

was accused, to give the truth in evidence. The question would be settled. He entertained a different subject from that which had been discussed. In a number of the States, the individual right of giving truth in evidence. He had always considered the laws on this subject binding on the federal courts. This question had never influenced the proceedings of the courts with which he was best acquainted; and if it had affected their proceedings in other States, it was high time to settle the question. The remarks which he had made did not appear to be understood by the gentleman from Pennsylvania. He did not consider the select committee, to whom it was proposed to refer this resolution, as intended to decide the principle, but to determine whether it was proper for the House to discuss it. He was clearly of opinion that the resolution should not be referred to a committee of the whole. It would not be there in order to settle the principle, but merely to determine whether it should be referred to a select committee. What then would be the effect of this course? After the report of the select committee, the committee of the whole must then discuss the principle. It would therefore, contrary to the usual course, be twice discussed instead of once.

Mr. Smith wished the gentleman from Connecticut would present a specific proposition on the subject, which would enable the House to decide on the principle, and afterwards refer it to a select committee. This was a round about way of doing business. The only object of the committee of the whole would be to enquire whether it would be proper to appoint a committee to enquire; whereas if a specific resolution was offered, the principle involved in it might be decided in a committee of the whole. He trusted there was no difference of opinion on the subject in the House.

Mr. Ely did not pretend to be well acquainted with the usual mode of proceeding in the House; but if he understood the object of the motion made by the gentleman from Connecticut, it was to give the committee appointed such a commission as the House, instead of the mover, might wish. If the House considered the motion as not exactly right, it would be in their power to give such commission as should be most advantageous to their ideas. He thought this the most correct course. A gentleman draws up a resolution, which, perhaps, only in part suggests the opinions of the majority; the House then lay it before a committee of the whole to modify it according to their ideas. Mr. Ely thought the whole subject would be before a committee of the whole, and that it would be in the power of gentlemen to modify it as they pleased.

Mr. Eppes said if he understood the object of the resolution, it presented two subjects for consideration; the first of which was, whether the common law of England was the law of the land; and the second, whether in cases of prosecution, the accused may give the truth in evidence. He thought the gentleman from Connecticut might get at his object better by two specific resolutions, than by the one he had proposed; he had drawn such resolutions, and would read them by way of argument.

Mr. Eppes here read the following resolutions:

Resolved, That the common law of England is not a part of the law of the U. S. except so far as it has been adopted by the laws of the U. S. or of the individual States—and that the prosecution of a person at common law for libel is a violation of the freedom of the press, and contrary to the constitution of the United States.

Resolved, That in all prosecutions whether criminal or otherwise, it is the natural right of a citizen to give in evidence the truth.

Mr. Dana said that in preparing the resolution which he had offered, he had endeavored to present it in the most unexceptionable form; under the impression that when the subject was before a committee of the whole, it might be modified agreeably to the wishes of the majority; and where the resolutions offered by the gentleman from Virginia might be moved as an amendment to the resolution which he had submitted. Should he agree to substitute these resolutions in lieu of his own, he might be considered as agreeing with the gentleman in every word they contained; whereas it could not be expected that he could be ready hastily to pledge himself on any specific resolution until he had maturely considered it. The gentleman from Virginia had doubtless fully considered them, and was prepared to give his vote. Without however pronouncing on the principles contained in them, he thought that at least there was some inaccuracy in the language.

Mr. Eppes did not suppose that resolutions hastily drawn possessed all the professional accuracy which might be given to them; and very possibly they did not possess all the precision which would have characterized them if drawn by the pen of the gentleman from Connecticut. But the objection of the gentleman otherwise was not well founded. If the resolutions he had suggested were to be submitted immediately to the decision of the House, there might be some valid objection; but when it was known that the object was to refer them for discussion, they amounted to no more than an expression of the sentiments of the mover on the subject. Mr. Eppes said he religiously believed that the common law of England was never a part of the law of the land, and that when a man was prosecuted, he had a right to give the truth in evidence. If the gentleman persisted in referring to modify his resolution, he would move a substitute for the purpose of introducing his own.

Mr. Speaker said a motion to postpone had no preference over a motion to commit.

