most inclement; the mere creatures of military power, perhaps of military caprice. And will gentlemen contend that the same attendance is due to the one as to the other, by the citizen, in his private capacity? Indisputably and assuredly not. Besides, as has been well observed, in giving his attendance as a witness in a court of law every man performs a duty which is reciprocal in its nature—which his neighbor is equally bound to perform for him. Not so here.

Supposing this bill to pass, I can hardly conceive a more effectual engine of oppression, than it might become in the hands of an executive disposed to use it as such. It is true there is a proviso that a witness shall not be compelled to attend at a greater distance than 100 miles; but not to mention that a supplementary bill may *amend* this *defect*—nothing more easy after the principle shall have been firmly established—there is not a hundred miles square in the union in which a court martial might not be sitting at the same time. The centre may be located at will, it is a moveable point, at the pleasure of the Executive, and there is not one man or woman in the country, who may not be drawn within its vortex. If this bill pass it will be the first attempt under this constitution, to raise the military power to a co-ordinate authority with the civil. I wish it may not be the first of a series of laws tending, insensibly, "whenever deemed necessary," to extend martial law throughout the country. Indeed such is its present operation, as far as it goes. The citizen is punished by a military court and for a military offence: the court of law indeed pronounces sentence, but in so doing, it is the mere mouth-piece of the offended court martial. The court cannot even grant a trial. The award of the military commission is more binding upon it than the verdict of a jury. The court of law must inflict the sentence of the law, on the victim of the military tribunal. Had a jury found him guilty, the court might have granted a new trial. You may begin with this bill and go on until the inhabitants of this country, are placed in the same deplorable condition with the wretched natives of Ireland—Treasons, insurrections, conspiracies, real or fictitious (and in our southern country, materials for insurrection are, unhappily, always at hand) may be made the pretexts of further encroachment until the liberties of the people will exist only in history.

Among the curious inducements held out in favor of the bill, one gentleman has gravely said that in proportion as a nation was free, so ought the military code of that nation to be severe, and the proceedings under it summary; from which he draws this *very logical* inference, that in all cases where it is practicable, you should extend to the soldier every provision for his security, to which the citizen is entitled in criminal trials at law.

When this bill was originally introduced, the first idea that struck me was the reception it would have met with, ten years ago, from a certain description of politicians in the nation. At that day, "standing armies, great navies, implicit confidence in the Executive" were the leading traits, the watch-words (I might say) of Federalism, and it was a subject of curious speculation by what strange metamorphosis a great deal of what then was deemed good federalism has now, by gradations almost imperceptible, become very good republicanism. Are the same principles now to be brought into operation and silently acquiesced in, which ten years ago would have set the continent in an uproar? Are we to go beyond former administrations in zeal to cherish the military establishments at the expense of the civil? Much as I abhor and detest the alien and sedition laws, neither of them, in my estimation, surpasses the bill before you as instruments of oppression. As calculated for a particular case it is highly objectionable—and yet more so as being general in its operation.

I have done, sir—I have attempted to express in as few words, and in as plain a way as I could, some of my objections to this bill; but if it should pass, I hope you will do away this military masquerade, this miserable mockery of calling in the civil authority when the civil authority has no discretionary power, except in the case of what has been aptly called the "*military subpoena duces tecum*;" and even there its power is inadequate—when it has no discretion in withholding the punishment (but merely over its quantum) awarded by a court martial on a citizen, for refusing to obey what is called a civil process, but what is substantially a military process, as if enforced by a file of grenadiers at the point of the bayonet.

(To be continued.)

WEDNESDAY, MARCH 16.

Mr. D. R. Williams held in his hand a resolution by which he wished to call the attention of the committee of Commerce and Manufactures to the discussion of a subject which he had long considered as of the last importance to our commercial interests directly, and perhaps not indirectly to the domestic interest of the country. The object of the following resolution being merely to direct the committee of Commerce and Manufactures to enquire, he should not offer any observatins on its expediency:

Resolved, That the committee of Commerce and Manufactures be instructed to enquire into the expediency of prohibiting the entry of any vessel into the U. S. from an port or place, to which a vessel of the U. S. is not admitted by a permanent regulation of the country owning such place or by treaty. Agreed to without a division.

On motion of *Mr. Desha* the committee of Post-Office and Post-Roads were directed to enquire into the expediency of establishing a post-road from the mouth of Big Sandy, by Greenup court-house, Lewis court-house to Washington, Kentucky.

The engrossed bill for the further continuance of the mint at Philadelphia was, after some observations against it by *Mr. Lyon*, passed by yeas and nays, 83 to 19.

Mr. Newton offered the following resolution:

Resolved, That the committee of Commerce and Manufactures be instructed to enquire whether the sums in which the collectors of the customs are severally bound to the U. S. ought to be increased. Agreed.

