Senate of the United States.

On the 16th ult. Mr. Ross, after a very able introductory speech, which has already been published in most of the newspapers, submitted to the senate of the United States a number of resolutions, which have already been published.

After Mr. Ross sat down,

MR. MORRIS

moved an adjournment. This was refused. He then rose and addressed the president as follows:

Mr. President,

I RISE with reluctance on the present occasion. The lateness of the hour forbids me to hope for your patient attention.—The subject is of great importance, as it relates to other countries, and still greater to our own; yet we must decide on grounds uncertain, because they depend on circumstances not yet arrived. And when we attempt to penetrate into futurity, after exerting the utmost powers of reason, aided by all the lights which experience could acquire, our clearest conceptions are involved in doubt. A thousand things may happen which it is impossible to conjecture, and which will influence the course of events. The wise governor of all things hath hidden the future from the ken of our feeble understanding. In committing ourselves, therefore, to the examination of what may hereafter arrive, we hazard reputation on contingencies we cannot command. And when events shall be past, we shall be judged by them, and not by the reasons which we may now advance.

There are many subjects which are not easy to understand, but it is always easy to misrepresent, and when arguments cannot be controverted, it is not difficult to calumniate motives. That which cannot be confuted may be misstated. The purest intentions may be blackened by malice; and envy will ever foster the foulest imputations. This calumny is among the sore evils of our country. It began with our earliest success in seventy eight, and has gone on with accelerated velocity and encreasing force to the present hour. It is no longer to be checked, nor will it terminate but in that sweep of general destruction to which it tends, with a step as sure as time, and fatal as death. I know that what I utter will be misunderstood, misrepresented, deformed and distorted; but we must do our duty. This I believe is the last scene of my public life; and it shall, like those which preceded, be performed with candor and truth. Yes, my noble friends, [addressing himself to the federal senators near him] we shall soon part to meet no more. But however separated, and wherever dispersed, we know that we are united by just principle and true sentiment. A sentiment, my country, ever devoted to you, which will expire only with expiring life, and beat in the last pulsation of our hearts.

Mr. President, my object is peace. I could assign many reasons to shew that this declaration is sincere. But can it be necessary to give this senate any other assurances than my word? Notwithstanding the acerbity of temper which results from party strife, gentlemen will believe me on my word. I will not pretend, like my honorable collegue (Mr. Clinton) to describe to you, the waste, the ravages, and the horrors of war. I have not the same harmonious periods, nor the same musical tones; neither shall I boast of christian charity, nor attempt to display that ingenious glow of benevolence so decorous to the cheek of youth, which gave a vivid tint to every sentence he uttered, & was, if possible, as impressive even as his eloquence. But tho' we possess not the same pomp of words, our hearts are not insensible to the woes of humanity. We can feel for the misery of plundered towns, the conflagration of defenceless villages, and the devastation of cultured fields. Turning from these features of general distress, we can enter the abode of private affliction, and behold the widow weeping as she traces, in the pledges of connubial affection, the resemblance of him whom she has lost forever. We see the aged matron bending over the ashes of her son. He was her darling; for he was generous and brave, and therefore his spirit led him to the field in defence of his country. We can observe another oppressed with unutterable anguish. Condemned to conceal her affection; forced to hide that passion which is at once the torment and delight of life, she learns that those eyes which beamed with sentiment are closed in death; and his lips, the ruby harbinger of joy, lies pale and cold, the miserable appendage of a mangled corpse. Hard, hard indeed must be that heart which can be insensible to scenes like these, and bold the man who dare present to the Almighty Father a conscience crimsoned with the blood of his children.

