## *Congreſs of the United States.*

### HOUSE OF REPRESENTATIVES.

*Wedneſday, February 2, 1803.*

[DEBATE CONTINUED.]

*On Mr. Bayard's Motion reſpecting French Spoliations.*

Mr. Huger had no heſitation in ſaying this was a queſtion of great moment, and one well worthy of the deliberate attention of the houſe. To be ſure if there was a great preſs of important buſineſs, we would acquieſce in its poſtponement. But this was not the caſe. There was no buſineſs before the houſe of preſſing importance. He was in favor of a fair and full inveſtigation of the ſubject. The motion to make it the order of the day for the laſt day of the ſeſſion when the preſs of other buſineſs would abſolutely preclude an attention to it was tantamount to a refuſal of all inveſtigation whatever. Unleſs the motion was withdrawn, he would therefore call the yeas and nays.

Mr. Bacon ſaid his mind preponderated againſt the claim. But to him it appeared that a poſtponement to ſuch a day would be the ſame as declaring the claim ſhould not be attended to. If the claim ſhould be ſuſtained by the vote of the houſe, it would ſurely require more than one day to make the neceſſary arrangements for carrying it into the ſhape of a law.

Mr. Bayard. No doubt the obſervation of the gentleman from Maſſachuſetts is correct that a poſtponement to the laſt day of the ſeſſion is in effect preciſely the ſame as to reject the claim altogether.—Gentlemen ought to conſider that our ſole object is to bring into diſcuſſion the claims of our citizens. I do not undertake to expreſs any opinion of the validity of the claims. No member on the floor is leſs perſonally or locally intereſted than I am. But I do think that no claim whatever of the meaneſt nature ſhould be decided upon until the party is heard. Many of our citizens, who have incurred loſſes, ſuppoſe they have an equitable claim on the government. The claims have been announced in the public papers, and in petitions on the files of this houſe. Is it then for this houſe to ſay they will not attend to the petitions of our citizens? For what do we ask? Simply, for a diſcuſſion, and that a deciſion ſhall not be made, until thoſe, who conſider themſelves aggrieved, ſhall be heard. Are gentlemen unwilling to truſt themſelves, leſt their own conſciences ſhould compel them to an act of juſtice? But I will abſtain from going into the merits of the ſubject. I will only repeat that there is no petition, however worthleſs, but the houſe pays it a decent reſpect; by referring it, and allowing time for its examination. Will they then, in a caſe of ſuch magnitude as this, where there are ſo many claims, ſo variouſly characteriſed; will they refuſe this ordinary meaſure of reſpect? I will expect a different deciſion from the juſtice and candor of the houſe.

Mr. R. Williams ſaid he would withdraw his motion, and move that the ſubject ſhould be made the order of the day for the 1ſt day of March, which would allow ſufficient time to a full and fair inveſtigation.

Mr. Smilie did not know what the gentleman from Delaware meant, when he ſaid we were not willing to truſt our conſciences. He hoped every gentleman had as good a conſcience as the gentleman himſelf. For his own part if there was time to diſcuſs this ſubject, he would be willing to hear it diſcuſſed, and it would then appear who brought the merchants into their misfortunes, and who occaſioned their loſſes. But as he believed there was not now time, he thought it beſt to poſtpone the conſideration of the ſubject until the next ſeſſion, when it would fully appear who had been the friends, and who the enemies of our merchants. In the mean time he would only add that he would never be one of thoſe who would conſent to tax the agricultural intereſts of the country to pay the merchants.

Mr. Rutledge obſerved that it was important that our merchants ſhould be extricated from their preſent embarraſſments. They wiſh to know the diſpoſition of congreſs on their claims. This cannot be done if the preſent motion obtain: for the ſubject in that event, will be preciſely diſpoſed of this ſeſſion as it was the laſt. It was then referred, at an early period, to a committee, with whom it ſlept until near the cloſe of the ſeſſion when a report merely of facts was made. The report was then made at a late day of the ſeſſion, and the houſe never took it up. It is now propoſed to be poſtponed until a very late day of this ſeſſion, and it will then not be taken up.

