

CONGRESS.

HOUSE OF REPRESENTATIVES.

Friday, January 2.

Mr. Elliot moved the following resolution: Resolved, That a committee be appointed to enquire what amendments and alterations are necessary in the several laws, relative to the organization, powers, and duties of the judicial courts of the United States; and that the said committee report by bill or otherwise.

The resolution was adopted without a division, and referred to Messrs. Elliot, G. W. Campbell, Mumford, Smelt, Boyle, Dwight, M. Clay, Broome and Lloyd.

A letter was received from the Secretary of the Treasury, transmitting the proceedings of the Land Commissioners in the Indiana and Michigan territories, which was referred to the committee on the public lands.

On motion of Mr. Clifton, the petition of sundry British merchants, subjects of his Britannic Majesty, was referred to Messrs. Clifton, M. Williams, Helms, Bishop and Fowler.

Mr. Southard presented a petition from sundry citizens of Washington, praying that a law may be passed authorizing the public lands in the city to be leased out, which was referred to a select committee.

Mr. Dawson, from the committee to whom was recommended the bill providing for the punishment of certain crimes against the United States, reported the bill with an amendment, striking out the third section, which was referred to a committee of the whole on Monday.

Mr. Dana observed that prosecutions, be understood, were depending in the courts of the United States, not arising under any existing statute or treaty of the United States—but prosecutions sustained at common law. In four cases warrants had been issued at the order of the court, the parties arrested and held to trial. Two of these prosecutions were against printers for publications which had appeared in their papers; two against clerical gentlemen for words uttered by them. The charges extended to various questions respecting political conduct, morality and religion. It was a subject of vast importance whether this extensive range should be allowed to a public accuser holding his place at the will of the executive of the United States.

At common law a libeller may be subjected to fine and imprisonment according to the discretion of the court, to which might be added the mutilation of the ears, according to the doctrine of Coke, in the Star Chamber. Security may also be required for good behavior for his whole life. To the amount of fine there was no limitation.

There was also in these prosecutions involved an interesting question as to evidence. Shall the truth of the charges, once established, be considered as conclusive evidence however pure the intentions of the accused may be proved to have been? With this question was connected the provisions of a celebrated declaratory statute carried through the British parliament by a distinguished man, as implicating the point how far this statute affected the common law in the United States. There was likewise another question, viz. whether the person charged with having uttered slanderous words shall have liberty to prove the truth of what he uttered. This liberty was denied by the courts of Star Chamber in England. Such had been the fact in the case of Zeigra in America, and in a case which had recently occurred in one of the States in the second circuit of the United States on the trial of Crawford.

Mr. D. concluded by observing that he had suggested these ideas as an apology for asking that the subject might be examined; and then offered the following resolution:

Resolved, That a committee be appointed to enquire whether prosecutions at common law should be sustained in the courts of the United States for libellous publications or defamatory words touching persons holding offices or places of trust under the United States and whether it would not be proper, if the same be sustained, to allow the parties prosecuted the liberty of giving the truth in evidence; and that the committee report by bill or otherwise.

Mr. Dana moved to refer this resolution to a committee of the whole.

Mr. Bidwell said the object of the resolution appeared to be merely the appointment of a committee to enquire. If the mover would modify it so as to obtain a definition of the principle involved in it, he should have no objection to it. It did not appear to him in order to refer a resolution to the appointment of a select committee to a committee of the whole.

Mr. Dana insisted that the resolution was clearly in order; and that it was unnecessary to give it the form of a specific proposition, so infuse to the subject a full discussion in committee of the whole.

After considerable debate Mr. Epes said if he understood the object of the resolution, it presented two subjects for consideration: the first of which was, whether the common law of England was the law of the land; and the second, whether in cases of prosecution, the accused may give the truth in evidence. He thought the gentleman from Connecticut might get at his object better by two specific resolutions, than by the one he had proposed; he had drawn such resolutions, and would read them by way of argument.

Mr. Epes then read the following resolutions:

1. Resolved, That the common law of England is not a part of the law of the United States, except in so far as it has been adopted by the laws of the United States or of the individual States; and that the prosecution of a person at common law for libel is a violation of the freedom of the press; and contrary to the constitution of the United States.

