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## NEW-YORK, February 6.

On Tueſday, the legiſlature of this ſtate convened in the city of Albany.—His Excellency, the Governor, met both Houſes in the Aſſembly Chamber, and delivered the following Speech.

*Gentlemen of the Senate and Aſſembly.*

It muſt be a ſource of peculiar ſatisfaction to you, as the repreſentatives of a free people, when aſſembled to deliberate on their political welfare, to find the ſtate in a proſperous and flouriſhing condition; and our fellow-citizens tranquil and happy under the benign influence of mild and wholeſome laws:—And if we advert to the ſituation of our national concerns, it will afford additional gratification to reflect, that by the bleſſings of Heaven on the wiſe and pacific procedure of a virtuous Adminiſtration, the calamities of war have been averted, the rights of the union maintained, its commercial privileges extended, and its territories enlarged. It is not, however, my province on this occaſion to expatiate on the immenſe value and importance of the advantages thus honorably acquired.

But notwithſtanding this pleaſing aſpect of our public affairs, we have had reaſon to lament a partial interruption of proſperity, and the loſs of many valuable members of the community, by the recurrence of malignant fever in one of our principal commercial cities. The evils attending this dreadful calamity, both as they affect the lives of the citizens, and the commerce of the ſtate, are ſo deſtreſſing, and of ſuch magnitude, as to demand the ſerious and unremitted attention of the Legiſlature. Whatever diverſity of opinion may be entertained by profeſſional men, with reſpect to the origin and nature of that diſeaſe, experience and obſervation ſeem to evince, that in order to prevent its introduction and ſpreading, regard muſt be had, not only to the veſſels viſiting our ports, but alſo to the local condition of our cities: For, as it is a fact too well aſcertained to admit of a doubt, that crouded and filthy veſſels whether they derive infection from foreign countries, or generate it on their voyages, are capable of communicating it to certain places pre-diſpoſed for its reception; ſo it is equally certain, that ſituations in the immediate vicinity of thoſe places, although expoſed to that infection, are exempt from its influence; and hence it would appear evident, that there muſt exiſt ſome latent cauſe in the preſent condition of thoſe cities which have lately been ſubject to peſtilential fever, peculiarly favorable to its propagation. Under theſe impreſſions, it is ſubmitted to your wiſdom, whether, beſides reviſing and improving the preſent precautionary arrangements for preventing its introduction from abroad, ſome efficient regulations ought not to be preſcribed and enforced, for purifying the city of New-York, and reſtoring it to its former ſtate of ſalubrity.—For whilſt it is our duty humbly to implore the interpoſition of the Almighty, to avert theſe afflicting diſpenſations; it is alſo highly incumbent on us to be in the diligent uſe of thoſe ſubordinate means, which his merciful Providence may have ordained for our preſervation.

During the receſs of the legiſlature, two vacancies have happened in the Senate of the United State, by the reſignation of the Senators from this ſtate. One of theſe took place at an early period of the preſent ſeſſion of Congreſs; in that inſtance, the public ſervice required the exerciſe of the conſtitutional power veſted in me, of making a temporary appointment: In the other, it being of a recent date, my interference was deemed inexpedient. It is now your duty to fill the vacancies, and to this end the neceſſary documents will be delivered to you.

I have the ſatiſfaction to lay before you, a reſolution of the Congreſs of the United States, propoſing an amendment to the conſtitution, reſpecting the election of Preſident and Vice-Preſident; and as one of a ſimilar nature has been for two years ſucceſſively recommended by the legiſlature of this ſtate, I feel confident you will receive this communication with peculiar pleaſure, and that ſo deſirable and ſalutary an improvement will meet with your early ſanction.

