The amendments to the last bill are entirely verbal, and the House immediately concurred therein.

On motion,

Resolved, that the committee of Commerce and Manufactures be instructed to enquire into the expediency of erecting the town of Darien into a port of entry.

A bill to provide for light houses in Long Island sound, and to declare Roxbury, in the state of Massachusetts, to be a port of delivery, was read the third time and passed.

The bill from the Senate to regulate the laying out and making a road from Cumberland, on the Potomac, to the river Ohio, in the state of Onio, was read and referred to a committee of the whole on Thursday.

This bill authorises the President of the U. S. to appoint three commissioners to lay out a road from Cumberland on the Potomac to the river Ohio, in the state of Ohio, to be four rods in width. The commissioners are directed to make a report to the President, of their proceedings, as well as the expence of making the road passable. The President is authorised to accept or reject the report in whole or part. If he shall accept it, he is then authorised to obtain the consent of the states through which the road may pass; and, having obtained such consent, to make a turnpike. Fifty-thousand dollars are appropriated, payable first out of the proceeds of the reservation from the sale of lands in Ohio, and, secondly out of the treasury of the U. S. the last sum to be chargeable to the preceding fund.

On motion of *Mr. J. C. Smith*, the House went into a committee of the whole on the report of the committee of claims on the petition of Return J. Meigs, in favor of allowing the governor, judges and secretary of the government of the territory north West of the Ohio compensation for services performed between the adoption of a constitution by the state of Ohio and the meeting of the legislature under that constitution.

A question arose whether those officers should be compensated by the U. S. or by the state of Ohio.

On this question considerable debate arose—Messrs. J. C. Smith, Morrow, Bidwell, Sloan, Jackson, and Dana, supporting; and Messrs. Stanford, Smilie, J. Clay and Alston opposing the report.

Mr. J. Clay moved that the committee should rise and ask leave to sit again, that further time might be allowed to consider the subject; which motion having been negatived—Ayes 39—Noes 56.

Messrs. J. Clay and Smilie again spoke against agreeing to the report.

When on motion of *Mr. J. C. Smith*, the committee rose, and asked leave to sit again, which the House granted.

On motion of *Mr. Jackson*, the committee appointed on laying out certain roads, &c. were discharged therefrom, in consideration of the bill received from the Senate, and the resolution relative thereto referred to the committee of the whole to whom the bill from the Senate is referred.

TUESDAY, *Dec.* 31.

The consideration of Mr. Sloan's resolution to lay a tax on slaves imported into the U. S. was postponed till Monday next.

A message was received from the President of the U. S. giving the information requested by them relative to the discharge of state balances, and representing that New-York is the only state that has discharged any part of the reported balances, and that she has in consequence been allowed a credit of 222,810 dollars on the books of the Treasury.

Referred to the committee of the whole on the state of the union.

Mr. Nelson presented a petition from sundry citizens of Washington, praying for authority to make a road from 14th Street West to the Frederick-Town road; which was referred to a committee of three members.

Mr. John C. Smith, from the Committee of Claims, made an unfavorable report on the petition of Sylvano Catalona—Whereupon,

Resolved, That the petitioner have leave to withdraw his petition.

Mr. Elliot moved the following resolution:

Resolved, That it is expedient to provide by law for fitting and repairing——

——Navy Yards belonging to the U. S. on or near the shores of the Atlantic ocean for the reception of the ships and vessels of war of the United States.

Referred to the select committee on that part of the President's message which relates to the making provision for the better defence of our ports and harbors, &c.

Mr. Crowninshield, from the Committee of Commerce and Manufactures, made an unfavorable report on the petition of John Dorr—Whereupon,

Resolved, That the petitioner have leave to withdraw his petition.

Mr. J. Clay presented a petition from Oliver Evans, praying an extension of the time of his patent for an improvement in the making flour; and representing his having made, at great expence, very important improvements on steam engines, and making a similar request with regard to them.

Referred to a select committee of five members.

Mr. Gregg from the Committee on public lands, made an unfavorable report on the petition of John M'Entire, which was referred to a committee of the whole on Monday.

A message was received from the President representing that he had signed the act extending the time for the payment of Claims under the Louisiana Convention.

