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TUESDAY, DECEMBER 16, 1804, 

## Congress

OF THE United States of America.

HOUSE OF REPRESENTATIVES.

WEDRESDAY, December 12, Mr. J Clay presented a memorial from Thomas Ketland, praying to be allowed a drawback of the dut es on goods imported from Latavia to Philadelphia in the ship Washington, in 1801, and since exported to Europe in other vessels, the drawback being refused under a misconstruction of the iaw by the officers of the customs, and decided by congress at the last session under a misapprehenison of the facts. Reserred to the committee of commerce and minu-

factures. Mr. Thomas presented a petition frem Sarah Blagden, widow of lieut. colon.1 Blagden, of the cavalry praying compensation for fundry services performed by the deceased during our revolutionary war. Referied to a committee of claims.

Mr. Lyon prese ted a petition and memorial from fundly inhabitants of the counties of Randolph and St. Clair, in the Indiana territory, flating their claim as actu- upon passed the house. al settlers to the pre-emption right to cortain lands, and trutting that congress will enable them to obtain their lands on momittre of five.

Nir. Dana from the committee of claims reported severally on the petitions of James na, where he was detained. Reserred Bi Therlon, for lands granted him by cer. to the secretary of state. tain Indian Chiefs whillt pritoner among them, that the Indian deed was so desaced and for utterly void of proof and for peculiarly objectionable, as to induce the committee to report a resolution that the petition be rejected.

This refolution was concurred in by the

On the petition of Mary Ralflon, the report w.s against the junce or legality of the claim against the United States, her husband as an inspector of the port of Philadelphia receiving a per diem compensation, could not claim his pay beyond the time of his service. His lickness was one! of those missortunes upon which claims upon humanity might be founded, but not i upon the United States. Resolven that she lieve leave to withdraw her petition.

On the request of Dr. Leib this report was suffered to be on the table, to give time for further enquiry into the merits of the

Allo on the petition of Moses White and Charlotte Hazen, that from an attentive confideration of the case the prayer of the petit on is realonable and ought to be grant-Referred to a committee of the whole for to morrow

Genera! Varnum from the committee appointed on the futiject, presented, according to order, a bill for ellablillaing rules and articies for the government of the armies of the United States, which was twice read and referred to the committee of the whole for Friday next.

Mr. Newton presented the petition o Gieleon Parrat, an oid fo cier in our revo lutionary war, ita ing his being engaged in severai battles and seceiving i veral wounds in the service, by which and his advanced ace, he is rendered incapable of obtaining a decent support, and praying to be placed on the pention lift. Referred to the comnatter of claims.

On m tion of Mr. Lewis, the unfinished buanels of yenerday, on the bill relating to the dam or cause way to be erected acrosthe Potomac, from Mason's Island to the Virginia shore, was considered by the house, and after some attempts to modify the bil!, ail of which proved unfuccesstul, the bill was ordered to be engroffed and read a third time to-morrow.

Mr Jackson called for the order of the d.y on the bill relative to the clearance of aimed n.erchaut vessels, if gentlemen were prepared to consider the same. He thought a law on this subject should be enacted as speedily as possible; for a number of merchants in our seaports had embarked extenfively in an ill cit commerce, which he conceived dangerous to our peace and national honor.

Mr. J. Clay requested the bill might be suffered to lie until the memorial from the chamber or commerce of Phileaciphia was printed, which had been ordered a few days since.

Mr. Jackson did not know of this memorial or of an order for prining; if the diness could be understood on its being read to the house by the clerk, he should jucline to consider the bill; he wished, however, the house to decide on the postponement.

Dr. Eustis wished the bill to lie on

the tuble. A question was taken for postponing till to-morrow, and carried, 72 voting in

favor of the motion. Me. Thomas called for the order of the day me he eport on the petition from New-Yark und Dutchess counties state companies, r ecommending a resolution thatit & not expedient at this me to increase the duties on slate.

The house went into a committee of Le wholes M. x port,

Mr. J. C. Smith in the chair.

Mr. Thomas moved the committee of the whole to concur in the report of the select committee, which was agreed to without a division.

