

In the FIRST BRANCH  
OF THE  
CITY COUNCIL.

Resolved unanimously, That the report of the committee to whom was referred the communication of the mayor respecting the alterations proposed to be made in the law incorporating the city of Baltimore, by the act of the general assembly of Maryland passed in the year 1803, be concurred in—and that the same be published in each of the newspapers of the city.

In the First Branch, March 4th, 1805 Read and agreed to unanimously.

By order, TH. B. DORSEY,  
Clerk.

REPORT.

The committee to whom was referred the communication of the mayor, relating to the act of the general assembly of Maryland, and passed in the year 1803, proposing certain alterations to the law by which the city of Baltimore was incorporated—beg leave to report—

That your committee find, by the invitation of the act of assembly referred to their consideration, that the alterations by that law proposed to be made in our city charter, are not to take effect unless assented to by a majority of the members of the first branch of the present city council.

It might be considered a discharge of the duty assigned to your committee were they only to express the opinion entertained by them; that the provisions of the law under their consideration are against the interests and opposed to the wishes of a great majority of the citizens of Baltimore, and ought not to be assented to by the first branch of the present city council; but your committee feel it incumbent upon them to submit to the branch the facts and reasons which have induced them to form the opinion here expressed.

The first of those alterations contained in the second and third sections of the act, which proposes that the mayor and both branches of the city council shall be elected by ballot, in the same manner as delegates to the general assembly, is in the opinion of your committee, impolitic. There cannot be any well founded objection to voting by ballot for members of the first branch of the city council; but the present mode of electing the mayor and second branch of the city council, by electors, appears to your committee to be the more agreeable one; for whilst, by the oath of the electors an assurance is given, that a proper regard will be paid to the interests of the person for the office intended to be filled, the yearly election to an office of such varied duties and important trusts, as that of our mayor's (proposed by these alterations) appears to be peculiarly adapted to the tedious and inefficient chief magistracy of our city, by having the office filled by persons, unacquainted with the duties thereof. It avoids in the attainment of the office, and in the continuance of the officers the exercise of intrigue favoritism or unworthy practices which for these purposes might otherwise daily and perhaps successfully be employed from the centre to the extreme limits of our city and in every department of its police.

The second of these alterations, contained in the 4th section of the aforesaid act, proposes that "the mayor shall not continue in office longer than three years successively, nor be eligible as mayor until two years after he shall be out of office."

It must be admitted by all that this office imposes upon the mayor, legislative, judicial and executive duties important in themselves and various as a detailed police, founded upon the wants and wishes of our large and populous city, require them to be. To obtain such a knowledge of these duties as would enable a mayor to perform them honorably to himself and satisfactorily to the citizens, will require of him much reflection and daily assiduous attention to the business of the office, and some time to be employed therein. When this officer has thus fitted himself for the office and become highly useful to the city, your committee are entirely at a loss to discover any reason why the citizens ought to be deprived of his services, if they were anxious to have them, and willing to render them; yet such would be the effect of this alteration, was such a change in the tenure of this office to take place, your committee apprehended, that few persons worthy the trust, would be found willing to accept it. For few indeed would relinquish their profession, business, or occupation, and abandon every other pursuit for an office, which they knew could be enjoyed by them but three years, and from which, during that time, nothing more than a moderate support could be acquired.

The third of those alterations contained in the 5th & 6th sections of the act aforesaid, providing that "the members of both branches of the city council shall have the same qualifications in every respect as delegates to the general assembly," is considered by your committee as inconsistent with the welfare of our city. The similarity preserved by our charter in the qualifications of members of the general assembly and of the city council, is, in the opinion of your committee, sufficiently extensive. This enlargement of that similitude would affect none of the qualifications of members of the city council of material consequence, except that of affeable property within the city, required to be possessed by them.

It appears to your committee, that some abatement in this qualification would accord with the wishes of a majority of our citizens—and remove the inconvenience suffered by the inhabitants of some of the city wards, by enlarging the number of persons in this respect qualified to serve in the city council. But to fully assimilate this qualification to that of members of the general assembly, which is the "having (any where) in the state, real or personal property above the value of five hundred pounds," would be to submit ourselves to be taxed by those whose property, being out of the city, would bear no part of such taxes, and who might not contribute a single cent to our public treasury. This in the opinion of your committee, would deprive us of one of the surest pledges of friendly legislation, for "where a man's treasure is there will his heart be also," and would likewise deprive us of the best security against a wild extravagance in the appropriation and expenditure of our public money.

