the gentleman from Virginia (Mr. Love.)

Mr. HOLLAND rose to express his approbation of the amendment last made, and his disapprobation of the original proposition of the gentleman from Kentucky. It would be recollected that a proposition substantially the same as this (alluding to the motion by Mr. Gardenier, for reference to a select committee, with power to send for persons and papers) had been rejected by a large majority a few days ago. The House was then governed by the opinion that they had not in this case a constitutional power to send for persons and papers. What had since that time occurred which had changed the opinion of the House? It was true that they had received an affidavit from the Representative of Orleans territory; but did that give them a constitutional power which was not before believed to be possessed by the House? He feared the members of the House had become inflamed, and suffered their passions to supercede their reason; for nothing had certainly occurred to change the constitutional question. The constitution of the United States expressly said that no person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment by a grand jury, &c. nor be deprived of life, liberty, or property, without *due process of law*. Could it be contended by gentlemen who advocated this proposition, that persons should be sent for and compelled to attend, and that this procedure would be authorised by due process of law? Had it ever been contended that resolutions of one department of this government were the law of the land? Persons were to be sent for and compelled to attend. Suppose they resisted—they must be taken into custody. Were they not deprived of liberty the moment they were thus arrested? And was the authority under which an officer of the House would in such case act the law of the land? Certainly not. Then the person compelled to come before this committee was not compelled by due process of law.

You might, said Mr. H. give the committee unlimited jurisdiction. Laws become compulsory in consequence of fines and penalties for disobedience or infraction; a law without a penalty is nugatory. The proposition now before you gives power to the committee to be appointed to send for persons. Will it not be necessary also to give them a discretionary power to lay fines and compel the attendance of persons for whom they may think proper to send. It may be necessary to go farther—to vest them with an additional power, thus, "Resolved that they shall have full power to carry this into effect, &c." This proposition smells so strongly of the edict of an arbitrary government, that it has absolutely astonished me. By adopting this resolution you give this committee power not only to enquire, but to execute your laws; at one single sweep you revolutionize our whole constitutional power; all the principles of our government are to be superceded by it. It is in vain to say that it is not so. Can any gentleman say that a compulsory process to bring persons from one part of the continent to another, operating on an individual, does not restrain his liberty without due process of law?

Where was the necessity for vesting in a committee of this House, if it were constitutional, such extraordinary powers? Had the House been shewn by any one gentleman who had advocated the proposition, that the present authority of the country was not competent to the ends professed to be intended? A gentleman had stated that in case this officer was a Spanish pensioner, he could not be tried by a court martial. Was it possible that this was not the case? Had not a court martial power to try such a crime as this? Mr. H. thought they had. Courts martial had power in certain cases to inflict on conviction a capital punishment. And with so extensive power was it possible that they had not cognizance of a case of this nature? Certainly they had. If an officer of the army was found to be a pensioner of the enemy, would not a court martial decide that he was unworthy of his office? Did not the constitution say that no person receiving a pension from any foreign prince or power shall hold any office under the United States? Mr. H. was willing to say that every citizen, officer or not, was liable to be tried by jury; and the powers of the judicial courts were ample; where then was the necessity for giving these powers, if it could be done agreeably to the constitution, to a committee of this House? Nothing but revolutionary principles could justify it—nothing but a firm persuasion that the constituted authorities of the country were not competent.

If you adopt this resolution, said Mr. H. you acknowledge the doctrine that the republic wants energy; that the greatest offenders cannot be tried; and further, this House takes upon itself the burthen of the trial. Gentlemen say that this is not a trial; it is only an enquiry by the grand inquest of the nation. Enquiry is the first step to bring a criminal to justice. Where have gentlemen shewn that this House has any power to prosecute a criminal? They have no such power. This is in fact to be a trial. It is worse; it is a trial of a person in his absence—a trial without an opportunity of confronting his accusers, or hearing his witnesses and knowing his accusers. This is the kind of trial which this committee is to be authorized to institute.

