NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

VOL. VII. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. No. 981.

DOLLARS PER ANNUM. WEDNESDAY, JANUARY 28, 1807. PAID IN ADVANCE.

LAW OF KENTUCKY

AN ACT

To prevent unlawful warlike enterprises.

SEC. 1. *Be it enacted by the general assembly*, That if any person or persons shall, within the jurisdiction of this state, fit out or arm or attempt to fit out or arm, or procure to be fitted out or armed, or shall knowingly be concerned in furnishing, fitting out or arming any vessel, boat, or water craft, or bring, or cause to be brought within the jurisdiction of this state, any vessel, boat, or water-craft, with intent that such boat or water-craft shall be employed to disturb the peace and tranquility of the United States or any one of them, or any territory of the United States, or any of its dependencies; or any person or persons within the jurisdiction of this state, shall raise or attempt to raise, or enlist any person or party, or shall attempt to march or pass through this state by land or water, with any person, party or army; or if any person shall knowingly enlist or engage in any project or enterprize within the jurisdiction aforesaid, with intent to act against the peace and tranquility of the United States or any one of them or any territory of the United States, or any of its dependencies as aforesaid; every such person or persons so offending shall, upon conviction before the circuit court within this commonwealth, be fined in a sum not exceeding two thousand dollars, and imprisoned for a term not exceeding one year; and every such vessel, boat, or water-craft, with all her apparel and furniture, together with all materials, arms, ammunition, or military stores, which may have been procured for the building, or equipment thereof, shall be forfeited, one half to the use of any informer under this act, and the other half to the commonwealth.

SEC. 2. *And be it further enacted*, That if any person or persons shall begin or set on foot, or provide or prepare any vessel, boat or water-craft, or any materials, arms, ammunition, or military stores for any military expedition or enterprize, with intention to disturb the peace and tranquility of the United States or any one of them, or any of its dependencies, or with such intention shall enter or bring within the jurisdiction of this state any vessel, boat, or craft, or any materials, arms, ammunition or military stores; or if any person or persons shall raise or attempt to raise, enlist, or engage any person, party or army, or attempt to march or pass through this state by land or water with an army or party, or if any person shall knowingly engage or enlist in any project or enterprize with intent to act against the peace and tranquility of the United States aforesaid, it shall and may be lawful for the governor of this commonwealth, or such other person or persons as he may specially empower for that purpose, or any judge of the circuit courts, or justice of the peace, to issue his warrant to any sheriff, coroner, or constable, authorising and requiring such officer to arrest and secure such person or persons, and to take possession of such vessels, boats, or craft, ammunition, arms, materials, and military stores as aforesaid.

SEC. 3. *And be it further enacted*, That where any person or persons shall be arrested as aforesaid, it shall be the duty of the officer so arresting him, to make return of his warrant to and convey the person or persons before one of the judges of the circuit courts of this commonwealth, whose duty it shall be, if upon examination he finds probable cause for such arrest, he shall commit the person or persons so arrested to jail, unless he or they shall give sufficient security to appear before the next circuit court, to be held where the arrest may have been made, to answer the charges which may be laid in an indictment, which it shall be the duty of the attorney for the commonwealth to file against him, and in the mean time that he or they will engage in no enterprize or project hostile to the peace and tranquility of the U. States, or any one of them, or any territory of the United States, or any of its dependencies.

SEC. 4. *And be it further enacted*, That when any vessel, boat or craft, or any arms, ammunition or military stores, shall be taken possession of and detained in manner aforesaid, it shall be the duty of the officer so detaining them to keep them securely until the next session of the circuit court for the circuit in which they may be so detained, in order to carry into effect the prohibitions and penalties of this act.

SEC. 5. *And be it further enacted*, That where it may appear to the governor of this commonwealth or to the agent by him to be appointed by this act, that the civil authority is inadequate to carry the provisions aforesaid into effect, it shall and may be lawful for the governor to employ such part of the military power of the commonwealth as he may judge necessary.

SEC. 6. *And be it further enacted*, That if any sheriff, coroner, or constable, or other officer to whom any warrant under this act may be directed as aforesaid, shall refuse or neglect to obey the direction thereof, or shall not use all possible exertion to carry into effect the said warrant, or shall not convey any person in manner aforesaid, or shall not keep secure the said vessels, boats or craft, or the said arms, ammunition, materials and military stores; such officer shall on conviction thereof before any circuit court, be fined in a sum not exceeding one thousand dollars, and imprisoned not exceeding one year.

