

1794, the time of the apprehended insurrection in the western counties of Pennsylvania, and you may, if you please, be convinced that the militia from my brigade were all volunteers and recruited in two or three days time. That near half of the army on that tour was composed of Virginians, and that those of my brigade were first in the field and ready for action. I must then beg you to judge whether the information that they are now stimulated by improper motives to "intrude themselves into the army" is a suitable return for their patriotic and zealous exertions in favor of the laws and constitution of their country?

I will thank you also to explain yourself as to the "prominent and known characters" you speak of, in order that I may inform the Volunteers where they may apply for certificates. I will clearly to understand whether the requisite vouchers are to be obtained from men who during our struggle for liberty and independence gave the best proofs of their attachment to both—men who fought, bled and suffered all the hardships of a military life—and who languished with wounds and suffered long and painful imprisonment in the service of their country. Or whether the prescribed recommendations must be obtained from prominent old Tories, who are now howling out the infallibility of those in power.

Your answer will greatly oblige,
Dear Sir,
Yours, &c.
(Signed)
WILLIAM DARKE.
James M'Henry, Esq.

War Department, 18th Dec. 1798.

SIR,
I HAVE just received your letter dated Berkeley county, Virginia, 10th November ultimo, in answer to mine of the 14th September.

To facilitate the object of a company of volunteers, who offered their services through you, to the President of the United States, it was presumed, as part of the provisional army, I stated to you such sections of the original act of Congress, passed the 28th of May, which authorized the President to raise a provisional army, and of the act supplementary thereto, passed the 22d of June last, as related to volunteer companies, and afterwards proceeded to detail to you the conceptions entertained of certain parts of the act, and the regulations which appeared necessary in the Department of War, on the subject of the acceptance of such companies.

I had thought myself obliged to give the same explanations and details, in answer to many other applications from volunteer companies from different States; and to save the trouble and time required to make repeated copies in writing, a number were directed to be printed; I now enclose you one.

To have been addressed in the same manner upon the same subject, with many others, in different quarters, does not appear to me to afford a reasonable ground for complaint; and by you only has any exception been taken.

A general regulation, consistent with the acts of Congress, appeared necessary; it has been applied indiscriminately; and it was never contemplated, that exceptions grounded as yours are, could be applied to it, or a consequence deduced that it was intended to question the patriotism of the citizens of a particular State, or particular brigade.

I know, and highly appreciate the services that might be derived from volunteer companies well officered, and composed of members zealous in the cause they are to be called to defend, in opposition to the all-grasping domination of the French Republic; I know they might be expected generally to be composed of high-spirited young men of information and fortune; but I also know, that the law leaves the President a discretion to select such as appear, from their principles and other circumstances, most likely to render the best service; that this requires information, which it is presumed can best be obtained from prominent, and known characters, at or near the place where the company has been formed; and the characters contemplated by this description, were such, whose talents and virtues had given them weight and respectability in the community, which was likely to be known at the seat of government.

The French Republic, by its contemptuous treatment of our envoys, its open aggressions upon our commerce, and its insidious intrigues by means of secret agents within our country, left no room to doubt, its designs were to divide and weaken our citizens, to prostrate the sovereignty and liberties of the United States, and to reduce them to a situation, which would subject the property, labors and persons of the citizens to its disposal, to subvert a government freely chosen, and substitute by fraud or force one better calculated to answer its views of keeping us subservient to its interests.

To resist such designs became a free people and the preparatory measures for so doing were predicated on a conviction of the reality of these designs. The law for raising a provisional army, one of the measures of preparation, contemplates the acceptance of volunteer companies, but what kind of opposition would these probably be prepared to make against the execution of designs, they either deny to exist, or think justifiable? Hence the necessity for the exercise of the discretion vested in the President, in the selection of the companies he will accept.

Those men who do not confide in the government of their country, cannot expect that it should confide in them; and it is surely proper, whenever necessity requires a selection of its defenders, and of the liberties of the country, government should prefer those who have discovered no improper foreign attachments, or prejudices, that might abate their zeal in its service. This is so much the dictate of common sense, as to intrude itself upon every reflecting mind, in times of common danger.