Yes, sir, we wish for peace; but how is the blessing to be preserved? I shall repeat here a sentiment I have often had occasion to express. In my opinion there is nothing worth fighting for but national honor: for in the national honor is involved the national independence. I know that a state may find itself in such unpropitious circumstances that prudence may force a wise government to conceal the sense of indignity. But the insult shonld be engraven on tablets of brass with a pencil of steel. And when that time and chance which happen to all shall bring forward the favorable moment, then let the avenging arm strike home. It is by avowing and maintaining this stern principle of honor, that can be preserved. But let it not be supposed that any thing I say has the slightest allusion to the injuries sustained from France while suffering in the pangs of her revolution. As soon should I upbraid a sick man for what he might have done in the paroxisms of disease.—Nor is this a new sentiment: it was felt and avowed at the time when these wrongs were heaped upon us, and I appeal for the proof to the files of your secretary of state. The destinies of France were then in the hands of monsters. By the decree of heaven she was broken on the wheel, in the face of the world, to warn mankind of her folly and madness. But these scenes are past away. On the throne of the Bourbons is now seated the first of the Gallic Cæsars. At the head of that gallant nation is the great, the greatest man of the present age. It becomes us well to consider his situation. The things he has atchieved compel him to the atchievment of things more great. In his vast career we must soon become objects to command attention. We too in our turn must contend or submit. By submission we may indeed have peace alike precarious and ignominious. But is this the peace which we ought to seek? Will this satisfy the just expectation of our country? No. Let us have peace permanent, secure, and, if I may use the term, independent. Peace which depends not on the pity of others, but on our own force. Let us have the only peace worth having; a peace consistent with honor.

A gentleman near me (Mr. Jackson) has told us the anecdote of an old courtier who said that the interest of his nation was the honor of his nation. I was surprized to hear *that* idea from *that* gentleman. But it was not his own. Such is that gentleman's high sense of his personal honor, that no interest would induce him to sacrifice it. He would not permit the proudest prince on earth to blot or soil it. Millions would not purchase his honor, and will he feel less for the honor of his country? No, he will defend it with his best blood. He will feel with me that our national honor is the best security for our peace and our prosperity. That it involves at once our wealth and our power. And in this view of the subject I must contradict a sentiment which fell from my honorable collegue (Mr. Clinton.) He tells us that the principle of this country is peace and commerce. Sir, the avowal of such principle will leave us neither commerce nor peace. It invites others to prey on that commerce which we will not protect, and share the wealth we dare not defend. But let it be known that you stand ready to sacrifice the last man and the last shilling in defence of our national honor, and those who would have assailed will beware of you.

Before I go into a minute consideration of this subject, I will notice what the gentlemen opposed to me have said on the law of nations. But I must observe that, in a conjuncture like the present, there is more sound sense and more sound policy in the firm and manly sentiments which warm the hearts of my friends from Delaware, than in all the volumes upon all the shelves of the civilians. Let us, however, attend to the results of those logical deductions which have been made by writers on the law of nations. The honorable member from Kentucky (Mr. Breckenridge) has told us that sovereigns ought to shew a sincere desire of peace, and should not hastily take offence, because it may be that the offensive act was the result of mistake. My honorable colleague has told us, that among the justifiable causes of war are the deliberate invasions of right, and the necessity of maintaining the balance of power. He has told us further, that attempts should always be made to obtain redress by treaty, unless it be evident that redress cannot be so obtained. The honorable member from Georgia near me, informs us, that the thing we would obtain by war should be important, and the success probable, and that war should be avoided until it be inevitable. The honorable member from Maryland (Mr. Wright) has explained to us the case cited by the gentleman from Kentucky, as being a wrong done by a private citizen. Under the weight of all this authority, and concurring with gentlemen in these their positions, I shall take leave to examine the great question we are called on to decide. I shall moreover fully and entirely agree with the honorable member near me in another point. He has, with the usual rapidity of his mind, seized the whole object. He tells us, and he tells us truly, that the island of Orleans and the two Floridas are essential to this country—They are joined, says he, by God, and sooner or later we *must* and *will* have them. In this clear and energetic statement I fully agree; and the greater part of what I have to say will be but a commentary on the doctrines they have advanced, and elucidation of their positions, and the confirmation of that strong conclusion.

In order to bring this extensive subject within such bounds as may enable us to take a distant view of its several parts, I shall consider first, the existing state of things: 2dly, the consequence to the United States of the possession of that country by France: 3dly, the consequence to other nations: 4thly, the importance of it to France herself: 5thly, its importance to the United States if possessed by them; and having thus examined the thing itself in its various relations, the way will be opened to consider, 6thly, the effect of negociation: and then 7thly, the consequences to be expected from taking immediate possession.

