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TOGETHER WITH

NOTICES OF THE ARTS AND MANUFACTURES, AND A RECORD
OF THE EVENTS OF THE TIMES.

H. NILES, EDITOR.

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INDEX TO VOLUME XXIII.

<p>Accidents 80</p> <p>Adams, John—his letters concerning the fisheries 25; reply to Mr. Jefferson 248; his letter on education 375</p> <p>Adams, John Q. his note on Mr. Floyd's letter 9; his letter in reply to Mr. Clay's 246; his address in reply to general Smyth, noticed 289</p> <p>Ad valorem goods, essay concerning 311</p> <p>Africa—British settlements 22; slave vessels, &c. 22; the horrid traffic 69, 99, 386; treaty at Cape Mesurado 109</p> <p>Agriculture, a professorship of, proposed in Virginia 202</p> <p>Alabama—reported quarrels among the Indians of 48; product of cotton, &c. 131; do. in Madison county, and remarks 242; Limestone county 291; elections 291</p> <p>Albany, a meeting at about the affairs of the Greeks 215</p> <p>Aleppo, earthquake at 185</p> <p>Algiers—difference with Spain 21; plague at 36; American consul at 181</p> <p>Allen, lieut. killed 211, 345</p> <p>Allen, Mr. the philanthropist 342</p> <p>Ames, F. his dwelling of Liberty! 163</p> <p>American history—various interesting items 60, 150; "American,"—a newspaper at New York 385</p> <p>Ancient world 20</p> <p>Appointments by the president and senate 320, 357, 388, 404</p> <p>Army of the U. S.—troops at the Saut de St. Marie 96; remarks on the state of 98; essays on the establishment 104 152; general views of the state of 267</p> <p>Atlantic and Pacific 49</p> <p>Atlas, American—Carey & Lea's 33</p> <p>Atmosphere—Mr. Leslie's remarks on 186</p> <p>Aurora, newspaper 81</p>	<p>Bank of U. S.—general meeting of the stockholders 23; report of the committee and exposition of the president 87 to 96; Mr. G. Williams' note 98; Mr. Cheves' statement 121; note on the controversy 147; Mr. Williams' rejoinder 153; resolutions 179; proceedings of the delegates 209; directors 257, 290; its "equalization of exchange" 290; money received on deposit 322</p> <p>Banks—see the several states; general remarks on 209</p> <p>Bayard, James A. a remarkable letter from him 161; Mr. Harper's exposition and remarks 277</p> <p>Beefsteak, how to cook one! 289</p> <p>Birkbeck, Mr. his oration 73</p> <p>Births, extraordinary 97, 144</p> <p>Blood, the circulation of 99</p> <p>Bonaparte, Napoleon— anecdotes of him, &c. 34, 65, 164 193; notice of his death 115; treaty of Chatillon 115; of his family 226; journal of Las Casus 230; his mother 355; of his son 242</p> <p>Books, great prices paid for 256</p> <p>Boston—deaths in 32; city finances 64; banks 113; seal of the city 144; tumult at in 1746 150; electioneering at 183; arrivals 329, "Merchant," a writer in the Register 243, 356; bills of mortality 386</p> <p>Botany Bay, convicts at 355</p> <p>Bounty, mulineers of the ship 123</p> <p>Braham, Mr. the singer 3</p> <p>Brazil—revolutionary proceedings 7, 152, 166; particulars, proclamation of the prince, &c. 70; manifesto of the same 124; deputies 137; address of the cortes of Portugal to the people of Brazil 142; the cockade 152; the regent to be crowned 166; the slave trade 184; trial by jury 184; American seamen released 304; see <i>Portugal</i>.</p> <p>Bridge, a great one building 178</p> <p>British affairs.—Agricultural distress, by reason of large crops! 147; butter killed 35.</p> <p>Bankrupt, a singular one 103; bidder, speculation in 344; Byron, lord, 307, 355.