

unlawful and believing it to be correct, they are as innocent in fact as those who act innocently.

I will remark to the house that on this subject we have not legal testimony. It is required scarcely in any case by the House, much less in a case situated so peculiarly at this is. These men are of all others in the worst situation for procuring relief. They are confined in a dungeon; they are poor men, of poor families, who cannot act in their behalf.

Mr. B. said he held in his hand a letter from one who was engaged in the expedition, but was so fortunate as to escape, which stated that not more than two persons concerned were acquainted with the nature of the expedition, but believed it to be sanctioned by the government. The letter also stated the prisoners to be in the most wretched condition, lingering out a miserable existence under the distress arising from the want of clothes, light, fuel, bedding and means of intercourse with their friends.

Mr. Pearson—On this occasion, Mr. Speaker, I feel a sensibility which it is not my nature to repress—a sensibility which I trust is mainly, not merely the evaporation of ordinary feeling, or of mistaken humanity; but an impression, confirmed by the dictates of reason, of justice, of honour, and bottomed on the solid basis of nature's best gift—humanity.

We, as the representatives of this nation, are appealed to for the relief of a few unfortunate fellow beings—citizens of our country, whose imprudence, or to say the worst, whose crimes have brought them to a situation at the recollection of which, the benevolent mind shrinks with horror. Yes, sir, about thirty young men, citizens of your country, derided by the artifices and delusive hopes with which their ardent and youthful imaginations were flattered—led on by the example and patronage of men, by no means obscure, or, at that time, disreputable, embarked in an expedition, the destination of which, I am induced to believe, was to them unknown—not only unknown, but represented by their leaders to be agreeable to the authority and laws of the U. S. These young men, having discovered, too late, the deception which had been practised upon them, after unsuccessful attempts at Hispaniola to escape, continued involuntarily, in an expedition, in which they were captured, sentenced and punished as pirates—sentenced to the most torturing of all punishments—to rigorous imprisonment and slavery, and are now groaning under the weight of their chains in the dungeons of Carthagena.

It appears that the preparations for this expedition were by no means secret—they were made in the city of New-York, in the face of day, and if not known to every body, at least to a great many. It will be recollected that statements have been made, which tend to produce a belief, that assurances were given to these unfortunate sufferers, that this expedition was not contrary to the authority and will of the government of the United States. And here it may be observed, that impressions did exist (and I confess the impression is not altogether eradicated from my mind) that some of the principal officers of this government did connive at, or at least were not entirely ignorant of the principal characters concerned, or the preparations which were making for this expedition. This impression arose, I presume, from a variety of circumstances, among which may be mentioned the apparent good understanding, if not intimacy, between general Miranda and some of the officers of government, the respect shown Miranda by the President, at whose table I am informed he was a guest, from the open manner in which the expedition was fitted out; from the peculiar situation of affairs between this country and Spain, which left little doubt on the minds of many, that if war did not exist, there were strong grounds to believe that hostilities would soon commence. In addition to those, the circumstances which took place on the trial of Ogden and Smith, in the city of New-York, had some tendency to strengthen the suggestion. In the course of that trial it will be recollected by every person who has attended to it, that one of the grounds of defence set up by the defendants was, that the expedition and enterprise was begun, prepared and set on foot, with the knowledge and approbation of the President of the United States and the Secretary of State. The disclosure of this ground of defence is sworn to by one or both the defendants, in an affidavit made to obtain a postponement of the trial, in consequence of the absence of the Secretary of State and some other persons who were subpoenaed to attend as witnesses in behalf of the defendants. It was also strengthened by the ultimate acquittal of those men.

The conclusions, therefore, which I draw are—that if any of the principal officers of government had knowledge of the object and extent of this expedition, and those sufferers embarked from a conviction of this knowledge and from a belief that they were not acting contrary to the authority or wishes of the government, then they are not highly criminal, if criminal at all. If the officers of government did not know the object or extent of this enterprise, but were deceived, as to the preparations and object of this adventurous and treacherous commander; then how much more likely is it, that those young and ignorant men should become the dupes of his artifice and design.

But, sir, let us now turn for a moment to

the darkest prospect in this scene, let us suppose all that can be imagined; let us admit that those men are really guilty; does it then follow that their crime is of so deep a die it cannot be washed away; cannot be expiated but by a punishment unknown to our laws and the mild genius of our government; this surely cannot well be; those young men are to be considered as merely secondary objects in this transaction; they are not of that description, who, from the influence of wealth, connections or intrigue, it would be dangerous to restore to the bosom of their country. On the contrary their sufferings have been such, as to convince them of the folly of their doings and their tales of woe, would deter others from engaging in like adventures.

