

ASSAULT ON THE PRESIDENT'S SECRETARY.

HOUSE OF REPRESENTATIVES,
May 16, 1823.

Mr. McDuffie made the following report:

The select committee, to whom was referred the message of the President of the United States, relative to an assault committed on his private secretary, submitted the following report:

Immediately after their appointment, the committee proceeded to the investigation of the subject referred to them. They ascertained, from the letter of Mr. Russell Jarvis, referred to them by the House, and from the statement of Mr. John Adams, the private Secretary of the President, that an assault was committed by the former upon the person of the latter, in the rotundo of the capitol, immediately after he had delivered a message from the President to the House of Representatives, and while he was proceeding, with another message from the President, to the Senate. At this stage of the proceeding, a preliminary question arose with the committee, whether they should report to the House simply the fact that the assault had been committed, with a view to an examination at the bar of the House, of the party implicated, and all the witnesses for and against him, or whether the committee should take upon themselves the responsibility of going into a full examination of the whole case, and of recommending, as the result of their judgment, upon all the facts and circumstances, the final course which they might deem it expedient for the house to pursue. The former mode of proceeding would have been, perhaps, the more strictly conformable to parliamentary usage and precedent; but the unavoidable interference with the discharge of its ordinary legislative duties, which would have resulted from an examination before the house, constituted, in the opinion of the committee, so strong an objection to that course of proceeding, that they unanimously determined to examine all the witnesses, and to report the facts to the house, with their opinion upon them, having first obtained the consent of Mr. Jarvis that this course should be pursued, and having granted him the privilege of appearing by counsel. It is here proper that the committee should say a few words in explanation of the delay which has occurred in this examination. After some considerable progress had been made in it, Mr. Jarvis made an application to the committee for leave to examine, by commission, certain persons in the city of Boston. The committee did not feel themselves warranted, under existing circumstances, to refuse this request. A commission was accordingly transmitted, to take the examination by written interrogatories, which was not returned until very recently.

The committee will now proceed to exhibit a brief summary of the evidence, the whole of which, in detail, is annexed to this report.

The material fact, that Mr. Jarvis committed an assault upon the private Secretary of the President, in the rotundo of the capitol, immediately after he had delivered a message from the President to the House of Representatives, is clearly established. Indeed it is distinctly admitted by Mr. Jarvis. It is also established, to the satisfaction of the committee, that Mr. Jarvis knew that the private Secretary of the President had delivered a message to the House of Representatives, immediately before the assault was committed. Mr. Jarvis, it appears, was in the house when the message was delivered and immediately followed after Mr. Adams, as he retired from the house. There is some discrepancy in the testimony, as to the nature of the assault, but in the view taken by the committee, it is wholly immaterial to the question which grows out of the transaction, touching the dignity and privileges of the house.

In the letter of Mr. Jarvis, he stated, as the provocation by which he had been prompted to commit the assault upon Mr. Adams, certain offensive and insulting language used by the latter in the house of the President, at a levee, in the presence and hearing of the wife of Mr. Jarvis, and other female friends and relatives, who attended the levee under his protection.

Mr. Adams submitted a counter-statement, differing in several particulars, from that contained in the letter of Mr. Jarvis, and several witnesses were therefore, examined with a view of ascertaining the true character of the occurrences at the levee of the President. The committee believe it is not difficult to reconcile the apparent contradictions in the testimony of the several witnesses, relative to this branch of the case. The material fact can be satisfactorily made out, without involving any imputation upon the veracity of any of the witnesses. It is proved, by those on both sides, and, indeed, by the admission of Mr. Adams, that he did use language calculated, if overheard, to insult Mr. Jarvis. It is also proved, to the satisfaction of the committee, that Mrs. Cordis, the mother Mrs. Jarvis, was very near to Mr. Adams when he made use of the offensive lan-

guage, and that she, as well as other persons of the party who accompanied Mr. Jarvis, heard it with some distinctness. It also appears, that the ladies who accompanied Mr. Jarvis interpreted the language of Mr. Adams as an insult offered to the whole party, and it seems that Mr. Jarvis acted, throughout the whole of the transaction, under the same impression. On the contrary, it is stated by Mr. Adams and Mr. Stetson, that Mr. Adams did not use the offensive language relative to Mr. Jarvis, with a view of injuring the feelings of the ladies who accompanied him, nor, indeed, with a knowledge that it was overheard by them. The fact, however, appears to be indisputable, that so much of that language was heard by Mrs. Cordis and Mr. Dexter as induced the party, and particularly the female friends who accompanied Mr. Jarvis, to leave the President's house as soon as possible, under the idea that they had been insulted.