</p> <p>Calico printer 132; Canning, Mr. 103, 345; Catholic priest tried 103; Castleburgh kills himself 57—noticed 68, 82—Byron's lines on him 307. Church, the 5, 68, 275; Clougher, the bishop of 66; Crim. con. 5—A book of cases published 100. Criminals 35, 183; colonial possessions 63; canon law 63; Courier, extract from 82, 116, 151; Caledonian canal 273.</p> <p>Debt 103; debtors 5; dragons in a church 68; dinner, (ancient) 133; Drogheda, the marquis of 82.</p> <p>Expenditure of government 83, 105; export of machinery 103.</p> <p>Glass manufactory 68; Grain, the product of 344; Greeks, the cause of the 5, 68.</p> <p>Hersehell, dies 83; Hertford, the marchioness of 183; highland dress 103; human bones imported 275; horse racing 151; Hunt, Mr. 230.</p> <p>Ireland—distresses of 5, 21, 82, 117, 344—riots, &c. 82, 183, 185, 230, 275—capt.</p>	<p>Rock," 103, 131—acts of violence 117, 275—conspiracy to kill the lord lieutenant 405.</p> <p>Jews at London 166.</p> <p>Keam, Mr. 230; king, the, noticed 5, 54, 57—prorogues parliament 54—visit to Scotland 68, 71, 103, 117.</p> <p>Laws, various in the London possessions 63—oppressive 83. London, lord mayor's feast at 323—bills of mortality and christenings 405. Lowe, sir Hudson, whipped 275.</p> <p>Marriage act 164.</p> <p>Naval—frigate Iphigenia 64—the Lutine 149—return of vessels and ships building 200 squadron fitting out 374. Noblemen 165; non residents 21; Norwich, in 1561, 133; nunnery 183.</p> <p>Parliament—pensionary members of 54; Peel, sir Robert 132; piracy noticed 5, 166, 184; population, comparative and interesting views of 105—more females than males 183. Poor rates 151; premier peers, in opposition 103; priest, a rich one 183.</p> <p>Religious charities 103; revenue, &c. 108, 291; representation 136.</p> <p>Scott, sir Walter 117; Scotland—visit of the king 68—statistics of 346. Slave trade 53; smuggling 230, 355; specie 5, 68; steam boats 68; South American states 5; steam travelling 5; sugar, East and West India 5.</p> <p>Teeth, human, a great cargo of 405; Thetford, the borough of 372; Times, newspaper 21; stocks, pri. es of 68, 166; travelling 68; traveller in America 163, 177; tythes, just payment of 182.</p> <p>Wallace, sir William, his sword 33; wages of laborers and soldiers 184; Wellesley, William Pole Tinley Long! 68, 82; West Indies, the trade of 28; wheat, price of 83, 136; Wilson, sir Robert 116; wives sold 183.</p> <p>Brooks' Gazetteer 354</p> <p>Brown, Dr. George, dies 16</p> <p>Brown, major general 80</p> <p>Buenos Ayres—receipt of communications from the United States 56; conspiracy at 152; affairs quiet at 356</p> <p>Burning to death 355</p> <p style="text-align: center;">C.</p> <p>Canada—arrivals, population, &c. 7: of the trade with, see "congress."</p> <p>Canals, a remark respecting 3; the Delaware and Hudson 26; account of several 248</p> <p>Canova, some account of him 276, 405</p> <p>Cape of Good Hope 230</p> <p>Capitol of the U. S. dimensions of 387</p> <p>Carey, Mr. his pamphlet noticed 115</p> <p>Carpet, a superb one 150</p> <p>Caucus, remarks on 401</p> <p>Charleston—servile conspiracy at 9; deaths in 32; terrible storm at 81; bands of fugitives 192; bills of mortality 387</p> <p>Chatillon, the treaty of 116, 132</p> <p>Chesapeake frigate, lost by bad powder 368</p> <p>Child—O'Higgins re-elected 246</p> <p>China—the army of 56; order of the emperor 166; dreadful shipwreck 184; canals 248; opium trade to 249; factories at Canton 323</p> <p>Christian church, state of the 139</p> <p>Church, the established 275</p> <p>Cider, good and bad 257</p> <p>Cincinnati, project to fit out ships for the whale fishery at 404</p>
--	---	--

