

# EXECUTIVE JOURNAL.

[TWENTY-SECOND SESSION.]

MONDAY, OCTOBER 17, 1803.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*Gentlemen of the Senate:*

In my message of this day, to both Houses of Congress, I explained the circumstances which had led to the conclusion of conventions with France, for the cession of the province of Louisiana to the United States. Those conventions are now laid before you, with such communications relating to them, as may assist in deciding whether you will advise and consent to their ratification.

The ratification of the First Consul of France is in the hands of his *Chargé des Affaires* here, to be exchanged for that of the United States, whensoever, before the 30th instant, it shall be in readiness.

TH: JEFFERSON.

October 17th, 1803.

The message, treaty, conventions, and papers accompanying, were in part read.

On motion,

*Ordered*, That the message, treaty, and two conventions, be printed, in confidence, for the use of the members.

TUESDAY, OCTOBER 18, 1803.

The Senate resumed the reading of the papers referred to in the message of the President of the United States, of the 17th instant:

On motion, the treaty and conventions communicated with the message of the President of the United States, yesterday, were read the second time.

Mr. Canton presented the memorial of Daniel Ludlow and Co. and others, merchants of the city of New York, trading to St. Domingo, and Guadaloupe; stating that their goods were sold to, or taken for the use of the French Republic, by the commander in chief, or other officers of that government, acting under his authority, or sold to the inhabitants of those islands; and stating certain impediments to the recovery of their just dues from the French Republic, and praying the interposition of government; and the memorial was read.

*Ordered*, That it lie for consideration.

WEDNESDAY, OCTOBER 19, 1803.

The treaty and conventions with the French Republic, were read the third time, in paragraphs; and, after debate, a motion was made by Mr. Jackson, and seconded by Mr. Bradley, that it be

*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made and concluded at Paris, the 11th day of Floreal, in the 11th year of the French Republic, (30th April, 1803,) between the United States and the said French Republic, as well as to the two conventions connected therewith, and made

and concluded between the two Republics, on the same day, by Robert R. Livingston and James Monroe, Ministers Plenipotentiary on the part of the United States, and Barbi Marbois, Minister of the Public Treasury of the French Republic, on the part of the said Republic."

*Ordered*, That this motion lie until to-morrow.

#### THURSDAY, OCTOBER 20, 1803.

The Senate resumed the consideration of the treaty and conventions, made with the First Consul of France; and, on the question, Will the Senate agree to the ratification of the same?

It passed in the affirmative, { Yeas, . . . . . 24,  
  { Nays, . . . . . 7.

Those who voted in the affirmative, are—Messrs. Anderson, Bailey, Baldwin, Bradley, Breckinridge, Brown, Butler, Clinton, Cocke, Condit, Dayton, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, Samuel Smith, Stone, Taylor, Worthington, and Wright.

Those who voted in the negative, are—Messrs. Hillhouse, Olcott, Pickering, Plumer, Tracy, Wells, and White.

So it was,

*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, as well as to the ratification of the two conventions connected therewith, made and concluded at Paris, on the 10th day of Floreal, in the 11th year of the French Republic, (30th April, 1803,) between the United States and the said French Republic, by Robert R. Livingston and James Monroe, Ministers Plenipotentiary on the part of the United States, and Barbi Marbois, Minister of the Public Treasury of the French Republic, on the part of the said Republic."

*Ordered*, That the Secretary lay this resolution before the President of the United States.

A motion was made, that it be

*Resolved*, That the President of the United States be requested to obtain from the French Republic, such a modification of the 3d article of the treaty, as will leave the government of the United States at liberty to make such future arrangements, or disposition of the territory of Louisiana, as, in their wisdom, may best promote the general interest; always securing to the free inhabitants of Louisiana, protection to their persons, security to their property, and the free and open enjoyment of their religion."

*Ordered*, That this motion lie until to-morrow.

#### FRIDAY, OCTOBER 21, 1803.

The Senate took into consideration the motion, made yesterday, for a modification of the 3d article of the treaty between the United States and the First Consul of France, respecting Louisiana.

On motion,

*Ordered*, That it be printed, confidentially, for the use of the Senate.

#### SATURDAY, OCTOBER 22, 1803.

The Senate proceeded to consider the motion, made on the 20th instant, for a modification of the 3d article of the French treaty.

On motion,

*Ordered*, That it be postponed to Monday next.



MONDAY, OCTOBER 24, 1803.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States:*

I lay before you the convention signed on the 12th day of Maylast, between the United States and Great Britain, for settling their boundaries in the north-eastern and north-western parts of the United States, which was mentioned in my general message of the 17th instant, together with such papers relating thereto, as may enable you to determine whether you will advise and consent to its ratification.

TH: JEFFERSON.

October 24th, 1803.

The message and papers were read.

*Ordered,* That they lie for consideration, and that the treaty be printed, confidentially, for the use of the Senate.

On motion, to resume the consideration of the resolution moved for, on the 20th instant, for a modification of the treaty respecting Louisiana, it passed in the negative.

On motion,

*Ordered,* That Daniel Ludlow & Co. and others, merchants of the city of New York, trading to St. Domingo and Guadaloupe, have leave to withdraw their petition, presented on the 18th instant.

THURSDAY, OCTOBER 27, 1803.

The convention with Great Britain, respecting the eastern boundaries of the United States, was read the second time.

FRIDAY, OCTOBER 28, 1803.

The Senate resumed the consideration of the motion, made on the 20th instant, for a modification of the treaty respecting Louisiana; and, after debate,

On motion,

*Ordered,* That the further consideration thereof be postponed until tomorrow.

MONDAY, OCTOBER 31, 1803.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States of America:*

I now lay before you the treaty mentioned in my general message, at the opening of the session, as having been concluded with the Kaskaskia Indians, for the transfer of their country to us, under certain reservations and conditions.