Upon a view of all the circumstances, the committee are of the opinion that the assault committed by Mr. Jarvis upon the private Secretary of the President, whatever may have been the cause of provocation, was an act done in contempt of the authority and dignity of this house, involving not only a violation of its own peculiar privileges, but of the immunity which it is bound, upon every principle, to guarantee to the person selected by the President as the organ of his official communications to congress. It is of the utmost importance that the official intercourse between the President and the Legislative department should not be liable to interruption. The proceedings of Congress could not be more effectually arrested by preventing the members of either house from going to the hall of their deliberations, than they might be by preventing the President from making official communications essentially connected with the legislation of the country.

In the case under consideration, the private Secretary, after having delivered a message from the President, was in the act of retiring, and almost within the very verge of this hall, when the assault was committed upon him. The house was in session, and the person who committed the assault went immediately from the hall in which it was deliberating, where he was in the enjoyment of a privilege conceded to him, in common with others, who are engaged in reporting the proceedings of the house. If the representatives of the people have not the power to punish an assault committed under these circumstances, then are they destitute of a power which belongs to the most inferior judicial tribunal in the country. The power of punishing for contempt is not peculiar to the common law of England. It belongs essentially to every judicial tribunal and every legislative body. The English law of contempt, as such, has not, surely, the slightest authority in the supreme court of the United States: yet the power of that court to vindicate its dignity, and preserve its officers from outrage during its session, will scarcely be questioned. In like manner, though the parliamentary law of England, as such, can have no authority here, yet all the legislative bodies in the union habitually act upon its rules.

The power in question grows out of the great law of self-preservation. It is no doubt very liable to abuse, and ought always to be exercised with great moderation. In its very nature, it is not susceptible either of precise definition or precise limitation. Each particular instance of its exercise must be adapted to the emergency which calls for it. While, therefore, the committee deem it matter of great importance to maintain the existence of this power, as an essential means of vindicating the dignity and privileges of the house, they are clearly of opinion that it ought never to be exercised, except in cases of strong necessity; and that the punishment inflicted under it ought never to be carried farther than shall be absolutely and imperiously required by the existing emergency.

In the present case, though they think the conduct of Mr. Jarvis obnoxious to the censure of the house, yet they can hardly suppose that he was conscious, at the time of committing the assault, that he was offering a contempt to its authority. He disclaims, indeed, any such intention. And as the committee are aware that many persons, for whose opinions they have very great respect, entertain the belief that the assault in question was not a violation of any privilege of the house, they think they are required, by the spirit of moderation and indulgence in which this power should always be exercised, to give Mr. Jarvis the benefit of the most favorable presumption, as to his views and intentions, touching the rights and privileges in question.

They, therefore, recommend to the adoption of the house, the following resolutions. It is proper, however, to remark, by way of explanation, that there was but a bare majority of the committee in favor of the first resolution, the minority entertaining the belief that the house possesses no power touching the premises; and that there was but a bare majority of the committee in favor of the second resolution, the minority believing that it was expedient to vindicate the dignity of the house, by inflicting some

punishment for the violation of this privilege;

Resolved, That the assault committed by Russell Jarvis on the person of John Adams, the private Secretary of the President, in the rotundo of the capitol, immediately after the said John Adams had delivered a message from the President to the House of Representatives, and while he was in the act of retiring from it, was a violation of privilege, which merits the censure of this house.

Resolved, That it is not expedient to have any further proceedings in this case.