Clay, Mr. at Cincinnati 48; nominated for president 227, 245; his note on the negotiation at Ghent 244

Cleopatra's barge 2

Clergy, interesting facts respecting 139; the "benefit of" 212; rights of the 230, 291

Clogher, the bishop of 66

Cloth, rapid manufacture of 128

Coal, the Lehigh 192

Colombia—dinner to Mr. Zea at London 1; supplies 7; acknowledged by the Dutch 7, 55, 70; by Portugal 70; acknowledgment advocated in England 56; events 71, 104, 276, 406; proclamation of Bolivar 71; eulogium on him 115; Mr. Todd 147, 231, 406; Mr. Torres 147; Laguiria 167, 307, 356; Morales 167, 231, 259, 263, 274, 356; Zea, Mr. 310; naval affairs 231, 246, 276, 356, 356, 406; decrees of Morales 231; Maracaybo 356

Colonization Society of Massachusetts 39; of the U. S. 138

Combustion, spontaneous 182, 227

Commerce, the protection of 195, 2, 9, 305

_____ the report on noticed 385, with France 400—see congress.

Congress of the "holy allies" 56, 67; reported proceedings 82, 100, 231, 310, 342, 344—see "Holy Alliance."

Congress.

Accounts of the various departments 284—on the prompt settlement of 287, 302, 320; advances 239, 413; all valorem goods 350; Alabama 224, 271, 272; Allen. W. H. 239, 288, 318, 334; amendments to the constitution 303, 317, 320, 334, 349, 364, 381, 382, 413; appropriation bills 304, 317, 352, 383, 399, 413, 414; army, peace establishment 239—documents 267—commissariat system 258, 288, 318—pay of officers 287, 352, 366. Appraisers 309; agents and contractors 413; Archer, Mr. 334; Alexandria, Mechanics' bank of 382, 399; armories 271, 367, 397, 403.

Babbett, John 287; balances 237, 265; Baltimore, 272, 318; bank of U. S. 334; Bassett, Mr. 238; Bastrop's grant 237; Beaumarchais' claim 237, 352; Benton, Mr. 397; Boston petition 272; British provinces, trade with 287, 349, 416—colonies 318, 381, 382, 413, 416—in respect to an act of parliament 413. Buchanan, Mr. 333; Budd, Stephen 234; Burgin, John 415.

Calendar, the 237; call of the house 399; Cambreling, Mr. 363; Canada trade 287, 349; Canals—see Roads, below. Captives redeemed at Detroit 238, 239; Canisli, Enrico, 415; Carr, Chas. 414; chaplains 235; clerk elected 219, 234; Cocks, Mr. 241, 412; coins, the currency, &c. of 318, 335, 349, 350, 364, 367, 380, 391, 416; collection districts 350; commerce, foreign 332, 334; commercial regulations 334; committees 224, 236, 237, 256; compensation of the members 224; compensations withheld, 416; Condit, Mr. 239, 365; contingent fund of congress 246, 302, 413, 414; Columbia river 240, 255, 272, 319, 359, 351, 397, 414—the district of 240, 241, 253, 303, 319, 364, 411, 412. Cook, Mr. 319, 367; copper mines, &c. 382; cordage, of Russian hemp 252, 286, 301; courts of the U. S. 398; crimes, on the punishment of 383; Cumberland road 237, 253, 286, 287, 301, 303, 304, 336, 399, 400—(cost of) 403, 413, 414; custom house officers 253, 351, 414; do. bonds 382.

Debt of the U. S. 336, 365—imprisonment for 252, 286, 318, 320, 331, 332, 364; Den-

ny, Mrs. 304; delinquents, (so reported), 349; deposits, transfers of 349; direct tax and internal revenue 355; disbursement of public money 238, 253, 255, 351; divorce asked for 411; drawbacks 351, 413; duties, on the collection of—see "Tariff," below; Dwight, Mr. 286.

Erving, Geo. W. 253, 255; evening sessions 415, 416; expenditures 299, 400—a resolution concerning certain of them 412. Florida 302, 366, 411, 413, 416; Floyd, Mr. 254; France, commerce with 237, 348—convention with 300, 413, 416. Forrest, Joseph 397; fortifications—general, 239, 270, 331, 364, 367, 369, 416; Fuller, Mr. 254.

Gaillard, Mr. 409; Gales & Seaton, the case of 333, 336, 352; report 358; remarks 382. Georgia 255, 301, 303, 381, 414, 415; Gerry Elbridge 349, 361; Great Britain, convention with 334, 350, 399; Greeks, the 272, 386.