Whatever the opinions of ſome gentlemen may be, it is a fact that many honorable and unfortunate merchants are now ſtruggling with their misfortunes, produced by French ſpoliations, whom the hope of relief from government has ſaved from ruin. They wiſh to know their fate, and no longer to be kept in ſuſpence. Let their claims then be decided at once; and if gentlemen are ready to ſay they ſhall not be indemnified for loſſes which but for the renunciation of the treaty they would have been indemnified for by France, let them ſay ſo. It is known that France would have indemnified for theſe loſſes but for the treaty. The moſt reſpectable letters have been received from France to this effect; and Mr. R. ſaid the fact was within his own perſonal knowledge.

Under theſe circumſtances the claims ought to be taken up, and decided upon ſpeedily. If the gentleman was ſerious in naming ſo late a day the houſe muſt be troubled with the calling of the yeas and nays; as it was impoſſible to expect that any thing that would be effectual, could be done after the firſt of March, as all the meaſures adopted by the houſe required the concurrence of the ſenate, and the details of a law.

Mr. R. Williams ſaid he never permitted himſelf to propoſe any thing to that houſe in which he was not ſerious. He was ſerious in his belief, that if his motion ſhould be adopted there would be full time allowed for an inveſtigation of the ſubject. He was in favor of the diſtant day he had named, inaſmuch as he was convinced it would protect the houſe from the unneceſſary conſumption of a great deal of time, and which, if taken up now, would interfere with the tranſaction of much important buſineſs. Full time would ſtill be allowed to decide the queſtion of indemnity. He did not know that more was required this ſeſſion by any body. He had not heard any member ſay that a law would be neceſſary this ſeſſion. All that was required was a deciſion preparatory to a law. In his opinion this was an improper time to diſcuſs the merits of the ſubject; he ſhould therefore make no reply to obſervations of this nature, which he thought had been improperly offered at this ſtage of the buſineſs.

Mr. Bayard ſaid he had fallen into the ſame miſtake with his honorable friend from South-Carolina in conſidering the gentleman from North-Carolina as not in earneſt in the motion he had made. He had not thought him ſerious, as the day named by him was ſo late as not to allow time ſufficient for a fair diſcuſſion. The gentleman was not a new member and his experience could tell him how imperiouſly the houſe were occupied during the two or three laſt days of its ſitting, in details indiſpenſably neceſſary to complete buſineſs already begun. He had ſeldom known the cloſe of a ſeſſion when it had not been neceſſary to ſet on Sunday or till midnight. How then could it be expected that at ſuch a period even the ſemblance of juſtice could be done to the ſubject? Whereas if it were earlier attended to, they might conſult their own convenience. If it happened, as had heretofore been the caſe, that they had more time than they knew what to do with, a much earlier day could be fixed on. But ſhould the ſubject be poſtponed till the firſt day of March, it might be ſaid if the houſe ſhould not then go into committee on it that a day ſo late had been named with a view of deferring the ſubject to the next ſeſſion. While if the houſe, actuated by magnanimity and juſtice ſhould go into its conſideration, it would put it in the power of a minority, or even a few members, to prevent the tranſaction of other important buſineſs. Mr. B. ſaid he would not pledge himſelf—but he rather thought the ſubject could be diſcuſſed in the courſe of one day.

The gentleman from Pennſylvania had miſtaken him on the point of conſcience. This was not aſtoniſhing as that gentleman often made miſtakes. He had ſaid nothing about the conſcience of that gentleman, as he knew nothing about it. He had aſked whether gentlemen were unwilling to truſt themſelves, leaſt their own conſciences ſhould compel them to an act of juſtice. This was all he had ſaid, and it had not been ſaid with any view to impeach the conſcience of any gentleman on the ſubject.

Mr. Bacon hoped this buſineſs would be ſo conducted as to ſhew a diſpoſition on the part of the houſe to meet theſe claims on honorable and fair principles, and ſo as to manifeſt no indiſpoſition to a fair and full diſcuſſion. It was undoubtedly a ſerious queſtion. There were a number of reſpectable characters intereſted in the deciſion—reſpectable, becauſe citizens of the United States. He hoped their claims would be treated with all the candor and liberality they had a right to expect. He apprehended that two or three days were not ſufficient, amidſt the crowd of other buſineſs at the end of a ſeſſion, for a fair and full examination. He ſhould therefore vote againſt the motion.

