

# WILMINGTON GAZETTE.

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## CONGRESS.

### HOUSE OF REPRESENTATIVES.

January 16.

A message from the Senate, by Mr. Otis, their Secretary, informed that the Vice President of the United States and President of the Senate, had obtained leave of absence, and that the Senate having proceeded to the choice of a President pro tempore, had elected Mr. Anderson, of Tennessee.

Mr. Speaker laid before the House the report of the Secretary at War, on the petition of the military officers stationed at New-Orleans, which was referred to a select committee of five.

January 17.

Mr. Claiborne moved the order of the day for the House to resolve itself into a committee of the whole, on the bill making further provision for the extinguishment of the debts still due from the United States.

Mr. Varnum in the chair.

This bill goes generally to make provision for the payment of certain debts liquidated at the Treasury.

A new section was proposed by Mr. Claiborne, making similar provision for all unliquidated debts due for services rendered or supplies furnished during our revolutionary war.

A debate of considerable length and interest grew out of the question for adding it to the bill.

On motion the committee divided and 78 members voting in favour of inserting it in the bill, it was carried.

A motion for striking out the last section, limiting the duration of the bill to years was made by Mr. Macon, (Speaker;) another debate of some length took place, and when the committee divided there were 48 in favour of striking out, and 58 against it—so it was determined in the negative.

Mr. Elmer proposed a new section embracing the cases of Messrs. Bowen, Moore, and Elmer, officers of artillery, but who were not attached to the line of any state, providing for an allowance of the depreciation of their pay, which they did not obtain, under the resolution of the old Congress, in consequence of having resigned a few days previous to its taking effect.

This motion did not succeed, only 18 members voting in its favour.

Mr. Thomas proposed a new section enacting that the claim of the United States against individual states for balances which occurred previous to the year 1790, should continue to exist till the day of and no longer.

This motion was also lost, only 20 rising in its favour.

The last section limiting the duration of the law for years being under consideration, it was proposed to fill up the blank with 2, 3, and 20.

The question was then taken on the highest number viz. 20, and lost; only 27 members being in its favour.

On filling it with 3 years the House divided, and were 51 in the affirmative and 42 in the negative, so it was carried.

The committee then rose and reported the bill and its amendment, and the House proceeded to consider the same.

A considerable debate took place on concurring in the amendment proposed by Mr. Claiborne, extending the law to unqualified claims, and upon the question of concurring, the House divided, and were for it 54—against it 56—So the amendment was not agreed to.

Several verbal amendments were afterwards agreed to, and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. Crowninshield reported a bill for the relief of the sufferers by fire in the City of New-York, in the state of New-York, it was twice read, and referred to the committee of the whole for Monday next.

Mr. Sloan laid upon the table the following motion, which was seconded by Mr. Anderson:

"Resolved, That from and after the fourth day of July, 1805, all blacks and people of colour, that shall be born within the district of Columbia, or whose mother shall be the property of any person residing within the said district, shall be free; the males at the age of and the females at the age of."

Mr. Stanford moved to consider the motion at this time. The House decided on the question, and there were 57 for the immediate consideration, and only 30 against it; whereupon the same was taken into consideration.

It was then moved to refer the motion to a committee of the whole.

The Yeas and Nays were called upon the question of reference, and were Yeas 47—Nays 65.

The question was then taken without debate, on the original resolution, Ayes 31, Nays 73.

So the resolution was negatived.

The third reading of the bill making further provision for the extinguishment of debts due by the United States, was, on motion of Mr. Alston, postponed till Monday next.

Mr. Dana, from the committee of claims, made a report upon the application and representation of sundry citizens of Massachusetts, purchasers under the Georgia company; of the agents of persons composing the New-England land company, purchasers under the Georgia and Mississippi companies, and the agent for sundry citizens of South-Carolina, purchasers under the Upper Mississippi company. Which was referred to a committee of the whole, and ordered to be printed with the accompanying documents.

The Speaker made the usual enquiry "for what day shall it be made the order."

Mr. Dana moved Monday, observing that he had an idea of the report being printed by that time, or even if it were, he should not call it up, his intention being merely to have it on the minutes as a record in the parties interested.

Mr. Leib moved its being made the order of the day for the 3d of March next.

The third of March being the most distant day, was first put, and a division of the house was called upon the question. There appeared but 30 members in the affirmative; of course it was not carried.

Monday next was then agreed to without a division.

Mr. Nicholson moved the order of the day on the report of the committee of claims, on the petition of Alexander Murray, praying to be reimbursed the value, damage, and costs of a certain vessel captured by him, and which had been decided against him by the supreme court of the United States; which being agreed to,

Mr. Tenney was called to the chair.

The committee, after some time spent in considering the report of the committee of claims, adopted the resolution thereof, that the prayer of the petitioner was just, and ought to be granted, 66 members voting in favour of the resolution.

The house having concurred in the report of the committee of the whole, it was referred to the committee of claims to bring in a bill conformably to the said resolution.

Adjourned.

January 21.