Hayti 271, 288; Hightower, Richard 413; Hogan, John B. 413; hour of meeting 352, 365; Howe, Samuel 399.

Indians, certain treaties with, &c. 272, 288, 334, 415; Indian department 383, 414; internal improvements—system of 301, 351—revenue 350.

Johnson, R.M. his remarks on imprisonment for debt 251; on the organization of courts 397; journal of the revolutionary congress 411.

Kearney, Lawrence 255

Land, public, and land offices—various notices 237, 239, 253, 271, 318, 319, 334, 350, 364, 383, 400, 412—warrants for military 253, 413, 414—sales of lands 351—for the relief of purchasers of 416. Lawrence, Julia 331, 398, 412; lead mines, &c. 397; Lewis, Edwin 287, 412; loans to banks and individuals, 349; Louisiana 272, 320, 334, 350, 351, 412, 413, 414; Lowndes, Mr. his decease noticed, &c. 334; Lowrie, Mr. 410.

Mails, (by steam boats), 237; on the transport of 331; McKim, Mr. 304; manufactures—the digest of 352, 365, 382—the committee report 304—report at length 316—notice of proceedings 334, 382, 367, 382, 383—virtually repeated 399, 399—views and statements 362. Marshals 356; Maryland 237, 309, 351, 352; messenger, the office of 414, 415; medals presented 263, 355; Mexican empire 410; meeting of the second session of the 17th congress, members present, &c. 218, 219, 224; McCormick, T. 253, midshipmen, the appointment of 408; Michigan 416; military establishment 349, 350, 367; militia, Mr. Cannon's resolutions 239—on clothing the 239, 255—arming of 272—discipline 304, 318—return of 411. Miller, John, 255; ministers of the U. S. at foreign places 199; mist 416.

Message of the president opening the session 219—clerical error noticed in 241; documents 267; about the copper mines 226; on piracies 236; relative to certain christian Indians 236; public buildings 257; on naval affairs 301; convention with Great Britain 334; commerce with France 343; survey of the Ohio and Mississippi rivers, 339; on the expedition against Porto Rico 366; Indian titles to land in Georgia 397; concerning ordnance 397.

Navigation, the act concerning 253; navy, rules and regulations 272—various interesting documents respecting 273, 282, 326—fraternal association 288, 303, 304—surgeons and mates 288, 304, 320—the establishment 334—midshipmen 334—Rodgers' marine rail way 351, 383, 399—pension fund 369, 382.

Offices, to be established 335; Ohio, canal 253—a road in 272, 304, 409, 415; ordnance 256, 354.

Payments, 319, 416; patents 336; petitions 303, 334, 351, 365, 309; Perry, Sarah 334, 413; pension list 218, 232, 352, 382, 409, 411—committee on 238. Pierce, Geo. lieutenant 255, 312; piracy, proceedings concerning 339, 240, 252, 253, 272, 301, 335, 416; Platt, John H. 364, 366; Plattsburg volunteers 238; Pleasants, Mr. 252; Porto Rico expedition 240, 252, 366; Peoria, the village of 288, 302, 304; post office department 303, 416; Prevost, Mr. 351; printers to congress 412, 415; prize agents 383, 415; public buildings 290, 412, 416.

Road, from Wheeling to St. Louis 253; roads and canals 253, 271, 272, 286, 288, 301, 319, 336, 351, 409, 415; Rochester, Mr. 325; Rodney, Mr. 301, 349; retrench-

ment 253, 282; revenue 298, 403; rifles 272; rivers Ohio and Mississippi 336; rules of congress 414.

Reports—of the com. on roads and canals 43—annual of the sec. of the treasury 265—documents 297—concerning the army 257—respecting the navy 282—from the comptroller 284, 288—of the board of engineers 336—on the naval peace establishment 347—about Thompson's island 348—on foreign coins 379—on gold coins 391—sinking fund 394—custom house bonds, &c. 403—Cumberland road 403—armories 403; on the case of D. D. Tompkins 406—on the appointment of midshipmen 408.