On motion of *Mr. Dawson* the House then resolved itself into a committee of the whole, Mr. W. ALSTON in the chair, on the bill for raising an additional military force.

The bill was taken up by sections and various amendments made to the detail.

Mr. Tallmadge proposed an amendment going altogether to reverse the provision of the bill in respect to cavalry. The bill at present provides that one regiment of cavalry shall be raised, to consist of eight companies of thirty-eight men each, with a discretion to be given to the President to encrease each company to 64. Mr. T. proposed to substitute the provision by inserting four troops of cavalry of sixty-four men each, and four companies of dismounted dragoons.

This motion was supported by *Mr. Tallmadge* by arguments drawn from transactions during the revolutionary war, and opposed by *Mr. Nelson* on the same ground.

It was agreed to, ayes 65.

Further amendment having been made to the detail of the bill, without having gone through it, the committee rose at the usual hour of adjournment, reported progress, and obtained leave to sit again.

THURSDAY, MARCH 17.

Mr. G. W. Campbell, from the committee to whom was referred the bill to amend the act establishing certain courts and abridging the jurisdiction of the district courts of Kentucky, Tennessee and Ohio, reported the bill with amendments; which was concurred with and ordered to a third reading.

Mr. Dawson proposed the following resolution:

Resolved, That a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate to consider and report *what further business is necessary to be done during the present session, and* at what time it shall be proper to adjourn.

The House agreed to consider the resolution, Ayes 73.

Mr. Dawson said it would be observed by the House that members daily obtained leave of absence; it was undoubtedly the wish of every one to adjourn as soon as possible, and as this only went to enquire, he presumed there would be no objection.

The words in Italic on motion of Mr. *Van Horne* were stricken out.

Mr. D. R. Williams thought perhaps on this subject as no other gentleman did, for he thought it very ill-timed, and that this was an inauspicious moment for such a resolution. In what was the situation of the country different from what it was when they met here and which every person considered a perilous situation. I ask gentlemen, said he, will they adjourn and leave the country in the situation in which we stood when we met? Is it possible that this is the case? I wish to take off my shoulders the weight of reponsibility which might rest upon me from its passing by a silent vote. I therefore call for the Yeas and Nays upon the resolution. I wish to tell my constituents that I am willing to sit here till there is some change in the awful appearance of American affairs. I cannot vote for this resolution without some documents shewn or some reasons given to indicate a change.

Mr. Dawson said it was certainly not his wish that Congress should rise without taking measures necessary for the national defence. All my acts, said he, will shew to the contrary. I have been one among those who have advocated every measure of defence of the country. I wish that some others had done the same. Is it not a fact, that those who now wish to prolong the session were opposed to all the defensive measures which have been adopted? It is because I wish to hasten the necessary laws, that I have proposed this resolution.

Mr. D. R. Williams said that he had no other motive for asking for the Yeas and Nays, than to shew that in the present situation of our affairs, he had voted against the resolution; I am sorry, said he, that the gentleman from Virginia should have charged me with being uniformly opposed to defending the nation. Is this a fact? Can he substantiate the assertion? What mighty measures has *he* proposed for the defence of the nation? Aye, sir, what are they? Let the gentleman who has boasted his zeal, tell us what they are. On one day a bill for employing 1250 seamen is pressed through the House with so much speed as not even to allow time to have it printed; the next day the gentleman himself moved that the bill lie on the table, and there it continues. In came a proposition for an army of 12 or 15,000 men. What was the course with that? I am mistaken or the gentleman did induce the committee of the whole to go through that bill by declaring that he did not mean to move the consideration of the report when it was made to the House. How now? An army of 12,000 men is frittered down to six. Is this like being a friend to defence? And yet the gentleman has stigmatised me in this manner because I shall vote against his motion, and perhaps he anticipates that I shall vote against his 6,000 men. I wish the gentleman to shew that I have voted against any measure for the defence of the nation. I know of no strong measure but the embargo act; and the gentleman cannot have forgot that I did with all the zeal I was master of, endeavor to support the bill amendatory of the embargo law. I had not an opportunity of voting on the original law; and I have before candidly said that I should not have voted for it had I been here: but because the nation had lifted its arm I was willing to support it with all my strength. I am accused wrongly; I *will* defend the nation; and when the gentleman from Virginia or any other shall shew that my country calls for it, it would but be doing justice to my feelings to say that my BLOOD is at its service.

Mr. Dawson said, that certainly the gentleman from S. Carolina could not suppose that he had been alluded to, for Mr. D. now declared that he did not know how the gentleman had voted on questions of defence.

After some further observations—

Mr. Kelly moved that the resolution lie on the table. Carried 59 to 33.

