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MONDAY, JANUARY 20, 1806

Congress.

[IN SENATE OF THE UNITED STATES.]

WEDNESDAY, January 15.

On the question, shall it be Resolved, That that part of the President's message which relates to the spoliation of our commerce on the high seas, and in violation of the new principles assumed by the British courts of Admiralty, as a pretext for the condemnation of our vessels in their prize courts be referred to a special committee?

Determined in the affirmative—Yeas 25—Nays 3—as follows.

YEAS—Messrs. Adair, Anderson, Baldwin, Bradley, Condit, Fenner, Gilman, Hillhouse, Howland, Kitchell, Logan, Maclay, Mitchell, Moore, Smith of Md. Smith of N. Y. Smith of Ohio, Smith of Ten. Smith of Vt. Sumner, Tracy, Turner, White, Worthington, and Wright.

NAYS—Messrs. Adams, Pickering and Plumer.

COMMITTEE—Messrs. Smith of Md. Mitchell, Anderson, Logan, Tracy, Adams, and Baldwin.

A memorial was presented from the merchants of Philadelphia, commenting in strong terms on the injustice of the late British orders, and representing the various outrages committed on the American trade.

Referred to Messrs. Anderson, S. Smith, Baldwin, Mitchell, Logan, Tracy, and Adams.

On motion of Dr. Logan the Senate resumed the consideration of his motion for leave to bring in a bill to prohibit the commercial intercourse between the U. States and the French Island of St. Domingo.

The question was taken by Yeas and Nays, without debate—Yeas 21—Nays 7—as follows.

YEAS—Messrs. Adair, Anderson, Baldwin, Bradley, Condit, Fenner, Gilman, Howland, Kitchell, Logan, Maclay, Moore, Smith of Md. Smith of N. Y. Smith of Ohio, Smith of Ten. Smith of Vt. Sumner, Turner, Worthington, and Wright.

NAYS—Messrs. Adams, Hillhouse, Mitchell, Pickering, Plumer, Tracy, and White.

When Dr. Logan offered the bill which was read twice.

It prohibits the allowance of clearances from the time when due information shall be received at the several custom houses of the passage of the act until the end of the next session of Congress.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 13.

A petition was presented from sundry merchants of Pawcatuck, Rhode Island, praying for the erection of a new collection district and referred to the Committee of Commerce and Manufactures.

A petition from Joseph Winner, collector of Great Egg Harbor was presented, praying an increase of salary. Referred to the Committee of Commerce and Manufactures.

Resolved, That the Committee of Commerce and Manufactures be directed to enquire, whether any, and if any, what alterations necessary to be made in the law of the U. S. that requires the collector of Great Egg Harbor to hold his office at Somerset Point, and that they have leave to report by bill or otherwise.

The petitions of Gustavus Aldricks, of Rich- ard, Sexton, and of Thomas Gray, were presented and referred to the Committee of Claims.

The petition of sundry inhabitants and merchants of Stonington and Groton, Rhode-Island, praying that Stonington, Pawcatuck and Muttick rivers may be erected into a collection district was presented and referred to the Committee of Commerce and Manufactures.

The petition of Peter Holloway, representing his having made sundry useful inventions, was referred to the committee appointed on the petition of Oliver Evans.

Mr. Nelson presented a memorial from sundry citizens of George Town, reprobating against the erection of a bridge over the Potomac at the city of Washington, which was referred to the committee appointed on the memorial in favor of a bridge.

Two messages were received from the President of the United States by Mr. Coles, his secretary.

One exhibiting a statement of the application of the Executive contingent fund of 20,000 dollars from which it appears that 1987 dollars and 50 cents thereof have been applied to the support of the territorial governments of Michigan and Louisiana, until special appropriations were made therefor, and that the balance remains unexpended in the Treasury.

The message was referred to the Committee of Ways and Means.

The other message enclosed the report of the Director of the Mint, containing a statement of the operations of that institution during the last year.

On the suggestion of Mr. Blawell, who observed that he had a communication to make that required closed doors, the galleries were cleared about twelve o'clock, and remained closed till 4, when the House adjourned.

