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MONDAY, JANUARY 27, 1806

Congress.

HOUSE OF REPRESENTATIVES.

TUESDAY, Jan. 21.

On motion of Mr. Nelson, Resolved, That a committee be appointed to enquire whether any, and if any, what alterations are necessary in the criminal, civil or equitable jurisdiction of the circuit court of the district of Columbia, and that they have leave to report by bill or otherwise.

Referred to a committee of five members.

Mr. Gregg, from the committee on public lands, made a report on the petition of sundry inhabitants of the counties of Randolph and St. Clair in Indiana territory. The report states that the petitioners pray for a grant of lands on which they are settled, and for a different mode of survey from that applied to the other public lands, and considers the request as inadmissible. Whereupon,

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Early said he held in his hand a resolution instructing the committee of ways and means to enquire into the expediency of requiring the secretaries of state, treasury, war, and navy to lay before Congress at the opening of every session a detailed statement of the expenditure of the monies appropriated to the contingent expenses of their departments. He would briefly state his reasons for offering this motion. The monies for the contingent purposes of the government were the only description of expenditures which were not controlled by the House. Over every other branch of expenditure the House exercised a control by specifying with definite clearness the respective objects of expenditure when an appropriation was made. But the monies appropriated for contingent purposes, were left exclusively to the discretion of the different officers presiding over the several departments, in which they were alone governed by their own will and judgement. The only check which could be exercised over this description of expenditures was to require a detailed statement of disbursements. It would be recollected that a committee had been appointed some time since to investigate the accounts of several officers of the government, and that they made a detailed report to the House. About that time, it had been contemplated to take the step which he now suggested, but for some reasons it had never been taken. Mr. Early said he by no means wished to be understood as entertaining the idea that the discretion with which the heads of departments were clothed had been abused. He knew of no facts to justify such an opinion. It was on the ground of principle, and of principle only that he offered this resolution. Through the four great departments which he had mentioned, passed 9 10ths of the whole money appropriated by Congress; & on looking at the statement in the estimate of the secretary of the treasury, he found that more than one fourth of the whole amount of money estimated as necessary for the several departments, was for contingent purposes. By that statement it appeared that the whole expenses of the department of state were 27,000 dollars, of which 14,400 dollars were for contingent purposes. Under the head of foreign intercourse, 182,500 dollars were estimated as necessary: of which 76,900 dollars were for contingent purposes. The estimates for the war department were 29,400, of which 2,000 were for contingent purposes. The estimates for the military establishment were 900,500 dollars, of which 18,000 were for contingent purposes. The estimates for the navy department were 21,100 dollars, of which 2,700 were for contingent purposes. The estimate for the naval establishment were 867,800 dollars, of which 411,900 dollars were for contingent purposes. Mr. Early said he presumed this view of the subject would justify him in the eyes of the members of the House in offering this resolution. The resolution, as follows was agreed to.

Resolved, That the committee of ways and means be instructed to enquire into the expediency of making provision by law, for requiring the secretary of state, the secretary of the treasury, the secretary of war, and the secretary of the navy to lay before Congress annually a detailed account of the expenditure of the funds appropriated for the contingent expenses of their several departments, respectively.

Mr. Crumhilda, from the Committee of Commerce and Manufactures, made a report on the petition of Nathaniel Goodall, praying that an additional duty may be laid on iron hollow ware, adverse to the same, in which the House immediately

concurred. The report details the grounds on which it is made, which, as we purpose publishing from its connexion with an interesting topic, we omit further noticing at present.

Mr. P. R. Thompson, from the committee appointed on sundry memorials relative to a bridge over the Potomac, made a report. After a very detailed report, the committee conclude by declaring their opinion that the public interest would be greatly promoted by a bridge from or near the Maryland avenue to the opposite shore, and submit a resolution that the prayer of the memorials soliciting leave to erect a bridge is reasonable and ought to be granted.

Mr. Thompson moved that the report be made the order of Thursday.

Another member moved that it should be the order for the 1st of May.

The question was first taken on the last day, and passed in the negative—Ayes 9.

When the report was made the order for Thursday.

The bill for the relief of the governor, secretary and judges of the late territory of the United States, north west of the Ohio, was read the third time and passed.

The bill extending the powers of the surveyor general to the territory of Louisiana and for other purposes, was read the third time and passed.

A message was received from the Senate, stating that they had passed the bill making an additional appropriation to supply the deficiency in the appropriation for the support of the navy during the year 1805.

Wednesday, January 22.

Mr. P. R. Thompson presented a memorial from sundry inhabitants of Alexandria, in the district of Columbia, representing that the fees paid to the officers of the courts are exorbitant and oppressive, praying that the fees may be reduced to the same amount chargeable in the courts of Virginia.