The committee then rose and report ed its concurrence, and the resolution was thereupon adopted by the house.

the resolutions for the recession of the in peace with the United States, to the territory of Columbia to the states of some punishments as would be incurred Vuginia and Maryland, but on account | if the like officees, had been committed of the absonce (as he understood occa- on shore. sioned by indisposition) of two or three gentlemen who feel interested in the bill with the amendments, which being decision; but he gave this notice that he should call it up when he saw them | nays were called by Mr. R. Griswold in their places, which he hoped would | on agreeing to the first amendment bebe to-moreow.

the day on the bill making application of the members present, they were taof the monies heretofore appropriated ken accordingly and were Yeas 53by law for making a post road from the Nays 55-so the amendment was not navigable waters of the Atlantic to the Ohio river.

Mr. Eppes informed that the senate had a bill on the same subject at this moment before them, and that too in the same form."

Mr. Jackson withdrew his call-and then the house adjourned.

Thursday, December 13.

The engrossed bill, authorising the erection of a dam or causeway from Mason's island to the west bank of the Potomack, was read. nd. on ... fin-lpas sage, the year and noys were colled, and Were.

Ayes 65-Noes 39. The bill there-

The speaker Lid before the house a letter, addressed to the worthy gentle men in congress, from John Gregory derate terms. Referred to a select com- la black man, a native of Naugeboy, in Virginia, praying to be liberated from the British services on board the Almne

> A letter from the secretary of the treasury was also laid by the speaker before the house, accompinied by a report made in pursuance of an act of congress, passed 27th May, 1798. was ordered to be printed.

Mr. Dana reported on the following cases, from the committee of cl. ima. On the petition of Timothy Philips, late a sheriff in Vermont, who h. dbeen prose uted there in maintaining the claim of New-York against the same -The committee observe, that whatever claim he has upon the justice or megna nimity of those states, he has none upon the treasury of the United States and they proposed as a resolution, that the prayer of the petition cannot be granted The house took the same in o consideration, and concurred in the report of the committee of claims.

On the petition of John Pantry, for sundries supplied certain records in 1799-remarking that they saw in thing in this claim to preclude its gong before the accounting officers. The therefore proposed to restive, that the petitioner have leave to withdraw his petiti on. This resolution was also concurred ! in by the house.

On the petition of John Steele, late secretary of the Missisippi tentory of the United States. The committee observed that his laim to compensation for expences and for the duties he performed as secretary subsequent to the expiration of his office, was just and fair. But his claim to compensation for executing certain dutes of the governor was not admissable inasmuch as he knew before his accept mee of the office of secretary that the law devolved such duties of the governor's upon him. They recommended a resolution in confo mity to this statement, and the report was referred to the committee

of the whole for to morrow. Mr Eustis presented a petition from Gilbert Tench praying his loss by depreciation on certain specie contracts entered into with the deputy quarter master general for the transportation of certain clothing and military stores, during our revolutionary w.r, may be made up to hun. Referred to the com

mittee of chaims. Mr. Walton presented a petition from ; George Ash of Tennessee, stating that he had been a long time prisoner with the Shawnese Indians, who have for sundry services rendered them, given him a tract of land on the Ohio, opposite the mouth of Kentucky river, where he and his wile now reside, and praying congress to quiet them to their claim to the same. Reserred to the commit-

tee of claims. A petition from James Middleton and others securities for a collector of the United States internal taxes, praying a suit instituted against them in the year 1800, for the recovery of 800 dollars lest by their principal, may be staid for three years. Referred to the committee et claims.

Gen. Stanton presented a petition from William Ogden, an old soldier, praying a pension in consideration of his incapacity to obtain a livelihood in consequence of the wounds he received in fighting the battles of our revolutionary war. Reserred to the committee of

The order of the day was called for by Mr. Eustis on the bill to regulate the clearance of armed merchant vessels,

General Varnum in the chair.

