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HISTORY

OF THE

Last Session of Congress.

[Continued]

Eight distinct documents accompanied the message.

The first contained a sketch of the present state of the objects under the charge of the principal agent for Indian affairs, south of the Ohio.

This document may be viewed as of considerable consequence, as it establishes the approximation, by regular gradations, of the aborigines of the country, to the policy, the arts, and the manners of the civilized state. It represents an annual council, composed of 5 or 6 deputies for each town, to be convened under the superintendance of the agent of the United States. "To this council the agent makes a report of the state of the nation; suggests his ideas of what is proper for them to do, and applies for compensation and satisfaction, for offences committed in violation of their treaty stipulations with us."

The agent observes that—"The number of deputies who attend cannot hitherto be restrained to a given number, but they seldom exceed 5 or 6 from a town: at first it required a continued attention to the chiefs, to make them comprehend the utility of such a plan, and the necessity of carrying its decisions into effect.

"Heretofore, every town, tribe or family, provided its own regulations, and those of a general tendency were left to the management of public agents, who used temporary expedients only, among the most powerful and persuasive of which were the pressure of fear from without, and presents.

"The council appoint a speaker, who remains in office without limitation as to time: all propositions are debated until they are agreed to, or postponed; the agreement is called the will of the nation, and is expressed by the speaker publicly to all the chiefs, and to the agent for Indian affairs, who records such parts as interest any of their neighbors, red or white.

"The council, when convened, sit night and day; the public buildings is the place of lodging as well as business, and they debate as much in the night as in the day; they lie down when they are sleepy, when hungry they eat, and when any thing important is under debate they attend to it.

"The agent furnishes beef, corn, beans and salt, and the town, where the council meet, furnishes butchers, cooks and waiters. The expence of a meeting is something less than 400 dollars. I doubt not, in few years, it will be a useful instrument to approximate them to a more civilized state, and give the United States a more commanding influence over them. One of the interpreters, and assistants to the agent, a half breed, and chief of the land, remains constantly in the council, during their sitting; and the agent has a right to enter and speak when he pleases."

The raising of stock is represented as more acceptable to the Creeks than any part of the plan devised for their civilization. In this they are actively engaged; and the country is stated to be well adapted to the object. Horses are in general use; and oxen, sheep, and goats are more and more attended to.

In *agriculture* the improvements are slowly progressing. "The agent has prevailed on several of the towns, who had exhausted the lands in their neighbourhood by culture, to settle out in villages; this practice is increasing, and all of them fence their fields. There has been a demand this season for ploughs, and 70 have been issued out of those sent by the Secretary of War; and 50 of them are in use by Indians.

"There is a nursery of peach trees in the Lower Creeks, and one has been lately established among the Upper Creeks, and the Indians begin to accept of, and to plant them. Nearly 5000 have been raised and distributed since the arrival of the agent.

"The nurseries are increased, and will be kept up to the demand; they are hitherto raised by the agent and his assistants, without any expence to the agency. Cotton is raised in several places, but in small quantities, by Indians; it does well throughout the agency. The green seed is in general use, and well suited to the northern half of the agency; and the sea-island cotton, from two successive experiments, promises to do well on the southern half; some cotton has been sent to market. Flax does well; the next season it will be cultivated in several places: There is much rich swamp land for it, and sufficiently dry in the season for its growth. Wheat, barley, rye and oats, have been introduced and fairly tried; the three first do well, but the springs being generally dry, oats have failed. The early white and brown wheat is ripe by the middle of May. Apple trees, grape-vines, rasberries, and the roots, herbs and vegetables, usually cultivated in good gardens, have lately been introduced, and they all thrive well."

Under the head of *manufactures*, it appears that the agent had, the past spring, (1801) delivered to Indian women 100 pair of cotton cards, and 80 spinning wheels; and that there are eight looms in the Creek nation; that the women have adopted this part of the plan with spirit; that three Indian women have by spinning completely clothed themselves; and that one of the looms in use was made by an Indian chief.

The agent observes that "The chiefs who were apprehensive at first that if their women could clothe and feed themselves by their own exertions, they would become independent of the degraded state of connection between them, have had proofs that the link is more firm, in proportion as the women are more useful, and occupied in domestic concerns."