Mr. Dawson having called for the order of the day on the bill for raising an additional military force,

On motion of Mr. *Helms* supported by Messrs. Nelson and Tallmadge, and opposed by Mr. Dawson, the bill was recommitted to a select committee to harmonize its parts conformably to the amendment yesterday made at the instance of Mr. Tallmadge, 49 to 38.

The report of the committee of Elections on the contested election of Mr. P. B. Key, was called up.

[The committee of Elections, to whom it will be recollected a former report was recommitted, reported an opinion that nothing in the evidence before them, so far as respects the suggestion of Mr. Key being a pensioner or half-pay officer to the king of Great Britain, authorises them to alter the opinion or the resolution submitted with their former report.]

Mr. Rowan moved an indefinite postponement of the subject, and supported his motion on the ground that the decision of a question of fact on the point of residence, rested properly and exclusively with the people, who were the best judges of it, as to the alledged pension, on which point however, he had no doubt, if it were even true, neither the constitution or any law of the United States makes it a disqualification from a seat, although it might be cause for discussion what course should be pursued with a member if actually in the receipt of a pension after he became a member. Mr. R. observed that an election would take place in the ensuing autumn, in which the people would have an opportunity to declare their opinion by a re-election or otherwise.

Mr. Key observed that he should be content with any course that the House should take; were he to consult his personal feelings he should wish it immediately decided.

Messrs. Eppes, Marion, and W. Alston opposed the motion on the ground that a postponement of this subject would be a breach of their duty; the constitution had made it their duty to enquire into an election of one of their own body whenever contested, and they could not shrink from it; that this provision was essential for the preservation of the purity of the House; that this subject should have been long ago decided on; and that the "people" could not perform what the constitution had made the positive duty of the House.

Mr. Eppes considered the decision on the motion more important than even the election itself, as establishing the precedent by which they might hereafter be tempted to throw the responsibility from their shoulders on the people; he therefore called for the yeas and nays on it.

Mr. Rowan withdrew his motion.

The House then resolved itself into committee of the whole on the subject, Mr. PITKIN in the chair.

The report of the committee of Elections concludes with the following resolution:

Resolved, That Philip Barton Key is entitled to his seat in this House.

A considerable discussion arose on the resolution, not interesting, nor yet confined to one particular point, there being two in this question, 1st of residing, 2nd of his being a pensioner. Some gentlemen wished the question to be divided, so as to take a question on each of these two principles, that the resolution might carry on the face of it evidence of the ground on which his seat was confirmed or vacated.

At half past 3, a motion was made that the committee rise, and negatived, 57 to 42.

At four the committee rose without coming to a decision on any point, 57 to 36, and obtained leave to sit again.—Adjourned.

FRIDAY, MARCH 18.

Mr. Boyle, from the committee on Public Lands, reported a bill to change the boundaries of the land districts in the territory of Louisiana, and to continue for a further time the authority of the commissioners at Kaskaskias; which was twice read and committed to a committee of the whole.

Mr. Nelson begged leave to offer a resolution relative to the officers and soldiers of the army. It is a well known fact, said he, that from the particularity of the service, men who enter into the army become so debilitated before their time expires, that they are afterwards incapacitated from getting a livelihood by labor. It would certainly prove a very burthensome expence to the United States, to take all such under their care and provide them with pensions; and as certainly this is not my object. Now those men might yet be useful soldiers in garrisons. At present when discharged they become common pests to society, and we find them travelling about the country in the capacity of beggars. I myself consider it a disgrace to the country and to humanity, that men who had spent the best part of their lives in the service should be turned out as beggars, and wanderers on the face of the earth. My object is that they shall be provided for in a way that shall not be expensive to the U. States, and in which they may still be serviceable to the country, to form an invalid corps. Those men may perform good garrison duty who have become incapable of doing duty in the field. Another circumstance induces me to offer this resolution: officers cannot be dismissed from service except it be for some crime, or at the pleasure of the President of the United States. I trust we shall never have a President in these United States so devoid of humanity as to discharge an officer because he is worn out in service. Those officers might be placed in the same grade in the corps of invalid pensioners which they have held in the army, and live out the remainder of their days with comfort to themselves and advantage to society. Mr. N. cited the case of two officers whom he had knowledge of, who had become superannuated and unfit for service, and yet continued in the camp, preventing younger meritorious and active officers from taking the situation which they had become incompetent to fill. For the purpose of doing away this inconvenience said he, all I ask is that a committee be appointed to enquire into the subject; if a report can be made on such a plan as will meet the approbation of the House, I trust it will be adopted; if not, it may easily be rejected.

Mr. N. then offered the following resolution which was agreed to without a division.

