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National Intelligencer.

& WASHINGTON ADVERTISER.

VOL. VIII. | WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. | NO. 1125.

FIVE DOLLARS PER ANNUM, | FRIDAY, JANUARY 1, 1808. | *PAID IN ADVANCE.*

CONGRESS.

House of Representatives.

TUESDAY, DECEMBER 29.

Mr. Macon said he wished to introduce to the notice of the House a subject which was last session before them, but which was not then finally acted on. He meant the subject of the pensioners of the several states, who had received known wounds during the revolutionary war. It would be recollected that two years ago the House of Representatives had directed the Secretary of War to ca'l upon the several states for a list of all the invalids who were placed on the pension list of each state. To bring this subject again before the House, and to put all the states on equal footing with regard to the pension list, he moved a resolution to this effect which was adopted:

Resolved, That the committee of Claims be instructed to enquire into the expediency of placing on the pension list of the U. S. the persons on each state pension list in consequence of wounds received in the revolutionary war.

Mr. Macon said that he had understood the return from N. Carolina had been lost or mislaid; he therefore presented an authenticated copy of that return; which was referred to the same committee.

Mr. Bibb, from the committee appointed to enquire whether the Representative Hall could be made fit for the purposes of speaking and hearing, reported the following resolution, which was agreed to:

Resolved, That the committee of accounts be instructed to direct the hanging of baize curtains between the columns, and that they defray the expences thereof out of the contingent fund.

An engrossed bill extending certain privileges therein mentioned to Anthony Boucherie, was read the third time and passed.

An engrossed bill supplementary to an act entitled "an act regulating grants of land, and providing for the disposal of lands south of Tennessee," was read the third time and passed.

On motion of *Mr. Blount,* the House went into committee of the whole, *Mr. Masters* in the chair, on the bill from the Senate, for the maintenance of peace and for preserving the authority of the United States in the ports within their jurisdiction.

The bill having been read through by paragraphs as far as the 7th section, without opposition,

Mr. Burwell said he should move that the committee rise and report progress. He had not expected that this bill would have been called up at this time, and was not prepared to give a vote on it. The House was now extremely thin, and upon the discussion of a bill of this importance, every member of the House should be present. He was perfectly unprepared to act on this subject, and the more he reflected, the more he thought they should deliberate before they gave the President of the United States the power of interdicting our ports and harbors to foreign armed vessels; it was a power exclusively reserved to Congress. This bill would besides place the executive of the country in a very aukward situation, requiring from him services which the existing state of the country would not authorize him to perform: it was well known that it had been doubted whether the United States possessed a force competent to expel foreign armed vessels from our waters. If it was necessary to adopt such a measure, the power should certainly be left with Congress, and no authority given to the Executive to do an act which might involve the country in war.

The committee then rose, reported progress and obtained leave to sit again.

Mr. Masters presented the petition of the Wyandott nation of Indians, and other tribes in their behalf, and also the petition of White Knaggs, praying for certain grants or confirmations of titles to certain lands—Refered to the committee of Public Lands.

Mr. W. Alston, in the absence of the chairman of the committee of Ways and Means, moved that the House resolve itself into a committee of the whole on the bill continuing for a limited time the salaries of certain officers of the government. Agreed.

Mr. Storer in the chair.

The bill having been gone through, and reported by the committee, on the suggestion of *Mr. Stanford,* that there had been some communication on this subject to the chairman of the comittee of Ways and Means from some one of the officer of government, its further consideration was postponed till Thursday.

Mr. Newton, from the committee of Commerce and Manufactures, reported, in conformity to the resolutions moved by *Mr. Crowinshield* yesterday, a bill supplementary to the act entitled "An act laying an enbargo on all ships and vessels in the ports and harbors of the United States."—Read twice and referred to a committee of the whole.

MR. NEWTON said, as the bill was very important, and it was necessary that it should pass through with as much expedition as possible, the law laying the embargo being very defective, he moved that it be made the order of the day for this day.

