t reasonabl for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the amount of their recognizance, and that amount may be whatever a governor pleases; for who does his majesty think can be prevailed on to cross the Atlantic for the sole purpose of bearing evidence to a fact? His expences are to be borne, indeed, as they shall be estimated by a governor; but who are to feed the wife and children whom he leaves behind, and who have had no other subsistence but his daily labor? Those epidemical disorders, too, so terrible in a foreign climate, is the cure of them to be estimated among the articles of expence, and their danger to be warded off by the almighty power of parliament? And the wretched criminal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before judges predetermined to condemn. The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act! A clause (*i*) for a similar purpose had been introduced into an act, passed in the 12th year of his majesty's reign, intituled "An act for the better securing and preserving his majesty's dockyards, magazines, ships, ammunition, and stores;" against which, as meriting the same censures, the several colonies have already protested.

That these are the acts of power, assumed by a body of men, foreign to our constitutions, and unacknowledged by our laws, against which we do, on behalf of the inhabitants of British America, enter this our solemn and determined protest; and we do earnestly entreat his majesty, as yet the only mediatory power between the several states of the British empire, to recommend to his parliament of Great Britain the total revocation of these acts, which, however nugatory they be, may yet prove the cause of further discontents and jealousies among us.

That we next proceed to consider the conduct of his majesty, as holding the executive powers of the laws of these states, and mark out his deviations from the line of duty: By the constitution of Great Britain, as well as of the several American states, his majesty possesses the power of refusing to pass into a law any bill which has already passed the other two branches of legislature. His majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two houses of parliament, while their proceedings were unbiassed by interested principles, for several ages past have modestly declined the exercise of this power in that part of his empire called Great Britain. But by change of circumstances, other principles than those of justice simply have obtained an influence on their determinations; the addition of new states to the British empire has produced an addition of new, and sometimes opposite interests. It is now, therefore, the great office of his majesty, to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power which we have seen his majesty practise on the laws of the American legislatures. For the most trifling reasons, and sometimes for no conceivable reason at all, his majesty has rejected laws of the most salutary tendency.— The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative: Thus preferring the immediate advantages of a few British corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, though in the opposite scale were placed the interests of a whole country. That this is so shameful an abuse of a power trusted with his majesty for other purposes, as if not reformed, would call for some legal restrictions.

With equal inattention to the necessities of his people here has his majesty permitted our laws to lie neglected in England for years, neither confirming them by his assent, nor annulling them by his negative; so that such of them as have no suspending clause we hold on the most precarious of all tenures, his majesty's will, and such of them as suspend themselves till his majesty's assent be obtained, we have feared, might be called into existence at some future and distant period, when time, and change of circumstances, shall have rendered them destructive to his people here.— And to render this grievance still more oppressive, his majesty by his instructions has laid his governors under such restrictions that they can pass no law of any moment unless it have such suspending clause; so that, however immediate may be the call for legislative interposition, the law cannot be executed till it has twice crossed the atlantic, by which time the evil may have spent its whole force.

(*a*) 4. G. 3. c. 15. (*b*) 5. G. 3. c. 12. (*c*) 6 G. 3. c. 12 (*d*) 7. G. 3. (*e*) 7. G. 3. c. 59 (*f*) 14. G. 3.

(*g*) Alluding to the knighting of Francis Bernard.

(*h*) 14. G. 3. (*i*) 12. G. 3. c. 24.

(To be continued.)

NEW-ORLEANS.

The Governor has addressed a letter, of which the following is a copy to each member of the Council.

New Orleans, October 5th, 1804.

SIR,

I have the pleasure to inform you, that you are appointed by the President of the United States, a member of the Legislative Council for the Territory of Orleans.—Your commission is in my possession, and will be delivered whenever it may be agreeable to you to attend and take before me the oaths of office required by law.

I flatter myself you will afford to your fellow citizens, the benefit of your services in the council, and request that you would inform me of your determination as early as may be convenient.

I am, Sir,
Very respectfully,
Your humble serv't,
WILLIAM C. C. CLAIBORNE.

On the 9th instant the following letter from the Governor was addressed to each member of the Council.

New Orleans, October 9th, 1804.

SIR,

I have the honor to enclose you a proclamation convoking the Legislative Council; the interest of the Territory rendered this call necessary, and I rely with confidence on your punctual attendance.

