(XLVth YEAR.) THE (No. 2269.)

MARYLAND GAZETTE.

THURSDAY, JULY 8, 1790.

PROCEEDINGS OF CONGRESS.

House of Representatives of the United States, Tuesday, June 22, 1790.

THE amendatory bill providing for the settlement of accounts between the United States and individual states, having been engrossed, the house filled up the blanks, and passed the bill.

Mr. Goodhue, of the committee appointed for the purpose, brought in a bill laying an additional duty on tunnage, pursuant to resolutions of the house; the bill was read and referred to a committee of the whole, to be taken up to-morrow.

Sundry reports of the secretary at war were read—among others on the petition of the heirs of William Gould, deceased, praying an allowance of his half pay for his children, for reasons set forth: The report was in favour of granting the petition, and that 1680 dollars, the half pay of a captain for seven years, be granted; this report, on motion of Mr. Seney, was accepted, and a committee, consisting of Mr. Seney, Mr. Heester and Mr. Moore, was appointed to bring in a bill accordingly.

The amendment of the senate to the bill for satisfying the claims of John M'Cord was agreed to.

Mr. Lawrence presented a petition from certain inhabitants of the county of West Chester, in the state of New-York, praying payment for losses sustained during the war, which was read and referred to the secretary at war.

On motion of Mr. Boudinot, the report of the secretary at war, on the petition of William Oliver, was read and agreed to.

In committee of the whole on the bill to regulate trade and intercourse with the Indian tribes.

Mr. Boudinot in the chair.

The committee agreed to sundry amendments to this bill, which were reported to the house and adopted.

Mr. Sherman moved that the 4th section should be struck out of the bill, viz. That a sum not exceeding thousand dollars be appropriated, out of the monies arising from duties on imports and tunnage, subject to the orders of the president of the United States, to be laid out in goods and articles of trade suitable for supplying the wants and necessities of the Indians, and to be vended and retailed to them, through the agency of the said superintendents, and persons to be licensed by them for that purpose, in such manner, and conformably to such regulations, as the president of the United States shall establish.

On this motion Mr. Jackson called for the ayes and noes, which are as follows:

A Y E S.

Messrs. Ashe, Bloodworth, Coles, Floyd, Foster, Gerry, Goodhue, Hathorne, Heester, Huger, Huntington, Jackson, Leonard, Livermore, Parker, Rensallaer, Schureman, Sedgwick, Seney, Sevier, Sherman, Sylvester, Stone, Sturgis, Sumpter, Tucker. 26.

N O E S.

Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Contee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Lawrence, Lee, Madison, Matthews, Moore, Muhlenberg, Page, Scott, Sinnickson, Smith, (M.) Smith, (S. C.) Steele, Trumbull, Wadsworth, White. 27.

On motion of Mr. Steele, a clause was added limiting the duration of the bill to two years.

It was then ordered that the bill be engrossed.

Adjourned.

WEDNESDAY, *June* 23.

Mr. Seney reported the bill to satisfy the claims of the representatives of David Gould, deceased, against the United States.

Mr. Gerry, in behalf of the committee appointed to report a catalogue of books necessary for the use of congress, together with the expence thereof, submitted the following report:—

THAT, as far as the nature of the case will admit, they have, in the schedule annexed, complied with the order of the house, having due regard to the state of the treasury.

That the committee have confined themselves, in a great measure, to books necessary for the use of the legislative and executive departments, and not often to be found in private or in circulating libraries.

That, nevertheless without farther provision of books of laws and government, to which reference is often necessary, members of the legislature, and other officers of government, may be either deprived of the use of such books when necessary, or be obliged, at every session, to transport to the seat of the general government a considerable part of their libraries; it seldom happening that they can otherwise command such books when requisite without trespassing too much on the indulgence of their friends.

