proofs, that with them the diſtinction had no weight. For of claims which have been ſo contradiſtinguiſhed in the reports from the War department, there were committed to them, both deſcriptions; but they draw no difference. Indeed, *their principles* would admit of none.

But, ſir, if a difference in principle did exiſt between claims of the two kinds, it would prove nothing in the preſent caſe, becauſe the difference does not here appear in fact, and I cannot but conſider it as one of the unfortunate circumſtances attendant upon our claims, that the epithet *unauthorised*, has, without foundation, been attached to them, becauſe as was ſuppoſed they were founded upon ſervices not ſpecially ordered. The fact is, Mr. Chairman, that they were not only *authorised*, but they were *ordered* by the general government. I beg leave to compare the tenor of the orders for drafting the militia in Georgia, with the orders iſſued in other caſes, about which no difficulty ever occurred. The words uſed in the Georgia caſe, are "you will be pleaſed to take the moſt effectual meaſures for the defence thereof, &c." What are the words uſed in the orders iſſued to the Governors of four ſtates, to march militia to quell the inſurrection in the Weſtern Counties of Pennſylvania? "I have to requeſt your Excellency, &c." The words are the ſame in every other inſtance in which militia have been orded into the ſervice of the United States. They are the ſame which were uſed for enliſting the one hundred horſe, and one hundred foot, to ſerve upon the frontiers of Georgia, about whoſe compenſation there never has until the preſent moment been any difficulty—they are the ſame under which ſeveral corps were raiſed in the ſame quarter, whoſe ſervices have long ſince been remunerated.

Let us here pauſe for a moment, and view the extent to which we ſhall be lead by adopting the report. Sir, the principles of that report, and the application therein made of thoſe principles, lead to a concluſion, from which, if I miſtake not, every gentleman upon this floor will revolt. Sure I am, every ſtate in the union will reject it with horror. What, ſir, has the great, the all important right of peace and war, been yielded up by the ſtates to the general government, and yet the ſtates bound to compenſate for war ſervices? It is no reply to this concluſion to be told, that the ſtates are only liable in the firſt inſtance. For it is then completely within the power of the general government by *withholding*, to make *them* bear the burthen altogether. And to that may be added, that the expenditure might frequently be of ſuch magnitude as to create extreme oppreſſion in the impoſition of taxes, and in ſome of the ſtates might produce general ruin and bankruptcy.

There is, Mr. Chairman, one other fact to which I deem it important to call the attention of the Houſe, and it is the laſt with which I will trouble them. From a report made by a ſelect committee upon this claim at the laſt ſeſſion, it is aſcertained that the ſupplies furniſhed to their troops, were paid for by the general government. Now, ſir, I wiſh ſome gentleman would undertake to anſwer the queſtion, whether ſuch payment was not an unequivocal acknowledgement of the validity of this claim aragainſt the United States. To my mind there is nothing more clear. If the troops were in the ſervice of Georgia, why did the United States ſupply them? where is the inſtance of troops in the ſervice of one power, ſupplied by another? Sir, the general government was not ſurpriſed into this payment. It was made long after the ſervices were performed, and when all the circumſtances were well know. This act was—it cannot be conſidered in any other light than, an acknowledgement that the ſervice was performed under the United States. Such acknowledgment, ſir, creates an aſſumption too, which would bind any individual in a court of juſtice. It is concluſive againſt the government, and a refuſal to abide by it, will prove a diſhonorable abandonment of the common principles of juſtice, becauſe there is wanting a power of inforcement.

Mr. Chairman, I will conclude theſe obſervations, by bringing home to the Houſe a queſtion before aſked—*for whom* was the ſervice performed? from *him* muſt be the debt. Between *him* & the *soldier* was the *contract*. By rejecting the preſent claims, you will impair that contract—you will violate the conſtitution of your country. What right has this Government to turn over its creditors, without their conſent, to any ſtate for payment. And truely, ſir, if theſe unfortunate troops are to depend for their compenſation upon your performance of the articles of ceſſion, in paying the money you have therein ſtipulated, you have already given them a woeful ſpecimen of the ſoundneſs of that dependence. For by that compact this government was within twelve months, to open a land office, for the purpoſe of raiſing as ſpeedily as poſſible, the ſum to be paid. Where is your land office, ſir? Nearly two years have elapſed, and we find it no where but upon paper.—The public faith is pledged for the demand of the claimants—their pay is their right. To refuſe it longer will be to ſtamp upon the national character, a wound which it will deſerve to carry unhealed, ſo long as it has exiſtence.