The fourth of those alterations, proposed by the same act and contained in the eighth section thereof, by which it is declared "that no person shall be eligible to the office of Mayor or Register, or as a Member or a Clerk of either branch of the city council, who holds an office of profit or trust under the government of the United States, the state of Maryland or the corporation of the city of Baltimore," appears to your committee to be as well if not better calculated to keep proper and useful characters out of our corporation, than to prevent improper and useless ones from getting into it. For your committee apprehend, that many of our citizens worthy the trusts from which they are thus excluded, would be found useful to our city in the places exhibited. And your committee do not discover the propriety of excluding, from the appointments designated, persons qualified and willing to fill them and whom those appointing would wish to elect, merely because such persons might hold some one of the offices mentioned; the duties of the one in no way interfering with those of the other—and any appointments, in which an interference of duty might be expected, your committee consider to be sufficiently guarded against, as well by the oaths of the electors and the person elected, as by the official responsibility imposed upon each.

The fifth, sixth and seventh of those alterations, proposed by the act aforesaid and contained in the ninth section thereof, provide that all nominations to offices, arising under the laws of our corps at once, shall be made during the first week of its annual session—by the joint ballot of both branches of the city council—and that the person appointed shall be commissioned to fill such office for one year—Your committee apprehend that the first of those provisions would be found to be extremely injurious to the well regulating of our city police.

The variety of subjects demanding the legislative attention of our corporation, it cannot be supposed could, in the first week of session, receive the consideration of the city council, and meet such regulations as might be deemed proper to be made. Yet no new regulation, requiring an officer in its execution, could be obtained for a year, however pressing the necessity or desirable the object of it, unless enacted in the first week of a session, for after that the officer could not be appointed. Nor can your committee discover the necessity that all appointments to offices, previously created, should be made during the first week of a session of the council, but the propriety of it, your committee believe, may be justly questioned; for it appears to them to be more apt to the introducing of hurry, confusion and error, into the making of those appointments, than to the securing of a prudent exercise of choice therein, on the placing in the executive department of our city government, the more suitable applicants.—The second of these provisions directing nominations to office to be made by the joint ballot of both branches of the city council, is considered by your committee likely to introduce into our city council an unworthy electioneering intrigue and not better calculated to ensure the nomination to office of the more suitable persons, than the mode prescribed by our charter.—The third of these provisions, proposing that the several officers appointed under the ordinances of our city shall be commissioned to fill the respective offices for one year, appears to your committee to be strangely impolitic in every view in which they are capable of considering it; for was such to be the tenure of office, then any officer, becoming a villain or a vagabond, could not be removed. In such appointments half the responsibility of office is lost—the officer may be punished, but the loss of office is never risked.

The adoption of the preceding alterations in our charter would in the opinion of your committee, draw after it consequences so ruinous to the welfare of our city, that they are induced to believe the

wish to obtain them must have originated in a mistaken apprehension or total disregard of the public opinion. Your committee are under this belief, because, having examined the petition presented to the State Legislature for the proposed alterations, they find it subscribed by only 354 persons; and they have yet to learn how so small a number of persons can be styled, as they are in the act under consideration, "The Inhabitants of Baltimore."

The other alterations to our act of incorporation, proposed by the law, referred to the consideration of your committee, appear to be subordinate in their effect, and dependent upon those already noticed.

Your committee beg leave further to report, that the assenting to the aforementioned alterations to the law, incorporating our city, would be against the wishes of a great majority of the citizens of Baltimore, for your committee are informed and believe the facts, that in the late elections, at which the members of the first branch of the present city council were chosen, a majority of the citizens in the several wards of the city promoted the election of the candidates, whom they considered to be of opinion with them, that the aforesaid alterations to our city charter ought not to be assented to.

All which is respectfully submitted.  
J. A. BUCHANAN  
JAMES CAREY.  
THOMAS KELL.



(By Authority.)

AN ACT

Supplementary to the act, intitled "An act to regulate the collection of duties on imports and tonnage."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same terms of credit, which are granted by law, for the payment of duties, on articles the produce of the West Indies, and no other, shall be allowed on goods, wares and merchandise, imported by sea into the United States from all foreign ports and islands, lying north of the Equator, and situated on the eastern shores of America, or in its adjacent seas, bays, and gulfs.

