

Congress

OF THE United States of America.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 13.

The continuation of a bill to regulate the clearance of armed merchant vessels, was resumed. The bill as amended was read as follows:

A bill to regulate the clearance of armed merchant vessels.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after due notice of this act at the several custom houses, no merchant vessel armed or provided with the means of being armed at sea shall receive a clearance, or be permitted to leave the port where the same may be so armed or provided, without bond, with two sufficient sureties being given by the owner or owners, or by the master or commander, to the use of the United States, in a sum equal to double the value of said vessel, conditioned that such vessel shall not make or commit any depredation, outrage, unlawful assault, or violence, nor make any other unlawful use of her arms, or the vessels, citizens, subjects, or territory of any nation in amity with the United States; Provided, That the regulations herein contained shall not be confined to extend to vessels bound to any port or place in the Mediterranean, or beyond the Cape of Good Hope.

Sec. 2. And be it further enacted, That if any armed merchant vessel clearing for any port or place within the Mediterranean or beyond the Cape of Good Hope, shall make or commit any depredation, outrage, unlawful assault, or violence as aforesaid, on her voyage to or from any place to which she may be bound or off where, or shall wilfully proceed to any port or place in the West Indies, such vessel with her arms, tackle, and furniture, or the value thereof, shall be forfeited to the use of the United States.

Sec. 3. And be it further enacted, That on satisfactory evidence or information being given to the collector of any port that any vessel within the same is armed or armed, or provided with the means of being armed at sea, for the purpose of committing any unlawful act herein before expressed, or of carrying on by force of arms, any unlawful commerce, it shall be the duty of such collector to claim such vessel until the safe submission to the President of the United States who is hereby authorized to cause such vessel to be disarmed, or to order a clearance to be granted, as he shall judge proper.

Sec. 4. And be it further enacted, That if a y armed vessel as aforesaid, shall proceed to sea without a clearance, or shall leave the port, where her detention or disarming shall be required, contrary to the provision of this act, such vessel with her arms, furniture, and tackle, or the value thereof, shall be forfeited to the use of the United States.

Mr. Crowningshield moved to strike out the proviso to the 1st section, which declared that the regulations contained in the bill should not be confined to extend to vessels bound to the Mediterranean, or beyond the Cape of Good Hope.

Mr. Eppes observed there were only two cases in which nations usually allowed their merchant vessels to arm; the one, when a nation is at war, when the willingly takes advantage of the aid furnished by her subjects in arming private vessels of war or letters of marque. The other, when her trade is so remote and the sea so dangerous to peaceful navigators, that each vessel must be qualified to defend itself as the nation can neither furnish convoys or establish a force for their protection. He considered the latter case to be provided for by the proviso, and it was to him the most unexceptionable part of the bill. He did not approve of allowing merchant vessels to arm at all. He therefore would move to strike out all that part of the section which went to allow a clearance upon giving bond not to commit depredations on the vessels or subjects of nations in amity with the United States, and so on to the end of the section. As this included the words intended by Mr. Crowningshield to be struck out, he prefaced his motion would therefore supersede that made by that gentleman, and after the words were struck out, he meant to insert after the words "shall receive" at any custom house of the United States any clearance, or be permitted to leave the port where the same shall be so armed and provided, unless bound to the Mediterranean, or beyond the Cape of Good Hope.

In passing the first section of the bill in the way it now stood, he was convinced that we adopted a principle, almost, if not entirely unknown to maritime jurisprudence, and such as would without great caution involve the United States in a foreign war. He did not think that circumstances required the adoption of this principle at this time. The following passage in the President's message he suspected gave rise to the present measure:

While noticing the irregularities committed on the ocean by others than on our part should not be omitted, notice unprovided for. Complaints have been received that persons, residing within the United States, have taken on themselves to arm merchant vessels, and to force a commerce into certain ports

and countries, in defiance of the laws of the United States.