Committee on the message of the President referred to Tribunal of Affairs—Messrs. J. Clay,

John C. Smith, R. Nelson, Crowninghill, Garret, Fisk, and Dickson. On the memorial of the legislature of Georgia relative to boundaries—Messrs. Spalding, G. W. Campbell, T. Moore, Stanford, and Eppes.

THURSDAY, January 16.

A letter was received from the secretary of the treasury transmitting a statement of the amount of duties and drawbacks on goods, wares, and merchandise, imported into the U. S. and exported therefrom during the years 1802, 1803, and 1804.

A letter was likewise received from the secretary of the treasury, transmitting his report on the petitions of the inspectors of the customs of the cities of New-York, Baltimore, and Philadelphia.

The report contains a statement of facts, waving any explicit opinion as to the propriety of increasing the existing compensation of inspectors, except during the period of the prevalence of epidemic diseases.

Referred to the committee of Ways and Means.

The petition of sundry purchasers of public lands in Ohio, praying for an extension of the times at which payment is required, or a remission of interest, was referred to the committee of Ways and Means.

The petition of Arthur St. Clair, praying remuneration for monies advanced for public services during the revolutionary war was referred to the committee appointed relative to the expediency of relaxing the statute of limitations.

On motion of Mr. Alston, Resolved, That a committee be appointed to enquire into the expediency of passing a law, declaring the assent of Congress to an act of the general assembly of the state of North-Carolina passed on the 22d of Dec. 1803, entitled "an act to authorise the state of Tennessee to perfect titles to lands reserved to this state by the cession act, and that the committee be authorised to report by bill or otherwise."

Referred to Messrs. Alston, G. W. Campbell, Chittenden, Trigg and Lyon.

The petitions of Peter Dominick Robert, of Samuel Dick, William Bruce, and Asa Kitchell, were referred to the committee on the public lands.

The petition of Zebulon Rowe was referred to the commissioners under an act for the relief of British refugees, &c.

The memorial of the merchants and traders of the city of Philadelphia, of like tenor with that noticed in the proceedings of the Senate, was referred to a committee of the whole on the state of the union.

The petition of the Presbyterian Congregation in George Town was referred to Messrs. Findley, Bishop and Winston.

Leave having been given, Mr. J. Randolph submitted from the Committee of Ways and Means a bill making an additional appropriation to supply the deficiency in the appropriation for the naval service during the year 1805, which was referred to a committee of the whole House to-morrow.

The petitions of Moses White and Charlotte Hazen, of George Jacob Deagen and of William Rickard, were referred to the Committee of Claims.

About 12 o'clock the galleries were again cleared. They remained closed for about 2 hours, when the doors were opened.

The bill to repeal the act to authorise the receipt of evidences of the public debt in payment for the lands of the U. S. and for other purposes relative to the public debt, was passed through a committee of the whole, and ordered to be engrossed for a third reading.

When, at the instance of Mr. J. Randolph, the galleries were again cleared, about half past 2 o'clock. They continued closed until 4 o'clock.

From the National Intelligencer.

Message from the President of the United States transmitting Documents and papers relative to complaints by the government of France, against the commerce carried on by American citizens to the French Island of St. Domingo.

TO THE SENATE OF THE UNITED STATES.

In compliance with the request of the Senate, expressed in their resolution of December 27, I now lay before them such documents and papers (there being no other information in my possession) as relate to complaints by the government of France, against the commerce carried on by the citizens of the United States to the French Island of St. Domingo.

TH: JEFFERSON.

Jan. 10, 1806.

FROM GENERAL TURREAU TO THE SECRETARY OF STATE.

October 14, 1805.

THE undersigned minister plenipotentiary of his Imperial and Royal majesty, to his excellency the President of the U. States of America, has testified in his conversation with the secretary of state, his just discontent with the commercial relations, which many citizens of different states of the union maintain with the rebels of every color, who have momentarily withdrawn the colony of St. Domingo, from the legal authority.