The committee are therefore of opinion, that a sum, not exceeding 1000 dollars, be, in the present session, and that the sum of 500 dollars be hereafter annually appropriated to the purchase of books for a public library, and applied to the purpose by the vice president, chief justice and secretary of state, of the United States, without confining them to the catalogue reported, unless, in the opinion of congress, the books provided shall be adequate to the purpose.

The books reported were of the following description, viz.

Laws of the several states.

Laws relating to the trade and navigation of the several nations of Europe with whom the United States may have treaties.

Laws of Ireland and Scotland.

Laws of Canada.

British statutes at large.

Militia system of Switzerland.

The Russian and Frederican codes.

Sundry authors on the laws of nature and nations.

Sundry authors on the privilege and duties of diplomatic bodies.

A collection of treaties and alliances from the earliest periods.

A collection of parliamentary books.

Sundry books on the civil and common law, &c. &c.

A message was received from the president of the United States, informing, that he had approved of, and signed, "An act for extending to Rhode-Island the judiciary system of the United States."

The house went into a committee on the tunnage bill, and, after making an amendment to the same, relative to entries by vessels trading from one port to another, in states adjoining each other on the sea coast or navigable rivers; the committee rose and reported. The bill was then ordered to be engrossed.

A message was received from the senate, informing, that they had receded from their former amendments to the bill for providing the means of intercourse between the United States and foreign nations, and had proposed other amendments.

A report from the secretary at war, on several petitions referred to him, was read.

The report of a committee on the petition of sundry inhabitants of Long-Island, praying to be paid for supporting Americans, who were prisoners in the late war, was referred to the secretary of the treasury.

The engrossed bill to regulate trade and intercourse with the Indian tribes, was read the last time; a debate arose on the subject of the fourth section, which Mr. Burke moved should be struck out, or to re-commit the whole bill.

Messieurs Gerry, Sedgwick, Sumpter, Huntington, Jackson, and some other members, spoke in favour of the re-commitment.

Mess. Matthews, Hartley, Moore, Lawrence, Brown, and others, were against it; and on taking the question for re committing it was negatived.

The blanks were then filled up, and the bill passed the house in the following form:—

Sect. 1. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a licence for that purpose, under the hand and seal of the superintendent of the department, or of such other person as the president of the United States shall appoint for that purpose, which superintendent, or other person, so appointed, shall, on application, issue such licence to any reputable person who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such licence, or by the president of the United States, in the penal sum of three thousand dollars, payable to the president of the United States, for the time being, for the use of the United States, conditioned for the true and faithful observance of such rules, regulations and restrictions, as now are or hereafter shall be made, for the government of trade and intercourse with the Indian tribes: The said superintendents, and persons by them licenced as aforesaid, shall be governed, in all things touching the said trade and intercourse, by such rules and regulations as the president shall prescribe, and no other person shall be permitted to carry on any trade or intercourse with the Indians without such licence as aforesaid: No licence shall be granted for a longer term than

Sect. 2. *And be it further enacted*, That the superintendent, or person issuing such licence, shall have full power and authority to recal all such licences as he may have issued, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes, and shall put in suit such bonds as he may have taken, immediately on the breach of any condition in said bond; provided always, that if it shall appear on trial that the person, from whom such licence shall have been recalled, has not offended against any of the provisions of this act, or the regulations prescribed for the trade and intercourse with the Indian tribes, he shall be entitled to receive a new licence without paying any fees therefor.

Sect. 3. *And be it further enacted*, That every person who shall attempt to trade with the Indian tribes, or be found in the Indian country, with such merchandise in his possession as are usually vended to the Indians without a licence first had and obtained as in this act prescribed, and being thereof convicted in any court proper to try the same, shall forfeit all the merchandise so offered for sale to the Indian tribes, or so found in the Indian country, which forfeiture shall be, one half to the benefit of the person prosecuting, and the other half to the benefit of the United States.