2. Resolved, That in all prosecutions whether criminal or otherwise, it is the natural right of a citizen to give in evidence the truth.

Mr. Dana said that in preparing the resolutions, which he had offered, he had endeavored to present in the most unexceptionable form; and that the impression that when the subject was before a committee of the whole, it would be referred to the committee of the whole, and that the committee would be authorized to substitute their own resolutions in lieu of his own, he might be considered as agreeing with the gentleman in every word (they contained) whereas it could not be expected that he should be ready readily to pledge himself on any specific resolution, until he had maturely considered it. The gentleman from Virginia had doubtless fully considered them, and was prepared to give his vote without however pronouncing on the principles contained in them; he thought that at least there was some inaccuracy in the language.

Mr. Epes did not imagine that resolutions hastily drawn possessed all the professional accuracy which might be given to them; and very possibly they did not possess all the precision which would have characterized them, if drawn

by the pen of the gentleman from Connecticut. But the objection of the gentleman otherwise was not well founded. If the resolutions he had suggested were to be submitted immediately to the decision of the House, there might be some solid objection; but when it was known that the object was to refer them for discussion, they amounted to no more than an explication of the sentiments of the mover on the subject. Mr. Epes said he religiously believed that the common law of England was never a part of the law of the land, and that when a man was prosecuted, he had a right to give the truth in evidence. If the gentleman persisted in refusing to modify his resolution he would move a postponement for the purpose of introducing his own.

Mr. Speaker said a motion to postpone had no preference over a motion to commit.

After some discussion, Mr. D's resolution was referred to a committee of the whole—yes 57; noes 41—and the resolution made the order of the day for Thursday next.

Mr. J. Clay from the committee appointed on the petition of sundry patentees and Oliver Evans, presented a bill for the encouragement of learning, and the promotion of the useful arts, which was referred to a committee of the whole.

On a motion of Mr. Alexander, resolved that a committee be appointed to enquire if any, and if any, what further provisions ought to be made by law, prescribing the manner in which the public acts, records and judicial proceedings of one state, shall be proved and given in evidence in another state, and the effect thereof, and that they report by bill or otherwise.

Referred to Messrs. Alexander, Tidwell, Fisk, Elmer, Epes, Thompson, N. H. Sandford, R. Nelson, Lewis and Findley.

On motion of Mr. R. Nelson, the message of the President of the United States, of the 15th December, with a report of the surveyor of the public buildings of the City of Washington, was referred to a select committee.

Mr. Dawson observed that in the year 1803, a resolution had been passed by the House, which was the basis of a law for the extension of the external commerce of the United States, for which purpose a small appropriation had been made. The law had been discussed with closed doors; after the passage of which the injunction of secrecy had been removed. Soon afterwards, an expedition had been undertaken by Captain Lewis, Captain Clark and others, which they had been advised, had been attended with all the successes expected. These gentlemen have traced the Missouri to its source, and have passed along the Columbia to the Pacific Ocean, exploring the course of various streams, and making themselves acquainted with the adjacent country and its inhabitants. In doing this, they have traversed an immense country, and have encountered and overcome great difficulties and perils. Mr. D. said they had fortunately returned, and in his opinion, deserved not only the thanks of their country, but likewise the gratitude of posterity. Mr. D. said he had been induced from these considerations to invite the attention of the House to the subject, in the propriety of which he was confirmed by the original communication of the President, which held out the idea, that in the estimate submitted to the House, the sum then appropriated was but a part of what might eventually be necessary.

Mr. Dawson concluded by offering the following resolution:

Resolved, That a committee be appointed to enquire what compensation ought to be made to Messrs. Lewis and Clark, and their brave companions, for their late services in exploring the western waters, to report by bill or otherwise.

This resolution was immediately agreed to without a division, and Messrs. Allison, Barker, Blake, J. Whitehill and Morrow, (Va.) named the committee.

ALMANACK

FOR THE YEAR OF OUR LORD 1807.

Table with columns for months (January to December) and days of the week (Sunday to Saturday), showing the calendar for 1807.

Advertisement for a book titled 'ELEVEN banks of Spain with Cottons' found in the neighborhood of the fall.

