WASHINGTON CITY.

MONDAY, JANUARY 5.

We understand that Colonel Information has been received of the arrangements between gen. Wilkinson and the commanders of the Spanish forces, in approaching the American troops marched from Nacheitoches on the 29th of October, and he had on the 12th taken their position on the left bank of the Sabine. He, they arrived there they found the Spanish forces on the right bank drawn off opposite, was on the 8th of November fell back to Nacogdoches.

No formal convention has been concluded, but the terms had been received by gen. Wilkinson, which contained assurances on the part of the Spanish commanders that their troops should retain their present position, which is at Nacogdoches, until the result of the negotiation between the two nations.

In consequence of these assurances gen. Wilkinson had on the 8th of November ordered a strong part of his forces towards New Orleans, where it was his intention to concentrate the bulk of his troops, as will that when difficulties in Europe explain, and prejudices and politics. With this view he crossed the Mississippi, and proceeded to New Orleans. About 600 men remained at Natchitoches. The dates are not later than the 15th of November, when general Wilkinson was at Natchitoches.

The latest accounts from Kentucky represent that resolutions have passed, mainly passed the House of Representatives of that state expressing their confidence in the administration of the general government, and their attachment to the union.

Extract of a letter to a member of Congress, dated Frankfort (K.) 21st December, 1803.

"In present the illiberal opinions arising from the proceedings from the contested impressment situation which I expect will be made on certain public papers, respecting the conduct of col. George Nicholas in a certain application made to him, Mr. Jones and Mr. Marbury through the hands of judge Sebastian, I only add that a long affidavit published will tremble to any the whole proceedings and sentiments of legislature.

Mr. Sebastian put into the hands of those three gentlemen a letter from the Baron de Carondelet, governor general of Havanna, Louisiana, &c. &c. dated 16th July 1795, proposing certain terms to the people of the Western country relative to a compact between them, and his Catholic Majesty's subjects, highly advantageous to the former, and requesting *a disposition of their country* now sufficiently authorised might be sent to New Madrid to treat with colonel Gayoso on the subject.

1st. Proposition—"That the people of the Western country should have the free navigation of the river Mississippi for their produce, and merchandise, free of duty of 6 per cent. should in future pay only 6 per cent. whether imported or sale at New Orleans, or exported to a foreign market.

2d.—"That any of the Western people who should reside in his majesty's colonies, should be secure in their property, might hold real estate, and on their decease, such property as may have acquired, might be sold, and the proceeds transported free from any duty to any part of the world.

3d. "That whenever the Western people could get a sufficiency to market at Louisiana, then they may exportable produce free from any duty, save to Havanna and other colonies of his majesty.

4th. "That no produce or manufacture of any other nation shall be sent down the Mississippi by the people of the Western country.

5th. "That in consideration of these advantages, the Western people (his Majesty expects) will give a preference in their purchases for their necessities to Spanish articles of commerce, whether foreign or domestic, and prevent their to carry the balance away in dollars."

The treaty between the U. S. and Spain dated 27th October 1795, was ratified the 25th of November, and the 16th July 1795, was delivered by Mr. Sebastian, to col. Nicholas and Jones, (Mr. Marbury was then dead) in which he states that he is authorised by the Baron de Carondelet to make to them certain propositions, the purport of which are included in the proposition from the union. For their exertions he proposes a present of one hundred thousand dollars, and all persons holding employments under the U. States, which he recommends that the forts of the U. States shall be taken possession of by the Spanish government, that Spain shall furnish 20 field pieces, with powder, ball and small arms, and ammunition, sufficient to equip the troops that shall be judged equisite to be raised—that the boundaries betwe en Spain and the Western people, guarantee to them whatever from of government they may assign, and to obtain all influence in the new government. Mr. Power after stating the propositions, says, that there are only the portions of a provisional treaty which his excellency the Baron de Carondelet is desirous of entering into with the inhabitants of the Western country, and presses the immense advantage his Majesty would give to this new government over any other in the power of his dominions.

To these illiberal proposals, the following correct answer was written immediately by col. Nicholas, signed by him and Mr. Jones, and given to Mr. Sebastian.

Mr. Thomas Power,

Sir,

We have seen the communications made by you to Mr. Sebastian.