Sever, lamendments were made in the committee of the whole; the first im-

portant one is in italic and was to oblige the owner and master or commander to give bond in a sum equal to double the value of the vessel, her tackle, apparel, furniture and cargo. The second to-subject the officers and seamen who should use their arms to depredate, outrage, unlawfully assault or violently abuse Mr. Stanford would have called up | subjects, vessels or territory of nations

The committee rose and reported the taken up in the house, the year and fore mentioned; and being supported Mr. Jackson called up the order of by the constitutional number of one fifth greed to.

A discussion took place on the amendment relative to the punishment of offences committed by armed merchant ve-seis as above stated, and some doubts arising s to the accuracy with which the section was penned, a motion was made at a la e nour for an adjournment, which was carried. Adjourned.

## THURSDAY DECEMBER 6.

## DEBATE

On the bill for protecting the ports and harbours of the United States, and preserving feare on the waters within their jurisdiction

. [ The first section went through without animadversion.

Air. R. Griswald lad doubts respecting the propriety of feveral parts of the ed le tion, and he withed the gentleman who reported the bill would explain the n, minn ot them. It be underhood it, t sites ion made a provision for the warrant of the frite officer to arreft an offender wie thail have thei on board an armed f reign veffel and in order to give aid to t'e pricels of the thit provition is made to call in the United States authority, to ca out the militia to recure the execution of a state wairant. The constitution g ves to engress the poter of calling fort , the militia to execute the laws of the un on, suppress insurre nons, and repel the care is an express authority given to Congress to aid civil officers by the inditia in executing the laws of the union; but it is silent as to calling in the aid of the militia to effecure the laws of of the conditution from which gentiemen inter tuat Longress pollets this authority, he would be glad they would pont it out, as he had never heard of it !

Another part of which he doubted was this. Hie had a ready faid that the state officer was to be aided in the execution of the flite warrant beyond the ju-I refuse on of the hate; if the officer goes out of his jurifd chan he goes beyond his an hority. onfequently he arts without any authority; now the last part of the and active, that if any perlanthall he killed in relitting the civil authority in apact not with a the body of the county. but within t'e jurisde was of the United States, it thall be justified. Why introduce this provition! Again it is declared that if any of those concerned in in king the arrest be killed in the place not within of fugatives from justice seeking an asylum the body of a county, but within the United States jurisdiction, those engaged in re fing the civil authority shall be published as in cales of felonious homicide. The therest not being invested with a y power to make arrests out of his proper county, if he does lo, and commits homicide, wir justify hun? Why flould he not be fuojected to the same punishment as others who commit the crime of hem.c.de? If the sherits, or one of his party, following a person out of his county into fome place within the jurisdiction of he United States or any other place out of .ii. limits of his legal bounds, and is refisted in making his arrest the arrest be no illegal and without the property the resistance may be legally justified. If trefe objections are uniour led the gentleman will be good enough to thew in what, and at the fame time we shall be glad to near what are the reasons for the propositions contained in this part of the b.ll.

Mi . Nicholson admitted there might b. come d fliculty in the provisions of the section, but he flattered himself they might be got over. He considered this as the most important pa t of the bill, and he wished to preserve it in order to proves a or peash in to use the offences which had ast year been committed with impunity: From the information he had received, the greater part of the offences communed last summer were committed in the body of a country; these particularly which universally excited the most just indignation of the civizens of he union, were committed either in the b dy of a county or within the jurisdiction of a state; some we'e committed within the juitsuiction of the United States; but the gigater part were committed in the places before mentioned. Hence it becomes necessary that some provision should be made for taking offenders when the strength of a county or a state is insufficient to arrest them.

The objections of the gentleman from Conneclicut are two fold; first that we have no constitutional authority, to call out the militia to execute the state laws; next that a state officer has no authority to go beyond the jurisdiction of the state

point Mr. N. had entertained strong doubts himself, when contemplating the subject; but on looking into the constitution again, there did not appear to be so much room for doubting as he had first apprehended. The constitution provides that Congress shall have power to cali forth the militia to execute the laws of the union, &c. The laws of the union may be exclusively considered the laws passed by Congress. But may not the laws of every state be also considered as laws of the union. Every state firms a part of the union, and if so the laws of every state form a part of the laws of the union. How far a state has the power to call out the militia for the purpose of executing its state law-, le could not det mine, but it appears that Congress have the power to call forth the militia, not only to execute the laws past by Congress for the while union, but to execute the laws past by each s a e, as each state is a part of the union; i e whole formis g one cos federacy, the whole are interested in the due execution 'f We laws of each.

