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FOR THE NATIONAL INTELLIGENCER.

To the friends of the useful arts and public improvements in both Houses of Congress.

GENTLEMEN,

AS the amendment of the patent law is now under your consideration, I beg leave to shew from some examples the great importance of that subject in a national point of view; from which we may infer the policy as well as justice, of encouraging the efforts of genius, by securing the property which they may originate.

The English nation has been universally admired, not only for its industry, but for the improvements and wealth it has derived from the useful arts. Yet the cause which has led that nation to excell all others in these particulars, is not generally understood. The following statement will clearly shew that this pre-eminence has risen in a great measure from the patent law of that country; which induces men of talents to persevere in composing and bringing into practice labor-saving machines; or, I should rather say labor-multiplying machines; such as will enable one person to produce as much work as had usually been done by 40 or 50. Out of a great number of instances which might be cited, I will state only two to prove this fact.

In the year 1770, the whole value of manufactured cotton in England was equal to 1,500,000 dollars per annum. This was principally in corduroys, quiltings and coarse articles. About that time Richard Arkwright, (a man whom nature had created a genius, but penury had made a barber) conceived the possibility of spinning cotton by machinery. After some years of experiment, and under every disadvantage of indigence and sarcasm, he succeeded in making what is called the water frame, to which he added the carding and roving engines; by which one person could produce as much yarn and of as good a quality as 20 persons were accustomed to spin by hand in the same time. His success soon bettered his fortune, created envy, and raised up a host of pretenders to his inventions; which but a few years before were viewed as the futile projects of a disordered mind. Opposition arose to his erecting cotton mills, lest the hand spiners should be deprived of labor and bread. But the wisdom of government protected him; the good sense of the few overcame the prejudices of the many; the engines progressively improved, the cheapness of the yarn increased the trade, more spinners were employed in the new than in the old practice of hand wheels; old men and women, and children of three years of age, found work in the mills, by which they gained subsistence for themselves, and raised wealth to the nation.

Thus by the genius and industry of one poor and obscure individual, the value of the manufactured cotton in England has within the last 36 years been raised from 1,500,000 to 31,500,000 dollars per annum. Four or five years ago the English manufactured about 31 millions of pounds weight of raw cotton; which on an average of 33 cents a lb. leaves a profit to the nation of 21 millions of dollars a year. This invention, which took place in England, and the consequent demand for cotton, has caused a vast cultivation of that article in America, which was not thought of 20 years ago; and which could not now exist, had it not been for the invention of the cotton mills. So that there are planters in America acquiring many thousands of dollars a year, who must have lived in mediocrity, or perhaps poverty all their lives, had not the patent law drawn forth the genius of such a man as Arkwright. Thus it is that the useful arts and improvements benefit mankind in general, though it is seldom that their good consequences can be foreseen or calculated.

STEAM ENGINE.

The second example to shew the importance of securing to men of genius the exclusive right to their mental labors is the case of Mr. Watt. About 25 years ago he improved the steam engine by adding a separate condenser, and a rotary movement; by which it could be applied, as the first mover to all kinds of mills, instead of water wheels. The two great advantages which arose from this improvement were the saving of fuel and the power to establish mills and machinery of all kinds, whenever coals could be found or delivered at a convenient price. This had the same effect as it would have had to multiply the number of water falls or mill seats throughout the country. The economy of coals encouraged the establishment of such engines to pump the water from the mines of Cornwall, it has saved many valuable mines from being drowned, has given the means of working them much deeper than was formerly the custom, and thus created a vast wealth in copper and tin. Objects which otherwise would have remained under ground, lost to the nation.

Until the rotary movement was applied to the steam engine, all mills in England were put in motion by water, wind or horses. When iron ore was found, it was necessary to carry it to a water fall; which fall was necessary to work the bellows of the furnace. When the ore was run into pigs, there was seldom water sufficient at the furnace to work the forge. It therefore was necessary to transport the pigs to another water fall, perhaps 20 or 30 miles; this increased the expence and price of iron, and created two distinct branches of business in the iron trade, those of the smelter, and forgers. These two companies disputing about the price of pig iron, it occurred to John Wilkinson, who was a smelter, to render himself independent of the forgers, by erecting a steam engine to forge the pigs into bars. This he did, and perfectly succeeded; which new experiment has set forges and furnaces independent of water falls, for wherever ore and coals are found, (and they are frequently near each other), steam engines may be erected to blow the furnace and work the forge, or rolling and slitting mills. This is now the most general practice throughout England. The consequence is, a great number of iron works have been established, and a vast wealth has been drawn from the earth, which would be now lying useless to man, had not the patent law stimulated the genius and activity of Mr. Watt. By the power of his engine many old mines have been saved, new ones opened, cotton mills built, corn mills and machinery of all kinds put in motion, canals furnished with water at their summit levels, which otherwise could never have been rendered navigable. In fact such various improvements have been made in mining and manufacturing in consequence of this engine, that it is almost impossible to trace them through all their combinations and happy consequences. But the following calculation will give some idea of the wealth they have raised to the nation.

