

CONGRESS.

IN SENATE.

Thursday, June 5th, 1794.

Mr. Vining reported from the committee on enrolled bills, that they had examined the bill, entitled, "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail," the bill, entitled, "An act laying duties upon carriages for the conveyance of persons," the bill, entitled, "An act to authorize the President of the United States during the recess of the present Congress to cause to be purchased or built a number of vessels, to be equipped as galleys or other vessels, in the service of the United States," and the bill, entitled, "An act authorizing a settlement of certain expenses of the commissioners of loans;" and that they were duly enrolled.

The President laid before the Senate a letter from the Secretary for the department of war, accompanying a statement of the troops of the United States according to the last returns; which was read.

Ordered, that this return lie on the table.

Mr. Martin, from the committee to whom was referred the bill, entitled, "An act making certain alterations in the act for establishing the judicial courts, and altering the time and place of holding certain courts," reported amendments, which were adopted.

Ordered, that this bill pass to the third reading.

A message from the House of Representatives by Mr. Beckley their clerk:

"Mr. President—The House of Representatives have passed the bill, sent from the Senate for concurrence, entitled, "An act in addition to the 'Act for making further and more effectual provision for the protection of the frontiers of the United States,' with an amendment in which amendment they desire the concurrence of the Senate."

"They have passed a bill, entitled, "An act for the relief of Nicholas Rely," in which they desire the concurrence of the Senate."

"The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of the President." And he withdrew.

The President of the Senate signed the enrolled bills last reported to have been examined, and they were delivered to the committee to be laid before the President of the United States for his approbation.

Mr. Vining reported from the committee, that they had this day laid the enrolled bills, last mentioned to have been signed, before the President of the United States for his approbation.

Ordered, that the bill be printed as it is reported to be amended.

The Senate proceeded to consider the amendment of the House of Representatives, to the bill, entitled, "An act in addition to 'The act for making further and more effectual provision for the protection of the frontiers of the United States.'"

Resolved, that the Senate concur in the said amendment.

A message from the House of Representatives by Mr. Beckley their clerk:

"Mr. President—The House of Representatives have passed the bill, sent from the Senate for concurrence, entitled, "An act for the remission of the duties on certain distilled spirits destroyed by fire."

"They agree to the amendments of the Senate to the bill, entitled, "An act to make further compensation for the services of the late Robert Forfyth, Marshal of Georgia."

"They have passed 'A resolution directing the Secretary of War to make out and return to the District Judges, certain lists in the cases of Invalid pensioners,' in which they desire the concurrence of the Senate." And he withdrew.

Mr. Vining reported from the committee on enrolled bills, that they had examined the bill entitled, "An act to make provision for the widow and orphan children of Robert Forfyth," and that it was duly enrolled.

A message from the President of the United States by Mr. Dandridge his Secretary:

"Mr. President—The President of the United States this day, approved and signed 'An act in addition to

"The act for the punishment of certain crimes against the United States." Ordered, that the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Beckley their clerk:

"Mr. President—The House of Representatives have passed the bill, sent from the Senate for concurrence, entitled, "An act allowing an additional compensation to the principal Clerks in the department of State, and the Treasury and War departments, for the year one thousand seven hundred and ninety four."

"The President of the United States hath notified the House of Representatives that he this day approved and signed 'An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines and teas.'"

"The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of the President." And he withdrew.

The President of the Senate signed the enrolled bill, entitled, "An act to make provision for the widow and orphan children of Robert Forfyth," and it was delivered to the committee to be laid before the President of the United States for his approbation.

On motion,

Resolved, that the resolution of the 3d instant, authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session, by adjourning their respective Houses on this day be rescinded; and that instead thereof, they be authorized to adjourn the respective Houses on Monday the 9th instant, to meet at the day by law appointed.

Ordered, that the Secretary desire the concurrence of the House of Representatives in this resolution.

The President laid before the Senate a letter from the Secretary for the department of War, submitting further information relative to the recent events upon the south western frontiers.

The letter and communication there-in referred to were read.