Before I consider the existing state of things, let me notice what gentlemen have said in relation to it. The honorable member from Kentucky has told us, that indeed there is a right arrested, but whether by authority or not, is equivocal. He says the representative of Spain verily believes it to be an unauthorized act. My honorable colleague informs us there has been a clashing between the governor and the intendant. He says we are told by the Spanish minister it was unauthorised.—Notwithstanding these assurances, however, my honorable colleague has, it seems, some doubts. But nevertheless he presumes innocence; for my colleague is charitable. The honorable member from Maryland goes farther, he tells us the minister of Spain says the intendant had no such authority; and the minister of France too, says there is no such authority. Sir, I have all possible respect for those gentlemen, and every proper confidence in what they may think proper to communicate. I believe the Spanish minister has the best imaginable disposition to preserve peace; being indeed the express purpose for which he was sent among us. I believe it to be an object near to his heart, and which has a strong hold upon his affections. I respect the warmth and benevolence of his feelings, but he must pardon me that I am deficient in courtly compliment, I am a republican, and cannot commit the interests of my country to the goodness of his heart.

What is the state of things? There has been a cession of the island of New-Orleans and of Louisiana to France. Whether the Floridas have also been ceded is not yet certain. It has been said, as from authority, and I think it probable. Now, sir, let us note the time and the manner of this cession. It was at or immediately after the treaty of Luneville, at the first moment when France could take up a distant object of attention. But had Spain a right to make this cession without our consent? Gentlemen have taken it for granted that she had. But I deny the position.—No nation has a right to give to another a dangerous neighbor without her consent. This is not the like case with private citizens, for there, when a man is injured can he resort to the tribunal for redress, and yet, even there to dispose of property to one who is a bad neighbor is always considered as an act of unkindness. But as between nations, who can redress themselves only by war, such transfer is in itself an aggression. He who renders me insecure, he who hazards my peace, and exposes me to eminent danger, commits an act of hostility against me; and gives me the rights consequent on that act. Suppose Great-Britain should give to Algiers, one of the Bahamas, and contribute thereby to establish a nest of pirates near your coasts, would you not consider it as an aggression?—Suppose during the late war you had conveyed to France a tract of land along Hudson's river, and the northern route by the lakes into Canada, would not Britain have considered and treated it as an act of direct hostility? It is among the first limitations to the exercise of the rights of property, that we must so use our own as not to injure another; and it is under the immediate sense of this restriction that nations are bound to act toward each other.

But it is not transfer alone. There are circumstances both in the time and in the manner of it which deserve attention. A gentleman from Maryland (Mr. Wright) has told you that all treaties ought to be published and proclaimed for the information of other nations. I ask, was this a public treaty? No. Was official notice of it given to the government of this country? Was it announced to the president of the United States, in the usual forms of civility between nations who duly respect each other? It was not. Let gentlemen contradict me if they can. They will say perhaps that it was the omission only of a vain and idle ceremony. Ignorance may indeed pretend that such communication is an empty compliment, which, established without use, may be omitted without offence. But this is *not* so. If these be ceremonies they are not vain, but of serious import and are founded on strong reason. He who means me well, acts without disguise. Had this transaction been intended fairly, it would have been told frankly. But it was secret because it was hostile. The first consul, in the moment of terminating his differences with you, sought the means of future influence and control. He found and secured a pivot for that immense lever, by which, with potent arm, he means to subvert your civil and political institutions. Thus the beginning was made in deep hostility. Conceived in such principles it presaged no good. Its bodings were evil, and evil have been its fruits.

We heard of it during the last session of congress; but to this hour we have not heard of any formal and regular communication from those by whom it was made. Has the king of Spain? has the first consul of France no means of making such communication to the president of the United States? Yes, sir, we have a minister in Spain; we have a minister in France. Nothing was easier, and yet nothing has been done. Our first magistrate has been treated with contempt; and through him our country has been insulted.

