# American, AND Commercial Daily Advertiser.

PRINTED & PUBLISHED BY W. RECHIN, 31, South Gay-Street. [Printer of the Laws of the Union.]

Daily Paper $7 and Country Paper $5 per ann

☞ All advertisements appear in both Papers

TUESDAY, JANUARY 20, 1807.


## CONGRESS.

### HOUSE OF REPRESENTATIVES.

FRIDAY, Jan. 9.

*DEBATE*

*On the bill providing for the punishment of certain CRIMES against the United States.*

Mr. Bidwell said that a gentleman from Virginia, whom he did now see in the House, had on a former day, suggested that this bill was deficient and needed an additional section. He was of the same opinion. We have, he observed, a statute rendering it criminal to begin or set on foot or provide or prepare the means for a military expedition or enterprize to be carried on against any foreign prince or state, in amity with the U. S. For such an offence a punishment was provided, and some preventative means were authorised. The President, in his message, had submitted to Congress the propriety of adding one further mode of prevention by extending the ordinary process of binding to the observance of the peace and good behaviour to acts to be done out of the limits of the U. S. A recognisance to keep the peace and be of good behaviour towards the U. S. was forfeited by an offence committed within the body of the U. S. but not by an act done on the high seas. A hostile enterprize of any private citizens against a nation in amity with us, endangered the peace and interest of the U. S. Among other means of preventing that evil, it would be useful, and might be necessary, to bring within the reach of a recognisance for keeping the peace and being of good behaviour such acts committed without the limits of the U. S. as would, if committed within our jurisdictional limits, be punishable by the statute referred to. A provision of this kind, he thought would properly make a part of this bill. He therefore moved an additional section, in the following words:

*Be it enacted*, That if any person, for whose keeping the peace and being of good behaviour a recognizance shall hereafter be entered into, in pursuance of the laws of the U. S. shall during the term of such recognizance, without the limits of the U. States carry on or aid in carrying on, or begin or set on foot, or provide or prepare the means for a military expedition or enterprize against any foreign prince or state at peace with the U. States such recognizance shall thereby be forfeited.

Mr. Quincey said he did not perhaps understand the motion. But it appeared to him to extend to any recognisance that might be entered into, in the U. S. If so, it was a very extraordinary provision, and went to affect transactions hitherto considered harmless, and even on a scene so distant as Europe or the East-Indies.

Mr. Bidwell replied that his colleague had not taken a correct view of the section which did not apply to any recognisances that might be entered into, but exclusively to those for keeping the peace and good behaviour to the U. S. which recognisances would under existing laws be forfeited for any of the acts enumerated in the bill, if committed within the limits of the U. S.

Mr. Quincey. Suppose a merchant of the U. S. enters into a recognisance, goes to the West-Indies, and from thence supplies either France or England, both of whom are at peace with the U. S. with the means of carrying on an expedition, the one against the other; is the meaning of the gentleman that recognisances under such circumstances should be forfeited?

Mr. Bidwell. The provision relates only to recognisances made under the U. S. and to which if committed within the U. S. would be by existing statutes indictable offences.

Mr. Dwight said that if he understood the section properly, it was as exceptionable as that already stricken out. It appeared to him to prescribe that if an individual in this country should enter into recognisance and give sureties in consequence of a certain act committed by him within the United States and should afterwards commit other offences out of the U. S. his recognisance shall be forfeited and the sureties become responsible. This seemed to him the most extraordinary attempt ever made in a legislative body. The courts of the United States were authorised to require sureties to an unlimited amount. Were these sureties to expect that such recognisance should extend to the whole life of the person for whom they became bound, and to the other offences which might be committed by him out of the United States? Who was to determine whether these acts were or were not committed? If this was the object of the section, it was one to which he hoped the committee would never give their consent.