T e sub equent part of the clause of

e constitution provides for suppressing insurrections; a dhe asked if insurrectious in ght not be against the authority of a state as well as aga . t the United S'ates, & he further asked if a resis ni ce to the civil authority about to execute piocess may not be termed an inquerecti n, when that process is issued under the authority of a state, as, it would be. f the process issued under the aut crity of the U. ited State's If the North on p. ton insurrection had some from opposing the execution of process from the state of Pennsylvania u der its own laws, is stead of apposing he process is ned feum the district of Ponesyivania under the laws of the union, would it not have been as much an insurrection against the au houry of the state, as it was aga us, the United Stiles. He thought upon the fillest consideration he had been ab'e o bestew in the subj el, that i. passing this section we should not overleap the boundary of the constitution, believing the lass fevery state to b a pa to the laws of the union as every to t was a part of the union.

The second objection may perhaps excite force doubt, in the minds of some gentlemen; but 'e begged leave to suggest a rafe that might hippen, and probably will happen, in which he thought a state officer would be jumfied in going beyong the boundary of a state to execute his process. The body of the county of New-York xa particular si te. Is there is any pat ten supon the water to the no theastend of Staten Illa, d; fom there to andy Hack is not in ony county, but within th in isdiction of the state. It the crew of a vesse lying below taten Island should come up to the city of New York and co mit outrages upon the citizens - fay should perpetrate murder, this is an offence against the state; the U. States could issue no process in this case. The thate officer therefore issues his, the sheriff proceeds to ferve it, the crew leap into their bout push off, row down below Staten Island and get on board their armed vossel-flouid not the sheriff be authorised to jurine them, even if t ey went without the Hook? He believed he would be jumified in doing fo; but he ocknowledged is would not be proper to pursue them into Jessey; because the constitution makes providion for the purfuit pin other flates; but he might pursue and take the offender within the limits of the United Sages. He is offending against ro jurisdiction, but pursuing an offender against a state law which is a part of the United States To illustrate farther, he Hated that Congress had the right to authorite a state omcer to execute state procels within the territory of the U. States. Have they not the power to authorise an officer of the flate of Maryland or Virgina to execute a state process within the territory of Columbia. There is nothing in the constitution, nor in the acts of cession, that prevents us. If then we authorise state process to run into the district of Coumbia, shall a murderer or fugitive f om justice take refuge here, and escape punishment, because he is beyond the limits of the state in which the offence wa: committed? He trusted that such a result would not be contended for; but that every gentleman would aid the object of the bill, which was to prevent in future, the commanders of foreign armed vessels from insulting American shipping in our ports and harbours, or in the waters under the jurisdiction of Congress.

(To be Continued.)

LONDON, September 30. The ensuing month will add upwards of 30 sail of the line to our essective sorce. together with a proportionate number of small vessels. Sixty of the latter decription were commissioned during the last month, making our marine in commission, on Friday, as follow: -103 fail of the line, 24 50's, 135 frigates, '398 sloops. &c.- In all 650.

October 3. The disturbance lately mentioned to lave broken out near Bilboa, is represented, as having been attended with very seriou consequences. The killed and wounded of the rebels is stated at 1000, Upwards of 2500 insurgents were under arms -- We have not learned whether order is restored.

Oslober 4. The French papers say, that great cool. nels subsizts between the Austrian government and the British and Ruspjan-mi

to execute his state process. On the first 'nisters at the court of Vienna. They even add that the Russian minister has had a warm altercation with one of the German cabinet. It is rumored that the court of St. James declined to acknowledge the new title of the emperor of Germany, till i:

had learnt the decision of Russia; that Russia has returned an unsatisfactory an-Iwer; and that in consequence the Austrian ambalsadors in London and Petersburg are to be superceded by charges des

We understand that all the Swedish subjeelts in France nave been det i ied, in confequence of the state of affairs between their nation and France.

