

PRINTED AND PUBLISHED BY WILLIAM PECHLIN, (PRINTER OF THE LAWS OF THE UNION.) 31, SOUTH GAY-STREET, NEAR THE CUSTOM HOUSE, BALTIMORE.

Daily paper \$7 and Country paper 5 per ann. All advertisements appear in both papers.

FRIDAY, APRIL 11, 1806

Congress.

SENATE.

April 4.

Mr. Baldwin from the committee to whom was referred the bill from the House of Representatives, entitled "An act to prohibit the importation of certain goods, wares and merchandise," reported the following

AMENDMENTS.

Sec. 1. line 8 of the printed bill, strike out, "all articles of which leather is the material or chief value."

Line 16, strike out "window glass, and all other manufactures of glass."

Line 19, strike out "nails and spikes."

Line 20, strike out "hats."

Line 23, after "playing cards" insert "dice."

HOUSE OF REPRESENTATIVES.

Wednesday April 2.

Read the first and second time, and committed to a committee of the whole House to-morrow.

A BILL,

Supplementary to the act making provision for the payment of claims of citizens of the United States on the government of France.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury shall cause to be paid, at the treasury of the United States, the amount of certain claims of citizens of the United States against the government of France, arising from the Bordeaux embargo, in conformity with certain lists of liquidations, attested by the minister of the public treasury of France, and transmitted by the minister plenipotentiary of the United States, at Paris to the said Secretary; which payments shall be made for such sums, respectively, as are stated in the above mentioned list of liquidations to such persons, respectively, as the accounting officers of the treasury shall determine to be rightfully entitled to the same, and out of the monies heretofore appropriated for the purpose of discharging the claims of citizens of the United States, against the government of France, the payment of which was assumed by the government of the United States, by virtue of the convention of the 30th April 1803.

LETTER

From the Secretary of the Treasury to the Chairman of the committee of Ways and Means, accompanying a bill supplementary to the act making provisions for the payment of claims of citizens of the U. States, on the government of France.

TREASURY DEPARTMENT, February 28, 1806.

It is provided by the act making provisions for the payment of claims of citizens of the U. S. on the government of France, &c. passed on the 10th of November, 1803, that the payments shall be made at the treasury, on the orders of the minister plenipotentiary of the U. States to the French Republic. A difficulty having arisen in France respecting the persons who were entitled to compensation for the Bordeaux embargo, it was agreed by the minister of the public treasury of France, that a list of the liquidations should be transmitted to the treasurer of the United States for payment, leaving it to be decided by the officers of the said treasury, to whom payment ought to be made. A transcript of the liquidations, which amount to 702,992 francs and 97 centimes, and of a letter from Mr. Armstrong accompanying the same are herewith transmitted. It is believed that the proof of ownership will be easily obtained, and the difference on the right to commission having been adjusted, no difficulty is apprehended in the settlement of the accounts. But a law is necessary to authorize the settlement of accounts at the treasury, and the payment to the proper claimants; as no bills or orders drawn by the minister of the United States in the usual form, accompany the transcript of liquidation, and the officers of the treasury have no authority under the existing law, to decide who are the real owners.

I have the honor to be, &c. ALBERT GALLATIN.

Hon. J. Randolph, Chairman of the Committee of Ways and Means.

(COPY.)

PARIS, Nov. 21, 1805.

SIR.—Herewith inclosed is a list of liquidations made under the treaty of 1803, between the United States and the government of France, certified by the minister of the public treasury, and now transmitted to you for payment, under an arrangement made between that minister and myself, on the 15th of June last. A note of a conversation between him and me, which produced this transmission, is subjoined.

I am, Sir, with great respect, etc. JOHN ARMSTRONG.

THOMAS TUCKER, Esq. Treasurer of the United States of America, Washington.

NOTE.

Of a conversation which took place, on the 15th of June, 1805, between Mr. Barbe Marbois and myself, on the subject of certain liquidations, under the treaty of 1803, and the claims respectively, of Fulwar Skiowith, Esq. and Joseph Fenwick, to receive the bills issuable thereon.

It was contended by Mr. Marbois, that inasmuch as the liquidations had been made in the names of J. Fenwick's constituents, the bills ought to be drawn to them; and the rather, because though Mr. Skipwith presented himself as attorney for certain persons, claiming to be owner of the vessels to which indemnification had been accorded, still that no sufficient evidence of their being such, had been offered by him (Mr. Skipwith).

To the arguments drawn from the facts of the liquidation having been made in the names of Mr. Fenwick's constituents, it was answered, that neither the treaty, nor the usage under it, made the liquidations alone, conclusive evidences of the property; that in many cases, liquidations had been sent back to the council general, and by it conformed to the view of the two ministers.

