

WASHINGTON, November 30.

When the senate was about convening on Friday, Mr. Smith, of Ohio, entered their chamber. Having exhibited a record from the circuit court of Virginia, attesting that *colle prosequi* had been entered on the indictments for treason and misdemeanor against him, and expressed a purpose to take seat, it was intimated to him by Dr. Mitchell, that it was the opinion of some members of the body that an inquiry ought to be made with respect to his application in any transactions hostile to the peace of the union. This induced him to wave taking his seat that day, to allow measures to be taken which the senate might see fit.

When the senate had formed, Mr. Mac offered the following resolution: Resolved, That a committee be appointed to inquire and report to the senate their opinion whether John Smith, a senator from the state of Ohio, ought not to be excluded from the senate in consequence of the conspiracy which he took in the conspiracy of Burr against the peace and prosperity of the United States, or what other steps their opinion it may be necessary and proper under the present circumstances for the senate to adopt.

Mr. Pope moved to amend this resolution, to make way for which amendment Mr. May withdrew his resolution.

Mr. Thurston moved the following resolution as an amendment, omitting that part of the resolution, which Dr. Jones moved as an amendment to the amendment:

Resolved, That a committee be appointed to inquire whether it be compatible with the honor and privileges of this house, that John Smith, a senator from the state of Ohio, against whom bills of indictment were found in the circuit court of Virginia, held at Richmond in August last, for treason and misdemeanor, should be permitted any longer to have a seat therein, and that the committee do enquire into all the facts regarding the conduct of Mr. Smith, as an associate of Aaron Burr, and report the same to the senate.

In this state of the business we entered the senate.

Mr. Hillhouse objected to the resolution on the ground of allowing the committee to ride a latitude.

Mr. Adams vindicated the resolution from objection.

Mr. Pope moved an adjournment to allow for her time for reflecting on the most correct course to be pursued.

Mr. Thurston advocated the powers given by the resolution to the committee; and in reply to some observations, previously made, remarked that a very different species of testimony from that required by a court of law, would constitute sufficient ground for the senate to act on in a case where the effect might be the expulsion of a member.

The motion to adjourn was lost; only four members rising in favor of it.

Mr. Hillhouse replied to the observations of Mr. Thurston, on the score of testimony, which he viewed those observations as extremely dangerous. Should they be carried into effect, the character of a man, however innocent, might be blasted. He thought the case called for great circumspection.

He wished the inquiry to be made, and had prepared a resolution, which he read as follows, as expressive of his opinion of the most proper course:

Resolved, That the message of the president of the United States of November 23, 1807, together with the documents which accompanied the same, be referred to a committee to inquire how far John Smith, a member of this senate, has been connected with or concerned in the transactions therein referred to, and report whether any and what proceedings ought to be had by this senate in relation to said John Smith, and to send for persons, papers and records.

Mr. Tiffin rose merely to state that he had seen attested copies of the record in the case of Mr. Smith, and to communicate to the senate the contents of a letter which he had just received from him. This letter follows:

Washington, November 27,

Dear Sir, Just having heard that a motion is pending in the senate to appoint a committee to enquire into certain charges exhibited against me at Richmond, by the late grand jury, I beg you, sir, to assure the senate in my behalf, that nothing will afford me more pleasure than to have public investigation of the said charges, and an opportunity to vindicate my innocence, and I beg you from your seat to make this statement.

I am, dear sir, respectfully yours, &c. JOHN SMITH.

Hon. Mr. Tiffin. Mr. S. Smith said, that however unpleasant it might be, it was the duty of the Senate to meet the proposed enquiry. It did not follow that such investigation would go to criminate Mr. Smith. It might, on the contrary, issue in his exculpation. He understood that that gentleman had expressed his conviction that a full investigation would completely exculpate him from the charges which had been preferred against him.

Be this as it might, Mr. S. thought there were circumstances which had been disclosed at Richmond, which called upon the Senate to go into the inquiry. He alluded to the testimony of Blannerhasset's gardener and lieutenant Jackson. He had, however, heard that Mr. S. thought it in his power to do away the charges flowing from these statements. Why an opportunity to do this should be refused, he could not understand. He added that he perceived no objection to an examination of two of the members of the grand jury, who held seats in the other house with regard to the grounds on which the bills of indictment had been found, from which examination it would appear, whether there was any necessity for sending for other testimony. These considerations would induce him to vote for the resolution, at the same time that he was little solicitous as to the particular resolution which should be adopted.

