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WEDNESDAY, JANUARY 16 1805.



(By Authority.)

AN ACT

Massachusetts, to be a port of delive-

of Representatives of the United States of America in Congress assembled, That the felony, nor is it piracy, the only two cales town or landing place of Cambridge, in the state of Massachusetts, shall be a port of delivery, to be annexed to the -District of Boston and Charlestown, and shall be subject to the same regulations as other ports of delivery in the United States.

NATHL. MACON, Speaker of the House of Representatives. A. BURR.

Vice-President of the United States, and President of the Senate. January 11, 1805. APPROVED.

TH: JEFFERSON.

Congress

United States of America.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 14.

DEBATE

On the bill to regulate the clearance i armed merchant vessels. [CONCLUDED.]

The new sestion before the house.

Mr. Eppes admitted that the objection taken yellerday by the gentleman from purpose of cruising against nations in those laws. amity with the United Stress. Hemoved therefore to finke out the words, " or mildememor," as often as they occur, in order to separate them from those of "murder and felony" and to form a distinct and subsequent period in the section in relation to that subject, by faving, " and if the offence be of a less degree, it that be a high misdemeanor punishable by fine not exceeding dollars, and imprilanment not exceeding years"

Mr. R. Griswold agreed that it was proper to firike out the words alluded to, but he had doubts of the propriety of inserting all those which were proposed. It was plain that there was no general law of the United States, declaring the nature of the crime of mildemeanor or its punishment. It is true, that there are several of our statutes, which prohibit certain specified things, and the persons gudty of committing them are deemed guilty of a high mildemeanor. But the terms used in the section reported by the committee of the whole, have no referrence, to any of the class of crimes desinguated in our flatutes. It refers merely to the general common law under the head missdemeanor. The gendemen bring in a common law definition of mildemeanor, and give it a range over all that class of offences which it reaches in Englund. He wished the gentleman however to meet the other obsection, and answer whether the offences of murder and felony are not aiready provided for by the laws of the United States. He believed still that the law of 1790; embraced the very case now intended to be provided for by the amendment. If the section is adopted, are offenders to suffer death under the law of 1790, and again under the one of 1804 Can they suffer death twice? he thought if they suffered once, it would be sufficient for an atonement of the crime. If a misdemeanor is to be defined and punished by the section, let the gentleman confine his amendment to that crime alone, and so modify it that it does not re-enact an old law still in exillence. If the gentleman did-this, though he doubted the necessity of the measure, he should not object.

Mr. Jackson said there had been two objections made by the gentleman from Connecticut and the gentleman from Vermont, (Mr. R. Griswod and Mr. Blliot.) If they were attentively examined and compared with the constitution and laws of the United States, they would be found not tenable. One of the ob.

jections was that the constitution of the United States did not authorife congrels, To regulate the clearance of armed merebant vesto legislate on any other crimes committed on the high fear than thoie of piracy and felony. He would ask them whether all the conflitution extended further than what had been quoted; it declared in the same paragraph that congress had power to define and punish offences against the aw of nations. Is not a mitdemeanor committed on board a vessel cognizable by the courts of the union? For instance, if a gun is discharged at another vessel damage though it may not amount to piracy or felony, is there no remedy? Surely by the conflitution congrets have the power of declaring it a mildemeanor, and of punishing it accordingly. If they have this power, a die believed it would no longer be dealed that they had it, then the question would resolve itself into the whether the existing laws provided for the case. The act of 1700 und which the ger " tleman from Connectiont (II. R Grillwold) Declaring Cambridge, in the state of relied would be found on each mation not to embraceit. Suppole in tions into a foreign veilel, a mayn, m is committed, or Be it enacted, by the Senate and House a leg or an arm fine off, is the cafe provided for by the law of 1700? It is not a provided for by that act. If milee! the case was provided for by the act of 1790. tions on this head. That conjects had the power of legulation on this point, be truffed would no longer be diffused; and having the power, the recessity of the case required its exercise. It nothing further was added to the bill than what was contained in the first fection, ninetenths of the offences committed at sea