SEC. 7. *And be it further enacted*, That the governor is hereby authorised and required to appoint the commanding officer in each county bordering on the Ohio, or some other fit person, whose duty it shall be to examine all vessels, boats or craft passing down the Ohio, and to stop and search the same, if to him it may appear right under the provisions of this act.

SEC. 8. *And be it further enacted*, That the governor of this commonwealth may and he is hereby authorised to appoint an agent or agents to attend at such place or places as he may think proper, and vest such agent with such powers to call on the militia to aid him in arresting any boat or craft, with all persons belonging thereto, as he may think proper.

SEC. 9. *And be it further enacted*, That the governor may and he is hereby authorised to draw on the treasurer for any sum not exceeding one thousand dollars, to carry this act into effect if he find the same necessary: *Provided, however*, that nothing in this act contained shall be so construed as to alter the mode of proceedings against or the punishment of any person who may be prosecuted for treason or offences committed against the laws of the United States, or of this state, nor herein specially named.

This act shall commence and be in force from and after the passage thereof, and remain in force until the end of the next session of the assembly.

PROCLAMATION.

By WILLIAM CHARLES COLE CLAIBORNE,

Governor of the territory of Orleans, & commander in chief of the militia thereof.

WHEREAS I have received information that certain persons are combining and confederating in a *traitorous project* to subvert the authority of the Government, of the United States over a portion of the territories thereof, and to invade the dominions, of the king of Spain, a prince in amity with the United States I have thought proper to issue this my proclamation, hereby solemnly cautioning the citizens of this territory against entering into or in any manner countenancing the conspiracy aforesaid; and that no one may remain ignorant of the fatal consequences which may await the parties concerned, I do now make it known, that the law of the United States declares "That if any person or persons, owing allegiance to the U. States of America, shall *levy War against them, or shall adhere to their enemies*, giving them aid & comfort within the United States or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and *shall suffer Death*."—And that "If any person or persons having knowledge of the commission of any of the treasons aforesaid, shall conceal, and not as soon as may be, disclose and make known the same to the President of the United States or some one of the Judges thereof, or to the President or Governor of a particular state, or some one of the judges or justices thereof, such person or persons, on conviction, shall be adjudged guilty of misprision of treason and shall be imprisoned not exceeding seven years, & fined not exceeding one thousand dollars."

And I do further make it known, That the law of the United States has also declared, "That if any person shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide, or prepare the means for any military expedition or enterprize, to be carried on from thence against the territory or dominion of any foreign prince or state, with whom the United States are at peace, every such person so offending shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed three thousand dollars, nor the term of imprisonment be more than three years.

Given at New Orleans, on the 15th day of December, in the Year one thousand eight hundred and six, and of the Sovereignty and Independence of the United States the thirty first.

In testimony whereof, I have undersigned my name, and caused the public Seal to be hereunto, affixed.

(L. S)

WILLIAM CHALES COLE CLAIBORNE

By the Governor

R. CRAIBORNE *Secretary, Pro Tem.*

CONGRESS.

HOUSE OF REPRESENTATIVES.

FRIDAY, Jan. 23.

***DEBATE** on fortifying ports and harbors, continued.*

Mr. MUMFORD's amendment under consideration.

MR. CLINTON. I rise to second the motion of my honorable colleague. I am not in favor of expensive navies or standing armies. I am not certain whether under existing circumstances it is necessary to augment the former—but I am clearly of opinion that we should employ the force we possess in the defence of the country and the protection of its lawful commerce. I well remember the sensation excited by the murder of Pierce. It was a glow of patriotic fire that pervaded the whole community—from Georgia to Maine it was felt like an electrical shock. Even the news of the death of Washington did not produce a more solemn effect. The want of a naval force was then severely felt—but there was no effectual power vested by the nation in the executive to arm a single additional ship. Because we cannot meet the whole navy of Great Britain on the ocean, is it a reason that we should have no navy at all?—That we should have no force of that kind to chastise marauders and pirates, and to protect our commerce and defend our ports?—If we must have a navy—small as it is—let us employ it for its true design. If we have no need for a navy let us abandon it at once. I am willing to meet gentlemen on this ground. As to fortifications it will be time enough to speak to that part of the resolution when it comes under debate.