Referred to the committee appointed yesterday on the resolution offered by Mr. Nelson.

After a few explanatory remarks, the object of which was to show the necessity of uniformity in certain judicial proceedings of the states, Mr. Bidwell offered the following resolution:

Resolved, That a committee be appointed to consider whether any and if any, what further provision ought to be made by law for prescribing the manner in which the public acts, records and judicial proceedings of the respective states shall be proved, and the effect thereof; and that they have leave to report by bill or otherwise.

Agreed to, and referred to a committee of five members.

Mr. Quincy presented a petition from the inspecting officers of the customs for Boston and Charles town, praying an augmentation of their compensations.

Referred to the committee of Ways and Means.

The House again went into committee of the whole—Mr. DAWSON in the chair—on the resolution of Mr. Sloan, for imposing a tax of ten dollars on every slave imported into the United States.

When after a long debate (which shall be hereafter given unless excluded by more important matter) the resolution was agreed to—Ayes 79.

The committee rose and reported their agreement to the resolution.

The House immediately took it into consideration; and after some further debate, concurred in the report—Yeas 90—Nays 25—when the resolution thus agreed to was referred to a committee of three members to bring in a bill.

On motion of Mr. Sully, the House resolved itself into a committee of the whole—Mr. VARNUM in the chair—on the bill to extend the jurisdiction in cert in cases to the state judges and state courts. After a short discussion of the provisions of the bill, the committee rose and reported it with an amendment, which was ordered to lie for consideration.

THURSDAY, January 23.

The House resolved itself into a committee of the whole, Mr. J. C. SMITH in the chair, on the bill authorising a detachment of the militia of the U. States.

Several blanks in the bill were filled up, one authorising the President of the U. States to accept as part of the detachment any corps of volunteers who shall engage to continue in service six months after arriving at the place of rendezvous; and another appropriating two millions of dollars for the pay and subsistence of such part of the detachment as may be called into service. When the committee rose and reported the bill with these amendments, in which the House concurred.

Mr. Dana moved to amend the first section by striking out the following words, in italic, relative to the proportions of the detachment to be called from the respective states: "to be appointed by the President of the U. S. by the militia returns of the last year, in cases where such returns were made, and in cases where such returns were not made the last year, by such other data as he shall judge equitable, and by substituting in lieu thereof the words, "according to the last census."

Mr. Varnum stated several reasons against this amendment.

Mr. Dana withdrew his amendment, and moved a modification of it; which he also withdrew on an explanation made by Mr. Varnum; when the bill was ordered to be engrossed for a third reading, on Monday.

A message was received from the President of the United States, stating that he had approved and signed an act making an additional appropriation to supply the deficiency in the appropriation for the support of the navy during the year 1805—and that he had likewise approved and signed an act providing for Light Houses on Long Island Sound, and declaring Roxbury, in Massachusetts, a port of delivery.

On motion of Mr. Dawson, the House resolved itself into a committee of the whole on the state of the union—Mr. GREGG in the chair—on the report of a select committee on that part of the message of the President that relates to defending our ports and harbors, &c.

The report was read by the Chairman.

On the first resolution, appropriating 150,000 dollars for the better protection of our ports and harbors, a long and interesting debate ensued.

The debate was opened by Mr. Dawson, who explained at some length the grounds on which the report was founded.

Mr. Dawson was followed by Mr. Clinton, who represented the trifling amount of the sum proposed to be appropriated.

Mr. Thomas said a few words to the same effect, and moved to strike out the words "one hundred and fifty thousand," with the view of trying the sense of the House as to the appropriation of a larger sum.

Mr. N. Williams seconded the motion.

Mr. Ely detailed the information on which the report had been made.

Mr. Dawson replied.

Mr. Early moved that the committee should rise, in order that more full and satisfactory information should be obtained relative to the sum required, and the practicability of protecting by land batteries our ports and harbors.

This motion superceding the other, the subsequent part of the debate was shaped by it.

It was supported by Messrs. Early, Nelson, Smith, Macon, N. Williams, G. W. Campbell, Cook and Fisk, and opposed by Messrs. Jackson, Dawson, Dana, and Elmer.

When the question was put, and the rising of the committee, carried—Ayes 86.

Mr. Early gave notice that he should to-morrow move for the communication of information calculated to elucidate the subject.

On motion of Mr. Stanford, Resolved, That a committee be appointed to enquire into the expediency of changing the time of meeting of the circuit court for North Carolina.

In our last paper there was a slight incorrectness in stating a resolution offered by Mr. Jackson by an omission of the compositor. The resolution ought to read as follows:

Resolved, That the committee on the public lands be instructed to enquire into the expediency of providing by law for the legal adjudication of claims set up by persons in virtue of purchases or transfers from purchasers of lands of the United States previous to the emanation of grants under their authority.

