The Committee appointed to examine the Accounts of the Regiſter, City Commiſſioners, and Commiſſioners of Health,

REPORT—

THAT they have examined ſaid accounts, and find them ſatisfactory and correct, and the payments ſupported by proper vouchers. The committee recommend the following reſolution, to wit:

Reſolved, That the regiſter cauſe the Summary of Monies received and expended by him between the 1ſt February, 1802, and the 1ſt February, 1803, to be publiſhed in two of the newſpapers of this city.

(Signed) ANDREW BUCHANAN,
GEORGE F. WARFIELD,
EMANUEL KENT.

A SUMMARY *of the Monies received and paid by the Regiſter, from the firſt of February*, 1802, *to the firſt of February*, 1803.

February 1ſt, 1802.		Dolls.	Cts.
To balance in the treaſury this day		6,865	04
Received on account of the 15s. tax, 1801		2,355	79
do.	do. tax on carriages, 1801	602	13
do.	do. 15s. tax for 1802	11,787	27
do.	do. tax on carriages, 1802	1,311	87
do.	do. ſurplus fund, St. John's college	5,332	18
do.	do. tonnage	2,602	00
do.	do. auction duties	7,447	04
do.	do. advance for new pumps	2,800	00
do.	do. tax for widening foot ways	859	43
do.	do. tax on ordinary licences	1,000	00
do.	do. paving by tax	16,338	24
do.	do. wharfage	3,278	35
do.	do. licences on auctions, brokers, billiard tables, &c.	8,486	44
do.	do. market rents and ſeizures, and ſale of the old weigh houſe	1,621	95
do.	do. fines	3,103	53
do.	do. mud, in addition, per contra	198	96
do.	do. manure	623	55
do.	do. ſeals	752	00
do.	do. ſtorage, new powder magazine	871	34
do.	do. dog tax	569	75
do.	do. horſe auction duties	91	72
do.	do. boundaries eſtabliſhed	145	00
do.	do. books of ordinances	78	00
do.	do. weighing in the market	80	04
do.	do. ſearches and copies	13	24
Dollars,		79,206	86

1802.		Dolls.	Cts.
Paid for paving by tax		16,464	55
Do. for paving croſs ſtreets		2,931	23
Do. for repairs of paved ſtreets		907	46
Do. for paving Eutaw-ſtreet		1000	00
Do. for filling up Charles-ſtreet		650	00
Do. for widening foot ways		2,569	23
Do. balance due on city commiſſioners' accounts for paving, &c. and an advance made by C. Dugan and Thos. M'Elderry		3,353	08
Do. city commiſſioners on account of ſervices		646	00
Do. for cleanſing ſtreets		3,378	19
Do. for removing nuiſances		1,685	73
Do. ſuperintendants of ſtreets, ſalary		800	00
Do. for lighting and watching		11,895	33
Do. commiſſioners of the watch		229	17
Do. for deepening the harbor	6,796 48		
Deduct amt. rec'd for mud 933 80			
Do. do. for old machine 350	1,283 80	5,512	68
Paid harbor maſter's ſalary and balance due laſt year		375	00
Do. for repair of wharves		1,665	05
Do. on account of new pumps		2,598	14
Do. on account of repairs of pumps		864	71
Do. the mayor's ſalary		2,000	00
Do. the regiſter and his aſſiſtant		1,550	00
Do. C. Dugan and Thomas M'Elderry, ſum lent in the year 1800		2,034	10
Do. on account of health department		2,530	00
Do. commiſſioners of health on account of ſalary		1,900	00
Do. health officer on account of ſalary		775	00
Do. for tents		470	00
Do. on account of diary of the city council		1,300	00
Do. rent for a houſe to accommodate city council, &c.		400	00
Do. for printing		675	95
Do. on account of incidentals		186	83
Do. city conſtables		475	00
Do. clerk & aſſiſtant clerk of the centre market		400	00
Do. clerks of the Hanover and Point markets on account		155	00
Do. for an atlas		168	00
Do. to fire companies in aid to keep fire engines in order		1,000	00
Do. for a lot of ground for a fire engine houſe		300	00
Do. for ſteps at the head of docks, and on Jones's-Falls		230	56
Do. for repairs of bridges		403	70
Do. on account of ſewers		180	50
Do. on account of new powder magazine		845	18
Do. ſuperintendant of powder magazine		400	00
Do. on account of Harford-ſtreet bridge		450	00
Do. on account of George-ſtreet wharf		600	00
Do. on account of the dock between South and Commerce-ſtreets		150	00
Balance in the treaſury this day		2,101	49
		79,206	86

Baltimore, 1ſt February, 1803.