Our country is threatened from abroad by a nation which has exhibited towards us in the face of the world, the most studied marks

of contempt, and disrespect, and whose practices aim at the overthrow of our government by the same steps which have been successful in subverting many of the governments of Europe, and from within by a party which has uniformly advocated or countenanced the policy of that nation, by casting the most indiscriminate censure on all occasions upon every measure of their own government, and those who administered it, tending to frustrate the designs of that nation, which can have no other effect than to divide the people, or excite in them groundless jealousies and discontents. It would certainly be the extreme of indifference to admit characters of the latter description, to the rank of defenders of their country. The agents or officers of a government, cannot as honest men, serve it zealously, unless they respect it, nor faithfully unless they think it faithful to its trusts, nor fight it battles with courage, if they are of opinion its victories will be employed only to destroy liberty.

I lament exceedingly the existence of the enmities and prejudices alluded to, and sincerely hope they will gradually give place to a returning confidence in those men who have sedulously labored to preserve peace to our country, without a sacrifice of its essential interests.

It will be understood that I well know there is a material distinction between those differences of opinion, upon political points, which will exist in every free government, in minds the best informed, but which infringe no rule of decency and candor, ought not to exclude from the trusts of government, and that desperate state of party animosity, which, regardless of decorum, and candor, easily approximates to insurrection and revolt.

In the present crisis of our affairs, and state of party in the country, it was, and is deemed important not to accept of companies composed of disaffected persons who may from improper motives, be desirous to intrude themselves into the army, under the pretence of patriotic associations; and to guard against it, certificates have been, and are required, from prominent and known characters, or those whose virtues, talents, and usefulness, have given them a weight and respectability in the community, letting forth the principles of the associates, those of the officers elect, especially, and that the company have complied with the conditions prescribed by law. This precaution would be equally proper and indispensable, if the certificates were to be applied to the moral principles only of the officers elected by Volunteer Companies, for in so extensive a country as this, a secretary of war cannot be presumed to be acquainted with, and certainly ought not to venture to present to the President for commissions, persons living in remote parts of the Union, and unknown to him, without recommendations from known and prominent characters.

The President at all times before he nominates to office, decides upon the merits of the candidates he proposes should fill it; and the secretary at war considers it to be his duty to obtain the best information respecting the talents and character of every military candidate, before he submits his name and recommendation to the President. Such is the regular and accustomed course of appointments for the established army, and why should it be deviated from, or why should less attention be paid to the characters of officers in the case of volunteer companies.

Your recommendations and information respecting the qualities and fitness of gentlemen elected as officers of volunteer companies, will always be acceptable. And as there are among that description of persons whom you denominate old Tories, who are known to be men of honor and integrity, attached to the constitution of the United States, approvers of the general measures which have proceeded from it since its adoption, decided opposers of French principles, and French aggressions; I can see no reason why the recommendations of such characters should not also be considered. The avenues of information are always open from any and every quarter.

Itake pleasure in acknowledging the services of your brigade, on the western expedition, and I will not permit myself to doubt but that its zeal and patriotism will be equally conspicuous, should any occasion call for its exertions against foreign invasion, or in support of the laws of their country.

I am, Sir,
Your most obt' humble servant,
(Signed)
JAMES M'HENRY.
Brigadier-general Wm. Darke,
Martinsburg, Virginia.

AN annual Oration will be delivered before the Humane Society of Philadelphia, in the Hall of the University, to-morrow morning at 11 o'clock by their President, Dr. Benjamin Say, at which the members of the Society and the Public are invited to attend.

TO BE SOLD,
THE time of a stout healthy Mulatto Boy, who has about 18 years to serve: would suit a Farmer in the country—Enquire of the Printer.
Feb. 27 eod6t

A beautiful Country Seat, for Sale.
SITUATED on the bank of the Delaware, adjoining lands of Matthias Sipler and Mr. John Duffield, 13 miles from Philadelphia and 7 miles from Bristol.
The buildings consist of a new two story Frame House and Kitchen adjoining—3 rooms on a floor, a Piazza the whole front of the House, a pump of excellent water, also a good garden and orchard—10 acres of land will be sold with the premises, but more can be had if required. There is a gravelly shore at the river, the water stages for Burlington pass every day in the summer season, and the land stages for New-York within half a mile; any person inclining to purchase may know the terms of sale and other particulars by enquiring at No. 12, Dock-street, or No. 101, South Second-street.
Feb. 27 eod6t

Rouens Sheetings.
FOR SALE,
THREE cases, containing 100 pieces Rouens Sheetings, suitable for the Havanna or New-Orleans market—Apply at no 73, South Front-street
Feb. 27 eod6t

The Gazette.