A committee was appointed to enquire into the expediency of making further provision for the faithful performance of the duties of marshals.

On motion of *Mr. Crowninshield*, the Committee of Commerce and Manufactures were discharged from the petition of Francis Massoneer, which was referred to the committee on public lands.

Mr. Findley observing that he had a confidential communication to make, the Galleries were cleared about 1 o'clock. At half after one they were again opened—

When further debate arose on the report of the Committee of Claims in the case of Return J. Meigs.

Messrs. Stanford and J Clay, spoke against the report; & Mr. G. W. Campbell in favor of it.

On concurring in the report of the Committee of Claims, there were—Ayes 67—Carried—

Whereupon the resolution was referred to the Committee of Claims to bring in a bill.

Committee appointed in the House of Representatives.

Committee on a message of the President respecting the public buildings at Washington—Messrs. Nelson, Jones, Magruder, Lewis, and Hastings.

MESSAGE

From the President of the United States, transmitting a report from the governor and presiding judge of the territory of Michigan, relative to the state of that territory.

To the Senate and House of Representatives of the United States:

THE governor and presiding judge of the territory of Michigan, have made a report to me of the state of that territory, several matters in which being within the reach of the legislative authority only, I lay the report before Congress.

TH: JEFFERSON.

December 23, 1805.

(COPY.)

DETROIT, *October* 10, 1805.

THE governor of the territory of Michigan and the presiding judge thereof, in compliance with the wishes of the government and the people of the territory, have the honor to make the following report relative to the affairs of the territory.

By the act of the Congress of the United States establishing the territory, the government thereof was to commence from and after the 30th day of June, 1805. The presiding judge arrived at Detroit, the seat of the government, on Saturday the 29th day of June, and the governor on Monday the first day of July. The associate judge who was previously a resident of the territory, was already there. On Tuesday the 2d July, the governor, in pursuance of the ordinance of Congress, administered to the several officers their respective oaths of office, and on the same day the operations of the government commenced.

It was the unfortunate fate of the new government to commence its operations in a scene of the deepest public and private calamity. By the conflagration of Detroit, which took place on the morning of the 11th of June, all the buildings of that place, both public and private, were entirely consumed; and the most valuable part of the personal property of the inhabitants was lost. On the arrival of the new government, a part of the people were found encamped on the public grounds, in the vicinity of the town, and the remainder were dispersed through the neighboring settlements of the country; both on the British and American side of the boundary.

The place which bore the appellation of the *town of Detroit*, was a spot of about 2 acres of ground, completely covered with buildings, and combustible materials, the narrow intervals of 14 or 15 feet, used as streets or lanes, only excepted; and the whole was environed with a very strong and secure defence of tall and solid picquets. The circumjacent ground, the bank of the river alone excepted, was a wide commons: and though assertions are made respecting the existence, among the records of Quebec, of a charter from the king of France, confirming this commons as an appurtenance to the town, it was either the property of the United States, or at least such as individual claims did not attempt to cover. The folly of attempting to rebuild the town in the original mode was obvious to every mind; yet there existed no authority, either in the country or in the officers of the new government, to dispose of the adjacent ground. Hence had already arisen a state of dissension which urgently required the interposition of some authority to quiet. Some of the inhabitants, destitute of shelter, and hopeless of any prompt arrangements of government, had re-occupied their former ground, and a few buildings had already been erected in the midst of the old ruins. Another portion of the inhabitants had determined to take possession of the adjacent public ground, and to throw themselves on the liberality of the government of the United States, either to make them a donation of the ground as a compensation for their sufferings, or to accept of a very moderate price for it. If they could have made any arrangement of the various pretensions of individuals, or could have agreed on any plan of a town, they would soon have begun to build. But the want of a civil authority to decide interfering claims, or to compel the refractory to submit to the wishes of a majority, had yet prevented them from carrying any particular measure into execution. On the morning of Monday, the first day of July, the inhabitants had assembled for the purpose of resolving on some definitive mode of procedure. The judges prevailed on them to defer their intentions for a short time, giving them assurances that the governor of the territory would shortly arrive, and that every arrangement, in the power of their domestic government, would be made for their relief. On these representations they consented to defer their measures for one fortnight. In the evening of the same day the governor arrived:—It was his first measure to prevent any encroachments from being made on the public land. The situation of the distressed inhabitants then occupied the attention of the members of the government for 2 or 3 days. The result of these discussions was, to proceed to lay out a new town, embracing the whole of the old town and the public lands adjacent; to state to the people that nothing in the nature of a title could be given, under any authorities then possessed by the government; and that they could not be justified in holding out any charitable donations whatever, as a compensation for their sufferings; but that every personal exertion would be used to obtain a confirmation of the arrangements about to be made, and to obtain the liberal attention of the government of the United States to their distresses.

