National Intelligencer.

& WASHINGTON ADVERTISER.

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FIVE DOLLARS PER ANNUM, | WEDNESDAY, APRIL 6, 1808. | *PAID IN ADVANCE.*

BY AUTHORITY.

AN ACT

Authorizing a detachment from the militia of the United States.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby authorized, at such times as he shall deem necessary, to require of the executives of the several states and territories to take effectual measures to organise, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States from the latest militia returns in the department of war, and in cases where such returns have not been made by such other data as he shall judge equitable.

Sec. 2. *And be it further enacted,* That the executives of the several states and territories may accept, as part of the said detachment, any corps of volunteers who shall engage to continue in service six months after they arrive at the place of rendezvous.

Sec. 3. *And be it further enacted,* That the detachment of militia and volunteers aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective states and territories, the President apportioning the general officers among the respective states and territories as he may deem proper.

Sec. 4. *And be it further enacted,* That the said detachments shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous, and that during the time of their service, they shall be entitled to the same pay, rations, and allowance for clothing as are established by law for the army of the United States.

Sec. 5. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to call into actual service any part, or the whole of said detachment, when he shall judge that the exigencies of the United States require it; and, if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof as the President of the United States shall deem proper.

Sec. 6. *And be it further enacted,* That a sum not exceeding one million of dollars be, and the same is hereby appropriated, out of any monies in the treasury, not otherwise appropriated, for the pay, subsistence, and support of such part of said detachment as may be called into actual service.

Sec. 7. *And be it further enacted,* That this act shall continue and be in force for the term of two years from the passing thereof, and no longer.

J. B. VARNUM,
Speaker of the House of Representatives.

GEO: CLINTON,
Vice-President of the United States and President of the Senate.

MARCH 30, 1808.

APPROVED,
TH: JEFFERSON.

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40 DOLLARS REWARD.

FOR apprehending and delivering Negro HARRY to the subscriber in the city of Washington or twenty-five dollars for securing said slave so that I get him again. Harry ran off on the 11th day of March 1808, he is about 5 feet 7 or 8 inches high, well made, thick lips, light black color, has the wool shaved off the back of the head the size of a dollar, and a scar on the same, and a small wen on the breast; had on when he went off a blue cloth coatee, drab color bear skin round jacket (as a spencer) Harry was purchased of Mr. George Cole of Poplar Hill, Saint Mary's county.

N. B. Having reason to believe that he was persuaded and aided in his elopement, I offer 50 dollars reward to any person who will prove to conviction in a court of justice the person guilty of such acts.

PETER LENOX.

April 6—tawtf

THIS is to give notice that the subscribers of Washington county district of Columbia have obtained from the Orphan's court of the county and district aforesaid, letters of administration on the personal estate of Addison Murdock, deceased, late of the county aforesaid. All persons having claims against the said deceased are hereby warned to exhibit the same with the vouchers thereof, to the subscribers on or before the 2nd day of October next, they may otherwise by law be excluded from all benefit of the said estate.

Given under our hands this 2nd day of April 1808.

MARIAMNE C. MURDOCK,
GEORGE FRENCH,
Administrators.

April 6—w3t

PORTRAITS,

PAINTED IN OIL COLORS,

By C. BOYLE, at the Building formerly occupied by Mr. G. Stewart, Pennsylvania avenue.

Washington, March 11—tf

TUNIS CRAVEN

HAS removed his entire stock of DRY GOODS from Alexandria to Washington, and is now opening, at his new Store, between the Marine Garrison and Navy Yard Gate, an assortment equal to any in the District;—among which are,

Wood's best London cloths,
Do. double milled & plain cassimeres,
Bennett's cords and velvets,
Constitution Gerrow, bunting, Trafalgar, and silver cords,
Velvets,
Imperial, Brunswick waistcoating,
Silk moleskins do.
Tollinets, swansdown do.
Plain and figured Marseilles do.
Bearskin coatings,
Plains, kerseys, halfthicks,
Rose and duffil blankets, flannels,
Superfine green cloth table covers,
Calicoes, colored cambrics,
Ginghams, silk and cotton chambrays,
Furniture Chintz,
Cambric and jaconet muslins,
India and British book do.
India mulmull figured and plain,
Plain and figured leneos,
Laced cambrics,
Elegant tamboured mulls,
Grecian robes and Peliese dresses,
8-4 damask and raw silk shawls,
Damask scarfs,
Camel's hair and swansdown do.
Down scarfs,
Long and short lace sleeves, spider & nett sleeves,
Extra long and habit kid gloves,
Do. do. silk do.
Do do. raw silk do.
Cross-barred and plain Mantuas and lutestrings,
Persians and Medes,
Thread and cotton laces,
Lace caps and handkerchiefs,
Book muslin and leno cap patterns,
4-4 7-8 Irish linens,
Long lawns, linen cambrics,
Irish diapers, table-cloths, napkins,
Cotton counterpanes,
Cambric Dimities,
Common do.
Furniture do.
Ladies' and gentlemen's silk, thread, cotton, worsted, lamb's wool & Angola hose,
Gentlemen's pantaloon do.
Silk cords and buttons,
Ribbons, floss threads,
Scarlet and other colored bombazets,
Hearth rugs, Russia sheeting, ticklingburg,
Osnaburgs, baftas, gurrahs, &c. &c.