As to the 2d argument, viz. That Mr. Skipwith had not offered sufficient evidence of the ownership of his constituents, it was answered, that it matters little from whom the evidence of ownership came, whether from Mr. Skipwith, or other person, provided the evidence was in itself sufficient: that the distinction taken by the minister, so far from supporting the objection, made against it, because, though Mr. Skipwith might not have preferred any evidence competent to his purpose, yet that Mr. Fenwick had supplied that defect; that in a paper presented by him, (Mr. Fenwick), as a transcript from the consular books of Bordeaux, and of contemporary date with the embargo, the constituents of Mr. Skipwith, are recognized as the owners; that it will not be contended, that the evidence of this paper, is either diminished or destroyed by the circumstance of its having been produced by Mr. Fenwick, for another purpose; and lastly, that its authority has been deemed sufficient in other cases to regulate our payments.

Admitting, however, the fact, that no sufficient evidence had from any quarter been produced, of the ownership contended for by Mr. Skipwith still, it by no means followed, that the bills could be drawn to the constituents of Mr. Fenwick.

1st. Because according to his own shewing, these constituents were not owners, but agents, whose authority was merely incidental to the relation they bore at the time to the ships embargoed, and which necessarily terminated with that relation, unless revived by new powers from the owners, which in none of these cases, appears to have been given.

2d. Because, had their powers been revived in this form, and were they now operative, unless they gave an entire controul over the property, the agents would be precluded from recovering the bills in their own names, under the general rule, that "bills were not payable to the order of agents, whose powers do not extend to the alienation of the claims represented by them."

And 3dly. Because, were the bills drawn agreeably to the list of liquidations, I see nothing that could afterwards impair the titles of the captains; nor any means by which the owners could compel them to pay over the monies received by them. The liquidations and the bill must be regarded by the treasurer of the United States, as the highest possible evidence of the property. No attachment, of course, could lay there, nor could the jurisdiction of our courts (any more than the powers of our treasury) reach the evil; it being altogether incompetent to enquire, whether the payment was made rightfully or wrongfully.

Mr. Marbois being tenacious of his opinion, and I not disposed to yield mine, it was suggested that a list of the liquidations made in these cases, stating in one column the names of the captains,

and in another, those of the persons claiming as owners, and certified by the minister of the public treasury of France, should be transmitted to the U. States, to be paid there, to those persons in whom the property might be found. True copy from Gen. Armstrong's minutes of conversations.

SPANISH AFFAIRS.

SATURDAY, April 5. Debate on the motion of Mr. J. R. A. DOLPH to amend the Secret Journal by inserting in it the message of the President of the 6th of December.

Mr. J. RANDOLPH. I rise to execute the purpose which I intimated yesterday. On the first page of this journal [holding in his hand the journal of the secret proceedings of the House] I find it stated that the Speaker laid before the House a letter and communication from the President of the U. S. which were read, that they were referred to a select committee, and I find that then follows the report of that committee without any notice of the message of the President on which it was grounded. This I take to be a departure from the regular system of keeping the journal; because I perceive in other parts of it messages, tho' of a private nature, accompanying other communications, inserted. I deem it not less important to the character of those who compose the select committee, of which I had the honor to be one, than to the character of the government of the U. S. that a full and fair view should be given to the public of the conduct of the government on the one hand, and of the legislature on the other. I beg pardon for using the phrase government, by government I meant the executive department. I shall feel it incumbent on me, in order to impress on the House, the sense I entertain of the importance of this motion, to enter into some little history of the transactions which have taken place with closed doors, in which, though I may not undertake to say what the message of the President contains, I shall feel myself at liberty, according to the course pursued here, to say what it does not contain.

It is true that on the 6th of December that message was referred to a select committee. That committee met, and one of the members, a gentleman from Massachusetts, whom I do not now see in his place, as soon as the committee met proposed that they should recommend to the House the making an appropriation of money to enable the executive to negotiate abroad. I understood, though it may not have been so expressed, that the object was the purchase of the Floridas. There was a great variety of sentiment in the committee, and other gentlemen of the committee, of whom I was one, objected, that in the confidential message of the President, there was not a syllable about the purchase of the Floridas, or an appropriation of money for foreign negotiation, that there was not a word in it to induce us to believe that Spain was willing to make the sale or to come to an amicable adjustment of differences with us; but that on the contrary, a direct and opposite inference could only be drawn from its contents.

