Congreſs of the United States.

HOUSE OF REPRESENTATIVES.

Friday, December 31.

[CONCLUDED.]

On motion of Mr. Nicholſon, the houſe reſolved itſelf into a committee of the whole—Mr. John C. Smith in the chair—on the bill "*For the relief of inſolvent debtors within the diſtrict of Columbia.*"

The blank in the 4th line of the 1ſt ſect. fixes the period of reſidence in the diſtrict required to entitle a debtor to the benefit of the act. This, on motion of Mr. Nicholſon, was filled with "one year."

Several other amendments were made in the different ſections, on the motion of Mr. Nicholſon. The moſt material of which provided for the liberation of a confined debtor during the vacation of the court by two or more juſtices.

The committee proceeded to the 3d ſection, which is as follows:

Sect. 3. *And be it enacted*, That upon the petitioning debtor's executing a deed to the ſaid truſtee conveying all his property, real, perſonal and mixed, and all his claims, rights and credits agreeably to the oath or affirmation of the ſaid debtor, and on the delivery of all his ſaid property which he ſhall have in his poſſeſſion, and his books, papers and evidence of debts of every kind to the ſaid truſtee, and upon the ſaid truſtee's certifying the ſame to the court in writing, it ſhall be lawful for the court to order that the ſaid petitioning debtor ſhall be diſcharged *from all debts, covenants, contracts, promiſes, and agreements, due from or owing or contracted by him prior to the date of the ſaid deed*, and by virtue of ſuch order the ſaid debtor ſhall be diſcharged as aforeſaid: *Provided* that no perſon who has been guilty of a breach of the laws, and who has been fined or impriſoned for ſuch breach ſhall be diſcharged from the payment of ſuch fine, or from his impriſonment; *and provided likewiſe*, that any property which the debtor may afterwards acquire by gift, deſcent, or in his own right by bequeſt, deviſe or in any courſe of diſtribution, ſhall be liable to the payment of the ſaid debts, any thing herein to the contrary notwithſtanding. Which being read,

Mr. Randolph obſerved that by the proviſions of this ſection, the bankrupt ſyſtem was put in force not only as to merchants, but as to every deſcription of citizens. It extended to all perſons who might migrate to this ſanctuary. It operated in the nature of a repealing law to the laws of all the ſtates. It would alſo have the operation of an *ex poſt facto law*. If theſe objections ſhould not be anſwered, he would be compelled to give his vote againſt the bill.

Mr. Davis thought the 3d ſection liable to the objections of the gentleman from Virginia. It extended the benefit of the bankrupt ſyſtem to the people of this territory in a manner diff. rent from that which was extended to the citizens of the ſtates. As however the ſubject did not appear to have been much reflected on, he moved that the committee ſhould riſe, and aſk leave to ſit again.

Mr. Nicholſon ſaid he ſhould make at that time but little comment on the remarks of gentlemen oppoſed to the proviſions of the 3d ſection. The principle involved in the 3d ſection, was certainly a very important one. It would be well, he thought, for the committee to expreſs their ſenſe of it before they roſe; to decide whether it ſhould be retained or not. If not retained, the bill would require conſiderable modification. He would, therefore, make a few obſervations on the principle of the ſection, in the hope that the gentleman from Kentucky would vary his motion, and move in lieu thereof to ſtrike out the 3d ſection, in order to try the ſenſe of the houſe.

Gentlemen were miſtaken, when they conſidered this ſection as extending to the citizens of this territory the benefits of the bankrupt ſyſtem. If they had been ſo extended, he could not ſee any ſolid objection to it. But the proviſions were very different. By the bankrupt law, when the certificate is granted, the bankrupt is diſcharged from all his debts. By this ſection he is not diſcharged; becauſe it is provided that any property afterwards acquired "by gift, deſcent, or in his own right by bequeſt, deviſe or in any courſe of diſtribution," ſhall be liable for his debts. Under the inſolvent laws of Virginia and Kentucky, an inſolvent debtor's property is anſwerable after his liberation. In other ſtates, a different principle prevails.

