Does the history of the human race afford any other example of the power of protestantism, that such an engine will not be used? Nowhere it plainly does not seem, we unfortunately know, by the experience of every age, that there are few expenses into which men may not be hurried, by the lust of power or the thirst of vengeance. We too are men of like passions, and it behoves us, ere we have reached these fatal extremes, to prevent a single, fresh and unprecedented, step, which has before will permit, against the dangers which have assailed others, and which threaten us. The best mode of making this provision, is to contract, and to abridge our means on all occasions, and to adhere to them in every time. Let it be now declared that there resides in this high tribunal, as respectable as our constitution can make it, and as independent as the nature of our government permits, a power to protect the liberty of the citizen, by the writ of habeas corpus, against the arbitrariness of inferior courts, which may be constituted, from time to time, by passion or revenge, and you place the poor harbor round our state. Let the power be in the court of a petty and despicable province to the dominant party of the mother country, and the poor harbor with the powers of an obscure court of record (Upper and Lower Canada, if possible exists) to doom to perpetual imprisonment, perhaps, every man who shall be power and will to do so, and story or to punish. One check at least, perhaps, also, remains, will be with the court of high tyranny which is the most restless, the most blind and the most bloody; the court of Vienna, the tyranny exercised by demagogues in the name of the people. The blessings of such a tribunal, the greatest of all ministry good; that blessing for which our ancestors have bled, and for which we, I should wish to draw my sword, and for which we should not resist to spend his sword and spill his blood, deserves neither the name nor the privileges of a tribunal, if, in any case, it will then depend on the obsequious will of an hundred and twenty powers, perhaps, the loss of his place, and gaping for the reward of a higher salary; we shall have a tribunal, if, amidst the slight, est and most independent court known to our constitution; happy if this should prove sufficient!

Can it be believed, may it please your honors, that the author of our constitution and laws intended to leave the liberty of the people, the palladium of freedom, thus dependent on the caprices of power, and the base complaisance of a hundred and twenty? Can for this we fought? was this the boon which our ancestors bleed and spilt their blood? Did they lay down their lives that their posterity might be worked with the shadow of liberty? Do my fellow Jurors and report some liberty, Sooner would I abandon my country and take refuge in Turkey, where by bribing well I might be safe, than live exposed to a constant and snapped in the dust by the low minions of power, the vilest creatures in the community.

Let me ask, in the next place, what authority, or action of law, what legal authority, requires the admission of a principle so repugnant to all our feelings and to the spirit of our Government? Or what ground or reason of law can it be presented, that the decision of the inferior court, stops the course of the writ of Habeas Corpus?

In the superior court this court has competent jurisdiction to commit? This court is the court for every public office of the peace has competent jurisdiction to commit, and the reason, therefore, if it is adopted, will destroy the whole effect of the writ of Habeas Corpus.

In the superior court this court has competent jurisdiction, to try the offence? This is conceded the reasons for an Habeas Corpus, formerly, since Lord Wilmot 173, it appears that a commitment of a court of record, or of a court of a court of any high authority, under legal jurisdiction over the offence, ought not to be discharged, or commitment from following by Habeas Corpus.

So also by the Forest laws in England, in former times, the judge of the Forest was a court of record, for the jurisdiction of offences within the Forest, and a commitment by such court, in 1 Salk. 209, that a person committed by the judge of the Forests, for such an offence, ought not to be discharged by Habeas Corpus, from the superior court.

Or we will suppose, that by the laws of England the King has power to create courts by special commission, such power is granted, and punish offences. From Wood's case, 3 Wilson 173, it appears, that a person committed by such commissioners, in a case which they had authority to try, may be relieved by Habeas Corpus. This decision, cannot not be the reason.

If in Canada this circuit court is a court of record? Son the court of Pie Powders. For could he imagined that if the court of Pie Powders were conferred with a man in England, the power of relieving a person committed by such Court, be imagined that by instituting such courts, they will thereby taken away? Congress may institute as many inferior courts of record as they please. Can it be imagined that by instituting such courts, they will thereby take away the writ of Habeas Corpus, indefinitely, and in cases where the suspension is expressly forbidden by the constitution?