[Mr. P. P. Barbour, from the Select Committee on the assault, made report on behalf of the minority, in which it is argued at length that the House of Representatives have no power to punish as in the case of Mr. Jarvis. Both reports lie over, as reported, to the next Session.]

Desperate Bravery.—An official letter from the Admiral De Rigny, Commander of the French squadron on the Greek coast, contains the particulars of a desperate and heroic act of one of his officers, in an encounter with the Greek pirates at the isle of Stamphalia. A French corvette had captured a Greek pirate brig having on board a crew of 66 men. An officer (Ensign Bisson) with 15 men, were put on board the prize, which in consequence of bad weather, put into a port in the above mentioned island. The Admiral gives the following particulars:

"Two of the Greeks left on board succeeded in escaping to land. These circumstances induced the officer Ensign Bisson, who had the command of the prize, to put himself upon his guard; for having long served on the station, he was not ignorant that all the isles of the Archipelago swarmed with pirates, who dominated over the poor villages, the inhabitants of which dare not venture to denounce them, on account of the union and organization which those bands have established among themselves.

"Mr. Bisson and his fifteen men prepared for a vigorous defence. This officer, having assured himself of the determination of the pilot who served him as mate, resolved with him that the survivor should blow up the vessel, if the pirates should succeed in making themselves masters of it.

"The same night at 10 o'clock two large mistics (boats) carrying 60 or 70 men each, approached in a furious manner to attack the 15 Frenchmen. They boarded the brig by the bowsprit, and after a resolute resistance, which was directed with the greatest courage by Mr. Bisson, nine of the French were killed, and the deck invaded. Mr. Bisson, although seriously wounded, contrived to disengage himself from the pirates; he rushed into the powder room, and ordering the pilot who was still fighting on the deck, to direct the Frenchmen who still survived to jump into the sea, he exclaimed: *Adieu, Pilot, now is the time to revenge ourselves*; set fire to the gunpowder, and blew himself up! The pilot Tremintin, faithful to his oath, suffered himself to be blown up with the brig; but, more fortunate than his brave Commander, he was thrown in a senseless state upon the shore with a foot shattered and his body much bruised. The four sailors who jumped overboard at his command, reached the land without much serious injury. The next morning, there were found lying on the beach the bodies of three Frenchmen and seventy Greeks, which showed that the heroic resolution of the brave Bisson had produced its full effect.

The King of France has appointed the Pilot Tremintin to be a knight of the Legion of Honor.

THE TARIFF.—The following was the vote on the final passage of the Tariff in Senate:

YEAS.—Messrs. Barnard, Barton, Bateman, Benton, Boulogny, Chase, Dickerson, Eaton, Foot, Harrison, Hendricks, Johnson, of Ky. Kane, Knight, McLane, Marks, Noble, Ridgely, Rowan, Ruggles, Sandford, Seymour, Thomas, Van Buren, Webster, Willey.—26.

NAYS.—Messrs. Berrien, Branch, Chambers, Chandler, Cobb, Ellis, Hayne, Johnston, of Lou. King, McKinley, Macon, Parris, Robbins, Silsbee, Smith, of Md. Smith, of S. C. Tazewell, Tyler, White, Williams, Woodbury.—21.

John Leland.—The New Haven Register publishes a long letter of this aged Baptist Minister, preceded by some remarks, in which it is stated, that he wrote several political pieces in favor of President Jefferson; and was deputed, by the democratic inhabitants of Cheshire, (Mass.) to present the immense cheese, made in that town, to Mr. Jefferson. Mr. Leland was elected a member of the Massachusetts legislature, and was very active in procuring the repeal of the certificate law. In this letter, Mr. Leland states that he has been in the ministry more than 63 years—has travelled 80,000 miles—preached 10,000 times—and baptised 1453 persons. He has 32 descendants living; and is himself in good health.

BY AUTHORITY

LAWS OF THE UNITED STATES PASSED AT THE FIRST SESSION OF THE TWENTIETH CONGRESS.

[PUBLIC, No. 22.]