On coming to town, and conversing with gentlemen of this House, I was apprized of the existence of a project for the purchase of the Floridas from Spain; and I was prepared to have considered any expressions in the executive message as having this meaning, which could at all warrant it. There was such a difference of opinion in the committee that they came to no direct conclusion. Circumstances of an imperious nature called me to Baltimore; where I staid, I think six days. On my return on Saturday, I found, from the information of a gentleman from Maryland (Mr. Nicholson) that there had been considerable excitement in consequence of the committee not reporting. Without even changing my clothes or going to my lodgings, I immediately met the committee, and it was agreed to write to the secretary of war, and learn from him the number of troops necessary to protect the southern frontier from Spanish inroad and insults. But though in the public message of the President at the opening of the session, we heard much of Spanish outrages and insults, and though the private message held a language in consonance with the public, I found a backwardness in the head of the war department, and generally of the executive government on taking a decided attitude as to Spain, and I found what was worse, before I left town to go to Baltimore, from a conversation with what has been considered the head of the first executive department under the government, that France was the great obstacle to the compromise of Spanish differences; that France would not permit Spain to come to any accommodation with us, because France wanted money, and that we must give her money. From the moment I heard that declaration, all the objections I originally had to the procedure were aggravated to the highest possible degree. I considered it a base prostration of the national character, to excite on nation by money to bully another nation out of its property, and from that moment, and to the last moment of my life my confidence in the principles of the man entertaining those sentiments died, never to live again. Well, sir, during my absence in Baltimore, the dispatches contained in the message of the 7th of January arrived.

—This I shall have occasion to mention again. The House began to act on the subject of our foreign relations. Gentlemen whom in select committee had declared they considered the executive message as a requisition to buy the Floridas, though there was not a word in it about the Floridas or about money, took a different ground in the House. They said that though the executive did not recommend to Congress to purchase the country, yet that they were adequate to give the business this direction; that if they chose, they were at liberty to do it. But unfortunately for this new doctrine, and the previous one broached, and unfortunately for the whole system, gentlemen stepped forward to enforce, one gentleman asserted that he was ready in his own person to vouch that the course in question was in consonance with the secret wishes of the executive; and this is one of those reasons which calls most imperiously for the motion which I am about to make. What was afterwards done the House will perceive. I pass over the motion made to restrict the purchase to the country not in dispute with Spain, and to exclude from that purchase the country in dispute, thereby testing the principle, whether we were actually buying land or peace. In spite of every obstacle, of all opposition, and the contradictory votes given, the bill was sent to the Senate, and on the next day, the 17th of January, after the business was out of our possession, we received dispatches from our minister at London, which had arrived before Christmas. It will be recollected that it was attempted to be insinuated by individual members, that inasmuch as we received the original paper and not a copy, the dispatches had just arrived, and there had not been time for transcribing them. But in returning from the House, I was so well convinced to the contrary, for I had myself received letters from London, of a contemporaneous date, that I made enquiry of the secretary of state, and was told that they had been received the week before Christmas, at the same time with my letters.

While I am up, I will undertake to rectify a trivial inaccuracy (for I wish every thing which I state on this floor to be literally exact) which on some former occasion escaped me. I said that the existence of these dispatches was unknown to a high cabinet minister; although it is certain that I so understood, it is no less so that I was mistaken. But though their existence was not unknown, yet their contents were. That minister had no reason to believe that they contained, on the contrary he had every reason to believe that they did not contain, any thing relative to our differences with Spain; and as to their being sent to the House, he knew nothing of it until after they had been received. They were no sooner opened here, than they excited an instantaneous sensation, and produced a declaration that the course we had taken was wrong; they produced also an impression that it would be in vain on the subject of our differences with England to assume a manly attitude towards her, if we became the panders and caterers of the lustful appetite of France.

The question is now reduced to this point—whether the public shall read the secret journal without understanding one word about it, or shall read it intelligibly. For it is impossible to decide how far the report of the select committee is consistent with the message of the President, unless that message is also published. A difficulty may be raised, by saying this is a confidential message. But this is got over by the publicity given to the proceedings on it. It was confidential, because the proceedings on it were so. For instance—let us suppose that the United States were preparing for some strong and decisive measure against Spain which it was politic to conceal from her till taken; but as to anything decisive in the message, no man can contend that it contains any thing of this nature. When I speak of the message, I do not allude to the communications of the minister of the United States with the authorized agents of Spain. Though I see no reason why even those should not be published, as the negotiation has been entirely closed by the abortion in which it has terminated. I however restrict my present motion to the message.

