For the FEDERAL GAZETTE.

Truth Triumphant!

IT is a laudable undertaking, and source of infinite pleasure and amusement, to engage in a controversy with a man of sense, whose object is the attainment of truth; on the other hand, to enter into a dispute with a disingenuous, conceited person, is the greatest literary evil that can befal an honest man. It is my misfortune to have to combat with such a person, who, for the want of sense, to say no worse, is constantly exposed to the most pointed ridicule and contempt; and vanity, like an evil genius, urges him on to greater absurdities, and overwhelming disgrace. The person for whom this allusion is intended, is a somebody designated by the signature of "A North-Wester;" and I am persuaded the public are convinced he well deserves the reflection it contains, however he may flatter himself to the contrary. Many, I am of the opinion, will deem a further exposure of his folly unnecessary; I therefore respectfully solicit their indulgence, while I make a few remarks on his last piece, and then consign him and his polluted trash to oblivion. "When an individual determines to sacrifice the general obligations of a citizen to personal considerations," &c. let a candid public, who have read my pieces, determine if this will apply to me. "I had thought that another communication would not have been made on the subject of including the north precincts in the petition for a market-house, without some attempt to prove the propriety of such an amendment, at least some excuse for so much fuss about it." Is the man mad? or has his vanity transported him out of his senses? Alas! what will this Wester make of himself? Has he no relation, no friend, nor acquaintance, to advise or restrain him? for I pledge my honor, that so far from another communication being made as above mentioned, not even the words north precincts can be found in either of my pieces, the first only excepted; no, nor the subject even hinted at. "My assertions have been uniformly founded on my own observations, or such information as could be justly relied on." After such an acknowledgment, what confidence can he expect to obtain? Who that regards his word, or respects the public, would make positive assertions in the public prints from any other authority than his own personal knowledge? has not the above reflection he designed for me, respecting the sacrifice of the general obligations of a citizen, fallen on his own head? His case is so similar to that of Haman's of old, that I am inclined to think he is much such another. "A second falsehood of which," &c. he has convicted me, is for an assertion that I absolutely never made or wished understood. In this instance he has completely succeeded in his wishes; for he stands charged with three falsehoods, and it is not in the power of man to determine (although he mentions "a second") which it is he means: however, it is of no consequence; he has cleared himself of neither, and is equally guilty of them all. "The third and last falsehood that he proves me guilty of is the appointed hour of 5 o'clock; the method took to prove it so is truly characteristic of the Petitioner—He waited on the gentleman that presided as chairman at the meeting, and asked if the hour of 5 was proposed and carried or not; he answered it was not." Here is another display of the stupidity of this silly being, who, instead of traducing my character as was his intention, has paid me a great compliment. What step could I have taken more proper or honorable than that which he has mentioned, and which he says is truly characteristic of the Petitioner? But has he cleared himself of the falsehood? No, he has not: he has asserted that "a resolve was offered and carried, that we meet at 5 o'clock," but the chairman, as above stated, "answered it was not;" and I know, and all the meeting knows, it was not. I am charged with "Billingsgate decorations." I beg leave to refer my readers to the pieces I have published, and by their judgment I am willing to abide.

