

Congress

OF THE

United States of America.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 7.

Mr. Macon, (Speaker) laid before the house, a certificate from the Secretary, Comptroller and Recorder of New York, of the election of George Clinton, jun. to a seat in this House, in the place of Dr. Mitchell, translated to the Senate of the United States.

Referred to the committee of elections. Mr. Dawson presented a petition from Robert Patton and others, owners of a vessel which had been driven out to sea by a storm, from a foreign port, and had been compelled to leave her register behind, in consequence of which she was obliged to pay alien duties, praying relief.

Referred to the committee of Commerce and Manufactures.

Mr. Latimore reported from the committee appointed on the petitions of the trustees of Jefferson College, and inhabitants of Natchez, on the subject of a tract of land in that city.

Referred to a committee of the whole for to-morrow.

On motion of Mr. Thomas, the House went into a committee of the whole, on a bill authorizing the erection of a bridge across a mill pond, and Marsh in the Navy Yard, on Long Island. Mr. GREGG in the Chair.

The committee having considered the same, rose and reported the bill with an amendment, which being agreed to by the House, the bill was ordered to be engrossed for a third reading this day. It was afterwards brought in engrossed and passed.

On motion of Mr. G. W. Campbell, the House went into a committee of the whole, on the resolution for opening a road from Knoxville by the settlement on the Tombigbee to New Orleans.

Mr. VARNUM in the Chair. The committee spent some time in considering the same, rose, and reported progress, and obtained leave to sit again.

Mr. Nicholson moved and it was carried that the House resolve itself into a committee of the whole on the gun boat bill.

Mr. Gregg in the chair. The committee having considered the same rose and reported it without an amendment, and the House ordered it to be engrossed for a third reading to-morrow.

A message was received from the Senate by Mr. Otis their secretary, informing that the Senate would at 2 o'clock this day proceed in the trial of S. Chase.

Mr. Dawson moved that the committee on that subject be discharged from the further consideration of the petition of Edmund Brook, and that it be referred to the committee of the whole who have a bill under their consideration on that subject.

A message was received from the Senate by Mr. Otis, their secretary, informing that they had agreed to the bill authorizing the Post-mailer general to make a new contract for carrying the mail from Fayetteville in North Carolina to Charleston, South Carolina, with an amendment.—And that the Senate would to-morrow at 12 o'clock proceed again on the trial of Samuel Chase.

On motion of Mr. Dana the House went into committee of the whole on the report made on the petition of Alexander Scott.

Mr. Dawson in the chair. The committee after some consideration rose and reported progress, and obtained leave to sit again.

MESSAGE

From the President to the Senate of the U. States.

According to the desire expressed in your resolution of the 28th inst. I now communicate a report of the secretary of state, with documents relative to the complaints against arming the merchant ships and vessels of the United States, and the conduct of the captains and crews of such as have been armed.

TH. JEFFERSON.

January 31st, 1805.

The secretary of state, to whom the president of the United States has been pleased to refer the resolution of the Senate, of the 28th instant, requesting that there may be laid before the Senate such documents, and papers, or other information, as the president shall judge proper, relative to complaints against arming the merchant ships or vessels of the United States, or the conduct of the captains and crews of such as have been armed—has the honor to annex hereto—

1st. A copy of a letter, addressed to the secretary of state, by the envoy of Great Britain, dated on the 31st of August last.

2d. An extract of a letter to the same, from the late charge des affaires of France, dated 6th May last, which was preceded and followed by other letters and conversations of the same gentleman, urging the subject upon the attention of the government.—It has been also urged, by the present minister of France in his interviews with the secretary of state.

Of the inclosures alluded to in the aforesaid letter and extract, the only authenticated statement relative to the conduct of American private armed vessels, which has been received at this department, is contained in the annexed letter, from Mr. Geo. Barnewall, of New-York, and the document accompanying it.

All which are respectfully submitted.

JAMES MADISON.

Department of State,  
Jan. 21, 1805.

[No. I.]

Mr. Merry, to the secretary of state,  
Philadelphia, August 31st, 1804.