Mr. J. C. SMITH obſerved that the Committee of Claims, in ſubmitting to the Houſe the report then before them, had not been influenced by the magnitude of the ſum claimed for ſervices. The ſimple queſtion, conſidered by them, was whether compenſation had, or had not been rendered for thoſe ſervices. The deciſion of this queſtion depended on another queſtion, whether from the nature of our government, the ſtate of Georgia was to be conſidered as, in the firſt inſtance, liable for the ſatisfaction, of theſe claims. If this ſhould be admitted, he thought the proper conſtruction to be placed on the articles of ceſſion was extremely plain. There are two ways in which the militia of a ſtate may be called out by the executive of the United States. The firſt was by a *direct* detachment of any portion of the militia. It was not neceſſary, in any inſtance, for the government of the United States to call on the executive of a ſtate for this purpoſe. It was in their power directly to call into the public ſervice a brigade or other diviſion. This is one courſe, which may be purſued, and in this caſe it is admitted that the ſoldiers are ſoldiers of the United States, and that for their compenſation they are to look to no other government than that of the United States in the firſt inſtance. The other courſe is that where a requiſition is made by the general government on the executive of a ſtate. What is the ſtate of things in this caſe? It muſt be preſumed that the citizens of a ſtate, thus called into ſervice, are to look to their own ſtate for compenſation in the firſt inſtance, though he admitted that the general government was in the laſt reſort reſponſible. They are to look, in the firſt inſtance, to the ſtate government, for this obvious reaſon. The governor of a ſtate is not amenable to the general government; and he conſequently cannot be puniſhed for exceeding their orders. Is that government then bound at all events to pay the expences incurred in conſequence of the orders of the ſtate executive, when they may be in direct violation of the orders of the general government? It is a clear poſition then that when the militia are called out by the executive of a ſtate they are to look to the ſtate in the firſt inſtance. Application may be made to the general government in the firſt inſtance, and if there ſhall have been no diſobedience to its orders it may make payment. But put the caſe of the orders of the general government being diſobeyed, will it be contended that it will be obliged to remunerate ſervices rendered in oppoſition to its commands.

Contemplating the ſubject in this view it muſt be admitted that the militia are in the firſt inſtance to look to the ſtate government, which may make a compromiſe with the general government.

The ſecond queſtion is what is the nature of the compromiſe made in this caſe. The articles of ceſſion purport to be [Mr. Smith here quoted the beginning of theſe articles.]

It may here be proper to premiſe that Georgia is the firſt ſtate in the union that has ever received a compenſation for her territory transferred to the United States. That territory was acquired by the joint exertions and blood of the citizens of all the ſtates. Under ſuch circumſtances it becomes neceſſary to enquire into the compenſation ſtipulated to be given by the United States to the ſtate of Georgia; a compenſation not given for the land, but for expences incurred by Georgia in relation to it. The attorney general tells us that theſe expences were incurred, for the portion ſurrendered to the United States, as well as for the whole ſtate.

It behoves the gentleman from Georgia to ſhew the preciſe expences incurred. Were this once proved it would remove all doubt. The commiſſioners who formed the articles of ceſſion, it may be preſumed, had before them the whole materials; and it muſt be inferred that the claims now made were fully conſidered by them, and were, ſo far as they are juſt, included in the ſettlement. Mr. Smith concluded his remarks by ſaying he felt no uncommon tenacity or zeal againſt the claims; but that he would be very willing to allow them in caſe it would be ſatisfactorily ſhewn that they were not already compenſated.

After a few remarks from different gentlemen, a vote paſſed againſt the claims, Ayes 73—Noes 28; When

The Houſe, on the motion of Mr. J. Clay, poſtponed the further conſideration of the ſubject.

WASHINGTON CITY

FRIDAY, February 24.

