fore the public, it appears reasonable to conclude, that as several of the objectionable parts of the late orders are rescinded with regard to America, the embargo will be raised with respect to this country. That this course of procedure will be adopted, is the general impression; and, in contemplation of direct supplies, your produce has again experienced a very great and serious depression.—Old Upland Cottons have been sold at 12d—new at 14d *a* 15d, and New-Orleans at 16d per lb.—Some small parcels of York and James' River tobacco have obtained 4d *a* 5d—and stemmed 7d *a* 7 1 2 per lb.—Wheat supports the prices of 14s 6d *a* 14s 9d per lb.—In other articles so little has been done, that no quotation can be given with certainty.

"Since the establishment of our present firm, we have had occasion to lay before you several important changes in our market, arising from unexpected occurrences. The subject of our present communication, in this respect, stands particularly conspicuous—so little did the public anticipate any relaxation in the policy of our government, that measures of increased vigor were considered as extremely probable. Under this impression, the intimation, which was given by the Lords of Trade, was received with surprise and astonishment. It was, however, not the less gratifying to perceive the existence of a disposition to restore, in some degree, that freedom to commerce, of which she has been so long divested. We hope the period will yet arrive, when the powers of Europe, abandoning their anti-commercial restrictions, will be actuated by a more wise and liberal policy."

DECLARATION OF WAR,

By Francis I. Emperor of Austria.

AND ADDRESS OF THE ARCHDUKE.

VIENNA, *April* 12.

Before his imperial Majesty left this capital, he was pleased to issue the following.

PROCLAMATION:

"Francis I. by the Grace of God Emperor of Austria, &c.

"People of Austria!—I leave my capital to join the brave defenders of the country assembled on the frontiers for the protection of the state.

"For these three years past I have made the utmost exertions to procure you, my beloved subjects, the blessings of a permanent peace. No sacrifice, any ways consistent with your welfare, and with the independence of the state, however painful, have I spared to secure your tranquility and welfare by a friendly understanding with the Emperor of the French.

"But all my endeavors proved fruitless. The Austrian Monarchy was also to submit to the boundless ambition of the Emperor Napoleon; and and in the same manner he strives to subdue Spain, insults the sacred Head of the Church, appropriates to himself the provinces of Italy, and parcels out the German dominions. Austria was to do homage to the great empire, the formation of which he has loudly announced.

"I have adopted all necessary measures to assert the independence of the state. Not only have ye answered my call, but your love for your native country had prompted you to anticipate it. Accept my cordial thanks; they will be repeated by my posterity and yours. Self defence, not invasion, was our aim. But the conqueror will not allow the sovereign of his people, strong in their mutual confidence, to possess sufficient means to oppose his ambitious views. He declared himself hostile to Austria, unless she should relinquish her measures of defence, and prostrate herself disarmed at his feet. The disgraceful proposal was rejected, and now his hosts are advancing against us, arrayed for battle.

"I confide in God—in the valor of my armies, in the heroic conduct of my brother, who leads them on to glory, in you my beloved people: our exertions for this war are great; but such they must be in order to attain more securely the important end of self-preservation.

What you have hitherto done is the most unquestionable pledge of the powerful assistance which I am to receive from you. They who bear no arms will also share in the protection of their country. Unanimity, order, obedience, activity, and confidence, constitute the real strength of a nation. You have evinced them, and to this alone is it owing, that we start with a fairer prospect of success than we ever did. Fortunate events will not unnerve your energy, nor disastrous occurrences, should any happen, shake your firm resolve. Perseverant valor overcomes all dangers, enhances every advantage and supplies all losses. Our cause is just; Providence does not forsake those who do not forsake themselves.

"I depend on your love, your tried fidelity to your prince and country. Depend ye on the paternal solicitude of your monarch, who finds all his happiness in you.

"FRANCIS."

"Vienna, April 9, 1809."