But, it is said, money is required—an appropriation is to be made. 'Tis true, the pitiful sum of 3,500 dollars is required—not the tenth part of a cent per man throughout the U. S. And altho' I am disposed to hold a strict hand over the expenditures of the government, and guard sacredly the pecuniary interests of my constituents, yet I must not forget their honour and their generosity. I should do every man of them injustice, if I did not take upon myself the responsibility of this just, this humane appropriation. Upon the whole, I am inclined to believe those men are not highly criminal, but whether guilty or not guilty, they have suffered enough. The honour and humanity of the nation demands their liberation. They should not be suffered any longer to linger out a dreadful existence, in the dark, chilly damps of a Spanish dungeon.

Mr. Smilie said that the Spanish government were already all alive to the actions of this country, and no doubt jealous of any appearance of its participation in Miranda's, Barr's, or any other expedition against its territories; and no doubt their jealousy would be increased when they heard a declaration that there had been in this government a disposition to injure that nation. And shall we now (said he) by an act of this kind confirm those suspicions which are already entertained? And will you involve the nation, under these circumstances, by an application in behalf of these men? This is sufficient reason with me to vote against the resolution. It is better that these men, supposing them to be innocent, should bear with private hardship, than that the public should receive an injury.

Mr. Fisk. I take this opportunity (said Mr. F.) of expressing my approbation of the report and of filling up the blank with any sum deemed competent to relieve these unfortunate sufferers from a situation more wretched than my power over the English language will suffice to describe. It is said that these men are guilty—& what is there to support this belief? Nothing but the declaration of the member (Mr. Randolph) who asserts it. What constitutes guilt? The *quo animo* with which an act is performed. What evidence is there of guilt in this case, more than that these men were taken on the coast of the Spanish Maine in an enterprise against that colony? Does it therefore follow that they were guilty? If they were surprised into this situation against their wishes, against their powers of resistance, they were not guilty. In giving my opinion on this subject I will say that it never fell to the lot of mortals to be more perfidiously betrayed, more cunningly dealt with, or more harshly treated, than those who now petition their country—their country, I say, because they are entitled to relief from us, unless they have forfeited their right by this act.

It may be and has been asked how it was possible that a ship of this description could be fitted up in the face of day in New-York without the knowledge of the government or its officers. The evidence on the trial will answer this question: When it is recollected that the vessel was owned by Smith & Ogden, that it had been employed for some years in carrying on a forced trade with St. Domingo; that the vessel was armed, and that her complement was 120 men; and in addition, that one of our revenue officers was concerned, it is no longer a cause of surprise. Mr. Smith therefore engaged these men, not in this enterprise, but as they honestly believed, in the service of their country. They understood that there were some to go to Washington and guard the mail, others to go round to New-Orleans, and for various purposes; but it was never intimated to one of them that they were to be employed in an hostile expedition against any nation whatever. It was no very difficult matter to cover such an equipment. It was unknown to the sufferers what was the destination of the army till the 19th of February, when they made the island of Jacquemel. To their utmost astonishment they then found themselves driven in a different direction from that which they expected. They remonstrated and attempted to escape, but in vain: They were compelled to go on board the Leander, under the authority of Miranda and Capt. Lewis. Another circumstance of weight in their favour is, that, in the trial which was had at Caraccas, the evidence produced against them was not sufficient in the opinion of the Spanish government, to convict them of having knowingly taken a part in this business. The officers being accessory to it, were executed. But, inasmuch as it was necessary to hold up an example, not so much to foreigners as to their own citizens, it was found necessary to punish and confine these petitioners. Believing as I do from a thorough acquaintance with the facts, that they were entirely innocent of any intention of carrying on a hostile expedition against any nation or against the laws of their

country, that they were betrayed by the arts of men who ought to have suffered more than they yet have; I am willing to assent to this resolution.

Mr. J. G. Jackson. If the government has by any connivance or act of theirs encouraged an armament within the United States, they ought not only to indemnify the sufferers but to make a full enquiry into the facts—I do not know the method of doing it, but I believe if there was any manner of bringing the gentleman to the bar to exhibit and substantiate his charge, it ought to be done. I would ask if any new testimony is forthcoming in addition to that on which the House at the last session made a solemn decision?