A message was received from the President of the United States, informing that he had approved and signed the act authorizing the erection of a dam or causeway from Mason's Island to the western shore of the river Potomac.

Mr. Findlay presented a memorial on behalf of the people called Quakers, requesting Congress to pass a law relative to the importation of Blacks into the United States. Referred to the committee appointed on that part of the President's Message relating to the amelioration of the government of the inhabitants of Louisiana.

The bill for extinguishing certain debts due by the United States, being on its third reading, was, on motion of Mr. Eppes, committed to a committee of the whole.

The House divided on the motion—50 in the affirmative, and 34 in the negative.

So it was carried.

Mr. Nicholson moved to make it the order of the day for the fourth of March next.

The House divided—59 for it, and 46 against it.

It was then made the order of the day for to-morrow.

January 22.

The bill for the support of the military establishment for 1805, was read a third time and passed.

The bill authorising the Post-Master General to make a further allowance for carrying the mail from Fayetteville to Charleston, was read a third time and passed.

Mr. Nicholson reported from the committee appointed for the purpose, a bill fixing the value of rations allowed to the officers in the army of the United States. It was read twice, and referred to a committee of the whole for to-morrow.

Mr. Rhew's (of Tennessee) motion relative to the number of troops and officers and their destination, was called up and agreed to.

FROM THE NORFOLK HERALD.

LOUISIANA.

The 5th of December last was a day which deserves to be forever remembered by the citizens of New-Orleans, and the territory attached to it. It forms a memorable epoch in their history, and may be called the birthday of their civil liberty. On that day the SUPREME COURT of the Territory of Orleans held its FIRST SESSION, under his honour J. B. PREVOST; exhibiting to the former subjects of a king of Spain the naval spectacle of a free and impartial trial of all crimes and offences, by a judge subject to the law and to the previous decision of twelve disinterested and honest men; the only real safeguard of the person and property of the citizen. The names of the following gentlemen are recorded as the first who have been honoured by the title of JURORS, in our newly acquired province.

First Grand-Inquest for the Territory of Orleans.

JACQUES PETOT, Esq. BENJAMIN MORGAN,

LIVAUDAIS, Senior ANDREW BURKE.

PAUL LANUSSE. STEPHEN HENDERSON.

JOSEPH FAURE. ARTHUR MORGAN.

JEROME DE LA CIAPELLA. DAVID URQUHART.  
J. F. MERIEULT. CHARLES PATTON,  
NICOLAS GIRAUD. JAMES CARRICK,  
MICHEL FORNER, jun. GEORGE POLLOCK,  
ALEXANDER MILZE. RICHARD RELF.

The Grand Jury having taken the oath prescribed by law, his honour addressed them in a neat and interesting charge, which though not particularly remarkable for depth of research, deserves nevertheless to be recorded, as being the first which any judge has there had an opportunity of delivering. In the novel situation in which Mr Prevost was placed he might perhaps have done more; but he is rather to be allowed credit for what he has performed, than censured for what he has left unattempted. We had hopes of receiving the charge in his own words; but neither of the papers published in English at New-Orleans having come to hand, we translate the following from DU MONTEUR DE LA LOUISIANE, in which paper it is published with the attestation of the sworn interpreter of the court.

GENTLEMEN OF THE GRAND-JURY,

I cannot dissemble the agreeable emotion which I feel in addressing myself to an assembly composed of the respectable inhabitants of this territory, by a title so sacred in the annals of civil liberty. They proceed from a deep conviction of the important consequences that ought to flow from that system which is this day introduced amongst you; from the knowledge which experience has given me of its advantages; and from a possession which makes me hope, that when this principle shall be perfectly known, it will be considered as the most inestimable privilege that can be secured to you by your close union with a people jealous of its civil rights, and tenacious of every thing which concerns the personal safety of the citizen.

I felicitate you, gentlemen, not only on the introduction of the TRAIL BY JURY, but on the establishment of a tribunal for preliminary inquest, unexposed, from the character of its members, to corruption of any description; sheltered, by their firmness and independence, from the assaults of power; exempt, by their integrity, from the influence of favouritism; and whose impartiality is guaranteed by the sacred love of duty with which they are animated, and the high responsibility attached to their functions. Severe, indeed, ought to be the principles, and incorruptible the equity, of that body, whose sole accusation can bring to the bar of justice, as a criminal, the man most exalted and dignified; while he the most obscure cannot, without its consent, be put to answer even for a capital crime! If the power of accusing could be exercised without the restraint of previous examination into the nature of the charges, there would exist no security even for the citizen whose conduct should be the most irreproachable. Calumny might rob him of his reputation; credulity would lend a compliant ear to his defamation; and hatred or revenge might compel him to appear under undeserved accusations, at the bar of a criminal court. In such predicament what would his innocence avail? A tardy judgment might, perhaps, in acquitting him, re-establish his reputation in the opinion of the small number of those who judge of things by their real merits, but not in the minds of an unreflecting multitude, who but too often think that to be accused and to be guilty are synonymous. Were this power placed in the hands of one man, or in a permanent body, it would frequently be subjected to the impulses of favour or of corruption. How, then, are these evils to be prevented? What is that accusation which must inevitably strike at the guilty? How are the innocent to be effectually protected against groundless charges? The experience of ages, the inspirations of genius, the result of the most enlightened observation, unite to demonstrate, that innocence cannot pass through a more pure ordeal, than a tribunal composed of men chosen, at fixed epochs, and for a limited time, out of the most respectable classes of that society into which they must re-enter at the expiration of their functions. Such, gentlemen, is that institution of which you have the honour to be the first members, in this territory.

