

MAY, 1798.]

Naturalization Law.

[H. OF R.]

the inconveniences arising from debarring from citizenship the most deserving foreigners. He believed it would have been well for this country if the principle contained in this amendment had been adopted sooner; he hoped it would now be adopted.

Mr. S. SMITH believed it would be best first to decide upon the resolution as reported; if it was negatived, the gentleman from South Carolina might then introduce his amendment as a substitute. To adopt the resolution as reported would be, he believed, to agree upon an *ex post facto* regulation. It could not be intended, he should suppose, to prevent persons who had resided in this country two or three years, under the expectation of becoming citizens at the end of five years, from that privilege.

Mr. CHAMPLIN suggested whether, if this amendment was adopted, it would not prevent foreigners, who are not at present citizens of the United States, from becoming officers in the Military or Naval Departments of the United States. If so, he believed it would be proper to insert the word "civil" before "officers."

Mr. OTIS acknowledged that the objections of the gentleman from Maryland (Mr. S. SMITH) were, in some degree, well founded; but there might be regulations introduced into the bill to avoid them. The present law, he believed, directs that persons shall give notice of their intention of becoming citizens of the United States. Where this notice had been given, he thought such persons should be excluded from the operation of the law. These resolutions having only been laid upon the table this morning, he wished, however, that the committee might rise, in order to afford a little time for consideration. He wished to exclude all foreigners, whom he could Constitutionally exclude, from holding offices in the United States; but not to entrap such as are in the way of becoming citizens.

Mr. HARPER said, that, having had it suggested to him that the Constitution would not admit of restraining the States in their admission of citizens, he should withdraw his amendment for the present, until he had had an opportunity of examining the Constitution in this respect.

The motion being put for the committee to rise, it was carried, and the committee rose accordingly.

#### COMPENSATION OF MARSHALS, &c.

On motion of Mr. HARPER, the House went into a Committee of the Whole on the bill to provide compensation for marshals, clerks, jurors, and witnesses in the Courts of the United States; and, after considerable discussion, the committee rose, leave was refused to them to sit again, and the bill was recommitted to a committee of sixteen members.

Mr. GALLATIN then proposed the following instruction to the committee:

"Resolved, That the committee to whom this bill is referred be instructed to inquire into the annual official emoluments received by marshals, clerks, and district attorneys, distinguishing between fees paid by individuals and what is paid by the United States."

5th CON.—50

After considerable opposition from Messrs. DENNIS, BAYARD, HARPER, and OTIS, this resolution was carried—36 to 35.

THURSDAY, May 3.

#### PRESENTS TO MINISTERS.

Mr. BALDWIN called up the resolution from the Senate, authorizing Thomas Pinckney, Esq., late Envoy Extraordinary in Spain, to receive the presents offered to him by the Kings of England and Spain, on his departure from those Courts; which, having been read, Mr. B. said, the same subject had been referred by this House to the select committee, and he was instructed to report a resolution similar to that from the Senate; but the Senate having sent down this, he supposed it would be unnecessary to report another resolution.

Mr. SITGREAVES hoped the House would concur in this resolution.

Mr. MACON moved that it be referred to a Committee of the Whole. If Congress authorized the receiving of presents from foreign Courts, they must also, he supposed, go into the European custom of giving presents to foreign Ministers.

It was committed for to-morrow.

#### NATURALIZATION LAW.

Mr. SEWALL moved the House to go into a Committee of the Whole on the state of the Union, in order to resume the consideration of the resolution which had been reported on the subject of aliens.

Mr. OTIS wished to propose a resolution to the House, before it resolved itself into a Committee of the Whole on the state of the Union, as a substitute for the first resolution, reported by the Committee for the Protection of Commerce and the Defence of the Country. It was to the following effect:

"Resolved, That no alien born, who is not at present a citizen of the United States, shall hereafter be capable of holding any office of honor, trust, or profit, under the United States."

Mr. VENABLE did not think the House were authorized to enact such a principle into a law. If taken up at all, it ought to be considered as a proposition for amending the Constitution. If it was thought necessary by gentlemen to amend the Constitution in this way, he should not object to going into the subject. After foreigners were admitted as citizens, Congress had not the power of declaring what should be their rights; the Constitution has done this. Foreigners must, therefore, be refused the privilege of becoming citizens altogether, or admitted to all the rights of citizens.

Mr. OTIS had no idea that this proposition could be considered as a proposition to amend the Constitution. If the House had the power to amend the naturalization law, and to extend the time of residence necessary to entitle an alien to citizenship, they could certainly extend it to the life of man. The idea of citizenship did not always include the power of holding offices. In Great Britain no alien was ever permitted to hold an office, he wished they might not be allowed to do it here.