Progress having been made in the demarcation of Indian boundaries, I am now able to communicate to you a treaty with the Delawares, Shawanese, Potawatamies, Miamis, Eel-rivers, Weeas, Kickapoos, Piankeshaws, and Kaskaskias, establishing the boundaries of the territory around St. Vincennes.

Also, a supplementary treaty with the Eel-rivers, Wyandots, Piankeshaws,

Kaskaskias, and Kickapoos, in confirmation of the 4th article of the preceding treaty:

Also, a treaty with the Choctaws, describing and establishing our demarcation of boundaries with them.

Which several treaties are accompanied by the papers relating to them, and are now submitted to the Senate for consideration, whether they will advise and consent to their ratification.

TH: JEFFERSON.

*October 31st, 1803.*

The message was read.

On motion,

*Ordered*, That the message and papers referred to, lie for consideration, and that the treaties be printed in confidence for the use of the Senate.

The Senate resumed the consideration of the British convention for fixing the eastern boundaries of the United States. A motion was made, that it be

*Resolved*, That the Senate, (two-thirds of the Senators present concurring,) do advise and consent, that the convention between the United States of America and his Britannic Majesty, for determining boundaries, pursuant to the provisions contained in the treaty of peace of 1783, concluded at London, on the 12th day of May, 1803, be ratified." Whereupon,

A motion was made to amend the 5th article, by inserting, after the word "Commissioners," in the first instance, "upon the demand of either government," and to add the word "immediately," after the word "shall," in the next line.

And, after debate, adjourned.

FRIDAY, NOVEMBER 4, 1803.

The Senate resumed the consideration of the convention made between the United States and his Britannic Majesty, for fixing the Eastern boundaries of the United States; and the motion for amendment being withdrawn, after debate the further consideration thereof was postponed to Monday next.

The Senate took into consideration, the motion made on the 20th of October, for a modification of the 3d article of the treaty between the United States and the First Consul of France, respecting Louisiana.

And on the question, Will the Senate agree to the resolution moved for?

It passed in the negative, { Yeas, . . . . . 9,  
Nays, . . . . . 22.

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Butler, Dayton, Jackson, Logan, Potter, Wells, and White.

Those who voted in the negative, are—Messrs. Adams, Bailey, Bradley, Breckinridge, Brown, Coker, Condit, Ellery, Franklin, Hillhouse, Maclay, Nicholas, Olcott, Pickering, Plumer, Israel Smith, John Smith, Stone, Taylor, Tracy, Worthington, and Wright.

FRIDAY, NOVEMBER 11, 1803.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States:*

During the last recess of the Senate, I have granted commissions for the offices, and to the persons following; which commissions will expire at the

end of the present session of the Senate. I therefore nominate the same persons to the same offices, for re-appointment, to wit:

James Monroe, of Virginia, Minister Plenipotentiary of the United States to the government of Great Britain, vice Rufus King, resigned.

Tobias Lear, Consul General of the United States, for the city and kingdom of Algiers, and a Commissioner to treat of peace with the Bashaw of Tripoli, vice James Leander Cathcart, appointed to another place.

James Leander Cathcart, to be Consul of the United States, for the city and kingdom of Tunis, vice William Eaton, resigned.

John M. Goetschius, of New York, to be Consul of the United States, for the port of Genoa, vice Fred. H. Wallösten, superseded.

John Leonard, of New Jersey, Vice-Consul of the United States for the port of Barcelona, vice William Willis, resigned.

Isaac Coxe Barnet, of New Jersey, Commercial Agent of the United States, for the port of Havre de Grace, in France, vice Peter Dobell, resigned.

Levitt Harris, of Pennsylvania, Consul of the United States, for St. Petersburg, in Russia.

Thomas Rodney, of Delaware, a Judge of the Mississippi Territory, vice Seth Lewis, resigned.

Nathan Sanford, of New York, Attorney of the United States for the District of New York, vice Edward Livingston.

Jared Mansfield, of Connecticut, Surveyor General of the lands of the United States, North West of the Ohio, vice Rufus Putnam, removed.

Isaac Briggs, of Maryland, Surveyor of the lands of the United States, South of the State of Tennessee.

Edward Turner, of the Mississippi Territory, Register of the Land Office within the same, for the lands lying West of Pearl river, in the county of Adams.

Charles Jones Jenkins, of South Carolina, a Commissioner of the United States, the act of Congress providing for the valuation of lands and dwelling under houses, and the enumeration of slaves, for the 5th division of South Carolina, vice Samuel Hay, resigned.

Tench Coxe, of Pennsylvania, Purveyor of Public Supplies of the United States, vice Israel Wheelen, resigned.

Henry Warren, of Massachusetts, Collector of the Customs for the district of Plymouth, in Massachusetts, and Inspector of Revenue for the port of Plymouth, vice William Watson, removed.

Isaac Illsley, of Massachusetts, Collector for the district of Portland and Falmouth, in Massachusetts, being the same person intended, but misnamed, in a former nomination for the same port, to the Senate.

Samuel Ward, of Massachusetts, Naval Officer for the district of Salem and Beverley, in Massachusetts, vice Joseph Story, declined.

Thomas Durfee, of Rhode Island, Inspector of Revenue, and Surveyor for the port of Tiverton, in Rhode Island.

Abraham Bishop, of Connecticut, Collector for the district of New Haven, in Connecticut, vice Samuel Bishop, deceased.

Samuel Osgood, of New York, Naval Officer for the district of New York, in the State of New York, vice Richard Rogers, removed.

Callender Irvine, of New York, Inspector of the Revenue, and Surveyor of the port of Buffalo Creek, in New York.

Robert Lee, of New York, Collector for the district of Niagara, in New York, and Inspector of Revenue for the port of Niagara.

Jeremiah Bennet, Jun., of New Jersey, Collector for the district of Bridgetown, in New Jersey, and Inspector of Revenue for the several ports within the same district, vice Eli Elmer, removed.

Charles Gibson, of Maryland, Inspector of the Revenue, and Surveyor for the port of Easton, in Maryland.