Mr. Quincy objected to its consideration to-day, as the amendment was proposed to an important law; and if the supplementary law were passed in too much haste, it might be necessary in a few days to pass a law to amend the amendatory law. He wished it to be laid on the table for this day, that they might come to-morrow prepared with all their intelligence on the subject.

Mr. Crowninshield was in favor of an immediate discussion. Gentlemen would recollect, that by the law laying an embargo, no penalties had been laid on vessels departing contrary to its provisions. It was true that registered vessels going from port to port were obliged to give bond that they would not land their cargoes at any foreign port; but no restriction was placed on licenced or coasting vessel. He had in his hand a letter which stated that certain vessels of the latter description were now changing their registers, and taking out coasting licences, as there was no restraint imposed on these by the act, and they might slip off to a foreign port with their cargo. Another provision of the act contemplated the extension of the time for obtaining drawbacks. He hoped gentlemen were all ready to say that the defects in the law should be remedied; and he therefore hoped the bill would be this day considered.

Mr. Lyon said he should not agree to consider the bill till he had taken it home with him, read it, considered, & slept upon it.

Mr. Nicholas pressed the necessity of an immediate discussion.

To-morrow being named as the day the question was of course first taken on that day and negatived—Ayes 21.

To-day was then agreed to without a division.

Mr. Marion presented the petition of sundry merchants and others, in Charleston, S. C. stating that many vessels had cleared out from thence for the purpose of importing slaves, before the law was passed by Congress prohibiting the importation of slaves, and some had cleared out immediately after the passing of the law, and had been detained by accidents beyond the time limited by law, and praying that a law may be passed affording them relief.

The question being put on a motion made by Mr. Marion for a reference of this petition to the committee of Commerce and Manufactures,

Mr. Masters said, if there was any subject in favor of which a petition should not be referred, it was the slave trade. These petitioners knew when the prohibitory law would go into operation, and they were not entitled to relief by the laws of God or man.

The motion for reference was negatived—Ayes 37, Nays 39.

Mr. Smith, of Virginia, obtained leave of absence till Saturday.

On motion of *Mr. Newton,* the House went into committee of the whole, MR. CUTTS in the chair, on the bill this day reported, for amending the embargo law.

The first section having been read,

Mr. Quincy said, when the law imposing the embargo was before the House, he had the honor to submit a motion with respect to fishermen. This was rejected on the ground that it was important to keep our men within the U. States. This amendatory law, he presumed, was intended to give fishing vessels a limited privilege of going out to fish. Mr. Q. doubted whether the law would be effectual, because it prohibited vessels from carrying goods foreign or domestic, salt excepted; it might by a strict construction exclude their apparatus or stores. That it might be clearly understood that this class of citizens were not to be deprived of their usual privilege, he moved that the following proviso be added to the end of the section:

And provided that nothing in the act to which this is a supplement shall be construed to prohibit the sailing of any ship or vessel duly registered, enrolled or licensed for carrying on the whale and other fisheries with the usual tackle, apparel, and supplies customary on a fishing voyage.

Mr. Crowninshield objected to the amendment as supererogatory; because he considered it implied in the law imposing the embargo that fishing vessels were excepted: and this he conceived to be the reason why the amendment then proposed by the gentleman last up had not prevailed.

Mr. Quincy supported his amendment, conceiving his colleague's construction of the law incorrect; and believing that the amendment offered by him to the original law had been rejected for very different reasons than those just stated, and which were then urged.

Mr. W. Alston, proposed to the gentleman to withdraw his amendment, in order to move the insertion of the words "apparatus and stores" after the word "salt."