Ordered, that they lie for consideration.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, entitled, "An act for the more effectual protection of the South Western Frontier letters."

To adapt the report of the Committee so far as that the three first sections of the bill, as it came from the House of Representatives, be struck out; and:

Sec. 1st. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to call out from time to time, as occasion may require, any number of militia belonging to the State of Georgia, South Carolina, North Carolina, Virginia, or the Territory south of the river Ohio, not exceeding, in the whole ten thousand, as may at any time be; by him, thought necessary to carry on offensive operations against the Creek and Cherokee nations or tribes of Indians; provided that the militia to be called out be not continued in service for a longer term than six months at any time.

Sec. 2. And be it further enacted, That the President of the United States be authorized to establish such military posts as he may deem necessary for the permanent security of the South Western frontiers; and that the posts to be established, shall be guarded by troops from the line of the present military establishment, or by militia from the states and territory aforesaid, as the President may judge most expedient: And between every two of the said posts there shall be kept up a constant patrol of mounted rangers.

Sec. 3. And be it further enacted, That the militia to be employed by virtue of this act, shall, while in service, be entitled to receive the same rations, pay and clothing, or money in lieu thereof as the troops now in the service of the United States are entitled to.

It passed in the affirmative—Yeas 15—Nays 3.

The yeas and nays being required by one fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Bradford, Brown, Burr, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Henry, King, Livermore, Morris, Potts, Rols, Rutherford, and Vining.

Those who voted in the negative, are

Messrs. Gunn, Jackson, and Martin.

On motion,

Shall the 1st section of the bill pass as reported by the committee and agreed to, be amended in Senate, to wit:

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President of the United States shall be and he hereby is authorized to raise for three years, unless sooner discharged, within the States of Georgia, South Carolina, North Carolina, the Territory south of the Ohio, and Virginia, an additional regiment of infantry consisting of 1,140 non-commissioned officers and privates, and solely appoint the commissioned officers thereto, and organize the same according to the present establishment. Provided, that if the President of the United States shall be of opinion that any part of the legion now in service, whether officers or privates, can without detriment to the public service, be transferred and constitute a part of the regiment herein provided, he be authorized to make such transfer.

It passed in the affirmative—Yeas 13—Nays 4.

The yeas and nays being required by one fifth of the Senators present,

Those who voted in the affirmative, are, Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Jackson, King, Livermore, Morris, Potts, and Rutherford.

Those who voted in the negative, are, Messrs. Brown, Burr, Martin, and Rols.

(To be Continued.)

Much has been wrote and published in England on the plan of raising money by benevolence, or voluntary contributions for the support of government—the following account of a meeting for the above purpose may amuse our readers; it has not as yet been recommended.

From the WORLD of April 11.

E I S O M.

And the second meeting was, if possible, to the party, more efficacious than the first!

Three quarters of an hour after the advertised time of meeting, the Sheriff arrived, and, which was very decent, he brought with him in his chaise, the venerable, independent, and opulent Lord of the Bedchamber.

After waiting a few minutes, in search of his best supporter, Lord Grantley, and ascertaining that neither Mr. Fox, nor Lord Derby, nor Mr. Francis, were there, Lord Onslow departed from the north door of the Spread Eagle, slipping his coat, with the few abettors very few indeed, who were there, to the cart which waited to carry him off.

In the brief span between the Inn and his cart, Lord Onslow, seeing Mr. Ashley, the rider, ran after him, and begged him to keep near in case of accidents.

Mr. Ashley with much better sense, declined entering the cart; but, with great allegiance, endured to the end the jangling nuisance he was doomed to hear, and waited, though rather singularly, in the little group of the fifty or sixty people who were there?

Lord Onslow, when in the cart, thus met the fate which awaited him; and launched into eternity. He pulled out of his pocket, otherwise an empty pocket, the papers from the Minister.—He added the word "Requisition" from the Minister, but the better sense of Lord Grantley, with a timely frown, a whisper, and a jogg, retrieved the direction of the day; and his Lordship proceeded to say a few deliberate words to the people!