There is another curious being who seems to require a little of my attention before I conclude. He calls himself South-West, and in my piece of the 16th inst. in the American, (which was an answer to his unprovoked, unjust and cowardly attack, as I was then engaged,) I mentioned as a kinsman of the North-Wester, and it appears I was not altogether mistaken, for they certainly are of the same stamp or complection: but to save "South-West" the trouble of calling on me, like his windy brother has done, to find him "personated," and (to use his brother's learned language) to be "executor of" his "deserts;" I would observe, that by the indefinite expression complection, I do not mean a negro, that is to say, a black negro, though I must confess the distinction is very little in his favor, but it saves the people of that color from considerable degradation. As the North-Wester is, in a particular sense, related to South-West, he of course has a right to partake of the compliment. Having pointed out to the public this obtrusive and cowardly adversary, I shall now proceed with due respect to truth, decency, and the public, to examine the contents of his "gentle breezes." In his first attack he appeared as an auxiliary to the North-Wester, but in his second a pointed enemy. Attention to the breezes of the south! hark! "for although the piercing North-Wester has been blowing for some time, with all the force imaginable, you appeared quite civil." What a compliment! How pious should I be had it come from any other breeze; yet altho' I esteem his praise no credit, it may be useful when applied to the North-Wester's charge of "Billingsgate decorations." Hark! another breeze: "but no sooner had the gentle breeze of the South-West, set in from the right point of the compass, than you are all on fire, &c. "and nothing less than a scourge will answer." So then your brother N. W. has been blowing all this time from the wrong point of the compass; "thank you, sir, for the information; I knew it before." And pray, Mr. S. W. what have you done since you set in from the right point of the compass? But perhaps it would wound your delicate feelings to tell the wonders you have done, I will therefore do both you and myself the justice to relate them for you. You have asserted two positive falsehoods, one in saying in your first piece, I was of the same opinion of the North-Wester respecting a market in the Western precincts, which I charged you with in the above mentioned American, and which you cannot, nor have not attempted to deny: the other, in saying in your second and last piece, that a school-master transcribed my first Petitioner, with an insinuation (replete with nonsense) that he dictated it also—hear this, and blush for your evil deeds, that no person dictated, composed or transcribed either of my pieces for me,* that the copy of my first petitioner, which I gave the printers, was returned to me, and is now in my possession. I have given a faithful account of all your exploits, of any consequence, since you "set in from the right point of the compass:" And now, sir, what think you of your vulgar adage, "a galded jade will wince?" You can now say it, I expect, from woful experience; never did any poor galded jade kick and frisk about as you do under my severe and necessary scourge.

Before I conclude, I would beg leave to observe to my much respected fellow-citizens, that I am perfectly unacquainted with the persons I have been contending with; the support of facts, which I personally know to be so, has been my only object, and I hope this declaration, made in truth, will fully justify the steps I have taken.

A PETITIONER.

* *The counter petition and memorial which I drew up, was copied by an elegant penman, but this circumstance can afford S. W. no apology for his assertion.*

Congress of the United States.

HOUSE OF REPRESENTATIVES.

Friday, November 18.

The house resolved itself into a committee of the whole—Mr. Varnum in chair—on the bill fixing the salaries of certain officers therein mentioned.

Mr. J. Randolph moved to fill the blank in Relation to the salary of the secretary of state with "five thousand dollars."

Mr. Chittenden moved to postpone the bill until Monday.

Motion lost—Ayes 49—Noes 63.

Mr. Leib moved to fill the above blank with "three thousand five hundred dollars."

Whereupon a debate of considerable length ensued. Messrs. J. Randolph, Allston, Findley, Sanford, and Skinner advocated the filling of the blank with 5,000 dollars: and Messrs. Leib, Chittenden and J. Clay supported the motion to fill it up with 3,500 dollars.

When the question on 5,000 dollars was taken and carried—Ayes 79.

It was then carried, without a division, to fill up the blank respecting the salary of the secretary of the treasury with 5,000 dollars.

Mr. Randolph moved to fill the blank respecting the salary of the secretary of war with 4,500 dollars.

Mr. Leib enquired the reasons wherefor there was a difference between the compensation of the secretary of war, and of the secretaries of state and treasury.

Mr. Nicholson said if the gentleman from Pennsylvania would move to fill the blank with 5,000 dollars, he would second the motion.

Mr. Randolph explained the reasons for the difference.

The question to fill the blank with 5,000 dollars, was lost without a division, when that to fill it with 4,500 dollars, was carried—Ayes 74.

The blank for the salary of the secretary of the navy, was filled with 4,500 dollars by the same vote.

Mr. J. Randolph moved to fill the blank for the salary of the attorney general with 3,000 dollars.

Mr. J. Clay moved 2,000 dollars.

Mr. J. Randolph spoke at some length in favor of 3,000 dollars, and was followed on the same side by Mr. Skinner and Mr. Nicholson.

Mr. J. Clay and Mr. Goddard spoke in favor of 2,000 dollars.

When the question was taken on 3,000 dollars, and carried—Ayes 62—Noes 30.

