

By this Day's Mail.

BOSTON, March 30.

CAPT. DUCATER'S PRIZE.

An arrival at Beverly confirms the account of the capture of the French prize, with specie on board, by Capt. Ducater, as mentioned in the last Centinel. A Frenchman who was on board the prize is now in Salem goal.

More American Blood Spilt!

Extra of a letter from Capt. H. Woodbury, to his friend at Bilbao. St. Andro, Jan. 18.

"I wrote you by post, that the schooner which was taken last afternoon, by 4 French privateers, belonged to Marblehead or Beverly: I find now that she belonged to Beverly; and two men were killed on board of her. I saw the whole battle. She was coming into St. Andro, and was taken between the outer point and the fort, and so high that she could not be made a prize of here, and they have therefore sent her to Bayonne. But Mr. Obrien has written to Madrid about the matter. I think she was commanded by Capt. Jacob Oliver, of Beverly. She had two iron guns, and beat off one lugger; another then came up, but she still bravely continued the combat till a 10 gun frigate reinforced the enemy, when she was obliged to strike. Almost every shot came on shore. I stood the whole time outside the fort. The French privateers fired more than 60 guns before the frigate."

NEW-YORK, April 4.

Our article of yesterday, relative to an expected attack at the Havana, from the English, is corroborated from another quarter. Every exertion was making to put the harbor of the Havana in a state of defence. On the appearance of an English Squadron off that port, alarm guns were to be fired. And, as guns were heard from Moro Castle, just after the Lyon sailed, it is very probable it was in consequence of discovering the English ships of war mentioned in our Gazette of yesterday.

ARRIVED Days.

Ship Otego, Peck, Porto Rico. Brig Anna Maria, Jones, Curacao. 17. CLEARED—Brig Reliance, Marrene Boston; brig De Fuchs, Hamekines, Hamburg.

The Ship Hazard, Gardner, of Salem has arrived at Newport from Gibraltar, picked up at Sea the crew of the brig Abigail from the West-Indies bound for New-York. Sloop Rising Sun, Sillick, from Norwalk has arrived at New.

The brig Friendship, from Philadelphia to Bilbao put into the Carriminas near Gorruna in great distress, is expected will be condemned, not being able to procure materials to repair—part of the cargo thrown overboard.

Schr. Nancy, from New-York to Jamaica has put into the Delaware in distress.

The British ship of war Camilla, Capt. Larkin, has arrived at Philadelphia from England left Plymouth, the 6th of Feb.

The Two Brothers, from Charleston to this port, is supposed to be wrecked, 40 leagues east of Cape Henry.

A Pilot who came up last evening informs that an inward bound ship was driven out from the offing in the late gale. There were no other vessels in sight.

WASHINGTON, (P.) March 19.

Extra of a letter from a gentleman in Louisiana to his friend in this town dated Dec. 20, 1798.

"You are not to expect news from this quarter. General Wilkinson is near the Southern Boundary of the United States on the bank of the Mississippi, erecting a Garrison; Mr. Ellicott has made considerable progress in the Boundary.—He has passed Pearle River on his eastern direction. The judges appointed for the Mississippi have not arrived—inconvenience results, and the laws cannot be adopted until two of the judges arrive."

CHAMBER-BUG, March 28.

The grand jury of Franklin county, convened at March Term, 1799, conceiving it highly necessary that a true Republican character ought to be selected to succeed the present Governor—have therefore agreed to support, and recommend to their fellow-citizens to support JAMES ROSS Esq. of Pittsburg. On the votes being taken there appeared for James Ross—17—viz.

Patrick Campbell (Foreman) Joseph Armstrong, Joseph Shannon, David Kennedy, James Boyd, William Stuart, Michael Green, William Crawford, David Dunwoody, John Linton, John Irwin, John Brotherton, Samuel Statler, George Johnson, Albert Torrence, Hugh Brotherton, John Lallas.

For Thomas McKean—2—viz. Robert Liggett, John Thompson.

Just Received,

And to be Sold, by JAMES HUMPHREYS, in Third-Street, opposite the Bank of the United States.

A FEW COPIES OF DISCOURSES, ON SEVERAL IMPORTANT SUBJECTS. By the late

Right Rev. SAMUEL SEABURY, D. D. Bishop of the Protestant Episcopal Church, in the States of Connecticut & Rhode-Island. Published from Manuscripts prepared by the Author for the Press.