From you, gentlemen, who have been thus selected, and who have sealed your engagements with the most solemn oath, your country expects the fulfilment of those duties which are now imposed upon you. Your duties are briefly designated in the oath which you have taken, and by which you have bound yourselves to denounce all crimes which may come to your knowledge, "without fear, favour, affection, or hope of reward"; as every individual whom you shall accuse, must be subjected to the event and to ignominy of a publick trial, you are equally bound not to accuse any one, "through envy, hatred, or malice"; in short, as you are responsible to God and to your conscience, you are enjoined to present all things "with truth." It is also your duty to take cognizance of all infractions of the laws of the land, whatever may be the degree of such offence; patiently to hear and diligently to examine the proofs which may be offered to you in support of complaints; and whenever twelve of your number shall unite in finding them well grounded, to pre-

pare a bill for indictment, containing all the particulars of the crime.

The Attorney General will assist you in arranging such indictments as you may think proper to consult him upon, and he will also aid you with his advice on the nature and merits of the proofs required by law to substantiate each species of crime.

You are doubtless well convinced, gentlemen, of the necessity of preserving the most strict secrecy respecting every circumstance which may come before you; and particularly with regard to the opinions which may be uttered in your private deliberations. This secrecy is indispensable to the free exercise of your functions; for no one would wish to incur the enmity of his fellow-citizens by a free expression of sentiments; did he least fear they would be exposed by an indiscreet revelation: thus the greatest offenders would frequently escape punishment, if the voice of truth were not certain of being protected, by the assurance that its counsels would never be divulged.

After having thus explained the nature and object of your functions, it only remains for me to add, gentlemen, that on your vigilance in examining and in denouncing offences, depends the preservation of order, of morality, of religion, and of government.

FROM THE NATIONAL INTELLIGENCER.

The New-York prints state the arrival at that City of Captain Hamilton, from Naples, and that he has brought dispatches to government, from Commodore Preble. We learn, on enquiry, that the Secretary of the Navy has received a letter from the Navy Agent at Naples, dated October the 20th, which, however, furnishes no information in addition to that previously received and published.

Other accounts give some circumstances not unworthy of notice. The letter from Commodore Barron, of the 23rd September, further states, that he was preparing to attack Tripoli (without the gun and mortar boats) with the frigates, the President, the Constitution, the Congress and the Constellation—and that this attack would be made as soon as they had completed the repairs of the few injuries received by the Constitution in the action of the 1st of September.

It appears also that Commodore Preble and Mr. O'Brien, under the impression that the gun boats and mortars he could not longer, with any prospect of success, keep the sea, directed them on the 7th of September two days previous to the arrival of Commodore Barron off Tripoli, to rejoin to Syracuse, on which day they accordingly left the fleet.

A letter from an officer on board the President, dated Syracuse, harbour, September 28th, states the following facts, which are too interesting, too illustrative of the high heroism of our seamen, and too honourable to the memory of the deceased, to be withheld from the public.

"I wrote you from Gibraltar the 13th August, and from Malta the 6th inst. since which we have been off Tripoli, and arrived here two days since. Two days previous to our arriving off Tripoli a boat was filled with 100 barrels of powder started in loose, and 300 shells; the command was given to our friend Somers, who had with him Lieutenants Wadsworth and Israel, with about ten men, his orders were to get in as near the town and batteries as possible and put fire to the trains; he had with him a small boat to effect his escape from the harbour off which was Captain Stewart in the Syren waiting for him. When we arrived off Tripoli we were informed that he got well in and set fire to the trains, but by some accident it was supposed the train communicated to the dry powder before they got off a sufficient distance from the vessel. But by an arrival here last night of a vessel from Malta, the captain of whom was at Tripoli at the time of the explosion—he informs that Somers had got well in, when two gun boats full of men were sent to board him, which they effected, 100 Tripolitans being on board of his boat, he found he must either fall into their hands or blow himself up; he chose the latter, and with his own hands put the match to the powder, which instantly dashed to pieces the boats and every person in them.

About 100 shells fell into the town and castle, at this instant there was the greatest consternation every where, and with 200 men I believe the castle might have been taken.

Among the brave fellows who thus ended their days, and laid a well founded claim to glory, were Captain Somers, of Jersey, Lieutenant Wadsworth, of Massachusetts, Midshipman Israel, of Maryland; whose names have been stated before, but which are now given with greater precision to prevent mistakes.

The vessel blown up was a lugger, of but little value, taken from the enemy."

Wanted at this office an apprentice to the Printing Business.