Mr. Mitchell stated that Mr. Smith had expressed to him his regret at not having been tried at Richmond on both the charges preferred against him, as he was confident that he could have established his innocence. What was the object of the resolution? To give him this opportunity; to allow him the only resource that remained; to allow him to be tried here by his peers. Therefore so far as related to the character of Mr. Smith, or to the dignity of the senate, the inquiry seemed a proper one; and he should consequently vote for the resolution.

Mr. Thurston said that he felt some delicacy in having hazarded an opinion, on the subject of testimony, which seemed in some respect to militate against the provisions of the constitution. What he had uttered on this point had been the result of momentary impressions, and might, possibly, on further reflection, be considered even by himself as erroneous. He should be sorry that on a point of so much importance any thing which had thus hastily fallen from him should go abroad, which might be erroneous. But as the remark had dropped from him, he would briefly state the grounds on which he had made it, which he still felt to be satisfactory. He was still of opinion that the senate in such a case were not bound by the technical rules of law as rigidly observed in courts. Various considerations compelled them to pay particular regard to their character and convenience. Hence the constitution had conferred upon them an unlimited power to expel a member. In such a case they were constituted both accusers and judges, in direct violation of the common principles of law. A member might be expelled for acts, which would not render him amenable to a court of justice. He was, therefore, of opinion that in this case the senate might decide upon what appeared to them credible testimony, although it should not be of such a character as would be admitted in a court of law.

The question was then taken on the resolution offered by Mr. Thurston, and amended by Mr. Jones, and carried without a division: Messrs. Adams, Maclay, Franklin, Smith, of Maryland, Pope, Thurston and Anderson were appointed the committee.

In the course of the proceedings, Mr. White read the following resolution, as such an one as he thought it most expedient to adopt:

Resolved, That a committee be appointed to enquire whether any, and what proceedings should be had against John Smith, a Senator from the State of Ohio, in relation to any connexion he may be supposed to have had with the conspiracy or any illegal enterprise of Aaron Burr, and that the said committee have power to send for persons, papers and records, on the subject committed to them, and to report the facts to the Senate.

NEW-YORK, December 2.

The secretary of war has received from New-Orleans two grisly bears. They are, as their names indicate, of a grey colour, and in their native woods grow to an immense size, it is said so as to weigh 7 or 800 wt. they are then extremely fierce. The animals sent to Gen. Dearborn were caught when very young, and are now perfectly tame. Grisly bears are so fierce and formidable that the Indians never attack them, except in large companies; in which case generally one or more of them become a sacrifice to their temerity. Governor Louis, when in the Missouri country, was pursued by a Grisly bear, and to save himself dashed into the river, where he remained up to his neck in water; while the bear, unable to pursue him (for one of the peculiarities of this species is an incapability of taking the water) remained growling for some time on the bank; at last it retired to the woods, and left our distinguished traveller rejoicing at his ability to rejoin his companions. These bears are considered as great curiosities, and are to be sent to Peal's Museum in Philadelphia, for the inspection of the curious.

Arrived, ship Elizabeth, Rea, 60 days from Cork, in ballast. Left ship Liberty, to sail in 2 days from New-York. Nov. 1, lat. 41, 56, long. 59, spoke barque Leopard, from Salem for Leghorn. 11th, lat. 38, long. 62, 30, spoke ship Mount Vernon, from Calcutta for Salem. Lat. 38, 44, long. 67, spoke ship Philadelphia, 2 days from Philadelphia for Liverpool.

Ship Mary, Richards, from Antwerp, and 42 days from the Downs, where she was detained a few hours, in ballast. Sailed from the Downs Oct. 19, the Woodrop Sims, for Philadelphia. Left in the Downs, ship General Hamilton, Shaler, for Amsterdam; ship Rose, of Alexandria, from Baltimore, for do.; barque 2 Brothers, Gardner, from New-York for do.; brig Nancy, of Newburyport for do.; brig Bulia, Rhodes, from Boston for do.; ship Liberty, Young, from New-York for do.; all liberated, and all about sailing. Left at Antwerp, Sept. 20, ship Thomas Wilson, of Philad. for N. Orleans; brig Dragon, of N. Bedford, had been ashore, but got off by unloading. A brig from N. Y. for Antwerp, was wrecked near Flushing, about 50 days since. The brig Orozimbo, from N. Bedford, with a cargo of oil, having been detained a few hours in England, unloaded at Antwerp while her case was pending, but it was decreed that her cargo could not be entered, and she was taking it in again. The ship Henry, from Amsterdam for N. York, was sent into the Downs. Nov. 1, lat. 42, long. 35, 30, spoke ship Eliza, Munro, 23 days from N. York for Cadiz. 14th, lat. 39, 40, long. 69, 40, spoke ship Concord, 2 days from New-York for Lisbon.

