NINTH CONGRESS.

HOUSE OF REPRESENTATIVES.

Wednesday, January 29.

Mr. Jackson called for a consideration of the unfinished business of yesterday viz. the motion of Mr. Smilie to discharge the committee of ways and means from the further consideration of so much of the president's message as relates to the invasion of neutral rights by some of the belligerent powers.

On taking up this business the house divided—Ayes 57—Carried.

The motion having been submitted from the chair—Mr. Dawson opposed it. He said the wish of the gentleman from Pennsylvania to bring this subject under the view of the committee of the whole on the state of the union might at any time be gratified, by going into that committee and moving any resolution he might see fit, as the message generally was referred to the committee of the whole on the state of the union. He believed, however, that the floor of the house was not the proper place to make declarations of what is the law of nations.—He believed that a volume of such declarations would be of no avail; it was their duty to act, and not to declare on such subjects—and whenever the gentleman from Pennsylvania, or any other gentleman, would bring forward measures calculated to prevent an infraction of our neutral rights, they should receive his support. At present he must be against adopting the resolution.

Mr. Smilie said, he did not expect any opposition to the motion he had made. If the committee of ways and means should be discharged from the business, it would consequently come before the committee of the whole on the state of the union without any motion, as the message was generally before that committee.

In reply to the remark that this motion would be treating the committee of ways and means with disrespect, Mr. Smilie said he thought the ground on which he had placed the business would have removed every idea of the kind. He did not say the committee of ways and means were not as competent to the business as any other select or standing committee, but he had declared from the beginning, that in his opinion, in point of principle, the reference ought to have been made to the committee of the whole. This is the ninth week of the session, and gentlemen charge us with having done nothing. Do not gentlemen see from the deranged state of the committee of ways and means, that this course has become absolutely necessary? Shall a business of the first importance that can occur during the session be neglected on this account? Not only the eyes of all America but likewise of all Europe, are looking with anxiety on the steps which we shall take in this business. For all the maritime powers of Europe are interested in this great question relative to neutral rights. Are we then, in consequence of the deranged situation of a select committtee to remain with our hands tied up? For myself, I do think that the interests of our country call upon us to take immediate steps. I repeat it, that on a similar occasion with this, a similar course was pursued. Gentlemen will remember, that in the 3d congress, when we before suffered from the misconduct of Great-Britain, certain resolutions which became the subject of discussion originated in a committee of the whole house. What indeed, are we to expect from the committee of ways and means? Are they in possession of the general sense of the house on this subject as a guide in making their report? This is not the case, as we have had no discussion of the subject; and until it shall be brought under a view of a committee of the whole house, it is impossible to tell in what the opinions of members will centre.

Mr. Jackson. I have but a single observation to make in addition to those which have fallen from the gentleman from Pennsylvania. So far as relates to myself, it is not my object to discuss in committee of the whole, the abstract question of the law of nations, but to adopt measures for the effectual resistance and punishment of the infraction of those laws, as far as we can. If, according to the course pointed out by my colleague, any resolution should be submitted on this subject in committee of the whole, it will be objected that the subject is before a standing committee, and it will be said to be disrespectful to act on it until they shall have reported. If my colleague, therefore, be of opinion, that we should adopt any efficient & prompt measures, the better and speedier way will be for him to join in the motion. I hope the motion will prevail. In the name of Heaven if we are not disposed to do any thing, let us tell the people so.