Mr. N. Williams observed that he did not feel the force of the objections made by gentlemen to the amendment under consideration. He confessed, however, that he might not understand the subject well, as he was not in his place when the amendment was proposed, and had not time to examine it as he ought, to give an opinion as to its correctness. But if there was something novel, surely there was nothing inconsistent or improper in its provisions. It seemed to him as only extending that practice which was adopted he believed in every state in the union, of binding citizens to their good behavior upon proper grounds, to cases which might arise out of the jurisdiction of the U. S. And this might be proper, in order to preserve peace with foreign nations. But some gentlemen objected to such a proceeding, on the ground that the recognisance would be general, and that it might be very difficult for the citizen to find sureties against offences not particularly specified. To which Mr. W. said it might be answered, that there is no man perhaps in society, that has not some friend or neighbor, who will be bound for his good behavior in whatever place he may be—and that if suspicion was so strong and well founded against him, as to disable him to obtain this security, the peace and welfare of the country demanded, that he should be put into a place of safety. He was somewhat surprised too, that this objection should be urged by gentlemen from Connecticut, where, if the was rightly informed (and it was detailed in the newspapers) one of its citizens was at the present time in prison for not finding sureties for his general good behavior.

Mr. Dawson observed that this had been a subject of mach difficulty in the select committee that reported the bill. It seemed to be the undoubted right of a citizen of the U. S. to withdraw himself from the country whenever he pleased. Under such a provision as this a man might give security for his good behavior, and afterwards join in war with a nation against a nation at war with the U. S. and thereby forfeit his recognisance. There were so many objections, Mr. Dawson said, to such a provision, that he could not give it his vote.

[To be Continued.]

## LETTER

From the Secretary of the Treasury, transmitting a statement of the amount of deposits of the public money in the United States and other banks for the last three years; together with a table shewing the balances in favor of the United States remaining in the said banks respectively, for that period, distinguishing the amount in each year.

Referred to the committee appointed December 22, 1806, on the petition of the President and Directors of the Manhattan Company of the city of New-York.

*Treasury Department, December 20, 1806.*

SIR,

I have the honor to transmit herewith a report prepared in obedience to a resolution of the house of representatives of the 8th instant. I have the honor to be very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

The Hon. the Speaker of the House of Representatives.

Report.—The Secretary of the Treasury, in obedience to the resolution of the house of Representatives of the 8th instant, respectfully reports:

That the receipts into the treasury have amounted—

| | | |
|---|---|---|
| During the year ending on the 30th day of September 1804, to — | D.11,574,211 04 | |
| During the year ending on the 30th September 1805, to | 13,611,753 96 | |
| During the year ending on the 30th September 1806, to | 14,975,800 53 | |
| | 40,161,765 53 | |

That of the abovementioned sums, the following sums, consisting of drafts in favor of individuals, on collectors and others, and of advances made bythem, have not passed through the medium of the banks, viz.

| | | |
|---|---|---|
| During the year ending on the 30th September, 1804, | 653,344 58 | |
| During the year ending on the 30th September, 1805, | 508,877 76 | |
| During the year ending on the 30th September, 1806, | 468,034 47 | |
| | | 1,634,156 81 |

That all other monies paid into the treasury during the above mentioned three years, were paid and deposited by the collectors and other persons, into the following banks, that is to say,

| | | |
|---|---|---|
| In the bank of the U. States, at Philadelphia, and its several offices of discount and deposite at Boston, New-York, Baltimore, Washington, Norfolk, Charleston, Savannah and New-Orleans, | | |
| During the year ending on the 30th of Sept. 1804, | 10,891,315 50 | |
| During the year ending on the 30th September, 1805, | 12,203,875 99 | |
| During the year ending on the 30th September, 1806, | 13,600,688 12 | |
| | | 36,195,819 79 |
| In the bank of New-Hampshire, | | |
| During the year ending on the 30th September, 1804, | 1,465 81 | |
| In the bank of Hartford, | | |
| During the year ending on the 30th September, 1804, | 107 10 | |
| In the bank of Albany, | | |
| During the year ending on the 30th September, 1804, | 2,013 53 | |
| In the bank of Providence, | | |
| During the year ending on the 30th September, 1804, | 160,050 | |
| In the Roger Williams bank, Rhode-Island, | | |
| During the year ending on the 30th of September, 1804, | 62,000 | |
| During the year ending on the 30th of September, 1805, | 253,500 01 | |
| During the year ending on the 30th of September, 1806, | 190,561 12 | |
| | | 506,061 13 |
| In the bank of Newport, | | |
| During the year ending on the 30th of September 1804, | 47,365 97 | |
| During the year ending on the 30th of September, 1805, | 88,900 | |
| During the year ending on the 30th of September, 1806, | 87,500 | |
| | | 223,765 97 |
| In the office of discount and deposit of the bank of Pennsylvania, established at Pittsburg, | | |
| During the year ending on the 30th of September, 1804, | 225,781 98 | |
| During the year ending on the 30th of September, 1805, | 486,325 45 | |
| During the year ending on the 30th of September, 1806, | 477,659 89 | |
| | | 1,190,277 27 |
| In the bank of Columbia, district of Columbia, | | |
| During the year ending the 30th of Sept. 1804, | 25,952 96 | |
| During the year ending the 30th of Sept. 1805, | 16,400 | |
| During the year ending the 30th of Sept. 1806, | 37,269 93 | |
| | | 79,649 89 |

