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IN THE SENATE OF THE UNITED STATES,
May 20, 1826.

Expatriations by the French Government.

Washington May 20, 1826.—In compliance with a resolution of the senate, of the 5th of March, 1824, requesting copies of the several instructions to the ministers of the United States to the government of France, and of the correspondence between the said ministers and government, having reference to the spoliation committed by that power, on the commerce of the United States, anterior to the 30th of September, 1800, or so much thereof as can be communicated without prejudice to the public interest; also how far, if at all, the claim of indemnity from the government of France, for the spoliation aforesaid, was affected by the convention entered into between the United States and France, on the said 30th of September, 1800. I transmit herewith a report from the Secretary of State, with the documents desired by the resolution.

JOHN Q. ADAMS.

To the senate of the United States.

Department of State.

Washington, 20th May, 1826.

The Secretary of State, in compliance with a resolution of the senate, of the 5th March, 1824, which was referred to this department requesting the President, "to cause to be laid before the senate, copies of the several instructions to the ministers of the United States, to the government of France, and of the correspondence between the said ministers and government, having reference to the spoliation committed by that power, on the commerce of the United States, anterior to the 30th of September 1800, or so much thereof as can be communicated without prejudice to the public interests; also how far, if at all, the claim of indemnity from the government of France, for the spoliation aforesaid, was affected by the convention entered into between the United States and France, on the said 30th of September 1800;" has the honor to report to the President, copies of so much of the instructions and correspondence in question as appear to be embraced in the call of the senate; to which are added copies of other papers and documents, to a great extent which are believed to be within the intention, if not comprehended in the terms of the resolution of the senate. By a reference to former messages to congress, and to the public documents, the publication of which had been authorized, from time to time by government, it will be perceived that many of the papers now reported; have been already communicated to congress, or spread before the public, through the medium of the press; but it has been thought, nevertheless, expedient, to submit to them in their present collected form that a full and connected view might be presented at the same time. There may be even yet remaining in the archives of the department, others, having a bearing on the subject, which has escaped our diligence and researches.

My predecessor was unable to command, from the other important duties which he had to perform, sufficient time to have this collection completed, during his continuance in office, after the passage of the resolution of the senate. The same cause, not less sensibly felt by his successor, has delayed this report until the present period—and he feels himself required to state, that, without material injury to the public service, he was, himself, unable to examine the many volumes containing the very extensive correspondence, from which the copies and extracts now submitted have been taken, or even attentively to peruse the whole of those copies and extracts, which have been just finished.—The desire to present them to the senate, in conformity to the anxious wish of the claimants, before the close of its present session, renders these explanations necessary, and it is hoped that they may prove satisfactory.

The closing paragraph of the resolution of the senate, enjoins another duty, which, from the ambiguous manner in which it is expressed, the Secretary feels some difficulty in clearly comprehending: The senate resolved "that the President of the United States be requested to cause to

be laid before the senate copies, &c. and conclude by requesting to cause also to be laid before the senate "how far, if at all, the claim of indemnity from the government of France for the spoliation aforesaid, was affected by the convention entered into between the United States and France on the said 30th of September 1800."

The secretary can hardly suppose it to have been the intention of the resolution, to require the expression of an argumentative opinion as to the degree of responsibility to the American sufferers from French spoliation, which the convention of 1800 extinguished, on the part of France, or devolved on the United States, the Senate itself being most competent to decide that question—under this impression, he hopes that he will have sufficiently conformed to the purposes of the senate, by a brief statement, prepared in a hurried moment, of what he understands to be the question.

The second article of the convention of 1800, was in the following words: "The Ministers Plenipotentiary of the two Parties not being able to agree at present respecting the treaty of alliance of 6th Feb. 1778, the treaty of amity and commerce of the same date, and the convention of 14th Nov. 1778, nor upon the indemnities mutually due or claimed; the parties will negotiate, further on these subjects at a convenient time; and, until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows."

When that convention was laid before the Senate, it gave its consent and advice that it should be ratified, provided that the second article be expunged, and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications"—and it was accordingly so ratified by the President of the United States, on the 18th day of Feb. 1801. On the 31st of July, of the same year, it was ratified by Bonaparte; first Consul of the French Republic, who incorporated in the instrument of his ratification the following clause as a part of it: "The Government of the United States having agreed to its ratification, that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention, with the addition, imputing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided that, by this retrenchment, the two States renounce the respective pretensions which are the object of the said article.*"