A town was accordingly surveyed and laid out, and the want of authority to impart any regular title without the subsequent sanction of Congress, being first impressed, and clearly understood, the lots were exposed to sale under that reservation. Where the purchaser of a lot was a proprietor in the old town, he was at liberty to extinguish his former property in his new acquisition, foot for foot, and was expected to pay only for the surplus, at the rate expressed in his bid. A considerable part of the inhabitants were only tenants in the old town, there being no means of acquiring any new titles. The sale of course could not be confined merely to *former proprietors*, but as far as possible, was confined to *former inhabitants*. After the sale of a considerable part, by auction, the remainder was disposed of by private contract, deducting from the previous sales the basis of the terms. As soon as the necessities of the immediate inhabitants were accommodated, the sales were entirely stopped until the pleasure of government could be consulted. As no title could be made, or was pretended to be made, no payments were required, or any monies permitted to be received until the expiration of one year, to afford time for Congress to interpose. The remaining part was stipulated to be paid in four successive annual instalments. The highest sum resulting from the bids was seven cents, for a square foot, and the whole averaged at least four cents. In this way the inhabitants were fully satisfied to commence their buildings, and the interfering pretensions of all individuals were eventually reconciled. The *validity* of any of the titles was not taken into view. The *possession* under the titles, such as they were, was alone regarded, and the validity of title left to await the issue of such measures as Congress might adopt, relative to landed titles in the territory of Michigan *generally*. It therefore now remains for the Congress of the United States either to refuse a sanction of the arrangement made, or by imparting a regular authority to make it, or in some other mode in their wisdom deemed proper, to relieve the inhabitants from one of the most immediate distresses, occasioned by the calamitous conflagration.

Strongly impressed with a sense of the worth of the people, and deeply commiserating their sufferings, of a great part of which they were eye witnesses, the officers of their local government cannot refrain from adding their warmest degree of recommendation to forward the liberality the Congress of the United States will unquestionably be inclined to exercise towards them; and the disposition which will doubtless prevail towards attaching their affections, promoting their interests and relieving their distress. Whether a donation of the acquisitions, which have been stated, or of lands more remote, or the application of the proceeds to public purposes within the country, will be most adviseable, the undersigned pretend not to say; but whatever relief may be extended to them on the part of the general government, they hesitate not to assert, will be of the most essential utility to them, and rendered to objects of real merit.

The organization of the courts of justice next demanded consideration. A judicial system was established on principles of convenience, economy and simplicity. Courts were held under it, and all the existing business settled. Every subject requiring to be legislated upon was acted on, as far as the government was competent to act. At the close of the other arrangements the militia of the territory were completely organised and brought into the field.

The various acts, both of a legislative and executive description, will appear at large in the semi-annual report of them, which the laws of the United States require, and it will therefore be unnecessary to exhibit the details of them.

The grand juries constantly presented addresses to the courts on the subject of their land titles. The several companies of militia, elected delegates to a general meeting, which, among other objects, addressed the government on the subject of their titles; and earnestly requested the personal attendance of the governor and one of the judges during a part of the session of Congress. Indeed the confused situation of land titles, during the nine or ten years the U. States have had possession of the country, has been such, and is so increasing by lapse of time, as now loudly to call for a definitive adjustment.