The Archduke Charles has issued the following *Address to the German Nation*:

"His Majesty the Emperor of Austria is forced to take up arms, because the French Emperor will not tolerate the existence of a state which does not acknowledge his supremacy of power, nor stoop to become subservient to his views of conquest; because he requires that Austria shall renounce her independence, unbend her energies, and surrender at the conqueror's discretion; because the armies of the Emperor of France, and of his dependent allies, advance against Austria with hostile views.

"The forces of Austria have risen for self-defence and self-preservation at the nod of their monarch; I am leading them on against the enemy, to prevent the certain attack he prepared against us.

"We pass the frontiers not as conquerors; not as enemies of Germany: nor to destroy German institutions, laws, customs and manners, and impose foreign ones; not to appropriate to ourselves the property of Germany, or to sacrifice her children in distant wars, carried on to destroy and subjugate foreign nations.—No; we fight to assert the independence of the Austrian monarchy, and to restore to Germany the independence and national honors which are due to her.

"The same pretensions which now threaten us have already proved fatal to Germany. Our assistance is her last effort to be saved. Our cause is that of Germany.—United with Austria, Germany was independent and happy: it is only through the assistance of Austria that Germany can receive happiness and independence.

"Germans!—Consider your destruction. Accept the aid we offer, and co-operate with us for your salvation. We demand from you no exertions, but such as the war for our common cause requires.—Your property and your domestic peace are secured by the discipline of our troops. The Austrian armies will not oppress, nor rob you; they respect you as brethren, chosen to fight jointly with us, for your cause and ours. Be worthy of our respect; such Germans only as forget themselves are our enemies.

"Depend on my word which I have more than once pledged, and redeemed to save you! Depend on the word of my Emperor and brother, which has never been violated.

"CHARLES, Generalissimo."

PROCLAMATION BY DAVOUST.

To the army of the Rhine.

MEMAU, APRIL 12.

"Soldiers—His majesty the Emperor of Austria commenced hostilites on the 8th inst. This was announced by his Generals in Chief on the 9th. They have taken up arms. The orders of the day delivered to the Austrians are merely the effusions of scurrility. This is not the way to attack the soldiers of the Emperor Napoleon. They threaten to overwhelm us with defeat and disgrace upon the plains of Ulm and Marengo. Your conduct will shew what right they have to make use of these threats.—Soldiers, our beloved Sovereign, when he was First Consul offered peace, the Emperor of Austria refused it—Marengo compelled her to accept of terms. The English broke the treaty of Amiens. Our Sovereign had collected his armies on the French coast, and the Emperor of Austria availed himself of that juncture, and without any previous declaration of war, violated the territory of our allies, and threatened ours. Ulm compelled the enemy of our Sovereign again to make peace. In the present instance the Emperor of Austria has threatened the territory of our allies, without the least appearance of any difference between the two powers, and conceiving himself in a situation to undertake hostilities, has actually commenced war. The directors of the Austrian Cabinet have a very great interest in the result of their libellous scurrilities. Woe be to those who may dare to disseminate them, and by these means excite disturbance; the prompt execution of military law will be the inevitable consequence.

"Soldiers—In spite of those libellous reproaches, Germany has done honor to your discipline and good conduct. You do not make war against the inhabitants; those unfortunate sacrifices to the views of the House of Austria, whose ambition has stained so many pages of history with blood and whose arrogance has again excited such agitation among the nations.

"A soldier of Napoleon must not only be free from censure, but without fear. If there are any of a contrary character in our ranks, and who shall so far transgress against the fundamentals of all discipline as to dishonor his cloth by plunder or disobedience, punishment shall speedily follow.

"The results of this war are certain. We shall be supported by the Emperor Alexander, who is faithful to his engagements in peace or war. With his armies, whom you highly respect; with the confederate sovereigns whose wish is that we should avenge their cause, & secure them in future against the ambition of our eternal enemy; & lastly, through the justice of our cause, victory must be ours. Your courage, & the genius of your sovereign, when you see him in the midst of you, will be the most infallible assurance of your triumph.

