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MESSAGE

From the President of the United States, enclosing a report of the secretary of state, on the *violation of the flag of the United states, the impressment of American seamen and others, on board American vessels*, conformable to a resolution of the Senate of the United States of the 2d November, 1803.

Letter of the President of the United States to the Senate.

To the Senate of the U. S.

In compliance with the desire of the Senate, expressed in their resolution of the 23d of November, on the impressment of seamen in the service of the U. States, by the agents of foreign nations, I now lay before the Senate a letter from the secretary of state, with a specification of the cases of which information has been received.

TH: JEFFERSON.

December 5, 1803.

Letter from the Secretary of state to the President.

Department of state,
December 2, 1803.

SIR,

Agreeably to a resolution of the Senate, passed the 22d of last month, requesting the President of the United States, to cause to be laid before them such information as may have been received, relative to the violation of the flag of the United States, or to the impressment of any seamen in the service of the United States, by the agents of any foreign nation; I do myself the honor to transmit to you the enclosed abstract of impressments of persons belonging to American vessels, which, with the annexed extracts from the letters of some of our agents abroad, comprises all the information on the subject that has been received by this department since the report to Congress, at its last session, relative to seamen. To the first mentioned document I have added a summary, shewing the number of citizens of the United States impressed, and distinguishing those who had protections as citizens; those who are stated to be natives of the British dominions, and not stated to be naturalized as citizens; and those of all other countries, who are equally not stated to have been naturalised in the United States.

Another source of injury to our neutral navigation has taken place in the blockade of Guadaloupe and Martinique, as notified in the annexed letter from Mr. Barclay, consul general of his Britannic majesty for the eastern states.

Beside the above, I have received no official information of any material violations of our flag during the present European war, except in the resent aggressions of the emperor of Morocco.

With very high respect,
I have the honor to be,
Sir,
Your most obedient servant,
JAMES MADISON.

The President of U. S.

ABSTRACT

Of impressments of seamen belonging to American vessels, by agents of foreign nations.

Edward Bass, a native of Philadelphia, impressed at London some time in March or April last, and put on board of the Mars. This man had been impressed into the British service during the late war, and was confined therein until peace.—Upon the breaking out of the war again, as he was on the point of departing for his country, he was impressed a second time into the British service. He was without a custom house protection.

Robert Carter Gilliam, native of Sussex county, Virginia, impressed from the American vessel Warren, then lying at the port of London, in March or April last. He was without a protection.

John Leland Wade, native of Bristol county, Massachusetts, (having lost his protection) was impressed at Liverpool in April last, from the brig Mahela Winsor, and put into the Courageux.

William Hall, Henry Clarke & *James Clarke*, Irishmen, not stated to be citizens of the United States, impressed at London the 10th May, from the American ship Industry. No protections.

Christopher Tillinghast, native of North Kingston, Rhode Island, impressed into the British ship Loire, off Ireland, on the high seas, on 20th May, from the American ship Sterling.—Without a protection.

John Roberts and *John Backham*, the former a Dane and the latter a Swede impressed on the 25th May, in the North Sea, from the American ship Sheperdess, John Bryan master, into the British frigate Amelia, lord Proby master. Without protections.

Barnabas Otis, jun. native of Plymouth, Mass. impressed on the 29th May, in the English channel, into the British frigate Immortalite, —— Owens commander, from the American brig Hannah. No protection.

Samuel Wilson, a native of Maryland, *Andrew Sampson* and *Peter Thompson*, natives of Curacoa, and Norway, but American citizens, impressed on the 31st May 1803, from the American ship Martha, Henry Waddel master, at London. Without protections.

William Brown, a citizen of the United States, impressed at Cuxhaven, on the 5th of June, from the American schooner Astrea, and put into the British frigate Amethyst. He had a protection.

John Daniel Kessler, John Anderson and Michael Jones, impressed on the 6th of June, from the American ship William and Jane, off the port of Cork, and put into the British ship Loire. It is not stated that they are American citizens, or that they had protections.

Richard Rodman, on the 7th June, 1803, impressed at Hull, England, into the British service, from the American ship Atlas, Sweeny Wilson, master. It is not stated whether he had a protection, or of what country he is a citizen.