EDWARD J. COALE, *Regiſter of the city of Baltimore.*

From the BALANCE.

"Nothing extenuate, nor ſet down aught in malice."

AN ACCURATE STATEMENT OF FACTS CONCERNING *MR. ATTORNEY GENERAL SPENCER'S* LATE ATTACK ON THE Liberty of the Preſs IN THIS COUNTY,

Written by a gentleman who was at court during the whole tranſaction, and who pledges himſelf that the detail is ſubſtantially correct.

[CONTINUED.]

Mr. Van Neſs began by regretting, that on a queſtion of ſuch acknowledged importance to every freeman, longer time for preparation could not be afforded. He felt that in defending Mr. Croſwell from the demand of the public proſecutor, he was defending the legitimate rights, the legitimate privileges of every freeman—rights & privileges which could be entombed only in the great tomb of our republic. He believed, that the attempt of the attorney-general was a direct attack upon the moſt important principles of a republican government; and if he ſhould ſucceed, no man could hereafter know when he was ſecure from the vengeance of power. He felt it, therefore, a ſacred duty to raiſe his voice againſt this unhallowed attempt, and to exert all his powers, in concert with his friend, to ſnatch Mr. Croſwell from the clutches of the proſecutor.

He ſaid, the gentleman who had preceded him, had taken ſo wide a ſcope—ſo thoroughly inveſtigated the authorities adduced, and ſo concluſively proved the illegality of the motion, that little remained for him to obſerve upon the *law*. His obſervations would be principally directed to the conſequences which would reſult from a reſtriction of the preſs, ſuch as was now demanded.

The preſent caſe, he ſaid, exhibited a curious ſpectacle. It was within the recollection of every man, what clamors, what tumults were raiſed by a certain party, when a law was paſſed forbidding any man to publiſh falſehoods reſpecting government. By that ſtatute, the truth might be given in evidence. But ſcarcely has that law expired---ſcarcely have theſe clamors ceaſed to echo through the continent, when that very party commence proſecutions upon the principle that the truth itſelf is a libel, and muſt not be told of thoſe ſacred characters whom they have exalted to power. Theſe circumſtances furniſhed topics for reflection which he would not indulge. He wiſhed that the preſent queſtion might be abſtracted from party. And he hoped that the ſhort-lived pleaſure of triumphing over his opponents, would not urge the public proſecutor to to perſevere againſt conviction and conſcience. For, ſaid Mr. Van Neſs, tranſitory indeed would be thoſe laurels which he may reap around the ruins of the freedom of the preſs.

Mr. Van Neſs then, in glowing colors, painted the bleſſings reſulting to the community from a free preſs. Look round the world, ſaid he, and in every country where the preſs is free, the arts and ſciences flouriſh. From this fountain have flown all the improvements in modern times, in general intelligence, in the ſcience of political government, in all the conveniences and luxuries of life. In a word, in every country where it has been protected and cheriſhed, its bleſſings were far beyond the reach even of the preſs to deſcribe. It was, he ſaid, and ſo experience had demonſtrated, the unbending protection of the rights of man, and an unconquerable bulwark againſt oppreſſion. He enjoined it upon the judges, as they valued the nobleſt principles of freedom, and as they wiſhed to leave their children in the full enjoyment of its bleſſings, to avert the blow aimed at the very vitals of our republic.

Mr. Van Neſs proceeded, with great ability, to prove that the preſent meaſure, if executed, would reſtrain the true liberty of the preſs. He quoted Blackſtone's definition of the liberty of the preſs.—"The liberty of the preſs is indeed eſſential to the nature of a free ſtate. But this conſiſts in laying no *previous reſtraint* upon publications, and not in freedom from cenſure for criminal matters when publiſhed." And, with great force and clearneſs, he demonſtrated, that in every point of view, this recognizance would operate as a previous reſtraint.