SIR,

I have received information respecting several vessels which have of late been armed in, and have sailed from different ports of the United States, some loaded with articles contraband of war, (gunpowder is said to be the general article) others with cargoes of innocent goods, and others again in ballast. After the diligent enquiry which it has been my duty to make on so important a subject, I think that I can have the honor of stating to you with certainty, that several vessels of the above description, which are mentioned to be schooner rigged, have sailed lately from the port of Baltimore, whilst others of a larger size, even ships of considerable burthen, and completely equipped for war, have sailed from the port of Philadelphia, bound to the possessions of his majesty's enemies in the East as well as West-Indies. It is said, that the object of some of these equipments is to force a trade with the blacks, in the island of St. Domingo, in which attempt, the public prints have stated so circumstantially, as to leave no doubt on the subject, that two American vessels have been captured by French cruizers, after making resistance: But I have strong reason to believe, that the destination of others, particularly from the port of Philadelphia, has been with cargoes of contraband articles to the enemies' possessions in the East and West-Indies. Let their destinations, however, be what they may, it cannot, I conceive, but be justly considered, that such armaments, on the part of the citizens of a neutral state, must be attended with consequences prejudicial to a belligerent power, and may therefore be deemed rightly as offensive, for which reason the law of nations has stated one of the first obligations of neutrality to be that of abstaining from all participation in warlike expeditions. The armed vessels alluded to, may become the property of the king's enemies, either by capture at sea, or by purchase in the ports to which they are destined, and are thus in readiness to be converted immediately into instruments of hostility against his majesty, whilst in another point of view, they are calculated to protect the vessels, when they are loaded with contraband articles, against the commissioned cruizer, when the latter shall happen to be of inferior force. Indeed, I conceive that it may not be given too great an extent to the principle of the law of nations, without attending to the nature of the cargo, to consider the very arms, ammunition, and other implements of war, with which such vessels are furnished, as contraband articles, when the vessels have been thus equipped without the authority of the nation to which they belong.

I understand, sir, that the armaments in question have, in fact, taken place under no commission or authority whatever from the government of the United States. I have, therefore, thought it my duty to have the honor of making you acquainted with the information that has reached me on this subject, and if the observations which I have taken the liberty to make upon it should happily be conformable to the sentiments of the American government, I can safely trust to their justice, as well as to their jealousy of observing the most strict neutrality in the present war, to take such measures as should appear to them the most proper for suppressing the illegal proceeding complained of on the part of those individuals, citizens of the United States, who shall appear to be concerned in them.

I have the honor to be, with high respect and consideration.

SIR,

Your most obedt. humble servant,  
(Signed) ANT. MERRY.  
The hon. James Madison,  
secretary of state.

[No. II.]

Extract of a letter from the charge des affaires of France, dated 7th May, 1804, and addressed to the Secretary of State.

[TRANSLATION]

The undersigned is informed in a manner, which leaves him no room to doubt it, that the American merchants, who pursue this commerce (meaning the commerce with St. Domingo) publicly arm, in the ports of the United States, vessels which are intended to support by force a traffic contrary to the law of nations, and to repel the efforts which the cruisers of the French republic are authorized to make in order to prevent it,

These armaments have also for their object to cover the conveyance of munitions to the revolted of that colony. The government of the United States cannot be ignorant of these facts which are public; the consequences thereof have already been manifested in the West Indies, where the public papers advise that there have been actions between French cruizers and American vessels carrying on this commerce.

In considering the matter merely under the view of the law of nations, it is manifest that American citizens, under the very eyes of their government, carry on a private and piratical war against a power with which the United States are at peace. The undersigned would be wanting in his duty if he did not vindicate under such circumstances, the rights and dignity of his government which are openly injured, and if he did not call the attention of Mr. Madison to the disagreeable reflection which the French government would have a right to make if the silence of the local authorities, respecting acts of this nature, should be imputed by the government of the U. States.

The French government certainly could not see without a profound regret that, after having given to the United States the most marked proofs of the desire to place the good understanding of the two nations upon the most immovable foundations of abandoning national interests which might have eventually produced collisions, individual interest should now be permitted to compromise this good understanding. Its regret would be still much greater, if when the dignity and the safety of France are openly injured in the United States by their citizens, the American government should preserve, respecting these violations, a silence which would appear to offer an excuse and even a sort of encouragement, to all the excesses which cupidity may attempt. Beside that the peace of the two nations cannot but be seriously compromised by the proceeding of the individuals, and by the reprisals to which they must necessarily lead, this state of things would infallibly tend to diminish the amicable disposition, which the two governments wish to cultivate.

[No. III.]

New-York, Sept. 6th, 1804.

SIR,

The sufferings of innocent individuals, induce me to the liberty I now take of submitting the following statement to your consideration:

In the month of Junelast, I dispatched the ship Hopewell, Preserved Sisson, master, and the brig Rockland, Atkins, master, with suitable cargoes, destined for Aux Cayes, in the island of Hispaniola; the former armed for defence, with twelve pound cannon, and two twelve pounders, with small arms, &c. &c. a crew of thirty five in number, besides passengers—the latter with 8 six pounders, small arms, &c. and a crew of 20 in number, besides passengers. Both these vessels were regularly cleared at the custom house of this district, and sailed on their intended voyage on the 17th of June. In their prosecution of which, they were met with and captured by a privateer belonging to individuals of the island of Guadalupe, whether they were carried, and their crews put into close confinement. I beg leave to refer you to the documents enclosed, for the particulars of the situation in which those unfortunate men are placed.

