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MESSAGE

From the President of the United States, respecting the application of HAMET CARAMALLI, *ex-bashaw of Tripoli.*

(CONCLUDED.)

EXTRACTS.

Colonel Lear to William Eaton, esq.

TRIPOLI, *6th June*, 1805.

In consequence of a representation made to me by commodore Barron, that the present was a favorable moment for us to enter into a negotiation with the bashaw of Tripoli, and my instructions leaving it to the commander of our forces in this sea to determine the proper time for such an attempt, I repaired off this place on the 26th ultimo, in the United States' frigate Essex, and immediately opened a communication with the bashaw. His demands were 200,000 dollars for peace and ransom, and the delivery on our part of all the Tripolines in our possession, and a restoration of all their property. These terms were at once rejected *in toto*; and after some discussion, I proposed, as the ultimatum, that a mutual delivery of prisoners should take place, and as he had a balance of more than 200 in his favor, I would give him 60,000 dollars for them; but not a cent for peace, which should be made on terms of the most favored nation with whom he has a treaty, and a regulation respecting prisoners, if a future war should take place between our nations; and in order to prevent any fruitless altercation, I declared I would not go on there to complete the business until these terms were formally acceded to. The weather proving bad for the season, obliged our vessels to keep off, and prevented a regular communication with the shore, which prevented the completion of the preliminaries until the 3d instant, when they were sent off to me with the bashaw's seal. I immediately went on shore, and in 24 hours all the officers and crew of the late frigate Philadelphia were sent on board the ships.

I found that the heroic bravery of our few countrymen at Derne, and the idea that we had a large force and immense supplies at that place, had made a deep impression on the bashaw. I kept up that idea, and endeavored from thence to make an arrangement favorable to his brother, who, although not found to be the man whom many had supposed, was yet entitled to some consideration from us. But I found that this was impracticable, and that if persisted in, would drive him to measures which might prove fatal to our countrymen in his power. I therefore engaged, of course, that on the conclusion of peace, we should withdraw all our forces and supplies from Derne, and other parts of his dominions; and the bashaw engages, that if his brother withdraws himself quietly from his dominions, his wife and family should be restored to him. This is all that could be done, and I have no doubt the United States will, if deserving, place him in a situation as eligible as that in which he was found.

TRANSLATED.

Copy of a letter from Hamet Bashaw Caramalli, to his friend and brother, William Eaton, late general and commander in chief of our allied forces in our kingdom of Tripoli.

Without placing in view the misfortunes which so long pursued me, I cannot forbear expressing to you, at this moment of our final separation, the deep sense of gratitude I feel for your generous and manly exertions in my behalf. Be assured, that in whatever situation the will of God shall place me, I shall always bear this impression of gratitude on my heart.

On returning to your happy country, to which I wish you a safe passage, I request you will express to your sovereign, my cordial thanks for his manifestations of friendship towards me. Had it been ordained, that measures might have been carried forward to the attainment of my wishes, the restoration of my rightful dominions to me, it would certainly have been cause of eternal gratitude. But it is true, my own means were small. I know indeed they did not answer your reasonable expectations. And this I am ready to admit, is a good reason why you should not choose to persevere in an enterprise hazardous in itself, and perhaps doubtful in its issue. I ought, therefore, to say, that I am satisfied with all your nation has done concerning me. I submit to the will of God; and thank the king of America, and all his servants, for their kind dispositions towards me. Situated as I am, you must still allow me to ask another expression of your friendship. You tell me that in your treaty with Jussuf Bashaw, my perfidious brother, he has promised to restore to me my family. I pray you will use your influence with your admiral, to permit one of your vessels to go and ask for them, and that he will give me the means of repairing, with some small assistance to enable me to subsist myself and suite, into some country where I may hope to spend the residue of my days in peace.

Again I repeat to you, my love and esteem, and I send honor and long life to your sovereign, which may the merciful God confirm to him.

Done at Syracuse, the 29th day of June, 1805.

[*Hamet's Seal.*]

William Eaton to commodore Rodgers.

SYRACUSE, *June 30th*, 1805.

I have been yesterday and to-day occupied with the proceedings and records of the court of enquiry, on capt. Bainbridge, which is the reason I did not wait on you on board yesterday morning.

Inclosed is a copy, by translation, of a letter Hamet Bashaw has written me, date 29th. This I think is enough to do away any insinuations concerning our intercourse with this prince, injurious to the honor of the United States. He tells me he shall write to the same effect to the President.

To morrow morning I will do myself the honor to wait on you with a statement of the pay due the troops, who served with me through the desart of Derne.

To the people of the United States of America.