The words our readers may excuse: For his Lordship never did us any harm. And at the end of his oration (which endured two minutes and thirty-three seconds, by the stop watch) he then read the plans proposed by the Minister, for augmentation, desirable, as he called it, in Surrey!

Those plans were as follow: Augmenting the Militia—Local Volunteers—Country Cavalry, or any other Band which might occur.—A voice in the crowd said, rather acutely, "Want another Band of Gentlemen Pensioners!"

His Lordship bowed his little form, and smiled.

Lord Grantley seconded, without any speech at all; for, on such an occasion, the least said is soonest mended.

He was followed by Mr. Thomas Onslow, who said, that the Meeting in Kingdon Church Yard had been done to their hopes! but a place becomingly grave? and amused, if no others were, with his own delectable folly, he imper-

ed and bowed. We did not perceive that any body else smpered.

A true choice spirit we should! 'though Wits, a Lord! 'though Lords, a Wit!

Lord Leslie followed in fewer words still—and a little man of the name of Bulban or Batton, began to vindicate, very wisely, Lord Onslow as a Placeman and a Pensioner, and saying something, not so respectfully as from such a very young Gentleman ought to have been, of Mr. Fox, he was very properly called to order by the Sheriff and Sir Joseph Mawbey, and all the few people who were there.

As soon as he was thus silenced—

Sir Joseph Mawbey spoke, and indeed with much vigour, against the Benevolence, and for the Constitution! The Benevolence, and every poor pretence for it, he encountered and overthrew, proving it illegal, and arguing it to be impolitic.

He then directly attacked the mob of Lord Lieutenants in gross, and the poor Lord of the Chamber in particular. He distinguished well between subscribing a name and paying the money! and said, on what authority we know not, "does any body suppose that such subscriptions were ever paid? Or that, if paid, that there is not a return?"

If this had been to a man of desperate fortune, it might have had its weight. But to Lord Onslow it was manifest, how it could not apply. For his Lordship's place (as Lord Romney said of the Duke of Dorset's Stewardship, "so very responsible") alone brings him in 8000 a year. And besides that, he has just let his house in Surrey, to the Archbishop of Canterbury.

The people, therefore, present, as well as his Lordship, felt painfully on the matter, and called Sir J. Mawbey to order.

Sir Joseph very manfully listened to the call, and then told the well known story of Foote and Sir F. Delaval.

Delaval, it seems, was a Member of the Bill of Rights—and actually had put his name down. What! have you subscribed? said Foote.—Delaval said, "Yes!"—"And liberally paid your money?" said Foote.

Delaval replied, "I have."

"Egad," added Foote, "that's rather too much upon the rogue! I thought you had known enough of life to have been only the derry duck!"

Sir Joseph concluding this clever speech, he was succeeded by Mr. Turton, a young man, who said he was a Lawyer, and undertook to prove that Benevolence was no where forbidden by the Book, as the technical jargon is—and tho' thus weak as to his position, he stood tolerably firm, from his modest managing it. He had some positive recommendations—and he was further aided by the benefit of comparison. It is not the luck of every day to come after such orators as the House of Onslow, and their Affiliates!

Lord Onslow then begged his friend the Sheriff to read the proposition.—That the Gentleman present, agreed that it was expedient to augment the internal force (not of the eloquence that addressed them, but of the County) in this moment of alarm, (again alarm!) and according to any, or even all the plans proposed!

"Knock down one and you have them all," said a Freeholder in the street. And so the final friendly meeting ended with all the solemn ceremony as if it had been a County meeting, no less respectable and still than the real County meeting a fortnight before, convened at Kingdon upon Thames!

That meeting at Kingdon had above a thousand Freeholders!—and among them the County members, Lord Derby, Mr. Francis, Mr. Fox, &c. &c. and the property and talents of the County. This meeting at Epsom had just 63—and among them nobody but the following—

Lord Onslow, Mr. Onslow, Mr. Sewell, Lord Leslie, Sir J. Davis, Mr. Evelyn, Mr. Godschall, Mr. Farrel.