And have the honor to be &c.  
(Signed) GEO. BARNEWALL.  
James Madison Esq.

[COPY.]

George Barnwall, Esq.

SIR,

No doubt ere this you have heard of the capture of the Hopewell & brig Rockland. Owing to S. W. and S. S. W. winds, was obliged to go to the eastward of Bermuda, in latitude 27, 38, longitude 61, 57, on the 30th of June, at 3 A. M. saw a brig which appeared to be dogging us, and at day light bore down upon us, hoisted an English ensign & fired a gun to leeward—we were then under all the sail we could set; but finding she came up with us very fast, we hoisted American colors, and fired a gun to leeward, and thortened sail—I hailed the Rockland, and desired capt. Atkins to keep on our lee bow and near us, as I wished to speak the privateer first, and know what she was before we attempted any thing—the was then on our weather quarter—the Rockland not keeping in her station, dropping more to leeward, and nearly on our lee quarter, the privateer was then almost within hail of us, but immediately up helm & run along side the Rockland, and commenced firing under English colors, which was returned by the brig—the privateer being between us and the brig prevented my firing until I got in a situation to fire clear of the Rockland, which was in less than a moment, when we commenced firing to the best advantage we could—the Rockland fired only one broadside & some musketry when she was boarded. they only left 3 men on board—sheered off and gave us a broadside, and attempted to board us, but was repulsed by our quarter gun pikes and musketry—they then kept clear of our pikes, and played continually with all their men, with nothing but musketry—our men, seeing their shipmates falling, most of the landsmen quit their quarters; the privateer seeing this attempted the second time

to board us by cutting our nettings and overpowered us by numbers; was obliged to haul down our colors and quit the deck, otherwise be cut in pieces.—We had three killed, four badly and two slightly wounded; the first who fell was poor Mr. Bird, he was standing near me, he received one ball through his body and one through his head, and never after spoke a word. I begged him sometime before to go below and prepare his papers, he said they were already prepared, and would not quit the deck, in consequence of which all his papers were found; it was not my intention to engage the privateer, unless I thought we were sure of getting clear, but the Rockland commencing so quick, I could not then avoid it, but even had we suffered them to board us they would have made a prize of us. The passengers on board were sufficient to condemn us, upwards of 100 letters were found with them directed to different parts of St. Domingo, and among the passengers there were two noted generals who were well known by the Frenchmen; and among Mr. Bird's papers were found instructions from Mr. Lapierre pointing out the whole plan of the voyage; many other letters were found among Mr. Bird's papers, all of which tended to condemn the ship, which they showed me at Point-Petre, when I was examined.

When they boarded us, nothing saved our lives but their thinking that we were English, and asked us how we dare to engage under American colors, and did not believe that we were Americans even after we had arrived. After the Rockland was boarded, we engaged the privateer close on board for forty minutes, when the black general, a passenger, found we were captured he ran below with a pistol with an intention to blow the ship up, and with much difficulty we prevented it, he set all the cartridges on fire in the cabin and steerage, which were in pouch-tubs, and only my laying the magazine scuttle over saved the ship and our lives; when he found he could not blow the ship up, he put the pistol to his head and blew his own brains out. The privateer took out all the passengers, officers and men, except myself, the carpenter, two boys, and one of our men badly wounded. The privateer continued with us until we arrived in this port which was on the 17th July, and were immediately put altogether in a most miserable prison, with nothing to eat but stinking beef and coarse bread and very short even of that; they will not suffer me to see any American, nor have any communication with any body—there is a schooner called the Snake in the Grads, bought in New York and fitted out at Salem, with five guns, taken and brought here a few days before me, one of the mates is allowed to go out at times, and this was the only opportunity I had to write. They say that orders have gone to America, that every vessel bound to St. Domingo, if taken, shall be treated as pirates. God only knows what they mean to do with us. I beg you will do all in your power to get our government to claim us, otherwise I do not know what they may do; they seem to be inveterate against the Americans, and even told me every ship and captain's names that were armed from New York.

Captain Atkins had his mate killed and one man, and several wounded, himself wounded, and died at this place on the 22d instant.

The schooner Snake in the Grads, commanded by James Mansfield, who is also in prison, with all his men—the vessel will be condemned, although they did not fire a shot. As no protest can be made here, I thought it best to let the officers sign this letter with me—several large privateers are getting ready to go down in the Bite after the Americans; the privateer that took us was the brig Frebriskey, captain Antwan, with ten long French sixes, two 12 pound cannonades, one long eighteen pounder, and a hundred and fifty men. The French seem to be very inveterate against the Americans, and insult us as the pass the prison. All that I can say more is to request you to do what you can with our government to claim us as Americans, as the manner in which the French privateer engaged us under English colors will be a sufficient reason for them to claim us. All that I can say more, is, that your ship and property was defended with spirit, until overpowered by numbers.

