

By Authority.

ORDINANCE,
RESPECTING LIBERTY TO TRADE WITH THE SOUTH-
ERN PART OF ST. DOMINGO.

NINTH OF MAY, 1789.

Extract from the Registers of the Superior Council of St. Domingo.

THE tour which the Governor General has lately made to the southern parts, has enabled him to judge personally of the situation to which they are reduced, as well as of the only efficacious means to raise them to that degree of splendor they are susceptible of. He has observed, that the bounty of two hundred livres, granted by the King's Council of State, dated the 25th of September, one thousand, seven hundred and eighty-six, which expires the 1st of August next, for every negro that is imported, so far from becoming a means of encouragement, has scarcely sufficed to replace the annual deficiencies by sickness and defection; and has not given that activity to the commercial speculations of France, that was expected. That this trade requires the cargoes to be rigorously paid for in money, or to sell them from twenty-five to thirty per cent. dearer, if they are paid for with produce, and that by continuing the exclusive privilege of the southern parts, they will be always in a languishing situation, without circulating money, and will never be able to derive from themselves the riches they possess.

That on the other hand, this quarter which is as fine as the northern and western, only requires in order to become as fruitful, a degree of strength which it now wants; That by encreasing the number of negroes by importation, the land will become as productive as the other quarters; that the King will derive a considerable sum by the duties which will be levied on the articles imported and exported, and the inhabitants will encrease their fortunes, and will extricate themselves from their unfortunate situation, and at the same time acquire ease and tranquillity: That the national commerce will be enabled hereafter to extend itself in this quarter and reimburse itself the sums which may be due to it.

On mature reflection of all these considerations, the unanimous wish of the inhabitants for a free importation of negroes, the perfect confidence we have, that it will produce the best effects, and that the commerce of France will only encrease its operations for a time, in order to derive hereafter greater activity and consistency, and that the southern part will produce within itself immense riches, from which the King, the inhabitants, and commerce will derive the greatest advantages; We the General and Intendant, by virtue of the powers entrusted to us, and with His Majesty's good pleasure, have provisionally enacted and ordained, and we do enact and ordain, as follows, viz.

ARTICLE I.

Reckoning from the 1st of August, 1789, to the 1st of August, 1794, foreign vessels of 60 tons burthen and upwards, shall be admitted into the ports of Jeremie, Les Cayes, and Jacmel, with negroes, flour, lumber of all sorts, sea-coal, live stock of all kinds, salt provisions, of beef, pork, codfish, and other fish, rice, indian corn, vegetables, hides, and tanned leather, furs, rosin, pitch and tar—and may discharge and sell said merchandize.

II.

All the Southern quarter shall benefit from the importation of negroes, and the other articles set forth in the preceding article, as far as and comprehending St. Michael du fond des Negres, Aquin, Baynet, Jacmel, and des Cayes de Jacmel. The inhabitants of the aforesaid five parishes, as well as those of the parishes of Amea-Veau, Petit Iron des Baradares, Jeremie, Cape Dame Marie, Tiburon, des Coteaux, Torbek, des Cayes, Cavaillon, and St. Louis, may furnish themselves with negroes, and other commodities, mentioned in the 1st article, which shall arrive in the three ports of entry, Jeremie, des Cayes, and Jacmel, provided they conform to the regulations of the present Ordinance with respect to transporting negroes to the other quarters, and under the penalties therein contained, mention of which will be made hereafter.

III.

French merchants and owners of vessels, whether belonging to the kingdom or to the French Islands and Colonies, who shall be inclined to import the commodities pointed out in the 1st article, shall be likewise admitted.

IV.

The payment for negroes and other commodities which shall be sold by foreigners, to the inhabitants of the southern quarter, comprehended within the line of demarcation, may be made in sugar, or other produce of the colony.

V.

All merchandize, whose importation and exportation are permitted to foreigners by the 1st and 4th articles in the aforesaid three ports of entry, shall be subject to the established local duties, and shall pay moreover one pr. cent. of their value, excepting negroes which shall not pay this last duty of one pr. cent. and excepting also the duty of entry on cod fish and salt fish, which shall be reduced to three livres pr. quintal.

VI.

Foreign vessels shall pay for the whole duty of entry into the said ports, forty-five livres for every negro they shall import.

VII.

Foreign vessels shall be subject to the payment of the western duty for the merchandizes they shall export from the ports mentioned in the second article, and such as the French vessels pay in France, for the colonial produce they import there.

VIII.

Every foreign vessel going out from the three ports of entry without having paid the duties above mentioned in the three preceding articles, and which shall be taken by His Majesty's vessels, or others commissioned for that purpose, shall be conducted to one of the ports of the Admiralty, to be there impeached and condemned to confiscation and a fine of three thousand livres tournois.

IX.

French vessels, whether belonging to the kingdom or to French islands and colonies, shall pay for the importation and exportation of the merchandizes mentioned in the first article, the established local duties. They shall pay no duty of entry for negroes nor the Western duty which they are subject to pay in Europe.