WASHINGTON CITY, Jan. 5. We understand that detailed information has been received of the arrangements between gen. Wilkinson and the commanders of the Spanish forces. It appears that the American troops marched from Natchitoches on the 23d of October, and had on the 31st taken their position on the left bank of the Sabine. When they arrived there they found the Spanish forces on the right bank directly opposite, who on the 6th of November fell back to Nacogdoches.

No formal convention has been entered into, but letters had been received by gen. Wilkinson, which contained assurances on the part of the Spanish commanders that their troops should retain their present position, which is at Nacogdoches, until the result of the pending negotiations were known.

In consequence of these arrangements gen. Wilkinson had on the 6th of November moved the greater part of his forces towards New-Orleans, where it was his purpose to concentrate the whole of his strength, as well as that which should be formed by regulars, as by volunteers and militia. With this view the troops from Mobile had been ordered to New-Orleans. About 100 men remained at Natchitoches. The dates are not later than the 14th of November, when general Wilkinson was at Nacogdoches.

The latest accounts from Kentucky represent that resolutions have unanimously passed the House of Representatives of that state, expressing their confidence in the administration of the general government, and their attachment to the union.

FROM THE AMERICAN FARMER.

Remarkable Phenomenon.—A star was discovered on Friday, the 24th of Nov. by a number of respectable inhabitants of Oswego Village, in Tioga County at noonday, as they were in the woods surveying land.—It was first discovered by Mr. Wilder Gaskill; then by Mr. Silas Gaskill, Mr. Higby, the surveyor, and a number of others. It appeared about the magnitude of Venus, a little to the east of the sun, and passed on under the sun: its velocity to appearance, (as they express it,) according to the sun's revolution, about three hours in about 15 minutes, revolving from east to west. They kept sight of it until it sat in the west. The sky was remarkably clear, the sun shone bright, and not a cloud to be seen. This remarkable discovery excites great curiosity; and it is hoped that some of our naturalists will define it to the public.

We learn that 20,000 dollars has been appropriated by our Legislature to the Penitentiary establishment instead of 2000, as erroneously stated a few days since.

We understand that a party of marines, about fifty in number, embarked on Monday morning from Fort M'Henry, for New Orleans, for the purpose of aiding the intentions of government in that quarter.

American Commercial Daily Advertiser. WEDNESDAY, JANUARY 7, 1807.

Our public officers (quoth the Boston Palladium, alluding to General Wilkinson and Western Affairs) are prodigal of INK." Could there be a greater compliment paid to any man or set of men? It is one which cannot be paid to Bonaparte, with all his military fame; for he, alas! is prodigal of BLOOD!

The annual report of the Philadelphia Dispensary states, that the number of patients under the care of that institution, from the first of December, 1805, to the first of December 1806, has been 1819—of whom 1774 had been admitted since last year. Of these 1534 have been cured; 60 have died; 113 have been relieved; 29 removed; 24 were irregulars; and 59 are remaining under care.

Elegant Prints—Proposals, says a New York paper of the 3d inst. have been issued by Col. Trumbull, for publishing by subscription two small Prints—one representing the death of Warren, at the battle of Bunker's Hill; the other, the death of Montgomery, at the attack of Quebec. With the editor of the New York paper, "We hope and believe that the efforts of Col. Trumbull, will be rewarded with that extensive and general patronage, which is due to a gentleman of amiable character and pre-eminent talents."

James B. Esq. of Queen Anne's county, is chosen a member of the council, vice Philip Reed, esq. elected a senator of the United States.

It is with regret that we notice the death of Mr. George Dearborn, son of General Dearborn, who died on his passage to this country.

Marine Intelligence. PORT OF BALTIMORE. ENTERED, Ship Shepherds, Smith, St. Ubes.

Sch's President, Walker, Ann, Osborn, Agenoris, Driscoll, Neptune, Sears, Mary, Wrann, CLEARED, Ship Eleonora, Taylor, Sch'r Mary, Almida, FROM THE MERCHANT'S COFFEE-HOUSE BOOKS, January 6. Arrived, schooner Fanny, Hill, 26 days from St. Pierre, (Mart.)—Sugar and Coffee—Chr. Delhon. The schooner Minerva, Baly, was to sail for Baltimore in 3 or 4 days; brig Alonso, Eurgis, for do. in 10 or 12 days; schr. Felicity, Belle, of do. heaving down; Sally, Martine, do. for Charleston in 16 days. Dec. 31, lat. 36, 26, long. 73, spoke ship Flora, Anderson, from Baltimore to Leghorn, out 48 hours. Saw a black brig ashore, a little to the southward of Cape Henry. Passed a new ship off Swan Point, bound up.

