... hobby horse, which ... great and respectable state of Virginia has descended from its dignity to bestride. Yes sir, the legislature of Virginia, my parent state of whom I cannot speak with disrespect, nor will I suffer any man worth my resentment to speak of her with disrespect in my hearing, has been carried away by the military mania, and they want one regiment. What will fall to the share of Delaware, Rhode Island, and those inchoate anomalous things, our territories, when one whole regiment is to go to Virginia? I respect and love the legislature and state of Virginia, and would feel myself bound at all times to give great weight to the opinion of that state expressed to its representatives; but I never will consent that one regiment of these troops shall be quartered amongst them. I do not know to what use these 6000 men are to be applied; but if that is one of the uses, if for that only I should be against them; for I know what the effect will be. I have known the recruiting service of the U. S. stopped by the indignation of the people. The people of Virginia were, with a few exceptions, in constant hot water with the federal troops; and those who agreed with them upon better terms, derived no other advantage than a dissipation of their time, the ruin of their estates, and the corruption of their morals. And this is the effect which I am not willing to see again produced in the state of Virginia.

My friend from North-Carolina (Mr. Macon) has well said that the time is not now as it was of yore, when the Franklins and Jeffersons were our representatives in Europe. It was then the interest of France to give you consequence for the purpose of lowering G. Britain. Indeed it is now her interest if she had sense enough to perceive it—but at the time when you were colonies, it was the interest of France to bolster you up—to give you douceurs in return for the favors you bestowed on her by weakening the power of Britain. The times are altered since the treaty of 1778, but since the destruction of that treaty (I thank God for it—that act alone was almost sufficient to redeem a life of political sin) we have continued to regard her with the same eye.

But I think that something has been said of the quarter whence we received this bill. I hope not to depart from order, not to be guilty of a want of that decorum which should always subsist between this body and the coordinate branches of government, if I say that the quarter from whence the bill comes, the auspices under which it is here introduced, and the name given it at the baptismal font in the other House, are with me cogent reasons for voting against the bill. It is in fact the Senate's old peace establishment bill; we give it a new name—the House of Representatives' war establishment bill; but, after it is passed, it depends on the other branch of the) legislature whether it be a war or a peace establishment; and there have been so many reasons to doubt the firmness of this House when coming into conflict with the other—it has so often given way when I have thought every nind in it was made up—I need not mention the salt tax—I am unwilling to give them this military peace establishment, even with the flimsy covering, the ill-contrived swaddling clothes of "an additional military force;" because hereafter they may alter the title, and because it is not possible that one hundred and forty men elected for two years, will ever resist the influence of thirty-four elected for six years—and why? Because we are the militia and they are the standing army. Gentlemen smile. It is a fact; they have a permanent character: they do not cast their slough as often as the serpent himself—and perhaps that may now happen in that House which has often happened, a single *restive* member must be gratified. But I have other reasons besides that for not being pleased with the quarter whence this bill comes. I think we once received from the same source a bill for suspending the privilege of the writ of habeas corpus; we indignantly rejected it, and yet I think standing armies and suspension of the habeas corpus should always go hand in hand; for the exercise of the privilege of habeas corpus as well as of other great and dear privileges are absolutely inconsistent in their very nature with the existence of a standing army.

I am afraid, sir, that you and the House are of the opinion that the address I am making to them is as permanent in its nature as the other body or the standing army itself. I had taken notes, sir, scraps of observations made by different gentlemen; I have endeavored to answer them *all* with a pure sense of honest duty. If I were acting with a view to political triumph and had a political enemy in this House, I would not ask of him a greater favor than that he should stand forward as the supporter, and I as the opponent of this bill; because my ground is impregnable, one from which no man can be driven until a total change takes place in the dispositions of our people, and liberty whilst she dwells on their tongues, is rooted from the hearts and affections of the people. I have stood as long as I myself could bear, and until your patience, sir, polite as it has been, must be exhausted. I beg the House to consider if the necessity for this bill be so pressing that it may not be postponed for a short time, I expect to be indulged in my motion, because, although I will honestly say that I do not think any man can convert me from what I deem the true faith, and I have very little hope of others, yet it is possible that some of us may convince ourselves of the inexpediency of the proposed measure.

(Debate to be continued.)

THURSDAY, APRIL 21.