would go unpunished. Mr. Ellist did not mean to give the force to the extract from the conditation quoted by him, all that range which the gentleman just fat down had chosen to extend; he however admitted that be r a conflitational question it deserved serious and felemn deliberation. It had be n often said that the conflitution of the States is a limited grant of power, and that the powers not therein granted are referved to the dates or to the more a. 1. mitted. By the constitution then congress are authorifed to define and punish piracles or felonies committed on the hi feas; they are also authorised to punin offences again, ethe law of nations as fared Jackson) but where is the power given them by the connitution to punish minemeanors? It is however, contended that Connecticut, (Mr. R. Geiswold) was in a milliemenner may be an offence egainst ! part correct; the offence of mildemeanor | the law of nations. Misdemeanor means - centemplated by the proposed section was literally ill behavior. He would not hownot mentioned in the law of 1794, the ever deny that milice meaner in certain caoffence of milder eanor defined in that law les misis amount to an officnce against was that of fitting out or arming any the law of nations, and in such an event vessel within the United States for the | riight be punishable as an offence against

> By the law of 1790 in its 8th section, the crimes of murder and piracy are punithable. Does not that law go further, and punish what this now does not provide for. One thing further contended for, which he did not think tenable, the fame crimes that are punishable by the exitting laws are again to be punithed by this. I his was clearly the wn by the rentleman from Connecticut, and he would i add nothing more.

> Mr. Clark thanked the gentlem in from ced that the crimes attempted to be desined by the amendment of his colleague were punishable by the exiting laws of the United States, and he thought if the gentleman wou'd re-examine his areument he would difcover his minake. The law of 1790 had relation to a different crime. But he would not dec de positively what might be the opinion of the judiciary on that head; they might entertain a construction different from that of the legislature. Yet his own opinion was, that no provision could be found in the law of 1790 to restrain and punish the of sence of an armed vessel of the United Statas on the commission of outrage and violence. Was the provision made in this law which his colleague had moved, he should not object to merchant vessels ar ming themselves; should it be refused, he never would consent to trust them with

Mr. Eppes, after having troubled the House so often on the present question, would have remained filent at this period, but such a variety of objections had been made and many of them fo foreign to the subject, that he could not avoid adding one concluding word. It might perhaps be considered as a reiteration of his first sentiment. He was decidedly opposed to trulling merchant velsels with public arms, the improper use of which might commit the peace of the nation. If however the fense of the committee was against him, in that particular, he woul submit; but then it must be under such a provision as had been introduced in the section now before the committee.

Upon this the committee rose and reserred the bill and amendments to the select committee to incorporate the fame, & the bill as amended was reported subse queatly, and and in the flispedfollowing a

AN ACT.

Be it enacted by the Senate and House of Represent stives of the United States of America, in Congress assembled That after due notice of this other offences were to go unpunished. act the several custom houses, no vessel own-But he reminded them that the words of ed in whole or in part, by any citizen or ci izens of the United States, or by any person or persons residing within the same, or the territories thereof, or provided with the means of being armed at sea, shall receive a clearance, or be permitted to leave the port where she may be so armed, or provided, without bond, with two sufficient sureties, being given by the owner or owners, agent or agents, together with the master or commander, to the use of the United States, in a sum equal to double the value of said vessel, belonging to a nation in amity with the her arms, ammunition, tackle, apparel, and fu-United States, and does considerable ture, conditioned that such vessel shall not make a commit any depredation, outrage, unlawful assault or violence, nor make any other unlawful use of her arms against the vessels, citizens, subjects, or territory of any nation in amity with the United States; and that the guns, arms, and ammunition of such vessel shill be returned within the United States, or otherwise accounts et for, and shall not be sold or disposed of in any port or place in the West Indies.

Sec. 2. And be it further enacted, That expediency of exerciting it at this time; if any armed merchant vessel shall make or comand enquiry might be proper to afcertain | metany depredation, outrage, unlawful a sauft or violence, against any vessel or territory of a nation in amity with the United States, or against any of the citizens or subjects of such nation, or make any other unlawful use of the arms on board such vessel; if such depredation, outrage, unlawful assault or violence, shall be made or committed, as if made and committed in any place under the exclusive jurisdiction of the United States, would be murder or felony; the same shall be murder or felony, as the case shall be cand the principals and accessaries concerned therein, shall be punished as they would respectively be in other cases of murder or felony, by the laws of the Unite . States : and I the it could not operate us an objection to lofen elect less degree, it shall be a high misinfert it in this bill, because the bill was planeanor, punishable by not exceeding intended to draw into itieli all the regula- | thre thousan a dollars and imprisonment, not

exceeding three years. Sec. 3. Madde it further endeted, That if any armed vessel, as arcresuld, shall proceed to sea with our a clearance, contrary to the provicion of the sach, such vessel, with her arms, ammunition, tack'e, apparel, and furniture or the value theroof, shan or fortened to the Lie of the United States.