The money appropriated at the laſt ſeſſion to be expended under my direction for procuring arms and military ſtores, has been applied to that purpoſe on advantageous terms. The different articles purchaſed are deſignated in the annual report of the Commiſſary of military Stores, with the prices annexed. Notwithſtanding this valuable addition, and the ſeveral uſeful improvements recently made, you will, neverthele ſs, perceive the expediency of ſuch further appropriations as the ſtate of the Treaſury may without inconvenience admit, for augmenting our ſupplies, particularly of ſmall arms; and for the erection of a magazine in the vicinity of the city of New-York, and of two additional arſenals, one in the middle, and the other in the weſtern diſtrict. The public will be ſufficiently accommodated if theſe are conſtructed on a contracted plan, and it is preſumed that the moderate ſum requiſite for this ſervice may be replaced, if it ſhould be deemed expedient, by the ſale of a portion of the ſurpluſs lands ſet apart for military purpoſes.

As you muſt individually have obſerved the laudable ſpirit of the militia in the different parts of the ſtate, manifeſted by their attention to duty and improvement; and as no material defects have been diſcovered in the laws relative to them, it is unneceſſary for me to make any other remarks than ſuch as will be found in the Adjutant General's return. It may be proper, however, to remind you, that an act, paſſed at the laſt ſeſſion of Congreſs, preſcribes regimental chaplains, and certain ſtaff officers, which are not comprehended in our preſent militia eſtabliſhment, and that legiſlative proviſions will be neceſſary to authoriſe their appointment.

The Surveyor General will preſent you with a detail of the proceedings, under the act directing the ſurvey and ſale of the unappropriated lands; from which you will diſcover the progreſs made in that buſineſs, and be able to determine how far the advantages contemplated by the mode preſcribed for conducting theſe ſales, have been realized, and whether uſeful alterations may not be adopted.

The annual report of the Comptroller will furniſh you with a correct ſtatement of our finances, with ſuch uſeful obſervations as experience has dictated for their improvement. It muſt be gratifying to obſerve, that beſides meeting the liberal contributions which have been made for the promotion of literature, & for the eſtabliſhment of public utility, our revenues have been competent to the ſupport of our civil liſt, and for all the other public exigencies; and there can be no reaſon to doubt, that by a continued attention to thoſe principles of economy, which are moſt congenial with the ſpirit of our excellent government, the extinguiſhment of all the demands againſt the ſtate ariſing from former anticipations may be ſpeedily accompliſhed without the aid of taxes.

Notwithſtanding the great portion of time and labor which has for a ſeries of years paſt been devoted to the inveſtigation of the claims of individuals, principally for ſervices during the revolutionary war, they do not appear to have diminiſhed, and the public deliberations continue to be embarraſſed with them at every new ſeſſion. From the nature of theſe ſervices, and the length of time that has elapſed, it is difficult either to ſubſtantiate juſt claims, or to guard againſt improper ones; and to theſe cauſes may be aſcribed the occaſional admiſſion of ſome, which had been repeatedly rejected at previous ſeſſions;—And as the ſucceſs of one improper application furniſhes a precedent for others, it is impoſſible to form a rational conjecture of what may be their number and extent. It therefore appears eſſential to the public intereſt, that means ſhould be deviſed for effecting the final adjuſtment of theſe reiterated claims, within a given period of time, upon certain fixed principles calculated to diſpenſe equal juſtice:—For beſides the inefficacy of the preſent mode, and the heavy burthen it impoſes on the legiſlature, it has frequently happened from the preſſure of private buſineſs, that the paſſage of important public bills has been retarded till ſo near the cloſe of the ſeſſion, as not to leave time for a deliberate and careful reviſion of them. I might mention other inconveniences reſulting from the ſame cauſe, but as theſe do not come within the cognizance of the executive, I forbear enumerating them.