Mr. Crowninshield. From the beginning I was opposed to referring this subject to the committee of ways and means. I saw no reason for its going to a standing committee. Without meaning to cast any censures on the committee of ways and means, I am in favor of the motion. We have been in session seven or eight weeks; the reference was made as early as the sixth of December, and we have yet no report. The question is perhaps as interesting a one as has been presented since the establishment of our national government. What is our situation? Our ships are plundered in every sea, our seamen are impressed, 3,000 of them are in the service of one nation. We are a neutral nation, and it is not proper that any belligerent nation should employ them in this manner. Like the gentleman from Virginia, I am ready to act—I want no report to guide my decision. I am prepared—not for war measures, but for a non-intercourse act with Great-Britain. I am willing to suspend all intercourse with Great-Britain until she shall give back the ships she has stolen from us, and the seamen she forcibly detains. I shall not be more ready to take this step after a report from the committee of ways and means than I am now. The single question is, whether we shall abandon trade altogether, or resist the unjust aggressions made upon it. But it was not my object in rising, to go any length into the subject; I only rose to express my opinion in favor of the course pointed out by the motion. The committee of ways and means is deranged, disorganized; two members are absent, and the chairman unfortunately is sick. We have no expectation of a report; it may not come till the end of the session.

Mr. Gregg.—I rise to express a similar opinion with the gentleman just set down. I am in favor of the motion for the reasons which he has assigned, and for another reason—for the sake of consistency. Though the subject be referred to the committee of ways and means it is likewise referred to the committee of the whole on the state of the union. The memorials from the merchants of New-York and Philadelphia have taken this latter course. This brings the subject before a committee of the whole. We are under the same obligation to take up the business of our constituents as the message: and as the business is of the greatest importance, I hope the whole subject will be referred to a committee of the whole.

Mr. Bidwell.—The gentleman from Pennsylvania has anticipated me in an idea which I meant to have expressed. As the principal document on this subject is the message of the president, I think it proper that that should be placed with the same committee charged with the memorials of merchants from different towns. Another reason may be mentioned in favor of this mode of procedure. At the commencement of the session, there was a strong reason for referring the subject to a special committee. It was a principal object at that time to enquire into the extent and degree of the injuries received from belligerent nations; as since that time we have received full information on these points from the executive department, that reason is done away, and there is no necessity for an investigation by a select committee.

The motion to discharge the committee of ways and means was then agreed to—ayes 68.

On motion of Mr. Smilie, the select committee to whom was referred so much of the message of the president of the U. S. of the 17th inst. as relates to the impressment of our seamen, was discharged from its further consideration, and the subject referred to a committee of the whole on the state of the union without a division.

On motion of Mr. Thomas, the committee of ways and means were discharged from the consideration of so much of the message of the president as relates to depredations committed on our colonial trade, and the subject referred to a committee of the whole house on the state of the union without a division.

Non Importation with Great-Britain.

Mr. Gregg said, that he considered the insults offered to our government, and the injuries done to our citizens by some of the belligerent nations, to be of such a nature, as to demand the interposition of government to obtain redress. It appeared from the memorials and remonstrances of the merchants of New-York, Philadelphia, and other of our seaport towns, now on our table, as well as from executive communications, that vessels the bona fide property of citizens of the United States have been seized by their cruisers, and they and their cargoes condemned, contrary to our rights as a neutral nation, and to what has long been considered as the law of nations on this subject. Great numbers of our fellow-citizens have been impressed, and notwithstanding our repeated remonstrances, they are cruelly retained in bondage, and compelled to act in a service, perhaps very abhorrent from their feelings, far from their country and their friends. To these insults and injuries, said Mr. Gregg, we can no longer submit unless we are willing to surrender that independence which has been and I trust always will be our pride and our boast. So great are these injuries and aggressions, and so unremittingly are they persevered in, that I do not know but they might be considered as a sufficient cause on which to ground a declaration of war. That, however, is not my object. I deprecate war, and will not agree to resort to it, until other means which we have in our power are tried in vain. We do, I think, possess means, which, if properly used cannot fail of accomplishing the object. To these, I hope, we will now resort; and for the purpose of bringing them into view, I will submit a resolution to the consideration of the house, reserving any farther observations on the subject until the resolution shall be taken up in committee of the whole on the state of the union, to which I intend moving its reference.