The principles injuriously affected by such a commerce, or rather by such a system of robbery (brigandage) are so evident, so generally acknowledged, and adopted not only by all nations, who have a colonial system to defend, but even by those who have none; and moreover even by every wise people to whatsoever political aggregation they may belong; that the statesman, if he has not lost every idea of justice, of humanity, and of public law, can no more contest their wisdom, than their existence. And certainly the undersigned, in finding himself called by this duty, as well as by his inclination, in the bosom of a friendly people; and near the respectable chief who directs its government; certainly the undersigned ought not to have expected that his first political relations would have for their object, a complaint so serious, an infraction so manifest of law, the most sacred, and the best observed by every nation under the dominion of civilization.

But it was not enough for some citizens of the United States to convey munitions of every kind to the rebels of St.

Domingo, to that race of African slaves, the reproach, and the refuse of nature; it was moreover necessary, to insure the success of this ignoble and criminal traffic by the use of force. The vessels destined to protect it are constructed, loaded, armed, in all the ports of the union, under the eyes of the American people, of its particular authority, and of the federal government itself; and this government, which has taken for the basis of its political career, the most scrupulous equity, and the most impartial neutrality, does not forbid it.

Without doubt, and notwithstanding the profound consideration, with which the minister plenipotentiary of the French empire is penetrated for the government of the Union; he might enlarge still further upon the reflections suggested by such a state of things, a circumstance so important, so unexpected. But it would be equally as afflicting for him to dwell upon it, to state its consequences, as it would be for the government to hear them.

The secretary of state, who perfectly knows the justice of the principles, and the legitimacy of the rights, referred to in this note, will be of opinion, that neither are susceptible of discussion; because a principle universally assented to, a right generally established, is never discussed, or at least is discussed in vain. The only way open for the redress of these complaints, is to put an end to the tolerance which produces them, and which daily aggravates these consequences.

Moreover this note, founded upon facts not less evident than the principles which they infract, does not permit the undersigned to doubt that the government of the United States will take the most prompt, as well as the most effectual prohibitory measures, in order to put an end to its cause; and he seizes with eagerness this occasion of renewing to the secretary of state, the assurance of his high consideration.

(Signed) TURREAU.

FAITHFULLY TRANSLATED,

J. WAGNER, Chief Clerk,

Department of State.

GENERAL TURREAU Minister Plenipotentiary of his Imperial and royal Majesty, to Mr. MADISON, Secretary of State.

Washington, 3d January, 1806.

SIR,

Formal orders of my government oblige me to insist upon the contents of my official note, of the 14th of October last, relative to the commerce, which some inhabitants of the United States, maintain with the rebels of St. Domingo.

Not receiving any answer to that note, I had room to hope, that the government of the union would take prompt and effectual measures to put an end to the causes which produced it; but your silence towards me, especially in relation to St. Domingo, and that of your government towards Congress, impose upon me the duty of recalling to your recollection the said official note, and of renewing to you my complaints upon the tolerance given to an abuse, as shocking, as contrary to the law of nations, as it is to the treaties of peace and friendship existing between France and the United States.

I will not recur, sir, to the different circumstances which have attended the commerce with the revolted part of St. Domingo; to the scandalous publicity given to its shameful success; to the rewards and encomiums prostituted upon the crews of armed vessels; whose destination is to protect the voyages, to carry munitions of every kind to the rebels, and thus to nourish rebellion and robbery.

You ought not to be surpris'd, sir, that I call anew the attention of the American government to this subject. His excellency Mr. Talleyrand has already testified his discontent to gen. Armstrong, your minister plenipotentiary at Paris; and you will be of opinion that it is at length time to pursue formal measures against every adventure to the ports of St. Domingo occupied by the rebels. The system of tolerance which produces this commerce, which suffers its being armed, which encourages by impunity its extension and its excess, cannot longer remain; and the emperor and king my master, expects from the dignity and the candor of the government of the union, that an end be put to it promptly.

I add to this dispatch a copy of the official note, which has already been transmitted to you. I earnestly request, sir, that you acknowledge the receipt of both, and receive anew assurances of my high consideration.

(Signed) TURREAU.

FAITHFULLY TRANSLATED,

J. WAGNER, Chief Clerk,

Department of State.