The French ratification being thus conditional, was nevertheless, exchanged against that of the United States at Paris, on the same 31st of July. The President of the United States, considering it necessary again to submit the convention, in this state, to the Senate; on the 19th day of December, 1801, it was resolved by the Senate, that they considered the said convention as fully effect, and returned it to the President for the usual promulgation. It was accordingly promulgated, and thereafter regarded as a valid and binding compact.—The two contracting parties thus agreed, by the retrenchment of the second article, mutually to renounce the respective pretensions which were the object of that article. The pretensions of the U. States, to which allusion is thus made, arose out of the spoliation under color of French authority, in contravention to law and existing treaties. Those of France sprang from the treaty of alliance of the 6th Feb. 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of Nov. 1778. Whatever obligations or indemnities, from these sources, either party had a right to demand, were respectively waived and abandoned; and the consideration which induced one party to renounce his pretensions, was that of renunciation by the other party of his pretensions. What was the value of the obligations and indemnities so reciprocally renounced, can only be matter of speculation.

The amount of the indemnities due to citizens of the United States was very large; and, on the other hand, the obligation was great (to specify no other French pretensions) under which the U. States were placed in the eleventh article of the treaty of alliance of 6th Feb. 1778, by which they were bound, for ever, to guaranty, from that time, the then possessions of the Crown of France in America, as well as those which it might acquire by the future treaty of peace with Great Britain—all these possessions having been, it is believed, conquered at or not long after the exchange of the ratifications of the convention of Sept. 1800, by the arms of Great Britain from France.

The 5th article of the amendments to the Constitution, provides, "Nor shall pri-

vate property be taken for public use without just compensation." If the indemnities to which citizens of the United States were entitled by French spoliation, prior to the 30th September, 1800, have been appropriated to absolve the United States from the fulfilment of an obligation which they had contracted, or from the payment of the indemnities which they were bound to make to France, the Senate is most competent to determine how far such an appropriation is a public use of private property within the spirit of the Constitution, and whether equitable considerations do not require some compensation to be made to the claimants. The Senate is also best able to estimate the probability which existed of the ultimate recovery from France of the amount due for those indemnities, if they had not been renounced; in making which estimate, it will no doubt, give just weight to the painful consideration, that repeated and urgent appeals have been in vain made to the justice of France, for satisfaction of flagrant wrongs committed upon property of other citizens of the United States, subsequent to the period of 30th September, 1800.

All which is respectfully submitted.

H. CLAY.

[The documents accompanying this Report, are 546 in number.]

In the following passage from Tristram Shandy, the needless verbosity of legal proceedings are well satirized without caricature. In the succeeding extract, we present to our readers part of an act of parliament passed 1814, to secure the privilege of copyright to sculptors and modelers; as a companion to Stern's picture:

The article in my mother's marriage settlement, which I told the reader I was at the pains to search for, and which, now that I have found it, I think proper to lay before him, is so much more fully expressed in the deed itself than ever I can pretend to do it, that it would be barbarity to take it out of the lawyer's hands: It is as follows:—

And this Indenture further witnesseth, that in consideration of the said intended marriage to be had, and, by God's blessing, to be well and truly solemnized and consummated between the said Walter Shandy and Elizabeth Mollineux aforesaid, and divers other good and valuable causes, and considerations him thereunto specially moving, doth grant, covenant, condescend, consent conclude, bargain, and fully agree to and with John Dixon, and James Turner, Esq's, the above named Trustees, &c. &c. to wit,—That in case it should hereafter so fall out, chance, happen, or otherwise come to pass,—That the said Walter Shandy, merchant, shall have left off business before the time or times that the said Elizabeth Mollineux, shall, according to the course of nature, or otherwise, have left off bearing and bringing forth children;—and that, in consequence of the said Walter Shandy having so left off business, he shall in despair, and against the free-will, consent, and good liking of the said Elizabeth Mollineux,—make a departure from the city of London, in order to retire to and dwell upon his estate at Shandy-Hall, in the county of _____, or at any other country-seat, castle, hall, mansion-house, messuage, or grange-house, now purchased, or hereafter to be purchased, or upon any part or parcel thereof:—That then, and as often as the said Elizabeth Mollineux shall happen to be encient with child or children severally and lawfully begot, or to be begotten upon the body of the said Elizabeth Mollineux, during her said coverture,—he the said Walter Shandy, shall, at his own proper costs and charges, and out of his own proper monies, upon good and reasonable notice, which is hereby agreed to be within six weeks of her the said Elizabeth Mollineux's full reckoning, or time of supposed and computed delivery,—pay, or cause to be paid, the sum of one hundred and twenty pounds of good and lawful money to John Dixon and James Turner, Esq's, or assigns,—upon trust and confidence, and for and unto the use and uses, intent, end, and purpose following:—That is to say:—That the said sum of one hundred and twenty pounds shall be paid into the hands of the said Elizabeth Mollineux, or to be otherwise applied by them the said trustees, for the well and truly hiring of one coach, with able and sufficient horses, to carry and convey the body of the said Elizabeth Mollineux, and the child or children which she shall be then and there encient and pregnant with,—unto the city of London; and for the further paying and defraying of all other incidental costs, charges, and expenses whatsoever,—in and about, and for, and relating to, her said intended delivery and lying-in, in the said city or suburbs thereof; and that the said Elizabeth Mollineux shall and may, from time to time, and at all such times and times

