standard by which they are reduced is contrary to the constitution and of course void.

By the seventh section of the first article of the same instrument, Congress has the power to lay and collect taxes, duties, imposts and excises, not to add to or diminish, but to pay the debts of the United States.

Having as I conceive, in a clear point of view proved the act under consideration unconstitutional, I will dismiss this point and proceed to shew wherein the alteration of the principles upon which the accounts ought to be settled, affected and materially injured the state of North-Carolina: in the doing of which those circumstances necessarily will be mentioned which will serve to prove what I have already asserted, that the balances would have been different had the ratio been made upon the proper principles

Mr. Speaker—that state being inferior in square miles to but few in the union, gentlemen might suppose without reflection that her quota of the general expence when calculated in the way I contend for would be proportionably large. But, Sir, I must be permitted to remark, that she had within her chartered limits a large quantity of surplus or unappropriated land, which was not by the articles of confederation to be taken into the valuation, that expresly declaring the lands granted or surveyed with their improvements only to be estimated.

There is, Sir, another fact equally as well founded; the lands in that state are of less value than the lands in any state within the union; this I conceive has not arisen because they are of inferior quality, but principally on account of her difficult navigation, and perhaps I might not be far wrong in saying, that one of the large northern cities is worth half as much as all the lands in that state; from which I may fairly conclude that her relative proportion in numbers is much greater than her relative proportion in the value of her surveyed or granted land and improvements; and in order to establish this fact I will briefly state to the House the proportion in which the former Congress laid their requisitions on the several states, in the year 1779, 15,000,000 of dollars were required, of which N. Carolina had to pay 1,090,000 in the same year out of eighty battalions of troops she had only to raise six, at another time 2,000,000 of dollars were required, of which she had only to contribute 148,000,—in none of these did her quota exceed one twelfth part.

But by the act of 1790 she had to pay one tenth of the expence, as by the first census, that was about her relative proportion in numbers; and as the aggregate amount of expence is at least 30,000,000 of dollars, and less than that sum cannot be presumed, her quota according to numbers was 3,000,000 of dollars; but was it fixed according to the terms on which the debts were contracted, allowing her proportion to be one twelfth, then it would only amount to 2,500,000 dollars, making a difference of 500,000, which I consider as a dead loss to her by the change—add to this a loss of unwards of 100,000 dollars in claims for services and supplies which were prohibited by the act from being received by the commissioners in the final settlement, as the certificates for the same were not issued previous to the 24th day of September, 1788, which two sums would make her a creditor state to the amount at least of 100,000 dollars, had the accounts been settled as they ought.

But supposing for a moment that Congress had the power of varying the mode for settling those debts, the termination of the revolutionary war was the most proper time for taking the census for that purpose: the debts then ceased to accrue. The act, Sir, is predicated upon the supposition that the same or a proportionate state of things existed then that did when the debts were contracted, when the fact was really otherwise; for the unappropriated land already mentioned induced vast numbers to emigrate from states that did not possess those advantages and from other parts of the world into the state of N. Carolina, the consequence was her increase of population was greater than those states that were not similarly situated, which may be proved by referring to her increase of representation beyond that of Connecticut, Rhode-Island, New-Jersey and others, of course she had more to pay than she would have had was the census taken previous to this emigration; and what is this extra expence for? nothing that I can discover but because she did not compel those emigrants to grant supplies and perform services, for the defence of the country, when they were not under her controul, not being then inhabitants of that state, and with respect to many not citizens of any of the states, the injury sustained on this account cannot be precisely ascertained, but no doubt it was considerable.

Her injury however did not end here, for by an act of her legislature the prices of a great part of the articles furnished the United States by her citizens were established in the then depreciated currency, & for which certificates accordingly issued, which when brought into the settlement were reduced, as I am informed, by the commissioners according to a scale of depreciation, to less than one half of their real value; the amount of which loss must be enormous indeed.

Under all these circumstances can any gentleman suppose that she will voluntarily pay any part of the balance reported against her? If they do flatter themselves with such expectations I humbly conceive ultimately they will discover their error; and will now conclude my remarks with a hope tha the House will not agree to the report of the committee of the whole.

(To be continued.)

WASHINGTON CITY

FRIDAY, February 17.

House of Representatives.

WEDNESDAY, February 15, 1804.

Mr. Nicholson reported a bill for incorporating the Theatre association in the city of Washington.

Referred to a committee of the whole.