Salvage 302; salt springs, &c. 382, 397; session, close of the 401; seamen, 237, 256, 382; Sibley, Mr. 238; Sloan, Mr. 412; Smith Mr. 252; Smith, Dr. 334; Sterling, Mr. 349; Shannon, George 361; spirits, domestic 365; stamps, concerning 415; sinking fund 394; South Carolina 364; Snyder, Abraham 366; Steubenville, the bark of 367; Stockton, lieut. R. F. 381; steam batteries 414; Symmes, John C. 351; suppressed papers, see Gales and Seaton, ante—and 367; supreme court 397.

Tariff, of the bills concerning, &c. (see "Manufactures" above) and 237, 253, 254, 301, 320, 334, 335, 336, 361, 366, 382, 398, 399, 413—bill at length 316—views and statements 363. Taylor, Mr. of Va. 301, 317, 381; Taylor, Mr. of N. Y. 335, 414; Tennessee 416; Thompson's island 354, 256 271, 335, 318, 365; Tompkins, D. D. 303, 382, 398, 399, 409—report on his case 406. Transfers of appropriations 367; treasury, letter from the secretary concerning foreign commerce 334; tributes of the respect to the house 334, 336.

Virginia 350, 382, 383, 400; Vincennes, the bank of 365, 415; vice president takes his seat 218—retires 393.

Walworth, Mr. 318; Wheelwright, John 411; Woodson, Mr. 301; Wright, Mr. 272.

Yeas and nays in the senate—about allowing a drawback on cordage 301—on the militia claims of the state of Georgia 381—about the Mechanics' bank of Alexandria 382—on the bill concerning revolutionary pensions 410, 411—about a bill praying for a divorce 411.

Yeas and nays in the house of representatives—concerning the naval fraternal association 304—on the bill about making a road in Ohio 318—on a bill about roads and canals 319—concerning the occupation of the mouth of the Columbia river 351—about a rule of the house applied to the tariff bill 398—the Mechanics' bank of Alexandria 399—on the bill to repair the Cumberland road 413—on the abolition of the office of measurer 415; on extinguishing certain Indian titles in Georgia 415.

Connecticut—lieutenant governor dies 320

Consanguinity, singular 179

Consuls, foreign 130

Contagion—difference of doctors as to a remedy 19

"Contempt of court" 83

Cornwallis, mentioned by Napoleon 65

Correspondents, note to 337

Cotton—northern 49, 209, 412; in Alabama 131, 242, 291; product and consumption 147—stock of in England 151; price of 208; on the cultivation of 209; general remarks and estimates 217; in Missouri 402; in Louisiana, &c. 323

Counterfeiters, &c. 96, 160; gang of 176; a great manufacturer 288; nest broken up 289

Crawford, Mr. in Georgia 89

Crimes in England and France 93

Cuba—the pirates of, see "Pirates" Plunder when Havana was captured by the British 19; some disturbances in