Mr. Dawſon hoped the motion would prevail. A reſolution in a great meaſure ſimilar to that now propoſed by the gentleman from Delaware had been offered ſome time ſince by a gentleman from New-York. It was moved to refer that motion to a committee of the whole and negatived; afterwards a motion was made to refer it to a ſelect committee, which was alſo negatived. He did conclude from theſe deciſions that a majority of the houſe were not diſpoſed to diſcuſs the merits of the queſtion this ſeſſion. He believed this was ſtill the ſentiment of the majority, who conſidered the ſubject as not yet ripe for deciſion. He, therefore, thought the taking it up at an early day would only ſerve to waſte time.

Mr. Gregg ſaid that ſo far as his mind was made up, he was againſt the claim; but he was, notwithſtanding in favor of a full diſcuſſion of it. The ſubject had been attended to. The committee appointed laſt ſeſſion had gone into a laborious inveſtigation of it; and had made a report containing very important ſtatements and facts. He wiſhed the conſideration to be ſo far delayed, as to allow time for the printing of this report. He was againſt a poſtponement to the firſt day of March; but thought the ſecond Monday in February would anſwer.

Mr. Thatcher ſaid he felt greatified at the houſe manifeſting more liberality in giving an opportunity now to diſcuſs the ſubject than had been manifeſted before. Attempts made during the laſt ſeſſion to diſcuſs the ſubject had ended in nothing. This ſeſſion, when the gentleman from New-York (Dr. Mitchill) had offered a reſolution, it had been negatived. The motion of the gentleman from Delaware, (Mr. Bayard) to take up the preſent reſolution had alſo been negatived. But now a conſiderable majority were for taking it into conſideration. He was, however, ſurpriſed at the motions for making the conſideration of the ſubject the order of the day for the 1ſt and 3d of March, as they would in effect fruſtrate all diſcuſſion from the preſs of other buſineſs. The ſubject was of infinite importance, millions depended upon the deciſion. The merchants were anxious to know the reſult. A ſtate of ſuſpence was, of all ſtates, the moſt painful to them. Why then put off the deciſion of a claim in his opinion juſt, and to which the houſe ought not to ſhut their ears?

Mr. Euſtis ſaid whatever may have been the intention of the mover to poſtpone to the 1ſt of March, and of the intentions of gentlemen on this or any other occaſion, he had no diſpoſition to enquire—the tendency of the poſtponement will be to preclude a deliberate diſcuſſion. Thoſe more converſant with the courſe of buſineſs knew better than he did, the preſſure of buſineſs which neceſſarily crouded the laſt days of a ſeſſion; and he was more averſe to the motion from the avowal of an honorable gentleman from Virginia (Mr. Dawſon) who had riſen to ſupport the motion, and avowed his principal reaſon to be a conviction that the preſent congreſs ought not to take any deciſive meaſures on the ſubject of the claims. He differed widely from that gentleman. Independently of the magnitude and extent of theſe claims and of the ſituation of the concerned, the houſe were called upon by a ſenſe of public duty to beſtow upon them a cool and deliberate conſideration, which on ordinary occaſions was extended to applications of an individual and inferior nature. The common courſe of buſineſs brings this ſubject to view. It will be recollected that at the laſt ſeſſion of congreſs, the memorials of the claimants were referred to the conſideration of a ſelect committee. That committee reported a ſtate of facts, and cloſed their report with the following words:

"Upon the whole view of the caſe, the committee ſubmit it to the houſe, to determine whether the government of the United States be, in any reſpect bound to indemnify the memorialiſts; and whether there be any ground for diſcrimination between the caſes of loſſes ſuſtained before the acts of the 28th of May, 1798, the 7th of July, 1798, and the 9th of July, 1798; and caſes of loſſes ſuſtained after thoſe periods."

From the late day of the ſeſſion in which this report was made, no order was taken on it, no diſcuſſion was had. By this part of the report facts are offered for conſideration; data are furniſhed; a diſcrimination, in point of time, and of courſe in point of merit, is made; and the final determination is ſubmitted to the houſe.