It was then agreed, without a division, to fill the several other blanks with the same sums allowed by the act of March, 1799, to the comptroller, the treasurer, the auditor, the register, the accountants of the war and navy departments.

On filling the blank respecting the salary of the post-master general, Mr. Lyon moved to fill it with 3,500 dollars.

Lost without a division.

It was then agreed to fill it with 3,000, and that respecting the assistant post-master general with 1,700 dollars.

Mr. Eustis moved an amendment to the first section, so as to make it read "that from the end of the present year the following annual compensations, as established by an act passed on the 2d of March, 1799," &c.

This motion was opposed by Messrs. Lowndes and Goddard.

Carried, ayes 65—noes 43.

The committee then rose and reported the bill with amendments, which the house immediately took up.

On the question to agree to the first amendment (that moved, as above, by Dr. Eustis) Mr. J. Clay hoped it would not be agreed to, as it decided the principle of the bill he called for the yeas and nays, which being taken, were yeas 69—nays 46.

The second amendment was to fill the blank in relation to the secretary of state, with 5,000 dollars.

Mr. J. Randolph observed that as this question would more correctly than the last try the sense of the house on the principle of the bill, he desired the taking the yeas and nays, which being taken, were yeas 82—nays 28.

The remainder of the report was then agreed to without a division.

When the question on engrossing the bill for a third reading on Monday was taken by yeas and nays, and carried in the affirmative—yeas 78—nays 28.

Tuesday, October 25.

DEBATE on the LOUISIANA TREATY.

[*Continued from Thursday's Gazette.*]

Mr. Rodney said, that in the observations he rose to make at that late hour, he should be brief, and apply them entirely to the constitutional question as it was scarcely contended the bargain was not a good one. In making them he cordially joined with the gentleman from Connecticut (Mr. Griswold) when he expressed his wish that the discussion should be conducted with coolness and temper. It was not only the duty, but the interest of every gentleman on the floor, that this important subject should be decided on argument, and argument alone. He felt the force of the objection urged by the gentleman from Maryland (Mr. Nicholson) that the discussion of some of the points was premature; he should, however, enter into a brief exposition of them.

It is contended that the United States have no right to purchase territory; that they have no right to admit the people of Louisiana to a participation of the rights derived from an admission into the union: and that a peculiar favor is about being granted to the ports of New Orleans in violation of the constitution.

In the view of the constitution the union was composed of two corporate bodies; of states and territories. A recurrence to the constitution will shew that it is predicated on the principle of the United Sttates requiring territory either by war, treaty, or purchase. There was one part of that instrument within whose capacious grasp all these modes of acquisition were embraced. By the constitution congress have power to "lay and collect taxes, duties, imports, and excises, to pay the debts and provide for the common defence and general welfare of the United States."—*To provide for the general welfare.*—The import of these terms is very comprehensive indeed. If this general delegation of authority be not at variance with other particular powers specially granted, nor restricted by them; if it be not in any degree comprehended in those subsequently delegated, I cannot, said Mr. R. perceive why, within the fair meaning of this general provision is not included the power of increasing our territory, if necessary, for the *general welfare*, or *common defence*. Suppose, for instance, that Great-Britain should propose to cede to us the island of New-Providence, so long the seat of pirates preying upon our commerce and the hive from which they have swarmed, will any gentleman say that we ought not to embrace the opportunity presented, as a defence against further depredations?—Suppose the Cape-of-Good-Hope, where our East-Indiamen so generally stop, were offered to be ceded to us by the nation to which it belongs; and that nation should say, on our possessing it, you shall declare it a free port. Is there any member who hears me that could contend that we were not authorised to receive it, notwithstanding the great advantages it would insure to us?