Mr. Morrow, from the committee appointed to enquire into the official conduct of Judge Bruin, reported a resolution authorising George Poindexter, Esq. delegate from the Mississippi territory, to take depositions on this subject during the recess, giving a reasonable notice to judge Bruin of the time and place of taking such depositions—Agreed to.

The engrossed bill concerning invalid pensioners, was read the third time and passed.

A bill to establish certain post-roads in the state of Georgia was read three times and passed.

Mr. Stanford, from the select committee to whom the subject was referred, reported a bill making an appropriation to supply a deficit in the appropriation for public buildings in 1807, and to make a further appropriation towards repairing and finishing the buildings, together with a detailed report on the subject, &c. Twice read and referred to a committee of the whole.

A bill from the Senate to alter the time of the next meeting of Congress, was read three times and passed by Yeas and Nays, 61 to 30.

[The bill fixes the meeting for the first Monday in November.]

A bill to make Plymouth in N. C. a port of entry, and to change the name of the district of Nanjemoy to that of St. Mary's, was twice read & referred to a committee of the whole, and made the order of the day for to morrow.

A bill from the Senate, in addition to the several acts laying an embargo, was read twice and referred to a committee of the whole House on this day.

A bill from the Senate to authorize the President of the U. States to suspend the operation of the act prohibiting the importation of certain goods, wares and merchandize, was twice read and referred to a committee of the whole.

Monday being named as the day, was negatived.

To-morrow was agreed to.

A motion being made to consider the amendments of the Senate to the bill concerning courts martial and courts of enquiry, was negatived, 41 to 40.

On motion of Mr. *G. W. Campbell* the House resolved into a committee of the whole, Mr. PITKEN in the chair, on the bill making an appropriation for the support of an additional military force for the year 1808.

The blanks in the bill were filled to the amount of 985,000 dollars.

The bill being gone through, was reported to the House and ordered to a third reading.

On motion of *Mr. G. W. Campbell* the House went into committee of the whole on the bill making an additional appropriation for the support of government for the year 1808, and to meet expences of valuation of houses, lands, &c.

[The first item in the bill is 7000 dollars for contingent expences of the House of Representatives during the present sesion.

The second item is 5401 dollars a balance of a former appropriation which had been carried to the credit of the surplus fund, and was now deficient.

The bill having been gone thro' was reported, to the House, & ordered to a third reading.

Mr. Randolph, from the committee appointed to enquire into the expediency of repealing part of the act making provison for persons disabled by known wounds in the revolutionary war, reported a bill to amend that act; which was twice read and referred to committee of the whole.

Mr. Macon offered the following resolution which was adopted without objection:

Resolved, That the Secretary of the Treasury be directed to report to this House at the next session of Congress, every sum of money drawn from the treasury and not accounted for on the 30th of June next.

The House took up the report of the committee of the whole on the bill for the relief of Philip Turner; which was ordered to a third reading this day and read & passed accordingly, Ayes 60.

The House then resolved itself into a committee of the whole, 45 to 28, Mr. PITKEN in the chair, on the bill for relinquishing to the corporation of the city of Orleans the right to the batture in front of the suburbs of St. Mary's.

Mr. Rowan moved to strike out the first section of the bill, as it went possibly to prostrate an individual right. It was known that an individual in a suit repecting this batture had decision in his favor by a competent tribunal, but had been dispossessed and ousted from possession under the law to prevent persons from settling on lands of the United States. The individual interested could not have a knowledge that a law was about to pass by strong implication declaring a title to exist in the U. States to the claim; and the passage of the law would be an *ex-parte* decision. No injury could result from postponement, as the corporation were now in peaceable possesion.

Mr. Eppes said that the gentleman from Kentucky were mistaken as to one material fact, to wit, that the corporation were in peaceable possession. The contrary was the case: for although the individual had been deprived of possession, the court had lately interfered on the subject, and the question of right was again in agitation. He was happy that the House were in possession of documents which would shew much more clearly than in his power, the precise situation of the case, and how far it was necessary for the House to act at present.

[The Clerk then read the statement of the case and opinion by counsel in New-Orleans.]

Mr. Eppes said the question of relative right of the individual or corporation was not now before the House. In whomsever the right might lie, the bill before the House was calculated to do justice as well to the individual as to the corporation. Under a law of the United States the President was authorized to remove by force settlers on lands of the U. States, who are now in possession of the land. The intention of the law is to bring fairly before a court a trial of the title, to enable the individual and the United States or the corporation to obtain a fair and impartial decision. The bill provided for an appeal, because it was thought that where the United States is party, it is proper that the decision of the territorial court should not be conclusive, as a variety of circumstances might operate upon their decision.