That individuals should undertake to wage private war, independently of the authority of their country cannot be admitted in a well ordered society. Its tendency to produce aggressions on the laws and rights of other nations, and to endanger the peace of our own, is so obvious that I doubt not you will adopt measures for restraining it effectually in future."

These are the evils we are called upon to correct; but let him ask whether the remedy was of a nature to cure the disease. What! Shall it be permitted to every man, who can execute a bond, to wield the arms of the nation! Yet this is the only circumstance required to make a commander of an armed merchant vessel, and this too in a time of profound peace. The evil complained of by the President, is that our merchants have taken upon themselves to arm and force a commerce. The obvious remedy is to take away their arms, for then the evil can no longer exist. It is much more easy and more politic to prevent the injury being committed, than to punish the party for the offence.

We are informed that armed vessels sailing to the West-Indies, are sold with their arms and ammunition, to a class of people, it is the interest of the United States to depress and keep down, rather than put arms in their hands, to do such extensive mischief as is every day practiced in that island, to say nothing of the feelings such conduct on the part of our citizens or people among us assuming that character, might have on the government of France.

Mr. Lowndes wished the gentlemen who made this report would give the committee some information of the ground upon which they had bottomed the bill. When the President's message was received, he had supposed that the French minister had remonstrated against this commerce, and that something was required to be done to restrain the trade to St. Domingo. If that is his design, it will not be answered by the bill in its present form. You here authorize your merchant vessels to arm, or give bond and sureties; bond to do what? why, conditioned that such vessels shall not commit depredation, outrage, or violence against the vessels or persons of nations in amity with the U. States. What is the fair inference from these words, but that you shall be competent to trade to St. Domingo in vessels armed or unarmed. If an armed vessel, shall they refuse to be searched; suppose he resist the search, what then do gentlemen mean to exceed this law? Spanish vessels claiming a right to search; for Spain is likely soon to become a Belligerent power; if they do how can we preserve a neutral position? He was willing to do as much to preserve the peace of the nation as any man.

And should look to the best and fairest mode of proceeding, either to declare the trade to St. Domingo to be a lawful trade, and to that case protect commerce by a public force, or suffer the private shipping to defend themselves. Or say, that the trade to that island is unlawful, and interdict it at once, and all together. Say then they shall not trade to any part of St. Domingo (and this appears to be what the message pointed at) and you will effectually restrain them.

Mr. Eustis said, that depriving merchant vessels of the power of arming would be to deprive them of the capacity of trading to St. Domingo, not of St. Domingo alone but of Cuba, and many other of the West-India Islands as well as the Spanish Main; for the number of small peccarons, employed for the express purpose of capturing our neutral and defenceless ships, would render the sea too dangerous for our navigation. He trusted, however, that Congress would not abandon so advantageous and profitable a trade, as that to the West Indies, but on a full conviction that it would ultimately do more injury than benefit to the United States. It is well known, and the circumstances are too recent not to be in the recollection of every member, that during the late European war many millions of dollars were taken from our citizens by almost every one of the belligerent powers having colonial possessions on this side of the Atlantic. A second time we are exposed to a similar injury, and he did not know how to avoid it without enabling our merchant vessels to arm and make effectual resistance to the small privateers, which swarmed in those seas. He hoped that Congress would express the opinion on this point; for if the idea of the gentleman from Virginia (Mr. Eppes) is to be adopted upon, the business would have to be put into a different train, and would thereby render it unnecessary on the part of the select committee to give the information which had been requested.

