

Congress

OF THE  
United States of America.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 12.

DEBATE

On the bill to regulate the clearance of armed merchant vessels.

(Continued from Friday's American.)

Eustis did not consider the capacity of committing a crime as enlarged in proportion to the value of the cargo, per se, was the reverse. But he would say that if a captain with a very valuable cargo on board was to commit even a trifling misdemeanor against this act, the owner would lose his all, both vessel & cargo; under such impressions he imagined it would be extremely difficult to obtain the requisite security. Where is the man that can find security to the amount of a million of dollars, that the captain of his ship his officers or crew, shall not commit some small degree of violence even upon friends, for enemies may often assume the garb of friends and thereby render even friends suspected. The law of 1798 required bonds only to the amount of the value of the vessel, tackle, and apparel; and did not even extend to the number of guns the might carry.

Mr. R. Griswold again declared that commercial enterprise would be greatly diminished if a bond was required for both vessel and cargo. The consequence would be that those merchants only who possess large capitals and independent fortunes could give bond. And while the young and small traders would be incapable of sending a single ship to sea, the large speculator would be enriching himself with the total profits of a very advantageous commerce.

Mr. J. Clay said the observations of the two gentlemen who preceded him applied against striking out the proviso. But he did not see that the position of the gentleman from Connecticut (Mr. R. Griswold) was of such great weight as he seemed to assign to it. For his part he did not see the ill consequence of relations which might prevent rash regulations on the part of young traders with small capitals in engaging in voyages that might overthrow their credit, and prove their ruin. As it respected the trade to the West Indies, he hoped the House would agree to the amendment as proposed, and non-concur in the amendment for striking out the proviso. He would agree with them to retain the proviso if the present amendment was adopted.

On the question to agree to that part of the report extending the bond to double the value of the vessel, "her tackle, apparel, furniture and cargo." The amendment, being the words in Italic, was negatived—Ayes 53—Noes 55.

YEAS—Messrs. Archer, Bard, Bedinger, Blacklock, Brown, Bryan, G W Campbell, Casey, Claiborne, Clark, J Clay, M Clay, Conrad, Dickson, Earle, Early, Eppes, Gillespie, Goodwyn, Gregg, Griffin, Hasbrouck, Heilner, Holland, Holmes, Jackson, Kennedy, Leib, Lucas, McCord, Meriwether, N R Moore, T Moore, Morrison, Newton, Olin, Palmer, J Reay (of Penn.) J Rhea, (of Ten.) Rodney, Root, Sammons, Sandford, Seaver, Sloan, Smilie, J Smith, S Stanford, Stewart, Trigg, Van Horne, Whitehill, Wilson—53.

NAYS—Messrs. Alston, Alexander, Anderson, Baldwin, Betton, Boyd, Boyle, Butler, Chamberlin, Chittenden, Claggett, Crowninshield, Cutler, Cutts, Dana, Davenport, Dwight, Elliot, Elmer, Eustis, Findley, Goddard, Gray, G Griswold, R Griswold, Hanna, Hallings, Helms, Hoge, Hough, Huger, Larned, Lewis, Livingston, Lowndes, Lyon, McCreery, Mitchell, Mott, Plater, Riker, J C Smith, Stanton, Stedman, Stephenson, Taggart, Tenney, Thatcher, Tibbits, Varnum, Verplanck, Wadsworth, M. Williams, Winslow, Wynns—55.

The new section before the House as reported by the committee of the whole.

Mr. Elliot hoped the House would not agree to the amendment. The gentleman who had moved it apprehended gentlemen had not well understood it when in the committee of the whole, he questioned whether the mover had paid that close attention to its effects, as to insure its being proper and beneficial. He said it created a new class of crimes, and if that measure was proper, it was proper also to define the punishment of each crime. The section refers to certain laws of the United States establishing the enumerated offences, and directs that the punishment shall be conformable to the punishment inflicted for similar offences committed on shore. It is true the constitution provides that Congress shall have power to define and punish Piracies and felonies committed on the high seas; that power had been exercised, the crimes defined and the punishments annexed (Mr. Elliot here

read an extract from the law on that subject.) A misdemeanor was a crime, but under the terms of the constitution he did not see how Congress could legislate upon it unless they defined it a felony; and were gentlemen prepared to say that every depredation, every species of outrage or violence was a felony; he was persuaded it was not the intention of the mover. If a misdemeanor, however, be considered a crime, it ought to be defined, and the punishment decreed, for none of the laws of the United States had hitherto done it. On this view of the subject, he considered the new section totally unnecessary, or if necessary, it was to imperfect that it would not reach the case for which it was intended.