MR. R. NELSON said he did not know that he had any objection to the amendment; he had not made up his mind with regard to its propriety. He could wish, however, to see the blank in the first resolution in the first instance filled. If it should be filled up with a large sum, having an eye particularly to the defence of the port of New-York, he should not be in favor of the amendment. He also thought the amendment would be, with more propriety, offered to the second resolution, as the first related solely to fortifications. He hoped the gentleman would inform the committee with what sum he proposed filling the blank in the first resolution. Had it not been for the motion under consideration, Mr. N said he should have moved to fill it with 20,000 dollars. He found that Congress had appropriated last year the sum of 150,000 dollars. From the letter of the Secretary of War, it would be seen that of this sum not more than 40,000 dollars had been expended, and that the balance remained to be applied to the fortifications of our ports and harbors. In conversation with the Secretary, Mr. N. said the Secretary had informed him that this balance was as large a sum as could be advantageously laid out during the ensuing year; but that a sum of fifteen or twenty thousand dollars might be necessary as a contingent fund.

The committee divided on the amendment offered by Mr. Mumford—Ayes 45—Noes 50.

Mr. R. Nelson moved to fill the blank in the first resolution with "20,000."

Mr. Cook proposed "one million."

Mr. Mumford proposed "500,000."

The motion to fill the blank with one million was disagreed to—Ayes 12.

The motion to fill the blank with "500,000," was then put.

MR. MUMFORD. However I may regret the loss of my amendment, I am conscious of the rectitude of my conduct, and having discharged my duty, I submit to the majority, in full confidence that we shall now pursue a magnanimous and liberal policy in the protection of our ports and harbors, and while I am disposed and willing with a liberal hand, to extend the arm of national defence to our western and south western frontiers, I do hope the younger branches of the same family will not be unmindful of the good old thirteen U. S. The importance of this subject, sir, strikes my mind in a very different point of view from some gentlemen. I consider it of serious consequence to the nation, both in relation to our foreign and domestic enemies. Sir, I do not know of any nation in the annals of history that ever neglected to protect their ports and harbors, especially when in a similar defenceless situation we now find our own. Their invariable system has been the defence of those cities which receive in deposit the productions of agriculture, commerce, and manufactures. Look at Constantinople, to the ports in Italy, to Cadiz, to Lisbon, to the whole coast of France, to Copenhagen and to Great Britain. Those nations, from time immemorial, have deemed it of primary importance to extend the arm of protection to all their ports and harbors. If the experience of ages has convinced them how essential it is to secure those places from the surprise of an enemy, however we may disapprove of their mode of government I do hope we shall approve and adopt their systems of defence, at least so far as they are applicable to our ports and harbors. What is the situation of our ports? Look at Charleston, S. Carolina, I will take the liberty to read a communication from the governor of that state to the secretary at war, accompanying a message from the President of the U. S. dated 3d Feb. 1806.

'*Executive Department,*

'*South-Carolina*, 13 *Jan.* 1806.

'Sir,

'I herewith transmit, that it may be laid before the executive of the United States, the copy of an act of the legislature of this state, ceding various forts, &c. to the United States; I feel it incumbent on me to state, that such is the situation of the forts in Charleston harbor, that the only gun which can at this moment be fired is a four pounder, the carriages of the heavy pieces that are mounted being so decayed as not to admit of the use of one of them; the walls, platforms, &c. are either in ruins or fast approaching that state, from the mere operation of the tides; and that this place is absolutely defenceless against any trivial force by sea.'

'The harbors of Beaufort and George town, are entirely without fortifications of any kind.'

'Under these circumstances, I console myself with the hope and and expectation, that a speedy interference of the general goverement will follow this act of cession; I beg leave to assure you, that I shall be happy to be aiding to the utmost, in effectuating the purposes contemplated therein, by any information or other means which may be in my power.'

'I am, &c.

'PAUL HAMILTON.

'*To the Secretary of War.*'

Savannah, Wilmington, Norfolk, and many other ports in the U. S. I believe, are not in a much better situation, even at this day.

What is the situation of the port I have the honor to represent? Sir, it is peculiar from various circumstances. Nature has partly defended Savannah, Charleston, Wilmington, and Philadelphia, and many other ports in the U. S. by sand bars, shoals, and rocks in their harbors and rivers. Not so with that port, only 27 miles from the sea, almost in a direct line carrying up 24 feet of water and no obstruction. In the winter season, when the Delaware and the Potomac, and Patapsco are frozen, the Hudson is open to the city of New-York, no hindrance to the passage of ships of any burthen. Thus we are exposed winter and summer to the insult of the first marauder that chuses to lay us under contribution. We do not expect the U. S. will construct fortifications similar to those of Gibraltar; but we do hope such measures will be pursued as to place all the ports and harbors of the nation in a respectable state of defence—that defence should be solid, durable, and proportionate to the end desired.