ALSO,

Imperial and young hyson tea of a superior quality in small boxes, to suit families, or by the pound—Also genuine Havanna segars.

T. C. is determined to sell on the lowest terms.

February 8—tf

LINDSAY'S HOTEL.

The Subscriber has taken that well calculated house on the Capitol Hill, Late occupied by *Mr. Frost* formerly by *Mr. Stelle*—Where he intends to open a Tavern on the 24th October. Those gentlemen who may favor him with their Custom may rely on every attention in the Power of the Public's devoted Servant.

GEO. W. LINDSAY.

N. B.—EIGHT or TEN *BOARDERS* may be conveniently accommodated.

October 19—tf.

A GREAT BARGAIN.

JOSEPH WHEATON *Broker and Commission Merchant,* has put into his hands for sale, at his office in F street near the Bank, a valuable property in the city of Washington, consisting of 646,453 square feet of city LOTS advantageously situated on the most prominent and valuable streets, and near the Navy Yard and Bridge, and to be had on the most reasonable terms of payment. This great bargain is recommended to gentlemen desirous of securing an early fortune, in this truly growing and flourishing city; the permanent residence and seat of the government of the United States. Other city property to be had—HOUSES and LOTS—Enquire as above.

All kinds of STOCKS bought and sold.

☞ *Wanted to Purchase a few MILITARY LAND WARRANTS.*

Washington city, Dec. 11—tf

ROSS AND GETTY,

HAVE for sale at their store George Town, the following articles just received from Philadelphia, by the schooner Carolina, capt. HAND, jun. viz.

30 kegs butter,
20 barrels, New Town, Pippin Apples,
10 do. buck wheat flour,
10 do. Cranberries, and
10 do shell bark hickory nuts.

Also a small assignment of very elegant Looking Glasses, Waiters, Trays, polished steel Shovel and Tongs, with cu and brass heads, &c. &c.

January 9—tf

BURNS AND BRALL,

WOOLLEN drapers, men's mercers, and taylors, New-Jersey Avenue, opposite the Secretary of the Navy's, respectfully inform the public that they have commenced business in the above line, where they will endeavor to give satisfaction—they have on hand a fresh supply of the most fashionable goods, suitable for the approaching season, all fresh and of the very best quality.

N. B. Regimentals and naval uniforms made in the most elegant and fashionable stile with neatness and dispatch.

October 23—tf.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Debate on the passage of the bill concerning courts martial and courts of enquiry—Continued.

FRIDAY, MARCH 11.

MR. LOVE commenced by observing, that if the one hundredth part of the objections urged against the passage of the bill were correctly founded, he thought it would afford sufficient reason for its unanimous rejection in the house; but certainly gentlemen had calculated in making them on an exceeding defect both of legal understanding on the floor of Congress, and of general information among the people of this country, if they hoped that their arguments could have the effect desired.

Objections to the passage of the bill had been made, as well to the general principle it introduced into our code, as to its detail. The general principle he conceived was a plain and obvious one, which could admit of no doubt; indeed it might be said to exist already in the laws which had established and revised the military court system; for if the laws which authorised the different species of court martials were correct in principle, it must follow that provisions which were calculated to give the best effect to those laws, must also be correct. If there be an evil which is calculated to excite our fears, said Mr. L. we must trace its source to the former acts of Congress: but he apprehended that the institution of those courts, altho' now a peculiar object of jealousy, had been recognised as necessary in our government, from its commencement. The bill before us has been objected to because it is said to be similar to the laws of England on the same subject. It is perhaps going too far to say, that the circumstance of its being derived from the British system affords of course an objection to it; it must be acknowledged that from that nation we have borrowed many of our regulations in jurisprudence. The introduction of courts of inquiry, and court martials, perhaps may have followed the martial system of jurisprudence, as civil courts did the civil system introduced from England; if that be the case the experience of that country as to the mere practice, may afford useful information and cannot be objected to: and although there is no gentleman in the House, said Mr. L. more averse to the introduction of the principles of government incident to the British constitution into this country, than myself, yet so far respects the present subject they having been before introduced, he should have no objection to acting on them in the same way, unless indeed gentlemen who opposed the bill, would point out some other mode better calculated to attain justice. Whether the bill under discussion therefore be a copy of the mutiny act of England, as has been suggested, or not, appeared to him to be entirely unimportant, as it respected the principle.