When this committee send for persons, and they refuse to attend (and Mr. H. supposed every man who wished to adhere to the legitimate authority will refuse to obey the process) what will be the consequence? You must protect your officer, said he; must give him force. You cannot have the force of the judiciary department, nor of the army or militia, for they can only be called upon to execute constitutional laws. Suppose your officer were insulted, as I take it he would be, where is his remedy? Suppose he were to be sued for false imprisonment, for no freeman would suffer himself to be taken into custody contrary to the laws of the land, and not advert to his constitutional remedy? Will it be said that your officer is not guilty of false imprisonment because he acted under the laws of the land? Would a judge say that this resolution is a law of the land? Suppose persons refuse to give testimony, have you the power to punish or fine them? Whence do you derive such a power?

Designing men, said he, will rally round this committee as round a standard of corruption and intrigue; for there they may swear without fear of a prosecution for perjury. This inquisitorial procedure will be a mockery of all trial; it will be a farce; the very focus of injustice and intrigue. And who are the persons who are to constitute the committee to conduct this trial? Persons who have already declared their conviction of the guilt of the accused, having committed themselves by an expression of their opinion on the case. So extremely cautious are the laws that in civil cases, where the parties are called before a court, that persons interested are not permitted to give evidence or to try them. But here the very persons who have condemned the person implicated, are to be authorized to take down the testimony—of whom? Persons enemies to law and regardless of government. It would form a singular spectacle, if while this tribunal is examining and taking down testimony, trying a person in his absence, the Senate by committee doing the same thing, could examine the case as another inquest, being another court having at least the same cognizance as this House; at the same time this person may be under trial before a judicial or military court. All this may happen, and were the principle now contended for to succeed, will happen; there will be nothing to prevent it. Such a doctrine as this is surely not consistent with the principles of the constitution. Every person must have the right of knowing and confronting his accusers, and ought to take his trial before unbiassed judges. Very different is this tribunal intended to be, and on very different principles. Hunt down an officer in this way, and who will be an officer. Because exparte testimony exists, I hope we shall not permit ourselves to be so much agitated by it as to take the power of trying this person out of the hands of the constituted authority of the nation.

(DEBATE TO BE CONTINUED.)

FRIDAY, JAN. 29.

A message was received from the Senate informing the House that they would at 12 o'clock, attend the funeral of Ezra Darby, Esq.

A bill was received from the Senate, to revive and continue in force the 19th section of an act entitled 'An act to ascertain and fix the military establishment of the United States," and to extend the provisions thereof."

The Senate also informed the House that they passed the bill making appropriations for the support of government during the year 1808.

The House then adjourned in order to attend the funeral of Mr. Ezra Darby, late a Representative from the state of New-Jersey.

MONDAY, FEB. 1.

Several private petitions were presented and referred.

Mr. George Clinton, a member from the state of New York, appeared and took his seat.

Mr. Boyle, from the committee on public lands, reported a bill extending the time for issuing and locating military land warrants.—Twice read and referred to a committee of the whole.

Mr. Southard presented the petition of a number of the inhabitants of Bergen county, New Jersey, praying for the erection of a port of entry at the town of Jersey. Referred to the committee of Commerce and Manufactures.

Mr. Rhea (T.) from the committee on the subject, reported a bill authorising the establishment of certain post roads.—Read twice and referred to a committee of the whole.

Mr. Holmes reported a bill for the relief of the legal representatives of Thomas Barclay, deceased.—Read twice and referred to a committee of the whole.

Mr. Nelson obtained leave of absence for ten days.

The engrossed bill for the support of the navy of the United States, for the year 1808, was read the third time and passed.

An engrossed bill to erect a light house on Point Judith, in the state of Rhode Island, was read the third time and passed.

On motion of Mr. Basset, the House took up for consideration the report of the committee of the whole on the standing rules and orders of the House.

An amendment made to the rules in committee of the whole, for admitting heads of departments and foreign ministers as well as members of the other branch of the legislature being under consideration, a long and desultory debate ensued, in which some gentlemen contended for the admission of ladies, and in the course of which much pleasantry was displayed. It was contended by the advocates of the amendment that in "this magnificently inconvenient apartment" it was next to impossible to hear in the galleries; and that foreign ministers should be admitted to a hearing from courtesy, and because it had been a rule heretofore, and should not at this time particularly be varied. It was objected to by the opponents that in the present situation of affairs it was indelicate in foreign ministers to hear debates in the House, for in a discussion affecting our relations with England, France or Spain, a member could not speak without offending their feelings, nor could a foreign minister or agent listen without having their feelings wounded; and also that foreign ministers to this country, should not enjoy greater privileges than our ministers to those powers.