Mr. Gregg then offered the following resolution:

Whereas Great-Britain impresses citizens of the United States, and compels them to serve on board her ships of war; and also seizes and condemns vessels belonging to citizens of the United States, and their cargoes, being the *bona fide* property of American citizens, not contraband of war, and not proceeding to places besieged or blockaded, under the pretext of their being engaged in time of war, in a trade with her enemies, which was not allowed in time of peace.

And whereas the government of the U. States has repeatedly remonstrated to the British government against these injuries, and demanded satisfaction therefor, but without effect;

Therefore,

Resolved, That until equitable and satisfactory arangements on these points shall be made between the two governments, it is expedient, that from and after the day of next, no goods, waers or merchandise, of the growth, product, or manufacture of Great-Britain, or of any of the colonies or dependencies thereof, ought to be imported into the United States: Provided, however, that whenever arangements, deemed satisfactory by the president of the U. States, shall take place, it shall be lawful for him, by proclamation to fix a day on which the prohibition aforesaid shall cease.

The house having agreed to consider this resolution.

Mr. Thomas said he had seconded the motion of the gentleman from Pennsylvania and should give it his decided support—It would however have suited him better, had it gone still further, and interdicted all commercial intercourse with that nation, until she should cease to commit depredations on our comerce, impress our citizens on the high seas into her service, and abandon the new principles which she had lately interpolated in the maritime code, and which he considered as unjust as they were unauthorised by the acknowledged law of nations.

But as unanimity in the legislature of the nation was desirable at all times, and particularly so on great national questions, he was disposed in order to produce that result on the present occasion, to yield a part of his own opinion to meet the views of other gentlemen.

The present was an important question, and he hoped the honorable mover would consent that it should lie a day or two for consideration, and moved that it be printed.

Mr. Gregg said his wish was to refer the resolution to a committee of the whole on the state of the union, and made a motion to that effect, which was agreed to without a division, and the resolution ordered to be printed.

On motion of Mr. Thompson, the house again resolved itself into a committee of the whole—Mr. J. C. Smith in the chair—on the report of a select committee in favor of authorising the erection of a bridge over the Potomac.

Messrs. Thompson, Clark and Elmer advocated; and Messrs. Early, Sloan and Findley opposed the report; when the committee rose without coming to a decision, & obtained leave to sit again.

A message was received from the president of the U. States, enclosing a memorial from the merchants of Baltimore, on the depredations committed on the commerce of the U. States, which was referred to a committee of the whole on the state of the union.

The speaker laid before the house a letter from the treasurer of the U. S. rendering a general statement of the civil accounts, as well as those of the navy and war departments from October 1, 1804, to Oct. 1, 1805.

THURSDAY January 30

Mr. J. Randolph said it would be recollected that very early in the session so much of the message of the president of the U. S. as relates to the invasion of neutral rights by belligerent powers, had been referred to the committee of ways and means. I understand said Mr. R. (for my indisposition has not permitted me for some days past to attend to the duties of my seat) that a motion has prevailed to discharge the committee of ways and means from the consideration of that subject. Inasmuch as the discharge may have been effected under an impression that the committee have been delinquent in executing the duty devolved upon them, I feel it my duty before I surrender the papers connected with this subject, to give some account of the proceedings of the committee. On the 11th of Dec. the committee instructed their chairman to write a letter to the secretary of state, which I will read. Mr. R. here read the letter as follows:

Committee Room December 11, 1805.

SIR

The committee of ways and means have instructed me to request you will cause to be laid before them such information, on the subject of the enclosed resolution as the department of state can furnish.

The peculiar objects of our research are:—

1. What new principles, or constructions, of the law of nations have been adopted by the belligerent power of Europe, to the prejudice of neutral rights?

2. The governments asserting those principles and constructions?

3. The extent to which the commerce of the United States has been thereby injured?

I am, with very great respect,
Sir, Yours,
JOHN RANDOLPH.

The Secretary of State.

