to give away the money in our treasury to objects we think deserving. Has not all the dispositions gone upon the question of particular hardship; but tell me, do these individual cases, resting upon their own merits, class with a wholesale disposal of public money? Suppose you want to raise up an exclusive privilege in favor of, let us say shoemakers, and let them import their materials free of duty; will you bring up as precedent or authority, the case of Mr. Messonier, or any other person? Can such a case, standing singular and insulated, be held up to promote the doctrine of exclusive privilege for a corps of thousands. Of lands the United States have given General La Fayette some acres; they have given the like for schools in the Wilderness country; they may give some to the gentleman from Connecticut; but would any of them contend for an exemption from paying half or two-thirds of the price, when the sale was made on a uniform system, and would they ask for an exemption from the payment of their tax, if it was imposed. Mr. R. concluded by repeating the idea, that if you once step over the barrier, there is no security, and if you forgive or exempt the payment of the duties in this instance, Congress may forgive every thing to their favorites, when they have any.

Mr. Dana made a reply to M. Findley; but it is so difficult to hear gentleman across the floor that the reporter dare seldom attempt to follow them. He considered Mr. F's objection as being formed upon the idea, that the books composing the libraries of colleges and universities were of the same kind as those used in country schools; few things were more dissimilar; the one was merely to initiate the pupil in the first principles, the other took a more extensive range, embracing the whole circle of science, the classic authors, and the best writers, ancient and modern, books scarcely ever to be found but in collections attached to literary institutions, and the revenue arising from them may be called a tax upon seminaries of learning.

Mr. J. Clay was one of the committee, and had agreed to the report; since reasons had been called for he would in a few words assign those which influenced him. The gentleman from Connecticut (Mr. D.) mistakes in thinking that a denial to exempt books from impost is a tax on literary institutions, and therefore not uniform, as the constitution requires all imposts should be; but he did not make his stand on the ground of the constitution, he rested the question upon its expediency. Giving literary institutions the privilege of exemption from imposts would open a wide door for fraud; we should soon have them importing books for sale duty free, rivalling the booksellers who are subjected to the payment of impost, and vending them in every street and avenue of the nation. But why privilege colleges and universities to accommodate the rich; for we may believe that the rich and the children of the rich are the only persons who have access to these collections? The poor have little leisure and less opportunity to improve the advantage which even neighborhood would give them to peruse works of the kind alluded to, and surely it would be thought unjust to tax their pittance of imported articles, and in order to enable gentlemen to read the classic authors or the sublime and beautiful of the modern writers.

Mr. Findley spoke of colleges not of universities: we have three in Pennsylvania, one of which, to be sure, has also the title of university, but two of them have not funds to import books on their own account; it is only rich institutions that have this advantage, the poorer class of seminaries buy of booksellers, and pay them the impost as well as their retail profit. Indeed this remission of duties will rather tend to create disgust than give satisfaction; and those seminaries which have large collections of books would be induced to sell them at their present price in order to procure new ones cheaper, as they have had to pay the duty on the former, but would have none to pay upon those they should hereafter import.

The question being called for—it was put on agreeing to the report of the committee of the whole, that it is inexpedient to remit the duty on books, and carried in the affirmative, 79 members voting in the affirmative.

Adjourned.

A BILL

For the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction. [Now before the House of Representatives.]

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That whensoever any treason, felony, misprison of treason, or of felony, misdemeanor, breach of the peace, or of the revenue laws of the United States, shall hereafter be committed within the jurisdiction of the United States, and the person committing the same, shall be on board of any foreign armed vessel, in any port or harbor of the United States, or in the waters within the jurisdiction of the United States, it shall be the duty of any judge or justice of any court of the United States, or any judge or justice of any state court, or any mayor of a city, upon satisfactory proof thereof to him made, to issue his warrant specifying the nature of the offence, and directed to a sheriff or marshal, commanding him to take the body of the offender, and bring him before the said judge or justice, or other person as aforesaid, to be dealt with according to law. And if the officer, charged with the execution of the said warrant, shall deem the ordinary *posse comitatus* insufficient to ensure the execution of the same, he shall apply to the said judge or justice, or other person authorised as aforesaid, or to any of them, who shall immediately issue his order, directed to any officer having command of militia, or any officer having command of regular troops or of armed vessels of the United States, in the vicinity, requiring him to aid the said sheriff or marshal with all the force under his command, or such part as may be necessary, in executing the warrant aforesaid. And the said marshal or sheriff, conforming himself in all things to the instructions which he shall receive from the President of the United States or from any other person authorised by the President, shall first demand the surrender of the person charged with the offence; and if delivery be not made, or if the sheriff or marshal be obstructed from making the demand, he shall use all the means in his power by force and arms, to arrest the offender, and all others who are with him, giving him aid and countenance, and he shall convey the said offender, and all others arrested as aforesaid, and deliver them to the civil authority, to be dealt with according to law. And if death ensues on either side, those who are concerned in support of the civil authority, shall be justified, and those engaged in resisting, shall be punished as in cases of homicide committed in resisting a civil officer. And if any commanding officer of militia, of regular troops, or armed vessels of the United States, shall refuse to obey the requisition so made of him as aforesaid, he shall be fined a sum not exceeding dollars, and not less than dollars, to be recovered by indictment or information, in any court in the United States having competent jurisdiction.