X.

Every foreign vessel detected in landing negroes and other commodities, in other places of the colony than those designated in the 1st article, shall be confiscated and condemned in a fine of ten thousand livres colony money.

XI.

In order to secure the effect of the fines mentioned in the 8th and 10th articles, every captain of a foreign vessel shall be bound to have a French correspondent at his arrival in one of the ports of entry designated in the 1st article, who shall be obliged to give bond for this purpose, which bond shall be fully cancelled one month after the sailing of the vessel from the port where it shall have been given.

XII.

Every negro imported belonging to foreign vessels, and who shall be taken beyond the limits established by the 2d article, shall be confiscated to the King's use: For this purpose the captains of foreign vessels shall be obliged, within ten days, reckoning from the day of their arrival in one of the ports of entry, to brand all the negroes of their cargo with the three legible letters J. P. S. and if the said negroes are not branded within that time they shall likewise be confiscated to the King's use.

XIII.

Every imported negro who shall be found without the limits established by the 2d article, among the inhabitants other than those mentioned in the said article, shall be confiscated to the use of the King, and the proprietor condemned (par corps) in a fine of

fifteen hundred livres, to be applied to the hospitals de la Providence, of Port-au-Prince and the Cape.

XIV.

Every foreign vessel which arrives at one of the three ports of entry may depart before the expiration of eight days, with new commissions for another of the aforesaid ports designated in the present Ordinance.

XV.

There shall be established in each of the said ports of entry a sufficient number of commissioners to receive the declarations of cargoes, which shall be made by the captains, which declarations they shall register in a book kept for that purpose. They shall superintend moreover the execution of the provisions of the 5th, 6th, 7th, and 12th. articles, and shall deliver no permit for sailing from the port until they are assured that they will be fulfilled.

XVI.

Captains of foreign vessels, besides the declarations they shall make to the commissioners of the offices of entry, shall likewise make them to the secretary of the admiralty; they shall fulfill moreover all the formalities of the Ordinance, and shall show their bills of loading and charter parties.

XVII.

The proceeds of the fines and confiscations mentioned in the 8th and 10th articles shall be attributed, one moiety to the King, and one moiety to the commissioner who shall have occasioned the seizure, if the transgression happens in the ports of entry. On the contrary, if the vessels taken in the fraud shall have been seized by His Majesty's ships and vessels, the whole of the said proceeds shall belong to the commander, chief officer and crew that are captors, saving the deduction in all cases of the expenses of justice, admirals duties, and the invalids. In case of informers, one third of the same proceeds shall be given to them.

XVIII.

We expressly prohibit and forbid all French belonging to the leeward islands lending their names to make foreign vessels pretended French bottoms, under penalty of a fine of three thousand livres, to be applied to the hospitals de la Providence in Port-au-Prince and the Cape, without prejudicing the confiscation of said vessel ordained by the different regulations passed with respect to navigation. We enjoin the attorneys of His Majesty and the Admiralty jurisdictions to prosecute with all diligence such as contravene this article, under penalty of being answerable themselves.

XIX.

The provisions of the letters patent of the month of October 1787, and the subsequent Ordinances and regulations respecting foreign commerce in the French islands and colonies, shall be more-over executed, as far as they do not interfere with the present Ordinance, which shall be registered in the intendancy's office, printed, published, and posted wherever it shall be necessary.

We request the officers of the superior council of St. Domingo likewise to register it in their office, to print and post it wherever it may be necessary; and we command all those within their jurisdiction to assist in its execution.

Given at Port-au-Prince, under the Seal of our Arms, and the countersign of our Secretary, the 9th of May, 1789.

(SIGNED.)

DUCHILLEAU.

By the General.
(SIGNED.) BONHOMME.

REGISTERED in the office of the Intendancy of the French American Leeward Islands, at Port-au-Prince, the 9th of May, 1789.

(SIGNED.)

SENTOUT.

The present ORDINANCE has been registered in the office of the Superior Council of St. Domingo, and the request being heard that it should be executed agreeable to its form and tenor, printed, published and posted wherever it may be necessary, and copies thereof, compared with the present, sent to the seneschals and admirals jurisdictions, to be there likewise read, published, registered and posted, the King's Attorney General enjoin his deputies to assist therein, and certify the same to the Court agreeable to the Act of this date.

Done at Port-au-Prince, in Council, the 11th of May, 1789.
(SIGNED.) BONVALET.

Faithfully translated from the
Original, by JOHN PINTARD.

SKETCH OF PROCEEDINGS OF CONGRESS.

In the HOUSE OF REPRESENTATIVES of the
UNITED STATES.

WEDNESDAY, JULY 22.

MR. BURKE, of the committee appointed for that purpose, presented a bill for allowing a compensation to The President, and The Vice-President of the United States—which was read.

In committee of the whole.