But it appears to me, independently of this provision of the constitution, and the gentleman from Connecticut (Mr. Griswold) admits it, that according to the rights of war, we may extend our territory. An enemy might might come within our lines, and we expel him: our lines not being the limits to which our arms would be confined, we could pass them, and take possession of the enemy's country, and thereby undoubtedly acquire a right to the territory occupied. For in the constitution it is expressly said that congress shall have power "to declare war, grant letters-of-marque and reprisal, and make rules concerning captues on land and water"—and among the *jura bella* was clearly recognized the right of annexing territory. But there is one article of the constitution which is predicated on the right to purchase territory. We have a right to obtain territory by purchase from a state. In the provision made in the constitution respecting the territory of the United States, we find that congress are invested with power, "to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."—Here then is given to congress exclusive legislation over particular places, over the ten miles square, and over such places as they may purchase. This provision is expressly predicated on the right to purchase, and only limits that purchase by the consent of the states. If congress have the right of purchasing territory from a state, how can gentlemen contend that they have not the right of purchasing territory elsewhere, if in their judgment they shall consider it well calculated to subserve the great interests of the union.

It does appear to me that the right of acquiring territory must be included in the treaty-making power; as there are very few treaties, which are not merely commercial, that do not change the property belonging to nations. And if this principal power be contained in the treaty making provision, every incidental power is of consequence to be considered as fairly embraced within it, and I should deem this important authority as nugatory, if it did not give the president and senate the right to accept a cession of territory. It is certainly not the right of the president and senate to make such a cession conclusively binding; when it shall embrace powers within the pale of those delegated to this house, it will require our sanction. Have we not also vested in us every power necessary for carrying such a treaty into effect, in the words of the constitution, which gives congress the authority to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." It therefore appears very clearly to my mind, that according to the constitution, the United States have a right to acquire territory. If they possess this right according to the constitution, this measure cannot be said to be unconstitutional, and if not unconstitutional, as the gentlemen who have spoken against it, did not insist upon the point of inexpediency, some of them because they believed that ground was not open, and others because it was not tenable, will ultimately give it their support.

But another constitutional objection is stated. Though the United States may acquire a valid title to the territory, the hills and the groves, the rivers and the lakes, it is alledged that they have no right to bring the persons inhabiting it, into a state in which they shall enjoy the blessings of free government. My friend from Maryland (Mr. Nicholson) has observed that the article of the treaty relating to this object is most cautiously worded. If ever there was a precision of language calculated to avoid the imputation of an invasion of the constitution, it is the language of this article. Its words are:

"The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

How are these people to be admitted according to the principles of the federal constition? Is it an open violation of any part of the constitution? No, an express reservation is made by those who formed the treaty, that they must be admitted under the constitution. Now if admitted agreeably to the constitution, it cannot be said to be in violation of it; and if not in violation of it, the fears of gentlemen are groundless.

But as I observed before, does not the constitution refer to territory? Do not the United States possess territories now? Is the possession of territory confined by the constitution to those they now hold? I believe not; for in the constitution it is stated that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States." Here is a clear recognition of territory belonging to the United States, and not merely of territory then held, but of territory which might futurely be acquired by treaty or purchase. And if this territory be ceded to the United States, congress have power, as soon as ceded, to make rules and regulations respecting it.

There is another sound answer to the objections of gentlemen. This is property ceded to us by the power ceding it with a particular reservation. I am not for quibbling about words or distorting terms. Taking the 7th article and fairly considering it, it amounts to nothing more than a particular reservation, upon *delivering possession of the territory*, which I take to be the true meaning of the language which is used; and will any gentleman say that accepting the treaty under this stipulation will not be most advantageous to us? What individual state will be affected by it more than any other? Does it give the state of Massachusetts an advantage over New-York? I would be glad to know what state it particularly affects, and in what way. "No preference," says the constitution, "shall be given by any regulation of commerce or revenue to the ports of one state over those of another." In what way, under this treaty, is there any preference of one port over another? I would be glad to see it pointed out, and to be shewn whether there is any preference of Delaware over Massachusetts, or of Virginia over Georgia. No. The constitution adverts to *states themselves*, & the distinction between *states* and *territories* is bottomed upon reason. Whence the necessity of the distinction? When territories grow into states and become represented in the public councils, a majority of them may league together, and carry into effect regulations prejudicial to other states. Hence the constitution provides that in all commercial regulations, all the states shall be equally affected. But such a league cannot be affected by territories which have no senators in the other branch, and in this only the voice, without the vote of a single delegate. Independent of this consideration is this; if by any particular territorial regulation the territory of the United States is benefited, that territory being the common property of the United States, a public stock in which they all share, every state in the union reaps alike the benefit.