TUESDAY, January 3.

A petition of Commell Pearce, of Chester (Penusylvania) was presented to the House, stating a claim to 2000 acres of unappropriated la. d, for the services of his father, as an officer in an expedition against the Indians by virtue of a proclamation of the ming of Great Britab, in 1763. Reserved to the commatter ! claims.

Ale a petition of David Elliott, of New detact, paying to be pleased on the parties list, objection it or woulds lier ved in maj, general Die Califaurmy, rean expedition against the Indiand, Nov. when 4, 1771, whereby he is incapacitated from bodily labour, or prayby the guileman from Virginia (Mr.) ing such other relief as Congress in their wisdom shalldeem meet. Referred to the Committee of Claim:

> A petition of John Bowers, of Somerset (Massachusetts) was presented to the House, playing to receive the bounty allowed by haw on vessels employed in the fichery of the United States, in the case of three schooners belonging to him, named the George, the General Johnson and the Diana; the payment of which he hath not yet received, owing to some informality in the contracts entered into between the masters and crews of the said schooners.

> Referred to the committee of Commerce and Manufactures.

> A message was received from the Senate notifying that they have passed the bill declaring Cambridge, in Massachuselts, to be a port of delivery.

the whole,

Mr. TENNET in the chair. On a motion to recede to the states Connecticut for the light he had thrown | of Virginia and Maryland, respectively, on the lubicat; but he was not convin- the Juned alion of s on parts of the territory of Columba, as are without the city of Washington; and, after conciderable debate thereon, the committee rose, repured progress, and obtained leave to sit again.

Mr. Dana reported on the memorial of Captain Alexander Murray, which report was referred to a committee of the whole House on Thursday nex'-

Adjourned

WEDNESDAY, January 9.

A period of Peter Robertson, of Amhers', . 114. Dough county (New Hamp. shire) was presented to the House, praying to be pische on the pensa n list, on account of a wound received at the battle of Bunker's Hill, in Mussachuseits, while a soldier in col. Stack's regiment, whereby he is prevented from obtaining a Fyelinood by tabour.

Referred to the Committee of Claims. A message was received from the Senate, notifying that they have agreed to the amendment proposed to the bill to divide the Indiana Territory into two

s parate governments. A petition was presented from sundry inhabitants of Cheshire county (N. Hampshire) praying that a post road may be established from Worcester, in Massachuse te, through Holden, Ru'land, H. bbardston, Templeton, Winchendow to F tzwilliam, & from thence to Keen, in New Hampshire.

Referred to the committee appointed to enquire what amendments are necessary to be made in the acts establishing a post office and post roads within the United States.

Mr. Richards, from the joint committee for enrolled bills, reported that the following bills had been examined and were found to be truly enrolled:

"An as to divide the Indiana Territory into two separate governments,"

" An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery,"-whereupon

Mr. Speaker signed the said carolled

A message was received from the Senate, notifying that they have passed the bill, amendatory of the act for the goverament and regulation of seamen in the merchant's service, with an amendment.

The House went into a committee of the whole.

Mr. TENNEY in the chair-

On the motion to receive to the states of Virginia and Maryland, respectively, the jurisdiction of such parts of the territory of Columbia, as are without the city of Washington; and afer cinsi. derable debate thereon, the committee rose, reported progress, and obtained leave to sit again. Adjourned.

THURSDAY, January 10.

A potition was professed for a landry inhabitants of Pennistvania, prepara post road to be all Chancel from Northtown by a tayern known by the firm of the Dal, Paghet wh, Country Frage. Morgan's town, Church-town and New-Holland to the town of Lanca ter, and that post offices may be fixed at fuch place or fand read as congress may think or per.

Referred to the connected a month of a enquire what amendments are modelly to be made in the acts elimining to but office and polt roals in the United States. The petition of William Bosch, june

New Hampshire, presented I's aday 9 1803, with accommuning documents and a report of the committee of claims theren, were referred to faid committee.

A nothers was read from the senate, stayably that they had rejected the bill living power to the mock holders of the man infurance company of Alexandina o of fure against fire.