I am sir, with respect,  
Your most obedient servant,  
(Signed) P. SISSON,  
MAHLON BENNET,  
JAMES ROSS, jun.

Guadalupe, Point Petre, July 26, 1804.

N. B. You will please to excuse any fault in this letter as I am so closely watched.

The subscribers

RESPECTFULLY inform the public, that they have on hand, at their brewery, a large supply of Strong, Table and Small BEER, Pale ALE and BROWN SQUOT, of a superior quality. Also, Porter in bottles, at one Dollar per dozen, put up for immediate use, or to stand any climate, by giving notice a short time before wanted. Country customers and others may depend on the greatest attention in packing—Any of the above quality on draught, prepared for bottling if required.

Wanted to purchase a quantity of Porter Bottles, by the gross or dozen.  
MARCUS M'CAUSLAND & Co.  
N. B. Strong Beer put up for the East India market at the shortest notice.  
February 11

On Thursday night the store of Messrs. Bowman and Walker was broke into and robbed of boots and shoes to a considerable amount—Scarcely a night passes without some store or warehouse being plundered. Certainly our watchmen must be frost-nipped, tripping or a sleep. If they were compelled to call every half hour instead of the present mode of only once in every two hours, there is no doubt but we should be somewhat better protected.  
[New-York Herald]

FROM WASHINGTON.

February 3, 1805.

The trial of Judge Chase, upon the impeachment of the house of representatives, commenced this day; agreeable to the former determination of the Senate. Previous to an account of the proceedings, I shall inform you of the arrangement and order of the court. The Senate, in its legislative capacity, at present occupies the north west room, formerly the office of the secretary.

The senate chamber is fitted up in a handsome style as a court—and laid out into apartments for the senators, the house of representatives, the managers the accused, and counsel—the members of the executive departments, beside a semi-circular gallery constructed within the area of the chamber, which forms from its front an amphitheatre contiguous with the fixed gallery of the Senate chamber.

On the right and left of the president of the Senate, and in a right line with his chair, there are two rows of benches, with desks in front, and the whole front and seats covered with crimson cloth; so that the senators front the auditory.

The secretary of the Senate retains his usual station in front of the President's chair—on the left of the secretary is placed the sergeant at arms of the Senate, and on his right the sergeant at arms of the house of representatives.

A temporary semi-circular gallery, which consists of three ranges of benches, is elevated on pillars, and the whole front and seats thereof covered with green cloth—at the angles or points of this gallery there are two boxes which project into the area about three feet from the line of the front, which save the abruptness of a square termination, and add considerably to the effect of the coup d'oeil. In this gallery ladies are accommodated, and they assemble in numbers.

On the floor, beneath this temporary gallery, three benches are provided rising from front to rear, and also covered with green cloth—these benches are occupied by the members of the house of representatives—on the right there is a spacious box appropriated for the members of the executive department, foreign ministers, &c. &c.

A passage is opened in front from the president's chair to the door—on the right and left hand of the president, and in front of the members of the house of representatives, are two boxes of two rows of seats—that facing the president's right, is occupied by the managers—that on the other side of the bar for the accused and his counsel—these boxes are covered with blue cloth.

The marshal of the district and a number of his officers have charge of several stations in the avenues of the court and in the galleries—and the whole is so well arranged as to be conducted on the opening with all the order and silence that could be desired.

At 12 o'clock the Senate, by their secretary, made a communication to the house of representatives, that they were ready to proceed upon the trial in the Senate chamber; and thereupon proceeded to their stations, preceded by their sergeant at arms—and the president (Mr. Burr) being seated:

The members of the house of representatives, having entered the court and taken their stations—on the front seat Mr. Rodney, Mr. Nicholson, Mr. Clark and Mr. Randolph; on the second row, Mr. Campbell, Mr. Boyle, and Mr. Early—Chairs were provided on the left of the managers for the speaker and clerk of the house of representatives.

The President then directed the crier to open the court—which was done in the old Norman style;—Oyez! Oyez! Oyez! all manner of persons, &c.  
The President then directed Samuel Chase to be called—which was done—and he appeared.

On Judge Chase's advancing to the bar followed by his counsel, the president addressed him, informing him that the time which the Senate had granted to prepare for his defence was now expired, and he desired to know if he was prepared to answer to the charges preferred against him by the house of representatives.

Judge Chase then delivered some observations, in too low a voice to be heard by us distinctly, but seemed to import, that the time was not as much as he wished, and that his answer was not so complete as he had desired—he concluded by handing a paper, which was delivered by the sergeant at arms to the secretary of the Senate, and by him read;—thereupon The President of the Senate having also read it, laid to the effect, that there was something in the paper, or annexed to it