Sch'r Industry, Spencer, (mentioned yesterday) 50 days from Port-Maria, Jamaica, with 150 ps. rum. Oct. 31, lat. 22, long. 45, spoke brig Edward & Charles, of Bath, 75 days from Bordeaux, for N. Orleans.— Nov. 13, sent a boat to a brig on Florida Reef, which proved to be the Hermodite Industry, supposed to be from Havana, as she was full of sugar, no one on board, tight, and the cargo in good order; took off some sugar, sails, &c. some of her sails, and all the Seaman's clothing, &c. had been taken away.

Sloop Independence, Somers, Charleston. Below, last night, becalmed, 3 ships, 4 or more brigs, and 2 schooners.

One of the ships is the Ambition, 46 days from Amsterdam.

Cleared, ships Sarah, Gardner, Charleston; Rising Stars, Jones, do.; brig Jane, Lynch, Antigua; Adeline, Christian, Havana; sch'r Mentor, Chalman, Bermuda; Connecticut, Wasson, Charleston; sloop Richard Alfred, Terbell, New-Providence.

PHILADELPHIA, Dec. 3.

Agreeably to the constitution of Pennsylvania, the members of the senate, and of the house of representatives, assembled in their respective chambers on Tuesday last, when Presley Carr Lane was chosen speaker of the senate; and Simon Snyder speaker of the house of representatives.

The votes, in the house of representatives, were as follows:

From Simon Snyder, 43
Charles Porter, 41

Arrived, ship Bratus, Crair, Antwerp, via Cork, 44 days; William P. Johnston, Wells, Amsterdam, via New York, 90; brig Unanimous, Hathorn, Havana, 16, 90; sch'r Margaret, K. Bayley, Smith, do. 16 do.; Adeline, Jones, St. Jago de Cuba, 29, coffee and hides, &c.—Exertion, Brown, N. Carolina, 11, naval stores.

Cleared, brig Marys, Eldridge, St. Jago de Cuba.

Same day, sch'r Adeline, Jones, from St. Jago de Cuba. Left there, Nov. 4th, brig James and William, Dawson, of and for Philadelphia, in 4 days; sch'r Caroline, H. pkins, of and from Norfolk, just arrived; saw an American ship from New Orleans, at anchor off the Moro. Nov. 8. between Cape Maize and Cape Nichola Mole, was brought to and boarded by the British frigate Deadless, capt. Warren, who sent a lieutenant on board, and politely demanded the Vessel's papers, and all the letters, which were fifty-nine in number; he carried them on board, and after four hours, sent a midshipman with the papers and letters, with forty-nine of them broken open.

From Nov. 9th to 27th, the wind variable, from N. by W. to W. by S. and constant gales, most of the time obliged to lie to under a double reefed, and sometimes a 3 reefed fore-sail, the sea running mountains high, which stove in part of the washboards on one side, and carried them out on the other. In lat. 34, 47, long. 71, 30, spoke a ship, on one side, and carried them out on the other. In lat. 34, 47, long. 71, 30, spoke a ship, on one side, and carried them out on the other.

Journal of the customs at Antwerp—No. 209, for October, 1807.

Vessels having touched at England.

The 7th article of the Imperial decree of the 21st of November, 1807 forbids the admission into our ports of any vessel coming direct from England or the English colonies—or that may have been there since the promulgation of the decree.

The 6th article directs that any vessel, which, by a false declaration, shall contravene this disposition, shall, together with her cargo be seized and confiscated as English property.

The director general notifies, by a circular of the 4th of this month, that his imperial majesty has decided, that these two articles shall be fully and strictly enforced; and that any vessel that has touched at, or been sent into England, cannot be admitted.

Hence the immediate departure of vessels thus circumstanced, will be exacted, whatever causes of compulsion or justification may be alleged in their favor.

CHARLESTON, Nov. 20.

Arrived, sch'r. Ceres, Wing, Matanzas, 11 days; sch'r. Resolution, O'Driscol, Havana, 11; sch'r. Swift, Philadelphia, 8; sch'r. Edmund, Buckley, New-York, 5; sloop Lark, Allen, Havana, 27; sloop Republican, Brown, Savannah, 2; sloop Good intent, Allen Providence, R. I. 9.

Cleared, brig Adventure, Lague, Havana, sloop Semiramis, Slocum, New-York. The ship Hindostan, arrived off Tybee, on Sunday last, in 62 days from Africa—she has on board from 450 to 500 slaves.

The influenza prevails very generally at Georgetown, and has carried off a number of the oldest and most respectable inhabitants of the place.