A very rapid progress is stated to have been made in the manufacture of oil from hickory nuts; and in the winter of 1800, 300 gallons were actually delivered for market.

Two blacksmiths are established, who in the spring are restricted to mending implements of husbandry, while at other seasons they attend to any work brought them.

With regard to the administration of justice, it appears that "When the National Council are convened, all the white people are ordered to attend on a given day; three of the most respectable are appointed by the agent to hear and decide on all cases between white people, with the right of appeal to him. In all cases between a white man and an Indian, the agent hears and decides himself. The judgments have hitherto been carried into effect without doing more than giving them to the parties, and without costs."

The *second* document contained the correspondence between the Secretary of State and our foreign agents, in relation to the Barbary powers, from the 20th of May to the 20th of October, 1801. By this correspondence it appeared that the executive had taken the most decisive measures on the first evidence of hostile design exhibited by the Bashaw of Tripoli; and had, through the Secretary of State, apprised our consuls and other agents in the Mediterranean, of the necessary steps to be pursued by them generally.

The President concludes a letter to the Bey of Tripoli in the following terms: "We have found it expedient to detach a squadron of observation into the Mediterranean sea, to superintend the safety of our commerce there, and to exercise our seamen in nautical duties. We recommend them to your hospitality and good offices, should occasion require their resorting to your harbours. We hope their appearance will give umbrage to no power; for while we mean to rest the safety of our commerce on the resources of our own strength and bravery in every sea, we have yet given to this squadron in strict command, to conduct themselves towards all friendly powers with the most perfect respect and good order; it being the first object of our solicitude to cherish peace and friendship with all nations with whom it can be held on terms of equality and reciprocity."

Three frigates and a sloop of war are stated to have been dispatched to the Mediterranean under the command of commodore Dale.

The letters of our consul, Mr. Cathcart, minutely detail his successive conversations with the Bashaw, who had for some time, jealous of the large sums paid by the United States to Algiers, entertained expectations of receiving tribute. In one of the last interviews, the Bashaw said, "Consul, there is no nation I wish more to be at peace with than yours; but all nations pay and so must the Americans." Mr. Cathcart replied, "We have already paid you all we owe you and are nothing in arrears." The Bashaw rejoined, "that for the peace we had paid him, it was true; but to maintain the peace we had given him nothing." Mr. Cathcart told him that the terms of our treaty were to pay him the stipulated cash and stores in full of all demands whatever. After some further interviews the Bashaw said, "let your government give me a sum of money and I will be content; but paid I will be, one way or other. I now desire you to inform your government that I will wait six months for an answer to my letter to the President; that if it did not arrive in that period, or is not satisfactory, that I will declare war in form against the United States."

On the 14th of May 1801, the American flag-staff was chopped down, which is the Tripolitan mode of declaring war.

The instructions of the Secretary of the Navy to commodore Dale are given at full length.

On the first of August, 1801, lieut. Sterret, commander of the schooner Enterprize of 90 men and 12 guns fell in with a Tripolitan corsair mounting 14 guns. An action immediately commenced within pistol shot, which, with incessant fury, continued for three hours, when the corsair struck her colours. The carnage on board the Tripolitan was dreadful, 20 men having been killed and 30 wounded, among the latter of whom were the captain and first lieutenant; while on board the Enterprize not a man was even wounded. The fortune of war scarcely furnishes a similar instance of disparity.—Agreeably to the instructions of the Secretary of the Navy, the corsair was dismantled and released.

In addition to the above articles, the correspondence between the agents of the United States and the Bey of Tunis, and a circumstantial detail of the ignominious treatment of the United States frigate George Washington, by the Dey of Algiers, are given.

Respecting all the above transactions the details are full and satisfactory.—They mark, on the part of the American government, an honorable adherence to justice with powers which had been the first to violate its duties; and evince in the correspondence of the Secretary of State with our foreign agents great circumspection and foresight. In the chain of contemplated events there appears to have been no failure; and the measures taken, with the issue in which they terminated, have evidently elevated the maritime character of the United States in the eyes of foreign powers.

We have not by these measures obtained the friendship of Barbary; but we have taught her the policy of forbearance; and it is to be hoped, whatever symptoms of ill-will may exist, that the expectation of plighted tribute on the one hand, and the dread of merited vengeance on the other, will suppress a repetition of violence.