Mr. Nicholas called for a division of the question, taking it first on admitting heads of departments; and the question having been so taken, there were for admitting them, 51 to 40.

A motion having been made by *Mr. Eppes* to take the question on admitting foreign ministers by Yeas and Nays, and some difficulty arising on the point of order whether a question could be taken by Yeas and Nays on a motion thus divided; and some discussion arising,

Mr. Rowan moved to postpone the consideration on the subject.

And after discussion, a motion to adjourn was carried before a question was taken.

TUESDAY, FEBRUARY 2.

Mr. Durell moved the following resolution, which was agreed to, Ayes 62:

Resolved, That a committee be appointed to enquire into the manner in which the Representative Hall is heated by the furnaces beneath the flooring of the same—what probable influence such subjacent fires have upon the health of the members exposed to their exhalations—and how, or by what means the injurious effects of the same may in future be avoided—and that they report to this House the result of such enquiries.

A communication was received from the Secretary of the Treasury, inclosing an account of the imports into the U. States during the year ending 30th September, 1806; which was referred to the committee of Ways and Means.

Mr. Newton from the committee of Commerce and Manufactures, reported a bill authorizing the issuing debentures in certain cases. Twice read and referred to a committee of the whole.

[This bill contemplates the placing a discretionary power in the hands of the Comptroller of the Treasury, to issue debentures in those cases in which the yellow fever prevailing in the port, omission or negligence of custom-house officers, or sickness in the parties, have caused an omission of the formalities necessary by law be observed for obtaining drawbacks.]

Mr. Sloan, after a few preliminary observations, offered the following resolution, which was agreed to be considered, Yeas 68, Nays 47.

Resolved, That it is expedient and that the public good requires, that the seat of government be removed to the city of Philadelphia for years, and that a committee be appointed to bring in a bill for that purpose.

Mr. Lewis moved an indefinite postponement of the resolution, and on this motion a debate ensued which occupied the remainder of the sitting, in which Messrs. Sloan, Gardenier, and Milnor supported the resolution, and of course opposed indefinite postponement, and Messrs. Love, Lyon, Macon, Lewis and Key opposed the resolution and advocated the indefinite postponement; and the House adjourned without taking a question.

[Debate hereafter.]

WASHINGTON CITY.

WEDNESDAY, FEBRUARY 3.

For various interesting foreign articles see the last page.

The Military Court of Inquiry in the case of General Wilkinson met on Monday, and adjourned to that day week, without transacting any business, no evidence whatever having been yet adduced.

We stated in our last the arrival of Burr and Blannerhassett at Chilicothe on the authority of a marginal note on a print of that place of the 12th ult. We have since perused several letters, of subsequent date, whose entire silence on this point render their arrival at best disputable. The latest of these letters is dated the 16th. Some of the letters say Burr and Blannerhassett had both forfeited their recognizance; others that their names had been called every morning, and their default noted. The Grand Jury had been engaged for two weeks in examining evidence respecting Burr and Blannerhassett, and, it was supposed, would very soon report to the Court. Scarcely a doubt was entertained of bills being found against them and others; but whether for treason or misdemeanor is not said. Messrs. Baldwin and Burnet have been employed as Counsel for the accused at a fee of a thousand dollars, and Messrs. Bibb and Creighton, the attorneys of the districts of Ohio and Kentucky, are Counsel for the prosecution. The Court had received a letter from Luther Martin requesting that the recognizances may be respited until the next term, when he assures the court the parties will appear. It was, however, thought this request would be rejected.

On the first day of the term, on its being moved to have the recognizances of Burr and Blannerhassett called, the application was resisted by their counsel, who particularly suggested that the recognizance of Blannerhassett was defective, inasmuch as he was not recognised to appear on any particular day, or at any particular term. The objection was resisted on two grounds—first, that the accused could not be heard by their Counsel until their appearance was entered; and, secondly, that if the recognizance was defective, that defect could only be taken advantage of, when an action of debt was commenced, or a scire facias sued out on the bond. It was understood that the argument on this question would not be gone into until the Grand Jury had found a bill.

Whispers were circulating at Chillicothe, that the Conspirators were assembling in force at Orleans, and were more sanguine than ever in their expectations of success.