Mr. Alexander said that the resolution under consideration, if not the most technically accurate, appeared to him the most proper for the adoption of the House. It contained two propositions, first, whether it is expedient to enquire, whether the prosecuting officers of the United States have a right to institute prosecutions for defamatory language; and secondly, if so, whether in such prosecutions the truth can be given in evidence. It had been objected, because it submitted it to the committee of the whole to decide, whether it were expedient to appoint a select committee to enquire. The gentleman from Tennessee was of opinion that it would not be competent to a committee of the whole to discuss the principles of the resolution; but that they would be exclusively confined to a consideration of the expediency of appointing a select committee to make the enquiry. Mr. Alexander said this was not his opinion. Before the committee of the whole, the whole subject would present itself. He added that he could conceive of a phraseology that would not contain the obnoxious term *select committee*, to wit, to make the resolution read—whether it is not expedient to enquire, Sec. &c. omitting altogether the term *select committee*. Would not this, however, be presenting the subject in the same point of view? And if the committee of the whole decided that it was proper to make the enquiry, the next step would be to appoint a select committee.

Mr. Alexander said he thought the question of high importance, and the course proposed very proper. It was best to present the subject under a general view, and not in the specific form suggested by the gentleman from Virginia. He should therefore vote for the reference. He declared himself of opinion that the accused had a right to give the truth in evidence; but said he had not yet made up his mind, whether such prosecutions should be carried on by officers of the United States.

The reference to a committee of the whole was then agreed to—Ayes 57—Noes 41—and the resolution made the order for Thursday next.

Mr. Dawson observed that in the year 1803, a resolution had been passed by the House, which was the basis of a law for the extension of the external commerce of the United States, for which purpose a small appropriation had been made. The law had been discussed with closed doors; after the passage of which the injunction of secrecy had been removed. Soon afterwards, an expedition had been undertaken by Capt. Lewis, Capt. Clark and others, which they had been advised, had been attended with all the success expected. These gentlemen have traced the Missouri to its source; and have passed along the Columbia to the Pacific Ocean, exploring the course of various streams, and making themselves acquainted with the adjacent country and its inhabitants. In doing this, they have traversed an immense country, and have encountered and overcome great difficulties and perils. Mr. D. said they had fortunately returned, and in his opinion, deserved not only the thanks of their country, but likewise the gratitude of posterity. Mr. D. said he had been induced from these considerations to invite the attention of the House to the subject, in the propriety of which he was confirmed by the original communication of the President, which held out the idea, that in the estimate submitted to the House, the sum then appropriated was but a part of what might eventually be necessary.

Mr. Dawson concluded by offering the following resolution:

Resolved, That a committee be appointed to enquire what compensation ought to be made to Messrs. Lewis and Clark, and their brave companions, for their late services in exploring the western waters, to report by bill or otherwise.

This resolution was immediately agreed to without a division, and Messrs. Alston, Barker, Blake, J. Whitehill and Morrow, (V.) named the committee.

WEDNESDAY, Jan. 7.

Mr. J. Randolph, from the Committee of Ways and Means, on so much of the message of the President of the United States, as relates to the repealing the acts laying a duty on salt, and to the continuance of the act imposing certain duties which constitute the Mediterranean fund, presented a bill, repealing the acts laying a duty on salt, and continuing for a further time the first section of an act, entitled an act "further to protect the commerce and fisheries of the U. S. against the Barbary powers," which was referred to a committee of the whole on Friday.

Mr. J. Randolph likewise presented a bill authorizing the President of the U. S. to accept the service of a number of volunteer companies, not exceeding 30,000 men, which was referred to a committee of the whole on Monday next.

On the 19th of December in SENATE.

Gen. Smith observed that on examining the Rules and Articles of War, there appeared to be no power to punish a citizen who should be found acting as a spy in the army, or attempting to seduce the officers or soldiers from their duty.

He therefore moved that a committee be appointed to enquire what amendments were necessary to the act for establishing rules and articles for the government of the army of the U. States.

CASH
WILL BE GIVEN FOR
Military Land Warrants.
Enquire of the Printer.

Foreign.

From the Enquirer.