Thomas Dudley, of North Carolina, now Surveyor of Swansboro', in North Carolina, to be Inspector of the Revenue for the same, vice Alexander Carmalt, deceased.

Brian Hellen, of North Carolina, Collector for the district of Beaufort, in North Carolina, and Inspector of Revenue for the port of Beaufort.

Joseph Turner, of Georgia, Collector for the district of Brunswick, in Georgia, and Inspector of the Revenue for the port of Brunswick.

Hore Browse Trist, of the Mississippi Territory, Collector for the district of Mississippi, in the said Territory, and Inspector of Revenue for the port of Fort Adams, vice J. F. Carmichael, removed.

TH: JEFFERSON.

*November 11, 1803.*

The message was read.

*Ordered,* That it lie for consideration.

MONDAY, NOVEMBER 14, 1803.

The treaties made between the United States and the Choctaw, the Eel-river, Kaskaskias, and Delaware nations of Indians, were severally read the second time.

TUESDAY, NOVEMBER 15, 1803.

The Senate resumed the consideration of the treaty made between the United States and his Britannic Majesty, for establishing the eastern boundaries of the United States.

On motion,

*Ordered,* That it be referred to Mr. Adams, Mr. Nicholas, and Mr. Wright, to inquire and report thereon to the Senate.

The Senate took into consideration the treaty of demarcation and cession, made between the United States and the Choctaw nation; and a motion was made, that it be

*“Resolved,* (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty of demarcation and cession, made on the 31st day of August last, between the United States and the Choctaw nation of Indians.”

*Ordered,* That this motion lie for consideration.

The Senate took into consideration the treaty made at Vincennes, between the United States and the Kaskaskias tribe of Indians; and a motion was made, that it be

*“Resolved,* (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty made on the 13th day of August last, at Vincennes, in the Indiana Territory, between the United States and the Kaskaskias tribe of Indians.”

*Ordered,* That this motion lie for consideration.

The Senate took into consideration the treaty made at Fort Wayne, between the United States and the Delawares, and other tribes of Indians; and a motion was made, that it be

*“Resolved,* (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty made at Fort

Wayne, on the 7th day of June last, between the United States and the tribes of Indians called the Delawares, Shawanese, Potawattamies, Miamies, Eel-river, Weeas, Kickapoos, Piankeshaws, and Kaskaskias."

*Ordered*, That this motion lie for consideration.

The Senate took into consideration the treaty made at Vincennes, between the United States and the Eel-river, and other tribes of Indians; and a motion was made, that it be

*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made on the 7th day of August last, at Vincennes, between the United States and the Eel-river, Wyandot, Piankeshaws, and Kaskaskias nations, and the tribe called Kickapoos.

*Ordered*, That this motion lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of November 11th, nominating James Monroe, and others, to office; and a motion was made to refer the nominations to a committee, which passed in the negative; and,

On motion,

*Resolved*, That the Senate advise and consent to the appointment of the following officers, agreeably to their nominations respectively; to wit:

James Monroe, Tobias Lear, James Leander Cathcart, Isaac Coxe Barnet, Thomas Rodney, Nathan Sanford, Jared Mansfield, Isaac Briggs, Edward Turner, Charles Jones Jenkins, Tench Coxe, Henry Warren, Thomas Duffee, Samuel Osgood, Callender Irvine, Charles Gibson, Joseph Turner, and Hore Browse Trist.

*Ordered*, That the consideration of the other nominations in the said message, be postponed.

### WEDNESDAY, NOVEMBER 16, 1803.

The treaty of demarcation and cession, between the United States and the Choctaw nation, was read the third time.

And on the question, Will the Senate advise and consent to the ratification thereof? It passed unanimously in the affirmative: Yeas 28.

Those who voted in the affirmative, are—Messrs. Adams, Anderson, Bailey, Baldwin, Bradley, Breckinridge, Brown, Butler, Cocke, Condit, Ellery, Franklin, Hillhouse, Jackson, Logan, Maclay, Olcott, Pickering, Plumer, Potter, Israel Smith, John Smith, (Ohio,) Stone, Taylor, Tracy, Wells, Worthington, and Wright.

So it was

*Resolved, unanimously*, That the Senate do advise and consent to the ratification of the treaty of demarcation and cession, made on the 31st day of August last, between the United States and the Choctaw nation of Indians."

*Ordered*, That the Secretary lay this resolution before the President of the United States.

The treaty made at Fort Wayne between the United States and the Delawares, and other Indian tribes, was read the third time; and, on the question, Will the Senate advise and consent to the ratification thereof? It passed unanimously in the affirmative: Yeas 30.

Those who voted in the affirmative, are—Messrs. Adams, Anderson, Bailey, Baldwin, Bradley, Breckinridge, Brown, Butler, Cocke, Condit, Dayton, Ellery, Franklin, Hillhouse, Jackson, Logan, Maclay, Olcott, Pickering, Plumer, Potter, Israel Smith, John Smith, (Ohio,) Stone, Taylor, Tracy, Wells, White, Worthington, and Wright.

So it was

*Resolved, unanimously,* That the Senate do advise and consent to the ratification of the treaty made at Fort Wayne, on the 7th day of June last, between the United States and the tribes of Indians called the Delawares, Shawanese, Potawattamies, Miamies, Eel-river, Weeas, Kickapoos, Piankeshaws, and Kaskaskias."

*Ordered,* That the Secretary lay this resolution before the President of the United States.

The treaty made between the United States and the Eel-river, and other tribes of Indians, was read the third time; and, on the question, Will the Senate advise and consent to the ratification thereof? It passed unanimously in the affirmative: Yeas 31.

Those who voted in the affirmative, are—Messrs. Adams, Anderson, Bailey, Baldwin, Bradley, Breckinridge, Brown, Butler, Cocke, Condit, Dayton, Ellery, Franklin, Hillhouse, Jackson, Logan, Maclay, Nicholas, Olcott, Pickering, Plumer, Potter, Israel Smith, John Smith, (Ohio,) Stone, Taylor, Tracy, Wells, White, Worthington, and Wright.