From Mr. TALLEYRAND to General ARMSTRONG.

[Without date, but received in General Armstrong's letter to the Secretary of State of the 10th August, 1805.]

SIR,

I have several times had the honor to call your attention to the commerce carried on from the ports of the United States to those of St. Domingo occupied by the rebels. These commercial communications would appear to be almost daily increased. In order to cover their true

destination, the vessels are cleared for the West-Indies, without a more particular designation of the place, and with the aid of these commissions, provisions, arms, and other objects of supply, of which they stand in need, are carried to the rebels of St. Domingo.

Although these adventures may be no more than the result of private speculations, the government of the United States is not the less engaged to put an end to them, by a consequence of the obligations which bind together all the civilised powers, all those who are in a state of peace. No government can second the spirit of revolt of the subjects of another power; and, as in this state of things, it cannot maintain communications with them, it ought not to favor those which its own subjects maintain.

It is impossible that the government of the United States, should longer shut its eyes upon the communications of their commerce with St. Domingo. The adventures for that island, are making with a scandalous publicity. They are supported by armed vessels—at their return, feasts are given, in order to vaunt the success of their speculations; and the acknowledgement, even the eulogies of the government are so much relied upon, that it is at these feasts, and in the midst of an immense concourse, where are found the first authorities of the country, that the principles of the government of Hayti are celebrated, and that vows are made for its duration.

I have the honor, sir, to transmit to your excellency, an extract of an American Journal, in which are contained sundry details of a feast, given in the port of New-York, on board of a convoy which had arrived from St. Domingo.

The ninth toast, given to the government of Hayti, cannot fail, sir, to excite your indignation. It is not, after having covered every thing with blood and ruins, that the rebels of St. Domingo, ought to have found apologists in a nation, the friend of France.

But they do not stop at their speculations. The company of merchants, which gave a feast on the return of their adventure, is preparing a second convoy, and proposes to place it under the escort of several armed vessels.

I have the honor, sir, to give you this information, in order that you may be pleased to call the most serious attention of your government towards a series of facts, which it becomes its dignity and candor, no longer to permit. The federal government, cannot so far separate itself from the inhabitants of the United States, as to permit to them, acts and communications, which it thinks itself bound to interdict to itself; or, as to think that it can distinguish its own responsibility from that of its subjects, when there is in question an unparalleled revolt, whose circumstances, and whose horrible consequences, must alarm all nations, and who are all equally interested in seeing it cease.

France ought to expect from the amity of the United States, and his Majesty charges me, sir, to request in his name, that they interdict every private adventure, which, under any pretext or designation whatsoever, may be destined to the ports of St. Domingo, occupied by the rebels.

Receive, general, the assurances of my high consideration.

(Signed) CR. M. TALLEYRAND.

To his excellency general

Armstrong, minister plenipotentiary of the U. S.

Faithfully translated,

J. WAGNER,

Chief Clerk, Dept. State.

From Mr. TALLEYRAND to General ARMSTRONG.

Paris, 29th Thermidor, 13th year, (16th August, 1805.)

SIR,

SINCE the letter, I had the honor to write to you on the 2d Thermidor, concerning the armaments which were making in the ports of the United States for the western part of St. Domingo, fresh information upon this point, confirms every thing which had been received. The adventures for St. Domingo, are publicly made; vessels are armed for war, to protect the convoys; and it is in virtue of contracts, entered into between Dessalines & American merchants, that the latter send him supplies and munitions of war.

I add, sir, to the letter, which I have the honor, to write to you, a copy of a sentence given at Halifax, in the matter of a merchant of New-York, who had conveyed into the revolted part of Saint Domingo, three cargoes of gunpowder, and who was taken on his return by an English frigate.

If even in the English tribunal, where this prize was condemned, the whole island of Saint Domingo was considered as a French colony, how can the federal government tolerate, that the rebels of this colony, should continue to receive from America, succors against the parent country? It is impossible that that government should be ignorant of the armaments making in its ports. Too much publicity is given to them, not to render it responsible; and it ought to perceive that it is contrary to every system of peace and good friendship, to suffer longer in its ports, armaments evidently directed against France.

