…tend to, and be distributed among the legal representatives of the deceased, agreeable to the laws of the said province; and in the last case the removing resident shall have the liberty of disposing of the absolute estate, in the whole or in part of the property which he has either carried to, or acquired in the said province, and to transport the proceeds thereof free from duty to any part of the world.

"3. His catholic majesty to evince to the said western people his disposition to encourage the commerce of their country, hereby permits them when they cannot get a satisfactory market for their produce in the province of Louisiana or its dependencies, to export the same to the Havanna, or any other port or place, either in the U. S. or Europe; and the said produce being exported to the Havanna, or to any of the said ports in the Spanish dominions, having paid the duty in the province of Louisiana, and the proprietor thereof taking from the proper officer in the said province, authentic documents of the payment, shall not again be subject to the payment of any duty in any port of place in the said Spanish dominions, to which the said produce shall be exported, but the same may be disposed of in such port or place under the same rules and regulations which at present govern the disposal of the produce of Louisiana.

"4th, To prevent any misconstruction or improper use of the previleges hereby granted, it is explicitly declared that the importation of all articles of commerce, of what nature or description soever which are not actually the production of the said western country is absolutely prohibited, and if any person shall hereafter attempt under any pretext whatsoever, to introduce into the province of Louisiana or its dependencies down the Mississippi the products or manufactures of any other country (unless specially permitted by the government) the same are hereby declared to be contraband and liable to seizure.

"5th, As the commutation of the products of one country for those of another is the foundation of commerce, his majesty in order to establish that reciprocity of interests between his dominions and the said western country, without which no commercial intercourse can be permanent, will cause a preference to be always given in his markets to the products of the said western country and therefore expects that the people of the the said western country acting under the influence of the same principle, will in the purchase of such articles of commerce as they may need, whether foreign or domestic, prefer his markets to any other. And as a farther inducement thereto, his majesty contrary to a long established rule of his government, does henceforth permit the people of the said western country to carry out of his dominions whatever money may remain to them after compleating their purchases, free from any duty or impost whatsoever."

This deponent having detailed every thing which occurred within his knowledge respecting Mr. Sabastian's receiving a pension, & the object which had induced him to descend the Mississippi in the latter end of 1795 or beginning of 1796, addressed this committee and stated that he was going to make a communication which was not pertinent to the subject of the testimony he had already given, but had relation to the same matter—that he was induced to do it in consequence of the slanders which had been falsely and lavishly heaped upon him by the publications in the Western World—that he had been charged as a disorganizer of the government—that he had been charged in an indirect manner as having improperly received Spanish money, on account of his intimacy with and friendly agency towards general Wilkinson after he joined the army.—To make this communication was a duty he owed to his own character, and to the memory of the late col. Nicholas, whose character has also been attacked by the publications in the Western World—that he made a solemn appeal to the chairman of the committee, to his country and to his God, that the accusations were false—that the communication he was about to make was of a delicate nature as it related to this deponent; because from the circumstances which attended it, much must depend upon his own veracity, as he could only prove the facts by circumstantial evidence, to wit—the declaration of Col. Nicholas in his life time on the same subject.

This deponent then proceeded to state that a certain Thomas Power, who this deponent never saw, came from Louisiana in the summer 1797 and made a communication to Mr. Sebastian in writing, which has a reference to the same characters that are named in the letter of Baron of Carondelet, herein before inserted—that Mr. Sebastian came to this deponent's house some short time after receiving the communication and shewed it to him, upon which this deponent observed that it was a dangerous project and ought not to be countenanced, as the western people had now obtained the navigation of the Mississippi by which all their wishes were gratified. Mr. Sebastian concurred in sentiment, but observed that Power wished a written answer, and requested me to see Col. Nicholas saying that whatever we did, he would concur in. I promised to visit the Colonel in two or three days. This deponent never had any communication with Mr. Murray upon the business nor does he know that Mr. Sebastian ever did inform Mr. Murray of it.