Mr. N. ſaid, in his opinion, the principle of the bill was an equitable principle. For if after an inſolvent debtor ſhall be liberated from confinement, and ſhall aſſign over all his exiſting property, property afterwards acquired by his own perſonal induſtry ſhall be anſwerable for his debts, you deſtroy all ſtimulus to exertion and labor. The evil too is not merely perſonal to him, but is felt by ſociety at large; becauſe his induſtry not only contributes to his own perſonal benefit, but to that alſo of ſociety. You loſe, therefore, a valuable member of ſociety. This is not the only loſs. You likewiſe inflict an eſſential injury on his family that are under his ſpecial protection.

[Mr. Nicholſon here inſtanced the unhappy effects of this rigor on two deſcriptions of citizens in this place; thoſe who kept boarding-houſes and ſtore-keepers.]

He concluded by obſerving that, in his opinion, the bankrupt law went too far, while the laws of Virginia and Kentucky did not go far enough. While property acquired by the perſonal labor of a debtor ought not to be anſwerable for his previous debts, he was of opinion, that property, otherwiſe acquired, ſhould be anſwerable.

Mr. Davis withdrew his motion for the riſing of the committee, and moved to ſtrike out the words, "*all debts, covenants, promiſes and agreements, due for or owing, or contracted by him prior to the date of the ſaid deed*," and to inſert in lieu thereof, "impriſonment."

Mr. Davis begged leave to offer a few remarks on what had fallen from the gentleman from Maryland. That gentleman had remarked, that to make property afterwards acquired by the perſonal exertion of the debtor anſwerable, would deſtroy a great ſtimulus to induſtry, while he conſidered it perfectly right that property acquired by deſcent or gift ſhould be made anſwerable. Now, is any thing more eaſy than to evade this proviſion? If an individual is known to be bankrupt, he preſumed none of his friends would give him any thing, becauſe it would be applied to the payment of his debts. They will be ſure to veſt it in ſome friends for his uſe, and thus preclude the ability of the creditor to touch it. The argument of the gentleman, therefore, was not correct. Mr. Davis ſaid, if this ſection ſhould be ſtruck out, the ſame proviſions would apply to this diſtrict, as applied to the ſtates.

Mr. Randolph was againſt the ſection. He was not, however, ſurpriſed at the ſupport it received from his friend (Mr. Nicholſon) from his known humanity, and from the partiality, which it was natural he ſhould entertain, for the municipal regulations of his own ſtate. But he would, on further reflection, find that by extending thus far the meaſure of his humanity to the debtor, he will eſſentially injure the creditor. Mr. Randolph knew how eaſy it was to work on the paſſions of a deliberative body by pourtraying the miſeries of the unfortunate. For himſelf, he abhorred the incarceration of the body for debt. But he was for taking a middle courſe between the extreme rigor of our anceſtors, and the unjuſt clemency to the debtor propoſed by this ſection. He would aſk by what deſcription of perſons the greateſt injury had been inflicted on ſociety in this country; whether by debtors under the iron graſp of their creditors, or by debtors whom the miſtaken clemency of the law had permitted to ruin their creditors? He believed that a more extenſive ſcene of injury had been inflicted on the country by the villainy (he could call it by no other name) of men who had ſported with the property of others, than had been inflicted by the moſt mercileſs rigor of creditors.

By denying to the creditor the power of incarcerating the body of his debtor, you proceed as far as juſtice will warrant. Farther you cannot go; becauſe the obligation to comply with contracts is eternal, and not ſubject to your regulations. He would ſay, that if the debtor were an honeſt man, he would make good his engagements, whatever the law might ſay to the contrary. With regard to a want of ſtimulus to induſtry, which the gentleman from Maryland had aſſigned as a reaſon for retaining the ſection, he would aſk if there was no danger to be apprehended from a law which put it in the power of any man, by twelve months reſidence here, to elude all claims againſt him? Which moſt conduced to the public benefit, the exertions of an honeſt and laborious man, or thoſe you may expect from an inſolvent debtor? It is right to reſpect the miſeries of the unfortunate. But theſe diſtreſſes are in more inſtances the effects of crime than of misfortune.