Denny Sweeny, a native of Ireland, and without a protection, impressed on the 7th June, in the North Sea, into the British frigate Amelia, lord Proby master, from the American ship Washington.

William Ireland, native of Suffolk county, New-York, impressed from the American ship Alknomac, John Gore master, at Falmouth, Jamaica, by a press gang belonging to the Desiree, captain Ross of the armed brig Racoon, though he shewed a protection given by the collector at New-York, dated 26th April last. This impressment was made on 22d June last.

Joseph Simonds and *Sylvester Pendleton*, native Americans and residents of New-York, and *John Table*, a black man, impressed about the 7th of July, off the Texel, from the American schooner Recovery, Josiah Shackford master, into the British sloop of war, Harpy, Edmund Heywood commander. Without protections.

Ephraim Vandwser, an American citizen and native of New-York, with a protection as such, impressed from the schooner Perseverance, Daniel Goyle master, on the 18th July, off Tiberoon, into the British sloop of war, Snake.

Josiah Hunt, native of Newburyport, Mass. impressed the 17th July last, from the American brig John, Jona. Titcomb, into the British ship Emerald, then in sight of Martinico. Without a protection.

John Whiting, native of Glocester, Mass. impressed at the same time, from and into the same vessel. No protection in this case.

Nathaniel Keene, an American citizen, who had been in slavery at Algiers, and who had a protection, which he left, through forgetfulness at New-York, impressed on the 18th July, at Folkstone, into the British service, from the American ship Maryland, John Wickham, master.

Joseph Stevens, an American citizen, with a protection as such, impressed from the schooner Perseverance, Daniel Coyle master, on the 18th July, off Tiberoon, into the British sloop of war, Snake.

William Evans, an Englishman, without a protection, and *Thomas Chalis*, an American citizen, impressed at Cork on the 19th and 26th June, from the American ship Joseph, James Jurason, master.

James Emmerson, a native of Lincoln county, Mass. impressed from the American scooner Harriett, Nathl. Knight, master, into the British schooner St. Lucia,——Shipley, master, then lying in the road of Basseterre, on the night of the 20th July. No protection.

Benjamin Elldridge, and *William Tinney*, natives of Falmouth, Mass. impressed on the 20th July from the American schooner Hannah, in the road of Basseterre, into the British schooner St. Lucia.——Shipley, master. No protection.

Three seamen, names unknown, belonging to the American vessel Mark and Mary, John Mookler, master, were impressed, on the 29th July, into the Emerald British vessel, capt. O'Brien, near the north end of Martinico, though the vessel from which they were taken was then in a leaky condition. Under these circumstances capt Mookler was ordered to leave the coast of Martinico, as the island was blockaded, and he put into Dominico, but could stay there only a very short time, from the violence of sea, which set into the harbor. He again put to sea, and before his return to Dominico, sustained considerable loss in the washing overboard of a great part of his deck cargo, which consisted of lumber. One of the men impressed had a custom house protection.

William Whipp, native of New-Haven, Connecticut, and *John Simpson*, of Virginia, impressed into the British sloop of war Sylph, July 30th, 1803, on the high seas, from the American ship Phaeton, ——Boush, master. No protections.

George Arnold, native of Great Britain, and *J. Williamson*, a Swede, both impressed the 31st July, on board the British frigate Cambrian, Wm. Brodley, commander from the American ship Venus, Lemuel Bruce, master upon the high seas.

Two seamen, citizens of the United States, and possessed of protections as such, which they shewed to the British officers, impressed into the British frigate Boston, capt. Douglas, just after she had passed the territorial line of the United States, about the last of July.

William Liddle, it is not stated whether he be a citizen of the United States, impressed from the Juno the 3d of August, on her passage from Norfolk to Amsterdam, into the British frigate Thetis.

John M'Evoy, (an Englishman, and without a protection) impressed from the American brig Paisley, John Jackways, master, on the 9th August, into the British frigate Boston, capt. Douglas, of the Chesapeake.

James Farnish mate, and *Neill Lang*, seamen of the American brig Drake, on her voyage to Barbadoes, were impressed the 12th August last, upon the high seas, into a British frigate, name of which is not known. The crew which remained in the Drake was found to be too weak for working her, in consequence of which the captain was obliged to put into Antigua, the nearest port that he could make, to the great loss of the adventure.