I'r. Rudard from the joint committee in entitled bill, reported the prefentito not the following bills, to the prefident r. Januarolation:

"An act to hiv de the Indiana territory into two leparate governments," and " An act declaring Cambridge, in the to oi Musiachusetts, to be a port of

The limite to hainto confideration the comment of the fence to the bid idatory of the act for the government aragulation of framen in the merchants' teres, What on

I was a direct, tagether with the bill the terminative of commence and manu-

The Moule went into committee of the

Mr. Tenney in the chair-

On the motion to recede to the states of Virgidia and Margland, respectively, e jurisdiction of fich burs of the term y of colded on the second the limits are engaged on fuch an important subject of the cary of Walting a; and after as the imposition of refleaints on our mer-

lows:

Congress to recole to the state f Virgi-Virgin a, by an act puffed the third day leven hundred and eighty nine, intituled, "An act for the cession of ten miles iquare, or any leffer quantity of territory within the state, to the United States in Congrets assembled, for the permanent fat of the green government;"-Proaided, The sad state of Virginia sha content and agree thereto."

2. " Resolved, That it is expedient for Congress to recede to the state of Maryland, the jarrediction of that part of the territory of Columbia, without the limits of the city of Waihington, which was ceded to the United States by the faid state of Maryland, by an all passed the 19th day of December, in the year 1791, intituled "An act concerning the territory of Columbia, and the city of Walliington;"-Provided, The said state of Margiand, shad consent and agree there

Wen a division of the question was cailed for, and the question being taken that the House do concur with the comunities of the whole House in their disa or ement to the first resolution.

It was decided in the thirmative-Yeas 72 — 11 15 5 46.

YEAS.

Mossre. Alexander, Hallwin, Blackledge, Boyd, Bryan, G. W. Cam, ell, J. Can, bell, Casey, Chamberlain, Chirceade 1. Clagett Claiporne, Clopion, Contad, Crowninshield, Cutter, Cutts, Dovenpat, Dean's Dickson, Dwight, Earle, Elliot, Eustis, Goddard, Geg G. Grizwell, R. Griswold, Hastings II In, Holmes, Hough, Hughe, Hunt, Jackson, Kennedy, Lewis, jun Livingston. Lown ice, Lucas Lyon, M'Creery, Mitchell, T No. 10, Nelson New, liewton, junior, Plater, Purviance, Sam

ney, Thomas, I hompson, Frigg, Van Corda dt, Van Horne, Wadsworth, Wal on, I. Williams, M Will are !Winn, Winston, and Wyrns - 72. NAYS-Messes Allston, jr. Ander on, Arch. , Bedinger, Bishop, Boyle, Butler, Clark, M. Clay, Dawson, Early, Elm.r. Eppes, Findey,

mons, Sandford, J. Smith, Southard, Stanton,

Fowler, Gray, Hanna, Hasbrouck, Heister, Hoge, Holland, Jones, Larned, Leib, M. Cord, Merriwether, N.R. Moore, Morrow, Mott, Olin Palmer. J Randolph, J. Rea, (Penn.) J. Rhea, (Tenn.) Richards, Riker, Roor, Seaver, Sluan, Smilie, Stansord, Stewart, Varnum, Verplanck, Whitehill, Wilson-46.

The second resolution contained in the mot on, being under debale.

Mr. Smite, moved to amend the same by striking out the wo i without the limits of the city of Wall noton.

And on the queltion 's agree to the faid amendment, it wis decided in the negat ve.

The question was then taken to concur with the committee of the whole House in their disagreement to ti- second resolution and decided in the chrinative-Yeas 69 - Nays 39.

YEAS-Messes, A'exander, Baldwin, Black. ledge, Boyd. Brown, Bryan, G W Campbell, 1. Campbell, Caser, Chamber in, Chittenden, Clagget, Chilborne, Clopton, Conrad, Crown. ingshie'l, Cutler, Daveaport, Dennis, Dickson, Earle, Elliot, Eustis, Giddaid, Gogg, G. Gris. wold R. Griswold, Has inge Helms, Holmes, Hough, Huger, Hunt, Jacks in. Kennedy. Lewis, ir. Livingston, Lown cs. Lucas, Lyon. Mac Cicery, Mitchell, T. Moore, 'Ielson, New. Newton, ir. Plater, Parviance, Sammons, Sandford. J. Smith, Southard, Sianton, Stedman, Steinens n. Taggert, Tallmage Cenney, Thomas, Thompson, Trigg, Van Cortlandt, Van Horne, Walton, L. Williams, M. Williams,