This deponent rode to Lexington, and had a conference with Col. Nicholas, respecting the communication from Power, who agreeing with this deponent, that the proposition ought to be rejected; he, colonel Nicholas, instantly wrote an answer, which was copied by this deponent, signed by both of us, and directed by me; that the copy of our answer was taken possession of by me, and has been ever since in my possession, except for a short time that I left it in the hands of Mr. Morrison, in August last, to have copied, as being the executor and friend of colonel Nicholas, he wished to have a copy. Mr. Morrison having previously informed me that colonel Nicholas, in his life time, had related all the circumstances to him, and that he had communicated it to James Ross, esq. of Pennsylvania, when in this country, in I believe 1798, who was then a senator in the congress of the U. S.

This deponent since making this communication, recollects that Mr. Sebastian informed him, when he gave up the original paper to be submitted to colonel Nicholas, Mr. Power requested it to be returned to him with our answer, which was done, but not until this deponent took a copy, which with the answer are as follows:

"His Excellency the Baron of Carondelet, commander in chief and governor of his Catholic majesty's provinces of West Florida and Louisiana, having communications of importance, embracing the interests of said provinces, and at the same time deeply affecting those of Kentucky and the western country in general, to make its inhabitants, through the medium of the influential characters in this country, and judging it in the present uncertain and critical attitude of politics, highly imprudent and dangerous to lay them on paper, has expressly commissioned and authorised me to submit the following proposals to the consideration of Messrs. S. N. I. and M. and also of such other gentlemen as may be pointed out by them, and to receive from them their sentiments and determination on the subject.

"1st. The abovementioned gentlemen are immediately to exert all their influence in impressing on the minds of the inhabitants of the western country a conviction of the necessity of their withdrawing and separating themselves from the federal union, and forming an independent government wholly unconnected with that of the Atlantic states—to prepare and dispose the people for such an event, it will be necessary that the most popular and eloquent writers in this state, should in well timed publications expose in the most striking point of view, the inconveniences and disadvantages that a longer connection with, and dependence on the Atlantic states must inevitably draw upon them, and the great and innumerable difficulties in which they will probably be entangled if they do not speedily recede from the union—the benefits they will certainly reap from a secession ought to be pointed out in the most forcible and powerful manner, and the danger of permitting the federal troops to take possession of the posts on the Mississippi, and thus forming a cordon of fortified places round them, must be particularly expatiated upon. In consideration of gentlemen devoting their time & talents to this object, his excellency the Baron of Carondelet will appropriate the sum of one hundred thousand dollars to their use, which shall be paid in drafts on the royal treasury at New Orleans, or if more convenient shall be conveyed at the expence of his catholic majesty into this country, and held at their disposal. Moreover should such persons as shall be instrumental in promoting the views of his catholic majesty hold any public employment and in consequence of taking an active part in endeavoring to effect a secession, shall lose their employments, a compensation equal at least to the emoluments of their office, shall be made to them by his catholic majesty, let their efforts be crowned with success or terminate in disappointment.

"2d. Immediately after the declaration of independence, fort Massac should be taken possession of by the troops of the new government, which shall be furnished by his catholic majesty without loss of time, with twenty field pieces with their carriages; and every necessary appendage, including powder, balls, &c. together with a number of small arms and ammunition, sufficient to equip the troops that shall be judged expedient to raise. The whole to be transported at his expense to the already mentioned fort Massac. His majesty will further supply the sum of one hundred thousand dollars for the raising and maintaining the said troops, which sum shall also be conveyed to and delivered at fort Massac.