The British Packet has arrived at New York with London papers to the 9th of November; the following are the most important features which they contain:

The fleet under Lord H. Vincent had quitted Lisbon, with Lord Rosslyn, the Negotiator Extraordinary of England.

The King of Prussia was said to be at Custrin, on the banks of the Oder—A corps of Prussians not engaged in the action of the 14th, (amounting to 30,000 men) were retreating to the Oder, to form a junction with the troops that surrounded their sovereign. But it was apprehended that the rapidity of the French division which pushed through Berlin to Stettin, would prevent this junction.

The Prussians would make a stand on the banks of the Oder, where they expected to be joined by the Russians who were rapidly advancing through Prussian Poland and Silesia. The whole Russian force under marching orders, amounts to 200,000 men. The Emperor Alexander was to take the field in person. The Russians cannot recover the vantage ground lost; but they may enable the king of Prussia to obtain better terms from the conqueror.

After the battle of Auerstadt on the 14th, the King of Prussia sued for an armistice; which was refused; Napoleon's reply is said to have been "We shall think of that at Berlin."

"Je ne connais pas le roi des Prussiens."—I do not know the King of the Prussians, was the significant answer of Napoleon, to Luchefev, who was sent to the French headquarters commissioned to obtain peace on any terms.

Bonaparte has acknowledged the neutrality of Saxony.

Polen are erected on the frontiers of Saxony, with the inscription, *Saxe Electoral pays neutre*—Electoral Saxony a neutral territory.

The Duke of Brunswick's proposition to respect the neutrality of his territory had been rejected, and he himself conveyed in a letter to Altona, whence he would probably seek a refuge in England. He is the father-in-law of the Princess of Wales—No doubt many of the inhabitants of Germany will seek the same asylum.

In passing through the town of Weimar, Napoleon is said to have been fired at from a window by a person unknown. The ball missed its aim; but so much exasperated was the conqueror, that he instantly ordered the place to be given up to fire and sword. Not a house is standing either in Erfurt or Weimar.—Such at least is the English account.

The Queen of Prussia is said to have reached Stralsund in Swedish Pomerania. The gallant king of Sweden has invited her to take refuge in his country.

The Dutch army under Deandell, is scouring the coasts of the Germanic Ocean. On the 26th October they crossed the Ems, and took possession of Lear, Emden, and the whole province of East Frisia.—On the 29th, the British consul at Hamburg gave orders to the British captains in that port to hold themselves in readiness to depart at 12 hours notice.

The British Channel Fleet was to resume its station off Brest.

Every thing displays Napoleon's resolution to annihilate the trade and importance of Great Britain. The 13th bulletin has the following Anathema: "Since the tyrants of the sea respect no law, the intention of the Emperor is to seize every where their merchants, and block them up effectually in their islands." In a notification to the merchants, bankers and shopkeepers of *Leipsic* on the 19th October, the French commander having declared that this "city is celebrated in Europe, as the grand staple of English merchandise, and in this respect a dangerous enemy of France," peremptorily orders every dealer having English property, money or goods in his possession, "to enter a declaration of the same in writing in a register opened for that purpose by the commandant of the place." It does not appear, whether Bonaparte intended to confiscate the property thus registered. Had this trade been previously a prohibited one, it might have been lawfully confiscated. But there is no colour of justice in seizing English goods, which were not forbidden to enter *Leipsic*. It was supposed however, that Bonaparte would commute this confiscation for a heavy contribution.

There are no authentic accounts of a severe battle, after the capture of Berlin. Whence was a large Prussian force to come? If there were any such engagements, it must have taken place between the small Prussian corps bound to the banks of the Oder, and the French division that passed through Berlin for Stettin.

May not these consequences be anticipated?

1. The Prussian monarch will be cut down to the hereditary domains of the house of Brandenburg.

2. A confederation of the north will arise with the prince of Berg as its Primate, and Bonaparte its Protector.—This plan will be preferred to the incorporating of these Prussian fragments with the League of the Rhine, because the whole of that confederate empire would be too large to be kept easily in subjection, nor would it leave sufficient means for providing so well for so many of his family.

