The House agreed to consider the motion, 50 to 25; and it was then carried without opposition.

CONTESTED ELECTION.

The House resumed the consideration of the report of the committee of the whole on the contested electio[n] of Wm. Baillies.

When the House last night (or rather, this morning) adjourned for want of a quorum, the following resolution was under consideration:

Resolved, That Wm Baillies is not entitled to a seat in this House.

Messrs. Pickman and Livermore opposed the resolution, and Mr. Macon supported it; when it was CARRIED, by Yeas and Nays, 60 to 40.

The third and last resolution reported by the committee of Elections is as follows:

"*Resolved*, That Charles Turner, jun. is entitled to his seat."

Messrs. Randolph and Blaisdell opposed the resolution.

And on the question it was CARRIED 62 to 41.

And *Charles Turner, jun.* a Representative from Massachusetts, appeared and took his seat.

EMIGRANTS FROM CUBA.

On motion of Mr. *Marion*, the House resolved itself into a committee of the whole, Mr. DESHA in the chair, on the bill for the remission of certain fines and penalties.

[This bill provides for the remission of penalties incurred by the captains and owners of vessels which have been compelled to take on board emigrants from Cuba with their slaves, the landing of the latter in the U. S. having, under present laws, forfeited the vessels and cargoes and fined the persons concerned.]

Mr. Marion observed that he had a day or two ago presented petitions from persons bringing in slaves, amongst which were some documents, one of which was the opinion of the district court of South Carolina, by which it appeared that, if the bill passed in its present shape, no relief would be afforded by it; for it had not appeared on the trial that the *slaves* were forcibly expelled from the island, though the *owners* were. He therefore moved an amendment to include slaves owned by persons who were expelled the island.—Motion agreed to without opposition.

Mr. Marion then moved to add a proviso: "*and provided also*, that such slaves shall have been brought in at the same time as their owners respectively."—Agreed to.

Mr. Ross observed that a former act on the subject of the importation of slaves said that it should not be lawful to bring into the U. S. any negro, mulatto, or person of color, with intention to sell the same or hold them as slaves. The present case appeared to him to be one in direct violation of that law. Under the act of 1807, it had become the duty of the court to examine whether it was the intention of the parties to infringe or violate the laws. After a fair examination by a court under a desire to relieve those interested, and a failure of every attempt to shew that they were compelled to take on board these slaves, was the House about to sit in judgement and reverse the decision? Mr. R. said that provision was also made in the bill as to slaves that *may hereafter arrive* in the U. S. giving a power to the President of the United States at his discretion to set aside the law. What reason could there be for enacting this law, if the principles of the law of 1807 were correct? If it was intended by a side blow to repeal that law, he had rather see it done at once; and not whilst in appearance we had such a law, to give the President a dispensing power over it. It was said that the persons concerned in bringing them in were distressed. How distressed? Only because they could not prove they were compelled to bring them into the country. Mr. R. said he did not wish to irritate the feelings of gentlemen from any portion of the union, but he was sorry to see a bill introduced to unsettle what he conceived to be a valuable provision enacted some sessions ago.

Mr. Newton said he felt as much repugnance as the gentleman from Pennsylvania to touch that law; but if the gentleman would consider that this was a case of a peculiar nature, attended with singular circumstances, he would withdraw his objection; and he verily believed that had the Legislature foreseen what had taken place, they would certainly have inserted a provision to meet the case which had occurred. Let it be recollected (said he) that the unfortunate Frenchmen driven on our coast were some time ago driven from St. Domingo, & were obliged to take shelter at Cuba. Since the commencement of the war in Spain, Cuba has almost witnessed the same scenes as St. Domingo. These people were forced to leave the island in distress and to take what portion of property they could collect. They could not go to France, because no vessels of that country were permitted to touch at the Island of Cuba, neither could they go to the French islands in the West Indies. There was no country open to them but America. The American captains then were forced to take the French on board, and with them a few body servants; and under the former law these vessels are seized and liable to forfeiture, our merchants, to suffer the loss of vessel and cargo, and the poor emigrants to lose all their little property. Let it be recollected that the law of 1807 does not interfere with the state rights on the subject. This bill only goes so far as to remit all fines and penalties incurred by the captains of vessels, and release the property which would otherwise be condemned, and relieve the perfectly innocent merchants, who would otherwise suffer. Let us say to those unfortunates as Dido to Aeneas when he was exiled from Troy—"I have suffered misfortune myself, and therefore know how to extend the hand of relief to others."

