

[TAKEN FOR THE FEDERAL GAZETTE.]

Mr. Early, from the committee of commerce and manufactures, made a report, recommending that the further consideration of a resolution directing them to inquire into the expediency of providing by law how far owners of vessels are answerable for the actions of masters and mariners, be postponed indefinitely; in which the house concurred.

The joint resolution, directing the chart of the survey of the coasts of North-Carolina to be published, was read a third time and passed.

Mr. D. R. Williams moved, that the house insert their amendment to the slave bill, which had been disagreed to by the senate—lost—ayes 11.

Mr. Gregg moved, that the house recede from their amendment.

Mr. Randolph hoped the house would not recede from their amendment. When (he asked) did congress acquire the right of preventing a man from going with his slave from one state to another? If an attempt should be made to exercise such a power, it would bring the law into disgrace and disrepute. You undertake to say, that altho' the laws of South-Carolina do not prevent a man from Virginia from bringing his slave into that state, you will do it. If this principle should be adopted, he would himself try the case; he would go to the expense of carrying his slave into that state. You will have (observed he) only to go one step further: you have so far entrenched upon the right of the slave holder; you will then only have to say, that the slave holder himself shall not travel either by land or water. If the several states thought proper to permit the free ingress and egress of persons, congress (he contended) had no right to prevent it. He therefore called for the ayes and noes on the motion.

Mr. Marion hoped the house would insist upon their amendment. There were many islands in S. Carolina, which contained slaves—the laws of that state required that when slaves were seized for debt, they should be carried to the court-house—of course, such slaves would have to be transported to the main; and this could not be done in vessels of more than 60 tons, as required by the law without the amendment.

Mr. J. Clay said that the senate had certainly not considered the operation of this section; for under it a man could not even carry his slave from Maryland to Virginia in a ferry-boat, or even send him in a canoe. He also contended, that congress had no power to prevent a man from carrying his property from one state to another; that power belonged only to the several states. What right had congress (he asked) to forbid a man on the Eastern-Shore of Maryland to send his slave to Baltimore in a packet, with intent to sell him? They might as well prevent him from sending his tobacco.

Mr. Alston and Mr. Early also spoke against receding from the amendment.

The house then reconsidered their vote to insist on their amendment, and agreed unanimously, to insist upon it.

A committee of five members was appointed to confer with the senate.

Mr. Marion, from the committee to whom was referred the memorial of the merchants of Charleston, complaining of French spoliations, made an unfavorable report thereon, which was referred to a committee of the whole on Friday.

Mr. Holmes, from the committee of claims, presented a bill to authorize the settlement of accounts between the United States and Wm. Eaton, which was referred to a committee of the whole to-morrow.

The house proceeded to consider the motion made yesterday by Mr. Broom, to refer his resolution to a committee of the whole.

Mr. Elliot spoke in favor of the object of the resolution. He contended, that the liberties of the citizen, secured by the constitution, had been grossly violated by a military commander. He cautioned gentlemen not to be too hasty in their commendations of gen. Wilkinson, before they had received sufficient information to enable them to judge of the propriety of his conduct. But it seems, (said Mr. Elliot) that there is a snake in the grass—that the friends of this measure are opposed to the administration. We have heard so much of the wisdom and virtue of the present administration, that I, for one, am unwilling to hear more on that subject. I am willing to allow it due credit; but I cannot ascribe to it that perfectibility which seems now to be the criterion of true republicanism. It may be dangerous to be a sceptic; but on this subject I am somewhat inclined to be sceptical; nor do I believe that the present administration possesses perfect wisdom, or approaches very near to it.

Mr. Randolph also spoke in favor of the resolution, in substance, as follows:—I understand, Mr. Speaker, that the object of this motion is to secure more effectually to the citizen the writ of habeas corpus. How long it has been the fashion to debate the main question, on a motion to refer to the

committee of the whole, I do not now recollect; but I believe it commenced with the present session of congress. If the object of the gentleman from Delaware, however, was to obtain a discussion, I presume the object has been answered. I should have preferred that the motion had been committed to a select committee, in order to report the necessary provision; for I am afraid if it gets into a committee of the whole, it will never get out of it. I therefore hope the gentleman from Delaware will give it that direction. As the subject has been discussed, I shall give my reasons for giving my support to the resolution, as well as to every other resolution of a similar nature, from whomsoever they may come.