With that meek and peaceful spirit now so strongly recommended, we submitted to this insult, and what followed? That which might have been expected; a violation of our treaty: An open and direct violation by a public officer of the Spanish government. This is not the case cited from one of the books. It is not a wrong done by a private citizen, which might for that reason be of doubtful nature. No—it is by a public officer. That officer in whose particular department it was to cause the faithful observance of the treaty which he has violated. We are told indeed that there was a clashing of opinion between the governor and the intendant. But what have we to do with their domestic broils? The injury is done, we feel it. Let the fault be whose it may, the suffering is ours. But say gentlemen, the Spanish minister has interfered to correct this irregular procedure. Sir, if the intendant was amenable to the minister, why did he not inform of the step he was about to take, that the president of the United States might seasonably have been apprized of his intention, and given the proper notice to our fellow-citizens? Why has he first learned this offensive act from those who suffer it? Why is he thus held up to contempt and derision? If the intendant is to be controuled by the minister, would he have taken a step so important without his advice? Common sense will say no. But, the bitter cup of humiliation was not yet full. Smarting under the lash of the intendant, the minister soothes you with kind assurances, and sends advice boats to announce your forbearance. But while they are on their way new injury and new insult are added. The intendant, as if determined to try the extent of your meeknes, forbids to your citizens all communication with those who inhabit the shores of the Mississippi.—Though they should be starving, the Spaniard is made criminal who should give them food. Fortunately the waters of the river are notable, or else we should be precluded from the common benefits of nature, the common bounty of heaven. What then, I ask, is the amount of this savage conduct? Sir, it is war! Open and direct war.—And yet gentlemen recommend peace, and forbid us to take up the gauntlet of defiance. Will gentlemen sit here and shut their eyes to the state and condition of their country? I shall not reply to what has been said respecting depredations on commerce, but confine myself to objects of which there can be no shadow of doubt. Here is a vast country given away and not without danger to us. Has a nation a right to put these states into a dangerous situation? No, sir. And yet it has been done, not only without our consent previous to the grant, but without observing the common forms of civility after it was made. Is that wonderful man who presides over the destinies of France ignorant or unmindful of these forms? See what was done the other day. He directed his minister to communicate to the elector of Bavaria his intended movements in Switzerland and their object. He knew the elector had a right to expect that information, although the greater part of Swabia lies between his dominions and Switzerland. And this right is founded on the broad principles already mentioned.

[*To be continued.*]

BY AUTHORITY.

City of Baltimore.

A FURTHER SUPPLEMENT to the ordinance entitled "An ordinance to preserve the health of the city of Baltimore, to and appoint commissioners of health."

Sect. 1. BE *it enacted and ordained by the mayor and city council of Baltimore*, That the clerk of the commissioners of health be allowed for his service a sum not exceeding one hundred dollars per annum.

Sect. 2. *And be it enacted and ordained*, That so much of the ordinance, entitled, an ordinance to preserve the health of the city of Baltimore, and to appoint commissioners of health as is repugnant to and inconsistent with this supplement, be and the same is hereby repealed.

WILLIAM JESSOP, *president of the first branch of the city council.*
ROBERT GILMOR, *president of the second branch of the city council.*

Approved, March 14, 1803.

(L. S. C) JAMES CALHOUN, *mayor of the city of Baltimore.*

A true copy from the original, deposited in the department of the register of the city of Baltimore.

E. J. COALE, *register.*

A SUPPLEMENT to the ordinance, entitled, an ordinance to preserve the health of the city of Baltimore, and to appoint commissioners of health.

Sect. 1. BE *it enacted and ordained by the mayor and city council of Baltimore*, That four persons, two of whom shall reside on the west side of Jones's falls, and two on the east side thereof, be annually appointed commissioners of health, whose duty it shall be, together with the mayor, to watch over the health of the city, and to carry into effect the provisions herein contained, and in the ordinance to which this is a supplement.

Sect. 2. *And be it enacted and ordained*, That the said commissioners shall each have and receive the annual salary of four hundred dollars.

Sect. 3. *And be it enacted and ordained*, That it shall be the duty of the said commissioners carefully to examine all lots, grounds, suspected cellars and possessions, and all public streets, lanes and alleys within the city and precincts of Baltimore, and whenever the said commissioners, or either of them, shall be of opinion that any cellars, lots, grounds or possessions within the city or precincts of Baltimore, belonging to any person or persons, bodies corporate or politic, shall be so situated that in warm and unhealthy seasons, a nuisance may be thereby created, and the health of the citizens thereby endangered, it shall be their duty, and they, or either of them, are hereby authorised to cause a notice to be served on the owner or owners, occupier or occupiers of such cellars, lots, grounds or possessions, directing him, her or them to have the same filled up in manner as may be prescribed in such notice; and if such owner or owners, occupier or occupiers, on such notice given, shall neglect or refuse to fill up such cellars, lots, grounds or possessions, as may be directed in such notice, he, she or they so refusing or neglecting, shall forfeit and pay the sum of twenty dollars, for the use of the city, and the further sum of five dollars for every day he, she or they shall continue to neglect or refuse to fill up the same, agreeably to the direction in said notice contained; and shall moreover defray and pay the expences incurred, in case such cellars, lots, grounds and possessions shall be filled up under the authority and direction of said commissioners, or either of them, which the said commissioners are hereby authorised to be done on such neglect or refusal as aforesaid.