What, ſaid he, is the due courſe preſcribed by law for the puniſhment of a libel? Indictment and conviction by a jury. Upon what ground does the public proſecutor demand a more ſummary procedure? Does he contend that Mr. Croſwell is a perſon of *bad fame?* He dare not contend it. For every act of his life is a living monument of the reverſe. No! he goes upon the ground that Mr. Croſwell is a libeller. And by what right does he pronounce him a libeller? Has he been convicted by a jury? Have his peers pronounced his publications libellous? Let him wait the iſſue of the trial; let him reſtrain his eagerneſs to fetter the preſs until a jury ſhall judge Mr. Croſwell guilty; then, indeed, with ſome plauſibility, may he come forward with the preſent motion.

What is the effect of this motion? The court is aſked to lay Harry Croſwell under bonds of 8000 dollars, to keep the peace and be of good behavior. The ſlighteſt miſbehavior forfeits the bonds; and thus, without conviction, without even a trial by his peers, for the ſmalleſt poſſible offence, Mr. Croſwell may be plunged in poverty, and his family reduced to beggary and want. His ruin might be the conſequence of an act ſcarcely criminal, and for which although convicted by a jury, he would ſcarcely be cenſured. This, Mr. Van Neſs contended, was monſtrous doctrine; and he wondered it did not bliſter the lips of any man who dared to urge it.

He then read the following ſentence from the ſpeech of Mr. Fox, on the law of libels: "In the preſent enlightened age, Mr. Fox ſaid, that he had no reaſon to fear that previous reſtraints would be attempted to be impoſed on the preſs. The good ſenſe of the times would not brook an *imprimatur, or previous ſureties of any kind for good behavior.* And it was not in ſuch way that he dreaded any danger to the preſs." In expreſs words, it is here called a previous reſtraint, in the form of "previous ſureties of any kind for good behavior."

Can there be a doubt, then, that this meaſure would operate as a *previous* reſtraint? And if ſo, according to the definition of Blackſtone, and the opinion of all approved writers, it is an illegal violation of that ſacred guardian of our rights, the liberty of the preſs.

Beſides, ſaid he, the citizen is robbed of the right of trial by jury. Their province is uſurped by every juſtice; by magiſtrates always ſubject to the power of thoſe who created them; and they aſſume the right to decide whether publications are libellous or not. The court would heſitate long before it took a ſtep pregnant with ſuch awful conſequences. For, ſaid Mr. Van Neſs, hiſtory teaches, and our experience confirms the fact, that in free governments parties will ſucceſſively riſe to power and ſink into weakneſs. This is the beaten track of all republics. Today a party riſes to the zenith of power. But a few years roll away when another riſes on the ruins of its predeceſſor; and from the aſhes of both a third may ſpring up, and aſſume all the political power and conſequence in the community. Theſe ſucceſſive parties will ever find men calculated to become their minions. Theſe men they may alternately exalt into magiſtrates. And if the preſent doctrine is eſtabliſhed, each party in its turn, through theſe magiſtrates, will have the compleat controul of every preſs in the country. And in *their* hands, the freedom of the preſs and of public diſcuſſion, will become a ſpirit haunting thoſe places where it once had flouriſhed. The politicians, the magiſtrates, will have nothing to check their miſconduct. The people to whom they are reſponſible, and from whom they derive all their power, muſt remain ignorant of every thing. The ambitious and the immoral, may triumph in their crimes, without fear of detection. This country will fall from its happy ſtate of freedom, and the people become the victims of tyranny, until, rouſed by accumulated oppreſſion, they will burſt the fetters which reſtrain their rights, and ſeek, "through blood and ſlaughter, their long-loſt liberties."

Theſe are not the idle fantaſies of imagination. The tendency of the preſent meaſure, is direct to the introduction of ſcenes ſuch as I have deſcribed. The freedom of diſcuſſion now checks, in its riſe, every vicious meaſure of government. Place the preſs in the hands of every magiſtrate, and this check is gone forever.—The people, deprived of true information, can no longer judge correctly of the conduct of their rulers; nor can they reform abuſes until, mad with oppreſſion, they riſe in their might and ſpurn into inſignificance their proud oppreſſors. He called on the court to weigh well the ſtep they were about to take—to reflect on the fatal conſequences, before they finally paſſed the Rubicon.