So it was

*Resolved, unanimously,* That the Senate do advise and consent to the ratification of the treaty, made on the 7th day of August last, at Vincennes, between the United States and the Eel-river, Wyandot, Piankeshaws, and Kaskaskias nations, and the tribe called Kickapoos."

*Ordered,* That the Secretary lay this resolution before the President of the United States.

The treaty made between the United States and the Kaskaskias tribe of Indians, was read the third time; and, on the question, Will the Senate advise and consent to the ratification thereof? It passed unanimously in the affirmative: Yeas 29.

Those who voted in the affirmative, are—Messrs. Adams, Anderson, Bailey, Breckinridge, Brown, Butler, Cocke, Condit, Dayton, Ellery, Franklin, Hillhouse, Jackson, Logan, Maclay, Nicholas, Olcott, Pickering, Plumer, Potter, Israel Smith, John Smith, (Ohio,) Stone, Taylor, Tracy, Wells, White, Worthington, and Wright.

So it was

*Resolved, unanimously,* That the Senate do advise and consent to the ratification of the treaty, made on the 13th day of August last, at Vincennes, in the Indiana Territory, between the United States and the Kaskaskias tribe of Indians."

*Ordered,* That the Secretary lay this resolution before the President of the United States.

#### FRIDAY, NOVEMBER 18, 1803.

The Senate resumed the consideration of the message of the President of the United States, of the 11th instant. Whereupon,

*Resolved,* That the Senate do advise and consent to the appointment of John M. Goetschius, John Leonard, Levitt Harris, Isaac Illsley, Samuel Ward, Abraham Bishop, Robert Lec, Jeremiah Bennett, Jun. Thomas Dudley, and Brian Hellen, agreeably to the nominations respectively.

*Ordered,* That the Secretary lay this resolution, together with the resolution of the 16th instant, before the President of the United States.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:



*To the Senate of the United States:*

During the last recess of the Senate, I have granted commissions for promotion and appointment in the Military corps of the United States, for the following persons and commands, which commissions will expire at the end of the present session of the Senate. I therefore now nominate the same persons for re-appointment to the same commands, to wit:

*Regiment of Artillerists.*

Captain Rishard S. Blackburn, to be Major, vice Daniel Jackson, resigned, April 30, 1803.

1st Lieutenant John Saunders, to be Captain, vice Blackburn, promoted April 30, 1803.

1st Lieutenant Howell Cobb, to be Captain, vice Izard, resigned, June 1, 1803.

John Livingston, to be 2d Lieutenant, appointed April 25, 1803, of Virginia.

Charles M. Taylor, of Pennsylvania, to be 2d Lieutenant, appointed July 18, 1803.

William L. Brent, of Maryland, to be 2d Lieutenant, appointed July 18, 1803.

*First Regiment of Infantry.*

Lieutenant Colonel Thomas Hunt, to be Colonel, vice Hamtramck, died April 11, 1803.

Major Jacob Kingsbury, of the 2d regiment of Infantry, to be Lieutenant Colonel of the 1st regiment, vice Hunt, promoted April 11, 1803.

1st Lieutenant John Whipple, to be Captain, vice Pasteur, promoted April 11, 1803.

2d Lieutenant Horatio Stark, to be 1st Lieutenant, vice Whipple, promoted April 11, 1803.

Ensign William Richardson, to be 2d Lieutenant, vice McComb, transferred to the Corps of Engineers, October 12, 1803.

Ensign Anthony Campbell, to be 2d Lieutenant, vice Stark, promoted April 11, 1803.

Ensign Thomas B. Steele, to be 2d Lieutenant, vice Brownson, resigned November 15, 1803.

Neal Duffee, of New York, to be Ensign, appointed July 18, 1803.

Jonathan Eastman, of Vermont, to be Ensign, appointed July 18, 1803.

*Second Regiment of Infantry.*

Captain Thomas Pasteur, of the 1st regiment of Infantry, to be Major of the 2d regiment, vice Kingsbury, promoted April 11, 1803.

1st Lieutenant George Salmon, to be Captain, vice Butler, died May 6, 1803.

1st Lieutenant John Campbell, to be Captain, vice Purdy, resigned September 30, 1803.

2d Lieutenant William Wooldridge, to be 1st Lieutenant, vice Salmon, promoted May 6, 1803.

2d Lieutenant James Wilkinson, to be 1st Lieutenant, vice Campbell, promoted September 30, 1803.

Ensign William Simmons, to be 2d Lieutenant, vice B. Wilkinson, promoted January 15, 1803.

Ensign Joseph Doyle, to be 2d Lieutenant, vice Wooldridge, promoted May 6, 1803.

Ensign John Miller, to be 2d Lieutenant, vice J. Wilkinson, promoted September 30, 1803.

Samuel W. Sayre, of Pennsylvania, to be Ensign, appointed April 14, 1803.

William P. Clyma, of Virginia, to be Ensign, appointed April 14, 1803.

Reuben Chamberlin, of New Hampshire, to be Ensign, appointed July 19, 1803.

Richard Chew, of Maryland, to be Surgeon's Mate, appointed May 2, 1803.

Calvin Taylor, of Vermont, to be Surgeon's Mate, appointed July 16, 1803.

I also nominate the following persons for the appointments now proposed:

Robert Richie, of Maryland, to be 2d Lieutenant in the regiment of Artillerists.

Richard Smith, of Maryland, to be 2d Lieutenant in the regiment of Artillerists.

Alpha Kingsley, of Vermont, to be Ensign in the 1st regiment of Infantry.

Gideon Warner, of Vermont, to be Ensign in the 1st regiment of Infantry.

Samuel Williamson, of Pennsylvania, to be Ensign in the 2d regiment of Infantry.

