are in poſſeſſion of ſuperior data for the purpoſe than any I am capacitated to give.

I have the honor to be,
With much reſpect,
Sir,
Your obedient ſervant,
(Signed) THOMAS TINGEY.
Hon. ROBERT SMITH.

Extract of a letter from B. Henry Latrobe, to the President, dated Philadelphia, Dec. 15th 1802.

"SIR,

"Captain Dale, of the United States navy, called upon me this morning, and in converſation upon the naval arſenal or dry docks propoſed by you to be erected at the Federal city, which he moſt warmly approved, he informed me that the Swediſh government had lately conceived the idea of adopting the ſame means of preſerving their navy in times of peace. The Swediſh admiral Cederſtrom deſcribed to him the ſituation of the dock, which was then in the progreſs of conſtruction. It was intended to contain eight ſhips of 74 guns, and another was projected to contain twelve, in all making proviſion for 20 ſhips of the line. The ſituation was remarkably favorable. Deep water cloſe to a perpendicular rock, which can be eaſily wrought, gives the opportunity of excavating the dock; the rock forms the wall, and the roof is laid over, at ſuch a height that the ſhips go in with their lower maſts ſtanding. Captain Dale did not exactly know how the ſhips were worked into the dock, but from his deſcription of the ſituation I preſume they are tide docks. Admiral Cederſtrom ſaid, that the veſſels were to be waſhed with freſh water, perfectly drained, and open to a circulation of air, and that he had no doubt of their remaining in perfect repair in the dock for a century, and gave many reaſons for his opinion, which were convincing."

National Intelligencer.

Congreſs of the United States.

HOUSE OF REPRESENTATIVES.

MONDAY, January 17, 1803.

The Houſe again reſolved itſelf into a committee of the whole, Mr. John C. Smith in the chair—on Mr. Rutledge's reſolution, as follow:

"*Reſolved*, That any of the ſtates importing pieces of ordnance, fire or ſide arms, for the uſe of their militia, reſpectively, be permitted to receive the ſame, free from duty."

Mr. Leib called for the reading of the memorial of the gun makers of Philadelphia, which was accordingly read; when the debate was reſumed.

Mr. Bacon ſpoke againſt, and Meſſrs. Nicholſon and Rutledge in favor of the reſolution.

The queſtion was then taken on the motion of Mr. S. Smith, to ſtrike out the word "fire;" and loſt—Ayes 25.

The queſtion then recurred on the main reſolution.

Mr. Varnum ſuggeſted the propriety of extending the freedom from duty to individuals as well as ſtates.

Mr. Rutledge ſaid he ſhould have no objection to that modification; but recommended the agreeing in the firſt inſtance to the reſolution as it ſtood, and making the amendment, when a bill ſhould be introduced.

Mr. Smilie delivered his ſentiments againſt the reſolution generally; when the queſtion was taken on agreeing to the reſolution, and carried in the negative—Ayes 41—Noes 43.

The committee thereupon roſe and reported their diſagreement to the reſolution.

The report was immediately taken up; and was ſupported by Meſſrs. Southard, Smilie, Randolph, Thatcher, S. Smith and Euſtis; and oppoſed by Meſſrs. Davis, Claiborne, Hill, Meriwether and Varnum.

The queſtion was then taken on an agreement to the report of the committee diſagreeing to the reſolution, and carried in the negative.

The Yeas and Nays being called, were: Yeas 44—Nays 47.

The original reſolution again recurring, Mr. Griſwold moved to amend it, by limiting its operation to two years, and to the end of the next ſeſſion of Congreſs. Agreed to.

Mr. Griſwold moved to inſert "braſs" before ordnance—Agreed to.

The queſtion being then about to be put on the reſolution ſo amended, Mr. Varnum again expreſſed his deſire that the freedom from duty ſhould be extended to individuals, and declared his determination to vote againſt the reſolution unleſs thus altered.

Mr. *Rutledge* ſaid, though in his opinion it would be better to reſerve ſuch modification until a bill was introduced, yet if the gentleman would make ſuch an amendment, he would cheerfully concur in it.

Mr. *Nicholſon* obſerved that he would make no objection to ſuch a modification, in caſe it were accompanied with a prohibition to export arms ſo imported.