IN SENATE, January 20, 1806.

Agreeable to notice given on the 16th instant, Mr. Wright asked and obtained leave to bring in the following bill, which was read and passed to a second reading

A BILL, For the protection and indemnification of American Seamen.

Whereas, by the treaty of amity, commerce and navigation, made between his Britannic majesty and the United States, at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, by the first article of said treaty, it is agreed, "That there shall be a firm, inviolable and universal peace, and a true and sincere friendship between his Britannic majesty, his heirs and successors, and the United States of America and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places." And whereas, in direct violation of said treaty, his Britannic majesty has caused to be impressed out of the ships of the United States, sailing on the high seas, divers citizens of said U. States; and has compelled them to serve on board the ships of war of his said Britannic majesty, in violation of their liberty, and at the hazard of their lives; and in despite of the remonstrances of the government of said United States, continues said unjust practice; and the seamen of the United States so impressed, by force, retains in his service. And whereas, the United States are solemnly bound to protect all those who are bound in allegiance to said United States. Therefore,

Be it enacted by the senate and house of representatives of the United States of America, in Congress assembled, That from and after the day of next, any person or persons, who shall impress any seamen on board any vessel bearing the flag of the United States, upon the high seas, or in any river, haven, basin or bay, under pretext or color of a commission from any foreign power, shall for every such offence be adjudged a pirate and felon, and on conviction shall suffer death. And the trial in any such case may be had where the offender is apprehended, or may be first brought

Sec. 2. And be it further enacted, That it shall be lawful for any American seaman, sailing under the flag of the United States, on any person or persons attempting to impress him by force, from on board any vessel of the United States, upon the high seas, or in any river, haven, basin, or bay, to repel such force by shooting, or otherwise killing and destroying the person or persons so attempting to impress him, and shall, as an encouragement to resist, be entitled to a bounty of two hundred dollars, to be paid to him or his order, or legal representatives, out of any money in the treasury, not otherwise appropriated.

Sec. 3. And be it further enacted, That on information being given to the president of the United States, proving satisfactorily to him, that any citizen of the U. States, who shall have been impressed or forced by violence or threats, to enter on board any foreign vessel, shall suffer death, or any other corporal punishment by the authority of such foreign power; it shall be lawful for the president of the United States, to cause the most rigorous and exact retaliation on any subjects of that government, whom he is hereby authorised to seize and take for that purpose.

Sec. 4. And be it further enacted, That every American seaman heretofore or hereafter impressed and compelled to serve on board any foreign ship or vessel, shall be entitled to receive as an indemnification for his slavery and hardships on board the ship in which he has been, or shall be compelled to serve, from the day of his impressment, the sum of sixty dollars per month, for every month he has, or shall serve, on board said ship or ships; & that the said seaman, his heirs, executors, administrators, or assigns, shall be entitled to recover the same in the district court of the state in which the port lies, from which the vessel cleared, for the voyage in which he was taken, by attachment of any private debt, due from any citizen of the United States, to any subject of that government, by whose subjects he had been impressed; and that any sums of money so attached out of the hands of any debtor, shall be a payment of so much of said debt, and may be pleaded in payment or discount to the amount of the said sum so attached, and all the costs of said attachment, which shall be allowed as a payment of that amount in any suit for said debt. And that so much of the treaty of London, of nineteenth of November, one thousand seven hundred and ninety four, as secures the inviolability of such debts, as will be infringed by the attachments or recoveries, hereby authorised, shall not (so far as is necessary in the execution of this act only) be regarded as legally obligatory on the government or citizens of the U. States.

To the editors of the Federal Gazette.

A friend in Washington has furnished me with the inclosed translations of diplomatic papers now in circulation at that city, with liberty of giving them publicity here; you may, if agreeable, insert them in your useful paper.

A SUBSCRIBER.

Baltimore, 23d January, 1806.

A translation from the French of the Marquis de Casa Yrujo's circular, addressed to the different foreign ministers accredited near the United States.

Philadelphia, January 21, 1806.

SIR,

The want of correctness which appears to prevail throughout the article, relative to Spain, of the message which the president of the United States sent to congress on the 3d instant, compelled me to transmit on the 6th of said month, to the secretary of state, the note of which I have the honor of inclosing to you a translated copy. The extreme publicity given to said message, as well as to the documents relative to the above-mentioned article, sent to congress some time after, caused me to hope that government, from the ostensible purity of its intentions, would also have published my note, as its publication would have tended to present the affairs in question under their true point of view. I have been waiting in silence for more than forty days in expectation of this act of justice; but I have waited for it in vain; and as no hopes any longer remain of seeing it verified, I have thought it my duty sir, to transmit you a copy of this document, for the information of your court, with the object, that whatever may have been the light under which the president of the United States may have thought proper to present the conduct of Spain, it may be known that the king my master, in his political relations with the United States has always manifested that good faith, so well known, which is the true character of his government, acting towards them always with justice, and very often with generosity.