On Saturday night, the 25th instant, the committee of ways and means received an answer to this letter which I will deliver to the clerk in order that it may go the new committee, to which this business has been referred. It is unnecessary for me to add any thing more. The house must be sensible that while the committee of ways and means were in the dark they could not proceed in the discharge of the duties assigned them, and that after receiving information from the secretary of state so late in the day, it was impossible for them to have made a report by this day; and if I am not mistaken, the motion to discharge the committee of ways and means was made before the answer of the secretary of state was received.

The clerk accordingly read the letter of the secretary of state, as follows:—

ANSWER.

The secretary of state presents his respects to Mr. Randolph, and has the honor to transmit him a copy of a report this day made to the President of the United States, respecting interpolations by foreign powers, of new and injurious principles, in the law of nations. This report, with the communications made by the President to congress, particularly that of the 17th instant will, it is hoped, afford the information requested for the committee of ways and means, by Mr. Randolph's letter of the 11th instant.

Department of State,
January 25, 1806.

When on motion of Mr. J Randolph, the papers, laid by him on the table were referred to a committee of the whole on the state of the union.

The Speaker laid before the house the following letter from the secretary of the navy addressed the house:

SIR

'In obedience to the resolution of the house of representatives of the 27th instant, directing the secretary of the navy, "to lay before the house a report on the condition of the frigates and other public armed vessels belonging to the United States distinguishing the frigates fit for actual service; distinguishing such as require repair, and the sum necessary for repairing each; and distinguishing also such as it may be the interest of the U. States to dispose of rather than repair," I have the honor to state

That the frigate Constitution is now in a state of thorough repair, and in all respects prepared for service.

That the frigate Chesapeake has lately been repaired and is fit for service

That the frigates Adams, Essex, and John Adams are also fit for service.

That the brigs Siren, Hornet, Argus, and Vixen, the schooners Nautilus and Enterprise, the bombs Spitfire and Vengeance, and all the gun boats are fit for service.

That the frigates President, United States, Congress, Constellation, New York and Boston, require to be repaired; but it is utterly impossible to form an accurate estimate of the "sum necessary for repairing each"

I know of no vessel belonging to the navy, which I consider it would be "the interest of the United States to dispose of, rather than repair."'

On the motion of Mr. J Randolph the 1st and 3d sections of the bill to repeal so much of an act as authorises the evidences of the public debt to be received in payment for public lands, and for other purposes, was referred to a committee of the whole house

The discussion which ensued on the details of this bill occupied nearly the whole of the residue of the day, of which we shall hereafter take a more particular notice.

The committee having reported the bill, with sundry amendments, it was ordered to a third reading to morrow.

Mr Stanford reported a bill for altering the time for holding the circuit court for the district of North Carolina, which was referred to a committee of the whole to-morrow.

Mr Crowninshield presented an energetic and comprehensive memorial from the merchants of Salem, (Mass.) representing the embarrassed situation of trade;—their deep anxiety at the impressment of American seamen; the severe injuries received from the recent principles assumed by Great Britain and pledging their lives and property in support of such measures as may be taken by the government to defend and protect their rights.

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

IN SENATE.

JANUARY 22, 1806.

Mr Smith of Maryland agreeably to notice given yesterday, asked and obtained leave to bring in the following bill, which was read and ordered to a second reading.

A BILL for classing the MILITIA, *and assigning to each class its particular duties.*

BE IT ENACTED, by the senate and house of representatives of the United States of America, in congress assembled, That every free able bodied white male citizen of the U. States, of the age of eighteen years, and under the age of forty five, whose principal occupation is not on the high sea, or the waters within the United States, shall be of the militia for the land service of the United States. The persons so to constitute the land militia, shall be enrolled by their names and ages, in their proper districts, and in books kept for that purpose: such enrollment to be made without delay of those now within the description, and from time to time as to others who shall hereafter become so, always noting the date of the enrollment, and placing in a distinct page or part of the book, those of every different year of age, from forty five down to eighteen.