The first objection, it seems, is the quarter from whence this resolution comes. Permit me to remind those who may urge this objection, that whenever persons invested with high authority, whose political existence depends upon the people, quit the popular ground, the trial by jury, and the subordination of the military to the civil authority, they have no right to blame their adversaries for taking that position which they had abandoned, unless they supposed their adversaries had gained nothing by experience.

Another objection had been urged by a gentleman from Georgia, to wit, that the resolution was ill-timed; why, sir, this is no new discovery; the question of a parliamentary reform has been agitated in England for 80 years, and yet a convenient time for carrying it into effect had never yet been discovered. [Mr. Early explained; he said that he thought the resolution ill-timed, on account of the shortness of the session.]—Mr. speaker, said Mr. R. I understood the gentleman perfectly, but I am sorry he has interrupted me; I understood him in two senses: that the resolution was ill-timed first, on account of the shortness of the session, and secondly, because this question was now sub judice. I also understood a gentleman, (for to avoid interruption I shall not refer to any person in particular) as saying that we had received no official information on this subject: sir, it appears from the president's message, that the constitution has been violated! And is it not our business to act? It is. Shall we spend our time upon petitions and reports, and leave the constitution to take care of itself? Can we calmly look on a violation of the constitution without a dereliction from our oaths?—We do not propose to make a legal provision with a retroactive effect: I hope not. I trust in God, that whenever we step forward to secure the rights of the citizens, we shall insert no *ex post facto* provision, and thus endeavor to cover, under the broad mantle of legislative authority, as daring a violation of the constitution as was ever proposed. The commander in chief had as good a right to try these men by a military commission, and have them shot, as he had to violate the constitution as he has done.

But it is said that this discussion might bias the opinion of the court: I will ask those who cannot legislate upon their own knowledge, what "official information" they have that any trial is now depending? Away with such paltry excuses; I wish not to take shelter under this miserable quibble. If, however, we cannot act upon this subject because it is sub judice, it may be postponed *ad infinitum*; for a commander in chief will have nothing to do but to violate the constitution at the commencement of every session, and we shall be effectually precluded from acting upon the subject of the habeas corpus. The Romans had no law for the punishment of perjury, because they considered the crime too infamous ever to be perpetrated. The Romans, as our senators did, overrated human nature: it was a base and detestable thing unless kept within proper bounds.

The merits and demerits of the commander at N. Orleans have been brought upon this floor; and hints have been thrown out, in order, I suppose, to feel the public pulse, that he ought to be indemnified for any damages to which he may be liable, in consequence of having contravened the law. On this subject I will observe, that bills of indemnity are unknown to our constitution: but supposing that they were, if ever the time should arrive, when the representatives of the freemen of the U. States, would recompense a man from the public treasury, for a violation of the constitution, we should become fit for any government, whether military, savage, or barbarous, that could be imposed upon us. When the sweat & blood of the people is to be appropriated to reward their minions, for a violation of the constitution, then indeed, the constitution must have arrived at its last crisis.

But it is said, that cases may arise, in which it might be the duty of a military officer to violate the constitution. This is a detestable doctrine. Have we then come to that? Have you then sir, a constitution, intended like the laws of the Medes & Persians, to continue forever, which all are bound to obey, and yet cases may occur in which it ought to be violated? If so, the constitution ought to run thus: "The right of habeas corpus shall not be violated, except in cases of rebellion or invasion," or when the commander in chief shall think it necessary!

Mr. R. then spoke of the danger that was to be apprehended from such conduct—of the necessity of making a penal statute to insure the privilege of the writ of habeas corpus—of the illegality of sending persons from N. Orleans to "this blot on our map, this non-descript territory," to be tried; & contended that general Wilkinson had as much right to send them to the mouth of Columbia river, or to Nootka-Sound. He then concluded as follows:

From the beginning of this business, Mr. Speaker, I was of opinion that there were more rogues than one concerned; and I believe that time will fully develope the truth of this opinion. The fashion of extolling a man to the clouds, ought to be exploded; if a man violate the rights of a citizen, I say punish him; there is nothing in the constitution to provide for his remuneration. If Franklin, Washington, or Jefferson, were to do it, I would say punish him. He then adverted to a bill of indemnity which had been refused to two popular characters in England, lord Chatham and lord Mansfield; and concluded by declaring that the subject demanded legislative interference.