Sec. 2. And in order to prevent insults to the authority of the laws, whereby the peace of the United States with foreign nations may be endangered, *Be it further enacted,* That it shall be lawful for the President of the United States, either to permit or interdict at pleasure, the entrance of the harbors and waters under the jurisdiction of the United States, to all armed vessels belonging to any foreign nation, and by force to repel and remove them from the same, except when they shall be forced in by distress, by the dangers of the sea, by being pursued by an enemy, or when charged with dispatches or business from the government to which they belong; in which cases, as well as in all others when they shall be permitted to enter, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering the harbor or waters, shall take such position in the harbor or waters, as shall be assigned him by such collector, and shall conform himself, his vessel and crew, to such regulations, respecting health, repairs, supplies, stay, intercourse and departure, as shall be signified to him by the said collector, under the authority and directions of the President of the United States; and not conforming thereto, shall be required to depart from the United States.

Sec. 3. *And be it further enacted,* That whensoever any armed vessel of a foreign nation, entering the harbors or waters within the jurisdiction of the United States, and required to depart therefrom by the collector of the district, shall fail to do so, it shall be lawful for the President of the United States to forbid by proclamation all intercourse with such vessel, and with every armed vessel of the same nation, and the officers and crew thereof; to prohibit all supplies and aid from being furnished them, and also to instruct the collector of the district, where such armed vessel shall be, and of any and every other district of the United States, to refuse permission to any vessel belonging to the same nation, or to its citizens or subjects, to make entry or unlade, so long as the said armed vessel shall remain in the harbors or waters of the United States in defiance of the public authority. And if after publication of the said proclamation, any person shall, in contempt thereof, furnish any supplies or aid to such armed vessel, or any other contrary to the prohibition contained in the said proclamation, the person or persons so offending shall forfeit and pay a sum not exceeding dollars, to be recovered by indictment or information in any court in the United States having competent jurisdiction, and shall also be liable to be bound to their good behaviour.

Sec. 4. *And be it further enacted,* That whensoever any officer of an armed vessel commissioned by any foreign power, shall be guilty of any offence made punishable by this act, or shall on the high seas or elsewhere, have committed any trespass on any citizen or vessel of the United States, spoliation of their property, or vexation of trading vessels coming to or going from the United States, it shall be lawful for the President of the United States, on due proof of the facts, by proclamation forever, to interdict the entrance of the said officer within the limits of the United States; and if he be found therein thereafter, he shall be liable to be arrested, and punished by fine and imprisonment, in any court in the United States having competent jurisdiction, both for the offence with which he was originally charged, and also for having entered within the limits of the United States, after having been interdicted, and shall likewise be transported to such ports beyond seas, as the court shall determine, and so as often as he shall be found within the limits of the United States, after having been interdicted as aforesaid.

Sec. 5. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorised and required, to give as soon as may be, after the passage of this act, to the collectors of the respective ports, and to such other persons as he may think proper, the necessary instructions for carrying this act into effect, particularly marking out the line of conduct to be observed by a sheriff or marshal, and by the several collectors in performing the duties enjoined by this act.

Sec. 6. *And be it further enacted,* That if any person shall be sued for any thing done in pursuance of this act, he may plead the general issue and give this act in evidence, any thing in any law, custom, or usage, to the contrary nowithstanding

REPORT.