The public, from this vague and desultory sketch, may acquire some principles by which to appreciate the conduct of members in this House. They will see what members were disposed to have adopted that course which the most authentic information from Europe recommended. They will see who were indisposed to acting through the intervention of any foreign power, and more especially in the shape of a bribe, and when such a course was not asked for by the executive. They will see who were these members; and I believe there are now but few who would be willing to take the responsibility on themselves which properly belonged to another department of the government; and to do all the dirty work, which would otherwise have soiled their fingers. The will see and beware.

Mr. J. RANDOLPH concluded by moving that the message of the President of the 6th of December last be printed; that it be inserted in the journal of the secret proceedings; and that a new edition of that journal

should be printed for the use of the members.

[To be continued.]

From the Aurora.

The following document, exhibiting the state of the debt of the United States, on the 1st January 1805, we yesterday received from Washington.

Mr. Budget in his statistical manual, now in the press, deducts from the debt, as off-sets the following items, viz. 1. The reimbursement of the six per cents. 2. The stock, purchased &c. by the sinking fund. 3. Custom house bonds receivable. 4. Inst. Intents due for the public lands. 5. Cash in the treasury. And reduces the 8 per cents and 3 per cents to 6 per cents, by which he makes the nett debt, about 50 millions.

State of the Debt of the United States, on the first January, 1805.

Table with columns: FOREIGN DEBT, due in Amsterdam and Antwerp, Guineas, Dolls. Cts. Principal, 10,070,000; Premiums payable on the loan of 9th March, 1784, 92,500; Total, 10,162,500 at 40 cts. 4,065,400

DOMESTIC DEBT, exclusive of the sums paid to the credit of the sinking fund,

Table with columns: Six per cent stock, 38,190,862 10; Six per cent deferred stock, 13,671,066 38; Three per cent stock, 19,011,311 62; Five and one half per cent stock, 1,817,500; Four and one half per cent stock, 176,000; Six per cent stock, per cent of 31st May, 1798, 8,000; Six per cent navy stock, 711,700; Eight per cent stock, 6,492,300; Louisiana six per cent stock, 11,330,000; Total, 81,485,560 10

TEMPORARY LOANS. Sums obtained of the Bank of the U. States, in anticipation of the revenue, at 5 per cent 125,000; Ditto, at 6 per cent 375,000; Total, B. 700,000

Nominal debt of the U. States, 86,259,560 10; Deduct instalments of the six per cent and deferred six per cent stocks, reimbursed to the 31st Dec. 1804, 8,684,660 92

Unredeemed principal, 1st Jan. 1805, 77,565,900 18

Nominal debt of the U. States, as above stated, 86,259,560 10

STINKING FUND. The following sums already carried and to be carried to the credit of the trustees of the sinking fund, to 1st January, 1805, viz.

Foreign debt, passed to their credit to the 31st December, 1803, 6,244,000; And to be passed to their credit to 31st Dec. 1804, 1,828,000; Total, 8,172,000

DOMESTIC DEBT. 6 per cent stock, 1,897,965 65; 3 per cent, 622,600 00; Defrd. 976,243 38; 5 1/2 per cent, 1,400; 3 per cent, 19,400; Total, 3,517,566 42

Nominal amount exhibited on the treasury books, 97,939,926 52

Nominal amount as per preceding annual statement, 98,196,018 84; Add three per cent stock per act of 12th June, 1798, 907 68; Total, 98,196,926 52

Deduct domestic loans paid off, 250,000; Premiums on the loan of 9th March, 1784, not carried to the credit of the sinking fund, 7,000; Total, 257,000 00

As above, 97,939,926 52

A. Amount provided in 1805, for the payment of so much of this debt, as per estimate of the secretary of the treasury, to the commissioners of the sinking fund marked F. in his report dated Feb. 4, 1806, 4,570,000

Payable by instalments: In 1806 1st, 3,000,000; 1 Jan. 1792, 600,000; In 1806 2d, 3,000,000; 1 Jan. 1794, 600,000; In 1806 3d, 3,000,000; 1 Feb. 1784, 250,000; In 1806 4th, 2,950,000; 1 Jan. 1792, 550,000; Total, 2,000,000

In 1807, 5th & last, 3,000,000 1 Jan. 1792, 600,000; 3rd, 3,000,000 1 Jan. 1794, 600,000; 7th & last, 2,000,000 1 Feb. 1784, 500,000; Total, 2,300,000

In 1808 4th, 3,000,000 1 Jan. 1794, 600,000; & last, 3,000,000 1 Jan. 1794, 600,000; Total, 600,000

Premiums on loan of 1 Feb. 1784: In 1805, 20,000; In 1806, 22,500; In 1807, 50,000; Total, 92,500

As above, 10,162,500

B. These loans were paid off in the year 1805.