The queſtion was then taken on the reſolution by yeas and nays, as follows: Yeas 45.—Nays 45.

The ſpeaker declaring himſelf in the affirmative, the reſolution paſſed; and a committee of three were appointed to bring in a bill.

Mr. S. Smith gave notice that he would on Wedneſday call up the report of the Committee of Commerce and Manufactures on ſo much of the Preſident's Meſſage as related to Countervailing Duties.

Mr. Davis called up the report of the Committee of Elections on the caſe of John P. Van Neſs.

The Houſe went into committee of the whole, *Mr. Varnum* in the chair, on the report, as follows:

"That from the free conceſſions, and agreement of the ſaid member, it appears to your committee, that he has accepted, and exerciſed the office of a major of the militia, under the authority of the United States, within the territory of Columbia;—and that a paragraph in the ſixth ſection of the firſt article of the conſtitution, which expreſsly provides, that, "No perſon, holding *any* office under the United States, ſhall be a member of either houſe, during his continuance in office," does, in the opinion of your committee, render the acceptance and exerciſe of the office aforeſaid, incompatible with the holding, at the ſame time, of a ſeat in the houſe.

"Your committee, therefore, aſk leave to ſubmit to the houſe the following reſolution, to wit.

"*Reſolved*, That John P. Van Neſs, one of the members of this houſe, having accepted and exerciſed the office of major of militia, under the authority of the United States, within the territory of Columbia, hath thereby forfeited his right to a ſeat as a member of this houſe."

Mr. Van Neſs ſaid he would make a remark or two that would perhaps remove any impreſſions of indelicacy on his part in retaining his ſeat under the circumſtances in which he was placed. He conſidered himſelf as ſtanding on that floor not as a private individual, but as a repreſentative of New York; and as holding a truſt which he was not authoriſed to abandon before a conſtitutional deciſion ſhould be made. His conſtituents had placed him there as the guardian of their rights; and that truſt he could not deſert without a conſtitutional deciſion being made. If that deciſion ſhould be adverſe to his retaining his ſeat, in retiring from the houſe he ſhould feel no regret but at leaving his conſtituents unrepreſented during the remainder of the ſeſſion, at not having diſcharged all the buſineſs aſſigned him by the chair; and at ceaſing to aſſociate with gentlemen, who, for the moſt part, he reſpected. In a pecuniary view, the relinquiſhing his ſeat could not in the leaſt affect him; nor ſhould he conſider it diſreputable to leave a body without any imputation of diſhonor or impropriety.

The reaſons he ſhould offer to the committee for retaining his ſeat were few and ſimple. He thought the fair, liberal, and ſound conſtruction of the conſtitution did not affect his caſe; that the incapacitating proviſion only applied to *civil* offices. The conſtitution was only a digeſt of the moſt approved principles of the conſtitutions of the ſeveral ſtates, in which the ſpirit of thoſe conſtitutions was combined. Not one of thoſe conſtitutions excluded from office thoſe who had accepted military appointments, except in the regular ſervice. He, therefore, felt a full conviction that it was never the intention of the framers of the conſtitution of the United States to exclude militia officers from holding a ſeat in Congreſs. And however important it might be to adhere to the letter of the conſtitution, yet when the ſpirit of it was ſo clear as it appeared to him, it ought to have weight in the deciſion of the queſtion before the committee, which might affect objects of great importance. The right of every portion of the union to a repreſentation in that houſe was very important, and ought to be reſpected in all caſes which may either directly or indirectly affect it. Gentlemen, therefore, ought to reflect before they deprive a part of the union of this important right.

Mr. Van Neſs here read the 2d paragraph of the 6th Sect. of the 1ſt Art. of the Conſtitution, as follows.

"No Senator or Repreſentative ſhall, during the time for which he was elected, be appointed to any *civil* office under the authority of the United States, which ſhall have been created, or the emoluments whereof ſhall have been increaſed during ſuch time; and no perſon holding any office under the United States ſhall be a member of either Houſe during his continuance in office."

From the language of the firſt part of this paragraph Mr. V. inferred that it was the intention of the framers of the Conſtitution that the reſtriction ſhould apply to *civil* offices only—Gentlemen may aſk, ſhall we by our conſtruction countenance an introduction into this Houſe of regular military officers? But to this, it may be replied that full confidence may be placed on the good ſenſe of the people to prevent this effect. The framers of the Conſtitution, therefore, thought this a power that might be ſafely left to the diſcretion of the people.