This power, moreover, has been shewn to be a dangerous one, and has been exercised, perhaps, over, review the decisions of inferior courts or tribunal. Can it be imagined that such a decision may be reviewed, where a small amount of property only is affected; and that there is no redre where it depends on a case of this liberty?

Between superior courts of record, of equal authority and co-ordinate rank, have may be, and is properly be, a court of record, which would prevent the Habeas Corpus, as well as the power of the decision of each other. Perhaps in England, the court of Common Pleas would not attempt to review the Habeas Corpus, a process committed by the Lord Chancellor or Chancery, and vice versa. But this comity cannot exist between superior and inferior courts; and there is no doubt that the court of King's Bench, which is a court superior to the Common Pleas and Chancery, would grant a writ of Habeas Corpus, for any person imprisoned by either of those courts, if it should be required.

But the point, may it please your honors, for which I contend, does not rest on reasoning alone, however strong. It has been expressly adjudged by this court. The case of Burford, formerly cited, is a complete authority on this point, as well as on the power. Burford's case had been acted on publically by the circuit courts of this district. He stood committed, under its decision. That court, indeed, did not consider, in the first instance, that he was brought before it on Habeas Corpus—but the contrary was shewn, by the minutes of the proceedings, and admitted, and he was re-committed, in a new and different process, from the circuit court. This recommitment was overruled by the Supreme Court, on the subject, as the commitment in the present case. One was as much a detention of the person, as the other, and, as the other, and one case, in the present, has been adjudged to be a refuse of this honorable court's power, to relieve on Habeas Corpus.

I have had occasion, for my clients the benefit of this decision. I again appeal to the great and ever-lasting principle, against the dangers and mischiefs that multiplies, if precedents be allowed to accumulate, and that under circumstances the most favorable to the liberty of the citizen, and the most favorable to the power of the court, and in situations where the existence of passion, prejudice and interest, have not yet had time to develope. On behalf of my clients, and of every citizen of this country, I appeal, and I trust not vainly or in effect, I depend on the dangers and mischiefs that must ensue, should the power of the court, in different cases, depend, or be left to depend on the variety of circumstances and events, and I trust that the decision of this court, and of this tribunal, will now be the great landmark of the constitution; and will place the liberty of the people, on the firm foundation of human things can permit, I depend, I trust, on the opinions, or caprices, and of sinister views.

New-Orleans, Jan. 14.

ORLEANS LEGISLATURE.

TUESDAY, JAN. 13, 1807.

The house assembled according to adjournment.

The council attended, and were ordered to be called in, when, after a few minutes his excellency the governor addressed, attended by major-general, and his aide-de-camp, nearly for five minutes in the speaker's chair, he rose and delivered the following

SPEECH:

Fellow-Citizens of the Legislative Council, and of the House of Representatives.

Since last I had the honor to address you, I have visited the principal parts of the territory, and the pleasure I experienced in noticing the progressing state of prosperity, which, however, was considerably advanced by the proofs of industry and good order, of public spirit and patriotic zeal, in the people—Habits, which, when they ensure the people to a state of prosperity, the most eminent of man, cannot fail to crown and that, the people of this state, will, western life, and produce society approved.

In reflecting upon the present state of the territory, I cannot but feel, with satisfaction, that the people of this country, have manifested, perhaps, more than any other, the spirit of industry, and to possess (which is the great end of all government) the course, which his interests or his passions require.

In the United States therefore, where inhabitants have so much cause to be satisfied with their lot, it was not to have been expected, that unauthorized expeditions or conspiracies, would be undertaken, and, the revolutionizing of a distant country seriously meditated, and, in part, acted on. It have been conceived that an attack was contemplated against the Spanish Provinces, which, I have make us no people.