"3d. The northern boundary of his Catholic majesty's provinces of East and West Florida, shall be designated by a line commencing on the Mississippi, at the mouth of the river Yazoo, extending due east to the river Confederation, or Tombigbee: Provided however, that all his Catholic majesty's forts, posts and settlements on the Confederation or Tombigbee, are included on the south of such a line, but should any of his majesty's forts, posts or settlements fall to the north of said line, then the northern boundary of his majesty's provinces of East and West Florida, shall be designated by a line beginning at the same point on the Mississippi, and drawn in such a direction as to meet the river Confederation or Tombighee, six miles to the north of the most northern Spanish fort, post or settlement on the said river. All the lands to the north of that line, shall be considered as constituting a part of the territory of the new government, saving that small tract of land at Chikasaw Bluffs on the eastern bank of the Mississippi, ceded to his majesty by the Chickasaw nation in a formal treaty concluded on the spot in the year 1795 between his excellency S'or. Don Manual Gayoso De Lemos, governor of Natchez and Augaliakabee and some other Chickasaw chiefs; which tract of land his majesty reserves for himself. The eastern boundary of the Floridas shall be hereafter regulated.

"4th, His Catholic Majesty will in case the Indian nations south of the Ohio, should declare war or commit hostilities against the new government, not only join and assist in repelling its enemies, but if said government shall at any future period esteem it necessary to reduce said Indian nations, extend its dominion over them and compel them to submit themselves to its constitution and laws, his majesty will heartily concur and co-operate with the new government in the most effectual manner in attaining this desirable end.

"5th, His catholic majesty will not either directly or indirectly interfere in the framing of the constitution or laws which the new government shall think fit to adopt, nor will he at any time by any means whatever attempt to lessen the independence of the said government, or endeavor to acquire an undue influence in it, but will in the manner that shall hereafter be stipulated by treaty, defend and support it in the preserving its independence.

"The preceding proposals are the outlines of a provisional treaty, which his excellency the Baron of Carondelet is desirous of entering into with the inhabitants of the western country, the moment they shall be in a situation to treat for themselves. Should they not meet entirely with your approbation, and should you wish to make any alterations in, or additions to them, I shall on my return if you think proper to communicate them to me, lay them before his excellency, who is animated with a sincere and ardent desire to foster this promising and rising infant country, and at the same time promote and fortify the interest of his beneficent royal master, in securing by a generous and disinterested conduct the gratitude and affections of a just, sensible and enlightened people.

"The important and unexpected events that have taken place in Europe since the ratification of the treaty concluded on the 27th of October 1795, betwen his catholic majesty and the United States of America having convulsed the general system of politics in that quarter of the globe and wherever its influence is extended, causing a collision of interests between nations formerly living in the most perfect union and harmony, and directing the political views of some states towards objects the most remote from their former pursuits, but none being so completely unhinged, and disjointed as the cabinet of Spain, it may be confidently asserted, without incurring the reproach of presumption, that his catholic majesty will not carry the above mentioned treaty into execution; nevertheless the thorough knowledge I have of the disposition of the Spanish government justifies me in saying that so far from its being his majesty's wish to exclude the inhabitants of this western country from the free navigation of the Mississippi, or withhold from them any of the benefits stipulated for them by the treaty, it is positively his intention, so soon as they shall put it in his power to treat with them, by declaring themselves independent of the federal government and establishing one of their own, to grant them privileges far more extensive, give them a decided preference over the Atlantic states in his commercial connections with them and place them in a situation infinitely more advantageous, in every point of view than that which they would find themselves in, were the treaty to be carried into effect."

(Signed)
THOMAS POWER.

Louisville, 19th July, 1797.

NOTICE.

The sale of the property, under and by virtue of a decree of the Hon. the Circuit Court of the District of Columbia for the county of Washington, sitting as a court of Chancery in the suit of Augustus Fricke, complainant against Thomas Carpenter, defendant, advertised for January 3d, is postponed until Saturday the 10th day of January, inst. at 12 o'clock.

LEWIS FORD, Trustee.

January 7—2t

FOR SALE.

A Waggon and pair of Good Horses, also a NEGRO Girl, 11 years of age, used to waiting and attending on Ladies, she is very handy, and good tempered; sold for no fault. Enquire of Mr. TRAVERS, for further particulars.

Jan. 7—3t

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, JAN. 5.