Sect. 4. *And be it further enacted*, That a sum, not exceeding ten thousand dollars, be appropriated out of the monies arising from duties on imports and tunnage, subject to the orders of the president of the United States, to be laid out in goods and articles of trade suitable for supplying the wants and necessities of the Indians, and to be vended and retailed to them through the agency of the said superintendents, and persons to be licenced by them for that purpose, in such manner, and conformably to such regulations, as the president of the United States shall establish.

Sect. 5. *And be it further enacted*, That no sale of lands made by any Indians, or any nation or tribe of Indians, within the United States, shall be valid, to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the lawful authority of the United States.

Sect. 6. *And be it further enacted*, That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory, belonging to any nation or tribe of Indians, and shall there commit any crime upon, or trespass against, the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen thereof.

Sect. 7. *And be it further enacted*, That for any of the crimes or offences aforesaid, the like proceedings shall be had for apprehending, imprisoning or bailing, the offender, as the case may be, and for recognising the witnesses for their appearance to testify in the case, and where the offender shall be committed, or the witnesses shall be in a district other than that in which the offence is to be tried, for the removal of the offender and the witnesses, or either of them, as the case may be, to the district in which the trial is to be had, as by the act to establish the judicial courts of the United States are directed, for any crimes or offences against the United States.

THURSDAY, *June* 24.

The bill for satisfying the claims of D. Gould, and the tunnage bill, were read.

Several petitions and reports were read and referred.

The house then resolved itself into a committee of the whole, on the report of the select committee on the memorial of the officers of the late navy of the United States, which report was in their favour, and stated that they ought to be put upon the same footing, with respect to the commutation of half pay, and lands, &c. as the officers of the army of the United States.

A considerable debate took place on this subject, and several arguments were urged to shew that the number of applicants, under this measure, should it be passed into a law, would be very numerous; that there was no recommendation from the old congress in their favour; that if the present report was rejected, it would not prevent such officers of the navy as had just claims upon the justice or generosity of the United States from coming forward and having justice done them. These, and many other arguments were made use of by the opposers of the report.

On the other side, it was very ably supported by Mr. Burke, Mr. Seney, Mr. Jackson, Mr. Gerry, Mr. Hartley and others; who contended, that the officers of the navy were not only entitled to be put upon an equality with the officers of the army, but proved that they had suffered much greater hardships; in the very prizes they might have taken during the war, they were only allowed a part of those, whereas, in Great-Britain and other countries, it is the constant practice to give them the whole of the prizes.

It was further urged, that many of them had been confined, at the close of the war, in English dungeons abroad, and not treated as prisoners usually are, but as rebels; and that this prevented them from appearing to support their claims against the United States, when the officers of the army had brought forward their claims; that as labouring under the disadvantage of absence and confinement, they were undoubtedly entitled to the attention of congress; but, as Mr. Burke alleged, they had got nothing but *square dollars* (alluding to the continental money) even for their prizes, &c.

Mr. Seney read the letter of the commander in chief of 29th of January, 1778, and Mr. Gerry called for the resolution of congress of the 1st of August 1787, to be read; each of these gentlemen, together with Mr. Hartley, spoke as much in favour of the officers of the navy as could possibly have been expected from their best friends.

Mr. Jackson delivered many excellent arguments to shew that their claims were founded more upon justice than generosity; and concluded by observing, that it would be a disgrace to the country to turn them (many of whom were grown old and unable to support themselves) upon the world for succour.

On motion to agree to the report, it was negatived; and a motion was made by the friends of the report, to re-commit it, least it should be lost; but this was also negatived by a considerable majority.

The committee then rose and reported to the house, that the committee of the whole had disagreed to the report of the select committee, &c.

Mr. Hartley, Mr. Seney, Mr. Fitzsimons, Mr. Page, and Mr. Burke, then attempted to have the report re-committed, or to let it lie on the table in order to give time for some further information, which they hoped to be able to collect and lay before the house on the subject; but on motion to re commit, it was negatived; as was likewise the motion for its being laid upon the table.

This decision, however, does not exclude any officer to come forward with his individual claim, and several of the members, who voted against the report, declared