Mr. Broom then varied his motion, and moved that the resolution be referred to a select committee, and called for the ayes and noes on the motion.

Messrs. Sloan, C. W. Campbell, Holland and Alston, spoke against the object of the resolution, and Mr. Randolph again in favor of it; but before the question was taken, an adjournment was called for, which prevailed.

Thursday, February 19.

Mr. J. Clay, from the committee appointed on the subject, presented a bill to explain the act entitled an act fixing the rank and pay of the commanding officer of the marine corps, which was referred to a committee of the whole to-morrow.

Mr. Mac Creery presented a petition from sundry inhabitants of the city of Baltimore, praying that the present post-route from Baltimore to Chambersburg may not be discontinued, which was referred to the committee of the whole to whom was referred the bill laid on the table a few days ago, to alter and establish certain post-roads.

Mr. J. Clay submitted a long resolution to be added to the standing rules of the house, the object of which is to prescribe the order in which the business of the house shall be taken up. Ordered to lie on the table.

Mr. J. Clay, from the select committee, to whom had been referred the bill from the senate, respecting the mint and coins of the United States, reported their agreement to the bill, with the addition of a new section, (declaring that the mint establishment shall be perpetual). Referred to a committee of the whole to-morrow.

The house then proceeded to consider the resolution offered by Mr. Broom (directing the appointment of a committee to inquire into the expediency of securing more effectually the privilege of the writ of habeas corpus).

Mr. Burwell offered an amendment to the resolution (to define the power of the supreme court of the United States, in issuing the writ of habeas corpus) which was agreed to.

Considerable debate then arose on agreeing to the resolution. It was supported by Messrs. Elliot, Quincy, Kelly, Randolph and others, and opposed by Messrs. Bidwell, Sloan, Elmer, Eppes and others.

Mr. Gregg moved, that the further consideration of the resolution be postponed indefinitely. This motion also caused a debate of some length—when, at about 5 o'clock, the question was taken, by ayes and noes, and the resolution was postponed indefinitely—ayes 60, noes 58.

A message was received from the president, as published yesterday. Adjourned.

Friday, February 20.

The house of representatives were this day almost entirely taken up in discussions on business of a private nature, and on the resolution yesterday offered by Mr. J. Clay, the object of which appears to be to prevent the confusion which sometimes prevails in the house, on account of the numerous calls for particular orders of the day.

Mr. Newton, from the committee appointed on the subject, presented a bill respecting the naval peace establishment, authorizing the president to employ an additional number of seamen for the public service whenever he shall think it necessary. Referred to committee of the whole to-morrow.

The bill from the senate, for the punishment of frauds committed on the bank of the U. S. was read a 3d time and passed with amendments.

In the debate yesterday, on Mr. Broom's resolution, Mr. Randolph again made some very severe remarks on the conduct of gen. Wilkinson. He said that it was peculiarly unfortunate that the people of Louisiana, who had been induced to expect the blessings of liberty, should have been the first to witness such military despotism, as had been lately committed in that territory—and insisted that it made not a penny-worth of difference, whether the constitution were violated by Burr & Co. with a band of adventurers, or by the commander in chief, with a regular army.

Adjourned.

POSEN, Nov. 25.

The invincible Napoleon has said to the deputies sent to him at Berlin, that as soon as he sees 30 or 40,000 Polish national guards under arms, he will declare that the nation exists.

A central fund exists at Posen to receive subscriptions for arming and cloathing the national troops. The same measures are to be taken at Warsaw, &c.

In a proclamation issued by gen. Dombrowsky, the landholders are called upon to contribute to the value of 10 per cent. In an apostrophe to the females, the general calls upon them to sacrifice the last of their jewels, ornaments, &c. and in lieu of these to adorn themselves with the laurel of patriotism: "thus" says he, "we shall show ourselves worthy the protection of Napoleon the great."