- 276; supposed cession to England 305; arrivals at Havana 372; revenue received at 388; disavowal of any design of the British to possess themselves of the island 404
- Curacao—protest of the governor against the decree of Morales 261
- Customs, remark on the 147; bonds, receipts, drawbacks 403—*see congress.*
- Cyprus trees, remains of 321 D.
- Darby, Mr. 354
- Deaths in the chief cities of the U. States 32
- Delaware and Hudson canal 26
- Delaware river, dispute about oyster beds in 212
- Delaware, state of—election 96, 112; 'benefit of clergy' plead in 212; appropriation for the canal 384; difference between the branches of the legislature 386
- Denmark—reported treaty with England 55; depreciation of property in 166
- Detroit, curious seizures at 99; health of 226
- Dickinson college 274
- Dickson, Wm. dies 320
- Dinner party, a rare one 164
- Diplomatic agents of the U. S. 109, 225
- Distance—what is it? 130
- Dogs, killed at Philadelphia 19; mad 112
- Dougherty, Thomas, dies 16
- Drought, severe 17, 34, 151
- Du Pratt, extract from his work on colonies 169
- Duel, between two black gentlemen 208; the dropsy cured by a 226
- Duelling, remarks on 113; ridiculed 179
- Duties exacted in England 226; ad valorem and specific, *see* "T."
- E.
- Earthquake at Aleppo, &c. 185, 259; in Peru 246; in Mexico 406
- East Indies—females ruffled for 149; great fire at Surat 152; power of the press, Jugger naut, &c. 184; great rains and floods 184, 406; certain missionaries in 184; volcano in Java, and cultivation of coffee on the island 406
- Economy, national, excellent essay on 118
- Editorial—"rights of things," Greece, &c. 49; on the state of the army 98; on the yellow fever 114; on the differences among the officers of the navy 129; on insolvents and insolvent laws 129; on longevity in England and the United States 145; the mis-
- ry of plenty 147; rotation in office 162; on 'infidelity and disloyalty' 194; the American navy, the support given to it, vote on the tariff bill, &c. 195; on Britain and Russia, and the *holy* alliance 197; sinecure offices 241; the labor of slaves 242; on the affairs of Virginia 258; protection of commerce 305; imprisonment for debt 321; "rights of men and things" 337; errors in 353; case of Gales & Seaton 358; importation of wheat 369; on politicians 370; note on the 'N. York American' 385
- Education—Mr. Knox's plan 53; letters of Messrs. Adams, Jefferson, Madison, and a citizen of Maine thereon 375; common schools in N. York 402
- Egypt—discoveries in 3
- Election of Jefferson and Burr in 1801 277
- Elton, capt. John H. dies 80
- Emigration 96, 305
- Error, curious 67
- Evans, Oliver, mentioned 130
- Exchange on England 49, 97; essays on the rate of 185, 243 274, 289, 293, 356, 374, 389
- F.
- Families, average number of persons in, 2; a mammoth one 179
- Fisheries—J. Adams' letters on 25; British provincial remarks on a reported bull of the pope 131
- Flax, another machine for dressing it, with remarks 1
- Florida—the oriental, or nut gall oak 1; proceedings of the legislative council, governor's message, &c. 23; tribute to the memory of Dr. Bronaugh 112, 135; the treaty, board of claims 178, 193; on the proposed division of 226
- Flour, price at Lima 246; at Guayaquil 320
- Floyd, Mr. his letter about the treaty of Ghent 7
- Fontenelle 372
- Foreign goods, import of 1
- Fortifications, expenditures on 369; *see congress.*
- France—military preparations &c. 6, 55; English theatre at Paris 6 55, 184; the secret police, &c. 21; the censorship 62, 200; state of the country 55, 356; Moreau 83; debates 55, 83, 84; gen. Ber ton, &c. 55; the army 55; schools 55; consul at Smyrna 56; naval—corvette La Tarn 80; Carbonari 83; "old clothes shop" 103; Hyde de Neuville at Havre de Grace 83; sedition 184; the budget 84; trade with the U. States—royal ordonnance 102; population of Paris, class of persons, consumption, etc. 102; restraint
- of the press 103, 166, 200; conspiracies spoken of 137, 276; d'Angouleme 184; free masons 184; Palma 231; sir Robert Wilson, at Paris 231; the funds 275; note said to have been sent to Spain 344, 388; prince of Conde 355; faculty of medicine suppressed 356; the duke of Montmorency resigns 374; relations with Spain 388; treaty with the U. States 392; commerce with the U. States 400; cathedral at Rouen 151
- Franklin, a saying of 193
- "Franklin," a writer in the Register, his essay 228
- Fuller, Mr. his letter 22
- Fuller's-earth, discovery of 165
- Fur trade 53, 164
- G.
- Gaines, gen. sword presented to him 54
- Gas, extraordinary combustion of 343
- Geese, extraordinary 112
- Georgetown, S. C. hurricane at, and Mr. Mitchell's address 137
- Georgia—case of the secretary of state 19, 128; elections 176; finances 256; governor's message 203; attempt to change the constitution 225; penitentiary 256
- German Society 273
- Germany—generally. A lordship to be disposed of by lottery 103; prince Esterhazy 372; universities 405; export of gold 405
- Ghent, treaty of: Mr. Floyd's letter, with Mr. Adams' reply 7; Mr. Fuller's letter 22; Mr. Clay's letter and Mr. Adams' reply 246
- Glass, establishment of manufacturing of 113
- Governors of the states 322
- Gowing, Mrs. 128
- Grain-growing states 196
- Granger, Gideon, dies 304
- Gray, David 373
- Greece—*see Turkey.* Remarks on the case of 56, 81, 82; on the cause of, from the Liverpool Mercury, 111; adherence to their religious principles 149; British sympathy 152, 179; reports of their condition 225; the emancipation of—meeting at Albany 215; envoys at Verona 310; supposed alteration in the policy of Great Britain 405, 406
- Greene, gen. Johnson's life of 178
- Greensburg, Pa. extraordinary occurrence at 345
- Gregory, lieut. his letter respecting the Panclitta 116
- Guineas, improper use of the denomination 161
- H.
- 'Hamilton' to the editors of the National Intelligencer 40