David Kitchell, a native citizen of the United States, at the mouth of Delaware bay, was impressed into the British ship Leander, captain Cain, the 22d August, 1803, from the American sloop Hiland, John Hand, master, on a voyage from Philadelphia to Alexandria. Kitchell, it is believed, was without a custom house protection.

Oliver Harris, a native of Boston, on the 14th August, was impressed into the British ship Blenheim, from the American schooner Harriet, near the island of Martinique. No protection in this case.

Charles Tracy, an American citizen, impressed on the 25th August, from the ship Marion, Wm. D. Seton, off Delaware, into a British frigate, name unknown. No protection.

James Davis and *Henry Wood*, black men, impressed at Liverpool, on the 1st September, from the American ship Chatham. No protections.

Samuel Robinson, an American, with a protection, *Christian Moldenham*, and *Christian Lowman*, Danes, with Danish protections, impressed the 5th September on the high seas, from the American ship Flora, Caleb Harrison, master, into the British frigate Gambrian.

Thomas Doyle, a native of Philadelphia, and a seaman belonging to the American brig Hector, impressed at Lisbon, the 6th September, into the British sloop of war Bittern, then at that port. Doyle had a protection.

Samuel Watt, Andrew Pace, and *John Davis*, the former having a protection as an American citizen, and the two latter being natives and subjects of Great-Britain, were impressed on the 11th September, from the American ship Charlotte, Thomas Hasam, master, about ten miles east of Cape May, into the British sloop of war Driver.

James Matthews, chief mate of the schooner Amazon, John Murray master, impressed on the 14th September, 1803, into the British armed brig Geochi Pine, in the West Indies. No protection.

William Watson, a native of Connecticut, and with a protection, impressed the 29th September, from the American ship Ontario, Seaman Weeks, master, into the British frigate Cambrian, upon the high seas.

Thomas Cook and *George Wilson*, the former a native of New-York, the latter of Scotland, both without protections, impressed October 1st, from the ship American Packet, Soloman Swain master, at sea, about 8 leagues from the light house, at Sandy Hook, into the British frigate Perseverance.

Henry Cobb, a native of Falmouth, Massachusetts, impressed into the Loire, British ship. It was not stated when, or whether he had a protection.

Daniel Walker, a native of Philadelphia, impressed from the American ship Fox, into the British frigate Boston. No protection, and the time of impressment not stated.

Jesse Dillings, a native of Wethersfield, Connecticut, impressed into the Dreadnaught British ship. No protection, time not stated.

Richard Johnson, a native of Middletown, Connecticut, impressed into the British service. No protection, time not stated.

Joseph Mace, a native of Newburyport, Massachusetts, impressed into the British ship Isis. No protection, time not stated.

Samuel Hills, native of Providence, R. Island, impressed into the English ship Britannia. He had a protection. Time not stated.

Henry Kipps, a native of Hamburgh and a naturalized citizen of the United States impressed into the British frigate Endymion, from the American ship Eagle. No protection. Time not stated.

William Chandler, a British subject taken into the English service at Falmouth Jama. from the American ship Anna, Caleb Johnson master. No protection.

William Fegarie, belonging to the American brig Sally, claimed by the French at St. Pierras, Gaudaloupe, as a citizen of France, and kept as such. Time not stated.

Nicholas Bullea, by birth a Frenchman, impressed into the service of France from the brig Joseph, at St. Pierres.—Time not stated.

Joseph Nicholson, a blackman, with a certificate of freedom, impressed from the American brig Canton, at Surinam, on the 8th October into a Dutch frigate.

Summary of impressments by the British from American vessels:

Forty-three impressments of citizens of the United States appear to have been made, of whom twelve had protections.

Ten natives of the British dominions, and not stated to be naturalized as American citizens: and

Seventeen of all other countries, who are not stated to have been naturalized in the United States.

Summary of impressments by the agents of other powers, from American vessels.

Two, by the agents of France.

One, by the agents of the Batavian republic.

Department of State,
December 2d, 1803.

EXTRACTS of LETTERS to the SECRETARY of STATE.

Extract of a letter from James Maury, Esq. Consul of the United States at Liverpool, to the Secretary of State, dated March 26, 1803.