That the monies thus deposited have been drawn from time to time, in order to discharge the public expenditures, and have also sometimes been transferred, as the public service required, from one part of the union to another and from one bank to another; so that the balances actually deposited in the several banks, have fluctuated from week to week and from day to day; a circumstance which renders it impracticable, without great delay, to give a precise statement from which to deduce the average balances or permanent deposits in each bank.

That the annexed table exhibits the balances which were actually deposited in each bank, on the last days of every quarter of the three years aforesaid, being the days on which the treasurer's accounts are periodically settled by the accounting officers of the treasury: but that the largest regular payments being made by the treasury towards the end of each quarter, it follows, that the balances, particularly in the bank of the United States and its branches have generally been greater than is there exhibited.

And that taking that table as the basis on which to form an estimate, it appears that the average balances in the several banks, in which public monies are now deposited, which balances may be considered as the permanent public deposits in such banks, have, for each of the three years aforesaid, amounted to the following sums, that is to say.

| | | |
|---|---|---|
| In the bank of Alexandria, | | |
| During the year ending 30th of Sept. 1804, | 2,913 66 | |
| During the year ending 30th of Sept. 1805, | 53,374 75 | |
| During the year ending 30th of Sept. 1806, | 114,050 | |
| | | 170,338 41 |
| Am't. altogether to | | $40,161,765 53 |
| In the bank of the United States & its several branches, as above mentioned, | | |
| During the year ending the 30th September 1804, | $4,217,899 32 | |
| Do. 1805, | 3,509,526 46 | |
| Do. 1806, | 3,821,428 28 | |
| In the bank of Pennsylvania and its branch at Pittsburg, | | |
| During the year ending the 30th September 1804, | 157,847 82 | |
| Do. 1805, | 348,295 55 | |
| Do. 1806, | 315,858 39 | |
| In the Roger William bank, | | |
| During the year ending the 30th September 1804, | 62,000 | |
| Do. 1805, | 84,884 56 | |
| Do. 1806, | 47,460 43 | |
| In the New Port bank, | | |
| During the year ending the 30th September 1804, | 23,572 08 | |
| Do. 1805, | 36,769 26 | |
| Do. 1806, | 28,418 89 | |
| In the bank of Columbia, | | |
| During the year ending the 30th September 1804, | 39,837 89 | |
| Do. 1805, | 28,951 89 | |
| Do. 1806, | 37,862 34 | |
| In the bank of Alexandria, | | |
| During the year ending the 30th September 1804, | 13,080 18 | |
| Do. 1805, | 11,298 44 | |
| Do. 1806, | 39,716 85 | |

All which is respectfully submitted.

ALBERT GALLATIN,
Secretary of the Treasury.

TREASURY DEPARTMENT, Dec. 19, 1806.