PHILADELPHIA,

WEDNESDAY EVENING, FEBRUARY 27.

JOHN ADAMS,

PRESIDENT of the UNITED STATES of AMERICA.

To all to whom these presents shall come, GREETING:

WHEREAS a treaty was held on the first day of June last, under the authority of the United States with the Oneida nation or tribe of Indians, at their village, in the State of New-York; and at the said treaty, in the presence, and with the approbation of Joseph Hopkinson, the commissioner of the United States appointed to hold the same; a convention was entered into between the State of New-York and the said Oneida nation or tribe of Indians, which convention is in the words following:

At a treaty held with the Oneida nation or tribe of Indians at their village in the State of New-York, on the first day of June in the year one thousand seven hundred and ninety eight, present, Joseph Hopkinson, commissioner appointed under the authority of the United States to hold the treaty, Esq. Robert Benson, Ezra L. Hommedieu and John Taylor, agents for the State of New-York.

The said Indians having in the month of March last, propoed to the governor of the said State to cede the lands hereinafter described for the compensation hereinafter mentioned; and the said governor having acceded to the said proposal, and advanced to the said Indians at their desire, in part payment of the said compensation, three hundred dollars, to answer their immediate occasions, the said cession is thereupon, in the presence and with the approbation of the said commissioner, carried into effect at this treaty, which hath on the request of the said governor been appointed to be held for this purpose, as follows, that is to say: The said Indians do cede, release and quit-claim to the People of the State of New-York, for ever all the lands within their reservation to the westward and south westward of a line from the north eastern corner of lot No. 54 in the last purchase from them, running northerly to a buttonwood tree marked on the east side "Oneida R. 1798." on the west side HPS. 1798 and on the fourth side with three notches and a blaze, standing on the bank of the Oneida lake in the southern part of a bay called Newagehkok: Also a mile on each side of the main Genessee road for the distance of one mile and a half westward, to commence at the eastern boundary of their said reservation. And also the same breadth for the distance of three miles on the fourth side and of one mile on the north side of the said road eastward, to commence at the eastern boundary of the said lot No. 54. Provided and excepted nevertheless, That the following Indian families, viz. Sarah Dockstader, Cornelius Dockstader, Jacob Dockstader, Lewis Denny, John Denny, Jan Joost and Nicholas shall be suffered to possess of the tract first above mentioned, the grounds cultivated by them respectively and their improvements not exceeding fifty acres to each family, so long as they shall reside there; and in consideration of this proviso and exception the said Indians do further cede that a tract of twelve hundred and eighty acres, as follows, that is to say, beginning in the south-east corner of lot No. 59, in the said last purchase and running thence east one mile, thence north two miles, thence west one mile and thence south two miles shall be considered, as set apart by the said nation or tribe for the use of the said families, whenever they shall remove from where they now reside. The said agents do for the people of the said State pay to the said Indians in addition to the said sum of three hundred dollars already advanced to them as above mentioned the further sum of two hundred dollars, and do grant to the said Indians that the people of the said State shall pay to the said Indians at their said village on the first day of June next, and on the first day of June yearly thereafter, the annual sum of seven hundred dollars, IN TESTIMONY WHEREOF, the said Commissioner, the said Agents, and the said Indians, have hereunto, and to other acts of the same tenor and date, the one to remain with the United States, another to remain with the State of New-York, and another to remain with the said Indians, set their hands and seals at the village aforesaid, the day and year first above written.

Joseph Hopkinson, (L. S.)
Egbert Benson, (L. S.)
Ezra L. Hommedieu, (L. S.)
John Taylor, (L. S.)
Christian Thonigwanghohare, x (L. S.)
Peter Thanonghwenya, x (L. S.)
John Skanondo, x (L. S.)
Cornelius Aghyongo, x (L. S.)
Jacob Reed, (L. S.)
William Ronheghti, x (L. S.)
Martinus Rotshenba, x (L. S.)
Cornelius Kanyatariya, x (L. S.)
Peter Atgotomtha, x (L. S.)
Anthony Shonoghriyo, x (L. S.)
Peter Bread, x (L. S.)
Peter Sumner, x (L. S.)
Christian Thanyarodon, x (L. S.)
Nicholas Sagogatohan, x (L. S.)
Paul Thaswengarorens, x (L. S.)
Christian Ottawatstenh, x (L. S.)
Anthony Ottahonghten, x (L. S.)
Nicholas Thonaten, x (L. S.)
John Johnson, x (L. S.)
John Jourdan, (L. S.)
Peter Onwafenayey, x (L. S.)
Cornelius Thakerayent, x (L. S.)
Peter Sarakaenghhis, x (L. S.)
Cyrus Anonghghenta, x (L. S.)
Thomas Shite Bums, x (L. S.)
Moses Ohahageghti, x (L. S.)