The late publications of Robertson's North America, Staunton's Embassy, the Ainslie Bell, with a variety of others—STATIONARY of all kinds, and BLANKS and STAMPS of every denomination, may be had of said Humphreys.

The Gazette.

PHILADELPHIA,

SATURDAY EVENING, APRIL 6.

PRICES OF STOCKS.

Table with 2 columns: Stock Name and Price. Includes items like Six Per Cent, Three Per Cent, Defered 4 Per Cent, BANK United States, Pennsylvania, North America, Insurance comp N.A. shares, Pennsylvania, shares, 8 per cent scrip.

COURSE OF EXCHANGE

Table with 2 columns: Location and Exchange Rate. Includes On Hamburg, London, Amsterdam.

COMMUNICATION.

WILLIAM J. MILLER, Esq. at Calcutta, has been formally received and acknowledged as the Consul of the United States of America for the British territories in India. This is the only nation to whom the same privilege has ever been granted, or who is permitted to have a public character there; and which is the reason the above gentleman, although suffered for these two years past to exercise the power, has not before been recognized in an official character.

The following process verbatim on a proposition made in Congress, for expelling the court-tous Lyon, merit to be rescued from the oblivion now of Claypoole, if it were not for the curiosity of Citizen Polyphemus's defence.

CONGRESS.

HOUSE OF REPRESENTATIVES,

On the expulsion of Lyon.

THURSDAY, February 21. Mr. Bayard called up, for consideration, the following resolution, which he had laid upon the table a day or two ago

"Resolved, That Matthew Lyon, a member of this house, having been convicted of being a notorious and seditious person, and of a depraved mind, and wicked and diabolical disposition, and of wickedly, deceitfully and maliciously contriving to defame the government of the United States, and of having with intent and design to defame the government of the United States, and John Adams, the President of the United States, and to bring the said government and President into contempt and disrepute, and with intent and design to excite against the said government and President the hatred of the good people of the United States, and to stir up sedition in the United States, wickedly, knowingly, and maliciously written and published certain scandalous and seditious writings or libels, he therefore expelled this house."

The resolution having been read, Mr. B. presented to the house a copy of the record of Lyon's trial, which was read by the clerk after which,

Mr. Bayard observed, it would not be necessary to trouble the house with many observations in support of this resolution. The facts upon which the resolution is founded, are proved to be incontrovertibly true, by the record which had just been read. The only question, therefore, before the house was, as to the consequence of the fact, or whether the crime of which the member in question had been convicted, is a sufficient cause for expulsion. Mr. B. referred the house to that clause of the constitution which gives the house the power of expulsion. The power, said he, is unlimited. The house has a power to expel a member for any crime or for any cause, which, in their discretion, they conceive has rendered him unfit to remain a member of that body. Perhaps some gentlemen may think, that it is improper for the house to take notice of acts done by its members out of the house, but he believed the fallacy of such a doctrine would be easily seen. It was certainly possible, and might, therefore, be imagined, that a member of this house might be guilty of murder, treason, perjury, or other infamous crime, and would it be asserted, that a man defiled by crimes of this kind, ought to be suffered to represent a portion of the people of the United States in the National Legislature? He trusted, that no gentleman, who valued reputation, would contend for such a point.

The question, then, is, said Mr. B. whether the act in question, is an act of that description, the commission of which ought to induce the house to expel the convicted member. In his opinion, the crime was of the first political magnitude. A crime not only affecting the members of this house, but the whole community, as its consequences go to the subversion of the government. This government, said Mr. B. depends for its existence upon the good will of the people. That goodwill is maintained by their good opinion. But how is that good opinion to be preserved, if wicked and unprincipled men; men of inordinate and desperate ambition, are allowed to state facts to the people which are not true, which they know at the time to be false, and which are stated with the criminal intention of bringing the government into disrepute amongst the people. This was falsely and deceitfully stating the public opinion; it was a felony of the worst and most dangerous nature. The member from Vermont had been convicted of doing this, with a view of exciting the hatred of the people against the President and Senate, and of stirring up sedition in the country. This, in his opinion, was a crime of the greatest magnitude, since it is all important that the channel by which information is conveyed to the people, should be preserved as pure as possible; for, if men are

allowed to state things as facts, which they know to be false, what will be the consequence? However upright the government, or however correct the first magistrate may be, the hatred of the people may be excited against them by means of false information; and when a foreign foe, or domestic traitors, join the standard of rebellion, the best constitution and government may be subverted. Therefore, that falsehood which deprives men of the means of forming a true judgment of public affairs, in this country, where the government is elective, is a crime of the first magnitude. The member from Vermont has been convicted under aggravated circumstances. He was on this floor when the law against which he has offended was passed. He, therefore, was well acquainted with the law; yet, with this knowledge, he has falsely, scandalously and maliciously defamed the President of the United States, with a view of exciting hatred and stirring up sedition. These facts are recorded and incontrovertible; and he conceived it would be out of order to call them in question.