Although the management of our external relations is committed excluſively to the general government, it is nevertheleſs the duty of the individual ſtates, by every proper mean, to facilitate and give effect to the arrangements which may be deviſed for ſecuring the tranquility and happineſs of the nation. The neutral poſition taken by the United States, amidſt the wars of Europe, has elevated our character, and increaſed our national proſperity; and as the citizens of this ſtate have an extenſive commercial intercourſe with the conflicting parties, and the unwarrantable acts of individuals have frequently diſturbed the repoſe of empires, it is peculiarly incumbent on us to cheriſh a ſpirit correſponding with our neutral ſituation; and to inculcate on our conſtituents the neceſſity of attending to the wiſe admonitions of the Executive of the Union, "to cultivate the friendſhip of the belligerent nations, by every act of juſtice and innocent kindneſs."

The detention of our citizens on board of veſſels in our own ports, by the ſubjects of other governments, will perhaps require ſome more energetic remedy, to be put in the hands of the magiſtracy, than exiſts at preſent; and it may be proper to mention, as connected with this ſubject, that as it is queſtionable whether the waters in this ſtate, between Long and Staten Iſlands, and ſouth of the bounds of New-York are included in any county, ſome appropriate proviſion will be neceſſary, to obviate the evils ariſing from this uncertainty of juriſdiction.

Several matters which were under conſideration at the laſt ſeſſion, and in which ſome progreſs was made, remain unfiniſhed: Of theſe, the eſtabliſhment of common ſchools, and the improvement of the navigation of Hudſon's river in the vicinity of this city, are of the firſt importance.

The competency of our laws, for all the important purpoſes of good government, and the faithful adminiſtration of juſtice under them, muſt neceſſarily diminiſh the ordinary objects of legiſlation. And as I have nothing further of ſpecial moment to recommend to your notice, you will commence this ſeſſion with the pleaſing proſpect of being relieved from your public labors at an earlier period than uſual; And I entreat you to be aſſured of my beſt endeavors to facilitate the diſpatch of buſineſs, and to render your deliberations agreeable.

*Gentlemen,*

If we review the preſent happy condition of our country, and reflect on the many diſtinguiſhed bleſſings we enjoy, as well as on the numerous evils incident to other governments, from which we are exempted, there will be found abundant reaſon to rejoice, that we live in a republic thus highly favored of Heaven, and under a ſocial compact from which ſo many benefits reſult; and whilſt theſe conſiderations ſhould animate us with exalted ſentiments of patriotiſm, and with a lively zeal to cheriſh the fundamental principles of our political inſtitutions; they ought, above all, to inſpire us with becoming gratitude to the great Ruler of Nations, on whoſe favor all our happineſs depends.

GEORGE CLINTON.

*Albany, Jan.* 31, 1804.

## REPORT.

The committee appointed to enquire into the expediency of amending the ſeveral laws, providing for the ſale of the public lands of the United States, ſubmit a farther additional report, in part, and recommend to the Houſe, the adoption of the following

RESOLUTIONS—

*Reſolved,* That the two boards of commiſſioners appointed in purſuance of an act paſſed at the laſt ſeſſion of Congreſs, entitled, "An act regulating the grants of land, and providing for the diſpoſal of the lands of the United States, ſouth of the ſtate of Tenneſſee," be authoriſed to employ each an aſſiſtant clerk, and a tranſlator of the Spaniſh language, to aſſiſt them in the diſpatch of the buſineſs which may be brought before them.

*Reſolved,* That each of the ſaid boards be inveſted with the ſame powers to compel the attendance of witneſſes, as are now exerciſed by the courts of law of the United States.

*Reſolved,* That the ſecretary of the treaſury be authoriſed to employ an agent, whoſe duty it ſhall be to appear before the ſaid commiſſioners, and defend the rights of the United States.

*Reſolved,* That when any grant ſhall be produced to the ſaid commiſſioners for lands, which were not, at the date of the ſaid grant, or within thereafter, occupied by, or for the uſe of the grantee, the grant ſhall not be conſidered as concluſive evidence of title, but the burthen of proof of its validity ſhall fall upon the claimant.