The *third* document contained a return of the whole number of persons within the the several districts of the United States, according to an act providing for the second census; by which it appeared that the whole number of persons amounted to 5,305,582, of which 893,607 were slaves.

It may not be uninteresting to exhibit the relative numbers of this census with that of 1790, ten years distant, so far as respects the aggregate numbers, the slaves, and the population of each state.

	In 1790.	In 1800.
Aggregate No.	3,929,326	5,305,522
Slaves.	697,697	893,605
New-Hampshire,	141,835	183,858
Massachusetts,	378,787	422,845
Maine,	96,540	151,719
Rhode-Island,	68,825	69,122
Connecticut,	237,946	251,002
Vermont,	85,539	154,465
New-York,	340,120	586,050
New-Jersey,	184,139	211,149
Pennsylvania,	434,373	602,545
Delaware,	59,094	64,273
Maryland,	319,728	*349,692
Virginia,	747,610	880,200
Columbia, in Virg.		5,949
North-Carolina,	393,751	478,103
South-Carolina,	249,073	345,591
Georgia,	82,548	162,686
Kentucky,	73,677	220,959
Tennessee,		105,602
N. W. Territory,		45,365
Indiana Territory,		5,641
Mississippi Territory,		8,850

From this view it appears that the slaves have suffered a proportional decrease of about 70,000 in ten years.

* *Including Washington county in Columbia.*

The *Fourth* document exhibited the detailed expenditures on account of materials for building six 74 gun ships to the 1st of October, 1801, the aggregate of which is represented to amount to 458,411 dollars.

The *Fifth* document exhibited specifically the expenditures to the 1st of October, 1801, on account of navy yard docks and wharves, at Washington, Norfolk, Philadelphia, New-York, Charlestown (Mass.) and Portsmouth, amounting in the whole to 240,906 dollars.

The *Sixth* document exhibited the proceeds of the sales of public vessels and stores directed to be sold by an act the last session, amounting to 275,767 dollars, and 65 cents.

The *Seventh* document exhibited a statement of monies applied for the defence of the ports and harbours of the United States from the 20th of March, 1794, to the 16th Nov. 1801, amounting in the whole to 578,387 dollars and 41 cents.

The *Eighth* document exhibited a statement of the number of suits instituted in the circuit courts of the United States, with those decided or depending from May 1790, to June 15, 1801.

An attempt was made in the Senate by Mr. Tracy, and afterwards in the House of Representatives by other federal members to invalidate the accuracy of this statement, which, on investigation, recoiled upon themselves. It appeared that some trifling errors, not in the least affecting the inference of the paucity of instituted or depending causes, had arisen from inexact statements derived from clerks of courts, and from omitting and adding the numbers contained in the returns, and transcribing the result. That these errors were trifling, clearly appeared from the effect of their correction on the first statement, the one of which only varied from the other, by the addition of 82 instituted, and 90 depending suits, including in the corrected, some returns not in the original statement.

The recapitulation of all the suits instituted and depending in the circuits for the above stated eleven years was as follows:

Recapitulation *of the suits in the Circuit Courts of the United States, and the District Courts for Maine, Kentucky and Tennessee.*

	Instituted.	depending.
New-Hampshire	114	7
Rhode-Island	275	10
Massachusetts	323	41
Maine	9	3
Connecticut	354	38
Vermont	278	64
New-York and Albany	106	—
New Jersey	104	14
Eastern District Pennsylvania }	1061	174
Western do	none	none
Delaware	163	16
Maryland	279	59
Kentucky,	870	246
Eastern district of Virginia,	2162	331
Western do. { Not completely organized.	none	none
North Carolina,	629	134
South-Carolina,	495	261
Georgia,	897	147
Districts of East and West-Tennessee }	239	74
District of Ohio, { Not organized.	none	none
	8858	1629

(To be continued.)

CONGRESS.

HOUSE OF REPRESENTATIVES

Monday March 1, 1802.

DEBATE

On the bill received from the Senate, entitled "An Act to repeal certain acts respecting the organization of the courts of the United States."

Mr. Pilater's Speech on the Judiciary Bill.

