

# PUBLIC LEGER.

## CONGRESSIONAL.

By the last eastern mail I received nothing from Congress later than to the 18th ult. The bill for the extension of the Cumberland road was at that time under discussion, but the debates are too long to be inserted in a weekly paper; I will, however, give the remarks of the representatives from Indiana, in this and succeeding numbers.

On the 12th, the above named bill being read, Mr. Beecher, of Ohio, and Mr. Cook, of Illinois, occupied the floor for some time; after they had concluded, Mr. Jennings rose and made the following remarks:

Mr. JENNINGS, of Indiana, observed that he regretted being obliged to oppose the bill; but he believed that the history of the measure, in its earlier stages, was not generally known or understood. In the original compact between the state of Ohio and the United States, two per cent. out of five per cent. of the proceeds of the public lands was reserved for the purpose of making a road from the navigable waters of the Atlantic to the navigable waters of the Ohio, and thence through the state of Ohio. The compact did not prescribe what kind of road it should be, nor with what views it should be constructed, whether with a national view or not. Congress, in fulfillment of this contract, had thought proper to make such a road as was not to be found elsewhere in the United States; and they continued to carry it forward without considering what the fund pledged was likely to yield till it came west of the Alleghany mountains. They then found that the whole proceeds of the fund had been swallowed up, and more.—Then an appropriation was asked to complete the road on the same scale; some difficulties arose; and in 1819, the appropriation was made, with a proviso, the effect of which was completely to violate a contract with the state of Indiana. (Here Mr. J. quoted the act of 1819.) The compact with Indiana was not similar in its terms to that with Ohio—it prescribed a specific location for the road—but the appropriation could not be obtained on any other condition. Two years since a bill was introduced into the house to repair the Cumberland road—and he had offered an amendment to it, with the express view of removing the restriction imposed on the fund by the act of 1819; which, however, he was induced, by the solicitations of his friends, to withdraw—he had always thought, however, that the government kept bad faith with the state of Indiana. He had a reason and an object in wishing that the road may be located and opened afterward. The whole of the fund pledged has been expended, and the road for which it was first pledged is not even located. The state of Indiana has no authority to locate it.—That can be done only by the general government. So that all is kept in a state of suspense, and nothing can be done for want of a location. But if this were once effected; if an appropriation were granted, first to locate the whole of the road, I would then be willing to give the gentleman enough to carry the road in a complete state to Zanesville.

Thursday, Jan. 13.

After a long debate between Mr. McDuffie, of South Carolina, Mr. Rankin, of Mississippi, Mr. McLean, of Ohio, and Mr. Mercer, of Pennsylvania, on the bill for the extension of the Cumberland road,

Mr. JENNINGS asked the indulgence of the committee a few minutes. He said that, since the committee has refused to amend the bill, by striking out the section which contained a pledge upon the two per cent. fund of Indiana and Illinois, for the re-payment to the treasury of the U. States, of the money, the appropriation of which was now contemplated, he would give his reasons why he should be compelled to oppose the passage of the bill. In the discussion of this subject, the construction of the compact between the United States and the states northwest of the Ohio river, had been introduced, and which, if the construction of those instruments by some gentlemen, were to be considered as correct, would tend to confirm the pledge, which, by an act of the 3d March, 1819, Congress had imposed upon the two per cent. fund of Indiana and Illinois, for the reimbursement of \$250,000 appropriated to complete the Cumberland road to Wheeling.

The gentleman from Mississippi, if he understood him correctly, concluded that the power of congress to control the two per cent. fund of those states, was a general power, which could be exercised at pleasure, so far as it regards the local expenditure of this fund. If the gentleman's