Mr. Bacon said that the gentleman from Virginia (Mr. J. G. Jackson) could not be serious in his observations as to what had fallen from the gentleman from North-Carolina. If indeed the gentleman would state a thing upon his own responsibility in a form in which the House could act upon it, it ought to be noticed. He believed however that the gentleman would not undertake to make such a statement; he must have too much respect for himself to do it.

Mr. Pearson observed that he regretted to hear the misrepresentation given to his language and the injustice done to his motives—nothing was further from his intention than to make any positive charge of criminality against the officers of the late administration in relation to this transaction—he had only stated impressions, the grounds of which were long ago before the public. His principal object was to demonstrate the innocence of the men who now call for mercy, and to shew that if the officers of government, with all the lights before them, were deceived by this artful adventurer, how much more easily could the deception be practised on those ignorant individuals.

Mr. Macon said it had not been the practice of this House to call to the bar of the House any member for what he should say in debate. If I (said Mr. M.) believed that the President had connived at an act which I do not hesitate to avow that I believe he did not, I should feel myself justified in stating it. I for my part never will give one cent of money out of the pockets of those whom I represent for the relief of those who would enlist with Miranda or any other foreigner. Gentlemen may talk about the innocence of these men. I do not believe that they were innocent. They knew what they were about; the papers of the day were filled with accounts of the great fortunes which they were to make, the hope of which no doubt induced great part of them to go on the enterprise. In proportion to the freedom of men and of course to their power of intriguing, ought we to guard against such men as these. I feel no compassion for them, no more than I would for a man about to be hung for a crime which merited the punishment of death; I might feel compassion for such a man when seeing him going to the place of execution; but I would never put my hand to a petition for the pardon of a man who had committed murder. Their own word is taken for their innocence. *Take his own word for it, and no man was ever guilty.* Remember, sir, how many conspiracies you have already had in this country. They began ten years ago to disturb the country; and yet these offenders are to be called peaceable and inoffensive men! The history of all free governments exhibits the same thing. I have no feeling for them, I repeat. I do not want them back. I wish that they and all other citizens of this country, rich or poor, who would follow the Miranda's or any other adventurers, were out of it. If all these men except Capt. Lewis and Miranda, were innocent; they have very little of that American feeling which characterizes our citizens and seamen in general, or they would have knocked their employers over-board when then could get to a place where they could do it securely. If their failing to do so is no proof of their guilt, they have been convicted of the crime, and that is certainly some proof.

If these men were so averse to the Spanish expedition, why had they not common sense? They would then have told the Spanish government that they were trepanned and had in vain attempted to make their escape, being compelled to serve in Miranda's expedition. They might then all or many of them have escaped punishment.

I do not doubt that they are Americans by birth; but they have not American feelings. I think less of such men than I do of the foreigner naturalized here and who yet feels for the country of his birth. This government was too free for them, and they wished to attach themselves to the fortunes of a foreign despot. They did so; and I am unwilling to give one cent of the public money to relieve them from the situation in which they have placed themselves.



"He comes The noisy herald of a busy world."

FOREIGN.

The accounts of the Battle of Tyrol are still contradictory, but we are of opinion the French were defeated. That our readers may judge for themselves we lay before them both the French and English accounts of it.

AUSTRIAN AND ENGLISH ACCOUNT.

THE AUSTRIAN BULLETIN, Dated Head Quarters, Sals, April 27.—On the 10th and 11th inst.

rial highness the Archduke John, with the army under his command, entered the territory of Italy by Pontico, Civitavecchia, and Frosino, and was in position, advanced on the 13th to the Campagna. The enemy retired across the river, in order to join with the troops in their rear. The junction which probably took place at Scilla, made the hostile army five divisions strong. In the night of the 14th his imperial highness proceeded with the advanced guard towards Frosinone; the remainder of the army followed at day break. The enemy's advanced guard was at Frosinone, and his army was placed between that place and Scilla, near Fontana. In this situation an action commenced, which after a sanguinary contest of two days terminated entirely to our advantage. The vice-king of Italy commanded the French army. The result was so decisive, that the enemy could not maintain themselves behind the Livenza, but were obliged to retreat rapidly to the Phlye. The prisoners already amount to 6000, among whom are general Pazzi and Bressana. More are constantly brought in. The loss in killed and wounded greatly exceeds this number, and we have taken 16 cannon and three eagles.