Wish. Western and Wynes - 1. NAYs-Messes Anteison, broher, Bedinger. Boil Builer, Chrit. M. Clay, Dawson, Farin, Elmer, Erpis, Fiedl v. Fivler, Hanna. Hat a to b, Heister, Hogy, H. Hand, Jones, Long, Leb, M. Cord Meriw ther, N. R. Morre, Morrow, Mat. Ohn, Rev. (of Penn.) Pha, of Tenne Renade, Riker, Root, Corl. Stewart, Verplank,

Take a "s to when was referred a remarkable might on the repre-. Latines of he had not the territory of L. officht, be accounted from the farther a mide at on there f, and the reman transce and territor were referred to the committee appointed in that part of the President's message, solutive to the and characte noctate form o government of the territory of Louidana.

Adjournel

From the Aurona.

The charance this ongets not have ing yet mode i cided on this bill, the tradralists continue to min prefent its merte, and the motives which actuate its triands. In Coleman's Evening Post of Thursday, we find the following:

Fre ur ignment for Mr. Eppes to proceed -11 the cape cof Eppes and the Virginia party in their arrest p storestrain meren mis from arming altogether in to embarrass, dis reis and ruin the commerce of the eastern state, the following facts just taken by us from ir ; ar protest will afford them ample cause to leared with their

The thip Hope, owned by George Barnewe lot this city, l'homas Watson, master, loaded with hamber and prover one for Savanna-la-Mar, jamaica, on the 231 November, north, lat .1. 30, larg. 70, 31, was captured by the French Matienal schooner callet Amity, capt. Qu'let, master; the ma ter ind ... were taken out and put on board the Bats for Jamaica, and the prize sent into St. Dimingo. The Frenchman when he found the ship was bound for Savannada-Mar, swore it must be Savanna-In-Mar in St. Domingo, thoug a nobody everbefire heard of such a place.

At the prefent time, when congress

confiderable alleste, the seconditive role, Chant veller, tuch flatements as that just and reported their diagreen ent to the breid might well be received in " questionthape' -- we are will ur, however, The house then proceeded to consider ! it what that what Col min has now the said motion, which is real as tile i published to be senuine, and the matter librated, to be correct. What, then, is the 1. Resolved, That it is expedient for Cale? An American unarmed thep has been taken by a national French vessel, nia, the jurisdiction of that part of the whole captain was to igner ut as not to terretory of Columbia, which was ceded know to lituition of a perticular port, to the United States, by the fail state of land from ignorance sent the vessel into " St. Domingo," a term by the way ra-The House went into a committee of of December, in the year one thousand ther indefinite. And, what is the conclufloor? furely, that the capture was illegal and unjuitifiable, it is not de ended, the act is repropated, but let us alk how Coleman would have prevented it? his answer is, if the thip Hope had been armed it ought to have reliked and fought the French national vessel-and would this have remidied the matter? it might have happened that the Hope would have beaten the French vessel, lives on both Tides would have been loft, and thus force be substituted for the authority of this country, and the ability to prevent outrage by peaceable means. On the other hand, if the French vessel were victorious, the fate of the Hop: would be still more hazardous.

> The case, in question, is one of those which a e constantly occurring to neutral vellels, during the continuance of war between European powers, and which ought only to be prevented by force when justice is denied by the government whose vessels commit the outrage. It cannot be imagined that the owner of the Hope will lofe his vessel and cargo, the only inconvenience or loss that will probably refult, will be the delay, and this is grievous, but one of those risques which are always anticipated, at fuch a period. The schooner which captured is a national vessel, and our administration can, and no doubt will, demand redress and reparation: moreover, the French government will not helitate to allow the justice of the application—our relations with France are most friendly, and no act of ours ought to diffurb them : unless negociation Ihall fail, force ought Stedman, Stephenson, Taggert, Talimage, Tennot to be employed. If the praclice or assumed authority of examining the papers of neutral vessels, and of sending them to a port for adjudication is complained of, let it be remembered that the British set the example, and neither Washington 'nor Adams recommended 2; recourse to sorce. When the New Providence privateers captured our vessels, in hundreds, without rhyme or reason, the jederal linguage was " in y iace a righ

to search and send teutral we ses to for