It is known to the whole world that the reigning Bashaw of Tripoli, Jussuf, obtained the throne by the murder of our father and elder brother, and by my exile, who came next in succession. Driven by his impious and cruel usurpation, I took refuge in Egypt, where I was kindly received by the Mameluke beys, who gave me a distinguished rank in the military service. Reposing in the security of peace, I had ceased to repine for the loss of my throne, and regretted only the lot of my unhappy subjects, doomed to the yoke of my cruel and tyrannical brother.

It was at this epoch, that the arrival of general Eaton gave me hopes of better fortune; and though I could not tell what were his powers, I trusted to the faith of a great people, of whom he was the ostensible representative, and threw myself into his arms. We concluded a treaty at Alexandria, a copy of which is among the papers of commodore Barron, in the custody of his secretary Mr. Robert Denison. This treaty not only stipulates the recovery of the throne for me, but also includes several advantageous articles for the United States, for which Gen. Eaton will be my voucher. Ought I then to suppose that the engagements of an American agent would be disputed by his constituent government? I cannot suppose that a gentleman has pledged towards me the honor of his country on purpose to deceive me.

Gen. Eaton and myself, with our joint followers, had already advanced 600 miles into the kingdom of Tripoli; and a general defection had seized my brother's army, and all things prepared the protected of America to be hailed sovereign of his usurped throne. At this juncture a peace is concluded, in which a throne, acquired by rapine and murder, is guaranteed to its usurper, and I, the rightful sovereign, the friend and ally of America, am left unprovided for. No article in my favor, no provision for me and my family, and no remuneration for the advantages I had foregone in trusting to American honor. I am left in Syracuse with thirty dependents, on the pittance of two hundred dollars per month, and no prospect of future establishment. What with the expenses of my retinue, &c. &c. I, a sovereign prince, am now reduced to the pension of 150 cents per day.

I must here observe, that Mr. Eaton, whose generosity I cannot sufficiently praise, has assisted me from his own finances, else hard indeed had been my lot.

When the prevalence of ages has accustomed men to the government of one, the right of a throne enters into the system of human thoughts, and that usage must have its rights like others.

In this situation, I appeal to the virtue, generosity, and candor of the people and government of America. I trust that a brave and free nation will interest itself in behalf of a fallen prince, who has trusted to its national honor and good faith. I trust the government will take my case into consideration, and at least send me back to Egypt, indemnified for those comforts lost by uniting my fortune to theirs: and I am confident the American people will feel for the misfortunes of one, who has fought in the united cause of their interest, and his own right.

(Signed) HAMET BASHAW,

Son of Ali Bashaw Caramalli, of Tripoli. [*L. S.*]

SYRACUSE, Sept. 1st, 1805.

COPY.

Mr. Eaton to the secretary of the navy.

Washington City, Dec. 5th, 1805.

SIR,

Commodore Barron's instructions to capt. Hull, of Sept. 15, 1804, and my convention with Hamet bashaw, of Feb. 23, 1805, comprise all the obligations entered into with Hamet. Copies of both which are in the offices, as are also the correspondences resulting therefrom. By perusing the bashaw's letters from Syracuse, and by reviewing the transactions to which they refer, I cannot find that any additional observations of mine can throw more light on our transactions. It is impossible for me to undertake to say that the bashaw has not been deceived. Nor can I, by any shape in which the subject can be viewed, reconcile the manner of his being abandoned, with those principles of national justice and honor which have hitherto marked our character. The term *co-operation*, I always considered so nearly synonimous with *alliance*, that it would require the nicest distinction of diplomatic skill to discriminate the meaning, and hence supposed that an engagement to *co-operate* with Hamet bashaw, excluded the idea of using him as an *instrument*. This construction was the more readily admitted in this case, because until after we had proceeded far in the co-operation, I never heard a syllable of peace, neither from the President, nor from yourself, nor from the commander in chief, which did not look forward beyond an effort to chastise the enemy, and because I always felt a confidence, that such an effort, well conducted, would dethrone him. I really can offer no explanations on this subject, which are not to be found in my official communications except a circumstance which I am aware modesty should conceal, but which was calculated at all events to save the honor and the interest of the United States harmless. On entering the ground of war with Hamet bashaw, Mr. O'Bannon and myself united in a resolution to perish with him before the walls of Tripoli, or to triumph with him within those walls. In the former event we should have acquitted our duty; in the latter glorified our country. We were supported by similar resolutions on the part of commanders in the squadron, and to encourage Hamet bashaw to perseverance, and in order to move understandingly with him, I induced the convention with him, which has been made the base of our treaty with his rival.

I have the honor to be, &c. &c.

(Signed) WM. EATON.

SKETCH OF THE STATE OF THE CREEK COUNTRY.

(CONCLUDED.)