Gilbert C. Russell, of Tennessee, to be Ensign in the 2d regiment of Infantry.

John Watson, of New York, to be Surgeon's Mate in the Army of the United States.

John Griffin, of North Carolina, to be Surgeon's Mate in the Army of the United States.

TH: JEFFERSON.

*November 18th, 1803.*

The message was read.

*Ordered,* That it lie for consideration.

MONDAY, NOVEMBER 21, 1803.

A written message was received from the President of the United States, by Mr. Harvie, his Secretary:

TUESDAY, NOVEMBER 22, 1803.

The message received, yesterday, from the President of the United States, was read, as follows:

*To the Senate of the United States:*

I nominate Nicholas Fitzhugh, of the county of Fairfax, in Virginia, to be an Assistant Judge of the Circuit Court of the District of Columbia, vice James Marshall, resigned.

William S. Pennington, of New Jersey, to be Attorney for the United States, in the district of New Jersey, vice George Maxwell, resigned.

George Hay, of Virginia, to be Attorney for the United States, in the district of Virginia, vice Thomas Nelson, deceased.

TH: JEFFERSON.

*November 21st, 1803.*

*Ordered,* That it lie for consideration.

The Senate took into consideration the nominations to military appointments, contained in the President's message of the 18th instant. Whereupon,

*Resolved*, That they advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

FRIDAY, NOVEMBER 25, 1803.

The Senate took into consideration the nomination of Nicholas Fitzhugh, and others, contained in the message of the President of the United States, of the 21st instant. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

On motion,

*Ordered*, That a committee be appointed to inquire if any, and what, further proceedings are necessary by the Senate, on the convention between the United States and the king of Spain; and that Mr. Bradley, Mr. Jackson, and Mr. Baldwin, be the committee to inquire and report thereon to the Senate.

TUESDAY, DECEMBER 6, 1803.

On motion,

*Ordered*, That the convention made between his Catholic Majesty and the United States, at Madrid, August 11, 1802, be printed for the use of the Senate.

FRIDAY, DECEMBER 9, 1803.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States:*

I nominate the following persons to the offices affixed to their respective names, to wit:

Francis Coffyn, of Dunkirk, in France, to be Commercial Agent of the United States at Dunkirk, vice Charles D. Coxe, declined.

Jacob Ridgway, of Pennsylvania, to be Commercial Agent of the United States at Antwerp. Vacant.

John Mitchell, of Pennsylvania, to be Vice-Commercial Agent at Havre, in France, vice the Sieur de la Motte, declined.

Henry Wilson, of Maryland, to be Commercial Agent of the United States at Ostend. Vacant.

Lawson Alexander, of Maryland, to be Commercial Agent at Rotterdam, vice Joseph Forman, resigned.

John Forbes, of New York, now Consul at Hamburg, to be Consul, also, for such parts of the circle of Lower Saxony as may be nearer to Hamburg than to the residence of any other Consul of the United States.

William Clarke, of Massachusetts, to be Consul at Embden. Vacant.

John Leonard, of New Jersey, now Vice-Consul of the United States at Barcelona, to be Consul at the same place, vice William Willis, resigned.

John F. Brown, of Massachusetts, to be Consul at the Island of St. Thomas. Vacant.

Isaac Prince, of New York, to be Consul for the Island of St. Bartholomew. Vacant.

It is to be noted to the Senate, that the commission appointing a Consul to

any port, generally extends his powers to 'such places within the same allegiance as are nearer thereto than to the residence of any other Consul of the United States within the same allegiance.'

John Childress, Junior, of West Tennessee, to be Marshal of West Tennessee, vice Robert Hays, removed.

Thomas G. Thornton, of Massachusetts, to be Marshal of the district of Maine, vice Isaac Parker, whose commission is near expiring.

Dudley Broadstreet Hobart, of Massachusetts, to be Collector and Inspector of Revenue, of Bath, in Massachusetts, vice William Hebb, resigned.

Samuel Derby, of Massachusetts, to be Collector of York, in Massachusetts, and Inspector of Revenue for the same, vice Joseph Tucker, removed.

George Wolcott, of Connecticut, to be Surveyor and Inspector of the Revenue for Saybrook, in the district of Middletown, in Connecticut, vice Richard Dickenson.

Erastus Granger, of New York, to be Surveyor and Inspector of the Revenue of the port of Buffalo Creek, in the district of Niagara, vice Calender Irvine, who declines.

Aaron Hassert, of New Jersey, to be Surveyor and Inspector of the Revenue for New Brunswick, in New Jersey, vice Andrew Lyle, resigned.

John Cutler, of Maryland, to be Collector and Inspector of the Revenue for Snowhill, in Maryland, vice William Selby.

Martin Tapscott, of Virginia, to be Collector and Inspector of the Revenue for Yeocomico river, in Virginia, vice A. Thompson, deceased.

Peterson Gurley, of North Carolina, to be Surveyor and Inspector of Revenue for Winton, in the district of Edenton, in North Carolina, vice Lawrence Mooney, deceased.

Thomas T. Ferebee, of North Carolina, to be Surveyor and Inspector of Revenue for Indiantown, in the district of Camden, in North Carolina, vice Thomas Williams, deceased.

Reuben Smith, of Georgia, to be a 2d Lieutenant in the corps of Artillerists.

Thomas A. Smith, of Georgia, to be a 2d Lieutenant in the corps of Artillerists.

James Logan, of Kentucky, to be an Ensign in the 2d regiment of Infantry.

Edmund Hayward, of Maryland, to be Surgeon's Mate in the corps of Artillerists.

James Lanier, of Kentucky, to be Surgeon's Mate in the corps of Artillerists.

TH: JEFFERSON.

*December 9th, 1803.*

The message was read.

*Ordered,* That it lie for consideration.

THURSDAY, DECEMBER 15, 1803.