Mr. Nicholson reported a bill providing for the settlement of sundry claims to public lands lying south of the state of Tennessee, which was received and read the first time.

Dr. Leib moved to postpone its further consideration to the first Monday in December next.

This motion was lost—Ayes 31—and the bill referred to a committee of the whole House.

Mr. Leib observed that an account of the most extraordinary nature had been recently laid before the House by the Navy department respecting the expences of the Marine Corps. It was indeed a phenomenon in accounts. It was of such a nature as required the interposition of the House either to annihilate or reform the office of accountant of the navy. The statement was a species of non descript never seen before in the United States. From it, it appeared that the public money had been expended in a most extravagant way, without any efficient check.

From it, it likewise appeared that the lieutenant colonel commandant had united in his person the offices of quarter master, forage master, commissary and pay-master without check or controul. There was a high necessity, Dr. Leib said, when the government was looking to economical reforms, to attempt some reform in this department of expences. It was his opinion that the office of the accountant of the navy ought to be abolished, or, at any rate, some salutary reform effected. He, therefore, moved a resolution,

That the committee of ways and means be instructed to enquire into the expediency of abolishing the office of accountant of the navy, to report by bill or otherwise.

The House having taken the resolution up for consideration,

Mr. J. Clay said that he had no objection to the passage of the resolution; but he would state, for the information of the House, that the committee of ways and means had had the subject, together with that presented by an enquiry into the expediency of abolishing the office of the accountant of the War department, before them, for some weeks past.

Mr. Leib replied that he was aware that the subject was generally before the committee of ways and means; but the House had been in session four months without any report being made on it. His object was that this resolution should be passed as an instruction to the committee to pay a particular and early attention to the subject.

Mr. Nicholson moved to amend the motion by adding to it, "and the office of the accountant of the war department." His reason for this motion was that a bill to that effect was introduced into the House two years ago. Mr. N. added that he was of the opinion, that an infinitely better arrangement could be made at the treasury if these offices were abolished than if they were retained.

Dr. Leib acquiesced in the amendment.

The resolution, so amended, was then agreed to—Ayes 61.

The bill making provision for the application of the money heretofore appropriated to the laying out and making public roads leading from the navigable waters emptying into the Atlantic to the Ohio river, was read the third time.

Mr. Smilie moved its postponement to the first Monday in December, on the ground that the measure was premature, as the fund had not become sufficiently productive to justify the taking any immediate steps.

Mr. Jackson supported the bill, on the ground, that Congress having pledged themselves to appropriate the money, there was an obligation imposed upon them to expedite the application of it, that the beneficial effects expected from it might be the sooner realised.

Mr. Morrow advocated the postponement till the next session. He was hostile to the present bill on account of the transfer of the power of designating the routes to commissioners under the direction of the President; under the belief that it would involve a great and useless expence.

After a few remarks from Mr. Sloan in favor of the bill, and from Mr. Lyon in support of the postponement, the motion to postpone was negatived—Ayes 38—Noes 49.—When the bill passed—Ayes 60.

On motion of Mr. Jackson, the title was varied, so as to read "An act authorising the appointment of commissioners to explore the routes most eligible for certain roads, &c."

The House again resolved itself into a committee of the whole—Mr. *Varnum* in the chair—on *Mr. Bard's resolution* to impose a TAX of TEN DOLLARS *on every* SLAVE *imported into the United States*; the debate on which, occupied the remainder of the sitting.

Mr. Lucas supported, and Mr. Holland opposed the resolution.

Mr. Earle moved that the committee should rise. His object was that, having risen, they should be refused leave to sit again, and that the resolution should be postponed to the first day of May next. He declared his expectation from information recently received, that the legislature of South-Carolina would, at their session, expected to be holden in April, repeal the law allowing the importion of slaves.

This motion was supported by Messrs. Gregg, Lyon, Huger, and Claiborne; and opposed by Messrs. Smilie, Stanton, Southard, Sloan, and Lucas; and on the question was negatived—Ayes 58—Noes 60.

The resolution was then agreed to—Ayes 69.

When the committee rose, and reported their agreement to the resolution.

On the suggestion of Mr. R. Griswold that the amendment proposed to the resolution, to add "and their territories," might imply that it was contemplated to revoke the existing prohibition to import slaves into them, it was, with the assent of the mover, negatived.

The question recurring on the original resolution, Mr. Winn moved a postponement of it to the first Monday of January.

