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SENATE of the UNITED STATES.

Debate on the motion of Dr. Logan for leave to bring in a bill to suspend the commercial intercourse between the United States and St. Domingo.

FRIDAY, Dec 3, 1805.

Dr. Logan observed that he had leave to bring forward a bill to prevent commercial intercourse between the United States of America and the French Island of St. Domingo. Dr. L. observed that the attention of Congress had been called to this subject by the President of the United States at the commencement of the last session of Congress in the following words:— "While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted, nor left unprovided for. Complaints have been received, that persons residing within the United States have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries; that individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well ordered society. Its tendency to produce aggressions on the laws and rights of other nations, and to endanger the peace of our own, is so obvious that I doubt not you will adopt measures for restraining it effectually in future." The first complaint alluded to in the Message of the President, is a letter addressed to the Secretary of State by the Envoy of Great Britain, dated on the 31st of August, 1804, in which he observes "I have received information respecting several vessels which have of late been armed in, and have sailed from the different ports of the United States, some loaded with articles contraband of war, gun powder, &c. to be transported to others with cargo of innocent goods, and to be used in battle. After the diligent enquiry which it has been my duty to make on so important a subject, I think that I can have no objection to stating to you with certainty, that several vessels of the above description, which are mentioned to be schooner rigged, have sailed lately from the port of Baltimore, whilst others of a larger size, even ships of considerable burthen, and completely equipped for war, have sailed from the port of Philadelphia, bound to the possessions of his Majesty's enemies in the East as well as West Indies. It is said the object of some of these equipments is to force a trade with the islands in the Island of St. Domingo, in which attempt the public prints have stated to circumspectly, as to leave no doubt on the subject; that two American vessels have been captured by French cruizers, after making resistance. But I have strong reason to believe, that the destination of others, particularly from the port of Philadelphia have been with cargo of contraband articles to the enemies' possessions in the East and West Indies. Let their destination, however, be what they may, it cannot, I conceive, but be justly considered, that such armaments, on the part of the citizens of a neutral state, must be attended with consequences prejudicial to a belligerent power, and may therefore, be deemed rightly as offensive, for which reason the law of nations has stated one of the first obligations of neutrality to be that of abstaining from all participation in warlike expeditions. The armed vessels alluded to, may become the property of the King's enemies either by capture at sea, or by purchase in the ports to which they are destined, and are thus in readiness to be converted immediately into instruments of hostility against his Majesty, whilst in another point of view, they are calculated to protect the vessels when they are loaded with contraband articles, against the lawful search and detention of a lawfully commissioned cruizer, when the latter shall be of inferior force. Indeed I conceive, that it may not be giving too great an extent to the principle of the law of nations, without attending to the nature of the cargo, to consider the very arms, ammunition, and other implements of war, with which such vessels are furnished, as contraband articles, when the vessels have