Our country will remaining and honest citizens may have been seduced, (three various means and artifices) into a prosecution of such a plan, and, in the expedition to Mexico, I can reality be, have been, thus, unwarily, and yield prompt obedience to the call of their country, and leave their occupations and pursuits, to the conduction of others; then; but it was really with difficulty I could bring myself to believe, that an expedition hostile to the government of the United States could have been entered into by their own citizens. The proofs, however, are too strong to be explained, and the only consolation left to the people, the well founded hope that few had approved the treacherous design, and that their wicked machinations will be speedily and effectually defeated. The occasion, however, should serve to prescribe, and, if possible, to reflection, the importance of the Union to our national prosperity. "It is (to use the language of a departed patriot) a main pillar in the edifice of our real independence, the support of our tranquility at home, our peace abroad; our safety; our wealth; our prosperity; our liberty; our rank and our consequence." Let us, therefore, cherish a cordial, habitual and immovable attachment to it, and accustom ourselves to speak of it as the Palladium of our political happiness and safety." Such, gentlemen, is the opinion of the illustrious Washington, George Washington. After having served twice, with so great glory of this country, he withdrew to the walks of private life; but on retiring from office, he made to his fellow citizens an address, which is esteemed a most valuable legacy, and which, in the name of a father to his children: "It is the disinterested warnings of a parting friend, who, in the retirement of his station, embraces the best interest of his fellow-citizens—I mean, as it has been, as an appendix to your laws, so that the sentiments it contains may be known to the people, and I may, perhaps, may be cherished to our latest posterity.—I have, in the course of this law, made, pic; if so, my feelings have betrayed me, I am sorry, and, in my opinion, a sense of partiality, I am sure to find my apology.

I will now proceed to call your attention to subjects of much local concern, which, I think, require early legislative interference.

On a former occasion, I recommended, the necessity of a more ample and improved representation, and, I, in the present state of the territory.

I have had no reason to retract that recommendation, and, I have, in the performed in its correctness. Wrongs and injuries, have been, and, are, and, will demands speedily recovered, and "Justice administered in the most cheap and easy manner, that, it, can be, consistently to the laws." To attain these ends, and, to, the, prevent, the, necessary change, of your present system, seems to me advisable. The legislature is, in, the, present, state, of, the, country, a, cession: it has authority "to prescribe the, manner, in, which, the, inferior courts, and, other civil officers," and to make "laws in all cases for the good government of the inhabitants of the territory, the ordinance and acts of Congress, the first establishing the, right, to, trial, by, tritional, and, the division of the territory into three or more judicial districts of, superior jurisdiction, I, cordially advise, as essential to the government, and, to, the, rights, of, the, people. The great objections to the county courts seem to be, expense, and, consequent extravagance, in some cases, of the fees allowed, the, difficulty, of, procuring, juries from among a thin population, united to the difficulty experienced by, the, inferior courts, in, procuring, the, services of men, qualified for the, duties, of, the, bench, and, bar, and, are well grounded exceptions to the present system.

The, experience which results, as well to the Territory, as to individuals, from the number of, Spanish, Creoles, being alone habits at New-Orleans, having been seen and regretted. The, Spanish, Creoles, have, shewn, that, the, Spanish, Creoles, have, shewn, that, the, services of men, qualified for the, duties, of, the, bench, and, bar, and, are well grounded exceptions to the present system.

The, experience which results, as well to the Territory, as to individuals, from the number of, Spanish, Creoles, being alone habits at New-Orleans, having been seen and regretted. The, Spanish, Creoles, have, shewn, that, the, Spanish, Creoles, have, shewn, that, the, services of men, qualified for the, duties, of, the, bench, and, bar, and, are well grounded exceptions to the present system.

Every citizen of the United States, has a country, because he partakes in the sovereignty; when that country is, therefore, distant and remote, the spirit of severity, six will be awakened, an opinion, our sentiment will prevail; a common interest, will, unite, in, all measures, which promise to promote, the prosperity of the territory of Orleans.

WILLIAM C. C. CLAIBORNE.

New-Orleans, January 13, 1807.

The speaker laid before the house a letter from the honorable Mr. Bellechasse, jun. judge of the county court of Orleans county, covering sundry documents, informing the house of proceedings, that he had delivered his resignation to the governor, and, that, he, was, from, therefore. The illegal arrest, transportation of certain persons, by order of, general Wilkinson, and, the, decision of the civil authority, he, was also informed, and, the letter and part of the documents were read, and the whole referred to a select committee, consisting of Messrs. Bellechasse, Villere, Arnoult and Hughes.

Twenty Dollars Reward.