as we here covenanted and agreed upon, peaceably and quietly hire the said coach and horses, and have free ingress, egress, and regress throughout her journey, in and from the said coach, according to the tenour, true intent, and meaning of these presents, without any let, suit, trouble, disturbance, molestation, discharge, hindrance, forfeiture, eviction, vexation, interruption, or incumbrance whatsoever:—and that it shall moreover be lawful to and for the said Elizabeth Mollineux, from time to time, and as oft or often as she shall well and truly be advanced in her said pregnancy, to the time heretofore stipulated and agreed upon,—to live and reside in such place or places, and in such family or families, and with such relations, friends, and other persons within the said city of London, as she at her own will and pleasure, notwithstanding her present coverture, and as if she was a femme sole and unmarried, shall think fit. *And this Indenture further witnesseth, That for the more effectually carrying of the said covenant into execution, the said Walter Shandy, merchant, doth hereby grant, bargain, sell, release, and confirm unto the said John Dixon and James Turner, Esq's, their heirs, executors, and assigns, in their actual possession now being, by virtue of an indenture of bargain and sale for a year to them the said John Dixon and James Turner, Esq's, by him the said Walter Shandy, merchant, thereof made; which said bargain and sale for a year, bears date the day next before the date of these presents, and by force and virtue of the statute for transferring of uses into possession,—all that the manor and lordship of Shandy, in the county of _____, with all the rights, members, and appurtenances thereof; and all and every the messuages, houses, buildings, barns, stables, orchards, gardens, backsheds, tofts, crofts, arths, cottages, lands, meadows, feedings, pastures, marshes, commons, woods, underwoods, drains, fisheries, waters, and watercourses; together with all rents, reversions, services, annuities, fee farms, knight fees, views of frank pledge, chevants, reliefs, mines, quarries, goods and chattels of felons and fugitives, tithes of themselves, and put in exigent, deadlands, free-warrens, and all other royalties, seigniories, rights, and advowsons whatsoever. *And also the advowson, donation, presentation, and free disposition of the rectory or parsonage of Shandy aforesaid, and all and every the tithes, tythes, glebe-lands.*"*

In three words,—my mother was to lyc-in (if she chose it) in London.

The obscurity and perplexity of English laws arise principally from a perverse deviation from the ordinary language of civil life, an overwhelming verbosity and endless repetition of "he, she, they," "him, her, and them," "the aforesaid," and "so far as," the "soforth," &c. which render the whole so involved and perplexed, that one would suppose the legislature instead of endeavoring to render the laws as clear as possible, had purposely involved them in the greatest possible obscurity.—As an example of this "damnable iteration," we shall make an extract from a recent statute, 54 Geo. III. c. 56, for the encouragement of mechanics and bust-makers. It runs on in the following beautiful jargon:—

It enacted, &c. that from and after the passing of this act, every person or persons who shall make or cause to be made any new and original sculpture, or model, or copy, or cast of the human figure or human figures, or of any bust, or busts, or of any part or parts of the human figure clothed in drapery or otherwise, or of any animal or animals, or of any part or parts of any animal combined with the human figure or otherwise, or of any subject being matter of invention in sculpture, as of any alto or basso relieve, representing any of the matters or things hereinbefore mentioned, or any cast from nature of the human figure, or of any part or parts of the human figure, or of any cast from nature of any animal, or of any such subject containing or representing any of the matters and things hereinbefore mentioned, whether separate or combined, shall have the sole right, and property of all and in every such new original sculpture, model, copy, and cast of the human figure or human figures, and of all and in every such bust or busts, and of all and in every such part or parts of the human figure, clothed in drapery or otherwise, and of all and in every such new and original sculpture, model, copy, and cast of the human figure or human figures, and of all and in every such bust or busts, and of all and in every such part or parts of the human figure, clothed in drapery or otherwise, and of all and in every such new and original sculpture, model, copy, and cast, representing any animal or animals, and of all and in every such work representing any part or parts of any animal combined with the human figure or otherwise, and of all and in every such new and original sculpture, model, copy, and cast of any subject being

matter of invention in sculpture, and of all and in every such new and original sculpture, model, copy, and cast in alto or basso relieve, representing any of the matters or things hereinbefore mentioned, and of every such cast from nature, for the term of fourteen years; from first putting forth of publishing the same."