3. Prussian Poland will be restored to the "map of Europe."

4. The French troops will seize upon the Peninsula of Jutland, and compel Denmark to shut the Sound.

5. And the scheme of the maritime convention will once more be started in Europe.—

Who shall say, that even these United States will not be invited to become a party? and that France will not propose to us the alternative of being shut out of all those ports which she commands, or of opposing the maritime supremacy of England?

RALEIGH.

MONDAY, JANUARY 19, 1807.

We understand that detailed information has been received of the arrangements between Gen. Wilkinson and the commanders of the Spanish forces. It appears that the American troops marched from Natchitoches on the 23d of October, and had on the 31st taken their position on the left bank of the Sabine. When they arrived there they found the Spanish forces on the right bank directly opposite, who on the 6th of November fell back to Nacogdoches.

No formal convention has been entered into, but letters had been received by Gen. Wilkinson, which contained assurances on the part of the Spanish commanders that their troops should retain their present position, which is at Nacogdoches, until the result of the pending negotiations were known.

In consequence of these arrangements, Gen. Wilkinson had, on the 6th of November, moved the greater part of his forces towards New Orleans, where it was his purpose to concentrate the whole of his strength, as well that which should be formed by regulars, as by volunteers and militia. With this view the troops from Mobile had been ordered to New Orleans.—About 100 men remained at Natchitoches. The dates are not later than the 14th of November, when General Wilkinson was at Natchitoches.—*Nat. Int.*

Extract of a letter, dated Washington, January 1.

The following information has just been received by the editor of the Washington Federalist: "By a gentleman just arrived from Frankfurt, and who was present when the grand jury examined the charges against Burr—it appeared, from the testimony given, that Mr. Burr was concerned in the purchase of 400,000 acres of land in Louisiana, nearly opposite Natchez; that the young and enterprising persons, who were to embark with him were to settle on the land—that each had a quaker and was to act as a soldier under Burr, against the Spaniards, provided the executive approved of it; and that Mr. Jefferson was several months ago acquainted with Burr's intentions. He further informs that the purchase of provisions to maintain the settlers for one year amounted to 40,000 dollars; and that the same sum was expended in agricultural implements.

Mr. Burr is daily expected here. A dispatch this day arrived in great haste, from the Mississippi Territory; but we have not leisure the subject of it.

John Wood, late editor of the Western World, has arrived here, for the purpose of establishing a paper. What this object may be, however, I know not.

Capt. Lewis, and the Indians who came with him on his return from the Pacific, were it is said, at the president's levee to day."

The House of Delegates of Virginia have adopted an innovation for the Court of Appeals, distinct from either of the two which we have already noticed. In case of the death, resignation or removal of the judges, his place is not to be supplied, but his salary £450 is to be divided amongst the four others.—When one of the remaining four is vacated, his salary is to be divided in the same manner, and the court is to be reduced to 3 judges. For this additional compensation, there are to be 3 sessions in the year and the period of service about 120 days.

The resignation of Judge Carrington (C. of A.) was yesterday laid before the Legislature. (Enquirer.)

An anonymous communication, similar to the one presented a short time before, was made to Congress on the 2d instant, by the person who styled himself a foreigner. It was perused by the members, but no order taken upon it.

Thomas O. Seffridge, charged with the murder of Benjamin Austin, has been tried before the Supreme Court in Boston, and acquitted.

Extract of a letter from a gentleman in Aleppo to his friend—Translated from the Gazette of Marseilles, of 20th October 1805.

A very extraordinary discovery, such as will confound a thousand systems of prophetic writers, has lately been made.—The Apocalypse or Revelation of St. John, one of the Apostles, has long been the subject of doubt and endless dispute. For several centuries it was not considered by many Christian Fathers and Churches as Canonical, or the work of the inspired Apostle John; even Luther rejected it.—Those who doubted its title to the Canon, alleged it to be the fabrication of one Cerinthus, who was cotemporary with the Apostles, and a Christian heretic, who denied the divinity of Christ, alleging he was but a teacher, and his doctrine or morals only divine.

The point in dispute seems now to be brought to a termination.—Some green laborers belonging to a little town called Gios, in Asia Minor, lately removed some rubbish from an ancient edifice and digging