Mr. B. concluded, with appealing to the candor and honor which he expected to find in the house, whether a member, the malice of whose heart, and the falsehood of whose pen, stood recorded; who had, from the worst and basest motives, violated a law which he had himself assisted to make, was fit to hold a seat in that house? Will any one say, that a man who does not keep the laws, ought to be allowed to make them? Certainly, nothing was more repugnant to principle and propriety; and as he conceived the member from Vermont was notoriously and exemplarily guilty in this respect, an obligation rested on the house to expel him. Mr. B. said, he brought forward this resolution from a sense only of public duty, from a strong feeling for national character. He knew but little, and should be happy if it were the wish of the member, who was the object of it. He could not be suspected of having been induced to the step he had taken by the miserable gratification of offering violence to the feelings of the member. He believed, that nothing he had said, nor any thing which could be said, would awaken a single feeling. His intentions were of another sort, and excited in another manner. Mr. B. conceived he had done his duty, and if the house refused to purify itself by the expulsion of the member, it was a satisfaction to him to reflect, that it would appear to the world that he had no share in the disgrace.

Mr. Nicholas had hoped, that the gentleman from Delaware would have shewn to the house something in this transaction, which made the character of the member alluded to, so infamous as to have rendered him unfit to hold a seat in this house. He should have thought, that after a member of this house had suffered so severely as the member from Vermont has suffered by fine and imprisonment, it would have been thought necessary to go into a consideration of the nature of the offence of which he is said to have been guilty, and to have shewn that the guilt attaching to him was such as to defile the characters of the rest of the members to fit with him before a vote of expulsion was taken. Indeed Mr. N. had supposed that there had been but one opinion on this subject, and that no attempt would have been made to have inflicted a second punishment. The gentleman from Delaware, Mr. N. said had confined himself in his declaration about this offence, to its being an offence against one of the laws of the United States, without shewing the house what the offence was, or wishing them to form a judgment upon it.

Mr. N. was surprised at this second prosecution; because, if gentlemen will speak candidly according to the opinions which they formerly delivered in justification of the law, they will acknowledge, that the whole of the charges brought against the member from Vermont, ought not to have been enquired into under the sedition law, since two of the counts contained in the indictment are mere matters of opinion, not containing the least suggestion of fact; and the third rests so much on matter of opinion, that it is impossible, according to a sound construction of the law, for any guilt to be incurred by the act.

Mr. N. wished the house to attend to the nature of the charges exhibited against the member from Vermont; and to say whether they are not of such a nature as to render it difficult to say, whether they are well founded, then they are innocent. In the record from which he had copied the charges, there are three counts; two of them are founded on extracts taken from a letter, called Barlow's Letter; the third, is for sentiments contained in a letter of the member's own writing. The two first turn on mere matters of opinion. Mr. N. read the counts as follows:

"The misunderstanding between the two governments has become extremely alarming, confidence is completely destroyed, mistrust, jealousy and disposition to a wrong attribution of motives are so apparent as to require the utmost caution in every word and action, that are to come from your executive, I mean if your object is to avoid hostilities. Had this truth been understood with you before the recal of Monroe, before the coming and second coming of Pinckney, had it guided the pens that wrote the bullying speech of your President, and stupid answer of your Senate at the opening of Congress in November last, I should probably have had no occasion to address you this letter; but we find him borrowing the language of Great-Britain, and telling the world, that although he should succeed in treating with the French, there was no dependence to be placed on any of their engagements, that their religion and morality were at an end, and that they had turned pirates and plunderers; and it would be necessary to be perpetually armed against them, though you are at peace. We wondered that the answer of both houses had not been an order to send him to a mad-house. Instead of this the Senate have echoed the speech with more fervidity than ever George the third experienced from either house of parliament.