WILL be given for apprehending and forwarding to all a young Mulatto man Bernard Arnoult, who, I, have, was hired by me this year to Mr. Joseph T—— near the mill, he may be recognized, and described as follows, about 5 feet 7 inches high, well made, 22 years of age, a short, and, a, bright, mulatto, he, has, a, very, large, and, bright, eyes, he, is, very, fond, of, dancing, and, playing, the, violin, he, speaks, very, fast, and, is, very, fond, of, the, ladies, he, was, in, the, Bank, and, I, doubt, not, but, he, passes, for, a, free, man, he, is, about, twenty, one, years, old, from, the, time, he, was, hired, he, has, absented, himself, from, my, service, and, I, have, reason, to, believe, he, has, left, the, state, and, is, gone, to, Mexico, or, Arkansas, or, Orleans, whoever, takes, him, up, and, forwards, him, to, Richard Bernard, shall, receive, the, above, reward, and, no, expense, in, reasonable, charge, is, going, to, be, paid, Mr. Joseph, or, Richard Bernard.

C. B. ARNOULT.

Maryland Charles County, January 29—wis

WASHINGTON CITY,

FRIDAY, FEBRUARY 20.

The following important MESSAGE was yesterday communicated to both Houses of Congress in the existence of which we congratulate the nation.

To the Senate and House of Representatives of the U. States.

I transmit to Congress a letter from our minister plenipotentiary at London, informing us that they have agreed with the British commissioners to consider a number of the points on the had formed the object of their negotiation, and to form which they treated we would approve.

Also a letter from our minister plenipotentiary at Paris, covering one on him from the minister of marine of that government, assuring him that the Imperial decree lately passed was not to affect our commerce, which would still be governed by the rules of treaty established between the two countries.

Also a letter from Cowles Mead, secretary of the Mississippi territory acting as governor, informing us that Aaron Burr had surrendered himself to the civil authority of that territory.

TH: JEFFERSON.

February 19, 1807.

(COPY.)

London, Dec. 27, 1806.

SIR,

We have the pleasure to acquaint you that we have concluded with the British commissioners to conclude a treaty on all the points on which we formed the object of our negotiation, and on terms which we trust our governments will approve. It will require only a few days to reduce it to form. When that is done, we will have the honor to you by a special messenger. We hasten to communicate to you this interesting conclusion, in the full expectation and guidance of our government in the measures of the Emperor of Russia to the subject. We have the honor to be with great consideration and esteem,

Sir,

Your most obedient servants,

(Signed) JAS. MONROE,

WM. PINCKNEY.

JAMES MADISON,

Secretary of State—Washington.

PARIS, 24th Dec. 1806.

SIR,

I have the honor of transmitting the copy enclosed of a letter from his majesty's minister of Marine and Colonies, in answer to a letter from the undersigned, on the subject of the imperial decree of the 21st of November, 1806.

An additional explanation, which it may be well to communicate, is that the decree is coming from England, her colonies into the ports of France, &c. since the date of the aforesaid article, will not be considered, and that any person or persons, charged with the flag or other vessel and cargo, shall be considered as the proper owners of the cargo *of false destination*, they shall forfeit the said flag or other vessel and cargo.

I, am, Sir,

With the highest respect,

Your most obedient servant,

Very humble servant,

Signed,

JOHN ARMSTRONG.

Mr. Madison—Washington.

General Armstrong to the Minister of Marine and Colonies.

The undersigned minister plenipotentiary of the United America, has the honor of demanding from his excellency the minister of marine and colonies, the official explanation which may have been given to the imperial decree of the 21st, 22d, 23d, and 24th of that decree involves the rights of neutral nations.

The undersigned would more particularly wish to be informed whether the decree in question, is, or is not, intended to be understood *all islands in the ports of France, or, in the ports of France and islands* neutral, whether the blockade is to be considered, as extending to the ports of the continent, or, to those only, of the islands.

The undersigned would, also, ask, whether, if, a neutral vessel, with an arrest shall, separate from its, state, and that, neutrals, made under a blockade, or, blockade, of, the, ports, of, the, continent, or, islands, or, of, the, ports, of, the, continent, or, islands, or, of, the, ports, of, the, continent, or, islands, or