The propoſed Amendment to the Conſtitution paſſed the Council of New-Jerſey on the 14th inſt.—Yeas 8—Nays 5.

Extract of a letter from Amſterdam, dated, Nov. 25, 1803.

"It is with regret I obſerve that our veſſels arriving here and which left the United States ſome time ſince the period when the law of this government of 5th July laſt, was known in the United States, are ſtill without having the certificates thereby required, purporting that the cargoes are not of Britiſh produce, &c. An arrangement has however been made with the public officer here, who has the direction of thoſe matters, that the law ſhall not be enforced upon our veſſels till the 1ſt of Jan. next, which he thinks is allowing ample time for the circulation of that law in the United States. It has alſo been eſtabliſhed that from thoſe ports where there is no commercial agent of this country reſident, due certificates to the ſame facts from the proper authority of our country ſhall be received as equivalent to thoſe required by ſaid law.

The oppoſition prints have, for ſome time paſt, been indeavouring to enflame the public mind on an *alleged* miſunderſtanding between our government and that of Great Britain, in relation to the treaty of 1794. It having been long ſince predicted by their political opponents, that the preſent adminiſtration would ſoon involve the country in a war with that nation, the ſlighteſt ſuggeſtion of a want of harmony on negociations, ſaid to be depending, was ſeized with eagerneſs, and made the foundation of a ſtory, charging the Executive with the purſuit of meaſures, which, being conſidered by England hoſtile to her commercial intereſts, would neceſſarily tend to embroil the two countries. This wonderful ſtory, with all its alarming appendages, has been ſounded from one end of the nation to the other, on the vague authority of a looſe article in an Engliſh Print. As this is the only foundation on which it reſts, we offer to the public the following Extract from the London Morning Herald of the 15th November, three days later than the date of the article which appears to have occaſioned it. And we offer this extract as a full and ſatisfactory refutation of the miſrepreſention of thoſe ſtatements to which it is meant as a reply. The proof, in both caſes, is newſpaper proof, and one is as good as the other.

"A rumor has been afloat for the laſt three days, of ſome differences between this Country and America, reſpecting the interpretation of ſome Articles of the Treaty concluded in 1794, and ratified in 1795. It has been taken up by ſome of our cotemporaries in ſuch a manner as to induce a belief that a rupture between the two Countries was at no great diſtance. It is, therefore, with the utmoſt ſatisfaction that we find ourſelves empowered to ſtate, *from the first authority*, that there is not any diſpute, or even a queſtion of difference ſubſiſting between the two Countries. America feels as ſhe ought to do upon the preſent occaſion, and we are authoriſed to add, that there never has been a greater degree of cordiality between England and the United States, ſince the ratification of American Independence, than that which exiſts at the preſent moment.

"We yeſterday received the New-York and Boſton Papers, the former to the 6th, and the latter to the 10th ult. Thoſe from the former City ſtate, that the fever continues its ravages, though in an abated degree. There is ſome intimation of danger from the Blacks in Jamaica, which we truſt will prove unfounded; and a few particulars of a later date than any yet received reſpecting the deplorable ſtate of the Iſland of St. Domingo. In theſe papers, as may well be preſumed, there is not a ſingle ſyllable reſpecting the reported differences between America and this Country, to which we have alluded in the preceding paragraph."

Having given this refutation (the only refutation it merits) of the miſrepreſentaton of the motives & meaſures of our government on this ſubject, we ſhall take the preſent occaſion to notice ſome intereſting diſcuſſions, which have appeared in the Engliſh prints, in conſequence, it would ſeem, of a momentary belief, that a ſerious miſunderſtanding ſubſiſted between the two governments on the ſubject of neutral rights. From theſe it appears that the expiration of the Britiſh treaty is beginning to excite conſiderable anxiety; that an opinion is entertained, not of the hoſtility of the United States to Great Britain, but of their determination to aſſert their great rights as a neutral nation, and, of conſequence, to claim higher ground than that aſſigned them by Jay's treaty; & of their power, not by arms, but by commercial arrangements, to place thoſe rights, independent of poſitive conventions, on a footing of ſecurity to themſelves, and of imminent peril to the colonial trade of Great Britain. Theſe articles are ſo intereſting, that we ſhall immediately lay them before the reader, without any further comments.