Can we take the responsibility on our own shoulders in neglecting to defend an exposed part of our country, wherein is centered in so small a compass as the city of New York upwards of ninety millions of property. Not only that city, but the whole union would feel the shock; the states of Geo. S. Carolina, N. Carolina, Virginia, and the states adjoining the state of New York are materially interested in the fate of that place; the amount of property deposited there from those states, chiefly the productions of our own soil, cannot be less than ten millions per annum. Sir, I should wish to know if the revenue of the U. S. deposited there is not an object worth defending? What would be the consequence, should that city be laid under contribution? Why, the bankruptcy of your merchants, and their total inability to pay your custom house bonds, one being security for the other; and they all being plundered by the enemy, will render it impossible for them to pay, however anxiously they may be inclined to support that reputation which they consider coeval with their existence.

Do gentlemen expect the U. S money would have an ear mark on it—"millions for defence, not a cent for tribute," and that it would receive a peculiar protection? No, sir, the enemy would make no distinction—money he must and would have.

Whatever may be the objections of some gentlemen to the wooden walls of a navy, and however we may differ on that point, there is another point, on which I think there cannot be a dissenting voice. I mean the defence of our own shores, an inheritance purchased at the immense sacrifice of the blood and treasure of our ancestors, and I do hope we shall transmit it inviolate to the latest ages. I hope we shall ever be united in one sentiment in the defence of our own shores. The present state of Europe and our own safety demand it of us as a duty we owe to ourselves and to our country.

Sir, I contend we have a just claim on the general government in common with the other states, for the protection of the port of New-York; when we entered into the national compact, we surrendered in full confidence our peculiar local situation for the common defence, and to promote the general welfare of our country—not doubting in the least but that we should of course receive that protection we are justly entitled to, and I cannot but persuade myself, that when gentlemen take into view the magnitude of the object, they will vote a liberal appropriation subject to executive discretion. I am not only speaking the language of New York, but the constant language from Maine to Georgia.

This is not a new subject, sir, it has been the constant solicitude of the inhabitants not only of New York, but of these old thirteen U. S. for the last 15 years of European war. They have relied on the assurances of peace repeatedly given them, and concurring in opinion that it was of consequence to redeem the national debt, they quietly, though with unfeigned anxiety, have waited the favorable moment when the finances of their country should become adequate to that end. That happy period having arrived, and strong in the consciousness of right, and in the sentiments of freedom, convinced that they have performed towards the union all the duties of faithful citizens, they claim in return that great duty of all governments, PROTECTION.

MR. SMILIE. I agree with the gentleman from New York, that if we could, we ought to render the ports and harbors of the U. S. invulnerable to any enemy. But if nature forbids this, can we effect it? The gentleman informs us that our treasury is overflowing, and that the happy moment has arrived for accomplishing this important object. But does not the gentleman see that to adopt the course he recommends would be to proceed blind-fold in this business? If he really believes it practicable to fortify the port of New York against the attack of an enemy, and it is true that we possessed the means of doing it; what ought to be our first step? Surely to appoint a qualified engineer to examine the harbor, and to decide whether its fortification be practicable, with instruction, if he thinks so, to report a plan and an estimate of the sum required. This appears to me indispensably necessary before we make a grant of money. From what I have heard from the best judges, I am inclined to think that it is impossible to defend the harbor. At any rate I do not perceive any great reason for anxiety beyond that which has existed for several years. We are not at present threatened with war. On the contrary, the nation, of whose injuries we have had the greatest reason to complain, is in treaty with us, and manifests an amicable disposition towards us. I am, therefore, of opinion that there is no danger at present; and I consequently think it would be unwise to arrest the discharge of the national debt; and apply large funds to this object, without any evidence of its utility. I have no objection to go as far as the government thinks proper in the building of gun boats. But I think a large appropriation for fortifications would at this moment be objectionable. I believe the whole revenue of the U. S. would prove inadequate. For these reasons I am opposed to the amendment.

MR. R. NELSON. I cannot agree to fill the blank with so large a sum, and for this reason. We have been told by the Secretary of War, who must from his situation be considered as the best acquainted on this subject, that, although we should appropriate ten millions, the unexpended balance is as much as can be advantageously used during the ensuing year. This being the case, it is altogether unnecessary to enquire into the expediency or practicability of fortifying our ports and harbors from Maine to Georgia; as if the thing were practicable, and we had the means, more than is already appropriated could not be advantageously expended. Let us for a moment examine the arguments of gentlemen. They have referred to the course pursued by other nations. They have told us that every other nation has fortified its ports and harbors, and has kept up great armies for its defence. What is the consequence? Their people are reduced to beggary and want. Rather than see the people of this country placed in the same calamitous condition, I would prefer beholding all the towns in the U. S. prostrate.