Mr. J. Clay supported, and Messrs. Lucas, Sloan, and Stanton opposed this motion, which was negatived. The Yeas and Nays were called, and were—Yeas 54—Nays 62.

When the final question was taken on the resolution, and carried in the affirmative—Yeas 71.

THURSDAY, February 16.

The House went into a committee of the whole—Mr. Dawson in the chair—on the bill to amend the charter of Alexandria.

After undergoing several amendments the bill was reported to the House.

On motion of Mr. Eppes an amendment was made—Ayes 49—Noes 39—by which every freeholder is made eligible as a member of the common council, instead of only such freeholders as are worth 500 dollars.

On motion of Dr. Leib the bill was so amended as to make every freeholde eligible as Mayor, instead of requirin a freehold estate of 1000 dollars—Ayes 48—Noes 36.

Mr. J. Randolph, from the committee of Ways and Means, reported a bill laying a duty of ten dollars upon every slave imported into the United States.

Read twice.

Mr. J. Randolph moved that it be made the order of the day for to-morrow.

Dr. Leib moved that it be made the order for a more distant day.

When an adjournment was called for, and carried without any question being put on the previous motion.

Richmond, Feb. 11.

The following resolution, introduced by Mr. MILLER, of Powhatan, was agreed to by an unanimous vote in both Houses of the Legislature, of this commonwealth, on Friday the 3d inst.

RESOLVED, *By the General Assembly of Virginia*, That the present administration of the government of the United States, merit the confidence of this Assembly, and of every American, friendly to republican institutions, for the wise, pacific, yet determined measures, by which the extensive and fertile territory of Louisiana, has been attached to the union.

Legislature of Vermont, January 26.

A letter from James Elliot, representative in Congress from the state of Vermont, agreeably to the expressed request of Mr. Elliot, was communicated to the House, and being read, was ordered to lie on the table.

FRIDAY, Jan. 27.

The Governor and Council, sent down a resolution requesting a copy of the communication from Congress, respecting the amendment of the constitution of the United States, which was furnished by the clerk, by order of the House.

The order of the day being called for on the resolution from Congress.

Mr. Olin introduced a motion as follows:

Whereas the amendment of the constitution of the United States, now before this House, was passed in the House of Representatives of the United States, only by eighty four members in the affirmative, and in the Senate by only twenty two members, when in fact the constitutional majority must be two thirds of all the members of each House.

Resolved, That the said amendment is not constitutionally before this House and ought not to be acted on.

The debate on this motion, with very little other business, took up the day, when the committee rose, reported against the resolution, and the report was accepted by a large majority.

SATURDAY, Jan. 28.

The House attended to considerable business of private concern, when the order of the day being called, they went into committee of the whole, on the bill received from the Council for ratifying the amendment, and continued, with a short intermission, until evening, in the debate, when the committee rose, reported, and begged leave to sit again, which was granted; and then the House adjourned until Monday morning.

On Friday last, a bill adopting the amendment of the Constitution as recommended by Congress, was passed by the Council of this state *unanimously*, and sent down to the House of Representatives for their concurrence.

The legislature of this State, agreeable to their adjourned session convened at Windsor, on Thursday the 26th of January, and after finishing some private business, the COUNCIL on the 27th passed the proposed amendment to the constitution of the United States, by an UNANIMOUS VOTE.

January 30th, On the question, will the HOUSE OF REPRESENTATIVES concur with the council in passing the proposed amendment, the yeas and nays being called for,

Those who voted in the affirmative, were

Messrs. Robert Anderson, John Anderson, Aikin, Armington, Zenas Allen, Timothy Allen, Briggs, Joshua Bayley, Bliss, Brownson, Butler, Brigham, Beeman, Brown, Church, Cruttenden, Benjamin Clap, Asahel Chamberlin, Chittenden, Cameron, Durfey, Seth Emmons, Finney, Flagg, Francis, Foot, Fuller, James Fisk, Jonathan Fisk, Isaiah Fisk, Farrington, Fasset French, Galusha, Graves, Hezekiah Goodrich, Hale, Jadediah Hammond, Hendee, Hawley, Hubbard, Hay, Holmes, Ives, Jewett, Elias Jones, Jabez Jones, Kitchell, Kinney, Leland, Luce, Larrabee, Lewis, Timothy Miller, William Marsh, M'Laughlin, Noyes, Nash, Noble, William Perry, Joseph Perry, Pond, Thomas Porter, Peasley, Potter, Palmer, Peckham, Nathan Robinson, of Bennington. Ran-