The bill for prohibiting the importation of Negroes into the state of South-Carolina, which was agreed to by the House of Representatives of that state on the 12th ult. was negatived by the senate: And the penitentiary bill, which had likewise passed the House, was laid over in the Senate.

Sale by Auction.

To-morrow, Thursday, The 8th inst. at 10 o'clock, at the vendue warehouse, at the corner of Second and Frederick streets, will commence the sale of DRY GOODS, Amongst which are, 6 bales Blankets, 3 do. Bocking Baise, 1 do. Superfine Cloths, 11 do. Muslins, Calicoes, Cambric Meshins, Worsted and Cotton Hose, Bandanna Hd'ks, Calimancoes, &c. &c.

And at 12 o'clock, 113 hds. good Muscovado Sugar, 60 boxes brown Havana Sugar, 150 bags Coffee, 100 casks of the first quality Raisins, 104 quarter chests Hyson Tea, 36 do. Young Hyson and Hyson Skin do. 25 casks London bottled Porter, 12 pipes Cogniac Brandy, 14 puncheons Rum, Also, for account of those concerned, 13 hds. Fish, and An 11 inch cable of about 70 fathoms long. THOMAS CHASE, Auct'r. January 7

Sale by Auction.

On SATURDAY, The 10th inst., at 11 o'clock, at our auction room, No. 8, Centre Market, A NEGRO GIRL, 22 years of age, for the term of five years. She is a good cook, and is sold only for want of employ. JOSEPH CLARK, Auct'r. January 7

For Freight or Charter,

To any port in the West Indies or South of Europe, The good staunch Schooner FATHER & SONS, 1,000 barrels burthen, now lying at Barron's wharf, and in complete order to receive a cargo. Enquire on board, or to LEMUEL TAYLOR. cotd January 7

For the City of St. Domingo,

The Barque AMELIA, Walter C. Hayes, master; Will sail in 8 days if the navigation is open. Dry Goods, Hardware, and other articles suitable for the market, will be taken on consignment free of freight, the proceeds to be paid in Baltimore upon the return of the vessel, or as soon as advice is received of sales being effected.—Apply to Walter C. Hayes and John F. Brenan, joint supercargoes, or to CHARLES WIRGMAN. dt January 7

MAMMOTH CHEESE

IN MINIATURE. THE subscriber has on hand, a quantity of the RICHEST CHESHIRE-TOWN CHEESE, made in the neighborhood where the Mammoth Cheese was made, for sale, with a choice assortment of GROCERIES, at No. 31, Baltimore-street. W. WOODS. d January 7

POSTPONEMENT.

THE drawing of the German Evangelical Reformed Church Lottery, which commenced on the 29th ult. is postponed until Monday, the 19th inst.; in order to afford the Managers time to collect the different books of tickets which remain in the hands of agents in the country. Persons at a distance, forwarding money for tickets by mail, will please to observe that the postage must be paid on all their letters. January 7 2w4t

Stray Cow.

CAME to the place of the subscriber, in November last, a black COW, white in her face and under her belly, white tail, her horns sawed off within four inches of her head, so ear-mark. Her owner is desired to come, prove property, pay charges, and take her away. HENRY FRANKENBERGER, Near Reister's Town Road, 3 miles from Baltimore. dt January 7

Loft or Stolen!