JUDICIAL POWER.

The national council convenes annually at Tookabatche. There, all the white people in the agency, from custom, and travellers, from motives of curiosity, attend. From these the agent selects five of the most intelligent to form a court, who have cognizance of all suits of a civil nature between white, or white and black people. An assistant agent attends as a recorder, to enter the proceedings of the court, and the marshal of the agency to execute the precepts directed to him. The parties attend, and manage their own causes personally. The plaintiff states his cause of action with the best proof the nature of the case will admit of, red, white or black; the defendant replies in like manner; the court and recorder interrogate the parties and witnesses, to whom they give the credibility due to them, and the court give judgment accordingly. The judgment is entered by the recorder, and reported to the agent, who gives an equitable construction to its execution as to him. The property is taken by the marshal, advertised and valued by two or three disinterested persons, and when for sale if it will not fetch two-thirds of the valuation, the plaintiff takes it at that. There is a fee bill for the marshal, but no other expence attends the whole process.

In all cases where a red man is a party, the agent for Indian affairs presides, two or more distinguished chiefs set with him, the parties are heard in like manner as above, and the agent gives judgment, which is carried into effect by the marshal against a white man, or by the head warrior of the district against an Indian.

In cases where fraud is suggested, such as the defendant confessing judgment to cover his property on a suit brought by one accomplice, and the suggestion made by any person during their session, the court may examine the plaintiff and defendant apart from each other on oath, and reverse their judgment or pass such a decree as they may deem equitable. In like manner when the suggestion is made to the agent after judgment rendered, and the court adjourned, the agent orders the parties before him, examines them apart on oath, which he administers ex officio, and he affirms or reverses the judgment of the court as to him may seem just.

The Indians sometimes apply to the agent to refer their disputes where a white man is a party, to the tribunal which dispenses justice to white people, which is always granted, and the public interpreters ordered to attend the courts accordingly.

In all cases arising under treaties made with red or white people, the agent takes his seat in the council of the nation, communicates what he has heard, and demands the aid of the council to cause justice to be done. Here, after a full hearing he gives judgment. In all cases on the part of white people the complaint and proof is on oath, before persons authorised thereto, if practicable, or before the agent for Indian affairs ex officio. On the part of red people the complaint and proof is according to the usage of the Indians. The person complaining comes with the chief of his town into the national council, and through him states his complaint and such proof as the nature of the case will admit of, the chiefs examine into every point with caution before they give an opinion for or against it to the agent. Their opinion is conclusive as to the validity of the testimony, and the agent gives judgment accordingly.

In all cases purely Indian, the agent leaves to them their self government, and never interferes but as a friend, except in cases of retaliation, where in more instances than one he has interposed at a great personal hazard, and saved the innocent. By a firm and correct line of conduct in a case of this sort, he brought the Indian mind to reflect seriously on the subject, and it begins to be generally agreed that guilt alone shall be punished and innocence protected.

CIVILIZATION.

In the first stage to effect this object, begin with the hunter to lead him from the chase to the pastoral life, then jointly with the women to agriculture, to household manufactures, particularly raising cotton or flax, spinning and weaving, to a knowledge of weights, measures, money and figures. As soon as men can be made to share in the labors of the field with the women, and use them to settle out on farms, to fence them and plant fruit tress, and supply every farm with such as are suitable to the climate, as well as with seeds, roots & vegetables, put all the Indian women on the footing of daughters of the house and treat them accordingly—This removes all jealousy, and soon ensures respect and attention to the parental character; be firm, patient and persevering; combat all opposition by example as well as precept; inculcate morality, and abstain from all speculative doctrines. A woman of an active turn of mind, who is benevolent and of accommodating manners, is one of the most effectual and persuasive instruments that can be employed in this benevolent work. Such an one, with a few female servants to assist in spinning and weaving, a house and table to accommodate the Indian women and girls who visit for instruction, with wheels, cards, looms, cotton and implements of husbandry, with means to ensure a market for the products of the field; will ensure success whenever attempted in this way, and it is through the women that the men of America are to be civilized.

In the second stage of civilization, as soon as the wheel, the loom and the plough are established, and man is taught to cloath and feed himself by agriculture, and domestic manufactures begin with letters, permit the white and red to intermarry, and in this stage deliver them over to the justice of the country, to incorporate them with the citizens of the U. S.

CONGRESS.

HOUSE OF REPRESENTATIVES.

JANUARY 20, 1806.

Debate on Mr. Sloan's resolution to lay a tax of ten dollars on all slaves imported into the United States.

In committee of the whole—MR. DAWSON in the chair.