He would however state the object of the bill. It must be very well known that in carrying on the trade with St. Domingo a great number of irregularities have taken place; that our vessels have supplied the natives with considerable quantities of articles contraband of war; they have taken away people from that island, whether subjects of France or others, contrary to the established rules and legal regulations of the place. These are circumstances, it is desirable to avoid in future, and that can best be done by making a law for the regulation of this trade, and thereby secure to our country a very valuable commerce. Every gen-

tleman knows there is great difficulty in restraining a trade, where the profits are high, though attended with more risk and danger than ordinary. And he saw but two ways in which the thing could be done on the present occasion; which were, either to interdict the trade altogether, or pass the bill now on the table. The interdiction of the trade would be followed by a loss to this country, which existing circumstances did not call upon us to make. He was persuaded that our merchant vessels must arm in order to get to St. Domingo, or any other of the West India islands; it is necessary for the safety of the vessel and the lives of the crew. Will a vessel under this bill being armed and cleared, having given proper security, proceed to sea. What is then required? They are to abstain from committing outrage, unlawful assault, or violence, upon our friends, nor make any other unlawful use of their arms. The clause is expressed generally, and not minutely; the committee did not deem it necessary to go into a detail showing the nature and defining the specifics of every act of violence, assault or outrage; the difficulty of such a detail would have discouraged the attempt, had it even been required; the government will be equally secure against these armed merchant men committing offences, under the general definition, as they would have been by any other mode; the vessels are subject to the general restriction contained in the first section of the bill, and this, he thought would restrain them sufficiently. As for the rest of the bill, the 2d, 3d, and 4th sections, he did not consider them of importance, and he should move to strike them out.

Mr. J. Clay expressed some surprise at Mr. Eppes' amendments, which went to restrain all merchant vessels from being armed, unless such as were bound to the Mediterranean or beyond the Cape of Good Hope. This was saying nothing more than the laws already enacted declare. He supposed, too, that the peace of our country is to depend upon the honesty or veracity of the commander of an armed merchant vessel. If gentlemen would investigate this subject, they would find that the peace of the country never had been, or was ever likely to be hazarded by our armed merchant men, except in the single instance of forcing a trade to St. Domingo; there is no danger to be apprehended from our armed merchant vessels in any other country. The object of the bill is to preserve the peace of the country by laying a penalty, to be incurred for every offence. The trade to the West Indies must either be suspended, or if carried on in unarmed vessels, it must be left to the plunder of a ferocious banditti, disguised under the French flag, nor are these the only ones to be apprehended; the Brigands of small force are laying in wait in every quarter; indeed it is not safe for our merchantmen to sail unarmed from our ports on the Atlantic to N. Orleans. The depredations already made on our commerce had amounted to an immense sum; the insurance companies in Baltimore alone have lost 100,000 dollars; yet the commerce is too valuable to the United States to be abandoned altogether; but were America to suspend her intercourse with St. Domingo, the evil of having the present inhabitants for our neighbours would not be lessened; for whilst the rich productions of that island are in such universal demand, they will find their way to market, and their want of military stores or contraband of war will be equally supplied to them, not by Americans, but by British vessels, from the Danish or other neutral islands; the trade will continue, and the neutral or belligerent nations will reap the benefit. To make the thing still more secure, he thought it would be as well that the commander should give bond and sureties for his conduct on board an armed vessel, and if the cargo were made liable to forfeiture as well as the vessel, he should deem it a sufficient security to prevent the misapplication of the power intrusted to the commander. He hoped the committee would reject the amendment proposed by the gentleman from Virginia (Mr. Eppes) and afterwards, concur in the amendment suggested by the gentleman from Massachusetts (Mr. Eustis.)

(To be continued.)

NEW-YORK, January 4.

At half past one this morning the small wooden house owned by Greenwood, dentist, and occupied by James Gosman, in Vesey-street, was discovered to be on FIRE. An upper bed-room was considerably burnt before it was got under.

Another attempt has been made to set fire to the house no 95 Pearl street. Burning combustibles were discovered yesterday morning before any damage was done. There are various conjectures relative to the attempts on this house. Some investigation will soon take place.