AN ACT to authorize the cancelling of a Bond, therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the sixth Circuit Court of the United States for the District of Georgia, be, and he is hereby, authorized and required to cancel a certain Bond, given in pursuance of the decree of the said Court, for the exportation, beyond the limits of the United States of sundry African negroes, parcel of the cargo of the Spanish vessel called the Antelope, or Ramirez, which bond was executed by Cuesco, Martinez and brothers, by their Attorney, and Joseph Cummings, and Francis Sorrell, and acknowledged by them on the twenty fourth December, one thousand eight hundred and twenty-seven, before the Marshal of the Georgia District, in the penalty of fourteen thousand eight hundred dollars, and conditional for the exportation of the slaves aforesaid.

A. STEVENSON,

Speaker of the House of Representatives.

JOHN C. CALHOUN

Vice President of the United States, and President of the Senate.

JOHN QUINCY ADAMS.

Approved 24 May, 1828.

[PUBLIC—No. 23.]

AN ACT making a supplementary appropriation for the military service of the year one thousand eight hundred and twenty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, for the armament of fortifications.

Sec. 2. And be it further enacted, That the Quartermaster General, be, and he is hereby, authorized to apply the sum of eighteen hundred dollars of the money heretofore appropriated for the Quartermaster's Department, to the completion and completion of the purchase of thirty acres of land, near the city of Savannah, in Georgia; which purchase was conditionally made by Lieutenant C. A. White, for the purpose of erecting barracks for the United States.

Approved—2d May, 1828.

[PUBLIC—No. 24.]

AN ACT making appropriations for the Public Buildings, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same hereby are, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the following purposes: That is to say:—

For completing the work remaining to be done, in and about the Public Buildings, fifty-six thousand four hundred dollars and eight cents.

For the cost of a building lot, and other expenditures for the Jail at Alexandria, one thousand and six hundred and ninety nine dollars and six cents.

For the completion of the Penitentiary in the District of Columbia, twenty-two thousand three hundred and eighty-seven dollars and ninety seven cents.

For defraying the expense of a building, near the Navy Department, twelve hundred and sixty one dollars and eighty eight cents.

For an entrance and door way into the Capitol, from the top of the terrace on the western front, three thousand one hundred and twenty one dollars and ten cents.

Sec. 2. And be it further enacted, That the Commissioner of the Public Buildings be, and he is hereby is, authorized and empowered to be caused to be built, an Engine-house, for the accommodation of the Franklin Engine Company, under suitable conditions, to secure the faithful performance of the work, and to procure an hydraulic Engine and the requisite appurtenances of the same; and that the sum of three thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to defray the expense of the same.

Sec. 3. And be it further enacted, That from and after the fourth day of March, one thousand eight hundred and twenty nine, the office of Architect of the Capitol shall cease and determine; and that the said Architect shall on said day deliver up to the Commissioner of the Public Buildings all the books, plans, accounts, vouchers, and all other papers and things belonging to his office; and the said Commissioner or his clerk charge of, and superintend the Public Buildings, and perform such other duties as may be required of him by law; and that the said Commissioner be required to reside near the Capitol.

Sec. 4. And be it further enacted, That the regulation of the City of Washington, for the preservation of the public peace and order, be extended to the Capitol and Capitol square, whenever the application of the same shall be requested by the presiding officer of either House of Congress, or the Commissioner of the Public Buildings; and that it shall be the duty of the Commissioner of the Public Buildings to obey such rules and regulations as may, from time to time, be prescribed by the presiding officer of either House of Congress; for the care, preservation, orderly keeping, and police of those portions of the Capitol and its appurtenances, which are in the exclusive use and occupation of either House of Congress respectively; and that it shall also be his duty to obey such rules and regulations as may, from time to time, be prescribed by the President of the United States, for the care, preservation, orderly keeping, and police of the Public Buildings and public property, in the City of Washington; and the Commissioner and his assistants are hereby authorized and empowered to use all necessary and proper means for the discharge of the aforesaid duties, and the necessary assistants of the Commissioner shall receive a reasonable compensation for their services, to be allowed by the presiding officers of the two Houses of Congress; one fourth of the said sum to be paid out of the contingent fund of the Senate, and the other moiety to be paid out of the contingent fund of the House of Representatives.