In answer thereto we declare sincerely, that we will not be concerned either directly or indirectly in any attempt that may be made to separate the western country from the U. States.

That whatever part we may be induced to take in the politics of our country, that her welfare will be our independency, and we will never receive any pecuniary, or other reward, for any personal exertions made by us in our political character.

The free navigation of the Mississippi will be to us the first object, we will the inhabitants of the western country—they cannot be contented without it, it is their right, they enjoyed it longer than necessity shall compel them to its being withheld from them. Our fitness to other than every other respecting this important business will be to keep the government of the two nations—but if the worst comes of the case, it appears to us that it will be the policy of the western people to every possible means the freed independency which the inhabitants of the western country have—this we will use the most efficient means to conciliate their friendship, and to obtain without bounds and a sufficiency of arms, and supplies which are indispensable necessary for the Spanish government and its people.

True copy from the original, in the hand writing of colonel George Nicholas—which was dejected in my hands by him, we wrote it, and continued sincere friends.

Signed,

HARRY INNES.

The only concern that can attach to the character of col. Nicholas and Mr. Jones, is their signing, in a form of presentation to the government—this, I believe, was required by the disposition of may. James Morrison, the executor and absconding friend of col. Nicholas; but of which I have not seen a proposed copy.

Yours, &c. &c.

Extract of a letter to a member of Congress, dated

"Frankfort, Nov. 26.

"Yesterday the Kentucky resolutions passed this place to meet a number more of the same tenor, which I order they say proposed to the Mississippi Western country, and resolved to be against the Spaniards, but refuse to support the union, so then the impropriety of attacking a nation in alliance with the U. S.; they replied that it was not without the knowledge of government, but we have no intelligence at this place with whom we receive, independent. Haywarden and Lord from Mendoza are passing these days to and, and the said John Rend from Western creek is gone to Beaver for the usual purpose, and to be joined by other others from different parts of this country.

Franklin is situated at the mouth of French Creek, and about 28 miles S. W. of Meadville, in the county town of Venango county.

CONGRESS.

House of Representatives.

FRIDAY JAN. 2.

Mr. Elliot moved the following Resolution.

Resolved, That a committee be appointed to inquire into the propriety and alterations are necessary in the several laws, relative to the organization, jurisdiction, and duties, of the judicial courts of the United States; and that the said committee report by bill or otherwise.

Mr. Elliot said that he had the honor, from the House, to move a bill for certain modifications of the general assembly of Vermont, concurring in an application made by the legislature of the United States, by the state of Kentucky, contemplating a material alteration of a most important nature, the power of the federal judiciary. This amendment has been adopted by several States, but has also been rejected by such a number, as completely to convince the fact, that it cannot at present become a part of the constitution of the United States. Since each provision has a direct consequence of the exercise of the power of the judiciary, it is highly vital to the interest of the union, and it becomes important to enquire whether such evil cannot be removed by the ordinary mode of legislation, exercised within the sphere of the constitutional powers of Congress. From the attention which he had been able to pay to the subject, Mr. E. said, he was convinced that such of the grievances complained of might in this way be relieved; and it was to bring the subject before the House that he was induced to make the present motion, and to hope for its adoption.

The resolution was adopted without a division, and referred to Messrs Elliot, G. W. Campbell, Mantland, Smith, Boyle, Dwight, M. Clay, Bidwell and Lloyd.

A letter was received from the Secretary of the Treasury, transmitting the proceedings of the Land Commissioners in the Indiana and Michigan territories, which was referred to the committee of Ways and Means.

Mr. Jackson presented the petition of Jacob Sherrard, which was referred to the Committee of Claims.

Mr. Bayard of Mr. *Clifton*, the petition of sundry British merchants, subjects of his Britannic majesty, was referred to Messrs. Clayton, Mr. Wilkins, Helms, Bishop and Fowler.

Mr. Hanson presented a memorial from David Gelston, which was referred to the Committee of Commerce and Manufactures.

Mr. Goodrich presented a petition from sundry citizens of Washington, praying that a law may be passed for the relief of Ebenezer Lane, which was referred to the Committee of Claims.

Mr. Boyle presented the petition of Elijah Dunlap, which was referred to the Committee of Claims.