As to the executive, when I shall see the efforts of that power bend on the promotion of the comfort, the happiness, and accommodation of the people, that executive shall have my zealous and uniform support; but when I see every consideration of the public welfare swallowed up in a continual grasp for power, in an unbounded thirst for ridiculous pomp, foolish adulation, or selfish avarice, when I shall behold men of real merit daily turned out of office for no other cause but independency of sentiment, when I shall see men of talents, merit, years, abilities, discarded on their application for office, for fear they possess that independency, and men of meaness preferred for the sake with which they can take up and advocate opinions the consequence of which they know but little of, when I shall see the sacred name of religion employed as a state engine to make mankind hate and persecute one another, I shall not be their humble advocate."

The two first counts contain the opinions of the writer on public and notorious acts. No act is charged upon the President and Senate, which is not notorious. It is not an attempt to impose upon the world a belief of facts which do not exist. He called upon gentlemen of the law, and others, to say whether this law was ever intended to extend to matters of opinion. He was astonished that a record of this kind should ever come from a court of the United States. The law declares that the publications which it proposes to punish, shall be false and scandalous. Do gentlemen say opinions can be false which do not contain matters of fact? Another part of the law gives to the party accused, the privilege of giving the truth of the fact charged in evidence; but it is impossible that this can be done, where the matter charged consists of mere opinion, and juries could not possibly say whether an opinion be true or false; they can only determine whether or not it is their own opinion.

If a man is to be subjected to prosecution for his opinions, what will be the consequence? We are, said Mr. N. sent here to form an opinion, and when we return home we are expected to deliver that opinion to our constituents; but if the propriety of our opinions are not to be judged of by ourselves, but by others, what will become of us? No man will be safe; for though he has formed his opinions as correctly as possible, if twelve men are to sit upon it, and if it should not happen to be their opinion, or if they should not believe it to be his upon whom it is charged, he will be liable to a severe fine and imprisonment. Is it proper, Mr. N. asked for legislators to be placed on this ground? Or will gentlemen say, it was their intention to place themselves in this situation? They certainly will not, for who would consent to sit here, or of what use would it be, under such conditions?

The third count is somewhat of a different nature. Mr. N. said, in speaking on this subject, he was not giving his own opinion. If he were to give it, he should say he had no foundation for the fact here stated. There is no mode, however, of ascertaining whether, or not, it was the opinion of the member from Vermont; and if it were his opinion, there being no mode of determining whether the opinion is correct or otherwise, it was impossible to act upon it.

With respect to the first part of the third count, which speaks of "every consideration of the public welfare being swallowed up in a continual grasp for power, &c." he supposed it would be agreed, that it was an expression of the affection of the mind—an opinion upon the disposition discovered by actions. That part of it, which relates to "men of real merit being turned out of office for no other cause but independency of sentiment" suggests a fact, but if this was his opinion, it is a matter so much connected with opinion, as to be scarcely distinguishable from it. And shall we be told said Mr. N. that a member ought to be banished from his seat for uttering a sentiment of this kind, after having been told by the gentleman from Delaware, and others, that it was a complete disqualification for office for a man to hold a different political opinion from that of the executive? He trusted gentlemen could not seriously think so. For, since if the fact were true, and the member from Vermont had adduced (as he believed he might have done) two or three instances of men being turned out of office merely on account of their political opinions, still the jury might have asked, "how do you know that the men displaced possessed superior talents to those who succeeded them?" This, though true, could not be proved, therefore the member from Vermont could not have availed himself of the advantage held out by the law. Gentlemen may say this is not necessary, as the law goes to many offences, not capable of this proof; they may say that the British law on this subject goes to many others. But our law is not the same with the British law; there, though the libel be true, it is not less a libel which is not the case under our law, which is an important distinction.

It was clear, Mr. N. said, that such parts of the counts as went to insinuate facts were so connected with opinion, that it was impossible to separate them. It could not be said, that the jury were competent to decide upon the truth of the case. The decision of the twelve honest men on a point of fact, is, perhaps, the best security that can be devised for the security of justice; but if a man is to be convicted, because his opinions and those of a jury are at a variance there is an end to all security. Men's opinions are as various as their faces, and the truth or falsehood of these opinions are not fit for subjects for the decision of a jury.

Upon what ground does the member from Vermont stand? He is a representative of the people; and gentlemen could not shut their eyes against a notorious fact, viz. that the constituents of this member, with a full knowledge of this prosecution, have re-elected him; and if the people of Vermont chuse to have a person possessing these opinions to represent them, who have

a right to say they shall not? Indeed if they are to be re-elected at all, they must be re-elected by the man which they chuse to elect.