Sec. 2. And be it further enacted, That it shall be lawful for any ship or vessel to proceed with any goods, wares or merchandise brought in her, and which shall in the manifest delivered to the collector of the customs, be reported as destined or intended for any foreign port or place, from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such goods, wares and merchandise, as shall be actually re-exported in the said ship or vessel: Provided, that such manifest so declaring to re-export such goods, wares or merchandise, shall be delivered to such collector within forty-eight hours after the arrival of such ship or vessel. And, provided also, that the master or commander of such ship or vessel shall give bond as required by the thirty second section of the act, intitled "an act to regulate the collection of duties on imports and tonnage."

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

Vice-President of the United States, and

President of the Senate.

February 22, 1805.

APPROVED,

TH: JEFFERSON.

ROTTERDAM, December 22.

The exportation of grain to England or to any place from which it may proceed thither is severely prohibited. Exporters are obliged to give bond that the corn or any other grain they ship shall not be landed in England in any way whatsoever.

D. cember 31.

The late decree for the prohibition of all imports or exports from England is fully confirmed, by subsequent acts of the Dutch government. It is therefore necessary you should be informed, that no more merchandise of any kind from England ought to be sent to this country, as complete confiscation must be the inevitable consequence.

Will be sold at Public Auction,

On the premises, on THURSDAY, the 14th instant at 10 o'clock in the forenoon.

A HOUSE and LOT of GROUND, situated on the corner of Howard and Camden streets; also, at the same time and place, sundry household and kitchen furniture, and four Negroes, two man and two women; one of the men is a noted Sawyer, and the other a brick moulder.—Terms of sale made known at the time and place of sale, by

THOMAS MORTIMER, junr.  
FOSTER MAYNARD.

March 5

COMMODORE PREBLE arrived at the seat of government on Sunday last.

After the delivery of Mr. JEFFERSON'S inaugural speech, on Monday last, he was waited upon by a large assemblage of members of the legislature, citizens, and strangers of distinction—and a procession was formed at the Navy Yard, composed of the several mechanics engaged, which marched to military music displaying with considerable taste, the various insignia of their professions.

The first impressions excited by the following propositions to the different legislatures for "two important amendments to the constitution of the U. S. are those of regret—sincere regret that they should have been brought forward by Messrs. Randolph and Nichols, for whose talents and patriotism we have ever felt much regard. We shall however, withhold our further opinion till the matter has received that consideration to which it is entitled, and which the period, that will intervene, ere it will be acted on, will enable the public to give it. We cannot for the present, help stating that, the article respecting the election of Senators had better be entirely erased from our constitution, than give the different state legislatures power to remove them in the way proposed.

That we are not friendly to that independence of judicial characters, which places out of the reach of all human power, however extensive maybe, we would, nevertheless, protest against subjecting the judges of our tribunals to the uncontrolled control of every party which may, from time to time, gain the ascendancy in our national councils.

But as these amendments will necessarily be taken up at the meeting of the next Congress, we hope they will be acted upon with coolness, and that deliberation becoming the supreme legislature of this country—and then, if they are discussed as matters of expediency, we feel warranted in asserting they never will be brought before the legislatures of the different states.

On Friday the 11th instant, after the decision of the high court of impeachment in the case of Judge Chase, had been made, Mr. J. Randolph, in the house of representatives, introduced the following motion: [Wash. Fed.]

Resolved, by the senate and house of representatives of the United States of America, in congress assembled, two thirds of both houses concurring, That the following article be submitted to the legislatures of the several states, which when ratified and confirmed by the legislatures of three fourths of the said states, shall be valid and binding as a part of the constitution of the United States:

"The judges of the supreme and all other courts of the United States shall be removed by the president on the joint address of both houses of congress requiring the same any thing in the constitution of the United States to the contrary notwithstanding."

Upon motion that it be referred to the consideration of a committee of the whole house—it was agreed to—yeas 68—nays 43—and afterwards it was made the order of the day for the first Monday in December next.

And on the same day, Mr. Nicholson made the following motion, which was referred to a committee of the whole house—yeas 53—nays 46—and made the order of the day for the first Monday in December next.

Resolved, That the following article, when adopted by two thirds of both houses of congress and by the legislatures of three fourths of the respective states, shall become a part of the constitution of the United States viz.

"That the legislature of any state may, whenever the said legislature shall think proper, recall at any period whatever, any senator of the United States, who may have been elected by them, and whenever a vote of the legislature of any state vacating the seat of any senator of the United States who may have been elected by the said state, shall be made known to the senate of the United States, the seat of such senator shall thenceforth be vacated."

Blockade of Havana.—It is reported, (we suppose on the authority of letters from that port) that the Havana is closely blockaded by a British squadron.—This report is fully corroborated by Captain Fisher, arrived at Charleston, who sailed in company with the Rover. [ibid.]