Resolved, That a committee be appointed to inquire into the expediency of making provision by law for the relief of the infirm, disabled and superannuated officers and soldiers of the army of the United States, and that the committee have leave to report by bill or otherwise.

Messrs. Nelson, Howard, Tallmadge, Trigg and Deane form the committee.

The following message was received from the President of the United States by Mr. Coles his Secretary:

To the Senate and House of Representatives of the United States.

The scale on which the military academy at West Point was originally established is become too limited to furnish the number of well instructed subjects in the different branches of artillery and engineering, which the public service calls for. The want of such characters is already sensibly felt, and will be increased with the enlargement of our plans of military preparation. The chief engineer, having been instructed to consider the subject, and to propose an augmentation which might render the establishment commensurate with the present circumstances of our country, has made the report which I now transmit for the consideration of Congress.

The idea suggested by him of removing the institution to this place, is also worthy of attention. Besides the advantage of placing it under the immediate eye of the government, it may render its benefits common to the naval department, and will furnish opportunities of selecting, on better information, the characters most qualified to fulfil the duties which the public service may call for.

TH: JEFFERSON.

March 18, 1808.

The message and documents having been read, were on motion of Mr. *Nicholas* referred to a Select committee.

Messrs. Nicholas, Troup, Desha, Upham and Milnor form the committee.

The House again went into committee of the whole on the contested election of Philip B. Key.

After several propositions for amendment to the report of the committee of Elections had been made and withdrawn, a question was at length taken on the report, and carried 53 to 44.

The committee immediately rose, and reported the resolution in the following words:

Resolved, That P. B. Key, Esqr. is entitled to his seat in this House.

[The words "*having the greatest number of votes* and being qualified agreeably to the constitution" were struck out of the resolution in committee of the whole.]

The question being put on concurring with the committee of the whole in striking out these words,

Mr. Randolph called for a division of the question, taking it first on the words in Italic.

And the question having been put on a concurrence in striking out the first part of the clause as divided, was carried without a division.

The question on concurrence in striking out the remainder of the clause was carried by yeas and nays, 79 to 28.

The yeas and nays having been called on the resolution as reported,

Mr. Stanford moved to adjourn. Negatived, ayes 8.

Messrs. Stanford, Randolph, Smilie and *Nicholas* then opposed the report, and *Messrs. Livermore, Sloan* and *Key* supported it.

The question on the final consideration of this report appeared to be reduced to the plain fact of residence.

The opponents of the report contended that Mr. Key having resided but two weeks in Maryland immediately antecedent to the election, an affirmative decision of this resolution would fix a precedent to the future definition of the constitutional term of residence; that hereafter when the capitol of the U. S. was as it must be a populous city, the influence and wealth of that city and of the government, as had been the case in Great-Britain, might secure the election of any whom they should choose to send for a few days' residence into any state in the union.

On the other hand it was contended by *Mr. Key* himself and others that he had fixed a residence, purchased land and built a house in Montgomery county, Maryland, previous to a removal there; that it was his intention to have a fixed residence there though he meant to reside in the winter months in Columbia for the purpose of accomplishing the education of his children, and for the convenience of business. This was said to be very different from a transient residence; and even were a transient residence sufficient qualification, the integrity of 30,000 freemen would always prove a sufficient barrier against corruption.

The final question was at length taken on this strongly contested election by yeas and nays, and Mr. Key's seat was confirmed, 57 to 52.

Half past four—adjourned.

SATURDAY, MAR. 19.

On motion of *Mr. Dawson* the House resolved itself into a committee of the whole, Mr. W. ALSTON in the chair, on the bill for raising an additional military force.

Various amendments to the bill reported by the committee on our military establishments were agreed to.

One section of the bill fixes the price of all undrawn rations at twenty-five cents.

Mr. Blackledge conceiving this a higher price than had ever been paid for rations moved to strike out the word five.

Some discussion took place on this motion, in which it was declared in support of the motion by Messrs. *Blackledge* and others, that the greatest general price now paid by contract for rations was 18 cents; in some places only 14: and that a provision of this kind would favor the officer and not the soldier.

On the other hand it was urged by *Mr. Nelson* and others, that the compensation was now too small, and varied in price according to the facility or difficulty of making contracts in different places; that a captain, who like all soldiers must undergo hardship, even if this provision pass, would receive but at the rate of 753 dollars per annum out of which his subsistence, clothing and equipment must be furnished, while a member of Congress who undergoes no labor and sleeps comfortably, one moiety of the 24 hours, receives at the rate of 2196 dollars besides his allowance of stationary, &c.

Mr. D. R. Williams, to try the principle of equalizing the price of rations, moved to strike out the section. He conceived that it might produce a negligence of the officers in regard to the quality of rations, and thus have an ill effect on the fare of privates.