Without doubt the federal government would not wish, in order to favor certain

private speculations, to give new facilities to rebellion and robbery (brigandage,) the tolerance of a commerce so scandalous would be unworthy of it. Neither your government nor his majesty can be any longer indifferent to it; and as the seriousness of the facts, which occasion this complaint, obliges his majesty to consider as good prize every thing which shall enter the port of Saint Domingo, occupied by the rebels, and every thing coming out, he persuades himself, that the government of the United States, will take on its part, against this commerce, at once illicit and contrary to all the principles of the law of nations, all the repressive and authoritative measures proper to put an end to it. This system of impunity, and tolerance, can no longer continue; and his majesty is convinced, that your government will think it due from its frankness promptly to put an end to it.

Receive, sir, the assurances of my high consideration.

Signed, CR. M. TALLEYRAND.

To his Excellency, Gen. Armstrong.

Faithfully translated,

J. WAGNER, Chief Clerk

Department of State.

• Ne pourroit durer d'avantage.

TO THE PRESIDENT OF THE UNITED STATES,

And the Senate and House of Representatives of the United States of America in Congress assembled,

THE MEMORIAL

Of the Merchants and Traders of the City of Philadelphia.

At a moment of distress, and in a season of solicitude, resulting from a novel and peculiar affection of the commercial interest of their country, YOUR MEMORIALISTS, as composing a great proportion of that interest in one of the principal commercial cities of the United States, submit to you the following considerations.

Under the influence of a form of government calculated to inspire confidence in the security of our acquisitions, and with a reliance upon the authority of the nation, for protection and support in all lawful enterprise, the commerce of the country has increased in a manner almost unparalleled, and has widely extended a spirit of enterprise which has added to the stock of private wealth, and enriched the treasury of the nation.

By the existence of war in Europe, and our neutral standing with the belligerents, our commerce was naturally and necessarily favored and flourishing; conducted upon fair and honorable principles, our trade wanted no privilege but the just privilege of its neutral character, and it needed no favor but that which had been yielded by the universal consent of civilized nations. But this privilege, we conceive, has been denied to us, and a jealousy of our enterprise and prosperity has excited a design of checking the commercial growth of our country, the fruit of which has been an attempt to innovate upon ancient and approved principles and introduce unheard of articles and provisions into the code of public law. Of this design, of its origin and extent, your memorialists are not left in doubt; when they consider the course and nature of the spoliations which have been committed on the American commerce.

For a time, your memorialists were disposed to regard the violence committed on the vessels and merchandise of the citizens of the U. States, as the unauthorised acts of lawless individuals; for the fact was well known, that many French and Spanish cruisers were on the ocean, without legal commissions, who seized without authority, and robbed without even the form of trial. They were aware, that many instances of violated right were within the knowledge of government; and anticipated the adoption of measures calculated to put a stop to the growing mischief. They moreover reflected, that, during a war between powerful maritime states, it is the unavoidable lot of the neutral to incur loss and suffer inconvenience, even from a fair exercise of the rights of the belligerent; and to be exposed to imposition and outrage, practised sometimes with the color of authority, and sometimes in despite of both law and humanity.

Resting, however, with confidence, upon the protection, which they regarded their government as bound to afford to the fair and lawful trader, they submitted to the present inconvenience, and referred themselves to that protecting principle, and to the integrity of the superior tribunals before which the seizures of their property would be finally considered, as the sureties of a certain, though distant retribution.

It becomes your memorialists to state, that the pressure of these evils has greatly increased; and that others of even superior magnitude have arisen, which assume a most alarming and distressing form. What were considered as irregularities susceptible of prevention, have, by continuance and success strengthened into regular and systematic plunder. What were regarded as mischiefs incident to a state of war, temporary though not remediless, are vindicated upon the ground of right, and their practice is reiterated under the authority of government, and receives the solemn sanction of the law.

From the state of things, your memorialists perceive at once the unavailing nature of any efforts which may have been made, by their own government, for their relief, and also the hopeless nature of all anticipations of redress, upon the grounds they are entitled from the Justice of