The Senate took into consideration the message of the President of the United States, of December 9th, nominating Francis Coffyn, and others. Whereupon,

*Resolved,* That they do advise and consent to the appointments, agreeably to their nominations respectively; except to those of Jacob Ridgeway, Lawson Alexander, John F. Brown, Thomas G. Thornton, Samuel Derby, George Wolcott, Erastus Granger, Martin Tapscott, Peterson Gurley, and Thomas T. Ferebee, postponed till to-morrow.

WEDNESDAY, DECEMBER 21, 1803.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States:*

On the 11th of January last, I laid before the Senate, for their consideration and advice, a convention with Spain, on the subject of indemnities for spoliations on our commerce, committed by her subjects during the late war; which convention is still before the Senate. As this instrument did not embrace French seizures and condemnations of our vessels in the ports of Spain, for which we deemed the latter power responsible, our Minister at that Court was instructed to press for an additional article, comprehending that branch of wrongs. I now communicate what has since passed on that subject. The Senate will judge whether the prospect it offers will justify a longer suspension of that portion of indemnities conceded by Spain, should she now take no advantage of the lapse of the period for ratification.

As the settlement of the boundaries of Louisiana will call for new negotiations, on our receiving possession of that province, the claims not obtained by the convention, now before the Senate, may be incorporated into those discussions.

TH: JEFFERSON.

December 21st, 1803.

The message, and papers accompanying it, were read.

*Ordered*, That they lie for consideration.

On motion,

*Ordered*, That Mr. Venable be of the committee appointed on the 15th of November, on an article of the British treaty, in place of Mr. Nicholas, absent.

The Senate resumed the consideration of the message of the President of the United States, of December 9th, instant, and the nominations of Jacob Ridgeway, Lawson Alexander, John F. Brown, Thomas G. Thornton, Samuel Derby, George Wolcott, Erastus Granger, Martin Tapscott, Peterson Gurley, and Thomas T. Ferebee, postponed December 15th; and

*Resolved*, That they agree to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution, together with the resolution of December 15th, before the President of the United States.

THURSDAY, DECEMBER 22, 1803.

Mr. Bradley reported, from the committee appointed on the 25th of November, on the Spanish convention, that the message of the President of the United States, of December 21st, gave the Senate all the information within their power to obtain. Whereupon,

*Ordered*, That the committee be discharged.

A motion was made by Mr. Bradley, that it be

“*Resolved*, That the message and documents communicated by the President of the United States, to the Senate, on the 21st instant, be referred to a select committee, to consider and report whether any, and, if any, what, further proceedings ought to be had by the Senate, in relation to the message on the disclosures made by the same.”

And it was agreed that this motion lie for consideration.

On motion,

*Ordered*, That the message of the President of the United States, of 21st

**WEDNESDAY, DECEMBER 28, 1803.**

WEDNESDAY, JANUARY 4, 1804.

MONDAY, JANUARY 9, 1804.

*Ordered*, That the Secretary lay this resolution before the President of the United States.



The Senate resumed the consideration of the convention between the United States and his Britannic Majesty, for fixing the boundaries between Great Britain and the United States; and, on motion, to advise and consent to the ratification, with the exception of the 5th article, it was agreed to postpone the subject until to-morrow.

Agreeably to the order of the day, the Senate proceeded to consider the motion made on the 22d of December last, that it be

“*Resolved*, That the message and documents communicated by the President of the United States to the Senate, on the 21st instant, be referred to a select committee, to consider and report whether any, and, if any, what, further proceedings ought to be had by the Senate, in relation to the message, or the disclosures made by the same.”

The motion was adopted; and

*Ordered*, That Mr. Bradley, Mr. Baldwin, and Mr. Jackson, be the committee.

### WEDNESDAY, FEBRUARY 8, 1804.

On motion,

It was agreed that the motion to ratify the convention between the United States and his Britannic Majesty, for fixing the boundaries between the United States and Great Britain, be the order of the day for to-morrow.

On motion,

It was agreed that the injunction of secrecy, contained in the 37th rule of the Senate, so far as relates to the convention ratified on the 9th day of January last, between the United States and his Catholic Majesty, be taken off.

### THURSDAY, FEBRUARY 9, 1804.

The Senate resumed the motion made for a ratification of the British convention, for fixing the boundaries between the United States and Great Britain. Whereupon,

A motion was made to except the 5th article; and, on the question, Will the Senate consent and advise to the ratification of the 5th article?

It passed in the negative, { Yeas, . . . . . 9,  
  { Nays, . . . . . 22.

Those who voted in the affirmative, are—Messrs. Adams, Bradley, Dayton, Hillhouse, Olcott, Pickering, Plumer, Israel Smith, and Tracy.

Those who voted in the negative, are—Messrs. Anderson, Armstrong, Baldwin, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, John Smith, Samuel Smith, Stone, Sumpter, Venable, Wells, Worthington, and Wright.

On the question, Will the Senate consent and advise to the ratification of the convention, with the exception of the 5th article?

It passed unanimously in the affirmative: Yeas 31.

Those who voted, are—Messrs. Adams, Anderson, Armstrong, Baldwin, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Hillhouse, Jackson, Logan, Maclay, Nicholas, Olcott, Pickering, Plumer, Potter, Israel Smith, John Smith, (O.) Samuel Smith, Stone, Sumpter, Tracy, Venable, Wells, Worthington, and Wright.

So it was

“*Resolved, unanimously*, That the Senate do advise and consent to the ratification of the convention between the United States and his Britannic

Majesty, for fixing the boundaries between the United States and Great Britain, concluded at London, May 12, 1803, with the exception of the 5th article.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

On motion, that the injunction of secrecy upon the members of the Senate, be taken off, in respect to the convention of boundaries with Great Britain, signed at London, on the 12th of May, 1803.

*Ordered*, That this motion lie on the table.