Approved—29 May, 1828.

De Witt Clinton. Charles A. Clinton, esq. son of the lamented deceased, has received the subjoined letter from general La Fayette.

Paris, March 30th, 1828.

My Dear Sir: Your particular and friendly attentions to me, make you a natural organ of the melancholy and affectionate feeling, which I wish to be conveyed to the family of your lamented father. I regret the mournful and unexpected event, as an immense loss to the public and a great personal cause of grief to me.—Bound as I was, to the memory of my two beloved revolutionary companions, your grand father and grand uncle, I had found a peculiar gratification in the eminent talents and services of their son and nephew, and in his kind and liberal correspondence, until personal and grateful acquaintance had impressed me with all the feelings of a more intimate friendship. I beg you to be to your afflicted family the interpreter of my deep sympathies, and to believe me forever, Your most sincere friend.

LAFAYETTE.

Col. Clinton.

P. S. My son and Le Vasseur, beg to be mournfully remembered.

Foreigners, in great numbers, are arriving in the United States—especially at New-York, and by way of Quebec and Montreal. Some are English and Scotch, but the chief part are Irish and Swiss. The Irish are valuable as laborers. Wherever roads or canals are making, they are found in large numbers. The Swiss are more generally regular farmers, mechanics or manufacturers. The pressure of the times in Europe is becoming more and more, onerous. Ireland especially, is in a state of suffering—a sufficiency of food of the coarsest kind being difficult to obtain. We have plenty, and though we seem to want profitable employment for our own labor, just now, we cannot fail of bidding welcome to our afflicted fellow men. We have room enough for them. They will generally locate themselves in the middle and western states. We shall probably receive from 25 to 30,000 foreigners in the present year—6000 Swiss are expected—and many English will probably come out, as soon as it is known what shall be the operation of our new tariff law. So far as it will have effect to produce equality in our trade with Great Britain, so far will it add to the power and wealth of our country.

Niles.

Greece.—There is no doubt the Independence of Greece is resolved upon. To be effected "peaceably if it can, forcibly if it must." It will be at once a respectable nation, if the President has the proper qualifications. He rules such circumstances that divisions do not apply to him—and his government may be steady.—It is the policy of christendom to uphold him. While the aid of several powers, may prevent any one power from having an undue influence. Each guarding against this in every other. He was sent by the Russians, carried by the British, and has a body-guard of Frenchmen probably.

From the New Hampshire Patriot.

On the 18th Feb. Ens. Isaac Cenoy, while at work on the mountain farm (so called) hearing his dog up the Kearsarge, went up to kill the game as usual, but approached so near before he espied it, that it was inconvenient to retreat; his dog having discovered and attacked a large bear, and which by this time had become exceedingly enraged, and disposed attack all that approached, with the greatest fury. Mr. C. hastily discharged his musket—the bear was wounded and became ten times more furious than before—attacked the Ensign, who defended himself in the best manner possible, until Mr. Phelps, a neighbor of his, came up—but finding it impossible to give him any assistance, returned back for an axe. When he came up a second time, he found Mr. C. in close contact with the bear, fist vs. paw—his left arm and leg being already severely wounded, both by the blows of the bear and by being dragged through the brush wood. Mr. Phelps then with the axe so mangled the bear that he released his hold of the Ensign to attack Mr. P.—but faltered—and then was soon despatched, to the great joy of the combatants. The bear weighed 183 pounds.

Mr. Hamilton, chairman of the committee on Retrenchment, made a report on Thursday, the 15th instant, accompanied with sundry documents. Mr. Sargeant, from the same committee, made a report containing the views of the minority of the committee. Both reports and the accompanying documents were referred to the committee of the whole on the state of the Union, and ordered to be printed.

In the window of a shop in a country town stands a jar labelled "the Tailor's delight." Drawn by this delightful inscription, a knight of the thimble eagerly inquired of what the contents consisted, and found it to be *padding*.