PARIS, September 21.

The minister of Police has written a long letter to all the bith ps of the French empire reproaching many of them for the attaciment they betray for the Bourbons. He tells them the affairs of state belong to the namo, and have nothing to do with the Church.

The harvest in the department of Mont Blanc has been entirel; ruined by cold we ther. There has been innw three times in 10 days. Many houses have been deftroyed by the trellies. Several thouland cattle and, hove 200 people have perith d; and fince the water was lowered the fiench' of the carcales has attracted scores of wolves, who devour the dead a d attack the hyang.

The last stage from Paris, with 8 infide and 10 outild paffengers, drawn by 8 hor-Fis. was attacked by 59 wolves. They killed 2 horfes and one 50 illion but were driven off by a body of foldiers, who de-Broyed 16 of them.

NASSAU (N.P.) November 6. Lees of the Flora, of Philadelphia,

Thomas Burrows, master, on a voyage t) Garenne.

On the 18th September, sailed from Pinladriphia in good order and well conditioned, with a crewconlithing of Phomas Burrows, matter, Jacob Oldenourgh, mate, Wm Dividion Superca go. Jona Nevan, Samuel Babeock William atory, Joseph Wilder seamen, Jonah timitii. James Cameran, boys, and Johah Anderson, fleward Nothing particular occurred till Frid y, the 12 h of October, lat -28, 50, N long 54, W the wind organ to olow hard from th. N E the gale continuing to increase accompanied by thunder, lightning rain and a heavy fea, the pumos confiantly going; next day at 2 A. M hading it impolitule to lay to any longe, determined to out away the mail mast and toud before the wind, but before that could be die was struck with a wardwird, which have the brig on her beum ends Jolep. Witter being in the f. recastie, was drowned; the main must went by the board, the nat es ourst off, the ve all filled with water and the cargo floated out at each hatch way; for our prefervation we end-avored to fath ourselves to the min-chams, but the it. breaking furiously over us Welliam Davidson, William Story and the two boys were walked away; the foremast now went by the board, and day coming on we beliefd a most awful sight, must and spars hanging to the wreck, and the cargo coming out of the hold wathed over us, at this ime we thipped a fea winch stove in the stern and the cargo broke out of the cabic; at s x A. Ni. we took to the bowlprit when William Story and William Cameron drifted on board on the camboos goule, the boy thortly after died; the latter part of the day the ga'e began

to abate, but a heave lea continued. On Monday William Story died. We continued in this dreadful situation until Friday the 19th of October, when we discovered a large thip to leeward made all the signals we could but in vain. On the 20th several kegs of butter came out of the forecastle, one of which we immed'ately opened and fed on, which greatly increased our thirst. On tie 21st the mete went out of his senles, and a sch'r passed to leeward so near that we could see every man on deck, but they took up notice of us. On the 23d the mate died, his blood we drank, and devoured part of his flesh, with the remainder we caught a large shark whic . proved a great resief to us. On Wedneiday the 24th, at fun rife, saw a brig standing towards us. At 10 A M. the hove to and hoisted out her boat to our affistance, and we were taken on board in a weak condition. The vessel proved to be the snow hames, captain Burton, from Madeira, to New-Providence, then in lat 25, N long: 52, w. To the humane attention of the officers and passengers we feel curselves much in debted, & thus publicly express our thanks.

NEW-YORK, December 15. Last evening arrived here in 7 days from Holisax, the British frigate Cambrian, Captain Bradley, and anchored in the North River, off Fort Jey. We underfland she is shortly to proceed to Hampton Roads, to relieve the frigate Revolu-

Winter once more sways the sceptre over our land. The pinching air, the leasies tree, the close clad passenger, the icy pool, the descending snow, and the tinkling sleigh, proclaim the presence of

The winter season like the summer has its peculiar joys and ferrows comforts and calamities. Seated around the enlivening fire the social circle now tests the sweets of innocent mirth and endearing friendship: -- the easy conversation, sprightly re-