From Cobbet's Weekly Political Regiſter of the 19th of November.

"Convention with Sweden.—In the preceding ſheet, p. 680, I inſerted the explanatory convention, which, it appears, the miniſters entered into with Sweden, in the month of July laſt, and in which, for the ſake of obtaining ſome real and ſterling *advantages* from us, the Swedes have conſented to acknowledge the exiſtence of a right, which we always poſſeſſed, and which we have ſeldom failed to exerciſe, for which acknowledgement we are to pay moſt dearly, not in ſmooth words, nor in bank notes, nor in three per cents, but in gold, ſilver, and reputation. On account of this Convention, however, the miniſters are, it ſeems, about to claim enormous merit; and, to ſay the truth, any act of theirs, not big with national ruin, muſt now be looked upon as comparatively meritorious; but, 'ere the parliament and the nation again ſell themſelves to laughter, I beg them to compare the ſtipulations of this Convention with thoſe, relative to the ſame points, contained in the treaty, for inſtance, concluded in 1794, with the United States of America; and to enquire whether the laſt mentioned ſtipulations, which were obtained by Lord Grenville, will ever be *renewed* by the means of his ſucceſſor.—The compariſon, which I am deſirous the parliament and the nation ſhould make, naturally divides itſelf into two diſtinct heads; to wit: *first*, the liſt of articles, which are to be conſidered as contraband of war, and, if taken on their way to an enemy's port, to be *confiscated*; and, *secondly*, the articles, which are to be ſubjected to the operation of the *right of pre emption*, that is to ſay, to be liable, if taken on their way to an enemy's port, to be brought into the port of the belligerent captor, and there, if the ſaid captor chooſes, to be kept by him, he paying for the articles, as well as for the detention of the veſſel, at a certain ſpecified rate.—As to the firſt point, both the Treaty and the Convention declare to be contraband of war, gun-powder and ſalt-petre, and all implements and inſtruments of war. It is only in the liſt of materials for building and equipping ſhips that they differ; it is, indeed, in this liſt only that they could eaſily be made to differ; and accordingly, the difference is here moſt ſtriking, moſt important, and moſt injurious to the intereſts of this country, as will evidently appear from the following view.

Treaty with Am.	*Conv. with Sweden.*
"*Ship timber, tar or rosin*, copper in ſheets, ſails, *hemp* and cordage, and generally whatever may ſerve directly to the equipment of *vessels*, unwrought iron and fir planks *only* excepted."	"*All manufactured articles immediately* ſerving for the equipment of ſhips *of war*."

The difference ſcarcely needs pointing out. In the Convention with Sweden only *manufactured* articles, immediately ſerving for the equipment of ſhips, are deemed contraband of war; ſuch, for inſtance as ſails and cordage; but, in the treaty with America, in which we maintained, that we had inſiſted only on our indubitable rights founded on the law of nations, not only manufactured articles, but ſhip timber, tar, roſin, hemp, and generally every thing that may ſerve directly to the equipment of ſhips, every thing, unwrought iron and fir planks *only* excepted. And, obſerve, too, that, in the Swediſh Convention, even manufactured articles are conſidered as contraband only when they are ſuch as may immediately ſerve to the equipment of ſhips of "*war*;" whereas, in the treaty with America, all articles, both manufactured and unmanufactured, are included, if they are ſuch as may directly ſerve to the equipment of "*vessels*." This is a very material diſtinction; for, many of the articles, which are unfit for the equipment of ſhips of war, may be rendered not leſs miſchievous to us by being employed upon other ſort of veſſels; and, indeed, under the favour of this clauſe, Sweden might, if ſhe had the means, ſupply France with every article which France can poſſibly want in the conſtruction and equipment of her navy.—But, let us now compare the two inſtruments as to the ſecond point, that is, the liſt of articles, which are to be ſubjected to the right of preemption.