## A TABLE

*Exhibiting the balances of cash remaining in each of the Banks in which the monies belonging to the Treasury of the United States are deposited, on the last day of each quarter, from the 1st October, 1803, to the 30th September, 1806.*

| BANKS. | Balance on the 31st December, 1803. | 31st March, 1804. | 30th June, 1804. | 30th September, 1804. | 31st December, 1804. | 31st March, 1805. | 30th June, 1805. | 30th September, 1805. | 31st December, 1805. | 31st March, 1806. | 30th June, 1806. | 30th September, 1806. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bank of the United States, Office of Disc. and Dept. Boston, | 996,047 40 | 512,517 1[illegible] | 945,955 12 | 1,614,945 56 | 1,139,905 89 | 479,602 62 | 591,672 79 | 623,365 16 | 554,488 88 | 261,288 15 | 717,952 60 | 877,505 57 |
| New-York, | 588,078 90 | 68[illegible],653 28 | 707,663 64 | 783,550 05 | 666,999 33 | 860,499 48 | 1,310,454 48 | 1,170,450 86 | 818,569 90 | 794,820 79 | 1,035,691 48 | 1,113,714 50 |
| Baltimore, | 1,244,276 50 | 438,471 11 | 1,331,307 96 | 888,026 09 | 702,768 95 | 458,088 69 | 1,034,403 20 | 1,100,124 33 | 1,097,099 53 | 1,337,432 93 | 1,363,129 75 | 1,340,620 20 |
| Washington, | 616,177 85 | 561,879 42 | 389,502 6 | 497,437 55 | 227,208 09 | 196,014 56 | 360,832 51 | 366,406 75 | 431,430 78 | 108,760 28 | 96,788 70 | 224,560 07 |
| Norfolk, | 229,648 17 | 92,323 3[illegible] | 73,136 82 | 218,024 85 | 178,034 00 | 87,646 45 | 49,245 43 | 105,601 80 | 72,398 25 | 134,927 86 | 77,457 49 | 505,740 24 |
| Charleston, | 471,978 04 | 342,963 22 | 79,586 61 | 141,080 66 | 168,339 54 | 162,063 91 | 401,490 71 | 251,359 05 | 332,406 77 | 220,430 34 | 215,984 08 | 180,595 45 |
| Savannah, | 430,224 27 | 164,563 24 | 187,096 34 | 331,818 34 | 305,644 96 | 216,694 72 | 219,038 49 | 161,318 08 | 159,180 05 | 74,225 62 | 183,781 31 | 244,975 12 |
| N. Orleans, | 138,591 96 | 58,012 13 | 90,098 42 | 116,007 60 | 150,445 89 | 54,114 57 | 99,577 76 | 84,677 79 | 119,720 83 | 139,110 11 | 79,808 81 | 62,028 62 |
| Bank of New-Hampshire, | | 3,646 37 | | | | | | 43,000 00 | 121,000 00 | 213,879 90 | 167,525 21 | 236,748 92 |
| Bank of Providence, | 9,232 72 | 33,813 41 | 71,813 41 | 41,119 41 | 10,513 41 | 61,689 41 | 99,489 42 | 97,389 42 | 37,089 42 | 64,625 06 | 27,963 06 | 60,164 16 |
| Roger Williams' Bank, | 37,677 41 | | 26,299 97 | 62,000 00 | 36,683 47 | 31,472 36 | 39,990 23 | 38,930 98 | 14,368 19 | 25,868 19 | 22,368 19 | 51,070 99 |
| Newport Bank, | | 7,155 29 | 37,269 97 | 37,269 97 | 385 60 | 385 60 | | | | | | |
| Bank of Hartford, | 603 40 | 378 50 | 378 50 | | | | 290,931 25 | 439,531 25 | 172,628 17 | 172,628 17 | 172,628 17 | 572,628 17 |
| Bank of Albany, | 2,013 53 | 1,078 86 | 596 87 | | | | 155,172 06 | 67,354 70 | 2,674 15 | 28,729 82 | 98,968 [illegible] | 42,548 43 |
| Bank of Pennsylvania, | | | | | 120,000 00 | 140,031 25 | 11,801 89 | 18,801 89 | 20,301 89 | 23,218 40 | 38,423 86 | 69,595 22 |
| Office of Discount and Deposit Pittsburg, | | 116,123 60 | 163,637 93 | 197,781 93 | 180,732 39 | 3,9 25 | 18,407 31 | 7,307 31 | 46,012 19 | 22,812 19 | 44,764 69 | 45,278 36 |
| Bank of Columbia, | 29,930 89 | 40,700 89 | 44,312 89 | 44,401 89 | 52,601 89 | 32,001 39 | | | | | | |
| Bank of Alexandria, | 35,330 51 | 6,256 17 | 6,226 17 | 4,597 87 | 4,721 85 | 14,757 31 | | | | | | |
| | 4,825,811 60 | 4,060,542 16 | 4,119,558 34 | 4,884,351 35 | 4,036,985 26 | 2,795,992 07 | 4,681,607 50 | 4,575,634 37 | 3,999,168 99 | 3,322,454 81 | 4,343,[illegible] | 5,447,584 76 |

A London paper of the 8th November, contains the following interesting decisions in the English courts of law.