Gen. Dombrowsky has promised, that the horses raised in Posen shall be paid for. "The emperor Napoleon," he says, "will soon be here. I shall expect all those Poles who have borne arms before to join me.—That Pole who, through indifference to his country, or from motives of private interest, shall neglect my admonition, will be deemed an unworthy son of his country, and made to pay either in his property or person. But in the mean while I anticipate the formation of a numerous body of patriots."

LETTER

From Gen. Kosciusko to the Poles. Brave countrymen!—At the sound of arms, which once more resounds in Poland, Kosciusko flies into the midst of you; it is no longer barbarians in search of plunder, who advance into our plains; it is no longer those ferocious men who come to divide our fields, and to insult our weakness, after having fattened themselves on our misfortunes and our blood. By their valor, by their triumphs, by the thundering eagle which soars before them, you will know the unconquerable legions which have illustrated the four quarters of the globe by their victories; who have, in one campaign annihilated the united powers of two vast empires: and who have, in one week crumbled into dust a throne raised by an age of successes, the work of Frederick and of all his old generals.

Thus has the destiny of Napoleon decreed, who destroys and makes kings; who falls with the rapidity of lightning on his enemies, and who knows how, by the force of his arms and the conception of his genius to raise up nations, bowed down under the yoke of a frightful policy.

Polanders, thousands among you have followed the first generals in Europe in the defiles of Italy. Your battalions have rallied with the army of the brave—Napoleon comes among you; he brings into the bosom of Poland those Frenchmen, among whom you have found a second country, who having collected the wrecks of us in their camps; who treating us as brothers, have concealed our misfortunes under their laurels; and these generous Frenchmen, in the midst of whom Kosciusko has ceased to believe himself proscribed, before whom he has at last been able to raise up with a sentiment of coalition, perhaps of pride, his vanquished but not dishonored head; and amongst whom he has been permitted to entertain the love of his country and the hope of its future liberty.

Dear countrymen, all you who, banished from your paternal soil have remained Polanders in a foreign land, and you on the contrary, who having become strangers in the bosom of Poland, have remained faithful to your brothers and the country, rise up, it is time, the grand nation is before you; Napoleon regards you and Kosciusko calls you.

See Europe shaken to her ancient foundation, hasting at the voice of genius to reconstruct the social edifice, and to immortalize the nineteenth century, by new creations and new titles to glory. See how the yoke of the tyrant of the seas, of the enemy of the repose of Europe is breaking to pieces on every coast; every where the people raise up, sheltered by monarchies constituted by the laws; every where the oppressed nations march towards their independence.

Polanders, what is yet wanting to inspire you and bring you to yourselves? Without doubt you are the children of those heroes who saved Europe from the yoke of the Musselmans your hearts shall burn with the fire which—filled with esteem and fright even your enemies' conquerors. Because they have divided you, you should be more united by blood, by language, by *mistortune*, and by every thing which is most dear and most sacred amongst men.

If Poland has been effaced from the political chart, she exists still entire in the hearts of her children. If abandoned by France, and having only for our support the justice of our cause and our valor, we were able to balance fortune between us and three empires who united themselves to oppress us; what triumph shall appear doubtful, when the conqueror of the triple alliance has freed your frontiers, when the man of destiny has cast his views on you—do you not feel in his presence your blood quicken in your veins? Do you not now see the shades of so many heroes who have died fighting for you, press around him and implore vengeance? Hear their groans, hear the voice of the country, who demands from us its glory and independence.

Polanders, escape by a miracle from the sword of your assassins, from the chains of your tyrants. I have collected you, I have brought with me the last sighs of a dying country, full of confidence, this day I will make her last wishes resound amongst you—I go to see that paternal land which my arm has defended, which my blood has red-

dened, and which I will cover on seeing it with tears and kisses. Unfortunate friends whom I have not been able to follow to the tomb, dear and brave compatriots whom I have been constrained to leave under the yoke of our usurper, I have only lived with the hope of avenging you—I return to break your fetters.