A ſenſe of juſtice to the memorialiſts and a ſtrong ſenſe of public duty require that we meet the queſtion and come to a deciſion. Thoſe who appear already to have judged the queſtion may poſſibly ſee in the ſtatements which have been made and the arguments by which the claim ſhall be ſupported, reaſons to alter their opinions. In any event and eſpecially after a diſcuſſion, in caſe of an adherence to thoſe opinions they appear already to have formed, if they fail to produce conviction on others, the reaſons on which they ground thoſe opinions may be uſeful to the houſe, and will accompany and juſtify the vote they ſhall finally give. When the queſtion ſhall be decided (and I hope it will be in favor of an earlier day than that moved for) I ſhall move that the report of the committee of the laſt winter ſhall be referred to the committee of the whole, together with the reſolution under conſideration. It will be alſo proper at that time to give a ſecond reading to the memorials which have been preſented; the grounds on which they reſt their claim will be brought again into view, and by giving them a free diſcuſſion and conſideration we ſhall be better enabled to come to a juſt deciſion. Theſe claims *(like conſcience)* are of no party, the misfortune has been indiſcriminate, and it is to be expected the final determination will be juſt.

Mr. Holland advocated a full diſcuſſion, and the aſſignment of an early day.

When the yeas and nays were taken, on making it the order of the day for the 1ſt of March, and were, yeas 74; nays 18.

On motion of Mr. Bayard it was made the order for the ſecond Monday in February.

The houſe went into a committee of the whole on the bill to prevent the importation of certain perſons prohibited by the ſtates—Mr. John C. Smith in the chair.

This bill originated in a petition from the citizens of Wilmington, N. C. and is contemplated to guard, by the impoſition of heavy penalties, &c. againſt the introduction into the United States of brigands from the French Weſt-India iſlands.

The committee progreſſed in the conſideration of the bill, reported progreſs, and obtained leave to ſit again.

*Thurſday, February 3, 1803.*

The bill entitled an act ſupplementary to the act concerning conſuls and vice-conſuls, and for the further protection of the American ſeamen, was read a third time, and paſſed.

The houſe again reſolved itſelf into a committee of the whole on the bill to prevent the importation of certain perſons, whoſe importation is prohibited by certain ſtates, and made certain amendments therete.

*Friday, February 4, 1803.*

A meſſage was received from the preſident reſpecting certain complaints made of the incompetency of judge Pickering of New-Hampſhire to diſcharge the duties of a diſtrict judge of the United States.

Referred to a ſelect committee.

On the motion of Dr. Mitchill the memorial of the mechanics and manufacturers of New-York, connected with ſhip building and the attendant arts, was ordered to be printed.

The houſe took up the amendments of the committee of the whole to the bill to prevent the importation of certain perſons, &c.

Mr. Hill, in order to accommodate the bill to ſome gentlemen who had expreſſed their opinions, moved an amendment withholding its operation until the 1ſt day of May next.

Mr. Lowndes ſpoke againſt this amendment.

Mr. Hill withdrew it.

Mr. Wadſworth renewed it.

The amendment was ſupported by Meſſrs. Thatcher, Dennis, S. Smith, Elmendorf, Haſtings, R. Williams and Bacon, and oppoſed by Meſſrs. Rutledge, Lowndes, Claiborne, Holland and Randolph; and on the queſtion being taken, was loſt, ayes 36; noes 40

Mr. R. Williams then moved to limit its operation from the 1ſt day of April. Carried. Ayes 40; noes 37.

After a ſhort debate, the bill was ordered to be engroſſed for a third reading on Monday.

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BOSTON, January 31.

COMMERCIAL.

At Dominique, December 21, flour 12 dollars. The Norwich paper of the 26th inſtant, ſays, "that a ſloop arrived at New-London on Sunday the 23d, in 20 days from Surrinam, the captain of which informs, that beef was ſelling at 45, and pork at 50 dollars per barrel at that place"!!

NEW-YORK, Feb. 4.

Entered, ſhip Kingſton, Stevens, London, 47 days; brig Agenoria, Shoemaker, Liverpool, 72; Olive, Shepherd, Havanna, 15; ſchooner Hector, Chriſtie, Port-Antonio, Jamaica, 24; Triall, Barker, Charleſton, 8; Riſing Sun, Ripley, Antigua, 22; Charity, Norham, Edenton, 4; Priſcilla, Lumbard, do. 4; Hetty, Hall, do. 7; ſloop Almira, Mann, do. 4.

Cleared, ſhip Telegraphe, Ingraham, Liverpool; ſchooner Sincerity, Rogers, Antigua and St. Croix; ſloop Admiral Duncan, Newſon, New-Providence.