It is now nearly a century and a half since the first settlements were made in this country, under the French government, and in the reign of Louis the fourteenth, whose name it then bore, in common with what has since exclusively been termed Louisiana. In 1673, an officer, commissioned by the French government, explored the waters of the west, taking his departure from lake Michigan, he penetrated to the Ouisconsin river, and afterwards to the Mississippi, and returned through the Illinois country, after having sailed down the Mississippi within one degree of latitude of the Southern boundary of the United States, previous to the late treaty of Paris, of April, 1803, and that anterior to the discovery of the mouth of the Mississippi by La Salle. Prior to this era the settlements of the straight had commenced, and Detroit claims an antiquity of fifteen years superior to the city of Philadelphia. The few titles granted by the government of France were of three French acres in front, on the banks of the river, by forty in depth, subject to the feudal and seignoral conditions, which usually accompanied titles in France. The ancient French code called *la coutume de Paris* was the established law of the country; and the rights of land were made strictly conformable to it. All these grants, however, required the grantee, in a limited period, to obtain a confirmation from the king; and with the exception of a very few, this confirmation has never been made. On the conquest of the French possessions by Great Britain, in the war which terminated by the treaty of Paris in the year 1763, as well in the original articles of capitulation in 1759 and in 1760, as in the subsequent treaty itself, the property of the inhabitants of the country is confirmed to them. The expression in the original is *leurs biens, nobles et ignobles, meubles et immeubles*. It is therefore conceived to comprehend these *lands*. On the acquisition by the United States of America of that portion of Canada which is now comprehended within the limits of the territory of Michigan, by the definitive treaty of peace, at Paris, in 1783, the subjects of his Britannic majesty are secured from loss, or damage in person, liberty or property, and in the treaty of London, negociated between Mr. Jay and lord Grenville, in November, 1794, they are still more particularly confirmed in their property of every kind, land, houses or effects. However defective, therefore, the class of original proprietors may be with respect to the *evidence* of title according to the American forms, it is conceived their *rights* are extremely strong. The British government granted few titles, and these were generally mere permissions of military officers to use or occupy certain pieces of land, often unaccompanied with any written evidences, but assuming, from long continued possession, an appearance of right,. Under the American government no titles of any kind have been granted.

From this state of things some consequences have resulted, which are not indeed difficult to foresee, but which it is difficult to remedy. One of these consequences, and perhaps not the least important, is the effect it had on the destiny and moral character of the progeny of the original colonists. When it is remembered, that the troops of Louis the fourteenth, came without women, the description of persons constituting the second generation will not be difficult to conceive. When it is considered at the same time, that destitute of titles to land, they were precluded from the means of acquiring them, it will be obvious that an entrance into the savage societies, or at most employments in the commerce carried on with them, were their only resources. While, therefore, the American colonizations of the same, and of subsequent date, have grown into regular, agricultural, and opulent states, these countries have been destined to anarchy, to ignorance, to poverty. The emigrant, whom curiosity, or enterprize, at any time brought into the country, was either attracted to the British side of it, or disappeared in some mode less easy to account for. Accession, by foreign population, and by natural increase, being thus, at once cut off, the fate of this fine region has necessarily been that insignificance which still belongs to it. The British government, in recent periods, have confirmed original proprietors, made a donation of a quantity equal to the original grant, termed a *continuation*; and have granted lands to settlers without any other price than common fees of office attending the acquisition of the grant. Such, however, is the inestimable value of liberty to man, that notwithstanding these, and, if possible, greater inducements to the settlers, the undersigned venture to predict a marked superiority to the American side, even at the prices at present required by the American government, or at a slight variation of them, if the old claims are at once adjusted, and the country laid open to the acquisition of new title.

From the state of the country which has been represented, another consequence has resulted. Encroachments, in some instances, grafted on original title, and in others without a semblance of title, have been made on lands which are or ought to be, the property of the United States. Individuals have proceeded to extinguish the native right, contrary to the regulations of all the governments; and in some instances extensive settlements have been made on titles thus acquired. What arrangements the United States will make on this head it belongs not to us to anticipate; we shall only recommend a liberal and merciful disposition to the people of this country; of whom it may be safely asserted they are less to be charged with depravity of character, than their governments have been with cruel neglect and indifference.