Witnesses.

James Dum, Interpreter,
Richard Varick,
H. P. Schuyler,
Peter Smith,
Robert Benson, Jun.

NOW BE IT KNOWN, That I, JOHN ADAMS, President of the United States of America, having seen and considered the said convention or treaty, do, by and with the advice and consent of the Senate, accept, ratify and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be affixed to these presents, and signed the same with my hand.

DONE at the City of Philadelphia, this twenty first day of February, in the year of our Lord one thousand seven hundred and ninety nine, and of the Independence of the United States of America, the twenty third.

JOHN ADAMS
By the President of the United States
TIMOTHY PICKERING,
Secretary of State.

CONGRESS,
HOUSE OF REPRESENTATIVES.

Tuesday, February 26.

Mr. D. Foster, from the committee of claims, made an unfavourable report on the petition of George Elderly, which was concurred in by the house.

On motion of Mr. Craik, the house went into a committee of the whole, on the bill establishing the Post-Office of the U. States which being gone through, the committee rose, and the bill was ordered for a third reading.

Mr. Harper, from the committee appointed to consider whether any and what alterations are necessary in the law for the relief and protection of American seamen, reported a bill to revise, continue in force, and amend the law, which was committed.

The following bills from the Senate were read viz.

A bill for the security of bail, in certain cases;

A bill to augment the salaries of the officers therein mentioned,

A bill concerning the Territory west of Pennsylvania, commonly called the Western Reserve of Connecticut;

A bill altering the time of holding the District Court of Vermont;

A bill concerning French citizens that have been, or may be brought into the United States.

On motion to read the bill respecting salaries the second time, Mr. Gallatin moved to reject the bill, on the ground of its being very little different from a bill which had already been rejected by this house; but the motion for a second reading being with drawn, the question of rejection will also lie over till to-morrow.

On motion of Mr. Livingston, the bill respecting the Western Reserve Lands, was postponed till the next session.

The bill respecting the District Court of Vermont, and the bill concerning French citizens, were ordered to be read a third time to-morrow, and the others were committed.

Mr. Gallatin presented a petition from George Turner, praying for a preemption to certain lands in the Western Territory, formerly included within the contract of Judge Symes, but now excluded therefrom. Mr. G. urged in favour of the appointment of a select committee to consider this petition; that he believed if some steps were not taken immediately, with respect to these lands, that the United States would never get any thing from them. A committee of three was appointed to report by bill or otherwise.

On motion of Mr. Josiah Parker, the house resolved itself into a committee of the whole on the bill authorizing an augmentation of the Marine Corps. The augmentation is by 2 first Lieutenants, 6 second Lieutenants, 8 Serjeants, 18 Drums and Fifes and 170 Privates. After filling the blanks, the committee rose, and the bill was ordered for a third reading.

On motion of Mr. Pickney, the house went into a committee of the whole on the bill to amend the act for the relief of sick and disabled seamen, which being agreed to went to a third reading.

On motion of Mr. S. Smith, the house resolved itself into a committee of the whole on the bill for the better organizing of the troops of the United States, and after some discussion the committee rose, reported progress, and had leave to sit again.

The Senate resolved that the bill for the relief of Joseph Wheaton should not pass. A resolution was afterwards proposed by Mr. Cochran to make him an allowance out of the contingent funds of the house, which was ordered to lie upon the table. Adjourned.

A letter from a gentleman, passenger on board the ship Lexington, from London to this port, dated Falmouth Dec. 6th, says—"We sailed from Portsmouth the 20th Nov. in company with a large fleet; in the bay of Biscay, we encountered a terrible gale of wind, and lost our rudder. Since putting in here, I have learnt that many of the fleet suffered much more than us, and that eight or ten of them are totally lost on the coast of Ireland."