November 21.

Arrived, sch'r. Mary, Wormell, Philadelphia, 7 days; sloop Charlotte, Cartwright, Nantucket, 20; sloop Nancy, Gorkham, Savannah, 1.

Cleared, sloop Mahala, Prior, Richmond; Ship Dryade, Barker, from New-York, and two schrs. one said to be the Wolf, Travers, from Baltimore, were off the bar last evening.

On Tuesday last, off the Frying Pan, capt. Wormell spoke ship John of Newport, from Rhode-Island, bound to Wilmington.

ALEXANDRIA, December 3.

Arrived, sch'r Fletcher & Riley, Barbados, ballast. Regulator, Bowie, Baltimore.

HOLSTEIN, Sept. 19.

On the 14th instant another ordinance was published relative to the privateers, and the establishment of courts for the adjudication of prizes. These courts are to be established at Flensburg, Altona, and other places; as in this ordinance the principle that principle that "free ships make free goods," is laid down as not to be departed from, the privateers are strictly forbidden to bring in any ships, either of friendly or neutral nations, let the cargo appertain to whom may, if the ship's papers are found to be regular, and she be not loaded with contraband of war, destined for an English port. As free ships make free goods, so on the other hand, the opposite principle, that enemy's ships make enemy's goods, is likewise to be acted on, unless it can be satisfactorily shewn that the cargo is neutral property, and was put on board before the commencement of the war.

FEDERAL GAZETTE.

FRIDAY, DECEMBER 4.

A bill has passed the house of assembly of New-Jersey prohibiting the travelling of pedlars for sale of foreign manufactured goods, after the 1st of July next.

In an address lately voted by the mayor and common council of an ancient and loyal city in the kingdom of Great-Britain, we find the following devout petition:—"We fervently pray to the Almighty, that these realms may never want your majesty's royal descendants to govern the same." !!!

[Liverpool paper.]
For the Federal Gazette.

To the Citizens of Baltimore.

By the contests between the two greatest powers in Europe endangering our peace on the one hand, and the advantages resulting to us from the neutrality of the U. States on the other, your attention has been engaged by the general government, or its measures. Permit one of your fellow citizens to call it for a short time to objects nearer to your homes, if not more important to your welfare.

Our government is a complicated Federal Republic, or several smaller republics within a larger one, if I may be allowed the figure, and though the anterior republic may be gliding smoothly down the current of wisdom, or struggling against the passions which assail it, the interior ones may be the victims of our neglect, and the whole be thrown into disorder and ruin together.

It was not a capricious puerile speculation, which induced the wise framers of our federal constitution, to procure to each of our republican state governments the guarantee of the union; they knew as well as the covenant which framed the constitution of Maryland, that all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; that there was a mutual dependence between the state and general governments, and that if the constitution of any should be perverted or overturned, every one would be in danger.—Because, as M. Montesquieu says the spirit of monarchy is war and enlargement of dominion; peace and moderation is the spirit of a republic, and that these two kinds of government cannot mutually subsist in a confederate republic.

This was in fact, with the necessity of uniting our efforts in cases of foreign invasion or aggression under a general head, the principle cause and object of the union.—It is to the legislature of your state I now claim your attention.

From the state government we hold more immediately our property, our liberty, and our lives. To be persuaded of this, let us take a view of the powers vested in the legislature of Maryland.

It is the legislature of this state that elects our Senators, and regulates the election of the members of the House of Representatives in Congress.

It chooses our Governor and his Council, the Chancellor, the Treasurer, the Auditor of public accounts, and the Register of wills.

Indirectly, that is, by the Governor and Council, the legislature appoints our generals, colonels, captains, & all militia officers; our judges, attorney-general, magistrates, and notary publics; clerks in the recess of courts; registers of the land office and surveyors—and in a more remote manner, that is, by the attorney-general, is appointed his substitutes, and by the levy courts it appoints our assessors, overseers of the roads, prisons and poor houses, and the constables, on whom more than on any other description of public functionaries, the peace of society and the safety each individual seems directly to depend.

Thus, excepting the office of sheriff, our government is a perfect Hierarchy, of which the legislature is the head, and even the sheriff must be approved of and commissioned by that body, through the governor and council.

None of these officers can be removed but by authority of the state government, and it stipulates the price of their services, which can neither be increased nor diminished without its approbation, or that of its officers.

It is the duty of the legislature to regulate descents, establishing the titles to our lands and houses, keep us in peaceable possession thereof; it has the power of levying taxes and appropriating the money, of designating offences against the peace of the state and punishing them; of educating and maintaining the poor.