MR. SLOAN said he would not take up much of the time of the House in discussing a resolution, the object of which was so plain as rendered it scarcely possible to elucidate it. He would read that section of the constitution which gave Congress the power of legislating on this subject, which was so clear as to require nothing to be said in addition to it.

The 9th section of the 1st article is in these words—"The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." I conceive, said Mr. Sloan, that by this article slaves are made an article of importation, in common with other articles imported. Congress have the same power to lay a tax of ten dollars a head on them as they have to lay an unlimited tax on every other imported article. I presume every member of this committee has duly considered the subject, and has made up his mind on the expediency of the resolution. For my own part I can see no reason why this article of importation should remain without duty, while all others pay one. For these reasons I hope the committee will agree to the resolution.

The article of the constitution together with the resolution, having been read at the request of Mr. Dana, he called upon the mover of the resolution to assign his reasons for using the word *slaves* instead of the word *persons*, the term used in the constitution.

MR. CLARK hoped the committee would not agree to the resolution. He was no advocate for a system of slavery; but he supposed the adoption of this resolution could only be considered as expressing the opinion of Congress, of the impropriety of importing slaves. As to the revenue to be raised, it was too inconsiderable to be worthy of any attention. He was opposed to the resolution, because it appeared to him that it would be partial in its operation, inasmuch as there were only two states, S. Carolina and Georgia, which did not prohibit the importation of slaves, at which it must consequently be considered as levelled. The more he reflected on the subject, the more he doubted the propriety of that species of legislation which bore exclusively on a particular section of the U. States, nor did it become the government of the U. States to interfere with the internal police of the states, which were, in this respect, sovereign and independent. For these reasons he trusted the resolution would not prevail.

MR. EARLY rose barely to correct the gentleman from Virginia (Mr. Clark) in the remark he had made relative to the state of Georgia. There existed no law in that state permitting the importation of slaves; on the contrary, there was an article in their constitution prohibiting it.

MR. MARION said this was to be considered as a question of revenue. With regard to the policy of importing slaves, that was left until the year 1808 exclusively to the states. If this resolution was intended to express the disapprobation of the general government of the legitimate act of a particular state, he should deem it improper. As well might Congress undertake to express its disapprobation of the election of a governor chosen in a particular state; his objection arose from the partiality and injustice of the resolution. If in operation it was as extensive as it appeared to be in words, or if he thought it would prevent a single slave from being imported into the U. S. it should receive his hearty support; but the very limitation of the tax by the constitution to 10 dollars, was intended to prevent congress from laying a duty which should prevent the importation; it could not therefore prevent the importation of a single slave. It followed that revenue could be the only object. Whether for this alone we should lay a tax that would fall exclusively on one state was worthy of consideration. That state already bore her full proportion of the public burthens, and even more than her proportion. In point of numbers she contained about one-sixteenth part of the union, and, therefore, on the basis of numbers, ought not to be called on to pay a quota of more than 6 per cent. on the whole amount of taxes. Her quota, on the principle on which direct taxes were imposed, ought not to be more than 4 per cent. and 4 hundredths. On examination it will be found that the duties paid in South Carolina on imported articles amount to between one-thirteenth, and one fourteenth part of the whole duties paid into the treasury, which is between 7 and 8 per cent. of the whole. When it is considered that no goods are imported into S. C. for the consumption of the other states (for it was known, Mr. M. said, from the operation of causes which he would not undertake to explain, that goods were considerably higher in Charleston than in the other states, and that consequently, a cheaper supply of goods could be obtained from other states than from S. C.) and when to this circumstance it was added that S. C. paid her portion of duties on East India goods, which she derived from the importation of other states, it would be found that she paid a still higher proportion of the duties. Under these considerations are Congress prepared to lay a duty on her alone, for such it certainly was? Coming from the state he did, Mr. M. said it might be supposed he was personally interested in this question; but the fact was, he was as free to act on it as any other member of the House. He had uniformly opposed the importation of slaves, and were he to collect the sentiments of his constituents from the vote of their immediate representatives on a recent occasion, it would be found that a majority of them were likewise opposed to it. As to himself, he was, in truth, individually interested in preventing the importation of slaves. He never had purchased, nor should he ever purchase a slave. The greater, therefore, the restriction imposed on the importation, the more would it raise the value of those he possessed.

MR. SOUTHARD declared himself in favor of the resolution. His only regret was that it was not in the power of Congress to lay a more effectual tax. He thought Congress had a right to declare their opinion of a practise so injurious to the country. The idea was held up in the constitution that slaves were a proper object of taxation. He believed the tax would prevent few persons from being imported. About 2 years ago a similar resolution had been agitated in this House. It was then said the legislature of S. C. were in session, and that there was a great probability of their repealing the obnoxious law. On this ground the consideration of the resolution was postponed. Last session a similar reso-