I did hope, sir, from the proceedings of Saturday gentlemen who are advocates for this bill would have manifested a similar spirit of accommodation at this late hour of the night in granting us further time to express our sentiments. It is now ten hours since I have been in the possession of my seat, and I would put it to the candor of gentlemen, if the fatigue of the day does not incapacitate them from fully discussing a subject of such magnitude.—I confess I feel myself unable to do that justice to the question which an earlier hour would have afforded. I shall therefore forbear a reference to the variety of notes I have been at the trouble of taking, and only state a few of the principles (without any illustration) which will influence my vote, and then resign myself to the consequences resulting from the adoption of the bill. I cannot however, avoid expressing my surprise that an honorable member from North Carolina, (Mr. Holland) should say every thing which has been delivered in favor of striking out the first section of the bill is declamation, and nothing can shake his opinion—I very much fear such is the temper of mind of most gentlemen on his side of the committee, if an angel was to descend from Heaven with a view of conviction, the attempt would be vain. I believe, if we recur to the President's message we shall discover he suggests a consideration of this subject, grounded on a statement of the number of causes instituted and decided since the establishment of these courts. Notwithstanding the document shewing this statement is admitted by all gentlemen who have spoken on each side of this question to be inaccurate and fallacious, yet I will myself give it the authority they wish and it will then demonstrate that there is a sufficiency of business to justify the continuance of these courts in the circuits of Pennsylvania and Virginia—is it then reasonable or right to deny the inhabitants therein law, justice and protection, for the only reason the same quantum of business does not exist in the eastern and southern circuits; this would be measuring justice with a partial and sparing hand indeed; sir, the paucity of suits in these courts is the strongest evidence to my mind that injuries wrongs and oppressions have been prevented by the speedy and faithful manner in which justice has been administered, or, the legal remedy in the old system was so great as induced suitors to give the state courts a preference to the federal—consequently its abolition for the purpose of a change to to the former establishment must be productive of great delay of justice, great inconvenience and hardships to the judges—I did expect the ability and ingenuity of gentlemen, particularly some who have the advantage of being profited by experience would have given stronger reasons for discontinuing a system which was considered so requisite as to induce the most intelligent characters who sat on the floor of the last congress to organise and mature, but in this I am disappointed. Sir, the exclamation of the day is retrench, retrench, in my soul would I unite in this system of retrenchment did I conceive it for the benefit of society: but when I see gentlemen determined to explode from office a certain set of men who are personally obnoxious to them, and thereby pull down and destroy a law before it is tried, it is impossible under these circumstances I can concur in this system of retrenchment—permit me the liberty of asking if twelve months are sufficient to test the utility of this law? No, sir, they are not, neither any law whatever—the business of a court is not complete in extent in this limitation of time—but as commerce flourishes, population increases, and the transactions of men become more general and extensive, so are the objects for the jurisdiction of a court promoted and augmented. How can it be expected we shall have characters valuable for integrity, legal information and respectability, to fill the judiciary when we destroy the very inducements to their acceptance, I mean the tenure of office—is it to be presumed that men who are in the habit of acquiring a plentiful support by their profession will relinquish that for an appointment liable on account of its uncertainty and instability to terminate at a succeeding session of congress—No, sir, your courts will be filled by needy adventurers seeking a support for the object of peculation, men of small talents perfectly inadequate to gather the fruits produced by superior abilities—When I look into the constitution and read "the judges both of the supreme and inferior courts shall hold their offices during good behaviour," these last words so clearly shew the intention of making the judges independent of others for continuance in office, that every construction tending to pervert this meaning must fail and radically destroy the fundamental principles of the constitution. There is no proposition more generally admitted and agreed to, and I can say with truth on which the judgment of the people of this country is more completely made up, than that of the independency of the judges; it is esteemed essential to the security of life, liberty, property and reputation, and this the constitution has wisely guarded by its express provisions—If it is considered an office held during good behaviour is removable by the legislature, you make good behaviour and legislative will of the same meaning and synonimous terms; this is so contrary to the common acceptation of these words among us, and the contradiction apparently so great, that I really have not heard one gentleman unfold and explain it; but they tell us we must resort to the jurisprudence of England for the definition of it—Can it be possible gentlemen are satisfied the men who compose the Parliament of Great-Britain should be the expounders of a constitution made by the people of America? This would indeed be a resignation of all law and language. A case which arose in Virginia has been frequently mentioned, whether an office