Two years ago Mr. Watt had made 1500 engines at his own works at Soho near Birmingham; and about an equal number had been made in different parts of the kingdom; total 3,000 engines. Estimating those on an average at 12 horses power, each one would be equal to the work of 36 horses; for it would require three sets or changes of horses to keep up the perpetuity of motion like a steam engine. The 3.000 engines consequently perform the work of 108,000 horses. To feed such a number of horses, at 120 dollars each, would cost 12,960,000 dollars a year. They would consume the produce of 540,000 acres of land; which produce now goes to feed the inhabitants and increase the industry and strength of the nation, while the engine is fed with coals.

Having now considered this immense saving of the produce of agriculture for the nourishment of man, I will now suppose that the feeding the engine with coals costs half as much as the feed of an equal number of horses—the profit of the labor of each horse power may be estimated at 120 dollars, or total horse power at 12,960,000 dollars a year. Therefore adding this profit to the savings and consequent increase of agriculture—the saving of mines—the economy and profits of manufactures, and the whole consequences of this invention, it may fairly be calculated that it has raised as much wealth to the nation as the cotton mills; and these two inventions have within the last thirty years added at least 60,000,000 of dollars a year to the riches of England; this sum is equal to 13,500,000l. sterling, which is the interest of a capital of 270,000.000 sterling. Hence while Mr. Pitt was spending this immense capital in non-productive and ruinous wars, the genius of productive industry was creating the means to enable the nation to pay the interest. Which of these men, the promoter of war or the inventor of useful arts, merits most the lasting monument of the people's gratitude?

May it be the ambition of every American, whose mind has broke the shackles of vulgar prejudice, to encourage the liberal application of the sciences to the arts. It is by these means only that the produce of labor can be multiplied and the enjoyments of life increased. May the wealth which they produce be again applied to their further advancement; till our country is converted into one continued garden, the pride of Americans and the admiration of the world.

ROBERT FULTON.

Orphans Court of Prince George's County, October Term, 1806.

On application of Isabella Wood and Osborn Belt, junior, administrators of Elijah Wood, late of Prince George's county, in the state of Maryland, deceased, to this court, to make distribution of the assets in their hands, among the heirs and legal representatives of the said Elijah Wood, and it appearing to this court that some of the representatives of the said deceased, to wit: Lashly Wood, Eleanor Swaine and Robert Wood, reside out of the state of Maryland. It is thereupon ordered, that this court will proceed on the second Tuesday in April next, to make distribution of the assets in the hands of the said Isabella Wood and Osborn Belt, junior, provided a copy of this order be inserted in the National Intelligencer once a week, until the first day of April next.

Test, TRUEMAN TYLER,
Register of Wills for Prince George's county.
December 8—wtA13

CONGRESS.

HOUSE OF REPRESENTATIVES.

JANUARY 9.

DEBATE

On the bill providing for the punishment of certain CRIMES against the United States.

Mr. BIDWELL said that a gentleman from Virginia, whom he did now see in the House, had, on a former day, suggested that this bill was deficient and needed an additional section. He was of the same opinion. We have, he observed, a statute rendering it criminal to begin or set on foot or provide or prepare the means for a military expedition or enterprize to be carried on against any foreign prince or state, in amity with the U. S. For such an offence a punishment was provided, and some preventative means were authorised. The President, in his message, had submitted to Congress the propriety of adding one further mode of prevention, by extending the ordinary process of binding to the observance of the peace & good behavior to acts to be done out of the limits of the U. S. A recognisance to keep the peace and be of good behavior towards the U. S. was forfeited by any offence committed within the body of the U. S. but not by an act done on the high seas. A hostile enterprize of any private citizens against a nation in amity with us, endangered the peace and interest of the U. S. Among other means of preventing that evil, it would be useful, and might be necessary, to bring within the reach of a recognizance for keeping the peace and being of good behavior such acts committed without the limits of the U. S. as would, if committed within our jurisdictional limits, be punishable by the statute referred to. A provision of this kind, he thought would properly make a part of this bill. He therefore moved an additional section, in the following words:

Be it enacted, That if any person, for whose keeping the peace & being of good behavior a recognizance shall hereafter be entered into, in pursuance of the laws of the U. S. shall during the term of such recognizance, without the limits of the U. S. carry on or aid in carrying on, or begin or set on foot, or provide or prepare the means for a military expedition or enterprize against any foreign prince or state at peace with the U. S. such recognizance shall thereby be forfeited.