Treaty with Am.	*Conv. with Sweden.*
"And whereas the difficulty of agreeing on the preciſe caſes, in which alone *provisions* and *other articles not generally contraband* may be regarded as ſuch, renders it expedient to provide againſt the inconveniences and miſunderſtandings which might thence ariſe; it is further agreed that whenever any ſuch articles ſo becoming contraband, *according to the existing laws of nations*, ſhall for that reaſon be ſeized, the ſame ſhall not be confiſcated, but the owners thereof ſhall be ſpeedily and completely indemniſied; and the captors, or in their default, the government under whoſe authority they act, ſhall pay to the maſters or owners of ſuch veſſels, the full value of all articles, with *a reasonable mercantile profit* thereon, together with the freight, and alſo the demurrage incident to ſuch detention."	"The cruizers of the belligerent powers ſhall exerciſe the right of bringing in the ſhips of the neutral going to the ports of an enemy, laden with cargoes of proviſions, or with cargoes of *pitch, tar, hemp*, and generally all unmanufactured articles whatever, ſerving for the equipment of ſhips of all deſcriptions, and likewiſe all *manufactured articles serving for the equipment of merchant vessels*, (*herrings*, iron in bars, ſteel, roſe-copper, braſs and braſs wire, deal, planks not being oak, and *spars*, however, excepted), and if the cargoes ſo exported in the bottoms of the neutral power, are the produce of the territory of the ſaid neutral power, and going on account of the ſubjects thereof, the belligerent power ſhall in that caſe, exerciſe the right of purchaſing them, upon condition of paying a profit of *ten per centum* upon a fair invoice price, or the fair market price in England or Sweden reſpectively, *at the option of the owner*, with an indemnification for detention and neceſſary expences. But, *herrings*, iron in bars, ſteel, roſe-copper, braſs, braſs wire, deal, planks not being oak, and *spars*, ſhall not be liable to confiſcation or pre-emption, but ſhall be permitted to paſs free in the ſhips of the neutral country."

This clauſe of the American treaty is the moſt complete and comprehenſive that can poſſibly be conceived. It proceeds upon the acknowledgment of our right of pre-emption, founded on the exiſting law of nations; and the negociators, having before enumerated the articles, which are always contraband of war and liable to confiſcation, now include all "other articles which are not generally contraband," but which, from circumſtances, may be regarded as ſuch, placing *provisions* at the head: ſo that, according to this treaty, it would be impoſſible for neutral veſſels, if met by our cruizers, to carry to its deſtination any one article that might ſerve to aſſiſt the enemy, as to his means of equipping veſſels of any ſort, or, generally, of proſecuting the war. How different are the ſtipulations with Sweden! *Pitch, tar, & hemp*, which are the chief articles wanted for naval equipments in France, and which are, in the American treaty, expreſsly ſtated to be contraband of war, and liable to confiſcation, are here as expreſsly ſtated *not* to be contraband of war, not to be liable to confiſcation, and, of courſe, to be allowed a free paſſage to the enemy's ports, only at the riſk, if *risk* it can be called, of being brought into England, and purchaſed at prompt payment, with a profit of ten per centum on the *invoice*, or at the market price of England or Sweden, at the *option* of the owner, together with an indemnification for detention and neceſſary expences. In fact, theſe three materials for ſhip building and equipping, pitch, tar, and hemp, which, in the American treaty, and according to the law of nations, are conſidered as contraband of war, are in the convention with Sweden, put upon the footing, on which "*provisions*, and other articles *not generally contraband*," ſtand in the American treaty.—The law of nations authoriſes the ſeizure and confiſcation of all articles, whether manufactured or not, that may ſerve directly to the equipment of veſſels of any ſort or ſize. The words are theſe: "*whatever* may ſerve directly to the equipment of veſſels, unwrought iron and fir-planks *only* excepted." But, in the convention, this great principle is totally abandoned; and, manufactured articles *only* are to be confiſcated when ſerving immediately to the equipment of ſhips of *war*, thoſe ſerving to the equipment of merchant veſſels being poſitively ſtated to be ſubjected only to the operation of our right of pre-emption, that is to ſay, to be ſold to us at a price, which will, in many inſtances, be an encouragement rather than a check upon the trade.—Proviſions are, indeed, upon the ſame footing in both inſtruments; but, in the convention, there is an *exception* with regard to *herrings*, which happens to be the only ſort of proviſions that Sweden has to export; and, in following up this principle, the Americans, with whom lord Hawkeſbury