Mr. Macon would rather the question should have been first tried on the principle, by striking out the clause excepting fishing vessels. In the decision on the amendment moved by the gentleman from Massachusetts to the embargo law, gentlemen had voted against it from different reasons. Mr. M.'s reason for voting against it was to keep within the limits of the U. States every thing which would sustain life. His reason for voting in favor of the bill (he knew it would bear hard on fishermen, but equally so every part of the community) was, to try whether they could not produce an effect on the powers of Europe; he therefore wished to prevent provisions or supplies of any kind from going out of the U. States, until a settlement of our differences was had. If the bill were to remain in its present situation, and fishing vessels were to give no security for their return, he could not conceive why whale fishermen should not be as well included as fishermen on our banks. Was there not a motion now before the House, Mr. M. would move to strike out the exception in favor of fishing vessels, to try the question at once.

Mr. Taylor called the attention of the House to the section proposed to the embargo bill by the gentleman from Massachusetts, and which included every idea which was suggested by the present amendment. Mr. T. had understood that the bill now under consideration was intended to narrow down and clear the imperfections visible in the original bill. It appeared to him that it went to widen instead of narrowing the bill; it contained the very proposition which had in the discussion on the former bill been negatived 82 to 45. The same principle was precisely embraced; and he need say no more after stating the division on the former question.

Mr. Quincy said that it was now intended to extend the provisions of the bill to whale and bank fisheries equally, and he thought this could be so restricted as to prevent infractions of the embargo on goods, wares or merchandize. They had no more right to prevent fishermen from exercising their usual avocation, than to prevent a man from taking his produce from his own farm. This business could not be included under the general head of commerce; it was distinct from commerce altogether. He wished to have the sense of the House on this question specifically understood and clearly designated. It was therefore his duty to insist on his amendment.

Mr J. Montgomery said, that when this subject was before acted on, it was conceded that there were defects in the bill, and that a supplementary law might be brought forward to prevent evasions of the original law. This course was now pursued; the committee of Commerce and Manufactures had reported a bill for preventing evasions that might be practised under the law imposing the embargo. Since that law had passed, information had been received that evasions were already practised under it; information had been received, that, as coastwise commerce was permitted by the embargo, merchants were giving up their registers and taking out licenses; this was the practice of this day in several ports of the U. States. It became their duty to provide a remedy for this elusion of the law, to close the door on evasion. What was the effect of the proviso under consideration? While the 1st section closed *one* door, the proviso moved as an amendment to it, opened *two* doors. Was it not known that merchants sometimes did evade the provisions of laws, and that they were now exercising all their ingenuity to evade the law passed the other day? That law prohibited registered or sea-letter vessels from sailing, but permitted vessels to sail coast wise; the merchants were therefore turning all their vessels into coasters; and if this law passed with the proviso they might call merchant vessels fishing vessels or whalers. Mr. M. hoped the good sense of the House would not open more doors to fraud or evasion than already were open under the embargo law. He considered this proposition a mere tub to the whale; and hoped it would catch no person in the House.

Mr. Lyon considered with the gentleman from S. C. (Mr. Taylor) that it was not intended that the fishermen should go out while other classes of cititizens could not receive benefit from their lumber or tar. He was in favor of telling these men explicitly that they should or should not go out.

Mr. Bacon said it appeared that these fisheries were a great and permanent source of wealth to the nation, and he believed the exercise of that occupation could be so regulated as not to let in any invasion of the general policy of the law; if this could be effected, there could be no objection to the object. The only question then was whether such a provision could be made in favor of fishing vessels, as should prevent them from carrying on an illegal commerce, and shut the door on evasion. An amendment to this effect had been negatived the other day, not he believed because the House was opposed to the principle it contained, but because they did not wish the bill to be encumbered at that time by any other provisions than those it already contained. Neither this nor any other law could be so constructed that an invasion could not be made; but he believed that it might include the right of fishing without affecting the general provisions of the embargo. There was proposed, by the second section of the bill under consideration, a forfeiture and personal penalty on all persons infringing the general provision of the embargo law; a person might undertake a voyage contrary to law; but if he did, he incurred this penalty. The small inconvenience (if any) which would arise from permitting fishing vessels to sail, would by no means counterbalance the ill effects of a restriction to fishermen from pursuing their usual avocation. If this permission was not already implied, he should be in favor of expressing it.