Mr. QUINCEY said he did not perhaps understand the motion, but it appeared to him to extend to any recognisance that might be entered into, in the U. S. If so, it was a very extraordinary provision, and went to affect transactions hitherto considered harmless, and even on a scene so distant as Europe or the East Indies.

Mr. BIDWELL replied that his colleague had not taken a correct view of the section, which did not apply to any recognisances that might be entered into, but exclusively to those for keeping the peace and good behavior to the U. S. which recognisances would under existing laws be forfeited for any of the acts enumerated in the bill, if committed within the limits of the U. S.

Mr. QUINCEY. Suppose a merchant of the U. S. enters into a recognisance, goes to the West Indies, and from thence supplies either France or England, both of whom are at peace with the U. S. with the means of carrying on an expedition, the one against the other; is it the meaning of the gentleman that recognisances under such circumstances should be forfeited?

Mr. BIDWELL. The provision relates only to recognisances made under the U. S. and to acts which if committed within the U. S. would be by existing statutes indictable offences.

Mr. DWIGHT said that if he understood the section properly, it was as exceptionable as that already stricken out. It appeared to him to prescribe that if an individual in this country should enter into recognisance and give sureties in consequence of a certain act committed by him within the U. S. and should afterwards commit other offences out of the U. S. his recognisance shall be forfeited and the sureties become responsible. This seemed to him the most extraordinary attempt ever made in a legislative body. The courts of the U. S. were authorised to require sureties to an unlimited amount. Were these sureties to expect that such recognisance should extend to the whole life of the person for whom they became bound, and to the other offences which might be committed by him out of the U. S. Who was to determine whether these acts were or were not committed. If this was the object of the section, it was one to which he hoped the committee would never give their consent.

Mr. N. WILLIAMS observed that he did not feel the force of the objections made by gentleman to the amendment under consideration. He confessed, however, that he might not understand the subject well, as he was not in his place when the amendment was proposed, and had not time to examine it as he ought, to give an opinion as to its correctness. But if there was something novel, surely there was nothing inconsistent or improper in its provisions. It seemed to him as only extending that practice which was adopted he believed in every state in the union, of binding citizens to their good behavior upon proper grounds, to cases which might arise out of the jurisdiction of the U. S. And this might be proper, in order to preserve peace with foreign nations. But some gentlemen objected to such a proceeding, on the ground that the recognisance would be general, and that it might be very difficult for a citizen to find sureties against offences not particularly specified. To which Mr. W. said it might be answered, that there is no man perhaps in society, that has not some friend or neighbor, who will be bound for his good behavior in whatever place he may be—and that if suspicion was so strong and well founded against him, as to disable him to obtain this security, the peace and welfare of the country demanded, that he should be put into a place of safety. He was somewhat surprised too, that this objection should be urged by gentlemen from Connecticut, where, if he was rightly informed (and it was detailed in the newspapers) one of its citizens was at the present time in prison for not finding sureties for his general good behavior.

Mr. DAWSON observed that this had been a subject of much difficulty in the select committee that reported the bill. It seemed to be the undoubted right of a citizen of the U. S. to withdraw himself from the country whenever he pleased. Under such a provision as this a man might give security for his good behavior, and afterwards join in war with a nation against a nation at war with the U.S. and thereby forfeit his recognisance. There were so many objections, Mr. Dawson said, to such a provision, that he could not give it his vote.

Mr. ELY said he was as willing as any gentleman to make the way of transgressors hard, provided the provisions offered for this purpose did not go to implicate innocent persons. It, however, appeared to him that the proposed provision would be extremely dangerous. If, for instance, a man in this territory, which was subject to the laws of the U. S. shall enter into recognisance for any offence in one or more sureties he may commit. If afterwards he goes into a foreign country, and there stirs up an insurrection, and on that ground his bond is forfeited—his bondsmen, without expecting it, will become amenable for his conduct in this foreign country. This, he thought, ought not to be. He believed every valuable purpose of the bill would be answered without this provision.

Mr. DANA said this new section proposed giving a construction to the keeping of the peace, and to make it mean something, which it never meant before, and that in all cases whatever it should have the broad meaning proposed to be given it—that a recognisance for keeping the peace of the U. S. shall be forfeited for acts that neither break the peace of the U. S. or violate any law of the land. The offence therein stated could not be punished under any existing statute of the U. S. inasmuch as it would not be committed within the jurisdiction of the U. S. or against any law of the U. S. According to it—any man who shall go into foreign service or accept a commission from a foreign power will violate his recognisance. It went therefore to create a new offence. Mr. D. said he was not willing to sport in this way with principles hitherto deemed sacred. If these acts are wrong, pass a statute for their punishment.