been thus equipped without the authority of the nation to which they belong. "I understand, Sir, that the armaments in question, have in fact taken place under no commission or authority whatever from the government of the United States. I have therefore thought it my duty to have the honour of making you acquainted with the information that has reached me on this subject, and if the observations which I have taken the liberty to make upon it should happily be conformable to the sentiments of the American government, I can safely trust to their justice, as well as to their jealousy of observing the most strict neutrality in the present war, to take such measures as shall appear to them the most proper for suppressing the illegal proceedings complained of on the part of those individuals, citizens of the United States, who shall appear to be concerned in them." In a letter from the Charge d' Affaires of France, dated the 7th of May, 1804, and addressed to the Secretary of State, he observes, "The undersigned is informed in a manner which leaves him no room to doubt it, that the American merchants, who pursue this commerce (meaning the commerce of St. Domingo) publicly arm in the ports of the United States, vessels which are intended to support by force a traffic contrary to the law of nations, and to repel the efforts which the cruizers of the French Republic are authorized to make in order to prevent it. These armaments have also for their object to cover the conveyance of munitions to the revolted colony. The government of the United States cannot be ignorant of these facts, which are public; the consequences thereof have already been manifested in the West-Indies, where the public papers advise that there have been actions between the French cruizers and American vessels carrying on this commerce. In considering the matter merely under the view of the law of nations, it is manifest that American citizens under the very eyes of their government, carry on a private and piratical war against a power with which the United States are at peace. The undersigned would be wanting in his duty if he did not vindicate, under such circumstances, the rights & dignity of his government, which are openly injured, and if he did not call the attention of Mr. Madison to the disagreeable reflection which the French government would have a right to make if the silence of the local authorities, respecting acts of this nature, should be imputed by the government of the United States." "The French government certainly could not see without a profound regret, that after having given to the U. States the most marked proofs of the desire to place the good understanding of the two nations upon the most immovable foundations, by abandoning national interests which might have eventually produced collisions, individual interests should now be permitted to compromise this good understanding. Its regret would be still much greater, if, when the dignity and safety of France are openly injured in the United States, by their citizens, the American government should preserve, respecting these violations, a silence which would appear to offer an excuse, and even a sort of encouragement, to all the excesses which cupidity may attempt.—Beside that the peace of the two nations cannot but be seriously compromised by the proceedings of the individuals, and by the reprisals to which they must necessarily lead, this state of things would infallibly tend to diminish the amicable disposition, which the two governments wish to cultivate." Dr. L. observed that the commerce as carried on by the citizens of the United States is not only a violation of the law of nations which the United States as an independent nation is bound to obey; but it is in direct violation of a treaty made in 1800, between the U. States and France a treaty on the most liberal principles as to the rights of neutrals & highly advantageous and honourable to both nations. To remedy the evils complained of, a law was enacted during the last session of Congress to regulate the clearance of

armed merchant vessels; this act has operated as a deception, as since the publication of the law, the trade of St. Domingo has been carried on to as great if not greater extent than formerly. The only merit of the arming law, is, that in a national view it removes the responsibility from the individual who may be engaged in the trade, to the government by which it is authorized. Whilst we are anxious to have our own national rights respected, is it honourable to violate the rights of a friendly power with whom we are at peace? or is it found policy to cherish the black population of St. Domingo whilst we have a similar population in our Southern States, in which should an insurrection take place, the government of the United States is bound to render effectual aid to our fellow citizens in that part of the Union? Dr. L. concluded by observing that in bringing forward the bill under consideration, he was not influenced by views of friendship towards England or France, but to preserve the immediate honour and future peace of the United States.

Further particulars of the LATE NAVAL ACTION.

To the politeness of Captain Chew, of the ship Hero, who arrived this morning, (Dec 33) in 45 days from Malaga, we are indebted for the following interesting particulars respecting the result of this splendid action. All the British ships have arrived at Gibraltar, together with four of those belonging to the enemy. These four are all that the English squadron were enabled to secure; a few returned to Cadiz, and the remainder were destroyed.

The following statement is dated at Cadiz, Oct. 25, 1805.

SPANISH SHIPS.

Don Juan de Austria (112 guns) returned to Cadiz Bay on the 21st October, much damaged; had a great number killed and wounded—of the latter were Admiral Gravina and his Major General Espano; neither, however, dangerously injured, and his men were not so much as to be rolled overboard on the night of the 22d. Santa Anna struck to the Royal Sovereign, Admiral Collingwood, who took out her captain and manned her with British tars—Admiral Haba, being severely wounded, was left on board, apparently to his own regret—the Santa Anna, being entirely disabled, and altogether unmanageable, was towed to Cadiz that on the 23d she was retaken and brought into the harbour by the squadron that went out for the purpose. Baya (100 guns) was much damaged in the action; but came into port on the night of the 21st—in the morning of the 23d she failed, with several other ships, to retake the Santa Anna, which the British were towing off—the following night she, unable to make the port, anchored at 6 leagues distant; the wind blowing very hard, she rolled her masts overboard, and the next morning, was taken by the British in sight of Cadiz. Astorion arrived at Cadiz on the night of the 21st. Santa Justa, do, do. Santa Leandra do.—and early on the 22d, while lying at the mouth of the Bay, rolled her main and mizen masts overboard. San Francisco de Asis came in on the night of the 21st—on the night of the 23d drifted ashore in Cadiz Bay near fort St Catalina, and was totally lost—those of the crew who were on board when she went ashore, together with the British prize officer and men were saved. Neptuna came in on the morning of the 22d disabled—on the night of the 23d drifted ashore near St. Catalina, and was totally lost—the crew, and the British prize officers and men, were saved. San Juan Nepomuceno; San Ildefonso; Argonauta, and Bahama totally disabled, and seen in the possession of the English on the 22d. Trinidad missing. The tower gave notice of another ship being in possession of the English—name not mentioned—supposed to be the Trinidad.