conclusions were correct, that the original intention of Congress was to unite the navigable waters of the Atlantic with those of the Ohio river, and none other, why should the compact made by the United States with the state of Ohio provide, that this fund should be applied, under the direction of Congress, to making roads, not leading from the waters of the Atlantic to the Ohio merely, as the gentleman seemed to suppose? But the compact provides that the fund shall be expended in making roads from the waters of the Atlantic,—“to the Ohio, to the said state, and through the same.” The compact provides, moreover, that “the consent of the several states through which the road shall pass,” shall be obtained previously to making such road. I would ask Mr. Chairman, what road? If the whole of the two per cent fund of Indiana and Illinois has been rightfully pledged, and, if so, correctly expended, in the construction of a road to the Ohio river, as gentlemen contend, what has the consent of the states west of Ohio to do with and what bearing can such consent have upon, the operation which shall take place under the appropriations of this fund? I admit that Congress has the power to appropriate the two per cent. fund of Indiana, to making a road through the state of Ohio to the state of Indiana; but I deny the right of Congress, although the power has been exercised, to apply the two per cent. fund of Indiana, to the making a road from the navigable waters of the Atlantic to the Ohio; and I shall not, therefore, give my vote for the appropriation of money, which carries with it a pledge upon the two per cent. fund of Indiana, until this road is located, at least, to the Mississippi river. The seat of government of the state which, in part, I have the honor to represent, is located permanently, and this road, if ever we are to have one, will pass through its site. But this road, can be located only by the authority of Congress. In the prosperity of the capital of the state, the citizens of Indiana have not only an interest, but an interest which involves the value of real property, to a considerable extent; but she has no control, nor is her interests in having this road located, to be regarded by the provisions of this bill. That it was the original intention of Congress that this road should be located, opened and constructed, to the state of Missouri, so far as the fund might be adequate to the object, I have no doubt, and that it was equally the intention of Congress that the two per cent. fund of Ohio should be expended in making a road from the Atlantic waters to the said state; and that the two per cent. fund of Indiana should be expended in making a road through Ohio, to Indiana, and that of Illinois, in a like manner through Indiana, to Illinois. But the constructions, and the character of the road contemplated to be constructed by the provisions of this bill, will expend every cent that may hereafter accrue before this road, such as it is intended to be, shall reach the seat of government of Ohio; and thus the location and opening of this road through Indiana, will ultimately have to depend upon the bounty of Congress, instead of resting upon the compact. That the original intention of Congress comports with the construction of those compacts with the United States, and “the several states through which the road shall pass,” which I consider correct, is evinced by the course adopted by Congress, under whose authority Commissioners were employed, a few years since, to locate this road through those several states. And why this measure on the part of Congress, if the constructions which have been given to those compacts be correct? The State of Indiana, in accepting the conditions offered by Congress, as an equivalent to her renouncing any right to tax the lands of the United States, &c. placed a value on this fund, and it formed no unimportant part in the aggregate consideration, which induced the state to enter into a full execution of the contract on her part. But the disposition which has been, and is now proposed to be made of this fund, is, in effect, to destroy the just expectation of the state in relation to it; and, while I admit the power of Congress to pass this bill—the previous pledge which has been imposed upon the 2 per cent. fund of Indiana, when the appropriation was made in 1819, to complete the Cumberland road to Wheeling, was as much a pledge upon that fund, for making a road to any or all the states bordering upon the shores of the Ohio and Mississippi rivers, as it was a pledge to redeem an appropriation made for the construction of a road leading to Indiana. He regretted that the construction of those compacts had not been more generally examined than he supposed they had, and he could not view the effects produced or to be produced by constructions which have been given to them, as tending to any other result, than a violation of the contract on the part of the United States with the state of Indiana.

## CONVENTION.

Between the United States and Russia.—Approved by the Senate, Jan. 5, 1825.

ART. I. It is agreed, that, in any part of the great ocean, commonly called the Pacific Ocean, or South Sea, the representative citizens, or subjects, of the high contracting powers, shall be neither disturbed nor restrained either in navigation, or in fishing, or in the power of resorting to the coasts for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ART. II. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the Governor or Commander; and that reciprocally, the subjects of Russia shall not resort without permission to any establishment of the United States upon the Northwest Coast.

ART. III. It is moreover agreed, that hereafter there shall not be formed, by the citizens of the U. States, or under the authority of the said states, any establishment upon the Northwest Coast of America, nor in any of the Islands adjacent to the north of fifty-four degrees and forty minutes of north latitude, and that in the same manner there shall be none formed by Russian subjects or under the authority of Russia south of the same parallel.

ART. IV. It is nevertheless understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ART. V. All spirituous liquors, fire arms, powder and munitions of war of every kind, are always excepted from this same commerce, permitted by the preceding article; and the two powers engage reciprocally neither to sell nor suffer them to be sold, to the natives, by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or in fine any measure of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

ART. VI. When this convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington, in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms. Done at St. Petersburg, the 7th (15th) April, of the year of grace one thousand eight hundred and twenty-four.

HENRY MIDDLETON, [L. S.]  
Le Comte CHARLES DE NESSELRODE, [L. S.]  
PIERRE DE POLITICA. [L. S.]