It has been argued, and great alarms have been attempted to be excited from an assertion, that this bill if passed into a law would have the effect, of erecting the military over the civil authority. A favorite topic, certainly, said Mr. L. for the ears of those who are supposed to be so uninformed; but where are the proofs of these assertions—let gentlemen who use this clamor, point to that part of the bill, which is calculated to produce this effect—on the other hand when we view the details of every section, we find but the repetition of the constitutional maxim, that the civil shall control the conduct of the military—can gentlemen rationally believe, that the public mind can be affected in the manner they seem to desire, by assertions so palpably erroneous, to the understanding of every man who is able to read the different sections of the law? Can such arguments be relied on, to produce any effect here? Where is the coercion to which the civil authority is subjected from the military? No one has been able to point it out. It is said indeed that no discretion is vested in the civil court, in, issuing the *summons,* but it is to be done when required by the judge advocate or the party—true sir, but what is a summons, is it a compulsory process? No, it is no more, than a bare request, which indeed the military courts now exercise the right of, and when we inspect the provisions of the bill, we find that the further process, or a fine for disobedience, is intirely discretionary with the court of civil jurisdiction. Suppose, sir, the court were to order this summons not to issue? Is there any thing in the bill which enables the military court to coerce the civil? I presume not, that indeed would be a degradation of the civil authority against which I would declaim too as loud as any one here. This assertion of gentlemen has been made and repeated, it is calculated they suppose to rouse the honest prejudices of the friends of civil liberty—but before the charge can be accredited, the temper and wisdom of this House, as well as the nation it here represents, will at least require the semblance of argument in support of it.

Many indeed have been the objections said Mr. L. to the details of this bill, some of them no less extraordinary in themselves than in the manner of expressing them. A gentleman from Virginia (Mr. Randolph) has depicted to us the horrors, which may be conceived from compelling female delicacy, to an attendance on a court martial, where he presumes neither virtue or decency can be respected; and where female modesty must encounter the rudest shocks; what further might have suggested itself, on this subject to the imagination of the gentleman it is unnecessary for me to conjecture. To a female of delicacy the introduction as a witness even into a civil court, cannot be attended with very pleasurable sensations to herself; in the crouded room of a court consisting generally of a mixed collection, she would find herself surrounded by a multitude, not very congenial to her habits; but neither there or in a military court, can we presume she would be unprotected; the human character ought not to be dishonored, by such a supposition, there is nothing in the history of military courts which warrant the charge of so much depravity; if indeed such might be contemplated, to be the character of those courts, it certainly reflects no honor on those who by a law only of the last Congress, have revised and re-enacted the military court system. I cannot consent to waste the time of this body by a reply to objections like this.

As allusion has been frequently made to the circumstances which have given rise to the measure now contemplated to be adopted; whether the total inability of the Court of Enquiry which has been ordered, and sanctioned by the voice of this House, to compel the attendance of witnesses who are possessed as has been asserted, of evidence to do justice to the public in a prosecution (which has from many laudable motives excited the utmost anxiety in the community) is the immediate cause of the proposition before us or not, is certainly not important in the decision of the questions involved in it; and whether these occurrences, so recent in our minds, have disclosed the necessity of such a law as this will be, or not, is to me perfectly immaterial. The history, however, of the jurisprudence of this and every other country, may prove in a thousand instances, that circumstances the most trivial in themselves, have given rise to laws of the utmost importance to the welfare of the state, or the safety of individuals, and which at subsequent periods have had the most general operation. In the case alluded to the enquiry has been instituted, but it is discovered, that it must be inefficient, and fail of its effect in satisfying public justice, if the accused is guilty, or of protecting his character, if innocent, unless by the aid of the civil authority the necessary testimony can be brought forward. The defect having so obviously existed, and having occurred in the transactions of the Executive department of the government, the President has intimated in his reply to our message on the subject, the difficulty which presents itself to the discharge of the duties we had thought proper to enjoin on him; and what is now said by the gentleman from Virginia? Why, sir, the members of this House who have introduced and supported this bill, by which alone, the object of the motion for the enquiry depending can ever be rendered effectual, as well as the President of the United States, who is said to have hinted at the measure, are charged with the dishonorable motive of having intended it, as a cover to infamy, and to gloss over guilt.