ENGLISH.—The Gibraltar Chronicle extra, of May 25, informs, that his majesty's brig Pilot, the honourable Capt. Waldegrave from Malta, brought the following letter, upon the authority of which the Editors place full reliance.—Trieste, April 20, 1809. We have received intelligence that, near Venice, the advanced guard of a division of 35,000 men had been twice repulsed by the French; but the Archduke John having come up to their assistance at the head of a body of reserve of 20,000, completely defeated the enemy, who were 30,000 strong, commanded by Eugene Beauharnois, Viceroy of Italy, who was wounded.—The loss of the French amounts to 20,000 men, the greater part killed or wounded, the remainder prisoners, besides the whole of their artillery and baggage.—The Archduke is in pursuit of the enemy.

A detailed account, corroborative of the above, is a letter from the Spanish Consul at Trieste, published in the Seville Gazette of the 28th of May.

FRENCH ACCOUNT.—Trieste, (Italy) April 17. Yesterday part of the French gave battle to the Austrian Army upon the Sillis. The action began at 6 o'clock in the morning, and was very obstinately maintained on both sides. The village of Pozza was taken and retaken several times, but notwithstanding the superiority of the Austrian troops as to numbers, the French preserved the advantage.

April 20. Some persons employed in the military department, and others in the train of the French army, in a panic after the affair of the 16th, retired in precipitation to Vicenza. Their flight gave rise to the most extraordinary reports which grew, in going from mouth to mouth, as it always does in like cases. His majesty has published an order of the day, that all those attached to the army who shall not have returned to their duty in 48 hours shall be tried by a military commission as to the cause of their absence.

It is certain that our army is already on the plain, and that his royal highness was on horseback at peep of day, visiting the advanced posts.

There are various accounts from Spain and Portugal. Some represent that Soult has been defeated in a general battle, with great loss, and that he will be compelled to surrender to the United forces of Spain and Britain, under Marshal Wellesley; others, that he is retiring towards France. They are stated, is shut up in Coruna—that Ferrol has been destroyed and evacuated by the French—and that Bilbao has been retaken by the Spaniards. The Paris accounts speak of a great victory obtained over the Spaniards in Catalonia, while the Seville accounts represent the French as reduced to great straits in that province. From all the accounts the French are every where in Spain acting on the defensive, drawing to a point their scattered posts, probably retreating. The Spanish generals Romana, Rea, and Blake and Ceasar are said each to command armies of from 30 to 50,000. There is no doubt the patriotic cause is gaining strength in Spain, and will certainly become very formidable if the Austrians should for any length of time hold out against Bonaparte.

Bonaparte, at the last accounts, was within a few miles of Vienna. The Archduke Charles was concentrating his forces about 20 miles north of the Danube, and was receiving powerful reinforcements; another battle was soon expected. Warsaw has surrendered to the Austrians.—A part of Bonaparte's army has been in a state of insurrection, and Jerome has promised his officers not to quit his dominions until the danger subsides, when, it is said, he is to take the command of an army of reserve of 70,000 men. Jerome's Queen has gone to Strasbourg to visit the Empress Josephine. Tyrol has without doubt, revolted and joined the Austrians; and the Bavarian States as well as the kingdom of Naples are said to be ripe for insurrection. Bonaparte has certainly extended his dominions to the utmost of his power to govern; his situation is not without difficulty and danger, though we think he will finally triumph over all. In grasping at too much he has certainly put all to hazard.

The report of Russia having concurred with Austria in the war, is unfounded. It is said that Alexander is now menacing the Turkish provinces of Moldavia and Wallachia with a powerful army—Sweden and Denmark are tranquil.

Since the above was in type the mail has brought London accounts, received at New-York by the way of Halifax; that Bonaparte entered Vienna on the 10th of May—that Russia had declared war against Austria, and had sent a large army into Poland, which had defeated the Austrians in several actions.—that the Emperor of Austria had sued for peace, and that Admiral Collingwood had captured a Toulon fleet consisting of five sail of the line and several frigates.

A very lengthy correspondence is now publishing which took place in July, 1808, between M. Champagny, the French Minister, and Count de Melternich, the Austrian Minister, on the mutual complaints of the two nations, which finally eventuated in the present war.

The first letter is from Champagny, dated Bayonne, July 16, 1808. He complains of the arrest of M. Young, a Polish officer, when on his way to Galicia, on family affairs, with regular passports; that Marshal Davoust had three times in vain applied for his release, that M. Young was still under arrest