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WEDNESDAY, MAY 23, 1792.

[Whole No. 320.]



SECOND CONGRESS OF THE UNITED STATES.

AT THE FIRST SESSION,

Begun and held at the city of Philadelphia, in the State of Pennsylvania, Monday the twenty-fourth of October, one thousand seven hundred and ninety-one.

AN ACT to continue in force the Act, intituled, "An act to provide for mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases," and to make further provision for the payment of pensions to invalids.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled, "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," shall be, and hereby is, continued in full force for the term of three years, from the passing of this act, and no longer. Provided, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States to grant pardons for offences against the United States.

And be it further enacted, That the yearly pensions which have been, or may be, allowed by, or in pursuance of, any act or law of the United States, to persons who were wounded and disabled in the public service, shall for the space of one year from the fourth day of March last be paid out of the treasury of the United States, under such regulations as the President of the United States may direct.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED, MAY THE EIGHTH, 1792.

GEORGE WASHINGTON, *President of the United States.*

AN ACT to provide for calling forth the MILITIA to execute the Laws of the Union, suppress Insurrections and repel Invasions.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States, to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the militia as he shall think proper: and in case of an insurrection in any State, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive (when the legislature cannot be convened) to call forth such number of the militia of any other State or States, as may be applied for, or as he may judge sufficient to suppress such insurrection.

And be it further enacted, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States, by an associate justice or the district judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a State, where such combinations may happen, shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto, as may be necessary, and the use of militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

Provided always, and be it further enacted, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes, within a limited time.

And be it further enacted, That the militia, employed in the service of the United States, shall receive the same pay and allowances, as the troops of the United States, who may be in service at the same time, or who were last in service, and shall be subject to the same rules and articles of war: And that no officer, non-commissioned officer or private of the militia shall be compelled to serve more than three months in any one year, nor more than in due rotation with every other able bodied man of the same rank in the battalion to which he belongs.

And be it further enacted, That every officer non-commissioned officer or private of the militia, who shall fail to obey the orders, of the President of the United States, in any of the cases before recited shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court martial; and such officer shall, moreover be liable to be cashiered by sentence of a court martial; and such non-commissioned officers and privates shall be liable to be imprisoned by a like sentence, on failure of payment of the fines adjudged against them, for the space of one calendar month for every five dollars of such fine.

And be it further enacted, That courts martial for the trial of militia shall be composed of militia officers only.

And be it further enacted, That all fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court martial before whom the same shall be assessed, to the marshal of the district, in which the delinquent shall reside, or to one of his

deputies; and also to the supervisor of the revenue of the same district, who shall record the said certificate in a book to be kept for that purpose. The said marshal or his deputy shall forthwith proceed to levy the said fines with costs, by distress and sale of the goods and chattels of the delinquent, which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the State, in which the same shall be, in other cases of distress; and where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the marshal of the district or his deputy may commit such delinquent to gaol, during the term, for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States, may be committed.

And be it further enacted, That the marshals and their deputies shall pay all such fines by them levied to the supervisor of the revenue, in the district in which they are collected, within two months after they shall have received the same, deducting therefrom five per centum, as a compensation for their trouble; and in case of failure, the same shall be recovered by action of debt or information in any court of the United States, of the district, in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted and recovered, in the name of the supervisor of the district, with interest and costs.

And be it further enacted, That the marshals of the several districts and their deputies shall have the same powers in executing the laws of the United States, as sheriffs and their deputies in the several States have by law, in executing the laws of their respective States.

And be it further enacted, That this act shall continue and be in force, for and during the term of two years, and from thence to the end of the next session of Congress thereafter, and no longer.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED MAY THE SECOND, 1792.

GEORGE WASHINGTON, *President of the United States.*

An ACT supplementary to the Act for making provision for the debt of the United States.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the term for receiving on loan that part of the domestic debt of the United States, which hath not been subscribed pursuant to the terms proposed in the act, intituled, "An act making provision for the debt of the United States," shall be, and it is hereby extended, on the same terms, as in and by the said act is provided, to the first day of March next; and books, for receiving such farther subscriptions, shall be opened at the Treasury of the United States, and by the commissioners of loans in each of the said States, on the first day of June next, which shall continue open until the said first day of March next inclusively; for which purpose, the said commissioners, respectively, are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

And be it further enacted, That such of the creditors of the United States, as have not subscribed and shall not subscribe to the said loan, shall nevertheless receive a rate per centum on the amount of so much of their respective demands, as well for interest as principal, as, on or before the first day of March, shall be registered, conformably to the directions of the said act, as shall be equal to the interest payable to the subscribing creditors, which shall be payable at the same times and places, and by the same persons, as in and by the said act is directed.

And be it further enacted, That the term for receiving upon loan that part of the debts of the respective States, which hath not been subscribed pursuant to the terms proposed in the act aforesaid, shall be, and it is hereby enlarged on the same terms, as in and by the said act is provided, until the first day of March one thousand seven hundred and ninety-three inclusively; for which purpose, books shall be opened at the treasury of the United States, and by the commissioners of loans in each of the said States, on the first day of June next, which shall continue open until the first day of March, one thousand seven hundred and ninety-three inclusively; for which purposes the said commissioners are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

Provided always, and be it further enacted, That the commissioner of loans for North-Carolina shall not be allowed to receive any certificate issued by Patrick Travers, commissioner of Cumberland county, or by the commissioners of army accounts at Warrenton.