Accept, sir, the sentiments of high consideration, with which I have the honor to be, your most obedient humble servant,

(Signed), THE MARQUIS OF CASA YRUJO.

P. S. I authorize you, sir, to give copies not only of my note, but even of the present letter.

[TRANSLATION]

Philadelphia, 6th December, 1805.

SIR,

The zeal with which I have endeavored to preserve the harmony and good understanding between Spain and the United

States, has caused me to read with particular regret the article of the president's message, sent to congress the 3d instant, respecting the political relations between the United States and the king my master. As in the exposition to which I allude, there exist in my opinion, several mistakes of a delicate and important tendency, although I render to the president due justice in regard to the motives which may have caused this apparent want of correctness yet my character imposes on me the task of entering into an examination of some of his assertions, and of demonstrating that either from the want of exact information or owing to defective translations, they appear in some cases not altogether correct.

In the article of the president's message relative to Spain, after mentioning that the negotiations for the settlement of the existing differences had not had a satisfactory issue, he says, "spoliations during the former war for which she had formally acknowledged herself responsible, have been refused to be compensated, but on conditions affecting other claims in no wise connected with them." Yet the same practices are renewed in the present war and are already of great amount." It is very well known that in a state of war, there exists and will probably ever exist, a certain abuse of force, confined to subtleties hands. Even the United States themselves have not been an exception to this general rule, and during the short period of hostilities with France, in the year 1798, notwithstanding no privateers were armed and that their protecting forces consisted only of a small number of frigates, neutrals experienced from them many injuries, well authenticated by the numerous claims on this government by the injured powers, principally on the part of Denmark and Sweden.

Probably there might have existed last war some abuses of this nature, although very rare, on the part of the royal navy of Spain; but the king my master, animated by the love of justice, which characterises him, authorised his principal secretary of state to sign a convention with the American minister near his person, in which were stipulated reciprocal compensations for the damages and injuries their respective subjects and citizens might have sustained from officers, or individuals of either, contrary to the right and laws of nations. This stipulation, similar to that of the same nature in the treaty of friendship, navigation and limits concluded in 1795, and scrupulously complied with by my sovereign, would now have had the same effect by the ratification of the convention, had not an article been inserted therein, tending to impose on Spain the obligation of a responsibility both detrimental and important in its result, as well as supported by reason and justice under the existing circumstances.

My court has in a direct manner, as well as through me repeatedly manifested to the American government its readiness to carry the said stipulation into effect, whenever the article in the same convention relative to the above-mentioned responsibility, should either be suppressed or altered in a manner more conformable to justice, and has been so far from refusing to satisfy said compensations, on account of other claims in no wise connected with them, that it was precisely because they are connected that the said convention has not been carried into effect, as was and still is the wish of the king my master.

It is true that the two subjects by their nature are not connected with each other in themselves, but it is also true, that this connection is very great, when we consider that an endeavor is made to form out of those two things, distinct in themselves component parts of the same whole; thereby, placing the king my master, under the disagreeable dilemma of either refusing to ratify a stipulation which he conceives to be just and therefore wishes to fulfil, or else of taking on himself a responsibility, more or less direct, in favor of the United States to which it is well proved they have no right to pretend.

In regard to what concerns the new spoliations, I can assure you, sir, few are those that strictly merit this denomination on the part of Spanish vessels, as many of the captures, which so frequently figure in the American papers, arise either from acts of contraband, or from a want of having on board the documents required by the treaty of 1795, or even from other circumstances which the captains and owners of said prizes will take good care to conceal; besides, on this head, the citizens of the United States would receive that justice which they have already experienced on the same subject, in virtue of the treaty of 1795. I cannot but observe, that although I had the honor of communicating to you, sir, two months ago, that the strictest injunctions had been given by the king, my master, not to interrupt the navigation of American citizens, when employed in lawful trade, no mention is made by the president of this circumstance, as highly important in its effects towards American commerce, as it is necessary to demonstrate his just and pacific intentions.

Without any view to rectification, I find it necessary to observe, that although the violations of the rights of neutrals are infinitely more frequent and extensive on the part of England, whose vessels of the royal navy have almost continually blockaded the ports of the United States, and what is more, when this power fully establishes new principles on the rights of neutrals, which in reality, tend to under-