THREE DOLLARS REWARD, THE subscriber on the night of the 5th inst. lost or had stolen from his pocket, a POCKET BOOK, containing sixteen dollars and eighty cents. Whoever has found, or has possession of it, shall have the above reward on delivering it to the subscriber, or to Joseph Dancy, Tell's Point. JOHN HANBY. dt January 7

COTTON. TWENTY bales COTTON, just landing and for sale by ARMSTRONG & DUNN. dt January 7

For Sale, 650,000 lbs. JAVA COFFEE, and 450,000 lbs. JAVA SUGAR, received by the ship Sidney, from Batavia. Apply to S. SMITH & BUCHANAN, or HOLLINS & McBLAIR. dt January 7

Charles C. Egerton, 82, Bowly's wharf, HAS FOR SALE, 70 hds. Muscovado SUGAR, 1300 lbs. Caracas COCOA, 1117 boxes CLARET, 33 hds. Maryland TOBACCO. dt January 7

George C. Muller, Two doors below the Custom-house, Has received per the Friendship from Hamburg, 20,000 lbs. of SHEATHING COPPER, and METAL NAILS. Also on hand of former importations, A large assortment of GERMAN LINENS, Which he offers for sale on very reasonable terms. dt January 7

W. L. and J. Barney,

HAVE on hand from 1ste importations, and will sell on reasonable terms, 1000 boxes superior Castile Soap, 10 do. German Steel, 10 cases Glass Tumblers, 11 bales Porter Bottle Corks, 1 case well assorted Diaper, 1 do. Shirting Linen, 1 do. Leather do, 1 do. elegant Marble Chimney Ornaments, 1 do. Leghorn Hats, 20 boxes Havana Sugar, and 13 barrels Muscovado do. dt January 7

For Sale,

ABOUT 12,000 bushels COARSE SALT, Received per the ship Shepherds, capt. Smith, from St. Ubes. For terms apply to LEVERING & NELMS. dt January 7

Stock and Stand.

JEREMIAH HOFFMAN intending to decline his present business, will dispose of his Stock on hand (which is a choice and excellent one) on advantageous terms for the purchaser. The Stand, which is a first rate, and well established for fifteen years, can be secured to the buyer of the stock. dt January 7

To be Rented,

THE First and Second MILLS on Jones's Falls, for one year. Possession of the first Mill may be had immediately; and possession of the second may be had on the 15th April next. Any person that would wish to Rent either or both of the above Mills, will please to make immediate application at the office of the Baltimore Water Company. dt January 7

Wood for Sale.

500 Cords of WOOD for sale, about 31-2 miles from the City, on the land adjoining Fletcher's Fish-House. The wood is of the best quality, a great proportion being of black Jack. It will be sold at a reasonable price on the land, or delivered to any part of the city. For terms apply to Mr. Joseph Oldham, cooper, No. 5, South-street, near the Mayor's Office, or at Mr. Chase's wharf, on the west side of Jones's Falls, where a quantity will be deposited. dt Jan. 7

EDUCATION.

THE Academy conducted by G. BOURNE, No. 75, Bond-street, F. E. will open after the Christmas vacation, on Monday, the 12th of January. The object of the tutor being the expansion of his pupil's intellects, combined with the infusion and establishment of the most correct moral principles, so as to render the youths committed to his charge both the ornament and boast of society, necessarily obliges him to confine his number; hence, no more can be admitted than comport with the plan adopted. Three or four vacancies only, at present exist, which may be filled up on application at the academy. The Dead Languages, the French and the English are all taught, and in that manner, which renders the student able, not only to determine with precision the grammatical correctness of the authors whom he may read, but also to feel the beauties which are discernible in consequence of the possession of that peculiar quality of the understanding which we call taste. The common branches of education, such as Book-keeping, Navigation, Arithmetic, &c. receive a due degree of attention—and the whole course of tuition is so arranged, as to suit the views and designs of the parent or guardian who desires the instruction of his youth. The terms may be known, and all enquiries answered by a visit at No. 75, Bond-street, Fell's Point. dt January 7

Tammany Society.

An Adjourned Meeting of the Tammany Society or Columbian Order, will be held at the Council Fire of their Great Wigwag, on Thursday Evening next, precisely at the going down of the sun. H. NILES, Secy. dt January 7

John B. Jauffret,

Has received per the brig Telemachus, from Trinidad, in Cuba, 500 boxes white and brown SUGAR, 300 HIDES, 9 tons FUSTIC. On Board, 500 lbs. yellow Mesquite, called to draw back Rail Cloth. Hyson, Young Hyson, and Imperial Teas, all of which he offers for sale on the usual terms. dt Dec. 18