Even of the factious Gentlemen who commanded the interlude, but few could be brought to hear the exhibition!—Neither Messrs. Sutton and Co. of the Powder Manufactory, nor Mr. Payne nor the Keeper of the Lines!

Sir Joseph Mawbey, who so virtuously appeared, has more property in the County than all of them put together!

Though Mr. Farrel, Mr. Sewell, and Mr. Onslow, are as independent, and no more Pensioners than Lord Onslow himself.

Mr. Beckum, (not Batton above mentioned) is a candidate for Guildford!

The time of the performance was from one till two o'clock. The place, the bit of the gravel before the Spread Eagle.

Next to Sir John Mawbey on one

side; on the other, Mr. Ashley, the rider, stewed by far the best pears upon the day.—Indeed so much, that it was whispered he ought to be a Peer. So much for the voluntary, as the Organist called it, at Epsom.

Foreign Intelligence.

LONDON, April 10.

WARREN HASTINGS'S TRIAL.

(Continued from yesterday's Gazette.)

Mr. Larkins was then called to the bar and sworn. He had been in India for twenty years, and returned only in September last. He was for a great part of that time accountant-general to the East India Company, and had also the arrangement of Mr. Hastings's private concerns. He had given up the books which related to the letter to Mr. H. on his departure from India.

Mr. Burke asked, whether he had preferred any copies of these accounts, and if not, from what sources he drew the account transmitted to Mr. DeWeynes in 1786.

The counsel for Mr. Hastings objected to the question, as leading to re-open an article of the charges which had been closed nearly two years since. The managers in bringing evidence to reply, were not to be allowed to go into this latitude of examination.

Mr. Burke denied that the managers were bound in this instance by the common rules of evidence. They could not pump dry the ocean, which till now had separated them from Mr. Larkins. They must be at liberty, therefore, to draw an affidavit at large in any state of the trial.—It was the duty of their lordships to seek only for substantial justice, and in that pursuit they were not bound by the rules of inferior courts. The over-bearing necessity of the case demanded that they should receive the best possible evidence, in whatever period of the trial it could be furnished.

On this point an argument of considerable length and importance took place. The counsel for Mr. Hastings (Messrs. Pomeroy & Dallas) contended, that the managers, in their reply, could not adduce evidence but to establish some point which had been disputed, or some testimony which had been attacked. Neither of these pleas could be made use of in the present instance. If the evidence of Mr. Larkins was so necessary as it was now stated to be, they might either have moved to postpone the trial until his return, or they might have sent out a commission to India, and have availed themselves of his evidence under that commission at an earlier period. They threw themselves on the justice and candor of their lordships, not to suffer the trial to be kept open on the arrival of any new evidence from India, which would prolong its duration to an indeterminate length.—They quoted several cases to show that such a proceeding was inadmissible.

Mr. Burke said, that these arguments were absurd in the extreme. They placed the prisoner at the bar in a most contemptible point of view. He had admitted the receipt of immense sums, and he had vindicated himself by saying that he had always communicated the circumstances to Mr. Larkins, whose probity and whose honor were at that time fitted to be beyond all price. He had been specifically charged with bribery, forgery, fraud; and to these charges he had only replied, that if Mr. Larkins was present, he could vindicate him from these imputations. Mr. Larkins was now present. The managers wished to sift the matter to the bottom, and to give him the advantage of the testimony, which he had so long desired.—But instead of wishing to clear his name, the prisoner when the means, according to his own statement were at hand, called for protection against this decisive testimony, and sought a shelter, not in his own innocence, but in a technical rule of evidence.

The managers were ready to prove the charges of corruption by the evidence of Mr. Larkins. It was for their lordships to decide whether that evidence should be admitted. They were now at issue on the case, and the public, if the evidence was refused, must judge between them!

Mr. Fox and Mr. Taylor spoke on the legal propriety of admitting the evidence of Mr. Larkins. An examination by a commission they did not consider as tending to the end of substantial justice.

After some conversation, the points were referred to be debated by their lordships in their own chamber.

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