Mr. Randolph conſidered the ideas of the gentleman from Kentucky as going as far as they ſhould go. They ſay, you ſhall not torture the perſon of a debtor; but you ſhall not abſolve him, on his ſimple oath, from his obligations. Can you diſpenſe a man from his juſt engagements? What are congreſs now about to ſay? They are about to apply that diſpenſing power, which, in religious caſes, has proved ſo injurious, and like the pope of old, free individuals from engagements as ſtrong as the matrimonial bond, and other obligations. Have they not the ſame right to do the one as the other? Is it not as cruel to take away the money of the creditor as that of the debtor? Is it not known that creditors to an immenſe amount are ſtarving? Mr. R. believed their ſufferings were greater than thoſe of debtors. What had become of the millions ſpunged by the bankrupt ſyſtem? They had gone with the wild ſyſtems and projects to which they had given riſe. As to the debtor having performed a complete revolution, he ſtands where he ſtood before. He began with nothing, and with nothing has ended.

Suppoſe there ſhould be a colliſion before your act and that of the ſtates, under each of which there ſhall be an aſſignment; which is to give way? Mr. Randolph concluded by ſaying that the leaſt important conſideration to him, though it might be important to others, were that, in caſe this ſection was agreed to, this place would become the reſort of debtors of all deſcriptions. It would become the temple of Mecca.

Mr. Nicholſon ſaid he might be partial to this proviſion, inaſmuch as it had exiſted in the ſtate he repreſented, ever ſince the year 1774. He did not know, notwithſtanding, that the ſtate of Maryland had been turned into a temple of Mecca, nor were people in the habit of flocking to it. Why then flock here rather than to Maryland? The ſection requires twelve months reſidence before a debtor ſhall be entitled to the benefits of the proviſion. If that term is inſufficient, increaſe it. Say that it ſhall extend to two or three years, or a greater period. To this he might have no objection. But he cheriſhed the principle, becauſe he deemed it valuable.

What are the objections urged againſt it? It is ſaid that its intention may be evaded. This is true. It may be evaded. But he would aſk if it could be ſo changed as to prevent this evil? Suppoſe all the property of the debtor ſhall be made anſwerable for his debts. Will not a fraudulent debtor ſay to the perſon diſpoſed to leave him any thing, veſt it in my children my wife, or friends, and will not that be as complete a fraud upon the creditors as that which gentlemen have deſcribed. This can be prevented by no law whatever.

Mr. Nicholſon ſaid he would aſk what would be the effect upon a man who has a family of children dependant upon him? Would he exert himſelf to acquire property when he did not know that he could retain it an hour after the acquiſition. He aſked if this was in the nature of man? As far as his obſervation extended it was not. Although there were ſome lenient creditors, there were others that were relentleſs, and who would lay their talons on the firſt fruits of his labors. Will not this deſtroy induſtry? But gentlemen ſay this proviſion will effect a moral injury to the creditor. True—But what do they ſay to the effects of the contrary proviſion on the debtor? They will liberate him from jail, that he may become a vagrant, without any inducement to induſtry, or to employ with effect the powers of his mind. He would aſk if this laſt moral injury was not the greater? For his part he believed this proviſion would have a great and good effect. It would prevent the injurious extenſion of credit. It would in this place repreſs ſpeculation in lots, by reducing property to its real value, which would contribute to the improvement of the city, and enable perſons, by obtaining ground on moderate terms, to come here to build.

A ſimilar proviſion has exiſted in Maryland for twenty-ſix years. The law there extends to all debtors who do not owe more than 200 pounds ſterling. In other caſes it is uſual for the legiſlature to paſs an annual law on the petition of debtors. If they purſue a ſimilar courſe, all their time would be occupied to the neglect of buſineſs of infinitely greater importance. It became, therefore, neceſſary to paſs a general law on the ſubject; in doing which no eſſential injury could be done the creditor, while an eſſential ſervice would be conferred on the debtor.