Mr. Marion said that if the gentleman from Pennsylvania (Mr. Ross) thought that he had a wish or intention to increase the number of slaves, he was much mistaken. The laws of South Carolina prohibited the bringing these slaves or any other into the state; yet they had been brought there, and the persons bringing them there must give security that they would have them carried out of the state. Now by the non-intercourse law the state was prevented from sending them away; they would of course remain here till the law permitted them to be sent off, for they could go no where but to France and her dependencies, France being at war with all the rest of the world. Mr. M. said that there were several captains now in jail under sentence of court for having brought those people into the country; he submitted to the House whether, under the circumstances of the case, the captains had not good reason to suppose that they would not be subject to the penalty of the law. The law prohibiting the importation of slaves was of a highly penal nature, and different from all other laws of that nature, having no clause in it giving a power of remission of penalties; and this bill was guarded in such a manner that no evil could arise.

Mr. Macon said it was certainly true that the Southern country wanted no more slaves. The sole object of the bill was to get them away. However desirous the people might be to hold that property, there could be no fear of their wanting them from the West Indies.

Mr. Montgomery said it was peculiarly necessary to pass this bill to get rid of the immense number of slaves brought into New Orleans; for every one must know that they were not wanted there. They were too numerous to continue there, and this bill was intended to make provision for their exportation.

Mr. *Newton* produced a letter from the Collector of New Orleans on this subject.

Mr. *Taylor* said it never could have been the intention or spirit of the law of 1807, to increase our population in free blacks. It was not to set free the people of this description that the law had been passed, but to prevent them from being brought here at all. For even in Pennsylvania he had no doubt the gentleman would be content to have no further population of this sort. Mr. T. said he knew that in the Southern states there was an extreme aversion to receiving an additional free black population. The intent of this bill, so far from being in hostility to the law quoted by the gentleman from Pennsylvania, was in furtherance of it. It was to remove them out of the country.

Mr. *Ross* said that it was strange that the House should have a bill before it contemplating the removal of a certain description of persons out of the country, when nothing of the kind appeared on the face of it. If that was its intention, there should be a condition that the persons bringing in these slaves should carry them out again.

Mr. *Newton* observed that unless this law passed, the inevitable consequence must be that the negroes must remain here. He did not want them; they brought principles which it was known would not promote our interest or happiness.

The committee then rose and reported the bill.

Mr. *Newton* moved a new section for the relief of Foster and Girard of New York, whose ship had been forfeited under the law prohibiting the importation of slaves.—Agreed to.

And the bill was ordered to a third reading; and subsequently passed without opposition.

The House concurred in a verbal amendment of the Senate to the bill to amend the "act for the support of public credit and the redemption of the public debt."

Mr. *J. G. Jackson* observing that no one was more anxious to adjourn at the time fixed than himself, but that he was certain that the House could not discuss and decide all the business before them, for the purpose of ascertaining the sense of the House on the subject, moved that the Speakers of the two Houses be authorised to adjourn them on Friday next instead of this day.

This motion was out of order, other motions for the orders of the day having preference, and was therefore not received.

The House resolved itself into a committee of the whole, Mr. MACON in the Chair, on the bill to suspend for a limited time the recruiting service.

Mr. *J. G. Jackson* moved to strike out the clause, authorising the President of the United States to renew it if the public service in his opinion shall require it.—Carried 48 to 29.

The committee rose and reported the bill as amended; which was ordered to a third reading, and was subsequently read and passed.

On motion of Mr. *Cutts*, the bill from the Senate authorising the accounting officers of the Treasury to give credit to the collectors of the customs for certain allowances made by them to the owners of fishing vessels, passed through a committee of the whole, Mr. BASSET in the Chair, and was ordered to a third reading; and was then read a third time and passed without opposition.

OHIO ROAD.

The House resolved itself into a committee of the whole, Mr. MACON in the Chair, on the bill (from the Senate) in addition to the act entitled "An act for laying out and making a turnpike road from Cumberland, Md. to the state of Ohio."

The bill proposed to appropriate 60,000 dollars towards that object.

Mr. *J. G. Jackson* observed that it would be impossible to complete the *turnpike road* originally and now contemplated by the act to which this is a supplement, under an expence of a million of dollars, which would never accrue probably from the funds set aside for this object. He therefore moved the following section as an amendment: "And be it further enacted, that the President be authorised to apply the monies to the improvement of the road as may be most expedient, without contemplating a turnpike road."

This motion was opposed by Messrs. Lyon, Smilie and Eppes, and supported by Messrs. J. G. Jackson and Ross.