Mr. Bayard of Mr. *Hardy* the petition of Benjamin Smith, which was referred to the committee of Commerce and Manufactures.

Mr. Dana presented a petition from sundry citizens of Washington, praying that a law may be passed for the relief of Ebenezer Lane, which to be lessed out, which was referred to the Committee of Claims.

Mr. Boyle presented the petition of Elijah Dunlap, which was referred to the Committee of Claims.

Mr. Bayard of Mr. *Hardy* the petition of Benjamin Smith, which was referred to the committee of Commerce and Manufactures.

Mr. Dana observed that presentations, he understood, were depending in the Senate, of the 12th of last month under any existing statute or treaties of the U. S. to the government of Spain at common law. In four cases where the U. S. had been called upon to the courts, the parties arrested and held to bail, for the crime of prosecutions were against printers for publications which had appeared in their papers; in one case the publication was in words uttered by them. The charges were, in the first instance, seditious libel, in the second, publication opposing political conduct, morality, and religion. In two instances the publications whether this extreme range should be considered as a public nuisance holding his place at the time of the course of the U. S.

Mr. Dana said, he a libeller may be subjected to fine and imprisonment accordingly, the publication of which he publicly might be added the mitigation of the punishment of the publication of Coke, in the Star Chamber. Been, he said, he was prepared for good behavior for his whole life, and the amount of fine there was limitation.

He said, he was not aware of instances involved as interesting question as to the publication of libels, upon the charges, once established, he considered it a matter of importance, to prove the intentions of the accused was proved to have been? With this question was considered the decision of a celebrated declaratory statute enacted by the U. S. Congress, supported by a distinguished man, as implicating the ex post facto in the decision of the common law in the U. S. There was a case of a publication of a libel, where the person charged with having uttered slanderous words had have liberty to prove the truth of what he had said. This liberty was denied by the counsel of Sear Doctor, Doctor Hosack. Such had been the fact in the case of Zenger in America, which was a case, he was generally occupying one of these states in his second term of the U. S. on the trial of Crowell.

Mr. D. concluded by observing that he had simply thrown out the hint, anticipating for asking that the subject might be referred to a committee, with the following resolution:

Resolved, That a committee be appointed to enquire whether prosecutions of a nature should be confined to the courts of the U. S. for libels, publications or defamatory words touching the conduct of the officers of the court under the U. S., and whether it is in instead of referring to the courts, or part by bill or otherwise.

Mr. Dana said he would refer this resolution to a Committee of the Whole.

Mr. J. Clay said that the adjoining motion to referring this resolution to a Committee of the Whole was that it was best to refer it to the first instance to a select committee to settle the principle. But this would be to invert the usual course pursued in the House, which was first to settle principles in a Committee of the Whole. He had indeed, that in the second circuit of the U. S. prosecutions and indictments had been made at common law. In times gone by which he hoped never would return, a sedition law had been passed. That law gave every man accused the privilege of giving the truth in evidence. He understood that, under the common law, after an indictment was preferred, the truth was not permitted to be given in evidence, and that this was a doctrine they would therefore be worse than under the sedition law. He hoped the resolution would be referred to a Committee of the Whole to make the proper enquiry.

Mr. Bidwell agreed that a Committee of the Whole was the proper place for settling principles. If the resolutions were so formed as to answer this purpose, it should have his approbation. But the only resolution which he saw, was merely for the appointment of a select committee to investigate the subject, which he thought it would be more properly made in a Committee of the Whole.

Mr. Quilliers said that the objection to the resolution was, that it was a mere enquiry. Sir, Q. thought it was most proper for the House to resolve itself into the Whole, to determine whether it would be expedient to appoint a select committee on the subject. It should be decided that no such enquiry is expedient, before it goes on at the time necessary. It is a country division upon the subject, and it would be improper to proceed to make the enquiry. The gentleman said that the proposition of the resolution did not contain a principle of vast importance, well worthy of investigation. In his opinion it was best that the whole the principle in Committee of the Whole, and then intimate a select committee on the nature of the enquiry, and the subject which it should be made.