These are my reasons for considering this measure perfectly constitutional. I might dwell upon other reasons corroborative of this conviction; but these have been so ably enforced by my friends from Virginia and Maryland, and by other gentlemen, as to render more remarks superfluous. I cannot, however, avoid noticing the observation made yesterday and reiterated to-day, that we do not know whether we have a title to this territory, or whether it be not the purchase of so many acres of mere moonshine. I voted yesterday for some papers because I wished beyond all cavil or dispute to establish the constitutional right of this house to call for papers, and from a respect to the opinions of some gentlemen who considered them important, not from any doubts of my own as to the validity of the title.—The publicity of the cession of Louisiana by Spain, its former owner to France, is too notorious, it has been noticed, dilated on and recognised in the British parliament, and in the senate of the United States. We have not in our possession, it is true, the original treaty of St Ildefonso, nor the subsequent one, concluded between France and Spain at Madrid, which referred to the former, for we were not furnished with duplicates of either; nor have we the testimony of the king of Etruria to prove that every stipulation contained in them was strictly complied with—poor man, he is no more. We have not sent a commissioner to Madrid or St. Cloud to take the examination of the ministers of Spain and France, to obtain their evidence in order to verify the fact, of all conditions having been performed by France on her part; but we have seen in the papers which record the transactions of the times, the arrival of a French prefect of Louisiana at New-Orleans announced. We have read his proclamation to the inhabitants of that country informing them of the cession, and, if I mistake not, our own government has received through the proper channel intelligence of the same event, which has been duly published. All these circumstances combined are satisfactory to my mind on this subject. No fact in the history of nations can be more rationally proven, and gentlemen should recollect that they rely on the same kind of testimony (the letter of Mr. King to the answer of lord Hawkesbury) when they confess themselves satisfied that England is agreed to this measure.

I would further observe from the course which the debate has taken, that if we had all the papers and documents, which the gentlemen desire, agreeably to the mode of argument which they have adopted, they might object to passing the necessary laws, until we had got possession of the country and at the same time object to our taking possession, without laws to authorize it. By thus arguing in a circle, as the logicians term it, they would most effectually defeat an object of the first importance to the community, & render the acquisition of an inestimable territory, of as little value as the same extent of moon-shine or star light.—With these impressions, believing the measure a good one, and consistent with the constitution, I shall most cheerfully give my vote for carrying it into effect.

[*Debate to be continued.*]

LEGISLATURE OF MARYLAND.

THURSDAY, November 17.

A memorial from the representatives of the yearly meeting of Friends, held in the city of Baltimore, praying an act may pass to prevent the inhuman traffic of transporting free men of color, who have a term of years to serve, was preferred, read and referred to Messrs. Dickson, Montgomery, Shaff, Chapman, Van Horn, Shereline and T. Davis, to consider and report thereon.

A petition of sundry inhabitants of Frederick-Town and its vicinity, members of the German Reformed Presbyterian Congregation of the town aforesaid, praying an act may pass vesting all the real property belonging to the said congregation, in John Brunner and others, the present elders, as trustees for the said congregation, and their successors, with power to lease, dispose of and convey such part of the said property as the said congregation shall direct, was preferred, read and referred to Messrs. Clarke, Shaaff and Shriver, to consider and report thereon.

A petition from sundry inhabitants of the state, praying an act may pass for amending and keeping in repair turnpike roads, to and from the city of Baltimore, was preferred, read and referred to Messrs. Dugan, Shriver, Kershner, Ridgely, Mercer, Shaaff and Chapman, to consider and report thereon.

Mr. Van Horn from the committee, delivered to the speaker a bill, entitled "An act for the valuation of real and personal property within this state," which was read the first time and ordered to lie on the table.

A memorial from the proprietors of the Susquehanna canal, praying an act may pass empowering them to receive half tolls, granted by the act of November session 1799, was preferred, read and referred to the committee appointed on the communications from governor M'Kean.

Mr Clarke, from the committee, delivered to the speaker a bill, entitled, "An