former occasion, the right of a Brigadier General to receive extra rations, as commandant of a separate post, was denied on the one hand and maintained on the other.

The question on the amendment was decided in the affirmative—yes 62, nays 45, as follows:


The bill passed to a third reading—yes 59, nays 29.

**DEBENTURES.**

The bill for issuing debentures in certain cases was read a third time.

Mr. Holland moved an indefinite postponement of the bill.

Mr. Bacon was in part opposed to the bill, and said he should therefore move a recommittal of the bill if the motion of Mr. Holland did not succeed. Mr. Rhea of Tennessee was opposed to the bill. Messrs. Mumford and Newton spoke in favor of it.

From want of a quorum (many of the members attending the interesting debate progressing in the Senate) the House adjourned, 38 to 28.

**THURSDAY, February 21.**

The bill from the Senate, entitled "An act making further provisions for the disposal of the sections of land heretofore reserved for the future disposition of Congress," was read twice, and committed to the Committee on the Public Lands.

Mr. Lyon presented a petition of sundry inhabitants of the Illinois Territory, praying that the pre-emption right to certain lands may be granted to them, together with an in and an out lot of the town of Shawneet, in said Territory.—Referred to the Committee on the Public Lands.

Mr. Eppes, from the Committee of Ways and Means, presented a bill making appropriations for carrying into effect a treaty between the United States and the Great and Little Osage nation of Indians, concluded at Fort Clark, on the tenth day of November; which was read twice, and committed to a Committee of the Whole on Saturday next.

Mr. Eppes, from the same committee, also presented a petition repeating the tenth section of the "Act to incorporate the subscribers to the Bank of the United States," which was read twice, and committed to a Committee of the Whole on Saturday next.

Mr. Eppes, from the same committee, also presented a bill allowing additional compensation to the Postmaster General; which was read twice, and committed to a Committee of the Whole on Saturday next.

The Speaker laid before the House a report of the Secretary of the Treasury, in pursuance of the resolutions of this House, of the twenty-fourth and twenty-seventh of December last, concerning certain bills of exchange drawn on Degen, Furnace, and Company, Navy Agents at Ledges; which was read, and together with a resolution on the same, made at the present session of Congress, by the Secretary of the Navy, referred to a select committee.

Mr. Swoope, Mr. McKim, Mr. Turner, Mr. Chittenden, and Mr. Smilie, were appointed the said committee.

**RETURNED BILL.**

A Message was received from the President of the United States, by Mr. Edward Coles, his Secretary, who, by command of the President, returned to the House the bill passed by the two Houses entitled "An act incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia," and presented to the President for his approbation and signature, on Thursday the fourteenth instant, to which bill the President having made objections, the same were also delivered in by the said Secretary, who then withdrew.

The objections were read, and ordered to be entered at large on the Journal, as follows:

To the House of Representatives of the United States:

Having examined and considered the bill, entitled "An act incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia," I now return the bill to the House of Representatives, in which it originated, with the following objections:

Because the bill exceeds the rightful authority to which Governments are limited, by the essential distinction between civil and religious functions, and vio-
lates, in particular, the article of the Constitution of the United States, which declares, that "Congress shall make no law respecting a religious establishment." The bill enacted is, and establishes by law, sundry rules and proceedings relative purely to the organization and polity of the church incorporated, and comprehending even the election and removal of the Minister of the same; so that no change could be made therein by the particular society, or by the general church of which it is a member, and whose authority it recognizes. This particular church, therefore, would so far be a religious establishment by law; a legal force and sanction being given to certain articles in its constitution and administration. Nor can it be considered, that the articles thus established are to be taken as the descriptive criteria only of the corporate identity of the society, inasmuch as this identity must depend on other characteristics; as the regulations established are generally unessential, and alterable according to the principles and canons, by which churches of that denomination govern themselves; and as the injunctions and prohibitions contained in the regulations, would be enforced by the penal consequences applicable to a violation of them according to the local law:

Because the bill vests in the said incorporated church an authority to provide for the support of the poor, and the education of poor children of the same; an authority which being altogether superfluous, if the provision is to be the result of pious charity, would be a precedent for giving to religious societies, as such, a legal agency in carrying into effect a public and civil duty.

JAMES MADISON.

FEBRUARY 21, 1811.

Mr. Basset suggested the reference of the Message to a select committee.

The Speaker conceived that the article on the Constitution on this subject required that the House should proceed to a reconsideration of the bill.

On motion of Mr. Pitkin, the House proceeded to reconsider the bill.

The Message was again read, as also was the following clause of the Constitution:

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law."

Mr. Randolph asked whether a motion for indefinite postponement would, in the opinion of the Speaker, lie in this case?

The Speaker believed not.

The following article of the Constitution was then read by request:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Mr. Basset said, though the Constitution had prescribed a reconsideration of the bill when returned, the mode of reconsideration was not prescribed; and it might as well be by reference to a select committee as in any other mode. The bill might, perhaps, be amended. Of their power to amend it in its present stage, however, he was not certain.

Mr. Smilie conceived the Constitution perfectly to require an immediate decision.

Mr. Pitkin said, that this question was new to him. He had no idea that the Constitution precluded Congress from passing laws to incorporate religious societies for the purpose of enabling them to hold property, &c. He had always held the Constitution to intend to prevent the establishment of a National Church, such as the Church of England—a refusal to subscribe to the tenets of which was to exclude a citizen from office, &c. Desiring time for reflection, he therefore wished the bill to lie on the table for further consideration.

Mr. Pickman said, it appeared to him that the bill was not an important one, a refusal to pass which would be productive of any serious injury; and yet, that a full discussion of the principles it involved would occupy the whole of the remainder of the session. If two-thirds of the House were to refuse to proceed to a reconsideration, the bill would expire at an end; and this he thought would be the best course, &c., considering all the circumstances.

Mr. Wheaton said he differed widely from his colleague (Mr. Pickman) as to the importance of the bill now under consideration. He did not imagine that they were to assume the objections of the President to be valid, and of course to dismiss the bill. They had a duty to perform as well as the President. He had performed his duty in the case presented for consideration; and would gentlemen assume it as a correct position because the bill was objected to by the President that the House ought not to act understandingly? This was not a correct principle. In his view the objections made by the President to this bill were altogether futile. Mr. W. said he did not consider this bill any infringement of the Constitution. If it was, both branches of the Legislature, since the commencement of the Government, had been guilty of such infringement. It could not be said, indeed, that they had been guilty of doing much about religion; but they had at every session appointed Chaplains, to be of different denominations, to interchange weekly between the two Houses. Now, if a bill for regulating the funds of a religious society could be an infringement of the Constitution, the two Houses had so far infringed it by electing, praying or contracting with their Chaplains; for so far it established two different denominations of religion. Mr. W. deemed this question of very great consequence. Were the people of this District never to have any religion? Was it to be entirely excluded from these ten miles square?