*Reſolved,* That the tract of country bounded on the ſouth by a parallel of latitude paſſing by the mouth of Yazoo river, on the eaſt by the ſtate of Georgia, on the north of the ſtate of Tenneſſee, and on the weſt by the Miſſiſſippi river, ſhall be annexed to the Miſſiſſippi territory.

DOCUMENT NO. I.

*Accompanying a report, &c.*

TREASURY DEPARTMENT

*January 5th,* 1804.

Sir,

I have now the honor to incloſe the copy of a letter, received ſince my communication of the 2d inſtant, from the commiſſioners appointed under the act "regulating the grants of land, and providing for the diſpoſal of the lands of the United States, ſouth of the ſtate of Tenneſſee," for the adjuſtment of certain claims to the ſaid lands, weſt of the Pearl river.

As the commiſſioners have a right to give what they may deem the legal conſtruction of the ſtatute, it is preſumable from their letter, that unleſs otherwiſe directed by Congreſs, they will extend the benefits of the ſecond ſection of the law, to perſons who inhabited and cultivated a tract of land in the Miſſiſſippi territory, in the month of March, 1798, which, contrary to the impreſſion when the law was paſſed, they ſtate to be the date of the final evacuation by the Spaniſh troops. There are no documents in this department, by which the circumſtances attending that event and what ought to be conſidered as its real date, can be aſcertained.

A donation of land to thoſe ſettlers who migrated into the territory, ſubſequent to its evacuation by the Spaniſh troops, inſtead of the right of pre-emption contemplated by the law, does not ſeem more proper in that caſe, than in that of the actual ſettlers on the public lands north of the Ohio, to whom it has been uniformly refuſed, and who have not even, except in one inſtance, been allowed a right of pre-emption. How far, alſo, ſuch an alteration would be conſiſtent with the articles of agreement and ceſſion between the United States and Georgia appears doubtful.

The ſuggeſtions of the commiſſioners on the ſubject of fraudulent and antedated Spaniſh grants, ſeem to deſerve particular conſideration. It is aſcertained by information received through various and authentic channels, that the ſame frauds are attempted on a much larger ſcale in Louiſiana; and it appears deſirable, that principles ſhould be adopted in relation to thoſe grants in the Miſſiſſippi territory, which may hereafter be applied to ſimilar caſes in the newly acquired territories. The commiſſioners may not only be veſted with ſufficient powers to compel the attendance of witneſſes, and counſel be employed to defend the rights of the United States; but ſince it cannot be doubted that ante dated grants are in exiſtence, it might be provided, that the grant ſhall not alone be conſidered as concluſive evidence, and that in all caſes where the land claimed was not occupied by or for the benefit of the grantee, at the time of, or within a limited period after the date of the grant, the burthen of the proof of its validity ſhall fall on the claimant. For the purpoſe of ſhewing the magnitude of the fraudulent ſpeculations attempted on that ground, and at this time in Louiſiana, extracts of letters from two public officers of the United States, are encloſed.

The aſſiſtance of a Spaniſh tranſlator ſeems indiſpenſible to enable the commiſſioners to carry into effect the proviſions of the act, and an aſſiſtant clerk would certainly contribute to the diſpatch of the buſineſs committed to their care.

Permit me to remark, though not immediately connected with the diſpoſal of the public lands, that the Miſſiſſippi territory is bounded on the north by a parallel of latitude paſſing by the mouth of the Yazoo river. The tract of country ceded by Georgia to the United States, which lies between that parallel and the ſtate of Tenneſſee, not being included in any ſtate or territory, ſerious inconveniences may ariſe in the proſecution of crimes and offences againſt the United States, committed within its boundaries.

I have the honor to be,
With great reſpect,
Sir,
Your obedient humble ſervant,
ALBERT GALLATIN.

*Hon. Joſeph H. Nicholſon.*

DOCUMENT, NO. II.