Mr. Van Neſs then, with great force of argument, anſwered the authorities adduced by the attorney-general, and took a view of thoſe produced by Mr. Williams; and clearly proved that the attempt was illegal, unprecedented, and directly againſt the policy of our government. But, as his arguments upon this part of the ſubject, were ſomewhat ſimilar to thoſe before advanced by Mr. Williams, it is tho't unneceſſary to repeat them.

Mr. Van Neſs then read the following remarks from Burn's Juſtice, vol. 4th, p. 251, "Upon the whole, the magiſtrate in this article of good behavior, cannot exerciſe too much caution and good adviſement." "Although the juſtice of the peace may have a diſcretionary power, yet it is a legal diſcretion *in which in favor of liberty great tenderneſs is uſed.*"—"That in matters which the law hath left indefinite it is *better to fall ſhort of than exceed his authority.*"

It is here obvious, ſaid Mr. Van Neſs, with what caution the Engliſh magiſtrates approach the liberties of the ſubject. And in a republic, ſhall the courts of juſtice neglect thoſe rules of caution, which, in the Engliſh monarchy, are held ſacred; and for the purpoſe of impoſing fetters on the preſs, ſhall they reſort to more rigid conſtructions?

He then read the third ſection of the habeas corpus act, which gives to any one impriſoned for any miſdemeanor (other than treaſon or felony) the writ of habeas corpus, by which he may come before a judge of the ſupreme court, and be recognized for his appearance at the proper court, and at the proper time; and upon ſuch recognizance the judge is bound to liberate him. Here, then, ſaid Mr. Van Neſs, is our final ſecurity. Whatever may be Mr. Croſwell's fate before this court, there is an appeal to a higher tribunal. The writ of habeas corpus is ſecured, and knowing that no court, no proſecutor, can deprive Mr. Croſwell of this right, he felt perfectly ſecure. This writ is that holy palladium of human rights, which, in the worſt times which England ever knew, had always ſecured to the ſubject thoſe privileges which the laws had guaranteed. And in this country, it will bear the citizen, it will bear Mr. Croſwell to a tribunal where party ſpirit is a ſtranger—where the influence of no man can pervert the ſtreams of juſtice, and where, happily for our country, the law and the conſtitution are paramount to every power. Mr. Van Neſs ſaid, that by whatever he had ſaid, he meant no diſreſpect to the court he was then addreſſing. He had ſpoken of the tendencies of the preſent motion; and he had ſpoken his ſolemn convictions from the ſincerity of his heart. And he hoped and truſted, that the juſtices would weigh well the queſtion they were about to decide, and that in their deciſion they would be guided by ſound diſcretion and ſolid principles. In the full belief that this would be the caſe, he delivered his client into their hands. He did this in the fulleſt confidence, that by their deciſion, they would convince the world, that courts of juſtice would not ſanction the attempts of any man to fetter the preſs—to deſtroy the rights of a free citizen, and pervert the law to an engine of party perſecution.

Mr. Van Neſs here cloſed a very impreſſive and forcible argument, and was followed by Mr. Spencer upon the other ſide of the queſtion.

[Mr. Spencer's arguments, the deciſion of the court, &c. are unavoidaqly poſtponed until next week.]

Congreſs of the United States.

HOUSE OF REPRESENTATIVES.

Friday, February 18.

The ſpeaker laid before the houſe a report from the ſecretary of the treaſury incloſing an annual return of the diſtrict tonnage of the United States.

Mr. S. Smith preſented a petition from certain aliens of Baltimore. Referred.

Mr. John C. Smith, from the committee of claims, reported againſt the claim of Tobias Lear.

Referred to a committee of the whole to-morrow.

An increaſed bill to revive and continue in force an act to eſtabliſh trading houſes with the Indian tribes was read a third time and paſſed.

A bill on the ſame ſubject was received from the ſenate, and referred to a committee of the whole to-morrow.

Mr. Randolph, from the committee to whom were referred the propoſitions of the ſtate of Ohio, &c. reported a bill to modify the propoſitions in the act admitting the people of the North-Weſtern territory as a ſtate in the union, &c.

Referred to a committee of the whole to-morrow.

The amendments of the ſenate to a bill to amend an act fixing the military peace eſtabliſhment, were read.

Referred to a ſelect committee of three.

The amendments of the ſenate to the act ſupplementary to the act reſpecting conſuls and vice-conſuls, and for the protection of American ſeamen, were taken up and concurred in.