The following is a copy of a letter from Capt. Stephen Decatur to the Secretary of the Navy, dated United States' ship Congress, Syracuse, 15th November, 1804.

SIR. I have had the honor of receiving by the John Adams, your most flattering letter of the 22d of May, enclosing a captain's commission from the President. I find my services have been far over-rated and I feel myself entirely at a loss for words sufficient to express my gratitude to the President and to yourself on the present occasion.

As you have directed, I have given the thanks of the President to the officers and men employed on this service, each of whom feels sensibly the honor conferred on them, and I return their thanks to the President with assurances of their highest regard; I also beg leave to request you will convey to the President

my thanks for the very distinguished honor he has conferred on me, with assurances, that I shall look forward with impatience for an opportunity to do a way part of the obligation I owe my country.

I have the honor to be with respect,  
Sir, your obedient servant,  
STEPHEN DECATUR, JUNR.

Monday last, the 4th of March, 1805, was observed by the republicans generally, of this city, as a day of feasting and congratulation upon the re-election of Mr. Jefferson to the presidency of the United States.

The militia legion, under the command of general John Shee, was formed about eleven o'clock, in third between Spruce and South streets, and marched from thence down Spruce to Second, up Second to Market street and proceeding up Market street reached Ninth street about 12 o'clock. A salute was then fired by the artillery attached to the legion; after which the companies were dismissed and proceeded to their respective places of entertainment. The weather being remarkably fine, the celebration of the happy event met with no manner of obtrusiveness and the day was spent in cheerfulness and tranquility. [Aurora.]

The officers of the city brigade, honored by the company of a number of respectable citizens dined together on Monday, at the house of Volges, Chestnut street, where a sumptuous entertainment was provided, Gen. John Barker presided and col. Wallis acted as vice president. After the cloth had been removed, the following toasts were drank. The evening was spent with the utmost hilarity and cheerfulness:—

1. The day—what we look back upon the 4th March 1801, as the commencement of a glorious era in the political history of America—may we celebrate this day as equally propitious to the liberty and prosperity of our country.

2. The people of America—may they have but one head, one heart and one hand in support of the glorious cause of liberty.

3. The constitution of the U. States—past experience has shown its general excellence, future experience will point out its particular defects.

4. Thomas Jefferson, the statesman and philosopher—may the vote, by which he has been re-elected to the presidential chair, convince the world of the practicability of republican government, and that we are not a divided people. Jefferson's march.

5. Geo. Clinton, vice president of the United States—his former services as a sure pledge of his future conduct. "Stony Point."

6. The memory of general George Washington. "Rock Castle."

7. The congress of the U. States.

8. The legislature of Pennsylvania—may they continue, as heretofore to express the will of the people.

9. Thomas McKean, governor of Pennsylvania—when he ceases to distrust old tricks and apostate ways, may he cease to enjoy the confidence of the people.

10. May principles and maxims be the objects of republican legislators.

11. The government of the majority—the vital principle of republicanism, from which there is no appeal but to force, the parent of despotism.

12. The militia, the best defence against foreign aggression, and the best preventative of domestic treason. "Tan-kee Doodle."

13. The judicial systems of the states—may they be entirely our own, and may no exotic be engrafted upon the tree of liberty.

14. Our captive brethren in Tripoli—may grape shot prove an effectual tribute for their deliverance. "Galley Slave."

15. Commodore Preble and the officers and men, who fought under him.

16. The memory of the heroes of the American army and navy, who fell in defence of their country's rights. "Logan water."

17. The fair—"though last, not least in love." [ibid.]

On Sunday last, Messrs. Detreshan, Sauve and Derbigny, composing the legation from Louisiana, left this city for New Orleans. It is with unfeigned pleasure that we embrace this occasion of attesting the assiduous attention paid by these gentlemen to the duties assigned them, and the respectful attentions they received from those who had the pleasure of their acquaintance; attentions richly merited by the respectability of their characters and conduct. Though the prayer of the remonstrance they urged, has not, in all respects, been complied with, yet much strong ground has been gained. Their admissibility into the union, without an amendment of the constitution, has received the legislative sanction; and although this event, according to the act passed this session, is rendered dependent on the inhabitants of Louisiana amounting to 60,000, yet should circumstances recommend an earlier admission, all constitutional restraint is removed. Of one thing we speak with absolute confidence. The government of the United States, in all its departments, feels no other sentiment than that of friendship to our brethren of Louisiana; and will rejoice in the arrival of the period which shall give them equal rights with ourselves.