The bill providing for the settlement of accounts between the United States and individual States was discussed—the committee then rose, and the chairman reported, that the committee had gone through the discussion of the bill, without making any amendments. It was then moved that the committee be discharged from any further consideration of said bill—and that it be referred to a select committee—this passed in the affirmative, and Messrs Sturges, Baldwin, and Smith, (S. C.) appointed.

The petition of HANNAH ADAMS, of Massachusetts, was introduced by Mr. AMES, stating that she had published a work entitled an Alphabetical Compendium of the various religious sects which have appeared in the world; and was now engaged in preparing a second edition for the press; for which she prayed the benefit of an act of Congress, to secure to her the profits of the same, agreeably to the Constitution—laid on the table.

The House then, on motion of Mr. Scot, resolved itself into a committee of the whole, to take into consideration certain resolves, respecting the Western territory—and after some conversation the following, in substance, were agreed to, viz.

Resolved, as the sense of this committee, that a Land-Office ought to be established, for the sale of vacant and unappropriated lands in the Western territory.

That the said office be under the superintendence of the Governor of the Western territory, for the time being—that the lands to be sold be contained within the following limits, viz.

That the tracts and parcels to be disposed of shall not exceed acres.

That the price to be required shall be pr. acre.

That every person actually settled within the said limits shall be entitled to the pre-emption of

a quantity, not exceeding acres, including his settlement.

A committee, consisting of Mr. Scot, Mr. Sylvester and Mr. Moore was then appointed to bring in a bill or bills, agreeably to the said resolutions.

Mr. CARROL moved that the report of the committee on the enrollment, attestation, publication, and preservation of the acts of Congress should be taken up.

This motion was superceded by Mr. VINING's giving notice that he should on to-morrow move for the house to go into a committee of the whole, on the state of the Union, to take into consideration the establishing an executive department, to be denominated the Domestic Department. This subject, he observed, is connected with the object of the gentleman's motion—as this establishment will provide a proper repository for the records of the Legislature, and other parts of the report may be included in the provision.

Mr. VINING also moved, that The President be requested and authorized to provide a greater and lesser seal, with proper devices, for the use of the United States.

This occasioned some conversation: It was said that a Great Seal for the United States is already provided, and the necessity of a lesser seal is a matter of doubt—No decision took place upon the motion—and it accordingly was laid upon the table.

Mr. BENSON introduced a resolution for the appointment of a committee, to bring in a bill to prescribe the forms of commissions, to be granted to the officers of the United States—laid on the table.

Adjourned.

THURSDAY, JULY 23.

Mr. PATRIDGE of the committee appointed to wait on THE PRESIDENT, and present the enrolled bill for establishing an executive department, to be denominated the department of foreign affairs, reported that said committee had attended that service.

The bill for allowing a compensation to THE PRESIDENT and VICE-PRESIDENT of the United States, for their services, was read a second time, and passed to be engrossed for a third reading to-morrow.

The committee on the memorial of Andrew Ellicott, presented a second report, which was read and laid on the table.

On motion of Mr. White—

Resolved, that a committee be appointed to examine into the measures taken by Congress, and the State of Virginia, respecting the lands reserved for the use of the officers and soldiers of the said State, on Continental and State establishments in the cession made by the said State to the United States, of the territory north-west of the River Ohio, and to report the same to this House.—Committee appointed—Mr. White, Mr. P. Muhlenberg, Mr. Seney.

On motion of Mr. VINING the House went into a committee of the whole—

Mr. BOUDINOT in the chair.

Mr. VINING then introduced the subject of the domestic department, by proposing a resolution in substance as follows:

Resolved, as the sense of this committee, That an executive department ought to be established, to be denominated the Home Department—the head of which to be called the Secretary of the United States for the Home Department—whose duties shall be, to correspond with the several States, and see to the execution of the laws of the Union—to keep the great seal, and affix the same to all public papers when necessary—to keep the lesser seal, and to affix it to commissions, &c. to make out commissions and enregister the same;—to keep authentic copies of all public acts, and transmit the same to the several States—to procure the acts of the several States, and report on the same, when contrary to the laws of the United States—to take into his custody the archives of the late Congress—to report to THE PRESIDENT of the United States, plans to promote manufactures, agriculture, and commerce—to keep a geographical account of the several States, their rivers, towns, roads, and to report what post roads shall be established, &c.—to receive and record the census—to receive reports respecting the western territory—to receive the models and specimens presented by inventors and authors—to enter all books for which patents are granted—to issue patents, &c.—and in general to do, and attend to, all such matters and things, as he may be directed to by THE PRESIDENT.

This resolution was warmly opposed, by Messrs. WHITE, BENSON, SEDGWICK, GERRY, HUNTINGTON, SHERMAN, and others.

The several duties specified, were particularly referred to, and it was observed, that they would very properly come within the limits of the great branches of the legislature, or of those executive departments already established—that some of the objects were not essential—It was urged, that there are offices enough already established—that the people are viewing the proceedings of Congress with attentive solicitude—that if they observe offices created, for which there is no immediate necessity, and for the support of which, the money must be extracted from their hard earnings, they will be apt to withdraw their re-