Mr. Goddard was oppoſed to the ſection for reaſons additional to thoſe offered by the gentlemen from Virginia and Kentucky. This proviſion appeared to him to extend much farther than thoſe of any bankrupt law. By this bill the debtor is to preſent to the court a liſt of his creditors, who are to chooſe a truſtee to whom all his property is to be aſſigned, and he is to be liberated, on doing this, without their conſent. This was not the principle of the bankrupt act, under which a bankrupt could not be diſcharged but by the concurrence of two thirds of the creditors both in value and number. How eaſy would it be under this bill for a debtor to render a liſt of his friends only, and by getting them to appoint an aſſignee according to his wiſhes, fraudulently to rob his creditors. This bill was of ſuch a nature as to operate not alone in the diſtrict of Columbia, but upon creditors diſperſed throughout the union. The bankrupt law, notwithſtanding all its checks, had given riſe to many frauds. How much more extenſive, therefore, would the frauds be under this bill, where all theſe checks were removed?

Mr. Nicholſon replied to the obſervations of Mr. Goddard, by remarking that it was entirely left to the diſcretion of the court to give ſuch notice to the creditors as they ſaw fit, who might come in at the time, or within two years, and on ſhewing fraud deny all the benefit of the act to the debtor, who might be puniſhed for perjury. He agreed with the gentleman that under the bankrupt law many frauds had been committed. This was inevitable. He had been no advocate for that law, or one of thoſe who paſſed it. But as moſt of the ſtates have ſome proviſions on this ſubject, he thought this diſtrict, viewing it as a ſtate, ought to have ſimilar proviſions extended to it.

Mr. Mitchill ſaid he could not agree to the amendment, as he did not view the original principle of the bill with that abhorrence that had been expreſſed by ſome gentlemen. He had always conſidered it as a paradox that in countries, comparatively free, the love of property ſhould predominate over that of freedom. Having ſeen this principle once reſorted to, it afterwards appeared to be acted upon as a matter of courſe. He could not however but reflect on the time of our Saxon anceſtors, conſidering us as having derived our origin from England—when no deprivation of perſonal liberty was allowed for debt. By them it was provided that the freedom of the perſon ſhould never be infringed, but in caſes which concerned the breaking of the peace or for offences againſt the organization of the realm.—Theſe rights had been confirmed under Edward the confeſſor, and again adopted as part of *Magna Charta* [the words of which Mr. Mitchill here quoted.] And yet the legiſlature of that country had acted in direct violation of this ſtipulation. This however was, he believed, eaſily to be traced to a ſpirit of commerce—that *auræ ſacræ fames* which made them ready, with one accord, to commute money for liberty. Tracing the ſubject from its firſt ſtage, the legiſlature of that country, and we in imitation, had ſoon proceeded from the proceſs of arreſting the perſon to the period of ultimate confinement, in a ſeries of violations of the great principles of Magna Charta, until it became neceſſary for the legiſlature to interfere to remove the evils conſequent upon their meaſures, firſt to emancipate the perſon of the debtor from a ſpecies of ſlavery, and ſecondly to emancipate him from his debts.

Mr. Mitchill ſaid he had been thus particular in his reference to England, becauſe what had been adopted there applied *mutatis mutandis* to this country.

[He then went into a detailed ſpecification of his reaſons for the original principle of the bill, which we regret our inability to report from the occaſional lowneſs of his voice breaking the chain of his ideas as communicated to us, concluding with an expreſſion of the opinion, that one year's reſidence was too ſhort, and that if it ſhould be determined to retain the ſection, he ſhould propoſe a longer period.]

Mr. Macon (ſpeaker) was in favor of the committee riſing, as he did not think they were prepared for a deciſion. Notwithſtanding all that had been ſaid, congreſs ought not lightly to violate contracts between individuals. Moſt of the ſtates had inſolvent laws; and their various ideas on this ſubject might perhaps be taken from the ſyſtems of the different ſtates in which they lived. As to himſelf, he believed that no government ought to let any man keep property that belonged of right to another. Suppoſe a man, an inſolvent debtor, ſhould ride in his carriage, while his creditors ſhould be begging bread in the ſtreets—did not this ſhow the neceſſity of caution? All that could be juſtly aſked was to liberate the perſon of the debtor. There was no great danger of the rigor of the creditor. It was not the practice of Americans to ſeize from a man what was neceſſary for his family.

Mr. Macon entertained doubts whether congreſs in legiſlating for this diſtrict, could affect property that lay in the ſeveral ſtates. Suppoſe, for inſtance, that a debtor execute a deed for property in an extreme ſtate, while in that ſtate the ſame property is ſold under execution on a ſuit inſtituted there. Which would be valid?