But, sir, the citizen is to be subjected, it is said, to military tyranny, because the evidence of his failure to attend the military court, to which he shall be summoned, is the record of that court, which is to be exhibited to the civil tribunal levying the penalty; it seems difficult to suppose how the terms of this bill could have been so much misapprehended; the witness summoned to attend shall be liable to the same penalties to be inflicted in the same manner as if he had been summoned in a suit depending before a civil court; and what, let me ask of learned gentlemen, is the manner of proceeding in civil cases? Is it insisted that the evidence adduced against the defaulter, is in its own nature conclusive and incontrovertible, not to be refuted as has been said? So far from it, we all know that according to the manner of those civil courts, which are still to inflict *ad libitum* the penalty for disobedience, they never refuse what justice to the accused always requires, to give him an opportunity of defending himself. He is regularly called on for evidence to mitigate his offence, or clear his contempt, and after a full hearing his fine is levied according to the degree of the offence, in the discretion of the court; does the certificate of the record of the court of enquiry amount to more than the certificate of the service of process by an officer? and that is always read in evidence on such occasions; it seems to me (said Mr. L.) that it can only be used for a similar purpose, they may both be considered as competent, but not conclusive evidence in establishing a fact.

What, I repeat, (said Mr. L.) are we to think of objections like these, are they intended to inform those to whom they are here addressed, or are they intended to mislead the public mind? They certainly offer no very honorable compliment to the understanding of this House, or the information possessed by the community.

The gentleman from Kentucky (Mr. Rowan) has been extremely minute in his objections to the details of the bill. He has also not omitted to remark in a general way on the injurious qualities he attributes to it. He says dangers are to be apprehended from the junction of the civil and military authorities, which is contemplated by the bill. That this ought not to be the case unless we had a standing army, and that it is a measure adapted to the introduction of it. When gentlemen make these assertions, which can only be intended to enlist our prejudices against the measure, we ask them to point to that section of the bill which is to produce these effects. Let them shew the argument to be correct, and I promise them that the bill shall have my most hearty negative; for while I have a voice in this body I will always oppose the introduction of a standing army: but if our situation compels us to keep in active service a regular military, for a period ever so short, necessity compels us to make rules for its government, if those rules are only to be enforced by a recourse to the civil authority, the common principles of reasoning would induce us to believe, that it would operate as a restraint on the excesses of the military; when we have it in our power to disband our army, there is nothing left for the military code to operate on; but the bill before us cannot certainly be charged with a tendency to establish a standing army merely because it provides certain regulations, which are incident to all armies alike; it may as well be said in any case that the subordinate regulations necessary to carry a general institution into effect, are the original grounds on which the measure itself rests.

Great oppression, it is said, will be introduced, by compelling the production of public papers and records, as provided for by the first section of the bill; and much fault is found with it that copies are not made to answer the purpose. I confess I am astonished (said Mr. L.) when I hear a gentleman who speaks in so high terms of the rights and liberties of the people of this country, express opinions so hostile to them: certainly he could not mean to tell the public, when he mentioned the introduction of copies of papers, that it could be proper to read such copy in evidence on a criminal trial: such principles of jurisprudence are new to us, and it is to be presumed the gentleman has not well considered them, or he could not certainly entertain the opinion, that a copy signed by the keeper of a record, or his clerk, of any paper which might be deposited as a public one, although a forged original (which could not be detected in the copy) ought to have the weight of testimony when a man's life or reputation was at stake; if ever a doctrine of this kind is introduced among us, we shall soon find, that the rankest forgeries can easily be employed to convict the innocent, or screen the guilty from the punishment his crime deserves; inconveniences which may attend the execution of compulsory process to produce the originals, may, it is true, bear hard on the clerks of those offices, or the keepers of such records; but these are evils incident to justice, and what practice has already rendered familiar. The gentleman has argued on this section of the bill, as if it was really so unguarded, as to put it in the power of a military court to compel the attendance of persons with their papers, at any time or place they might appoint; but when we look at the provisions of it, it will be found that before the *subpoena duces tecum* can issue, the affidavit of the party must be filed, shewing good cause before a civil judge, who is to decide as to the validity of such cause, in his discretion, and to certify, only if he thinks proper, in order that the process may issue. This provision is further guarded still, by requiring that the civil judge shall, when he orders such subpoena, certify his opinion that the paper required, does contain evidence proper and pertinent to the cause.

An apprehension is said to be entertained that the witness who produces his papers in obedience to the subpoena, will not be able to obtain a restoration of them; how is this done (said Mr. L.) in other courts? is there any