The said militia shall be distributed into classes as follows, to wit:—The junior class shall be composed of those above twenty one, and under twenty six years of age; the middle class of those above twenty six and under thirty five years of age; the senior class of those above thirty five, and under forty five years of age; and those above eighteen, and under twenty one years of age shall compose the minor class.

The junior class shall be liable to perform all active services within the United States, or the countries next adjacent, by tours of duty, not to exceed one year in any two and in order that the said services may be required of them equally, those of every battalion shall by its commanding officer be immediately divided by lot into ten parts, or portions, as nearly equal as may be; each portion to be distinguished by its particular number from one to ten, and to be called into duty in the order of their numbers, such call extending to so many numbers as the exigency may require, and every person so called on, may be assigned to the service of the artillery, infantry, cavalry, or of any other description, as the competent authority shall direct

In consideration of the assiduous discipline required from the junior class, and if the services they shall have performed, or been liable to perform while in it, they shall never after passing into the middle class, be liable to actual service, but where the junior class for the time being is inadequate to the exigency; and then in their own or one of the adjoining state only, and by tours not exceeding three months in any year; for which purpose they shall be distributed into portions and numbers, and called on in rotine, as is provided in the case of the junior class

The senior and minor classes shall be liable to be called on, to do duty within their own state only, and by tours not exceeding three months in any year, and they shall be separately distributed into portions and numbers, and called on in rotine as provided for the other class.

Exemptions from militia duty, except in cases of religious scruples against bearing arms, shall only extend to the ordinary duties of mustering and disciplining, after having entered the middle or senior class, but all exempts shall be enrolled in their classes and numbers, and when called on for actual military service shall be bound as others are to perform their due tours

If any person called on to do the actual duties of his class, shall refuse, or unnecessary delay to enter on duty, he shall be arrested as a deserter either by the civil or military authority, shall be delivered to the proper military officer, and either punished as a deserter, or compelled to perform his tour of duty. But any person so called on, may commute his personal service, by tendering as a substitute, an able bodied white man, a citizen of the United States, fit for the service in the judgment of the officer who is to command him, and willing to engage therein. And all persons while engaged in performing a tour of duty, shall have the pay and rations allowed in the army of the U. S. and be subject to the rules, regulations, and articles, provided for the government of the same.

Sec. 2. *And be it further enacted* That all provisions in any law of the U. States, or of any particular state, or territory, inconsistent with those of this act, are hereby repealed, and all provisions in the laws of the U. S. or any particular state or territory not inconsistent herewith, shall be understood to be left in force, and liable to alteration by their respective enacting authorities.

WAR IN DISGUISE;

OR,

THE *FRAUDS* OF THE *NEUTRAL FLAGS*,

ONE VOLUME 8VO.

IS THIS DAY PUBLISHED,

AND FOR SALE BY

ANDERSON & JEFFERIS,

66, MARKET-STREET.

THIS is the celebrated work just published in London, which is in point of style, inferior to no production since the day of Junius. The contents of this singular book is no less interesting than its style—as the work is acknowledged to be written at the instigation of the English Ministry, and involves principles of the utmost commercial importance, to this as well as every other maritime neutral country. In short, no person who has an interest, either direct or indirect, in commercial pursuits should omit the perusal of this publication.

January 27. d6t

Cayenne Cotton & Rocou.

6 bales Cayenne Cotton, first quality & entitled to drawback.
4 hhds do. Rocou,
Are just received and for sale by
ALEXANDER MITCHELL,
No. 21, Market-street.
January 30. d3t§

For Boston,

The Schooner
EAGLE,
Samuel G. Gerrish, Master,
Burthen six-hundred barrels—
For freight or passage, apply to the master on board, or to
NATHANIEL F. WILLIAMS,
15, Bowly's-wharf,
Who has received for sale,
60 tons Plaster of Paris
50 bbls. New-England Rum
11 do. Tanners Oil
30 qr. casks Malaga Wine, entitled to drawback
15 bags Pimento
1 sack Almonds.
February 1. d3t‖