Mr. Nicholſon, from the committee appointed on the meſſage of the preſident of the United States, incloſing ſundry documents reſpecting John Pickering, diſtrict judge for New-Hampſhire, made a report.

The committee report that John Pickering has been guilty of high crimes and miſdemeanors—they therefore offer a reſolution, that John Pickering, diſtrict judge for New-Hampſhire, has been guilty of high crimes and miſdemeanors, and that he be impeached therefor.

Referred to a committee of the whole on Wedneſday, and the documents ordered to be printed.

Mr. Newton called for the order of the day on the report of a ſelect committee, recommending the adoption of a reſolution, that it is not expedient to repeal the bankrupt law.

Mr. Griſwold moved to poſtpone the conſideration of the report till the firſt Tueſday in November next.

This produced a ſpirited debate, which continued beyond the uſual hour of adjournment.

On the incidental queſtion of poſtponement, the main principle of repeal was diſcuſſed; thoſe in favor of the poſtponement being againſt the repeal.

Meſſrs. Griſwold, S. Smith, Goddard, Thatcher, Bayard, Gregg, Euſtis, Dana, and Mitchell, ſupported; and Meſſrs. Newton, Varnum, Haſtings, and Bacon, oppoſed the poſtponement; when the queſtion was taken by yeas and nays, and carried—yeas 50, nays 39.

Mr. Nicholſon reported a bill to reduce the marine corps of the United States.

Referred to a committee of the whole on Monday next.

Mr. Varnum reported that it was expedient to agree to the amendments of the ſenate to the bill to amend the act reſpecting a military peace eſtabliſhment.

Mr. Griſwold moved inſtructions to the committee on the bankrupt act to report by bill or otherwiſe, ſuch amendments, if any, as they may deem neceſſary to that act.

Mr. Alſton moved a poſtponement of the motion till the firſt Tueſday of November. He thought they had heard enough about the bankrupt act this ſeſſion, and he hoped they ſhould for the remainder of the ſeſſion hear no more about it.

Mr. Griſwold ſaid whether the houſe did or did not act upon the amendments reported, it would be better to have them reported, that the minds of members, who held ſeats in the next houſe, might take them into conſideration and be prepared to act upon them at the enſuing ſeſſion.

The motion to poſtpone was carried—Ayes 40—Noes 39.

Mr. Bayard reported a bill for the relief of Joſhua Harvey and others.

Referred to a committee of the whole on Monday next.

Mr. R. Williams offered the following as an additional rule to the ſtanding rules of the houſe—

Reſolved, That all motions reſpecting the priority of buſineſs ſhall be decided without debate.

Ordered to lie on the table.

Saturday, February 19.

A bill was read appropriating 2,000 dollars for the working of the ſalt ſprings on the Wabaſh rivers.

Referred to a committee of the whole houſe on Monday.

Mr. Hoge preſented a petition from a number of inhabitants of Pennſylvania reſpecting the obſtructed navigation of the Miſſiſippi.

Referred to a committee of the whole on the ſtate of the union.

Mr. Nicholſon reported a bill for regulating the grants of land, and providing for the diſpoſal of lands ſouth of Tenneſſee.

Referred to a committee of the whole on Tueſday.

Mr. Nicholſon alſo reported a bill for ſettling ſundry claims to the public lands of the United States ſouth of Tenneſſee.

Referred to a committee of the whole on Tueſday next.

Mr. Nicholſon, chairman of the committee who reported the above bills, ſtated that the claimants of the lands of the United States, lying ſouth of Tenneſſee, had applied to the committee to be heard before them by counſel. The committee, being of opinion that time would be gained by hearing the counſel before the houſe, ſubmitted a reſolution that counſel ſhould be heard at the bar of the houſe on Tueſday.

On taking up the reſolution, a debate enſued. Meſſrs. Nicholſon, Bayard, Bacon, Griſwold, & R. Williams, ſupported; and Mr. Randolph oppoſed taking it into conſideration; when it was carried without a diviſion.

The reſolution offered by Mr. Nicholſon, then paſſed. Ayes 47.

After diſcuſſion the bill making an appropriation for the navy for the year 1803, in committe of the whole, it was ordered to be engroſſed for a third reading on Monday.

The bill concerning the inſuring of buildings, goods and furniture in the coun-