COURT OF KING'S BENCH, Nov 8.

*Earl and others* v. *Rowcroft.*

Mr. Garrow moved for a rule to shew cause why the verdict obtained by the Plaintiff in this cause, should not be set aside and a new trial granted. The cause was tried at Guildhall, at the Sittings after last term, and was an action upon a Policy of Insurance on the ship Arabella, employed in the African trade. The captain sailed with instructions almost unlimited, except that in every part of them he was desired to make the greatest dispatch in the purchase of his cargo at the best market. He sailed first for Cape Coast, but, upon his arrival there finding that slaves were difficult to be procured, and being informed that they were to be obtained more easily at Dalmena, a small Dutch port, where there subsisted a mutual courtesy between the traders of each country, although Great-Britain was at that time at war with Holland, he went there, and traded without molestation from the Dutch. Whilst he continued there, an English frigate hove in sight, by which his vessel was taken, with some of the Dutchmen, and was afterwards ultimately condemned. In going to this port he was acting for the supposed advantage of his employers. The question was, whether this amounted to Barratry.

For the Plaintiff it was contended, that it was Barratry in the captain to sail to an enemy's port with knowledge of its being so; and in order to shew that it was not, it was insisted that the defendant should clearly prove by his evidence, that the plaintiffs had directed their captain to go there. It appeared that the master or captain of the vessel had no particular advantage in view for himself, by going to Dalmena, which did not also turn to the advantage of his employers. The only advantage he could have, would be by getting earlier to a market, by anticipating others, by arriving more early at his market, and thereby obtaining a greater price for his slaves, and consequently a greater sum by way of percentage for himself; which it was obvious would also increase the profits of his employers. It was proved that it was usual for the English and Dutch Merchants, at the port of Dalmena, to co-operate very cordially together in the Slave Trade even during times of war between their respective nations.

Lord Ellenborough—The captain entered into an enemy's port, and rendered himself subject to capture, without any direct authority from his owners; but as he had no advantage in view, but that which he had in common with his owners, I doubted whether it was Barratry; I, therefore, gave liberty to move this point and it is fit the question should be considered. As to the agreement between the Dutch and English merchants, that perhaps will not help you, although it be usual; for they are acting in direct violation of the law.

COURT OF COMMON PLEAS, Nov. 7.

*Carrington* v. *Roberts.*

This action had been tried before Lord Chief Justice Mansfield at the sittings after last term at Guildhall. It was an insurance question, and reference had been made at the time of trial to Mr. Waddington, one of the jury, to ascertain the amount of average damages. Mr. Waddington on a full investigation of the case, was of opinion that a general average, as to some articles and a particular average as to others, ought to be made, but he found himself restrained from making such report in consequence of certain observations which had fallen from the learned judge at the trial, seeming to import that it was referred to him to ascertain only the particular average.

Mr. Serjeant Shepherd in this situation moved for a rule to shew cause why the reference to Mr. Waddington should not be amended so far as to enable him to make a report as to a general as well as a particular average. The facts of the case were these; the ship was insured under one policy, and the cargo under another.—Being pursued by a privateer under Dutch colors, and forced to lie to, the sea however being so high that the privateer could not come on board, another sail appeared in sight. On this, the captain held a consultation with his crew, whether they would not make an effort *for the sake of preserving the ship and cargo?* They agreed; a press of sail was accordingly made, and they were fortunate enough to escape, though by the extraordinary exertion the ship was greatly strained; some of her masts and rigging were broken to pieces & she was otherwise much damaged. Mr. Waddington was of opinion that this being a benefit conferred not on the ship only