Mr. BIDWELL said gentlemen objected to this provision, because the act, by which the recognisance will be forfeited, was not in the contemplation of sureties when they they entered into bond. He understood that a recognisance for keeping the peace was in its nature general, and that any breach of the peace operated as a forfeiture. The commission of any crime against the U. S. within the U. S. would work a forfeiture, the doing of either of the acts enumerated in this bill would be a violation of the recognizance. The recognisance is general, to do nothing to violate the peace of the U. S. Mr. B. said he would admit if these acts were done out of the limits of the U. S. they could not at present be considered in legal estimation as against the peace of the U. S. If this were the case, there would be no necessity for the proposed provision. The object of the amendment was to extend to this class of acts, committed without the U. S. provisions calculated to restrain their commission, and similar to those now applicable to like offences committed within the U. S. As to the difficulty suggested of taking cognisance of offences not committed within the U. S. there could not be apprehended, be any solid objection. Was not piracy punishable under the laws of the U. S. and yet it was not committed within the jurisdiction of the U. S.—it was committed on the high seas. So with regard to the class of offences which it was the object of this section to guard against, so far as they went to violate the peace of the U. S.

Mr. SLOAN was of opinion that the bill would be incomplete without such a provision as that which was offered. It had been remarked that it interfered with the right of expatriation—No one was more averse to infringing this right than he was. But he did not view it in this light. He could not consider a person bound over to his good behavior in the light of a freeman at liberty to do what he pleased with himself. Without giving security he would be necessarily committed to prison and be consequently deprived of his liberty; and while under recognizance, although he gave security, he was still to be considered in the light of a culprit, amenable to law, and not possessed of the right to expatriate himself.

Mr. DWIGHT said the remarks of the gentleman from New York, [Mr. Williams] did not apply to the point under consideration. Would a recognizance entered into in Connecticut be forfeited by any acts committed in New York, in case the person recognised in the former state should remove to the latter? So, in the case of a person bound not to commit acts within the U. S. acts committed by him afterwards against a foreign government could not be punished in the U. S. If gentlemen wish to make offences against foreign nations punishable, let them make a statute to that effect, and declare that our citizens shall keep the peace, not only in the U. S. but also with regard to foreign nations. But, it had been alleged that the offence, to be provided against, was a moral offence. Were they therefore to punish it? As yet the moral law was not enacted under the constitution.

Mr. N. WILLIAMS said he agreed with the honorable gentleman from Connecticut (Mr. Dwight) that according to existing laws in the state which he in part represented, a citizen can be bound to his good behaviour or to keep the peace, in the state only. And he acknowledged, that although by the laws of the U. S. there is no power at present vested in the courts or magistrates, to regulate in the manner proposed, the conduct of its citizens out of its jurisdiction; yet no one would deny that laws might be enacted to restrain them by proper obligations, from attempting injuries to foreign nations, as well as from violations of the internal peace of this country. And if he understood right the proposed amendment, its object is to prevent our citizens from committing hostile acts against countries with which we are at peace. But gentlemen say, such offences are not punishable by our laws. Suppose it is so. And is it not better, if possible, to restrain offences, than to punish them, after the evils arising from them are already experienced? Mr. W. thought it was. If there was no law to punish, let there be one to prevent these offences.

Mr. DANA said the right of the government to prevent any thing they could not punish was not admitted, nor was it admissable, as the one right was founded on the other. The objection to this section was this—that it undertook by a legislative construction to give a meaning to words contrary to that which they otherwise possessed—to expose a man to a forfeiture of his recognizance for acts not in themselves punishable. This was assuredly preposterous—the acts provided for by the amendment were no offences. The sureties given were only for the prevention of offences which were subjected to punishment. So long as there was no law punishing acts committed out of the limits of the U. S. such a provision would be preposterous. Make such a law first and let the punishment come afterwards.

Mr. BURWELL thought the amendment a very proper one, and that the right of making it could not be questioned. As to its affecting the right of the citizen to expatriate himself, it would be found by the decision in the case of Jonathan Williams that that right, as far as a judicial determination went, did not exist. If gentlemen were of this opinion, they could have no objection to the proposed section. Mr. B. however said that he had always been of opinion that every citizen had a right to expatriate himself, and to enter into the service of any other nation; and in the state he had the honor of representing a mode had been provided for the exercise of this right.

No person doubted the concurrent jurisdiction of the U. S. on the high seas, and that they possessed the right to prohibit offences committed out of the U. S. was evident from the law passed at the last session prohibiting all commercial intercourse with certain parts of St. Domingo. Whence did Congress derive this power, if the principles contended for by the gentleman from Connecticut were correct? Again—had they not a right to prohibit the slave trade, even if carried on by citizens of the U. S. with foreign nations? This was not within the jurisdiction of the U. S. and yet no man doubted the right of the government either to regulate or interdict the traffic. The U. S. therefore clearly possessed a control over their citizens wherever found, and a right to restrain them from any acts which can