I am, Sir,
Very respectfully,
Your humble serv't,
WILLIAM C. C. CLAIBORNE.

By his Excellency
WILLIAM C. C. CLAIBORNE,
Gov. of the Territory of Orleans.
A PROCLAMATION.

Whereas the interest of the Territory would in my opinion be promoted by an early session of the legislature thereof, I have thought proper to issue this my Proclamation, hereby requiring each and every member of the legislative council, to meet in council at the Hotel de Ville in the city of New-Orleans, on Monday the 12th of November next.

Given at New Orleans, this 9th day of October, one thousand eight hundred and four, and of the Independence of the United States, the 29th.

In testimony whereof, I have undersigned my name and caused (L. S.) the public seal to be hereunto affixed.

W'M C. C. CLAIBORNE.

To the Editor of the Telegraphe.

SIR,

As I find my motives for declining to accept a place in the legislative council, have been misrepresented, be pleased to insert the following letter from governor Claiborne to me, and my answer, in your next Gazette, in order to set the matter in its true point of light.

I am,
Your humble servant,
E. JONES.

[Here follows a copy of the circular letter of the Governor to the members elect of the legislative council.]

New-Orleans, 8th October, 1804.

SIR,

I did not receive till within this hour, the letter you did me the honour to write me on the 5th inst. from which I learn that the President of the United States, has been pleased to appoint me a member of the legislative council, for the territory of Orleans; and that my commission is in your hands, &c.

As I have not the honour of being personally known to the President, I cannot well imagine to whom I am indebted for the favorable idea that some body must have surely given him of me.

Such a mark of his good opinion is extremely flattering to me—and under other circumstances might be extremely acceptable; but in my present situation I do not feel myself at liberty to accept of the appointment.

Conjointly with almost all the inhabitants of Lower Louisiana, I have signed a memorial to Congress, respectfully remonstrating against the act made for our government; and humbly praying for a repeal thereof. I cannot therefore with any degree of consistency, accept of an office under a law, of which I have from the beginning so openly expressed my disapprobation; and which for the happiness of my fellow citizens and (forgive me if I add) for the honor of my native country, I so ardently wished to see annulled!

When calm reflection shall have taken the place of passion and of party spirit, I flatter myself that my conduct on the present occasion will be approved—I was born an American—I glory in that name—In defence of that happy land which gave me birth, my life and my fortune shall always be staked; but, I cannot consent, for any consideration, to do an act, which I think subversive of the rights and liberties of my fellow-citizens!

With great respect,
I have the honor to be,
Sir,
Your Excellency's
Most obedient and
Most humble servant,
EVAN JONES.

His Excellency Governor Claiborne.

New York, Nov. 12.

The brig Rolla, which arrived at this port yesterday, left Bordeaux on the 1st of October. Her Paris papers are to the 20th of September, inclusive, a file of which is received at the office of the Mercantile Advertiser.

Our verbal accounts are, that on the 11th Oct. in lat. 45, long. 16, the Rolla spoke the ship Balfour, Douglas, at that time out eight days from Greenock for Demarara, who sailed with the ship Pitt, and a new ship name not recollected, for this port; and was informed that the Spanish minister left London on the 26th of September. War having been declared between England and Spain, and letters of marque and reprisal issued by the former against the latter. Intelligence had reached Bordeaux, and obtained general credit, that a formal declaration of war against France on the part of Russia was on the eve of being made. A British fleet of nine sail of the line were at anchor off Rochelle. No further progress made in the preparations for invasion.

Passengers in the Rolla, Mr. Emmett (the celebrated Irish counsellor and patriot) and his family, Mr. Roque, Mr. Labat, and Mr. Baudon.

Our Paris papers are as dull, as uninteresting, and as silly as usual. The following are the only articles entitled to notice:

"The greater part of the Russian forces are concentred upon the frontiers of the Turkish empire; from which circumstance it is generally believed that the cabinet of Petersburgh are about some serious undertaking against the Ottoman Porte, who would find it difficult at present to make any effectual resistance.

It is generally believed in Germany that the king of Prussia will shortly cause himself to be proclaimed Emperor of Brandenburgh.

The court of Vienna has received from most of the principal powers of Europe the act recognising the hereditary imperial dignity in the House of Austria.