Mr. Rhyne said he should vote for a Committee of the whole, and in Committee of the whole, although he believed it was not designed in such a case as it would be, in the discussion of the principles involved in the resolution, yet, it would enable the House to the necessity of discussing the question, which had been so often discussed, whether the passage of a law giving a person to give the truth in evidence, would abridge his rights. He could have wished the gentleman from Connecticut to have offered a specific proposition, such as that the connecticut of Representatives of part of the law of the U. S. and that in the consideration of the U. S. in this inquiry the truth in evidence.

Mr. Rhyne said he was sure the gentleman would go further, and offer a resolution to inquire into the official conduct of the officers of the U. S. in institute such prosecutions as had been made in Connecticut. He was not opposed to bring a step further, to impeaching the voting for his remarks.

Mr. Rhyne said that although he was not prepared to give a form to a resolution, he could not but remark that it was extraordinary for the gentleman from Connecticut to make such a motion. Suppose the gentleman were to offer a resolution, that it would be proper to require whether a citizen of the U. S. should be sent to the dungeon of the Inkisa corpus act? Would not the gentleman be deemed most extraordinary? But to state such a case, he was afraid to meet the question, once proposed, which he thought it was already to refer the present resolution, to a committee of the whole, which consisted of any judge who had principle, and which was recommended by the gentleman from Connecticut.

Mr. Rhyne said he would explain the House the reason which he had to call him to submit the resolution in a form of a motion. The resolution, as had offered, he had avoided all allusion to the particular case which had been agitated in this country. He did not wish to be considered as agitating its nature, in such a form, as might give rise to any part of the House; but in such form that the House might, after a deliberate investigation of the subject, express their opinion upon it. He said he supposed it would be clearly in order, if the committee should report the resolution, or amendment, declaratory of principles, which should be adopted, or rejected, in the case that a select committee, in case that report should be deemed most eligible.

Mr. G. W. Campbell said that he wish to be understood that he had any objection to the resolution proposed by the House. On the contrary, if doubts existed of the right of the citizens of the state, who was accused, to give the truth in evidence, he hoped the question would be settled. He was not intentioned a different opinion on this subject from that which he had expressed, in a member of the states, and he hoped the resolution would be adopted giving the truth in evidence. He said he was aware that there was a very strong prejudice against the subject, which was the cause of the delay in the courts. This question had never infringed the rights of the citizens, which he was sure was unnecessary; and which he was sure would be not appear to be only in the case of the sedition law, in the sedition law. The gentleman from Connecticut, to which it was proposed to refer the resolution, was proposed to decide the principle, but to inquiring whether it was proper to adopt the resolution. He was clearly of opinion that the resolution should not be referred to a committee of the whole, which seemed to be the proper course, and he hoped it would be adopted.

Mr. Rhyne said that although he was not prepared to give a form to the resolution, he could not but remark that it was extraordinary for the gentleman from Connecticut to make such a motion. Suppose the gentleman were to offer a resolution, that it would be proper to require whether a citizen of the U. S. should be sent to the dungeon of the habeas corpus act? Would not the gentleman be deemed most extraordinary? But to state such a case, he was afraid to meet the question, once proposed, which he thought it was already to refer the present resolution, to a committee of the whole, which consisted of any judge who had principle, and which was recommended by the gentleman from Connecticut.

Mr. Rhyne said he would explain the reason which he had to call him to submit the resolution in a form of a motion. The resolution, as had offered, he had avoided all allusion to the particular case which had been agitated in this country. He did not wish to be considered as agitating its nature, in such a form, as might give rise to any part of the House; but in such form that the House might, after a deliberate investigation of the subject, express their opinion upon it. He said he supposed it would be clearly in order, if the committee should report the resolution, or amendment, declaratory of principles, which should be adopted, or rejected, in the case that a select committee, in case that report should be deemed most eligible.

Mr. G. W. Campbell said that he wish to be understood that he had any objection to the resolution proposed by the House. On the contrary, if doubts existed of the right of the citizens of the state, who was accused, to give the truth in evidence, he hoped the question would be settled. He was not intentioned a different opinion on this subject from that which he had expressed, in a member of the states, and he hoped the resolution would be adopted giving the truth in evidence. He said he was aware that there was a very strong prejudice against the subject, which was the cause of the delay in the courts. This question had never infringed the rights of the citizens, which he was sure would