The conſtitution only applied to two alternative caſes. An individual holding a ſeat in this body could not be appointed to a civil office; and an individual holding a civil office could not conſequently hold a ſeat here. This was all that it was neceſſary to provide for.

There was another ground. He could not conceive that ſuch an office as he held was comprehended in the Conſtitution. He was not an officer of the United States; but of a diſtrict, which, locally conſidered, might be looked upon as an iſland placed in the ſea. He could not think that the conſtitution meant to exclude officers of dependent colonial diſtricts. It had never been contemplated that ſuch colonial poſſeſſions ſhould be repreſented on this floor. Why, therefore, apply the excluſion to them?

One great reaſon for this proviſion of the Conſtitution was to prevent corruption. Where could be the danger of this from an office without the leaſt emolument? The inconvenience of excluſion in ſuch caſes too would be glaring. Its neceſſary effect would be an inability to get thoſe to accept commiſſions in the militia who were proper for the ſtations.

There was another idea entitled to weight. If it be determined that the militia officers of this diſtrict ſhall be excluded, the ſame rule will apply to all militia officers appointed by the Governors of the Territories of the United States. Do you not alſo exclude the militia officers of the States, who though appointed in the ſtates, are ſubject to the command of the United States? A conſtruction of the Conſtitution productive of ſuch effects he conſidered unſound, and contrary to the intention of its framers.

Had he ſuppoſed that the acceptance of an office in the militia would have interfered with his ſeat in that Houſe, he would never have accepted it. He had never entertained a doubt on this point until broached in the Houſe. Since then he had heard various opinions. By what he had heard his own opinion was not changed; as he believed that a true conſtruction of the Conſtitution would exclude his caſe. Should, however, a deciſion againſt his holding his ſeat be made, he ſhould retire without any other regret than that which he had expreſſed. He had not riſen to argue the caſe as an advocate; but merely to aſſign the grounds on which he had acted.

Mr. Bacon obſerved that the committee of elections had not thought themſelves at liberty to be influenced by the propriety or impropriety of this part of the Conſtitution, otherwiſe they might have determined differently; but they felt themſelves bound by the Conſtitution itſelf. Though the firſt part of the ſection of the Conſtitution referred to *civil* offices; yet the latter part uſed the expreſſion *any office*, which was more comprehenſive, and appeared to them to have been intended to have an univerſal effect.

Mr. Thomas. Mr. Chairman, ever ſince this queſtion was firſt agitated I have felt no ſmall degree of ſolicitude reſpecting it—on the one hand I view the ſeat of a member of this houſe from the ſtate of which I have the honor to repreſent, important; not only as it reſpects the intereſt of that ſtate in the deliberations of the national legiſlature, but as it reſpects the feelings of my friend and colleague—and on the other hand I view the conſtitution of my country, which I conſider the palladium of our liberties—the rock of our national ſalvation—but, *sir*, however important I may conſider my colleague's holding his ſeat on this floor, either as it reſpects himſelf or the ſtate of New-York, if it comes in competition with that conſtitution, it is my duty to, and I ſhall readily yield to it.—The clauſe of the conſtitution ſaid Mr. T. which has been quoted by the committee and which is in point, declares, that "no perſon holding any office under the United States, ſhall be a member of either houſe during his continuance in office." It appears ſaid Mr. T. that my colleague did ſome time in the receſs of congreſs accept and exerciſe the office of a major in the militia of the diſtrict of Columbia under an act of Congreſs, and the excluſive government of the United States, this office, although trivial in itſelf, without emolument, and to which very little or no influence can attach, nor can it in my opinion have a tendency to bias his vote improperly on any queſtion in this houſe; yet as I do believe it comes within the province of that clauſe of the conſtitution and permitting him to retain his ſeat may eſtabliſh a precedent which may hereafter be attended with pernicious conſequences, I conceive myſelf bound in juſtice to myſelf as well as to my country to give my vote to concur with the committee in their report.

The queſtion was then taken on the report of the committee of electors, which was agreed to without a diviſion.

The committee roſe—The Houſe immediately took up their report.