Mr. Eppes said the remark he had made in committee of the whole had no allusion to the gentleman last up—He should however detain the House but a moment in making one observation in reply. The law quoted by the gentleman was the one defining and punishing piracy and felonies committed on the high seas, and was confined to cases arising on board our unarmed vessels. Acts committed by persons legally commissioned to carry arms, are not termed acts of piracy; in order to constitute piracy it is essential that the vessel has no legal sanction to bear arms—That is a case that cannot arise under the present measure, which is to give a legal sanction to our merchantmen to arm, only restraining them by a penalty and corporeal punishment, if they abuse their trust. It was necessary in order to embrace this offence, that the definition and punishment should both be declared in the bill; he had endeavoured to do so—As to the perfection or imperfection of the section in its present form, he should say nothing more than it appeared to his mind adequate to the end proposed. If however the gentleman from Vermont thought otherwise, he should be happy to hear him point out the mode of improvement.

Mr. R. Griswold said that whether the effects to be produced by this section, so far as related to murder and felony, were really provided for under the existing laws, he would not assert positively; but he believed that neither the existing laws nor this section made any provision for the punishment of misdemeanors. The offences defined and punished were provided for many years ago, in 1790. By that law murder was punishable with death, the same crime and punishment were revived in this section, and so it is in case of felony.

Why then pass a new law on this subject? Or does the gentleman mean to infer that because murder or felony may be committed by armed vessels which are to be punished, that therefore murder or felony committed by unarmed vessels shall pass with impunity. He presumed in both cases they were murder or felony, and in both cases they were to be punished under the existing laws. He saw no occasion to multiply our statutes unnecessarily. With respect to the punishment of misdemeanors, he should remark that the constitution gave to congress the power to define and punish piracy and felonies committed on the high seas, and violations of the law of nations. Those who acted on this subject before us, he presumed acted under an impression that they had gone to the extent of their powers in defining piracy and felonies, and that a definition of misdemeanors was not in their power. But suppose the constitution gave this power to congress, does the section provide for it? It certainly does not. What says the section, that persons guilty of misdemeanors shall be punished as other misdemeanors are punishable under the laws of the United States. He could not find any statute in the books defining these misdemeanors, or inflicting a punishment. How then was the offender to be punished, if there was no general law on this point, and from the cursory view he had given the statutes, he had found none: the section would be altogether nugatory so far as it related to misdemeanors.

Mr. Eppes could not refrain from expressing the surprise he felt that gentlemen should contend, that misdemeanor was a term unknown in the statutes of congress. He had just dipped into a volume of the laws, and he found it in almost every one which respected the criminal jurisprudence of the United States. Sometimes an offence is defined a high misdemeanor; at other times a simple misdemeanor. Under the act of June 1794, there were several misdemeanors, particularly expressed; accepting the command of an armed foreign vessel was a misdemeanor—increasing the armament of such vessel within the United States was a misdemeanor, and others to which punishments are annexed. He believed the wording of the section to be correct, but as gentlemen doubted it, he should not wish to press the adoption of a correct principle in incorrect language—and to give time for the required alteration, he moved an adjournment.

And the house thereupon adjourned.  
To be continued.

SHOCKING OCCURRENCE.

From a late London paper.  
About 4 o'clock on Monday afternoon, a man, apparently about thirty five years of age, went into the parlour of the Three Goals public house, not far from Vauxhall-gate, where he sat for some time, without calling for any refreshment, and walked out without speaking to any one; he soon after returned, and called for a pipe of tobacco, which he paid for. The tobacco