*Waſhington, Miſſiſſippi Territory, December 16th,* 1803.

THE commiſſioners appointed under the act, "regulating the grants of land, and providing for the diſpoſal of the lands of the United States ſouth of the ſtate of Tenneſſee," paſſed the laſt ſeſſion of Congreſs, having met and formed a board on the firſt inſtant, at this place, ageeably to the directions of that act, proceded to buſineſs; and upon an attentive review of the law, with a ſlight underſtanding of the buſineſs to be performed under it, they beg leave to ſuggeſt ſeveral things which appear as defects in that law.

The ſecond ſection of the law makes a donation of land not exceeding 640 acres, to a certain deſcription of perſons "who did on that day of the year, 1797, when the the Miſſiſſippi territory was finally evacuated by the Spaniſh troops, actually inhabit and cultivate, &c." Now it ſeems that the final evacuation of the territory, by the Spaniſh troops, took place on the 30th day of March, in the year 1798. It is doubtful, therefore, which of theſe periods ſhall be obſerved by the board in regulating thoſe donations. Government will ſee the propriety of rectifying this and in the mean time the commiſſioners conclude to obſerve the time of final evacuation, conſidering that to be the intention of the legiſlature.

The ſixth ſection gives the board of commiſſioners power to adminiſter oaths and examine witneſſes, but no expreſs power to enforce their attendance, nor are they allowed any executive officer to attend the board or execute proceſs; though the law has ſubmitted to their determination more important matter than perhaps comes before any court in the union. The board are of opinion, from the beſt information they can get, that many of the claims to be made are fraudulent, and to prove which will require a variety of teſtimony, which they are informed exiſts in the territory, and if not procured in oppoſition to thoſe falſe and fraudulent claims, will leave but little lands for the United States. And here the board would alſo ſuggeſt the propriety of the appointment of ſome perſon, whoſe buſineſs it ſhall be to procure this evidence, and to advocate the rights of the United States; and at the ſame time that the board ſuggeſt this, declare their intention to uſe every mean in their power to ſecure the intereſt of the United States, as well as to do juſtice to the individuals; but the impropriety, if not impoſſibility of their acting in this double capacity of judge and advocate, will, it is preſumed, be obvious to every perſon converſant in buſineſs of this kind.

The board alſo obſerve that moſt of the title papers of thoſe who claim under the Spaniſh government, are in the Spaniſh language; and as the commiſſioners do not perfectly underſtand that language, they are forced to prevail on the parties to have them tranſlated before they produce them for deciſion. This is ſuggeſted, in order that government may conſider the propriety of appointing ſome perſon capable of making a true and faithful tranſlation on oath. In the mean time the board muſt uſe the tranſlator as a witneſs produced by the party; and yet they are ſenſible of the inconvenience and danger of this mode.

The board further obſerve, that the law requires "perfect and correct minutes of the proceedings, deciſions, meetings and adjournments of the board; *together with the evidence on which ſuch deciſions are made*—which books, &c." Now the board conceive that thoſe expreſſions include both written and unwritten evidence, to be recorded by their clerk, as well in relation to claims which may be rejected as thoſe allowed. They alſo find that moſt of the claims to be made, as well as thoſe founded on grants as otherwiſe, will require witneſſes, and ſome of them many, (even where no fraud is ſuggeſted, which will often be the caſe) to prove that the conditions of the great ſettlement or laws under which they claim, have been complied with, ſo as to entitle the party to a confirmation of title; all of which, together with the tranſlations, muſt be recorded by their clerk: The boards therefore reſpectfully ſuggeſt the neceſſity of allowing an aſſiſtant clerk, or they apprehended they will be neceſſarily detained much beyond the time in which they could otherwiſe complete the buſineſs aſſigned them, and in this application they are the more ſolicitous, inaſmuch as they find the buſineſs more conſiderable, and requires a greater length of time than it is preſumed was contemplated at the paſſing of the law;