"I had the honor to write to you on the 25th ultimo, since which the alarm of war has occasioned a great press for seamen. Many of ours, confident as I suppose in the continuance of peace, had not taken the caution before leaving home, to be furnished with regular documents of citizenship which exposes them to impressment.

Extract of a letter from John W. Fox, Esq. consul of the United States at Falmouth, to the Secretary of State, dated May 14th, 1803.

"The impress is very severe. The citizens of the United States are not molested; two or three without protections and on board British ships have been taken. I have made application for their release, but it is necessary that the seamen should bring certificates of their citizenship with them, otherwise they will run great risk of being impressed."

Extract of a letter from Wm. Savage, Esq. agent of the United States for the relief and protection of their seamen at Jamaica, to the secretary of state, dated June 25th, 1803.

"There has been a hot press throughout this island. In this port about sixty seamen have been taken out of American vessels, immediately after which I made application to the admiral, who liberated the American citizens. Some few vessels on the north side have lost their men and have experienced distress from the measure. The names of the persons impressed I have a minute of, and on the arrival of the frigates in which they are, I shall make application for their discharge.

Copy of a letter from Thomas Barclay, Esq. consul general of his Britannic majesty, for the eastern states of the United States to the secretary of state, dated October 20th, 1803.

SIR,

I have the honor to enclose you the copy of a letter which I received from commodore Hood, commander in chief of his majesty's ships of war, on the windward station, notifying the blockade of the islands of Martinique and Guadaloupe by the squadron under his command.

I have honor, &c. &c.

(Signed) THOMAS BARCLAY.

[COPY.]

Centaur, off Martinique, 25th July, 1803.

SIR,

I beg you will have the goodness to acquaint the American government, and agents of neutral nations, the island of Martinique and Guadaloupe are and have been blockaded by a detachment of his majesty's squadron under my command, since the 17th June last, that they may have no plea for attempting to enter the ports of those islands. By your acknowledging the receipt of this, you will greatly oblige,

Sir,
Your most obedient humble servant,
(Signed) SAMUEL HOOD,
Commodore and Commander in Chief.

Thomas Barclay, Esq.
Consul General, &c.

CONGRESS.

HOUSE OF REPRESENTATIVES,

Tuesday, Nov. 21, 1803.

On Mr. Griswold's motion to discharge the Committee of the whole from the Resolution of the Senate for AMENDING the CONSTITUTION.

Mr. DENNIS. This, Sir, is a motion to discharge the Committee of the Whole from the resolution of the Senate, on the ground that that resolution comes to this House unsupported by such a constitutional majority of two thirds of that body, as is requisite to amend the Constitution. It therefore becomes necessary incidentally to discuss the point, whether a majority of two-thirds of the attending members, or of the whole number of Senators be necessary, to give validity to the proposed amendment; for if this resolution is not supported by the constitutional majority, it is a nullity in itself, and the sooner we are discharged from it the better.

But here we are met in the outset by an objection from the gentleman from Delaware, which ties up our hands and precludes us from this investigation. I incline to think that gentleman hazarded the position without that deliberation and caution, to which he is accustomed; for his argument would go to the extent, that if this resolution had passed by a bare majority of the Senate and was reported by their secretary as passed by the constitutional majority, it would be so conclusive upon us, that we should not have a right to assert the negative. Whatever is done by the competent authority ought to be presumed to be rightfully done, but this presumption ceases when the negative appears. According to our construction of the constitution, the negative does expressly appear, for we know the resolution was passed by a less number than a majority of two thirds of the members of that body. Notwithstanding the objections made to the evidence, independently of the personal knowledge of the members of this House, we have a transcript from the journal of the Senate under the official signature of their secretary; which I had thought was as good evidence as could reasonably be required.

In relation to the constitutional question perhaps little can be added to the remarks of the gentleman from Connecticut (Mr. Griswold;) because I think the passages cited from the constitution by that gentleman, and the deductions drawn from those passages, demonstrate the proposition which he contends for; which is, not that every member of the legislature should be present as some gentlemen suppose, but that there shall be a sufficient number present voting in the affirmative to amount to a majority of two-thirds of all the members. If we look into the constitution we shall find in the first section it declares all legislative power shall be vested in a Congress, consisting of a Senate and House of Representatives.