The Committee of Commerce and Manufactures to whom was referred the resolution of the House of the 12th instant, "to enquire into the expediency of allowing under proper regulations, a drawback of duties on goods, wares and merchandize imported into the port of New-Orleans from any port of the United States, and from thence exported to any foreign port or place," with instructions to "report by bill or otherwise," respectfully submit the following

REPORT—

UPON examining the act passed at the last session of Congress, entituled "An act for laying and collecting duties on imports and tonnage, within the territory ceded to the United States by the treaty of the 30th April, 1803, between the United States and the French Republic, and for other purposes," it appears that the sixth section refuses the drawback on all goods, wares and merchandize exported from the port of New Orleans, *other*, than on those which shall have been imported directly into the same, from a foreign port or place. Drawbacks have been allowed in all ports of the United States, since the first acts were passed laying a duty on imports and tonnage. No inconvenience or loss has or can happen in giving back what we have received in cases where the article is really exported out of the limits of the United States, and many advantages have resulted from pursuing this policy. Our ports thus become the places of deposit for the merchandize of all nations. Our commerce with foreign countries is enlarged. Greater shipments of our own productions can be made. New employment can be given to our tonnage, already respectable and on a rapid increase, and as we necessarily import more than we consume, the surplus is again shipped to other countries. But if drawbacks are discontinued, even in a single port, commerce must experience great embarrassments, or it will open for itself some new channels, where the streams of wealth may flow unimpeded and free from improper restraints, and other nations will reap advantages, which a different policy would unquestionably have secured to ourselves.

The duties, to their fullest amount, form a part of the value of all goods, and are always estimated in the price demanded from the consumer, or from the purchaser who intends to ship them for a foreign market, and it must be evident to every one, the least acquainted with the operations of commerce, that if any article is denied the drawback, the price will be depreciated to an equal amount with the original duties with which it may be chargeable.

New-Orleans, not only as a port of deposit for the produce of the western country, where it can be shipped to all parts of the world, possesses peculiar and important advantages from its proximity to the British, French, and Spanish settlements in the West Indies. Various articles, whether of European, Asiatic, or American growth or manufacture, which we can readily supply at reasonable prices, can be carried to their ports, and be exchanged for such as they can conveniently spare, and which may be necessary for our own consumption. A commerce known to be highly beneficial to all the parties interested in it; supplying the United States too, in some cases with the precious metals, so necessary in our intercourse with Asia, it is presumed was not intended to be discouraged.

If we place every description of goods, on a similar footing in relation to drawbacks, whether imported coastwise or direct from foreign countries, upon being exported out of the limits of the United States, the committee conceive we shall then have done all which will be necessary on this occasion. The committee therefore report, as their opinion, that so much of the act, entitled "An act for laying and collecting duties on imports and tonnage within the territory ceded to the United States by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French republic, and for other purposes," as refuses the drawback on goods, wares and merchandise imported coastwise into New-Orleans, and exported to foreign countries, ought to be repealed; and they submit a bill for the purpose.

Speech of the Governor of Massachusetts, delivered November 15.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THE unfinished business at your last meeting, I am informed, was referred to the third session of the Legislature:—I presume therefore that your principal object at this time will be to complete the choice of Electors, on the part of this Commonwealth, of a President and Vice President of the United States; and that you will be unwilling at the present session to attend to any subjects which may conveniently be postponed. If the choice of Electors is not perfected by the votes of the people, I have no doubt that the trust which remains to be executed by you will be discharged faithfully, and that your conduct will be governed by the single motive of love to your country.

In pursuance of the Act of Congress passed on the 26th March last, the Secretary of State has notified me, that the amendment proposed during the last session of Congress, to the Constitution of the United States, has been ratified by the Legislatures of three fourths of the several States. The letter which contains this notification is filed in the office of the Secretary of the Commonwealth, and a transcript of it will be delivered to the Electors who are or may be chosen on the part of this State.

The Quarter-Master-General informs me, that in the late violent storm, two buildings on Hospital Island, the property of the Commonwealth, were blown down: and that he thinks it highly necessary that others should be erected in their place as soon as may be. The appropriation made for this department for the present year, he supposes will be sufficient to defray the expence; but he doubts the propriety of his setting up new buildings unless authorized by particular direction.

I have nothing further to communicate to you GENTLEMEN, which calls for the immediate notice of the Legislature. But if in your opinion, any business of importance would suffer by a delay until the winter session, I shall cheerfully attend to whatever you may now propose, and co-operate with you in such measures as the public good may require.

CALEB STRONG.

November 16th, 1804.

ANSWER OF THE SENATE.

May it please your Excellency.