Now what does the reader imagine all this verbiage is intended to express? Why simply this, that the maker of any new piece of sculpture shall have the sole right and property thereto for the space of fourteen years.

Notwithstanding the laborious and tiresome precision of acts of parliament, there are frequently contained the most egregious blunders. There is a singular instance of one in the 52d of the present King, mentioned by Lord Stanhope, in the speech to which we have already referred. By the 16th section, one half of the penalty was to go to the King, and the other half to the informer; but the penalty happened, in this case, not to be a fine, but a fourteen years' transportation were to be equally divided between the informer and his Majesty.

GREAT BRITAIN

The accounts from the manufacturing districts continue to be most gloomy. The consumption of cotton in manufactures, estimated last year at twelve thousand bags per week, averages for the first three months of this year only eight thousand. In all the manufacturing towns of York-shire and Lancashire, the price of provisions, unfortunately, continues to advance, and to add to this general distress, the hours of work had been generally diminished in those districts, and the manufacturers in Manchester and the neighborhood had come to the determination of further reducing the wages 10 per cent.

The President's message to the house of representatives, on the subject of the Panama mission, appears in the London papers of the 17th of April.

It was reported in London, on the authority of private letters from China, that fire had broken out in the suburbs of Canton, in four different places at the same time. It is supposed to be the work of incendiaries.

An interesting conversation upon the subject of Negro Slavery in the West Indies, took place in the house of Lords on the 17th of April. The grand debate, however, will not come on until 11th of May, when Mr. Brougham's motion is to be taken up.

A long and animated debate took place in the house of commons on the 16th of April, on the subject of corn laws. The resolution for the house to go into committee to consider the propriety of a revision of the corn laws, was negatived by 169 majority.

In the house of commons on the 15th, Mr. Hume, in representing a petition from a man imprisoned for a contempt of court, made a most violent attack upon the lord chancellor; whose court he denounced as a curse, and his lordship himself, a curse to the country. The result was a pretty warm debate. It seems that the prisoner had been served with a chancery process, in which a couple of celebrated litigious gentlemen, named John Doe and Richard Roe, were named.—and as the poor fellow had never heard of these gentlemen in his life, and moreover, as he was charged in process with divers acts which he knew he had never committed, he concluded it was all a joke, and paid no attention to the subject. The upshot of the matter was, that he was ultimately immured in prison for a contempt.

On Tuesday last, in the court of oyer and terminer, in the city of Philadelphia, a poor countryman was tried for highway robbery. He clearly proved an *alibi*, and produced testimony of an unblemished character. He was acquitted, and as he was about leaving the box, one of the bystanders, touched by the hardness of the case, slipped a piece of money into his hand. The example was followed; and, finally, the jury called him to them, and each contributed his mite to obliterate the remembrance of the wrongs he had sustained.

The discovery.—A person praising the personal charms of a very plain woman before Foots, the latter whispered him, "And why don't you lay claim to such an accomplished beauty?" "What right have I to her?" said the other. "Every right by the law of nations, as the first discoverer!"

Labour Lost.—We are often amused at the accounts in the newspapers of ingenious but useless pieces of mechanism, the unprofitable extravagances of industry. Sometimes we hear of a man being taught to draw a chariot made of a nut shell—of a mouse turning a wheel—of a boat large enough for the giants of sunshine, and shoes too small for the smallest foot ever owned by a Chinese beauty, and of various other fantastic displays of art. The following, however, is a more absurdity, except all that we know of.

A Jews' hat recently been presented to a society in Worcester, measuring 3 feet in length, and 18 inches in breadth, and weighing ten pounds. No mouth has yet been found large enough to test its quality."

An ingenious Rogue.—Perhaps for ingenuity, the following trick, played by a Russian, in Moscow, would not be surpassed in London or in Paris. A gentleman looking upon the street in the crowd started forward, exclaiming "Oh! my money, my poor master!" He now very coolly transferred the contents of the unfortunate gentleman's pockets into his own, not forgetting his watch; then, with all the concern imaginable, requested the persons near him to watch his poor master while he ran to procure an equipage to convey him home. On being observed to pass a coach, and without stopping, the cheat was detected; but it was too late for he continued to get clear off with his booty.

Currents of the Ocean.—A pipe of tin, marked on the head "Honourable Company's ship Kent," was on the 1st instant picked up off Selby Hill. The above is one of many pipes shipped on board the Kent previous to her sailing. The Kent was destroyed by an extraordinary gale of wind, 1825, in lat. 43 30, N. long 15 40, W.