The gentleman from Delaware had said, that all the offences of Mr. Lyon, were aggravated from his being a member of this house. Mr. N. was of a different opinion. He thought it incumbent on a representative to disclose his opinions on public affairs to his constituents; and this disclosure will become more necessary, in proportion as such opinions may be offensive to the administrators of the government; as when all goes on smoothly and well there will be no necessity for calling the attention of the people to public concerns.

The gentleman has also said, that it would be out of order to contest the truth of any thing contained in this record. He thought differently, and that if it was proper to act upon the subject at all, it would be proper to assign a day to have a fair hearing of the business, to enable the house to judge of the facts. For gentlemen will not say, that courts and juries are so infallible, that there is no case in which the decision of a court ought to be revised. If the member from Vermont should think it necessary to demand this investigation, the house ought to submit to it.

There was something in that record, Mr. N. said, which was very singular indeed; something which requires investigation; for unless the fact is different from what his information made it, a most extraordinary circumstance was connected with the third count. It will be seen, from the shewing of the record, that the letter upon which the charge is founded, was written before the passing of the law on which the offence was tried. If he was not misinformed, no evidence was adduced in Court, to shew that Mr. Lyon did any act subsequent to the writing of his letter in the publication, and that tho' the thing appeared in print after the law took its effect, all that was done by the writer was done before the law was passed. He thought, therefore, before the house acted upon this subject an enquiry ought to be had upon it. He did not know what were the wishes of the member from Vermont himself on this subject; he had not put the question to him, because he thought there was no offence contained in the record of which the house ought to take notice. He would say farther, that believing most religiously that the law, against which the member from Vermont it is said to have offended, is a violation of the constitution of this country, he could not, without a breach of his oath, do any act to punish a breach of that law. (To be continued)

It is understood that the following letter from the SECRETARY of War has been addressed to the Officers who have been appointed during the late session of Congress to the additional army.

WAR DEPARTMENT, 1st April, 1799.

SIR, Major-General Hamilton being charged with the recruiting service you will hold yourself in readiness to obey such orders or instructions relative thereto as may be transmitted to you directly from him, or through your commanding officer.

The materials for the appointment of officers to be drawn from North Carolina, South Carolina, and Georgia, being yet incomplete no final arrangement can be made respecting relative rank; it has therefore been thought advisable to postpone any partial issue of commissions, until the officers from those states shall be appointed.

Your pay and emoluments will commence from the date of your letter of acceptance. I have the honor to be, With much respect, Your obedient servant, JAMES M'HENRY.

One Hundred Dollars Reward. A man away from the subscriber this day, at noon, two mulatto house servants, viz. Ned, but commonly called Edward among his companions, well known as the subscriber's coachman and waiting man for several years in this city and in New-York—he is a tall fair made mulatto with a large bushy head of hair, about 32 years of age, has a low forehead, with small eyes, a full dark look and is much inclined to be abrupt and insolent, one of his legs something smaller than the other from a fracture in his youth; he generally wears a brown cloth coat with red cuffs and cape and red edging, or fullian with red cuffs and cape; had on when he went away an old forest cloth fur coat, mixed brown and yellow, and has a best coat of light colored drab, with red and white livery lace, but will do not know what other clothes he had on, may change his dress.

Nelly, calling herself Miss White to the be'ore named Ned, she is much above the middle stature, fringed with falling shroul-ers, has a remarkable ferocious countenance and is very passionate, quarrelsome, and noisy, she is rather a fair mulatto—has lost one or two of her front teeth, which she supplies with wax, and has a large scar between her shoulders occasioned by a blister; she is about forty five years of age, has a very masculine air in her walk, she carried away with her several gowns of different colored cotton; the above reward will be given for apprehending and securing them in any jail in the United States and giving notice to the subscriber; or fifty dollars for securing either of them.—All persons are cautioned against harboring, entertaining, or concealing the above servants; or either of them; and all matters of vessels and others are warned against carrying them from the United States.

JACOB READ, A Senator of the United States from the State of South Carolina, corner of 4th and Union-street Philadelphia. april 5 codiw

FOR SALE, A FINE healthy situation on the Delaware 13 miles north of Philadelphia with a two story frame house neatly new and a kitchen adjoining;—a piazza in front of the house, 3 rooms on each floor, a good cool cellar, a pump of good water, garden and orchard.—The land and water stages for New York and Burlington pass the premises every day. 10 acres of land will be allotted to the buildings, and more may be had if wanted.

For further particulars enquire at N. 13 Dock Street, or 161 South Second-stre. april 6. 2awif