INDEX.

v

- Hancock, John, anecdote of 34
- Harper, Mr. his exposition and remarks on a letter of Mr. Bayard 277; typographical error in 289
- Harrison, gen. 48
- Hartford, Con. cases of longevity at 145; convention noticed 241
- Hayi*—its importance, &c. 3; intended insurrection, and proclamation of president Boyer 36; fugitive slaves given up 86; Port au Prince burnt 310
- Health—general notices of 113, 129, 145
- Heckewelder, rev. John, dies 384
- Herschell, sir William, dies 83; sketch of his character, &c. 154
- Hog, a great one 288
- Hollingshead and Scull 241, 273
- Holmes' Annals, extracts from 150
- "Holy Alliance;" see *Congress*.
Russian sentiment respecting 100; remarks on the conspiracy 100; abbe du Pratt's remarks 132; Britain and Russia 198; reports of proceedings 273
- Hornet, the U. S. ship—see '*naval*.' Sickness of her crew 57
- Household manufactures 144, 181
- Howard gen. John, jun. 115
- Hull, capt. 131; charges against him 177; opinion of the court 187; statement of D. Leman 227
- Human bones, used to manure lands 275
- Humbert, gen. dies 416
- Hurricane, in New Jersey 64; at Charleston 81; in North & South Carolina, details 101, 137
- Hydrophobia, cure of 184
- I.
- Illinois*—elections 48; bank of Vincennes 167—see *Congress*; the governor of 355
- Immigration to the U. States 305
- Imports and exports, essays on 185
- Imprisonment for debt—Colonel Johnson's remarks on 251; in North Carolina 309; essay on 321
- Indiana*—Harmony 2; election 48; law cases in 245
- Indians—opinions on civilization 20; take newspapers 291
- Indigo, cultivation of 151
- "Infidelity and disloyalty," remarks on 194
- Inquisition, the *holy* 183
- Insolvents and insolvent laws 129
- Interest, rate of 16, 96, 290
- Interior communication 96, 213
- Italy*—storm at Venice 35; state of the pope and his cardinals 103; bull respecting the use of fish 131
- J.
- Jackson, gen. reported to retire from the list of candidates for the presidency 149; not true 387; elected grand master of masons in Tennessee 176; entertained at Nashville 369
- Jefferson, Mr. his opinion on political parties 164; injured by a fall 208; letter to president Adams 247; on education and the supreme court 376
- Jessup, gen. at Cincinnati 48
- Jews, remarks on those of Turkey 99; at Philadelphia 275; see *Maryland, &c.*
- Johnson, col. R. M. honored 148
- Johnson, the colonels, case of 245
- Johnson's life of gen. Greene 178
- Jones, Dr. his address 257, 260
- K.
- Kentucky*—representation in congress 16; the currency 96, 148, 209, 234, 337; diminution of the medium 163; governor's message 170; election of a senator 176; state of the bank of the commonwealth 181; finances 225; report on the currency 234; relations with Virginia 256; correspondents 258, 337; stock sent to market 259; fatal rencontre in 320; burnings of paper money 321, 355, 387; Transylvania university 387, 402; progress of population, &c. 402
- L.
- La Fayette and col. Willet 71; and general Bloomfield 164
- Labor-saving machinery, slave labor, &c. 242
- Land office, commissioner of 48; at Huntsville 149
- Lands, public sales of 148; table 379—see *Congress*.
- Law—how to defeat a creditor 4; rights of nations on the seas 157
- Law cases—Forbes vs. Cochran, fugitive slaves 26; copy right of a newspaper 34; about a vessel wrecked on the coast of Holland 82, 149; liability of mail carriers 100; for a libel in the days of queen Elizabeth of England 150; Mariana Flora 181; about a gratuitous carriage of money 194; sundry decisions 245; policy of insurance, Walm vs. Thompson 295; case of the bank of the commonwealth of Kentucky 371; bigamy 371
- Lawyers in the U. States 226
- Lead, Mississippi 96
- Leib, Michael, dies 288
- Leman, David 227
- "Let us alone," 177, 226
- Letters to the editor 82, 97, 258
- Liberty, Ames' residence of! 163
- Light-houses, number, &c. 400
- Lightning, protection against 168
- Lithgow, the case of 192
- Lock, a new one 291
- Longevity, cases of 98, 128, 208, 226, 354; aged persons in G. Britain, and comparative view 145, 192; remarks 354
- Long's expedition to the Rocky mountains 76, 353
- Louisiana*—runaway slaves 96; expenses of government 144; contentions of parties 178; product of cotton, sugar, and tobacco, & trade in 323; pleasant view of the progress and state of the country 366; controversy between the American and French parties 402; elections 416
- Lowndes, Mr. 131; resigns 176; dies 322
- Lunar observations 2
- Lying, reproof for 100
- Lynxes, killed in France 149
- Lyon, Matthew, dies 80; extracts from a letter written by him 213
- M.
- Macedonian, frigate, inquiry as to the cause of sickness on board of 205
- Madison, Mr. his letter on a professorship of agriculture 202; on education 376
- Mail—robberies 33, 304
- Maine*—elections 64, 368; finances 339; meeting about the presidency 322; a citizen's letter on education 378
- Manning, lieut. anecdote of 213
- Manufactures, &c. near Baltimore 1; "Hannitton" on the subject of 40; at Waltham 66; general remarks 97, 228, 274, 306, 337; rapid work in 128; forgery of 133, 257; demand for 290; household 144, 181; British remarks about 179
- Marble, fine quarry of 192
- Mariana Flora 181
- Maryland*—counterfeiting in the penitentiary! 16; elections 96, 112, 144, 240, 320; resolutions about the Cumberland road and internal improvements 251; representation, &c. 258, 370; report on religious liberty 261, 307; approving the measures of the general government 263; finances 273; relief of the Jews 336, 337; claims for militia services 386; crop of tobacco 388; vote to allow two additional delegates to Baltimore 403; about electing the governor by the people 404
- Massachusetts*—progress of population 34; colonization society 39; notices of events in old times, curious, 159; elections 176, 192, 320; of the clergy in 288; proceedings about the presidency 345; D. Gray, "the spy," 354; state prison 370
- Mathews, Mr. 307, 404
- McClure, gen. his factory 128
- McHenry, col. 115
- Meigs, Josiah, dies 32
- Mermaid! 400
- Methodists—progress of 41