The question was then taken on striking out the first section, and negatived. Ayes 23.

On motion of *Mr. Clark* a new section was added to the bill reviving a clause of a former law vesting certain rights in the corporation, of N. Orleans, which had expired from a delay in the execution of the law.

The committee then rose & reported the bill.

Mr. Rowan moved to postpone the report indefinitely. It was extremely hard after the widow claimant had already obtained one decision at the expence of 12,000 dollars that a new trial should be granted, for this was in fact granting a new trial. The paper which had been read was a statement of citizens of Orleans, and an opinion by a single lawyer, opposed to the solemn decision of a court. Mr. R dwelt some time on the difficulty of this subject, as the bill prostrated the right of the individual and strongly implicated the decision of a court of the United States. He did not wish to relinquish the claim of the United States, but he did not wish the U. S. to declare their right which would be the undoubted implication of this law without a full statement of the facts.

Mr. Ely although one of the committee stated reasons which influenced him to think that the subject ought to be postponed.

Mr. Eppes stated in reply to Messrs. Rowan and Ely that the land was now in possession of the U. S. from whom it could not be taken; this law prescribed the only way in which this widow woman, if she had a title, could have it confirmed; for the United States could not be sued. The gentleman had controverted the right of the United States on the ground that there was no proof of title in the United States. Mr. E. said the property had been always claimed by the Spanish government, and held as public property by Spain; and various instances were upon record in which application had been made by individuals and objected to, 1st because it was public property, and 2nd, because buildings might affect the health of the city. Individual rights was not in question; for he trusted in God that such a body as this would never attempt to try rights between man and man.

Mr. Randolph observed that he had just been informed that the Senate had postponed the subject indefinitely. This might possibly be a reason for postponement.

Mr. D. R. Williams hoped it would not be postponed on this account. For in case of the drawback business the Senate had postponed it and afterwards agreed to take it up; and very possibly they might change their mind in this case also.

The question on postponement was then taken by Yeas & Nays, & lost—Yeas 29, Nay 58.

Mr. Bibb moved to strike out the 2d section of the bill. [This section provides for an appeal from a final decree on this subject in any court in Orleans to the supreme court of U. States.] He thought it went to establish a principle by which the *Yazoo* claimants may hereafter bring their claim before the supreme court of the U. States. For whenever it came before that court, it was not difficult to foresee how it would be decided.

Mr. Randolph said he voted in the majority against postponement. If the gentleman from Georgia would withdraw his motion he would move to re-consider that vote.

Mr. *Bibb* withdrew his motion, and

Mr. *Randolph* moved re-consider the vote on postponement.

Mr. *Eppes* said if this 2d section were a general provision for appeal from territorial courts to the supreme courts, he should be one of the last to support it. How did this section establish the general principle of appeal? It did not; on the contrary the section shewed that this was a particular case of appeal authorised by a special and particular law; and he called upon gentlemen to shew how an appeal could be had except by a special law passed for that purpose—and he asked also how, if at any future period, the House determined to allow an appeal, it could be prevented, supposing, this bill not to pass? It could not. In the present case there was various reasons why the appeal should be authorized, and if the clause were struck out, he must vote against the whole bill. For, in a case involving property to the value of perhaps a million of dollars, being a piece of land the only spot whence the dykes which kept the kept the Mississippi, from inundating the property could be constructed—when it was considered that every cart load of sand which was constantly renewed by the Mississippi, was worth twenty-five cents, and the property consequently almost invaluable—when all these things were taken together, and in addition the feeling and sentiment excited on the subject, it was at lest doubtful whether either the individual on the one side or the U. S. on the other, could have a fair and impartial trial without appeal: and it must be conceived that a decision at a distance from the scene of contest would promote justice between the individuals and the U. S. If he thought this could go to establish a principle which in any shape could bring the case of the Yazoo claims before the supreme court, he would himself be the last in the House to vote for it.

Mr. Bibb observed that he had not supposed that the law made a general provision for appeal in all cases; but it established a principle which might heareafter be drawn into precedent as a reason for allowing appeal in a similar case.