In favor of the motion it was contended that the money applicable to this object would never be competent to the making a turnpike road, which must cost from 6 to 10,000 dollars per mile; that turnpikes made for less were no better than common country roads, and would not bear a heavy team; that the sum proposed by the bill would not suffice for turnpiking more than 8 or 10 miles, whilst it would open a passable road of the common description the whole distance; that the turnpike roads which were made at a less expence than 5,000 dollars a mile were good for nothing, and broken up by each successive winter; that the House would pledge themselves by the passage of the present bill to complete the turnpike, whatever might be the expence; that it was to be hoped they would not act like the celebrated projector who undertook to build a bridge across a river, and, his funds failing him, built it only half way across, and when asked how the passengers were to get over the remainder of the distance replied that they might *swim* it.

To this it was replied by the opponents of the amendment that Congress were already pledged by their law to the state of Ohio, to make a turnpike road; that it would be improper in this incidental way to repeal a solemn law; that 60,000 dollars would complete a turnpike across the mountains, and the people of Ohio were ready and willing to complete the remainder by companies or otherwise; that turnpikes had been made in Pennsylvania or New York for 1000 dollars a mile, and could certainly be made as cheap in this direction, where materials were cheaper, and in plenty; that Congress were bound to make a turnpike road, and such a one as should be passable in winter as well as summer, which would not be the case if the amendment was adopted.

The amendment was negatived in committee without a division.

The committee rose and Mr. *Jackson* renewed his motion.

Before a decision could be had, the bill was ordered to lie on the table to receive a motion for adjournment till 6 o'clock.

EXPENDITURE OF MONIES, &c.

Mr. Randolph laid on the table a number of reports from different committees of which he was chairman, as, for taking the 3d census, for securing an impartial trial by jury, for enquiring into the institution of suits for libels at common law (which enquiry the committee did not complete from want of time) and a supplementary report from the committee appointed to enquire into the application of public monies. He wished the reading of all these reports to be dispensed with, except the last, which he wished read, as going to exculpate some persons who might be implicated in the former report.

None of these reports, however, could be read, because the time had long ago arrived for taking up the orders of the day which had preference. Several motions were made for printing the report on public expenditure, by Messrs. Montgomery, Randolph, and Macon, before it was in order.—The motion was at length made in the evening and carried.

And the House adjourned to six o'clock.

Evening Sitting.

The bill from the Senate making an appropriation for completing & finishing the *permanent* Senate Chamber, passed through a committee of the whole, Mr. CUTTS in the chair, without opposition, and was read a third time and passed.

Mr. J. G. Jackson called for the consideration of the bill respecting the Ohio road.—Motion negatived, Ayes 32.

The bill authorising the discharge of Joseph Wilkinson, jun. from imprisonment, was read the 3d time and passed.

NEW-ORLEANS BATTURE.

Mr Sawyer moved that the House go into committee of the whole on the resolutions on this subject submitted by *Mr. Sheffey* on Monday last.

Mr. J. Montgomery moved to postpone the subject indefinitely.—Lost, Ayes 25.

The House then went in committee, Mr. DESHA in the chair, on this subject, 51 to 27.

Mr. Varnum moved that the committee rise as it would be impossible to act on the subject with that deliberation which it required at this period of the session, when it was almost impossible to keep a quorum.

Messrs. Lewis, Ross and Gholson opposed this motion & Messrs. Smilie and Taylor supported it.

The committee rose (Mr. Taylor having suspended his speech for the purpose) to receive a report of the committee of enrolled bills.

A message was received from the Senate, informing the House that they were ready to adjourn, and had appointed Messrs. Pope and Brent a committee on their part to wait on the President and inform him that they are ready to adjourn. The House concurred in appointing a committee, and Messrs. Root and Crawford were named for that purpose.

On motion of Mr. *Randolph*, the committee of the whole were discharged from the further consideration of the subject of the batture with a view to take it up in the House.

Mr. Randolph then called for the consideration of Mr. Sheffey's resolutions.

On the first count, there were, for it 29, against it 33.—No quorum.

On the second count, for it 34, against it 35.—No quorum.

On a third count 37 to 37—a tie, and another count called.

On a fourth count, for it 37, against it 33.—No quorum.