The Speaker laid before the House a letter from the Treasurer of the U. S. enclosing the accounts of the treasury for the year antecedent to the 1st of October, 1806.

The Speaker likewise stated that he had received an anonymous communication from the same person, from whom a similar communication had been received, which was open to the perusal of the members.

Mr. Quincy presented a petition from Edward Weld, which was referred to the committee of Ways and Means.

Mr. Coles presented a message from the President of the U. S. enclosing a report of the Secretary of the Navy on the state of the frigates, supplementary to his report of the last session on the same subject.

The secretary of the navy states that the present number of the frigates is the same as represented in his report of the 28th of January, 1806, and that no material change has been made in any of them, excepting the frigate United States, a detailed statement of the alterations of which frigate is annexed.

Mr. Coles likewise presented a message from the President, communicating the laws of Michigan.

Mr. R. Nelson observed that considerable complaints had been made with regard to the organization of the militia of the district of Columbia. To obtain an enquiry into this subject, Mr. N. proposed the following resolution.

Resolved, That a committee be appointed to enquire whether any, and if any, what alterations ought to be made in the militia laws of the district of Columbia.

This resolution was agreed to and referred to Messrs. R. Nelson, Van Cortlandt, Trigg, Rea of Pen. and Blount.

Mr. Parke presented the petition of William H. Harrison, which was referred to the committee of Claims.

Mr. Van Cortlandt from the committee to whom was referred the petition of the Highland company, praying for the application of a part of the surplus revenue of the post office towards the completion of the turnpike road which they are engaged in executing, made a report.

The report acknowledges the high importance of the object, but gives an opinion that it is inexpedient for the government of the U. S. to interfere with the making of turnpike roads.

Mr. Van Cortlandt observed that the members of the select committee were divided on the report, and moved its reference to a committee of the whole on Monday, which was agreed to—Ayes 54.

Mr. Mumford presented sundry petitions from citizens of New-York on the fortification of that city, which was referred to the committee appointed on so much of the President's message as relates to the subject of fortifications.

Mr. Tenney from the committee of revisal and unfinished business, made a report, stating the expiration of certain acts at future periods.

Mr. Parke presented a petition from Gen. John Gibson, which was referred to the committee of Claims.

Mr. Tenney from the committee of revisal and unfinished business, offered the following resolution:

Resolved, that the committee of Commerce and Manufactures be directed to enquire into the expediency of continuing in force, for a further time, the act entitled an act to suspend the commercial intercourse between the U. S. and certain parts of St. Domingo; and that they be authorised to report by bill or otherwise; which was referred.

On motion of Mr. *Thomas*, resolved, that the committee on post offices and post roads, be instructed to enquire into the expediency of establishing a post road from the court house at Salem to the court house at Sandy Hill, N. Y.

Mr Marm. Williams, from the committee appointed on that subject, presented a bill to extend the power of granting writs of injunction to the judges of the district courts of the U. S. which was referred to a committee of the whole on Thursday.

Mr. Mumford presented the petition of Isaac Classon, which was referred to the committee of Commerce and Manufactures.

The House resumed the consideration of the report of the committee of the whole House, on the bill to prohibit the importation of slaves into the U. S.

Mr. Sloan moved to strike out the 4th section—with the view of introducing a section to the following effect—that all slaves imported into a state allowing slavery, shall be declared free, for whom food and raiment shall be provided, until they shall be restored to freedom in their native land, or removed to states in which the laws are congenial to their freedom, where they shall be bound out for a term of years.

Only three members rising in favor of Mr. Sloan's motion, it was disagreed to.

After further progress in the consideration of the report, the committee rose, and it was postponed till Wednesday.

The bill authorising the discharge of William Hearn from confinement, having passed through committee of the whole, was ordered to be engrossed for a third reading to morrow; as was likewise the bill for the relief of George Little.

Mr. J. Randolph, from the committee of Ways and Means, presented a bill for the relief of Anthony Benezet and others, which was referred to a committee of the whole to morrow.