MR. NEWTON explained the law in regard to licencing fishing vessels. Although vessels of more than 60 tons were not usually employed in this trade, yet, if not otherwise engaged, vessels of 100 or 500 tons might take out licences for fishing. What had induced the committee to insert this clause in the bill was, that the people in the Northern states were accustomed to supply themselves with fish. As the law now stood, they were excluded from fishing even for their own use.

MR. LIVERMORE said the amendment offered by the gentleman from Massachusetts seemed to be opposed by different gentlemen on different grounds; and he must say that he was surprised to hear one of his colleagues object to it. The proviso contemplated nothing more than rendering more explicit the first section of the bill. If the first section was essentially wrong, the proviso was unnecessary; if it was the intention of Congress to allow fishing vessels to go out, why not make the section more explicit? He had no idea of stealing a march upon the legislature. If it was their intention, and he prayed that it might be, to let fishing vessels proceed on their business, let it be explicitly expressed. He did not know but the law imposing an embargo, which he had opposed as much as he could, and the passage of which he should ever regret, might have afforded that privilege by implication; but as it had now become a question before the legislature he wished the intention to be explicitly expressed. Thus much in favor of the proviso: if that were rejected, he should still vote for the first section. He did not precisely know whether it was necessary now to go into a discussion of the propriety of allowing the full exercise of the business of fishing. He felt for the people who would by this act be forced to obtain a precarious subsistence by begging. To throw 6000 citizens out of employ, to cast them on the world, to force them to go to foreign countries for employ and livelihood, was to him a serious evil. He hoped that it would be decided that this class of citizens should not be altogether deprived of the means of subsistence; he could see no occasion for it. He conceived that a general embargo could not be intended to deprive them of what was their necessary avocation; the drawing something from the depth of the sea, the making something out of nothing. These men brought property in the U. S. to a large amount—a statement of the annual income of the fisheries had fixed it at three millions of dollars—three millions out of nothing. To prevent them from following an avocation so beneficial to themselves and to the community was in his opinion a serious evil. By suffering them to pursue their avocation on the ocean, did it permit these men to violate any existing law? There was in such a permission no other risk than the mere chance of their being captured or pressed into British service. He begged gentlemen who came from parts of the union different from himself to exercise candor, he requested them to consider the effect of this embargo upon a large portion of his constituents, to weigh the question, whether they would do any essential service to the country by inhibiting this particular trade. He wished gentlemen to place themselves in the situation of these men if they could, and consider for a moment that they were deprived of the means of obtaining a livelihood, which they could not obtain in any other way, and would be driven into the service of foreign governments to obtain from them the protection refused by the U. S. He did not pretend to more expanded views than others, but it was certainly astonishing to him, where gentlemen could discover a necessity for preventing fishermen from going on the ocean to obtain their accustomed livelihood? Whence could a benefit result to the U. S. from such a denial? Was it considered an injury in the year 1794 that fishermen should exercise their calling during the existence of an embargo? No. The only apprehension then was, according to documents which were read the other evening, that possibly the embargo might be evaded by fishing vessels exporting goods; it was then never imagined that going on the fishing grounds and taking fish could have an injurious tendency. As the law now stood he should put the same construction on it as the gentleman from Massachusetts; but as it might create difficulties among the collectors, he wished it to be more explicit, except, and he hoped not, it was their intention to prevent fishing vessels from going out of the U. S.

MR. CROWNINSHIELD explained his reasons for opposing the amendment. He said that the same provision was already expressed in the first section of the bill, and implied in the embargo law; he was decidedly in favor of it, and that fishermen should be allowed to go on the banks, and bring their fish into the United States. He would not admit, even if the provision were stricken out of the first section, that their citizens would be obliged to starve in the streets, or seek employ in foreign countries. It was not the intention of the House to deprive these worthy men of the means of sustenance; and he did not wish such an idea to be impressed on the public. If they were deprived of their subsistence, they might think Congress had acted unjustly, but they would submit; they would not seek the service of foreign countries, more especially of Great Britain. He should not have risen, had not an