A call of the names, was then ordered (8 o'clock) and the names being called, it appeared that the following gentlemen were present:

Messrs. Anderson, Bacon, Blaisdell, Boyd, J. Brown, R. Brown, Burwell, Butler, Calhoun, J. C. Chamberlain, Crist, Cutts, Dana, Dawson, Desha, Ely, Emott, Eppes, Findley, Fisk, Gannett, Gardner, Gholson, Gold, Hale, Haven, Heister, Helms, Holland, Howard, Hubbard, Hufty, J. G. Jackson, R. Jackson, Johnson, Kennedy, Knickerbacker, Lewis, Livermore, Livingston, Lyon, Lyle, Marion, M'Bryde, M'Kee, M'Kim, Milnor, Montgomery, N. R. Moore, Morrow, Newton, Nicholson, Pearson, Randolph, Rea, (Pen.) Rhea, (Ten.) Richards, Roane, Root, Ross, Sage, Sawyer, Smilie, G. Smith, Sturges, Swoope, Taggart, Taylor, Thompson, Tracy, Turner, Van Dyke, Van Horn, Van Rensselaer, Weakley, Whitman and Wilson—75.

A full quorum.

And another count being made on the above question, the votes were 34 to 34.—No quorum.

Mr. *Root* reported that the committee had waited on the President according to order, who was pleased to say that he had no further communications to make.

About 9 o'clock.

All the bills having been enrolled and signed, a motion was made to adjourn and carried; and

The *Speaker* after wishing the members of the House a pleasant journey home, and a happy meeting with their friends, adjourned the House to *the 4th Monday in November next.*

[BY AUTHORITY.]

AN ACT

To amend and continue in force certain parts of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies and for other purposes."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, seventeenth and eighteenth sections of of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," shall continue in force until the end of the next session of Congress: *Provided*, That nothing therein contained shall be construed to prohibit any trade or commercial intercourse which has been or may be permitted in conformity with the provisions of the eleventh section of the said act.

SEC. 2. *And be it further enacted*, That all acts repealed, or mentioned or intended to be repealed by the said act to interdict commercial intercourse between the United States and Great Britain and France, and their dependencies, shall be and remain repealed notwithstanding any part of the same act which has been or may hereafter be revoked or annulled, or which may expire by its own limitation: *Provided*, That all the penalties and forfeitures which may have been incurred, or shall hereafter be incurred on account of any infraction of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, or of the act to enforce and make more effectual an act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or of any of the provisions of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, shall, after the expiration of any of the said acts or of any provision thereof, be recovered and distributed in like manner as if the said acts and every provision thereof had continued in full force and virtue.

SEC. 3. *And be it further enacted*, That during the continuance of this act, no ship or vessel, except such as may be chartered or employed for the public service by the President of the United States, shall be permitted to depart for any foreign port or place with which commercial intercourse has not been or may not be permitted by virtue of this act, or of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes. And no ship or vessel bound to a foreign port or place with which commercial intercourse has been or may be thus permitted, except such as may be chartered or employed as aforesaid, shall be allowed to depart, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any port or place with which commercial intercourse is not thus permitted, nor be directly or indirectly engaged, during the voyage, in any trade with such port or place. And if any ship or vessel shall, contrary to the provisions of this section, depart from any port of the United States, without clearance, or without having given bond in the manner above mentioned, such ship or vessel, together with her cargo, shall be wholly forfeited, and the owner or owners, agent, freighter or factors, master or commander of such ship or vessel, shall moreover severally forfeit and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same: *Provided always*, That the provisions of the eleventh section of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, shall extend to the prohibitions imposed by this section; which prohibitions shall cease to operate in the manner and under the limitations prescribed by the eleventh section aforesaid, in relation to any nation with which commercial intercourse may hereafter be permitted, in conformity with the provisions of the eleventh section aforesaid.

SEC. 4. *And be it further enacted*, That all penalties and forfeitures arising under, or incurred by virtue of this act, shall, during the continuance and after the expiration thereof be recovered and distributed, and may be remitted or mitigated in the manner prescribed by the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purpes, and the acts therein referred to.

SEC. 5 *And be it further enacted*, That all the vessels which may have arrived at any port or place within the United States from Great Britain, her colonies or dependencies, between the twentieth day of May and the eleventh of June, one thousand eight hundred and nine, shall be exempted from all the forfeitures and penalties incurred in consequence of any violation of any of the provisions of the said act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies.

J. B. VARNUM,
Speaker of the House of Representatives.
ANDREW GREGG,
President of the Senate pro tem.
June 28. 1809.
APPROVED.
JAMES MADISON.

ORANGES & LEMONS.

A few hundred Prime Oranges and a few Boxes of Fresh Lemons just received and for sale at the Drugg and Medicine store of
JOHN OTT.
N. B. Fresh Figs, Filberts, Raisins, Soft shelled Almonds, &c.
Georgetown, June 30.