FRENCH SHIPS.

Phoen came into Cadiz on the night of the 21st. Algeras came in on the night of the 22d. During the action she struck to a British ship; but being dismasted and altogether unmanageable, the English, during the gale, gave the command of her to the French, on condition that they should not be considered as prisoners of war. This ship had above 300 men killed, and among them Admiral Magoz. On the night of the 22d, she struck the shore, and every soul on board, excepting about 25, are said to have perished. L'Esperance, Neptune and Hero, came in on the night of the 21st, much damaged and were calling for succor at the mouth of the Bay. Le Zephir blew up during the action—the greater part of the crew saved. Le Argonaute came in on the night of the 21st. Le Zephir dismasted and in possession of the English—and said to have escaped near Torre Gorda, and coming in. Bucefante dismasted, and struck to Lord Nelson—Admiral Villeneuve was wounded; he and his captain were put on board a frigate, and the ship manned with lieutenant and 80 men—in the night of the 22d, the ship, entirely unmanageable, was driven towards the shore; she anchored near the Castle of St. Sebastian, and sunk the following day—the crew saved. Major general Prigny, who was left on board by Lord Nelson, is slightly wounded. It is reported at Cadiz, that 400 men were killed on board this vessel, and most of the officers wounded. L'Esperance, Neptune, Monthlon, Dugay-Trouin, Formidable, Scorpion, Bercel and Sauterne, are all missing, but as it is that that several of them struck to the known British, it is supposed that they are in their possession. A report prevails that Admiral Duminois had escaped with four frigates. The bodies of Admiral Magoz & Capt. Villégis are reported to have been driven on the Playa between Cadiz and St. Sebastian, where about 1000 bodies have floated up—the whole beach is covered with the wrecks of ships. The five frigates and brigs have returned without any material damage—the Eagle is said to have got off, and at anchor in the channel. In looking minutely into our files of London and Liverpool papers, which are to the 10th November, we find an article, which appears to have eluded the notice of the New-York editors; or at least, we do not recollect to have observed it among their selections. It is contained in a Liverpool paper of the 9th, apparently copied from a London evening paper of the 7th, which is the latest period of the advices by the Neptune. It says; "Government this day received various dispatches from the continent, all of them much more satisfactory, than we had reason to expect from the late French accounts. The advantage stated, on the authority of letters, of the 22d October from Berlin, to have been gained over the French, was achieved by the Archduke Ferdinand. This is a most important piece of intelligence; for great fears were entertained, that his force had fallen a sacrifice in consequence of general Mack's surrender." The advantage here alluded to, is given in the same paper in the following words.—"A letter from Berlin, dated October 22d, states that on the 18th, an escort of 600 French infantry, and 800 cavalry, was attacked by 6000 Austrian cavalry, between Nordlingen and Dukelebihl, and were beat by the superior force, with the loss of about 50 pieces of artillery, and 100 ammunition waggons."

[Philadelphia Gazette.]

DIED,

At my house in Chatham County, on the 20th instant, Francis Owen, a Bricklayer; he appeared to be about 50 years of age, and has been long known in this county, in Cumberland and Moore. He left a horse and a few clothes at my house, which shall be delivered to those who may be legally entitled thereto, on satisfying the charges, &c. THOMAS M'CARROLL. Ranfay's Hill, Dec. 20, 1805.