Schooner Union, Snow, of Boſton, from this port, bound to Wilmington, is totally loſt at the New-Inlet near Waſhington. Crew ſaved.

The Union, Gemmel, is arrived at Portſmouth from Baltimore, and was put under quarantine. Britiſh ſhip Laſcelles, Oſier, is arrived at Portſmouth from Norfolk.

*From Lloyd's Liſt, November 30.*

*At Graveſend*—Jane, Callender, Virginia; Mariner, Heally, do.; Maryland, Webb, New-York. *At Dartmouth*—Waſhington, Liddle, N. York. *At Liverpool*—Polly and Sally, Wickey, Virginia; David and George, Abeel, New-Orleans; Independence, Wickham, Baltimore. *At Deal*—Ruſſel, Richardſon, Charleſton; Surprize, Carnu, Virginia. *At Clyde*—Diana, Campbell, Charleſton; Martha Bland, Harnet, Virginia. *At Cork*—Baltimore, Hart, Baltimore.

*Arrived ſince our laſt,*

Ship Kingſton, Stevens, owned by H. Huttleſton of New-Bedford, in 47 days from London. Left at London, the Fair American, Flowers; Oneida Chief, and Maryland, Webb; the laſt arrived there about the 30th of November. The Engliſh ſhip Friends ſailed for this port with the Kingſton. The Fair American was to ſail the firſt of February. The ſhip Ann had arrived at Hull.

Brig Agenoria, Shoemaker, 70 days from Liverpool. Left there the ſhip General Mercer, Morris, to ſail the firſt of March; ſhip John Adams, of Boſton; brig Sally, of Salem; and ſeveral others, names not recollected. December 29th, in lat. 42, long. 56, ſpoke an Engliſh ſhip from Virginia bound to London, out 5 days. Feb. 1, the Hook bearing W. N. W. diſtant 18 leagues, ſpoke ſch'r John and Ann, out 35 hours from New-York, bound to Sligo. Same day ſpoke brig Jefferſon, bound from this port to Sligo, out 35 hours.

Brig Olive, Shepherd, 15 days from Havanna, belonging to Chatham (Con.)—Left at Havanna, ſch'r Sally, of New-Haven, to ſail in a few days for this port; a ſhip belonging to Charleſton, for this port, to ſail in a few days. Flour at Havanna, 10 dollars.

Schooner Sally, Jones, 7 days from Wilmington, N. C. Saw a large ſchooner, a brig bottom upwards, ſeveral of her ſpars floating; blowing freſh, could not pick up any.

Schooner Nancy, Gray, 7 days from Richmond. January 27, lat. 39, 40, long. 72, ſpoke ſchooner John, bound from Alexandria to Boſton, out 14 days. February 2, ſpoke brig Hannah, out 12 hours from New-York, bound to Martinique. Same day in a gale of wind, the Nancy, ſplit her fore-topſail to pieces, and received other injury.

Schooner Hector, Chriſtie, 24 days from St. Antonio, (Jam.) Coming thro' the Megana Paſſage, ſaw a ſhip and ſchooner aſhore on the north eaſt end of the reef. Got out our boat, and went on board the ſhip, but there was nothing to be got out of her. Some wreckers, it appeared, had previouſly been on board, and taken out every thing they could get. Her ſtern lay under water—could not learn her name. The ſchooner had her colors hoiſted in the ſhrouds in token of diſtreſs: but the wind blowing hard, could give her no aſſiſtance. It was ſuppoſed ſhe muſt ſhortly afterwards have gone to pieces, in which caſe it is probable all hands would periſh. The ſchooner Antelope, Dean, ſailed for this port, 17 days before the Hector.

Schooner Riſing Sun, Ripley, 19 days from Antigua. In lat. 36, long. 74, ſpoke brig Taſker, out 17 days from St. Thomas, bound to Newbern, (N. C.)—Left there, ſloop Sally, of Stanford, from Surrinam, bound to New-York, put in through diſtreſs. Beef 15 dollars per barrel, pork 18, flour 8, white oak ſtaves 15 dollars per 1000, boards 24 dollars.

By captain Shepherd, of the brig Olive, we learn that a French frigate arrived at Havanna a few days before he left that place, with a French general officer on board. It was generally believed he came on buſineſs concerning Louiſiana.