Sacred remains of my country, I salute you with an holy enthusiasm. I unite myself to you never to be separated. Worthy of the grand man whose arm is raised for us. Worthy Polanders, who hear my voice, I will aid to raise up my country, and fix her future prosperity on a stable basis, was the name of country no more to my compatriots than a word without meaning, then would I escape from my misfortunes and the common shame, and bury myself under the noble wreck of Poland.

But no! days glorious to Poland are about to appear; fortune has not conducted Napoleon and his invincibles on the borders of the Vistula to leave there no traces. We are under the *Aegis* of a monarch who combats difficulties with prodigies. The reestablishment of Poland is an event two glorious for the eternal master of all things not to have reserved it for him.

KOSCIUSKO.

GRAND ARMY.

THIRTY-SIXTH BULLETIN.

POSEN, December 1.

The head-quarters of the duke of Berg were on the 27th at Lowicy. General Benings, commander of the Russian army, hoping to prevent the French from entering Warsaw, had sent an advanced guard to line the river Bura. The advanced posts met on the 26th; the Russians were overtaken. Gen. Beaumont crossed the Bura at Lowicy, repaired the bridge, killed or wounded several Russian hussars, made many Cossacks prisoners, and pursued them as far as Blonic.

The 17th some cuts of swords were given between the grand guards of cavalry; the Russians were pursued; a few of them were taken prisoners.

The 28th, at night-fall, the grand duke of Berg, with his cavalry entered Warsaw. The corps of marshal Davoust entered it on the 29th. The Russians had crossed the Vistula and burnt the bridge. It is difficult to describe the enthusiasm of the Poles. Our entry into that great city was a triumph; and the sentiments which the Poles of all classes show since our arrival, cannot be expressed.

The love of their country and the national sentiment is not only preserved entire in the hearts of the people, but has been invigorated by misfortune; their first passion, their first wish is to become a nation. The most wealthy quit their country seats to come and ask for the reestablishment of the nation, and offer their children, their fortune and their influence. This spectacle is truly affecting. They have already every where resumed their ancient dress and their ancient habits.

Will the throne of Poland be re-established, and will this great nation resume its existence and independence? From the bottom of the tomb will it return to life? God alone, who holds in his hands the combinations of all events, is the arbiter of this grand political problem; but certainly there never was an event more memorable, more worthy of interest; and from a correspondence of sentiments which does honor to the French, some stragglers, who had committed excesses in other countries, were affected at the good reception given by the people, and needed no effort to behave themselves well.

Our soldiers think that the solitudes of Poland contrast with the smiling countries of France; but they immediately add: The Poles are good people. These people show themselves indeed under interesting colors.

PROCLAMATION.

At the Imperial Head-quarters, at Posen, December 2. "SOLDIERS, "It is to-day a year since you were, at this very hour, upon the memorable field of Austerlitz. The Russian battalions, frightened, fled in disorder, or, surrounded, gave up their arms to their vanquishers. The next day they uttered words of peace; but they were deceitful. Hardly had they escaped by the effect of a generosity perhaps condemnable, from the disasters of the third coalition, when they plotted a fourth. But the ally upon whose tactics they founded their principal hopes, is already no longer in being. His strong places, his capitals, his magazines, his arsenals, 280 stand of colors, 700 field pieces, five great fortresses are in our power. The Oder, the Wartha, the deserts of Poland, the bad weather of the season, were unable to stop you for a moment. You have braved every thing, surmounted every thing; all has fled at your approach.

"It was in vain that the Russians wished to defend the capital of that ancient and illustrious Poland; the French Eagle hovers over the Vistula. The brave and unfortunate Poles, upon seeing you, think they behold the legions of Sobieski returning from their memorable expedition.

"Soldiers, we will not lay down our arms till a general peace has strengthened and secured the power of our allies, and restored to our commerce its liberty and its colonies. We have conquered upon the Elbe and the Oder, Pondicherry, our establishments in India, the Cape of Good-Hope, and the Spanish colonies. Who could give the Russians the right of hoping to balance the destinies? Who should give them the right of overturning such just designs? Are not