This proviſion appeared to him to place the people of this territory in a very different ſituation from the citizens in the ſeveral ſtates. In other caſes congreſs legiſlate generally---Here excluſively. One ſtate cannot paſs a law that ſhall affect the property in another ſtate. If congreſs undertake to paſs a law that ſhall affect all property, there may be endleſs confuſion and claſhing of juriſdiction. He concluded by moving that the committee ſhould riſe, and aſk leave to ſit again.

Carried without a diviſion; and leave granted.

Mr. Van Cortlandt preſented a petition from Daniel Lewis, of the ſtate of New-York, ſtating that he has a recipe for the cure of the bite of a mad dog; praying congreſs to inveſtigate the merits of his diſcovery, and to allow him a ſuitable reward.

Referred to a ſelect committee of five.

Mr. Newton offered a reſolution, directing the ſecretary of the navy to report to the houſe the ſituation of the timber, depoſited in the navy yard for building ſhips of war, and whether in order to preſerve the ſame, it ſhould not be covered with ſheds. Agreed to.

Mr. Newton preſented a petition from ſundry inhabitants of Norfolk and Portſmouth, praying that the bankrupt law may be amended.

Referred to a ſelect committee of ſeven.

Mr. Varnum moved that the ſame committee ſhould be inſtructed to enquire into the expediency of repealing the bankrupt law.

Mr. Newton conſidered the committee already raiſed as competent to the enquiry without any expreſs inſtruction.

Mr. Griſwold thought this motion incompatible with the prayer of the petition from Norfolk and Portſmouth—the one being in favor of an amendment, and the other in favor of a repeal, of the bankrupt act. After it ſhall appear that it is not ſuſceptible of amendment, it may be proper to agitate the queſtion of repeal.

Mr. Varnum thought there was no impropriety in ſubmitting both propoſitions to the ſame committee, who will enquire into the merits of the law and the propriety of continuing it. It appeared to him that it was not calculated to protect the happineſs of the citizens of the United States. It opened the door to the greateſt frauds and inequalities imaginable. He hoped the ſubject would be taken up ſeriouſly, and expreſſed his opinion that the law was conſidered by both political ſides as injurious.

Mr. Griſwold replied, and inſiſted that the arguments of the gentleman proved the impropriety of referring both points to the ſame committee. If the gentleman is againſt a continuance of the law, let it be referred to a committee of the whole, who will be the moſt proper organ for expreſſing the ſenſe of the houſe on that principle.

The queſtion was then taken on Mr. Varnum's motion, which was carried, ayes 45, noes 25.

Tueſday, January 4.

Mr. Hemphill preſented a memorial from the chamber of commerce of the city of Philadelphia, praying that the acts impoſing additional duties on foreign tonnage and merchandize imported in foreign veſſels may not be repealed.

Referred to the committee of commerce and manufactures.

The ſpeaker laid before the houſe a letter from the ſecretary of the treaſury, encloſing a ſtatement of the duties and drawbacks on goods, wares and merchandize, imported into, and exported from the United States, during the years 1799, 1800 and 1801.

The houſe reſolved itſelf into a committee of the whole, Mr. John C. Smith in the chair, on the bill for the relief of inſolvent debtors within the diſtrict of Columbia.

Mr. Nicholſon ſaid, that when this ſection was under conſideration yeſterday, a number of gentlemen had declared themſelves decidedly againſt the principle of it. He therefore moved to ſtrike out the ſection, though he ſhould vote againſt it.

On this motion the queſtion was immediately taken, and carried in the affirmative by a large majority, ayes 50.

When on motion of Mr. Nicholſon the committee roſe, the houſe refuſed their permiſſion to ſit again, and recommitted the bill to the committee who introduced it.

The houſe went into a committee of the whole, Mr. Dawſon, in the chair, on the bill making a partial appropriation for the naval ſervice during the year 1803. The bill appropriates 100,000 dollars.

The committee having gone through the bill, reported it without amendment to the houſe, who immediately took it up, and ordered it to be engroſſed for a third reading to-morrow.