#### FRIDAY, FEBRUARY 10, 1804.

The Senate resumed the motion made yesterday, "that the injunction of secrecy upon the members of the Senate, be taken off, in respect to the convention of boundaries with Great Britain, signed at London, on the 12th of May, 1803;" and, after debate, it was agreed that the consideration thereof be postponed.

#### FRIDAY, FEBRUARY 24, 1804.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States:*

I nominate Hore Browse Trist, of the Mississippi Territory, to be Collector of the district of Mississippi.

Benjamin Morgan, of New Orleans, to be Naval Officer of the port of New Orleans.

William G. Garland, of New Orleans, to be Surveyor and Inspector of the Revenue for the port of New Orleans.

Alexander Bailey, of the Mississippi Territory, to be Collector of the district, and Inspector of the Revenue for the port of Natchez.

Charles Kilgore, of the State of Ohio, to be Register of the Land Office at Cincinnati.

Charles Collins, Junior, of Rhode Island, to be Collector of the district, and Inspector of the Revenue for the port of Bristol, in Rhode Island.

John Willis, of Maryland, to be Collector of the district, and Inspector of the Revenue for the port of Oxford.

Meriwether Jones, of Virginia, to be Commissioner of Loans for the State of Virginia.

TH: JEFFERSON.

*February 24, 1804.*

The message was read.

On motion, the rule was dispensed with, and the Senate proceeded to consider the nominations contained therein; and

*Resolved*, That they do advise and consent to the appointment of Hore Browse Trist, Benjamin Morgan, and Alexander Bailey, agreeably to the nominations respectively; and that the other nominations contained therein be postponed.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

\* Mr. Bradley reported, from the committee to whom was referred, on the 9th ultimo, the message from the President of the United States, of 21st De-

The Senate resumed the consideration of the motion, made on the 9th instant, “that the injunction of secrecy, upon the members of the Senate, be taken off, in respect to the convention of boundaries with Great Britain, signed at London, on the 12th day of May, 1803;” and, on the question to agree to this motion,

Those who voted in the negative, are—Messrs. Baldwin, Bradley, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Jackson, Maclay, Nicholas, Potter, Israel Smith, John Smith, (Ohio,) John Smith, (New York,) Samuel Smith, Stone, Sumpter, Venable, and Worthington.

*Ordered*, That the further consideration of the message be postponed.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

*Ordered*, That the further consideration of this nomination be postponed until to-morrow.

## 59

The yeas and nays being required by one-fifth of the Senators present, Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Maclay, Nicholas, Potter, Israel Smith, John Smith, (New York,) Samuel Smith, Sumpter, Venable, and Wright.

Those who voted in the negative, are—Messrs. Adams, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, Wells, and White.

So it was

*Resolved*, That the Senate do advise and consent to the appointment, agreeably to the nomination.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

#### THURSDAY, MARCH 22, 1804.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States:*

I nominate William Johnson, of South Carolina, to be an Associate Justice of the Supreme Court of the United States, in the place of Alfred Moore, resigned.

John Samuel Sherburne, of New Hampshire, to be District Judge of the district of New Hampshire.

Jonathan Steele, of New Hampshire, to be Attorney for the United States, in the district of New Hampshire.

Joseph McIlvaine, of New Jersey, to be Attorney for the United States, in the district of New Jersey.

Jonathan Russell, of Providence, in Rhode Island, to be Consul for the United States at Tunis.

William H. Burr, of New Jersey, to be Collector of the district, and Inspector of the Revenue for the port of Burlington, vice Moses Kempton.

Joseph Winner, of New Jersey, to be Collector of the district, and Inspector of the Revenue for the port of Great Egg Harbor, vice Alexander Freeland.

William Fisher, of Virginia, to be Collector for the district of South Quay.

Benjamin Tupper, of Ohio, Receiver of Public Moneys at Marietta.

Willyss Silliman, of Ohio, Register of the Land Office at Zanesville.

Thomas Van Swearingen, of Ohio, Receiver of Public Moneys at Zanesville.

TH: JEFFERSON.

*March 22d, 1804.*

The message was read.

*Ordered*, That it lie for consideration.

#### SATURDAY, MARCH 24, 1804.

The Senate took into consideration the message of the President of the United States, of the 22d instant, nominating William Johnson, and others; and the nominations were agreed to, except those of Benjamin Tupper, Willyss Silliman, and Thomas Van Swearingen, postponed.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States of America:*

I nominate James Bruff, now a Captain, to be Major in the corps of Artillerists, vice Richard S. Blackburn, deceased.

Richard Whiley, now a 1st Lieutenant, to be a Captain, vice James Bruff, promoted.

Simon Owens, a 2d Lieutenant, to be 1st Lieutenant, vice 1st Lieutenant G. W. Hall, resigned.

James Porter, an Ensign, to be 2d Lieutenant, vice 2d Lieutenant Owens, promoted.

Peter P. Schuyler, a 1st Lieutenant, to be Captain, vice George Salmon, deceased.

Richard Buck, a 2d Lieutenant, to be 1st Lieutenant, vice 1st Lieutenant B. Wilkinson, resigned.

Henry R. Graham, a 2d Lieutenant, to be 1st Lieutenant, vice 1st Lieutenant P. P. Schuyler, promoted.

William P. Clyma, an Ensign, to be 2d Lieutenant, vice 2d Lieutenant Richard Buck, promoted.

Reuben Chamberlin, an Ensign, to be 2d Lieutenant, vice 2d Lieutenant H. R. Graham, promoted.

Samuel Gates, of Massachusetts, to be a 2d Lieutenant in the corps of Artillerists.

William Clark, of Kentucky, to be a 2d Lieutenant in the corps of Artillerists.

John Roney, of Pennsylvania, to be an Ensign in the 1st regiment of Infantry.

Hezekiah Johnson, Junior, of Maryland, to be an Ensign in the 1st regiment of Infantry.

Robert Peyton, of Virginia, John R. N. Lockett, of Maryland, Benjamin S. Smoot, of Maryland, James Bloodworth, of North Carolina, Anthony Forster, of North Carolina, Alfred Sebastian, of Kentucky, George W. Sevier, of Tennessee, to be Ensigns in the 2d regiment of Infantry.