was carried him by a woman of the name of Ann Young, about 40 years of age, and who acts as a servant in the house; on her return to the bar after delivering the pipe of tobacco, she requested her mistress to go into the parlour, and ask the gentleman if he wanted anything to drink; this Mrs. Sad (the landlady) declined doing, saying, if he wanted any liquor, he might ring the bell. However, the servant again intreated her to go, saying, there appeared something so strange about him, that she wished her mistress to go and see him. Mrs. Sad complied, and went towards the parlour to see the stranger; but, fortunately for her, her attention was arrested by a man, who spoke to her at the door, and to answer whom, she was obliged to pass the parlour. At this instant, the unfortunate maniac rushed from the parlour, having his throat cut (supposed to have been done with a small penknife which he held in his hand,) and, unperceived by any one, made his way through the tap-room, to the bar, where he found the female servant, Ann Young alone, whom he instantly stabbed in the throat twice, and then knocked her down with his fist. On her attempting to rise, he plunged the knife into her shoulder; and on quitting her, seized a poor old man of the name of Thomas Southerland, who has for many years acted as hostler to Mr. Sad, and struck him with great violence on the temples, when in one of his blows, the knife which he held, entered the head of the old man, who fell to the ground. This last act of violence was committed in the presence of 9 or 10 men, who were sitting in the tap-room with Southerland, yet none of them even heard or saw the out rage committed at the bar on the poor woman. After striking Southerland to the ground he made for the door where Mrs. Sad was still standing, engaged in conversation, and that time unacquainted with what had happened in the house; when she perceived that the unfortunate man was bleeding copiously at the neck. He made an attempt to stab her, and also struck at the man she was in conversation with, both of whom he providentially missed.

He ran off, and was followed by one Joice, who had witnessed what passed in the tap-room. On Joice's overtaking him, the maniac furiously turned round, seized him, and unfortunately succeeded in plunging the knife into his shoulder, and wounded him so severely, as to oblige him to let go his hold. The maniac being still at liberty, ranged about the road, endeavouring to stab every person that came in his way; but did not go far from the house whence he first set out. In this mischievous and dangerous state he continued for some time, there being no individual that would venture to seize him; at last the persons who assembled, were obliged to resort to stratagem, to secure him. A gentleman on horseback, made a feint of attacking him, in order to attract his attention, as from the advantage of being mounted, he could easily elude him; whilst others, armed with large sticks, kept advancing from different directions towards him, several of whom he put to the route; he was, however, at last brought to the ground by a man, who attacked him with a large broom which he thrust into his face, and succeeded in throwing him down; great precaution and much force were obliged to be used, to wrench the knife from his hand. On being carried to the public house he was asked, what he could mean by making such shocking attempts on the lives of innocent persons? And the only answer that could be extorted from him was, that he meant to kill them all. The state of the unfortunate persons who suffered, is as follows:—Ann Smith, wounded twice in her throat (one of which wounds has severed the wind pipe) and stabbed in the shoulder; little hopes are entertained by the faculty of her recovery; she is attended by four surgeons. Thomas Southerland, the old man, is likely to recover, though he still continues very ill. Thomas Joice, who was wounded in his arm, is out of danger, but will be deprived of the use of it for a considerable time.

From papers found in the maniac's pocket, his name appears to be Charles McKee. There was a letter from the sick and wounded officer, dated the 10th of January, 1864, informing him, that the board was of opinion that his ability, as a surgeon, entitled him to a better situation in service than that which he held (which was a mate on board the Virginia frigate,) and that they had been pleased to promote him to be surgeon's first mate on board the Unicorn, third rate. This commission, which bore date 9th January, 1864, was found in his pocket. He was last night sent to St. Thomas's hospital, and an expectation is entertained of his recovery.

NEW HAVEN, January 8.

FIRE!—On Wednesday morning last, at about half past two o'clock, the inhabitants were roused from their slumbers by the cry of fire! It commenced in a foreign Fleet-street, owned by Mr. Henry York and occupied by Mr. Lent Hotchkiss, supposed to have been communicated from the stove.—Before the alarm was given the flames had made such progress that the efforts of the citizens were unavailing, except to save some of the property from the cellar of the building in which it originated, and also a part of the furniture contained in the adjoining dwelling house, owned by Mr. John Chatterton, and occupied by Mrs. Daniels, baker, and Mr. Manice, tobacco-merchant. The store dwelling house, and an old

building belonging to Messrs. Atwater & Daggett, were consumed: and it is probably owing to the snow storm then prevailing, which protected the roofs of the neighboring houses that we have not to record a far more extensive destruction of property: as flakes of fire were continually carried upon them by the wind, and the best exertions of our citizens would have been scarcely sufficient to rescue them from the impending ravages, if unaided by this circumstance. As it is, the loss of property is inconsiderable. The principal fullers, Messrs. Hotchkiss and Chatterton.

On Thursday evening, about eleven o'clock, another alarm was made. The building in which the fire originated was situated on the lane between Fleet street and Meadow-street, occupied as a stone-cutter's shop, and was consumed without extending any farther.