Without the sanction of the state, we cannot make a street, a road, or build a college or church, if they effect the existing order of society, and by its authority all Ferries, Taverns, auctions and public exhibitions are licensed.

It provides for the pilotage of shipping, and inspection of produce.

The legislature of the state is the grand inquest and court of grievances; and besides many powers not stated here, it has the very important one of originating all amendments to the constitution of the state, and of originating or sanctioning those of the general government.

It is true the order of the markets, night watch, and some other objects of inferior concern are under certain legislative restrictions or regulations, committed to the mayor and city councils, but no authority is vested in them, as such, to settle or give judgment of the smallest debt, to arrest or imprisonment of the most daring offender of justice.

When the state of Maryland with the other states declared itself independent of England, the convention of delegates from the several counties, confirmed to each county, the right of sending four members to the house of representatives, and the right of sending two members from the city of Annapolis. In the face of those liberal and defined sentiments with which they had prefaced the form of government, the members of the convention could not refuse to the town of Baltimore a portion of influence in the legislature & Baltimore, exclusive of the county of that name, possessing a population of seven or eight thousand freemen, and their descendants, or as many as several counties of the state then, and eight or ten times as many as the city of Annapolis then, or since possessed, was also allowed two representatives; and so it has been represented for thirty years.

Such, however, was the jealousy already existing, and such the anxiety to prevent this devoted spot from deriving a benefit by the exclusive prosperity of the rest of the state at any future day, that it was provided that, if the inhabitants of Baltimore decreased, so that the number of persons having a right of suffrage become less than one half the number of voters in some one county it should cease to send two delegates.

And though the city of Annapolis, and every county, should retain their whole number of delegates, at all times and in every state of things; though one of the counties has since been divided into two, sending four delegates each, whilst both together are behind us in population, no provision was then, or has ever been made for an increase with us.

Many years ago the population of the town had doubled what it was at the formation of the government, & became equal to that of most of the counties of the state, efforts were made by your representatives and by those friends of your prosperity which some of the counties had sent to the legislature, to obtain an amendment to the constitution which would give you a just proportion of numbers and influence there, but always without success.

You are now, citizens of Baltimore, as numerous as the inhabitants of any county in the state, though the counties themselves are all much increased, and no doubt by your capital and enterprise, if not by your mistakes and losses. (See the table annexed.) You pay as much towards the support of the government of the state, and are as able and willing to defend it by your volunteer militia, armed shipping, or any other eligible way.

Besides an additional expense of 15s. in the 100, to maintain your own police independent of county assessments, amounting to 28s. you advance to the general government, on duties or imports, almost all the portion of revenue received from Maryland, which ten years ago was 782,000 dollars, and, as might be expected from your capital, enterprise and population, one half the number of local acts passed by the legislature respect the city & county of Baltimore, or the two adjoining counties.

You alone require twice as many laws each session as the largest counties in the state, and twenty or thirty times as many in an average of years, as some of the counties, that nevertheless have twice as many delegates as you.

There is not one enemy to your prosperity bold enough to maintain, that such a state of things is equal, fair, necessary or just, but self-love is so interwoven with our nature, that we must exorcise them if they hold their ground, whilst we are ourselves silent and submissive.

According to your declaration of rights, the right of the people to participate in the legislature is the best security of liberty, and the foundation of all free governments, that whenever the ends of government are perverted and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old or establish a new government.

These principles had been taught us by experience, for before the year 1776, we found a want of participation on the part of the British subjects, to be the great defect of the British government. The members of parliament, many of them appointed by individuals who owned Rotten Burroughs, were not our representatives, neither would they hear us or redress our grievances, and though it is not intended to make a general application where, thank God, there are yet no rotten burroughs for sale nor any sovereign princes to buy them, it must be allowed, there is some room for comparison, for the representatives of Annapolis, Calvert, St. Mary's, Charles, Montgomery, Prince-George, Anne-Arundel, Queen-Anne, Talbot, Somerset, Dorchester, Caroline and Worcester, are not our representatives, and their preponderance is so decided in the legislature, that our interests are sacrificed, and our complaints neglected. It may with some truth be said, that Baltimore is a sugar plantation, of which the government is reduced to a colony, and the southern and eastern parts of the state the metropolis, from whom it receives both its laws and the instruments to execute them—Annapolis too, as to us is in many respects a rotten borough already.

It cannot be pretended that a proportionate representation from this city, will turn the scale against our opponents, in favor of any part of the state, much less procure the city itself an undue influence. The compensation to two members more can be of little importance, and if it was otherwise the city itself would no doubt defray