The schooner Rajah, Rock, from Richmond for this port, went ashore on Fire Island (about forty miles east of Sandy Hook) on the same night that the brig Lydia, from Guadaloupe, was stranded. A small part of the cargo has been saved, but there is little prospect of saving the remainder of the vessel.

Captain Peck, who arrived here in 44 days from Cadix, informs that the fever had almost subsided at Malaga, Gibraltar and Cadiz. A letter from a merchant at Malaga mentions, that 27,500 souls had

fallen victims to the fever at Malaga, but that not more than 6 died a day the beginning of November. At Gibraltar there had been no deaths of the fever in some time—and only 3 deaths a day of the fever occurred at Cadiz, when the Dart failed, which was on the 17th of November. The port of Malaga was still shut—and no vessel from any port in Spain was suffered to enter any other Spanish port. There was a British 64 gun ship off Cadiz, watching a French 74 then in port.

The markets.—Flour was selling for 16 dollars and 50 cents—Rice 8 dollars—Beef and Pork very dull; and no demand for Steves—Wheat 3 dollars a bushel—Corn 1 dollar and 40 cents.

Some American vessels had been permitted to discharge their cargoes while performing the 15 days quarantine.

Captain Hamilton, who arrived here yesterday from Naples, has brought dispatches for Government, from Commodore Preble, of the American Squadron, who was hourly expected at Naples. These dispatches were forwarded by the American Consul at Tunis. We have no news respecting the late operations of the Squadron.

To the editor of the Daily Advertiser.

SIR—From my earliest recollection I have felt peculiar pleasure, in the contemplation of the infinitely varied scenes of nature as displayed in land and water. Hill and dale, wood and lawn—I have been filled with admiration in viewing the "cloud-capt mountain" the awful precipice, the rugged rock and the wide waste of waters—I have delighted to trace the rivulet meandering through the meadows, to catch the last ray of the departing sun and mark the first tint of the morning dawn—With such a taste, Mr. Editor, you will readily conceive that I must feel emotions of the most pleasurable kind when contemplating the charms of the founding scenery from the Battery, a spot which nature and art have combined to beautify, & which is the general resort of the inhabitants of New York. It is matter of surprise to me that the pencil of the painter and the pen of the poet have never been employed in delineating the beauties of this place and extensive prospect which it embraces—To smother the language of a vacant hour, and to awaken the attention of genius to this interesting scene, I drew up the following hasty sketch, which, through the medium of the Daily Advertiser I beg leave to present to the public eye. HENRY.

The Battery situated at the confluence of the Sound and Hudson river, upon the southern extremity of the Island of Manhattan is an irregular oblong figure, about 400 yards in length and 80 in breadth, it is bounded by the city of New York on the north and by the Sound and Hudson river upon the east, south and west—at each end is an excellent fort of modern construction, but in such a manner that the guns can be brought to bear upon every point of the horizon except towards the town—at the west end is a flag staff on which the national flag is displayed upon particular occasions—the whole is enclosed with a railing, surrounded by an extensive gravel walk lined with poplars, and intersected at different places by several collateral walks, likewise lined with poplars. To this delightful spot (certainly the finest walk in the United States) resort the young and the old, the rich and the poor, the man of business and of pleasure—here are to be seen the maid of modest mien, and "the sauntering female of slender reputation"—here our beaux and belles, dressed a la mode de Paris, display their charms and dazzle us with the splendor of their attire—here the invalid goes in quest of health and the healthy in quest of pleasure.