The ceremony of the coronation of the hereditary Emperor of Austria is fixed for the month of October, when he will assume the title of Francis I.— The annals of the world afford few examples of two imperial crowns uniting on the head of one sovereign. The crown is preparing, and will be of the value of several millions.

The government of the Batavian Republic are occupied upon objects of the greatest importance, if we may judge by the frequency of the extraordinary sittings of the members which take place daily, and of the couriers who are dispatched to Aix-la-Chapelle to M. Schimmelpennink, the ambassador, who is at that place.

M. d'Oubril, charge d'affaires from Russia near the French government, has arrived at Mayence, where he waits the arrival of the Emperor Napoleon.

The French general commanding in Naples has ordered the seisure of all vessels suspected of having on board provisions destined for Malta or for the English squadron.

The ministers of Russia and England, at their own request were to have a particular audience of the king of Prussia on the 2d September.

The departure of the Pope from Rome for France is fixed for the 16th Oct.

General Lauriston, aid-de-camp to the Emperor of France, arrived at Vienna early in Sept. on his way to Constantinople with a mission.

The count de Lisle left Grodno the 22d of August on his way to Mittau, his former residence, in the Russian dominion.

The regiments from St. Domingo are completing in the 11th military division at Bordeaux. The officers who arrived from that colony, and who are at Paris, have, in consequence, received orders to depart immediately for Bordeaux."

We learn by the brig Philanthropist from Nantz, that gen. Thuriot, the imperial ambassador to America, has taken passage in the ship Shepherdess, captain Goodfellow, bound to New-York; and would sail from thence in a few days after the Philanthropist.

Captain Henry, of the Nancy from Liverpool, on Monday last about 10 o'clock in the forenoon, saw the French frigates Didon and La Cybelle, 60 miles from Montog-Point, standing S. S. E. with a fresh breeze.

WASHINGTON CITY.

FRIDAY, NOVEMBER 16.

PRESIDENT'S MESSAGE.

The document, accompanying the Message, for establishing a collection district on the Mobile, manifests unequivocally the course pursued by the administration, and furnishes abundant materials for an estimate of their motives. The act of Congress of the last session authorised the President, whenever he should deem it expedient "to erect the "shores, waters and inlets of the bay "and river Mobile, and of the other ri- "vers, creeks, inlets, and bays empty- "ing into the gulph of Mexico, east of "the said river Mobile, and west there- "of to the Pascagoula, into a separate "district."

In virtue of this authority, the President on the 30th day of May established a collection district, embracing "all the above mentioned shores, waters, inlets, creeks and rivers, *lying within the boundaries of the United States;*" and designated Fort Stoddert, the port of entry and delivery.

It has been alleged that the government of the United States, in the first instance by a legislative act, and afterwards by an executive construction, decided West Florida to be a part of the cession of Louisiana, and that they had taken measures to possess themselves of it. But the document, we have quoted, shews this allegation to be entirely untrue. The act of Congress gives a general power to the executive to establish a collection district on certain waters, without saying whether in the United States or not. These words were unnecessary, as they would have been altogether surplussage. The legislature of the United States can legislate for the United States alone; and they do, in fact, legislate for the United States, in nine acts out of ten without using the term "United States."

When, however, the executive came to carry this general authority into effect, aware, probably of a collision of claims between the United States and Spain, it became him, as the legitimate organ of foreign relations, to guard against disturbing our amicable sentiments with that nation. And lest those sentiments should be disturbed by what might have been construed into a premature construction of the treaty of cession, it is expressly declared, in an official act, that only "the abovementioned shores, waters, inlets, creeks and rivers, *lying within the boundaries of the United States,*" shall be formed into a collection district, and a port of entry and delivery actually designated, which is allowed on all hands to be within the United States.

Some exception has been taken to the terms of the act of Congress defining the district. But an attention to the geography of the country, to which the United States have an undisputed title, will shew that without equivalent expressions they could not have secured a strict execution of their revenue laws.

"With the nations of Europe in general," says the President, "our friendship and intercourse are undisturbed: and from the governments of the belligerent powers especially, we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that, as we have opportunities of rendering."

There cannot be a stronger evidence of the ability of any administration than the preservation of good terms with the great powers of Europe, who are at this very moment engaged in one of the most awful wars that have ever been waged. To maintain terms of amity with France and England for a period of four years is a fortune so rare, as never before to have existed since our country became independent.