Mr. Randolph obſerved that on a precedent ſo important as was about to be eſtabliſhed by the vote of the Houſe, it was unneceſſary to ſay a word. He wiſhed, however, that the diſpoſition of the Houſe to exclude by an unanimous vote even the ſhadow of executive influence ſhould be recorded on their Journals; for which purpoſe he called the Yeas and Nays; which were taken, and were unanimouſly in favor of the reſolution.

Mr. Euſtis made ſome remarks on the impropriety of veſting the Preſident of the United States with the revocation at pleaſure of the commiſſions of militia officers in the diſtrict of Columbia; and moved the appointment of a committee to reviſe the act by which that ſyſtem is authoriſed.

Ordered to lie on the table.

Tueſday, January 18.

On motion of Mr. S. Smith the houſe adopted a reſolution for the appointment of a committee to report whether any and what alterations are neceſſary in the act for recording and regiſtering American veſſels.

The houſe went into committee of the whole on the bill for the relief of Henry Meſſonier.—*Mr. Varnum* in the chair.

The committee roſe, and reported the bill without amendment.

The Houſe immediately took up the report of the committee, agreed to it, and ordered the bill to be engroſſed for a third reading to-morrow.

On motion of Mr. Nicholſon, the houſe reſolved itſelf into a committee of the whole houſe on the bill for the relief of inſolvent debtors within the diſtrict of Columbia.—*John C. Smith* in the chair.

Sundry amendments were made, and referred to the houſe, who immediately took them up, and agreed to them with other amendments.

Mr. Bayard moved an additional amendment, providing that no diſcharge of an inſolvent debtor under this act ſhould have a greater effect in any particular ſtate to diſcharge the debtor than could have been the effect under the inſolvent law of ſuch ſtate.

The motion was ſupported by Meſſrs. Bayard, Hemphill, Randolph, Haſtings, and Bacon; and oppoſed by Mr. Nicholſon.

Carried. Ayes 45.

Mr. Southard then moved the recommitment of the firſt ſection to a committee of the whole, for the purpoſe of amending it, ſo as to admit to the benefits of the act aliens as well as citizens, and to diſpenſe with the required reſidence of 12 months.

Carried.

Two Meſſages were received from the Preſident;

The one, encloſing a report from the Secretary of War reſpecting trading Houſes among the Indians, progreſs made in making Indian boundaries, &c.—which was read, and referred to the committee appointed on ſo much of the Preſident's Meſſage as relates to Indian affairs.

Another Meſſage was received, which the Speaker declared of a confidential nature; when the galleries were cleared:

The doors were opened in about ten minutes.

When the bill for the relief of the ſufferers by fire in Portſmouth was taken up, and a blank therein prolonging the period of paying duties, filled with twelve months; and the bill ordered to be engroſſed for a third reading tomorrow.

The Houſe then went into committee of the whole, Mr. John C. Smith in the Chair—on the firſt Sect. of the bill for the relief of inſolvent debtors within the diſtrict of Columbia.

Mr. Elmendorf moved an amendment, conformably to the ideas above expreſſed by Mr. Southard; which was agreed to.

The committee roſe, and the Houſe agreed to the amendment.

Mr. Elmendorf moved a new ſection declaring that the proviſions of the act ſhould not apply to perſons impriſoned at the ſuit of the United States.

Agreed to.

The bill was then ordered to be engroſſed for a third reading to-morrow.

The following reſolution was moved on Friday the 14th inſt. in the Houſe of Repreſentatives by Mr. Van Neſs, and referred to the committee to whom was committed the bill from the Senate upon the ſubject of monuments, &c. viz:

Reſolved, That a monument be erected in commemoration of the patriotiſm, valor and good conduct of Major General Horatio Gates who, in the late revolution commanded the American forces that captured General Burgoyne and the Britiſh army under his command at Saratoga in the ſtate of New-York.

NOTICE.

A MEETING of ſuch perſons as wiſh to encourage the preaching of the goſpel in this city, in a connection with the Aſſociate Preſbytery of Pennſylvania, is requeſted at the Treaſury hall on Thurſday, the 21ſt inſtant, at 4 o'clock, P. M. or if the weather ſhould be unfavorable, at the ſame hour the next day.

The object for which the meeting is called is to aſcertain what ſupport may be expected towards a ſtated miniſtry.