"The Marshal Duke of

"AUERSTADT."

SENATE.—*June* 12.

On motion by Mr. *Giles*, resolved, that a committee be appointed to enquire whether it be expedient and proper at this time, to make any provision by law for remitting the penalties & forfeitures incurred by the violations of some of the provisions of the act, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the U. States from and after the 1st of Jan. 1808," so far only as relates to the introduction of slaves into certain parts of the United States, who were lately forcibly expelled from the Island of Cuba, with the French inhabitants thereof.

Messrs. Giles, Bradley, Anderson, Crawford and Franklin were appointed the committee.

After considering the bill to amend and continue in force the act to interdict the commercial intercourse between the U. States, and G. Britain and France, &c. it was on motion of *Mr. Giles*, postponed till to-morrow.

The same course was then pursued with the bill to direct the sale of gun-boats.

June 13.

The President communicated two reports from B. H. Latrobe, Surveyor of the Public Buildings.—Referred to Messrs. Brent, Gregg and Leib.

The Senate resumed the consideration of the bill to amend and continue in force the act entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies."

On motion of Mr. *Anderson* the bill was postponed until to morrow.

On motion of Mr. *Lloyd*, resolved that the President of the U. States be requested to cause to be laid before the Senate such information, in relation to our concerns with Great Britain, as may be in possession of the Department of State, and as he may think it expedient to submit to the Senate.

The Senate resumed the consideration of the bill to direct the sale of gun-boats.

Mr. *Bradley* moved to postpone its further consideration until the first Monday in January next.

This motion was negatived.

When, on motion of Mr. *Anderson*, the further consideration of the bill was postponed until to morrow.

HOUSE OF REPRESENTATIVES.

MONDAY, JUNE 12.

Many petitions were presented and referred; amongst which were several presented by Messrs. Quincy & Gardner, from manufacturers of salt, praying for a duty on imported salt.

Mr. Gardenier obtained leave of absence for the remainder of the session.

Mr. Montgomery reported a bill making compensation to Major Z. M. Pike and his companions for certain exploring expeditions. On the question whether the bill should have a second reading, it was negatived 57 to 42.

A report was received from the attorney general on the subject of sundry memorials relative to the batture at New Orleans, referred to him at the last session.—Referred to a select committee with leave to report thereon by bill.

MISSISSIPPI TERRITORY.

The Speaker presented a petition inclosed to him from a number of inhabitants of the district East of Pearl river, in the Mississippi territory, praying for the division of the territory.

Mr. Poindexter moved that the petition lie on the table; it would perhaps be disrespectful to the petitioners to reject it, although its contents would merit that course. There were three parties who must, by the ordinance for the government of the territory, consent before the territory of the Mississippi could be divided. One party was the Mississippi territory, the other the state of Georgia, and the third the United States. Neither of these parties had consented. There was therefore an absolute interdiction to all legislation on the subject; and the House would with as much propriety refer a petition from a state to be exempt from general taxation or to recede from the union, as to refer this petition.

Mr. Burwell said he felt himself bound to oppose the motion for its lying on the table. If the request was wholly improper, the report of a committee to that effect would settle the question at once.

Mr. Bibb was in favor of the motion; though, had a motion been made to reject it, he should have voted against it.

Mr. Macon was in favor of a reference of the petition. No harm could arise from an enquiry into it.

Mr. Troup admitted the correctness of the remarks of the delegate from the territory, but wished the petition to be referred to a committee for the purpose of an enquiry as well into the amount of population in that country as into its quality; whether it was lawful or unlawful. There were certain facts connected with this subject perhaps not generally known to the House. In the course of last year he had understood that a great many persons, amounting to perhaps three or four thousand, had crossed the Tennessee river, and fixed themselves on its banks, not only contrary to law, but the impression was that they had set out in defiance of the law, and had even gone so far as to organize themselves into military associations for the purpose.