And whereas the United States are indebted to certain foreign officers, on account of pay and services during the late war, the interest whereof, pursuant to the certificates granted to the said officers, by virtue of a resolution of the United States in Congress assembled, is payable at the house of Grand banker, at Paris, and it is expedient to discharge the same; Be it therefore enacted, That the President of the United States be, and he hereby is authorized to cause to be discharged the principal and interest of the said debt, out of any of the monies, which have been or shall be obtained on loan, in virtue of the act aforesaid, and which shall not be necessary ultimately to fulfil the purposes for which the said monies are, in and by the said act, authorized to be borrowed.

And be it further enacted, That the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, shall be commissioners, who, or any three of whom, are hereby authorized, with the approbation of the President of the United States, to purchase the debt of the United States, at its market price, if not exceeding the par or true value thereof; for which purchase the interest on so much of the public debt, as has already been, or may hereafter be purchased for the United States, or as shall be paid into the treasury, and so much of the monies appropriated for the payment of the interest on the foreign and domestic debt, as shall exceed what may be sufficient for the payment of such interest to the creditors of the United States, shall be and are hereby appropriated. And it shall be the duty of the said commissioners to render to the legislature, within two months after the commencement of the first session thereof in every year, a full and precise account of all such purchases made, and public debt redeemed, in pursuance of this act.

And whereas it is expedient to establish a fund for the gradual reduction of the public debt; Be it further enacted, That the interest on so much of the debt of the United States, as has been or shall be purchased or redeemed for or by the United States, or as shall be paid into the treasury thereof in satisfaction of any debt or demand, and the surplus of any sum or sums appropriated for the payment of the interest upon the said debt, which shall remain after paying such interest, shall be, and hereby are appropriated and pledged firmly and inviolably for and to the purchase and redemption of the said debt, to be applied under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury and the Attorney General for the time being, or any three of them, with the approbation of the President of the United States, for the time being, in manner following, that is to say: First, to the purchase of the several species of stock constituting the debt of the United States, at their respective market prices, not exceeding the par or true value thereof, and, as nearly as may be, in equal proportions, until the annual amount of the said funds, together with any other provisions which may be made by law, shall be equal to two per centum of the whole amount of the outstanding funded stock bearing a present interest of six per centum: Thenceforth, Secondly, to the redemption of the said last mentioned stock, according to the right for that purpose reserved to the United States, until the whole amount thereof shall have been redeemed: and Lastly, after such redemption, to the purchase, at its market price, of any other stock constituting of the debt of the United States, which may then remain unredeemed: and such purchase, as far as the fund shall at any time extend, shall be made within thirty days next after each day, on which a quarterly payment of interest on the debt of the United States, shall become due, and shall be made by a known agent, to be named by the said commissioners.

And be it further enacted, That all future purchases of the public debt on account of the United States, shall be made at the lowest price, at which the same can be obtained by open purchase, or by receiving sealed proposals, to be opened in the presence of the commissioners, or persons authorized by them to make purchases, and the persons making such proposals.

And be it further enacted, That quarter yearly accounts of the application of the said fund shall be rendered for settlement, as other public accounts, accompanied with returns of the sums of the said debt, which shall have been from time to time purchased or redeemed; and full and exact report of the proceedings of the said commissioners, including a statement of the disbursements, which shall have been made, and of the sums which shall have been from time to time purchased or redeemed; and full and exact report of the proceedings of the said commissioners, including a statement of the disbursements, which shall have been made, and of the sums which shall have been purchased or redeemed under their direction, and specifying dates, prices, parties, and places, shall be laid before Congress, within the first fourteen days of each session which may ensue the present, during the execution of the said trust.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED MAY THE EIGHTH, 1792.

GEORGE WASHINGTON, *President of the United States.*

NEW-YORK, May 18.

Strictures on the Report of a Committee of Congress, on the Western Expedition.

IN my notification to the public of the 15th inst. I promised to expose some palpable errors in the report of the committee of Congress on the late western expedition, in order that a proper judgment might be formed of this legislative mode of investigation. But previous to my entering on the subject, it is proper to observe, that I was never, directly or indirectly, called upon by the committee to furnish any explanations, or to obviate any of the charges or insinuations contained in this report: that the first notice I had of it, was in Mr. Childs's paper of the 12th instant, and that *unsuspecting, unheard and unprotected*, I have been stretched on the rack of public investigation, as an object deserving popular resentment. But though, from circumstances arising from 'misfortune and indiscretion, (not guilty) my person has been imprisoned, my mind preserves in full vigor its native freedom and independence—nor am I yet so debased, as tamely to crouch under the lash of injury, whilst I am supported by the consciousness not only of innocence, but of merit, in those particulars which are made the subject of accusation.

I shall now proceed to a consideration of some of the points, which the committee roundly assert as facts, reserving to a future occasion, such evidence and observations, as I shall judge necessary for a full refutation of every part of the report of the committee, so far as it relates to my conduct, as contractor for the army.

In order to prove my inattention to the fulfilment of the duties of my station, it is asserted—That on the 9th of May, 1791, Mr. Smith at Carlisle, one of my agents, had not received any monies from me; that on the 8th of May, 1791, Mr. Kean, another commissary, was in the same situation; and that even so late as the 9th of June of the same year, General Nevill, my principal agent at Pittsburgh (which was the place of general rendezvous and deposit) had likewise received no monies.