Mr. Newton made a report favorable to the petition of A. J. Villard, which was referred to a committee of the whole House on Friday.

Mr. Chandler presented a petition from sundry inhabitants of Kennebeck, which was referred to the committee of commerce and manufactures.

The House resolved itself into a committee of the whole—Mr. VARNUM in the chair—on the bill providing for the punishment of certain crimes against the U. S.

In correspondence with the recommendation of the select committee the third section [which gave rise to the debate on a former day] was stricken out.

Mr. Eppes moved to strike out the second section.

He remarked that in the first section certain offences were enumerated, such as the beginning or setting on foot, or the providing or preparing the means for any military expedition or enterprise with intent of taking possession of any port, arsenal, magazine, dock, navy yard, or any public vessel of the U. S. or of invading or occupying with an armed force any part of the U. S. or the territories thereof, or with intent, in any other manner, of levying war against the United States, or of adhering to the enemies of the said states; or with intent, as aforesaid, combining or conspiring together, or counseling, advising, or attempting to set on foot, provide or prepare the means for any such military expedition or enterprize, or to procure any insurrection, unlawful assembly, or combination, for such purpose.'

Under the words of the second section it is provided 'that the trial of these offences may be had in any of the districts, or territories, where any of the acts constituting the offence shall have been committed, and all the acts constituting the offence may be brought in evidence on such trial, in whatever part of the United States, or the territories thereof, they may have been committed.'

Now suppose, under this act, a certain set of men shall form a conspiracy in Washington, shall counsel or attempt to set it on foot in Kentucy, shall prepare the means for its execution in Indiana, and shall procure an insurrection in the Orleans territory. Under this section a man may be seized in Orleans and tried in Washington. If the section were susceptible of this construction it ought to be struck out. If it were not liable to this construction, the words ought to be so modified as to render the meaning more explicit. One of the most valuable privileges secured by the constitution was the trial by a jury of the vicinage. Were this provision retained it would be in the power of the government to oppress and ruin any man charged with the offences enumerated in the act. It would be easy for it to go into distant territories, and hunt up circumstances on which to found criminal charges; but how was it possible for the individual accused to collect information to repel them?

Mr. Dawson said the construction given by his colleague to this section was the true one; but that without the power given by this section it would be impossible to punish the crimes enumerated in the bill. A man may set such a project agoing in Pennsylvania, and then remove to a distance, and thus commit one act in one state and one in another; was it not right and just that he should be brought before a court where the whole of these acts could be considered? The provision was by no means new. It would be seen by examination of the laws relative to the post office department that it had been long since adopted by the U. S.

Mr. Bidwell said he understood the ideas of the gentleman from Virginia as going further than the bill warranted. The first section specified certain acts either of which were punishable, and not all of them collectively. Several of these offences were complex in their nature—for instance, a combination or conspiracy, consisting of acts, a part of which might be committed in one state and part in another. The circumstances, whose union was requisite to form a conspiracy, often took place in several counties in the same state; in which case the principle adopted in every state made the crime triable in either county; otherwise it would be impracticable to take into consideration the whole of the offences which constituted the crime for which the individual was charged. The case was the same in the present instance. Some part of the offence may be committed in one state, and some part of it in another. These offences might either be considered separately, and then a man would be exposed to more than one trial, or collectively as constituting one offence, in which case there would be but one trial. For instance, one offence may be in part committed in Ohio, and part in Kentucky. Unless this offence were tried in a collective view, it would be impossible to take a full view of the whole evidence, or to punish the crime agreeably to the aggravation of the offence. Mr. B. concluded by observing that they were only in this bill declaring in relation to the different districts of the U. S. what agreeably to the common law took place in the different counties of the same state; and that this provision, so far from being reprehensible, appeared to him essential to the bill.

Mr. Eppes said he believed there were no occasions on which legislative bodies ought to proceed with so much caution as when they were about to make any changes in the criminal code. It too often happened, when