Messrs. *Key & Ely* followed in support of the second section.

Mr. Randolph supported the motion for reconsideration of the motion for postponement. He admitted that his opinion was that the right was either in the U. S. or the corporation of New-Orleans. If the right were in the U. S. he was desirous of transferring it to the corporation; but he was in favor of postponing the bill on two distinct grounds. He thought with his friend from Georgia (Mr. Bibb) that he could see a squinting towards Yazooism in that bill; that it might be a precedent to give the same power to the supreme court in relation to cases decided before a Mississippi court as it went to give in this case. He had ever been of opinion that cases like that alluded to by his friend from Georgia, cases of empires he might say, not of hundreds of acres but of thousands of square miles, were not subjects of judicial decision. He said he should as soon think of trying the independence of the U. S. or whether the declaration of independence was a lawful act before a petty jury with appeal to a supreme court, as to try cases of this immense magnitude. He was in favor of postponement on another ground. This case of the Batture the right to which had been enjoyed a long while, although perhaps essential to the city, was a different case entirely from a case going to cover a claim to territory of an hundred miles in length and breadth; it was very much such a case as might present itself within sight of the House. Suppose a contest between Mr. J. Mason and the corporation of George-town as to the mud deposited on his island by the Potomac—whether it should be considered as the property of Mr. Mason or of the corporation of George-Town. There was a vast difference between a case like this, and the giving power to decide whether an immense country shall belong to swindlers; and perhaps the means which might be resorted to in the one case would not be justified in the other. Mr. R. said, he had heard of no corrupt grants in relation to this claim, which had been burnt as they always ought to be by the hands of the common hangman; but it was one of those nice and subtle points with which those gentlemen learned in the law like to amuse themselves—something like a case which he had lately heard of, in which a man said, if as the lawyers said his land was his exclusive property from the heavens above downward to the centre, his neighbor had no right to plant poplars on the ground adjacent to his, because the roots would infallibly extend into his soil. Mr. R. said, they should not pass a law respecting a special case while it was *sub judice* between the corporation and the nominal claimant who he had heard it said was a widow woman, tho' he understood the real claimant was a very different person.

Mr. R. went at some length into a view of the subject. He was willing to give the corporation the right of the U. S. and let them establish that right if they could. This was as far as he should go.

Mr. Holland remarked on Mr. Randolph's observations. He questioned the correctness of the gentleman's doctrine; for he had taken a singular distinction; he would permit caes involving property of small value to go before the supreme court, but in a case involving property of great value he would not trust them, but legislate specially for it. Mr. H. was willing to give all territorial courts the right of appeal—to adopt the universal principle of doing universal justice. He said he should not have expected to hear from any gentlemen on this floor that our judges were not to be trusted; and the declaration of the gentleman from Georgia (Mr. Bibb) that the Yazoo business would be decided in favor of the claimants, was a clear evidence that it ought to be so decided.

Mr. Smilie opposed the motion for reconsideration. He was of opinion that the second section of the bill was constitutional and expedient; and it could not be suspected that he would support any thing to favor the Yazoo claim, his sentiments on it being well known.

Mr. Troup could not see the danger which his colleague apprehended; he was not himself governed by precedent, nor ever would be. If this second section were to operate at all as precedent, it would be in a case where it should be proposed to give the Yazoo claimants a right of appeal from the circuit or district court of the Mississippi territory to the supreme court. What the legislature would do indirectly in such a case they would not hesitate to do directly. They would not hesitate to make a gift of ten millions of dollars, or to make a donation in fee simple of 30 millions of acres. It was a position as clear as the noon day, that where a legislature was found disposed to do either one or the other, such a legislature must be as notoriously corrupt as the Yazoo claimants themselves.

Mr. Bibb said he should hope with his colleague that precedent would not influence this House or any other, but he was convinced that they would and do govern legislative proceedings. It might happen that a proposition might be made to give territorial courts appellate jurisdiction, and a majority might revolt at it if this bill should not pass, because it was a case without precedent. Supposing a number of new members, and such a proposition introduced? it might be said to them you may pass this bill; it is not a novel thing; a former legislature has passed a similar bill and there can be no impropriety in it. In this way Mr. B. said it might be drawn into precedent.

Mr. Macon wished it were possible to get a question. If gentlemen wished to adjourn at the time fixed, it was necessary that it should be immediately decided one way or the o-