Waſhington, 14th Jan. 1803.

WASHINGTON CITY

WEDNESDAY, January 19, 1803.

Arrived in this city, AARON BURR, Vice Preſident of the United States.

—— JAMES MUNROE, Envoy Extraordinary to Madrid and Paris.

The following REPORT *has been agreed to in the Houſe of Repreſentatives.*

That between the latitude thirty-five, which is the ſouthern boundary claimed by North Carolina, and the northernmoſt boundary of Georgia, as ſettled by a convention between that ſtate and South Carolina, in the year one thouſand ſeven hundred and eighty-ſeven, there intervenes a tract of country ſuppoſed to be about twelve miles wide, from North to South, and extending in length, from the top of the main ridge of mountains which divides the eaſtern from the weſtern waters to the Miſſiſſippi. This tract, conſequently remained within the limits of South Carolina; and in the year 1787 it was ceded by the ſtate of South Carolina, to the United States, who accepted the ceſſion.

On the eaſtern extremity of this tract immediately at the foot of the main ridge of mountains above mentioned, are ſituated the people whoſe petition is now under conſideration.

By the articles of agreement and ceſſion entered into on the 24th day of April, 1802, between the commiſſioners appointed on the part of the United States, by virtue of an act entitled "An act for an amicable ſettlement of limits with the ſtate of Georgia, and authoriſing the eſtabliſhment of a government in the Miſſiſſippi territory," and of the act ſupplementary to the laſt mentioned act, on the one part; and the commiſſioners appointed on the part of the ſtate of Georgia by virtue of an act entitled "An act to carry the twenty-third ſection of the firſt article of the conſtitution into effect," and of the act to amend the laſt mentioned act, on the other part.

The United States in the ſecond article of agreement and ceſſion, cede to the ſtate of Georgia whatever claim, right or title they may have to the juriſdiction or ſoil of any lands lying within the United States, & out of the proper boundaries of any other ſtate, & ſituated ſouth of the ſouthern boundaries of the ſtates of Tenneſſee, North Carolina and South Carolina, and eaſt of the eaſtern boundary of the territory ceded by Georgia to the United States. This ceſſion made by the United States to the ſtate of Georgia, includes the reſidence of the petitioners. The committee are therefore of opinion that the prayer of the petitioners cannot be granted.

THE committee appointed by their fellow-citizens to frame a memorial to Congreſs, praying authority to eſtabliſh a territorial legiſlature, and a redreſs of grievances, give notice, that they will be prepared to ſubmit a memorial to that effect at a meeting of the citizens of Waſhington county, which they requeſt at Lovell's hotel, on Wedneſday, the 26th inſtant, at 6 o'clock, P. M.

ROBERT BRENT,
Chairman.

The elections for repreſentatives to Congreſs in the ſeveral diſtricts of South Carolina, are to be held on the firſt Monday and Tueſday in February next.

The elections for repreſentatives to Congreſs in North Carolina, are likewiſe to be by diſtricts and are to take place in Auguſt next.

At a ſtated meeting of the American Philoſophical Society held at their hall, Jan. 7th 1803. The following perſons were duly elected officers.

Preſident—Thomas Jefferſon,
Vice Preſidents—Robert Patterſon,
Caſpar Wiſter,
Benj. Smith Barton.
Secretaries—Adam Seybert,
John R. Coxe,
Thomas C. James,
Thomas T. Hewſon.
Counſellors for 3 years.
Jonathan Williams,
Andrew Ellicot,
Samuel Magaw,
Nicholas Collin,
Counſellor for 2 years.
Tench Coxe.
Curators—Charles W. Peale,
Robert Leſlie,
William S. Jacobs.
Treaſurer—John Vaughan.

PHILADELPHIA Jan. 14.

Extract of a letter from Gibraltar, dated on board the U. States frigate John Adams, Dec. 4. to a gentleman in this city.

We arrived here the 30th November to take in proviſions for commodore Morris, who is at Malta. We ſhall ſtop at Malaga, and go up in company with the Conſtellation. All our ſquadron except the Adams, Campbell, winter at Malta, and we all live in hopes, that by the arrival of ſpring, the commodore will make an attack on Tripoli. Yeſterday a ſtore ſhip arrived in 24 days from New York.