Francis de Masson, to be teacher of the French language in the corps of Engineers.

Richard Davidson, of Kentucky, Hanson Catlett, of Kentucky, George Hall, of South Carolina, to be Surgeon's Mates in the Army of the United States.

TH: JEFFERSON.

The message was read.

*Ordered,* That it lie for consideration.

MONDAY, MARCH 26, 1804.

The Senate resumed the consideration of the message of the President of the United States, of the 22d instant, nominating William Johnson, and others, to office. Whereupon,

*Resolved,* That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered,* That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, received on the 24th instant, nominating James Bruff, and others, to military appointments.

*Resolved*, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

TUESDAY, MARCH 27, 1804.

The following written message was received from the President of the United States, by Mr. Harvie, his Secretary:

*To the Senate of the United States:*

I nominate Dennis Claude, of Maryland, Cornelius Baldwin, of Virginia, and Hugh M. Hull, of Georgia, to be Surgeon's Mates in the Army of the United States.

TH: JEFFERSON.

*March 27th*, 1804.

The message was read.

On motion, the rule was dispensed with, and the Senate proceeded to consider the nominations contained therein; and

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations respectively.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

TUESDAY EVENING, MARCH 27, 1804

The Senate took into consideration the report of the committee, to whom was referred, on the 9th of January, the message of the President of the United States, of December 21, as follows:

*In Senate of the United States, February 24, 1804.*

Mr. Bradley, from the committee appointed on the 9th of January, to consider and report whether any, and if any, what further proceedings ought to be had by the Senate, in relation to the message and documents communicated by the President of the United States, on the 21st of December last, submitted the following report:

Upon a careful examination of the message and documents communicated by the President, on the 21st of December, your committee notice certain unauthorized acts and doings of individuals, contrary to law, and highly prejudicial to the rights and sovereignty of the United States, tending to defeat the measures of the government thereof; and which, in their opinion, merit the consideration of the Senate.

They find that, on the 15th of November, 1802, and before and subsequent to that day, divers controversies and disputes had arisen between the governments of the United States and Spain, concerning certain seizures and condemnations of the vessels and effects of the citizens of the United States, in the ports of Spain, and for which the government of Spain was deemed responsible, and in the prosecution of which, for indemnification, the Minister



of the United States, near the Court of Spain, had been instructed to press that government, by friendly negotiation, to provide for those wrongs

Your committee find, while said negotiation was pending, and the said disputes and controversies in no wise settled or adjusted, that *Jared Ingersoll*, *William Rawle*, *Joseph B. McKean*, and *P. S. Du Ponceau*, of the city of Philadelphia, did, at said Philadelphia, on the same 15th of November, 1802, and *Edward Livingston*, of the city of New York, did, at said New York, on the 3d day of the same November, in violation of the act, entitled "An act for the punishment of certain crimes therein specified," passed the 30th day of January, 1799, commence and carry on a correspondence and intercourse with the said government of Spain, and with the agents thereof; and, as your committee believe, with an *intent* to influence the measures and conduct of the government of Spain, and to defeat the measures of the government of the United States; and did, then and there, counsel, advise, aid, and assist, in such correspondence, with *intent* as aforesaid.

Your committee, with the knowledge of these facts, are compelled to observe, that however there might exist in Senate a great reluctance to express any opinion in relation to proceedings in the ordinary course of criminal jurisprudence, yet, when they reflect on the nature of the offence, the improbability of the ministers of the law ever coming to the knowledge thereof without the aid of the Executive, and the delicate situation of the Executive in relation to the subject, duty seems to demand, and propriety to justify, their expressing an opinion in favor of that aid, without which, in their judgment, the justice of the nation would be exposed to suffer.

Your committee have no doubt that precedents may be adduced, and from the best authority to justify such a measure, and warrant the proceedings with safety, to the remedial justice of the law, which admits of no rules, or pretended rules, uncorrected and uncontrolled by circumstances, the certain result of which would be the failure of justice.

With these impressions, your committee respectfully offer to the Senate the following resolutions:

*Resolved*, That the President of the United States be requested to cause to be laid before the Attorney General, all such papers, documents, and evidence, as he may deem expedient, and which relate to any unauthorized correspondence and intercourse, carried on by Jared Ingersoll, William Rawle, Joseph B. McKean, P. S. Du Ponceau, and Edward Livingston, with the government of Spain, or with the agents thereof, with an intent to influence the measures and conduct of the government of Spain, or to defeat the measures of the government of the United States, in relation to certain disputes and controversies between the said governments.

*Resolved*, That, if, in the opinion of the Attorney General, such papers, documents, and evidence, or such other evidence as may be presumed, from any that is *particeps criminis*, shall be deemed sufficient to warrant a prosecution of the aforesaid persons, or either of them, that the President of the United States be, and hereby is, requested to instruct the proper law officer to commence a prosecution, at such time and in such manner as he may judge expedient, against Jared Ingersoll, William Rawle, Joseph B. McKean, P. S. Du Ponceau, and Edward Livingston, or either of them, on the act, entitled, "An act for the punishment of certain crimes therein specified." And that he be requested to furnish the Attorney on the part of the United States, for the purpose of carrying on said prosecution, with such papers, do-

cuments, and evidence, from the Executive Department of the government, as he may deem expedient and necessary.

A motion was made by Mr. White, that it be

*Resolved*, That the Senate will take no further order on the report made to them respecting the opinions of certain lawyers, relating to the convention between the United States and His Catholic Majesty; the Senate not considering it within the province of their duty to do so, and that the injunction of secrecy upon the same be taken off.

On motion,

*Ordered*, That the consideration of this resolution be postponed to the first Monday in November next.

Attest:

SAM: A. OTIS, *Secretary*.

END OF THE TWENTY-SECOND SESSION.