The claims of the present inhabitants require to be considered under one more aspect, novel indeed, but not the less founded in truth. When the American comes into contact with the aboriginal, if he is not considered as an enemy, he is at least regarded as a character with whom they are to struggle, and if in no other, certainly in a pecuniary view. But the Canadian, allied by blood, by long established intercourse, by a countless reciprocity of services, their native claims having long, as to time, been extinguished, and their honor and good faith having been repeatedly pledged for his protection, is uniformly regarded as their brother, and with him they are disposed to make a common cause. Hence *justice*, and *liberal justice*, to the Canadian inhabitant is an important point of policy in the conduct of the American government towards the aboriginal inhabitants.

The extent of the Canadian extinguishment of Indian title, though in itself indefinite, appears first to have received limits in the treaty of fort Mac Intosh, in 1785. We there first find a written dereliction of Indian claim for a breadth of six miles from La Riviere aux Raisins, now called Rosine, on Lake Erie, to the Lake St. Clair. In the subsequent treaty of Fort Harman in 1789, the same dereliction is confirmed. In the ulterior treaty of Greenville, in 1795, the confirmation is repeated, and additions made.

The treaty with Great Britain, of 1783, and the subsequent one of 1794, were made for the accomplishment of great national objects, having very little connection with Canadian and Indian claims. The treaties of fort Mac Intosh, fort Harmar, and of Greenville, were all formed on other far more important points; and the quantity of extinguished Indian title in Michigan recognized by them is less to be considered as *an acquisition of new title*, than *a definition of the old*. The expense of those negociations therefore can scarcely be said, in any sense to attach to this country; and perhaps it may be truly said that all the Indian title at present extinguished within the territory of Michigan has not cost the United States a single dollar; but is entirely a recognition of a previous, but indefinite title, extinguished by the Canadians. Hence a question will arise whether it is more than *barely justice* to the inhabitants to allow them the whole of this part, or otherwise to permit the proceeds of it to be applied to their benefit, in the education of their youth, in the erection of public buildings, such as court houses and jails which the late conflagration has entirely deprived them of, and in laying out roads, and other improvements in their country. Next to the adjustment of the old titles comes the acquisition of new. It is believed that at this period, and in a particular mode, a very large portion of Indian title may be shortly extinguished; but as this part of the subject may hereafter be deemed confidential, it is made the subject of a distinct report.

On an occasion like the present it may not be unadvisable to revise some of the regulations relative to the territory.

On all the subjects requiring legislation the present government act with difficulty, and on many cannot act at all. All laws will be found to operate on particular *places, times and persons*; and in no state which enters into the composition of the American union, will an abstract code of principles be discovered free from a connection, and that a very close one, with the *places, times & persons* affected by them. Hence the strict adoption of any code, or even of any one law, becomes impossible. To make it applicable it must be adapted to the geography of the country, to its temporary circumstances and exigencies, and to the particular character of the persons over whom it is to operate. Hitherto it has been religiously the object to follow what has been deemed the substance of the law, whatever modifications the form of it was obliged to undergo. But different minds will not always correspond in sentiment on what is *substance*, and what is *form*; and in all the litigations which arise under laws, those affecting the validity of the law itself are the most intricate and difficult. Hence in a country whose administration ought to be marked with simplicity, intricacy, procrastination, and uncertainty in affairs, result. To adopt laws from all the original states, the laws of all the original states ought to be furnished: and waving the difficulty and expence of procuring them, what a body of men under the pressure of immediate business, can acquire a complete acquaintance with them? The possession of all the codes, if it were possible, and a complete acquaintance with their contents, would still prove an abortive cure; for in many very simple cases, a strict precedent will be searched for in vain. Is the object to establish a ferry, to regulate the affairs of any district, to erect a court house, or to institute a school, however urgent the call, however obvious the means, it must often be abandoned for want of a precedent that will apply; and often when attempted, may be defeated, from the want of a strict correspondence between the law made and the precedent from which it professes to be adopted? The real security for the prevalence of republican principles rests not in a provision of this awkward kind; for even in the codes of the states the disciple of aristocracy may sometimes find a weapon. It rests in the general probability that the administration of this description will be conformable to the general administration. It rests in the parental controul of Congres. Experience is the best test of the propriety or impropriety of a law, and if a law be made which gives dissatisfaction, the natural resort is to the authority first making for its correction, and when from defect of