Sect. 4. *And be it enacted and ordained*, That at all times whenever the said commissioners, or either of them, shall be of opinion that any filth or dirt of any kind whatsoever in and upon any lots, grounds of possessions, within the city or precincts aforesaid, may become a nuisance during the warm and unhealthy season, it shall be the duty of them or either of them to give notice to the owner or owners, occupier or occupiers of said lots, grounds or possessions, to have the said filth or dirt forthwith removed; and if such owner or owners, occupier or occupiers, shall neglect or refuse to remove the same, he, she or they so offending, shall forfeit and pay ten dollars for the use of the city, and the further sum of two dollars for every day the said filth or dirt shall remain contrary to the said notice, and shall moreover defray and pay the expences incurred in case such filth and dirt shall be removed by any person employed under the authority and direction of said commissioners, or either of them, which the said commissioners are hereby authorized to cause to be done, on such neglect or refusal.

Sect. 5. *And be it enacted and ordained*, That whenever the said commissioners, or a majority of them, shall be of opinion that any private dock or docks are not sufficiently cleansed and deepened, so that a nuisance may be thereby created in the warm and unhealthy season, and the health of the citizens thereby endangered, they or a majority of them shall cause a notice to be served on the occupier or occupiers, owner or owners of lots and houses immediately adjoining such dock or docks, or situate or lying on the same, to deepen and cleanse said docks in such manner as may be prescribed in such notice; and if such owner or owners, occupier or occupiers, shall neglect or refuse to deepen and cleanse the same, each person so offending shall forfeit and pay ten dollars, for the use of the city, and the further sum of two dollars for every day he, she or they shall so neglect or refuse to deepen and cleanse the same agreeably to the direction in such notice contained, and shall moreover defray and pay the expences incurred, in case such dock or docks shall be deepened and cleansed, under the authority and direction of said commissioners, or a majority of them, which they are hereby authorized to cause to be done, on such neglect or refusal as aforesaid.

Sect. 6. *And be it enacted and ordained*, That it shall be the duty of the said commissioners to view and examine all public docks in the city of Baltimore; and that if it shall be the opinion of the said commissioners, or a majority of them, that any such dock or docks are not sufficiently cleansed and deepened, so that a nuisance may be thereby created in the warm and unhealthy season, and the health of the citizens thereby endangered, the said commissioners are hereby authorised and empowered to cause the said dock or docks to be cleansed and deepened in such a manner as, in their opinion, shall prevent the said dock or docks from becoming a nuisance.

Sect. 7. *And be it enacted and ordained*, That it shall be the duty of each and every occupier of any house or houses, or owner of any lot or lots fronting upon each and every paved street, lane or alley within the city aforesaid, to keep the gutters in front of their house, houses, lot or lots clean, at all times, during the months of April, May, June, July, August, September and October, and each and every person or persons herein offending, shall forfeit and pay for each offence 25 cents, for the use of the city.

Sect. 8. *And be it enacted and ordained*, That nothing in the ordinance to which this is a supplement, or the ordinance, entitled, "An ordinance for the due performance of quarantine at the port of Baltimore," shall be so construed as to authorise any officer appointed by the directions of said ordinances, to receive any part of the fines and forfeitures imposed thereby.

Sect. 9. *And be it enacted and ordained*, That so much of the ordinance to which this is a supplement, as is repugnant to and inconsistent with this ordinance, be and the same is hereby repealed.

WILLIAM JESSEOP, *president of the first branch of the city council.*
ROBERT GILMOR, *president of the second branch of the city council.*

Approved, March 22, 1803.

(L. S. C.) JAMES CALHOUN, *mayor of the city of Baltimore.*

A true copy from the original, deposited in the department of the register of the city of Baltimore.

E. J. COALE, *register.*

An ORDINANCE for the inspection of staves and heading in the city of Baltimore.

Sect. 1. BE *it enacted and ordained by the mayor and city council of Baltimore*, That from and after the first day of January next, all staves brought into the city for sale shall be inspected by inspectors to be appointed in pursuance of this ordinance.

Sect. 2. *And be it enacted and ordained*, That every pipe stave shall be fifty-six inches long, four inches wide clear of sap in the narrowest part, and one inch thick on the thinnest part.

Sect. 3. *And be it enacted and ordained*, That every white oak hogshead stave shall