The houſe reſolved itſelf into a committee of the whole, Mr. Dawſon, in the chair, on the bill making appropriations for the military eſtabliſhment of the United States for the year 1803, who filled up the ſeveral blanks and reported it with an amendment to the houſe, who concurred therein, and ordered it to be engroſſed for a third reading to-morrow.

Mr. Moore preſented a petition from certain inhabitants on Broad river, ſtating that they have been for ſome time paſt, without any regular adminiſtration of juſtice, and praying to be annexed to the ſtate of South-Carolina.

Referred to a ſelect committee of three.

Mr. Dawſon called up his reſolutions reſpecting poſt roads, which, on motion of Mr. Gregg, were referred to a committee of the whole houſe on Monday next.

Mr. Griſwold obſerved that there was one ſubject noticed in the preſident's meſſage, on which the houſe had taken no order. It was very important that the legiſlature ſhould poſſeſs all the information that it was in the power of the heads of department to furniſh. He then read that part of the meſſage that relates to the ceſſion of Louiſiana to the France; and ſaid that for the purpoſe of obtaining all the information proper at that time to be given, he made the following motion:

Reſolved, that the preſident of the United States, be requeſted to direct the proper officer to lay before this houſe, copies of ſuch official documents as have been received by this government, announcing the ceſſion of Louiſiana to France, together with a report explaining the ſtipulations, circumſtances and conditions under which that provice is to be delivered up: unleſs ſuch documents and report will, in the opinion of the preſident, divulge to the houſe particular tranſactions not proper at this time to be communicated.

Mr. Griſwold conſidered it reſpectful to ſave the preſident from a requeſt to furniſh papers that may be improper at this time. The ſubject, however, was vaſtly important; and the ceſſion of the province might require from the legiſlature ſome further protection of that frontier.

Mr. Smilie hoped the reſolution would lie on the table at leaſt till to-morrow.

Mr. S. Smith aſked the gentleman from Connecticut to explain the difference between his reſolution, and that offered at the beginning of the ſeſſion by the gentleman from Virginia, (Mr. Randolph.)

Mr. Griſwold replied, that if the gentleman from Maryland would give himſelf the trouble of reading the reſolution offered by the gentleman from Virginia, he would perceive the difference. That related to the ſhutting of the port of New-Orleans by Spain—and the other to the ceſſion of the province to France. If the gentleman thought there were any delicate ſubjects connected with the reſolution, he had no objection to its reſting until to-morrow.

Juſt received

And for ſale at JAMES RICE's Book'ſtore,
(Price 37½ cents.)
A NEW ARRANGEMENT
Of the COURTS of JUSTICE of the STATE of MARYLAND, PROPOSED.
December 30. eo6t

Wanted

To engage with a perſon, for a family's waſhing, by the month or year.
Alſo, wanted to hire,
A black Woman capable of waſhing, ironing, and houſe work. Enquire of the printers.
December 28. eo

Pickles and Preſerves
OF SUPERIOR QUALITY.

Juſt received from Barbados, on commiſſion, and for ſale by THOMAS EVERET, No. 179, Market-ſtreet,
A quantity of Gauver Jelly in jars
Preſerved Ginger in do.
Mixed Pickles in bottles.
The whole of thoſe articles were got up for a private order, and not intended for ſale. The preſerves are made with double refined ſugar, and the pickles are a beautiful variety, prepared in diſtilled wine vinegar.
December 29. eo6t

Wine Store,

No. 63, corner of South and Pratt-ſtreets, head of Bowly' wharf.
The ſubſcriber offers for ſale the following articles, genuine as imported:
Old Madeira wine in pipes, hhds. qr. caſks and bottles
Port wine in hhds. and bottles
Liſbon in pipes
Sherry in qr. caſks
Malaga do.
Burgundy wine in hampers of 50 bottles each
Cognac and Bordeaux } Brandy
Holland gin
Jamaica ſpirits
Antigua rum,
All of which he warrants of ſuperior quality, and equal to any offered for ſale in this city.
He likewiſe offers to contract for the delivery of a conſiderable quantity of freſh Juniper Berries, on intereſting terms.
JOHN CURSON SETON.
November 18. eo