The late European news is, in every light in which it can be viewed, extremely interesting. It supersedes all necessity for comment on the *strong* measure (who now will be bold enough to deny its strength?) taken by our government, whether adopted from precautionary or political motives. Conspiring events, over which it is true we have no control, but which might have been, and probably were, in the outline, foreseen, will give to this measure great, perhaps decisive effect. The whole European world may now be considered as at war with Britain, the issue of which may well fill her, undaunted as she is, with fearful apprehension. Principles are set up, and demands made, worth contending for, and the most solemn pledges given that these principles will never be abandoned; and which certainly will not be relinquished without a contest still more arduous than any yet waged. Is not this the precise moment for her to relax in her pretensions towards this country? We demand nothing but what is just—the same freedom of trade, which she has always insisted on—and that very freedom, which, in the present crisis, may be essential to her existence? Independently of the confederated hostility of all Europe against her, she is menaced with a severer scourge than war. At the very moment, when she had flattered herself with a plentiful harvest, the assurance of which perhaps had a great influence on the principles she has set up, as well in point of time, as in regard to their extent; at the very time she calculated upon the abundance of her crops to supply the means of carrying these measures into effect, she is visited, in her most vulnerable point, with the most awful calamity, which can threaten or befall a nation. Famine already stares her in the face. A letter from Cork, dated November 25, says—"A severe frost set in a few days since, and to all appearance has destroyed more than half of the potatoes, in consequence the price has advanced from 30*s*. to 5*l*. per ton. Oatmeal is not to be had, and wheat advancing; a scarcity altogether is apprehended, and a bad prospect of a supply."

If such apprehension existed at the end of November, to what degree may it not be expected to rise about the beginning of February, when the information of our embargo shall reach her: when she shall find her stock of provisions greatly diminished; when she shall have suffered severely from the prohibitory orders, of her own government; when the stock of raw materials for her manufactures is gradually declining; when the want of the all-important article of flax seed, (no where else to be got) shall have paralised the labors of the farmer, and presented a more dreary prospect to the manufacturer; and when the prospect of a supply from this country—hitherto her constant reliance in time of distress—shall have vanished? Will not Britain, at such a period, yield to that principle which she has made the pretext for all her invasions of neutral rights, to the principle of necessity, whose existence, however incorrectly urged on other occasions, can admit of no question under such circumstances? We do hope that she will, and that her own decided interest will induce her to act a wise, honorable and just part towards us.

France, too, and all her allies, will most sensibly feel the effects of the embargo; so sensibly, we should hope, as to be herself willing, in case England relaxes her conduct to neutrals, likewise to annul *her* restrictions. We are assured from a correct commercial source that flour was in that country, at the latest accounts, at ten dollars a barrel, which is four dollars above its average price since the accession of Napoleon.

At Bremen flour was ten dollars and a half a barrel, and rice nine dollars. At Nantz cotton is said to be eighty cents a pound, at Cadiz tobacco twenty dollars, at Amsterdam sixteen dollars.

The following articles are extracted from late London papers received at this office:

"*London, November* 24.

"At the privy council which was held at the Queen's house on Wednesday last, an order was made, which is extremely different in its nature from those which have been practised under our navigation laws. After reciting the titles and stating the particular objects of several acts of Parliament that have been passed for the regulation of different branches of our commerce, it ordains that Hemp, Flax, Cotton, Wool, Horns, Hides, and several other articles may be entered at and landed in any port belonging to the United Kingdom from neutral vessels, upon payment of the same duties as are already paid on the like goods imported in vessels belonging to Great Britain or Ireland. Most probably the order will appear at full in the Gazette of this evening."

"*London, November* 25.

"Paris papers to the 14th instant arrived yesterday, and they were highly important. They announced, in a long paragraph in the Moniteur, the determination of Napoleon as to the overthrow of the monarchy of Portugal; and the accession of the emperor of Austria to the confederate war against the commerce of England.—The public will read this paper with particular interest. They will observe, that the indignation of all the powers of Europe against us, is assigned to our unprincipled attack upon Denmark. And that however we may attempt to reconcile this measure with the principles of justice, or to apologize for it on the plea of necessity, the French have succeeded in persuading the world, that all confidence in our friendship is misplaced, and all connection with us is ruin. We are prevented by the multiplicity of matter from further animadverting on this curious paper, which our readers will find at length this day.

The news of an embargo in the ports of the U. States reached Havanna the 6th inst. being only 16 days subsequent to the passage of that law.