Mr. *Poindexter* observed that there had been a settlement contrary to the existing law on Tennessee near about a year ago; but that they were ordered to be driven off by the military force, except they would take permission to reside as tenants at will. Some had done so, and some had been driven off.

Mr. *Troup* said he knew that orders had been given to remove them; but of their removal and dispersion he had not heard. He said he had farther understood that there were in the county of Madison alone two or three thousand intruders, and many of them settled on Indian lands, whose owners they excited to hostilities. There was another fact, of which the House might keep possession. Among these intruders was one of the name of Harrison (he believed) who claimed under what was called the Tennesse Yazoo claims, and who settled on the land with his retainers, and deliberately began to apportion it amongst them. Whether he had been dispossessed, Mr. T. said he did not know. It was absolutely necessary to ascertain the situation of that country, and therefore he should vote for the reference of the petition to a committee.

The petition was ordered to lie on the table—67 to 27.

ADJOURNMENT.

On motion of Mr. Bibb, the House took up the resolution from the Senate to adjourn on the 20th instant.

Mr. J. G. Jackson moved that it lie on the table till Thursday. He thought it was unbecoming the dignity of this body to fix a day at which to adjourn, when it was impossible to say whether the business before the House could be maturely considered in that time. It was hurrying business at the hazard of its being insufficiently attended to.

Messrs. Alston and Cook were of the same opinion.

Mr. *Bibb* said he was not very anxious about it, but he did not before know that the dignity of a body was proportioned to the length of its sittings. He was of a very different opinion, believing that as much business might be as well done in a week as was often done in a month.

Mr. *Dana* was in favor of the resolution's lying on the table. He said he had supposed that *quality* was quite as material as *quantity* in legislation. It was an extraordinary thing that a legislature should serve its members as sometimes men served their horses or slaves, giving them a certain portion of work to do within a given time, and then lashing them up to it. He had no idea of legislating upon compulsion.

The resolution was ordered to lie on the table till Thursday next—ayes 87.

A bill from the Senate for extending the benefit of drawback to goods transported by land from the district of Newport to the port of Boston, was twice read and committed.

NAVAL ESTABLISHMENT.

Mr. Cutts, from the committee on our naval establishment, reported a bill concerning the naval establishment.—[This bill authorises the President of the United States, in case of a favorable turn, in our foreign relations, to cause to be laid up in ordinary such of the public armed vessels of the United States as he may think proper.]—Twice read and committed.

Mr. *Cutts*, from the same committee, on the resolution directing the committee to enquire into the expediency of selling any part of the public armed vessels, reported, that it is not expedient at this time to sell any of the public armed vessels.—Report ordered to lie on the table.

CONTESTED ELECTION.

On motion of Mr. Findley, the house resolved itself into a committee of the whole, Mr. Pitkin in the chair, on the report of the Committee of Elections on the petition of Charles Turner, jr. contesting the right of William Baylies to his seat.

On this report, the acceptance of which by the House would postpone the decision of the case till the next session, a debate arose, which continued till 5 o'clock; in which Messrs. W. Alston, Bacon, Baylies, Clay, Dana, Findley, Fisk, Gannett, Gholson, Gold, Holland, Livermore, Macon, Montgomery, Pickman, Quincy, Randolph, Rhea, Taylor, Varnum, Wheaton and Wilson, took part.

(The Report of the committee of Elections in this case, now excluded by other matter, shall appear in our next.)

It was contended by those in favor of postponement, that the depositions taken on the subject of this election, although the parties might have had reasonable notice, were not legal, having been taken under the authority of no existing law; that time had heretofore been allowed in similar cases on the request of the sitting members; that the constituted authority of Massachusetts having decided the first election not to be valid, & having ordered a second, it was doubtful whether Congress were not precluded from acting on the subject. It was also said by other gentlemen that it was a matter of courtesy to the sitting member, on his request in behalf of his constituents, to grant time for procuring testimony.