BOSTON, January 7.

Owing to the severity of the weather and the prevailing N. W. winds, we have not had one Foreign arrival, for a week past—Much ice has made in our harbour within a few days, though not enough to impede the sailing of vessels, that were near the channel—Two ships are at anchor in the outer harbour, one is said to be a new ship.

Telegraphic, January 4.—Intelligence is received from the Vineyard, of various Vessels reported as being Left and Spoken in the East and West Indies and Europe, belonging to Baltimore, Philadelphia, N. York, Connecticut, Rhode Island, and various ports more northerly; particularly Plymouth, Marblehead and Portsmouth.

NEW-YORK, January 11.

The trial of NATHANIEL PENDELTON, Esq; who was indicted for acting as the second of General HAMILTON in the unfortunate duel by which the latter was lost to his country, came on yesterday in the court of oyer and terminer and general goal delivery now sitting in this city. The prosecution was conducted by the attorney general on the part of the state; and the defendant was ably assisted by the talents of Mr. Benson, Mr. Ratcliffe, Mr. Hoffman, and Mr. Colton. The court was crowded. The trial continued from eleven o'clock in the morning till eight in the evening; and the jury, retiring for about twenty minutes, returned a verdict of GUILTY.

The punishment prescribed by law for the offence of which Mr. VAN NESS and Mr. PENDELTON have been found guilty, is a complete disfranchisement for the term of twenty years.

Last Tuesday evening, a party on a sleighing excursion, unfortunately entangled with others on the road; the horses got so intimidated, that the instant they were cleared, set off full speed, the persons in each sleigh endeavouring to save themselves, sprang alternately out of the vehicle—one gentleman was bruised and cut in such a manner as to render life for a short time dubious; the second received a contusion on his head which put a period to his existence. One lady particularly was very much injured. The circumstance of the gentleman who was killed, is rendered more melancholy, he being on the eve of embarking for his native soil (Ireland) to embrace his aged parents, and share with them a little independency, which was the fruits of his own industry.

Captain Ingham, who arrived at this port yesterday from Curraoac, informs us, that on the 21st of December he lost John C. Johnston of Baltimore, and next day Enoch Dagg, of Egg Harbour, two seamen belonging to the schooner St. Albans of Philadelphia, which was brought into Curraoac by the mate, who informed that they had been boarded by two British men of war, and had the captain taken out; and that, night coming on, the mate seized the opportunity of bringing the schooner into port, where she was sold by the Batavian Government. Markets good: flour 18 dollars, beef 12, pork 16; no colonial produce in the market. The port was blockaded by a British frigate, a brig and two schooners; but there was no probability that the island would surrender. They fired several shot at an English schooner who attempted to avoid the blockade by running close into the harbour.

Respecting the two unfortunate men abovementioned, captain Ingham received the following certificate:—

Curraoac, 28th November 1864.

I certify that Enoch Dagg, and John C. Johnston, are two American Sailors, discharged here from the American schr. St. Albans, of Philadelphia, brought into this port without papers, and ordered to be held by the Government; and that they now claim a passage to the United States on board the sloop Maria-Antoinette, captain Ingham.

THOS. W. PASTON.

Captain Wade of the sloop Friendship, which arrived on Wednesday from Plymouth, N. C. informs, that on the 6th inst. in lat. 38, 30 long. 71, 40, he fell in with the ship Janus, Waterman, of this port, 22 days from Turk's Island bound to Norfolk, in a very leaky condition, having four feet water in her hold, and sinking fast. The crew, exhausted by severe fatigue and almost frozen to death, were ready to abandon themselves to despair, and gladly accepted the kindness of captain Wade, who received them on board the Friendship, and administered to their comfort. The crew con-

sisted of fifteen, besides the master, ten of whom were so much frost-bitten that it was found necessary to carry them yesterday to the hospital, and it is apprehended some of the poor fellows may lose their limbs. Mr. Waterman informs that a barque from Philadelphia bound for Jamaica passed Turk's Island the day he sailed. He also states that the schr. captain Gardner, of Baltimore, bound to Cape Francois, was lost on the Caicos—part of the cargo saved—vessel entirely lost.

American.

TUESDAY, JANUARY 15, 1865.

The schr. Mary-Ann, Edger, of Baltimore, from Cape Francois, was spoken December 22, in lat. 31, long. 73 30; had lost her mainmast, and was bearing away for New Providence.