The prospect from the Battery is of the most pleasing kind, and although it presents few of those bold features which strike the soul with solemn awe, it has charms which soothe and harmonize the mind and awaken the most delightful sensations—Ascending one of the forts, you see stretched at your feet an immense basin of water, nine miles long and three broad, extending from the Battery to Staten Island & from the States of New Jersey, interspersed with several islands, and covered with vessels of every description from the lofty ship to the pretty cock boat—some waiting for our shores the rich manufactures of the western world, some, the commodities of either India, and some the produce of our filter States—others filled with persons engaged in raking from their oyster beds, the bivalved oyster, in angling for the streaked bairns and the king fish, and in travelling the tube-laden with leaden death, at the numerous flocks of wild ducks—while not a few are employed in ferrying parties of pleasure to the neighbouring towns—Behind you is the flourishing and populous city of New York, the emporium of America, her harbour full of vessels and her stores full of merchandises, the roofs of the houses rising in regular gradation until you reach the most elevated part of Broadway, which towering to the clouds appear the spires of the Churches. To your right hand, about a mile distant, is the small town of Paulus Hook, upon the shore of New Jersey—fill further your perceptive Bergen village, one of the first Dutch settlements in America—and bounding the horizon in that direction are the hills in the neighborhood of the Passaic river. Extending your eye southwardly along the coast of New-Jersey, you perceive Hills and Gibbet Isl-

FROM THE BOSTON CHRONICLE.

Shall this Union be dissolved? Will a dissolution of the Union bring any benefit to any body? Alas! how soon are the councils of Washington forgotten, even by those who assume to call themselves his exclusive friends; and affect to consider him in every thing as the standard of perfection! In his farewell address he exhorts us to feel and act towards each other as members of one great family, "who have in a common cause fought and triumphed together; whose Liberty and Independence are the work of joint councils and joint efforts, of common dangers, sufferings and successes"

Who are the individuals who (under cover of their assumed attachment to Washington) are undermining the foundations of our national fabric? Are they not those very men who sell for Washington no earlier date than the funding system and British treaty—Stockholders of the North, continually crying out against the Negro-holders of the South!

Supposing a division should take place; into how many divisions would the nation be divided? Where would be the bounds of the several subdivisions? Is it intended we shall revert to the political situation in which we were before the war? The states will then conflict among themselves, and there will be no mother Country, (no common empire whom we all respect) to settle our differences. A foreign nation that may have the power to soothe, will feel an interest to foment our discord. If we once lose sight of the councils of Washington we shall be like a ship in a tempest, amid rocks, and near a lee shore, without sail, rudder or compass. If a New-England Empire is erected; will the precious spirits who lamented our national discord and pursued a secession agree among themselves who shall divide the soil? Will not an union of the New England states be as precarious, and short-lived as an union of all the American People, who have in a Common Cause fought and triumphed together? Are there any better men in New-England than Washington, than Madison, than Hamilton, or Jefferson? Are there men in any part of the earth more entitled to the confidence, the respect and the love of their fellow men? If it were there are great and sparkling characters in Massachusetts; and so there are in every part of our Country from Maine to Georgia; but are there any better, than one who are now at the helm of our national affairs?

Virginia Influence! / / / is the cobweb, to avoid which, we are almost compelled to rush to anarchy and dissolution. Is any one afraid that an army of Virginians will ever come to our annoyance, as they once did in the days of our distress rush to our assistance? Let every Yankee set his heart at ease, no individual state can interfere with the affairs of another state, till the great federal compact which extends over all (and makes each preserve its due distance and respect) is broken up and dissolved. While this remains we are all safe—when this is gone—the states governments will (like the planets) all the consummation of all things) wheel wide from their spheres, and chase one another. A dissolution of the Union can bring no permanent benefit to any body—it may indeed bring a temporary delusive appearance of a few smiles to those whom it deems to future anarchy of despotism. It will render the American Revolution the play of children and Washington will have lived and died in vain.

Wherever the idea was first broached, it is as great as it is wicked; it is believed to have originated about eight years ago with certain high-spirited persons of the South, by whom it was ignorantly abandoned; it is now cherished only by those of the North, whose Washingtonism (the able nucleus on the oak) is an unadvisive appropriation of their selfishness. The great body of the American People, the honest Yeomanry of the East and of the West; of the North and of the South, are the long tried friends and disinterested supporters of Washington and Independence, of