On the other hand it was said that the depositions were taken under the same circumstances as those under which a member (Mr. Culpepper) had during the last Congress been deprived of his seat; that time sufficient had been allowed previous to the meeting of Congress; that the returned member had not stated any specific facts which he believed he could prove, if time were given; that the constituted authority of Massachusetts had no exclusive power of deciding on the returns of members, Congress being the sole judges of the returns of their own members, and having in various instances set aside elections, declared valid by the state authorities, as in the case of Cowles Mead and John Culpepper. It was also observed that some consideration was due to the gentleman contesting the seat of Mr. Baylies, who had already attended the whole of this session at considerable expence and inconvenience.

A motion was made that the committee rise with a view to re commit the report to the committee of elections. The committee did rise about 5 o'clock and were refused leave to sit again, 65 to 55. A motion was made to re commit the report; which was opposed by Mr. Pitkin. A motion was made to adjourn and carried.

Previous to adjournment Mr. Newbold obtained leave of absence for the remainder of the session.

Tuesday, June 13.

Mr. *J. G. Jackson*, from the committee of foreign relations, reported the bill to amend and continue in force the non-intercourse act, with amendments.—Twice read, referred to a committee of the whole House, and made the order of the day for Thursday.

Mr. *Stanley* reported a bill for the relief of John Kerr (a sufferer by inadvertent violation of embargo laws.)—Twice read and committed.

Mr. *Poindexter* presented a memorial of a number of citizens of the U. States, residing on Tombigbee river, stating that they are subject to an enormous duty of 12 per cent. on all exports and imports at the Mobille, to be paid to the Spanish government, and praying relief.—Referred to the Committee of Ways and Means.

Mr. *Love* reported a bill for the improvement of the navigation of the river Potomac.—[This bill contemplates giving power to raise money by lottery, &c. for the purpose mentioned.]—The bill having been read once, was read a second time, 50 to 48.—Made the order for to-morrow week, 53 to 42.—(Presumed to be equivalent to rejection.)—Refused to be printed, ayes 30.

CONTESTED ELECTION.

The House resumed the consideration of the unfinished business of yesterday.

Mr. *Findley* gave his reasons in favor of re-commitment.

Mr. *Pickman* stated at length the grounds on which the council of Massachusetts had ordered a new election in the case; and supported the right of Mr. Baillies to his seat. Mr. Cutts replied. Messrs. Rhea, Bacon and Cook also advocated re-commitment, and Mr. Quincy replied to some observations made by these gentlemen.

The report was re-committed without a division.

Mr. *Bacon* moved a resolution to instruct the committee of elections to enquire into and report such specific facts as in their opinion may afford good grounds for postponing the decision; and, if none should exist, to instruct them to enquire into the merits of the case.

Mr. *Potter* moved to amend it by adding "and likewise to report to the House whether the depositions taken were authorized by any law of the United States."—Motion negatived, Ayes 36.

Mr. *Bacon's* motion was also negatived, Ayes 28.

MIRANDA's EXPEDITION.

On motion of Mr. *M'Kim*, the house resolved into a committee of the whole, Mr. *W. Alston* in the chair, on the report of the committee on the petition of the thirty-five American citizens confined at Carthagena, S. America.

[The report recommends the giving authority to the President of the U. S. to endeavor to effect their liberation and proposes an appropriation of —— dollars for that purpose.]

Mr. *M'Kim* moved to fill the blank with 3,500 dollars.

On this motion gentlemen proceeded to debate the merits of the case. An animated debate took place which continued till near five o'clock. Messrs. Randolph, Smilie and Macon opposed the report, and Messrs. Emott, Bacon, Pearson and Fisk, supported it. [This debate hereafter.]

On a motion that the committee rise, there were for it 52, against it 51. The chairman tied the vote.

The committee refused to fill the blank, 49 to 38.

The resolution was agreed to in committee, 43 to 41. [There being a very thin House, this vote cannot perhaps be considered as deciding the question.]

The committee having risen and reported, the House adjourned immediately, 51 to 35.