It being the great object of the present session of the Legislature, to determine and declare the choice of Electors of President and Vice President of the United States, on the part of this Commonwealth; and if the choice is not perfected by the votes of the people, to complete the same; your Excellency may be assured, that in executing that trust the Senate will be governed by the single motive of love to their Country.

The letter of the Secretary of State, relative to the Amendment in the Constitution, and the communication of the Quarter Master General, touching the buildings on Hospital Islands, shall receive that attention, which they respectively merit: And should any other business of importance, during the present session occur, the Senate will cheerfully co-operate, with your Excellency, in all such measures as the public good may require.

ANSWER OF THE HOUSE.

May it please your Excellency,

The House of Representatives, at their last meeting, being sensible of the inconveniences, which would arise from a long session at this season of the year, referred most of the unfinished business to the third session of the present General Court; it is therefore presumed that few matters will at this time, urgently claim the attention of the House.

Should it appear that the people, have not completed the choice of Electors for President and Vice President of the United States, the trust which in that event, is committed to the two branches of the Legislature, we hope will be executed with a single view to the welfare and honor of the United States.

We beg your Excellency to be assured that the House will pay due attention to all matters, which you have been pleased to suggest for their consideration.

A review of your Excellency's past conduct, gives us the fullest assurance of your Excellency's readiness to co-operate with us in all measures which the public good may require.

Legislature of Vermont.

The following message signed by the Speaker of the House of Representatives respecting the resolution transmitted from the executive of Massachusetts was by a committee of the House, chosen for that purpose, delivered to the governor.

" Sir,

" The resolutions, transmitted by the governor of Massachusetts, and which accompanied your message of October 13th, 1804, have received from this house that consideration which the importance of the subject required. We do not consider the provisions of the present constitution so unequal as supposed by said resolutions, nor do we consider those provisions to have been rendered more injurious by any political changes introduced during the present administration. The amendment proposed, as we conceive, would materially affect a part of the federal constitution, which was in fact the result of a spirit of compromise, and which guarantees to some of the states in the union a right which to them is sacred—a right in consideration of which material benefits are secured to us; for altho' the duties arising from imposts are sufficient to meet the exigencies of government while we enjoy the calm sunshine of peace, yet should the United States at any time be involved in war, (which is no uncommon fate of nations) very important would be the power and very necessary the use of direct taxation: and in such an event we should highly appreciate the mode of apportioning the expences among the several states established by our present constitution.—Again, we apprehend that the amendment proposed would have a tendency to destroy rather than confirm that union among the several states so essential to our national prosperity.—We therefore cannot recommend the measures proposed by the said resolutions."

In the above sentiments of their representatives the freemen of Vermont may learn in what estimation to hold those disorganising resolutions by which it was attempted to change the rule of representation and to destroy a radical feature of the constitution. They may see in their true light the pretensions of those "exclusive friends of order," those "lovers of good government" who would mask their treasonable plots with the stolen name of Washington, and who, with their loss of power, have lost all veneration for the grand instrument of our federal compact. *Observatory.*

ALBANY, November 22.

It is with deep regret that we announce the death of the Hon. MAJOR-GENERAL PHILIP SCHUYLER, on Sunday evening last, in the 71st year of his age—A man, eminent for his useful labours, in the military, and civil affairs of our country. Distinguished by strength of intellect, extensive knowledge, soundness and purity of moral and political principles—He was a practical, not a theoretical statesman; an active, not a visionary patriot—He was wise in devising, enterprising and persevering in the execution of plans of great and public utility. Too intelligent, to found his notions of political or civil government, upon the perfectibility of man, or upon any other views of the human character, than those derived from the experience of ages. And too honest, to tell the people, that their liberties could be preserved in any other way, than by the wholesome restraints of a constitution and laws, energetic, yet free.

In private life, he was dignified, but courteous—in his manners, hospitable; a pleasing and instructive companion; ardent and sincere in his friendships; affectionate in his domestic relations, and just in his dealings.

The death of such a man is truly a subject of private and of public sorrow.

On Wednesday his remains were interred, with military honours, in the family vault of the Hon. ABRAHAM TEN BROECK.

'We have received,' says the Wal. Observatory, 'a letter from a gentleman in one of the largest towns in Connecticut, which has been federal, dated Nov. 10th, of which the following is an extract:'

" Last Monday was our town meeting, when the people determined to shew with what contempt and indignation they beheld the late conduct of our legislature in the prosecution of five of our justices, for saying, it was their opinion this state had no civil constitution. We turned our all our selectmen, save one—put in Mr. ——— moderator, and six republican selectmen.