COLUMBIA RIVER.—The following is extracted from a manuscript furnished the editor of the Newburyport Herald by Capt. Frederick Cummerford, who made a voyage to the Columbia River, in 1821.

The seasons here are very regular. The summer is usually pleasant, with little or no rain. Throughout the winter it rains a greater part of the time. Between September and March, the prevailing wind is from the west, which renders the river, for the most part of that time, almost inaccessible.

The residents have it in their power to live very comfortable. Game of all kinds is in abundance—as are fish, consisting particularly of the sturgeon and salmon. The salmon are peculiarly important, and entirely superior to those obtained at the northward.

To the North West Company, the Post on the Columbia river is of great consequence. All the supplies for their extensive chain of Posts, west of the Rocky Mountain, are brought into the place, and from it are exported all the collections from them.

From every description of the river in my power to obtain, I am led to believe that it is navigable for vessels of 300 tons

burden as high as Vancouver's Point, about 90 miles from the mouth.

From my personal observations, I should judge that the most practicable and expedient place to form a settlement, would be on a Bay which is formed by a curve of the Bank above Tongue Point. In this Bay a vessel may lie in 6 and 10 fathoms of water, without being exposed to the tide or the heavy westerly winds.

From the Colerabus Gazette.

Copy of a letter from the Secretary of War, dated,

WAR DEPARTMENT,

January 10, 1825.

SIR—I am directed by the President of the United States, in reply to the letter addressed to him by the Delegations of Ohio, Indiana, and Illinois, on the subject of continuing the survey of the road from Wheeling to Mississippi, to state that he is duly impressed with the importance of the object and that the survey of the road falls within the first class of operations under the act for Internal Improvements, passed the last session of Congress: but the season is so far advanced that it is believed impossible to execute the survey the present year, with the greatest diligence on the part of the Board instituted for the purpose of carrying into effect the act above referred to. It will however receive as early attention as is consistent with the present arrangements adopted for fulfilling the objects of the act.

I have the honor to be, very respectfully sir, your most obedient servant,

J. C. CALHOUN.

To the hon. ETHAN A. BROWN, Ohio.

## LAW OF THE UNITED STATES.

AN ACT authorizing repayment for land erroneously sold by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person, or the legal representative of every person, who is, or may be, a purchaser of a tract of land from the United States, the purchase whereof is, or may be void by reason of a prior sale thereof by the United States, or by the confirmation, or other legal emblemment of a prior British, French, or Spanish, grant thereof, or for want of title thereto in the United States, or from any other cause whatsoever, shall be entitled to repayment of any sum or sums of money paid for, or on account of such tract of land, on making proof, to the satisfaction of the Secretary of the Treasury, that the same was erroneously sold, in manner aforesaid, by the United States, who is hereby authorized and required to pay such sum or sums of money, paid as aforesaid.

Approved:—Jan. 12th, 1825.

JAMES MONROE.

Burns was never in Greenock but once, and that was when about to take his passage to the West Indies. On that occasion, however, his satirical spirit gave rise to one caustic remark, which is too good to be lost, and has not yet as far as we recollect, appeared elsewhere. Having gone down to the harbor, to view the ship which he had destined to carry him from his native shores, he arrived just as a gentleman, going on board on the same errand, had the misfortune to stumble, and fall into the water between the ship's side and the quay. By the intrepidity and exertions of a seaman, who instantly plunged in after him, he was saved from drowning, and brought on board with no other injury save a sound ducking.

The rescue, however, demanded a signal display of his liberality towards his preserver, and turning round, he, with no small ostentation tendered him the sum of sixpence, as the reward of his courage and humanity. The bystanders were astonished, and inveighed loudly against such unparalleled meanness. Burns alone remained silent, but when pressed to give his opinion on the act—“Why,” said he “the gentleman is surely the best judge of the value of his own life.”—Scotch paper.

EXTRACT.—No pride of talents, nor haughtiness of spirit, can entirely eradicate that natural and feminine sentiment which impels a woman to look up to man as a superior being. Indeed, so instinctively does her heart demand this distinction for the object of its choice, that, even in the most ill-assorted attachments, wherein passion has completely usurped the place of reason, it is curious to observe how this feeling still asserts its power, and how tenacious it becomes in magnifying the slightest merits in the most worthless character, and creating for its imaginary claims to regard and to submission. “She saw God in him,” Milton has truly and beautifully said.

Tell not what you know, judge not what you see, and you will live in quiet.

Leave your son a good reputation and an employment.