FOR THE AMERICAN.

Messrs. PECHIN & FRALLEY,  
Annapolis, Jan. 11, 1865.

THE enclosed is the report of the committee on the amendment proposed by Massachusetts to the Constitution of the United States, laid on the table by Mr. Montgomery, which it is understood was drafted by that gentleman. Mr. Shaaf, a federalist, was the chairman of the committee, and agreed to parliamentary proceeding ought to have presented the report to the Speaker; but as it contained so much democratic sentiment, he declined the honor of laying it on the table, and the duty then devolved on the second person named in the committee. There is little doubt but every federalist in the legislature, will on its passage vote against the report; but it is believed they will to a man vote for the resolutions annexed to the report, so that the rejection of the Massachusetts amendment will be unanimous in the legislature of this state.

A Correspondent.

Mr. Montgomery, from the committee, delivered to the Speaker the following Report—

THE committee to whom were referred the communications of the Governor of Massachusetts, enclosing resolutions, purporting to be the "Dilemma of the legislature of that commonwealth," and proposing an amendment to the constitution of the United States, Report, That they have given the same that serious and deliberate consideration, which is a measure of such magnitude, contemplating such an important innovation upon the principles of the constitution, is entitled to, and are of opinion that it would be unwise, dangerous and impolitic, in the state of Maryland, to concur in the adoption of the same. The state of Maryland, from the principle that representation is apportioned among the several states according to numbers, in the manner in the said constitution provided, has its full weight of representation in the councils of the Union; and it would be unwise to diminish, or to relinquish it: neither ought it to be matter of clamor or complaint with any of the states not enjoying the compound ratio of representation, because the states which participate in the advantages resulting from this principle, are subjected to additional taxation, as taxation is apportioned among the several states according to representation; and there is less cause for this uneasiness, when it cannot be stated, that the states which do not partake of this benefit, have others to counterbalance it; besides the principle of representation is fixed in the constitution, being avowedly the result of a spirit of compromise and mutual concession among the several states at the time of its formation and adoption, and there being other great, important and prominent features of the constitution ingrafted into it, and dependent upon the same conciliating spirit of compromise and mutual concession, it would be dangerous by adopting the amendment proposed, to shake those great and fundamental articles of the federal compact, and by sanctioning a measure that should be fraught with the destructive and disorganizing tendency, loosen the ties by which the states are now happily confederated, disseminate the seeds of disunion, and finally eventuate in anarchy; a state of things to which every reflecting mind must look forward with terror and abhorrence. Emphatically has it been offered to the solemn contemplation of the people of America, by the exalted patriot and able statesman, our beloved Washington, that "towards the preservation of their government, and the permanency of their present happy state, it is necessary that they not only discountenance irregular opposition to its acknowledged authority; but also that they resist with care, the spirit of innovation upon its principles, however specious the pretexts." "One method of assault, he proceeds, "may be to affect in the form of the constitution, alterations which will impair the energy of the system, and thus undermine what cannot be directly overturned." Thus warned from such exalted authority, it behoves the people of the United States to touch, with awful caution, the principles of the great charter upon which rests so eminently the general welfare! At this crisis, when a fair, full and successful experiment of the wise, energetic and salutary principles and provisions of our constitution has been made, and its wisdom undeniably established, when the administration of this constitution is so ably conducted in its several departments, and tranquility, safety and happiness, thereby diffused throughout the Union, equal rights protected, and the interests of the whole eminently promoted and preserved, it would be highly impolitic to hazard the general harmony, in giving a constitutional sanction to a measure, which, we consider, can be productive of no possible general good, but may tend in its mischievous effects, to unshackle the leading principles upon which some of the most valuable and salutary provisions of the constitution are founded, and thereby introduce material discord, and a subversion of all government; the proposed amendment, therefore, being, in the opinion of the committee, unwise, unsafe and impolitic, and as they are friends to the confederation, and hostile to any measures which have a tendency to endanger the Union, they submit the following resolutions:

Resolved, That in the opinion of the legislature of Maryland, the amendment to the constitution of the United States, proposed by the legislature of the commonwealth of Massachusetts, ought not to be adopted.

Resolved, That the Governor of this state be, and he is hereby requested to transmit an official copy of the foregoing resolution to the Governor of the commonwealth of Massachusetts.

By order,  
LOUIS GASSAWAY, CIL.  
True copy from the original,  
G. HOWARD, CIL.