The following Deposition of Major Cushing before the Court-Martial, on the trial of Major Lewis, was inadvertently omitted in yesterday's Gazette; it should have been inserted immediately before Mr. Davis's certificate.

MAJOR T. H. CUSHING'S DEPOSITION.
Question. Did you ever directly or indirectly interfere with captain Lewis's claim, while it was before Congress?
Answer. No, I never did. I was several times with Members of Congress, when the subject was mentioned, at which times it is possible I may have made such observations as I supposed was proper on the occasion; but I never gave a direct opinion, that the

claim was improper, or took any pains to prevent its succeeding. I was in the House of Representatives at one stage of the Bill; I do not recollect whether it was on the second reading or the third: when several members came to me and asked my opinion on the subject, but as I did not wish to give any opinion that should influence the decision, I declined giving any opinion on the subject, as I thought from the manner in which it was introduced, my opinion might have an influence. The Bill at this time, while I was present in the House, passed I think by a very large majority. After the bill had gone through the house and passed into the Senate, Mr. Tracy of the Senate, spoke to me and observed, that he wished me to answer upon honor, to the questions he should put to me. I told him, if it was a subject proper for me, to reply to, I certainly should do so. He then said he wished my opinion on Captain Lewis's claim; that it was a business which had been for some time before Congress, and that he himself at that time was opposed to it, but that he should be very much influenced by the opinion I should give him. I told him that although I considered it a duty incumbent on me, to give every information to government, which it was in my power to give, and which they required of me; yet in this instance there was a circumstance, which rendered it improper for me to give a y information. I mentioned to him what that circumstance was, and he agreed with me that to say any thing would be improper. He then asked me if I knew any gentlemen of the Army to whom I could refer him on this subject? And I named to him several Officers then in town who were well acquainted with the subject. I believe I named to him every Officer, who was in town, and who had served in the western army, while Captain Lewis had been there. The conversation then subsided; and I do not recollect that I conversed further with Mr. Tracy or any other Senator on the subject: I know that I never introduced it to any Senator or Representative.

Postscript.

THIS DAY'S MAIL,
Which arrived at a very late hour, brings the following Important Intelligence.

From the Mercantile Advertiser.

Several obliging friends have handed us files of London papers to the 19th December inclusive, received by yesterday's arrival. The account of the death of Buonaparte is the principal circumstance which arrests our attention. It is copied from the "Sun" of the 14th of December, and corroborated by an article in the "Star" of the 19th.

LONDON, December 14.

DEATH OF BUONAPARTE!

This morning a messenger arrived at Lord Grenville's office, who came over in an extra packet boat with dispatches from Vienna. They contain the following account;

Advices were received on the 3d inst. at Vienna, brought from Constantinople on the 17th ult.

Seven different messengers had arrived there from Egypt, with accounts that Buonaparte had been shot in a council of war, to which he had called not only all his own general officers, but the chiefs of those countries which he had organized.

He had called this council for the purpose of deliberating upon the best plan of opposing Mourad Bey, Ibrahim Bey, and Pacha Gaza, who were all advancing towards Cairo with a considerable force.

Upon his first opening the business, the envoy from the Bey of Tripoli, in Syria, drew a pistol from his girdle, and shot Buonaparte dead upon the spot.

Upon Buonaparte's being shot, the inhabitants of Cairo rose upon the French soldiery, and massacred a great number. Amongst the rest, two French generals fell. It was thought that upon the approach of the Brays, very few, if any of the French would escape.

By the same messenger, accounts were brought of the taking of Alexandria by the Pacha of Rhodes, assisted by the squadron of English ships which have been cruising off that port since the battle of the Nile.

These accounts, we understand, were communicated to Sir Morton Eden by Baron Thugut at Vienna, to whom they had been sent by the Imperial minister at Constantinople.

His Majesty's ship Colossus, of 74 guns, has been lost, in her way home from the Nile—Crew saved.

Napper Tandy, and his confederates were still in prison at Hamburg—Napper had been unironed, at the interference of the Sardinian ambassador. The ill state of the old villain's health, gives hopes that his imprisonment may kill him.

A vessel at New-York from La Vera Cruz brings intelligence of the meditated expedition from Bengal, against Manila, having actually taken place.

The story of its failure, and the movements of Tipoo against Madras, is a Spanish romance.