About half paſt two o'clock yeſterday afternoon, as the Olive was coming in the Hook, ſhe was ſtruck with lightning, and Robert Cone, one of the ſeamen, at the maſt head, was killed; another ſeaman was ſtruck down and very badly burned; captain Shepherd and a paſſenger were alſo knocked down, but received no material injury.

The Olive came to laſt night off the battery—ſhortly after parted both cables, and drifted on ſhore at Corlear's Hook.

By the ſhip Kingſton, capt. Stevens, from London, laſt from Portſmouth, in 47 days, a regular file of Engliſh papers has been received to the 4th of December. The parliamentary debates contain nothing materially intereſting; appearances are unequivocally pacific. It is ſaid to be the intention of the miniſtry to propoſe to parliament, immediately after the receſs, a bill for conferring on certain ports the privilege of receiving goods *free of the duty of cuſtoms*, until taken out for home conſumption. The funds ſtill continue low. The report of the ſuſpenſion of the arrears due to Britiſh ſubjects on ſtocks in the French funds, is erroneous. M. Otto was to take leave of his majeſty at the next levee, on his departure from England. It is reported that notwithſtanding the joint application of the Engliſh and French miniſters, the emperor of Ruſſia declines to become one of the guarantees of the independence of Malta, a circumſtance which may further embarraſs the complete execution of the treaty of Amiens.

Much diſcontent appears to prevail in the French ſenate.

In the Britiſh houſe of commons, Mr. Addington moved, that the ſum of five millions of pounds be raiſed by loans or exchequer bills.

A new ſilver coinage has juſt been iſſued in France. On one ſide the figure of Hercules is placed between thoſe of Liberty and Equality, with the ſurrounding inſcription—"*Union et Force.*" Round the edge are the words "*Guarantie Nationale.*"

In the two years, ending the 10th of October, 1802, the Britiſh government has paid a bounty on the importation of corn and rice into that kingdom, to the amount of 1,633,587 pounds, ſterling.

The news of the diſaſtrous occurrences at St. Domingo, had reached France; but what effect it had on the government is not ſtated.

A London paper of the 28th November, ſpeaking of America, ſays,

"Every Britiſh ſtateſman muſt now be aware of the great importance of maintaining a good underſtanding with the United States of America. The two countries may be ſo mutually ſerviceable, or ſo mutually miſchievous to each other, that the utmoſt pains ſhould be employed to cultivate not only peace, but to improve every ſentiment of kindneſs and affection. The French, it is well known, make every exertion to obtain a party in America, hoſtile to England. In appointing a miniſter to the United States, it therefore is of the utmoſt importance to ſend a man qualified to improve our intereſts with the government, and the people of that country; one who will conciliate their affections and eſteem, as far as his perſonal character, and his perſonal communication with them, can extend. M. Otto is to be the French envoy."

Prices of ſtocks, December 4th at noon—3 per cent. conſols 67 1-2 2-3, reduced 66 1-5—Omnium 10 1-4.

Corn-Exchange, December 3—Wheat 44s to 56s. fine 57 to 59s. rye 36 to 40s. flour 44 to 49s. per ſack.

LONDON, December 1.

A private letter from Paris mentions, that Bonaparte, when he viſited the port D'Onfleur, on obſerving the Engliſh colors placed under the French, ordered them to be placed ſide by ſide, ſaying that England ranked with the firſt nations on the globe, that her people were brave, induſtrious, and naturally friends to France. The colors of the other nations were hung beneath except the American, which did not appear, and the abſence of which is conſidered as a great offence.

The pope is ſaid to be preparing a concordat for Germany, on the model of that of France.

The laſt advices from Peterſburgh confirm the accounts of the French and Spaniſh miniſters having preſented notes, requeſting his imperial majeſty to become the guarantee of the iſland of Malta.

Advices from Bern, Baſle, and Zurich, of the 10th, have brought the following news: on the 8th arrived at Zurich, guarded by an eſcort of Chaſſeurs, the celebrated Aloys Reding, and general Auf der Maur M. Hirzel, a member of the diet of Schwitz, has alſo been taken up; he was found at his own houſe, in the boſom of his family. They were all conveyed before general Serras, and afterwards carried to the Hotel de Ville. The brother of Reding, who exerciſed the office of