Our relations with the Barbary powers are next adverted to, on which it is not important further to animadvert than by observing that the spirited measures, adopted by Congress at their last session, have been carried into execution with promptness and fidelity. Ere this it is extremely probable that the faithless pirate is overwhelmed with ruin.

The organization of our new territory is a subject peculiarly delicate and interesting. With regard to a zealous promotion of the interests of our new brethren there is but one wish in America, and whatever differences there may be respecting the best elements of the government in the first instance bestowed upon them, there can be no doubt that they will ultimately, and at no distant day, enjoy the political rights we so highly prize. This important point the President submits [illegible] to the consideration of Congress.

There is not a human being, whose heart is softened by the feelings of humanity, nor an American, impressed as every American ought to be, with the infinite importance of acquiring for his country the character of justice, that will not rejoice at the unprecedented respect which is paid to the rights, the feelings, and the comfort of the natives of our soil. Other nations, in the deadly spirit of conquest and despotism have exterminated or enslaved the aborigines of the regions they discovered. For us has been the reserved, the proud distinction of protecting them from injustice, and of leading them, with a rapidity beyond the expectations of enthusiasm, to the arts and habits of civilised life. Such have been the wise measures of the government, as, notwithstanding the extension of our frontier, to have superseded the augmentation of our "military force." "Instead," says the President, "of an augmentation of military force, proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that [Indian] commerce as a more effectual, economical and humane instrument for preserving peace and good neighbourhood with them." Honorable proposition! equally worthy of the heart from which it flows, and the body to whom it is addressed!

Congressional Register.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *November* 14.

The Speaker laid before the House a letter from Duncan M'Farland, relating to the contested election of Mr. Purviance from N. Carolina, referred to the Committee of Elections.

The Speaker also laid before the House a letter from the Secretary of the Navy enveloping a report on the navy pension fund, which was ordered to be printed.

Dr. *Mitchill* presented a memorial from Wm. Dunbar of the Mississippi territory on the subject of his claim to a certain tract of land at Natches—referred to the committee appointed on the same subject during the present session.

Mr. *Crowninshield* presented the petition of Simeon Noys, an old revolutionary soldier and non-commissioned officer, who was disabled in the service by wounds and sickness, who altho' admitted on the pension list by the judges in 1792 has never received any assistance from the United States, and praying a pension may be allowed him to enable him to support himself, his wife and eight children.—On motion this petition was referred to a select committee of three, but on the suggestion of

Mr. *J. C. Smith*, the motion was reconsidered, and it was referred to the committee of Claims.

Gen. *Varnum* moved that the committee be instructed to consider at large the subject relative to invalid pensions, and the situation of all persons who were wounded or disabled in the service of the United States, during our revolutionary war with Great-Britain, and what further measures are necessary to render them such ample remuneration as justice may require.—Ordered, that the committee be instructed accordingly.

Gen. *Varnum* presented a petition from Paul Noys, praying for the payment of a balance due to him, for military equipments furnished the army during the years 1778, 9, 80 and 81—referred to the committee of Claims.

Mr. *Eppes* presented a petition from a number of the inhabitants of Alexandria in the territory of Columbia, praying for an alteration in their charter—Referred to a committee of three.

Dr. *Leib* mentioned to the House the condition in which the public buildings (the arsenal at Philadelphia) the property of the United States were; one of the sections was raised to the first floor, and some other parts were left unfinished, indeed all the uncovered parts of the buildings were more or less suffering delapidation or going to decay; he thought it would be found prudent to finish them in order to preserve them. He therefore moved that a committee be appointed to enquire into the expediency of making provision by law for the completion of the public buildings belonging to the United States, near Philadelphia. Referred to a select committee of three members.

Mr. *Lucas* presented the petition of Sosanna Taylor on the behalf of the children of her late husband Mr. Fulton, a lieutenant in the 11th Pennsylvania regiment praying that a warrant for 300 acres of land, the donation of the old Congress to officers of his rank, might issue. An enquiry had been made at the War Office into this subject; but it was rendered incomplete by the burning of the papers, however it did appear that a warrant had already issued on this account, but inasmuch as it had never reached those whose property it was; upon the issue of a second, Mrs. Taylor offers to indemnify the United States against the same, if it should ever appear. Referred to the committee of Claims.

Mr. *Rodney* presented a petition from John Crawford, an old soldier of 1776