INDEX.

.....

- Mexico*—imperial doings 5, 104, 232; Vera Cruz 200, 336, 406; irrigation at Santa Fe 16; silver mines of Valencia 27, 228; revolutionary movements 37, 86, 104, 118, 137, 200, 336, 345, 406; royal proclamation 127; republican do. 137; earthquake 406; general Victoria 128; coinage 133—table of, for many years, and distribution 155; memorial to Iturbide 200; a minister from 209; received 240; gen. St. Anna 336; his letter to Iturbide 344; in arms 406
- Mice, destructiveness of 150
- Michigan*—new counties laid off 96
- Military academy—regulations at 49
- Ministers, foreign, of the United States, since 1800 109
- Missionaries, &c. 49, 163
- Mississippi*—state, rate of interest in 16; elections 96, 416; Huntsville land office 149
- Missouri*—election 48; relief laws 148; trade with New Mexico 177; cotton crops in 402
- Mitchell's group of islands 149
- Money, value of 96, 133, 192, 290, 372
- N.
- Nantucket, enterprize of the people of, &c. 180
- Naples*—"legitimate" doings at 185, 200
- National economy, essay on 118; feeling, the absence of 161
- Naval*—power, essays on 169, 195, 229; ships on the lakes 1; in the West Indies 178; ship houses 16; the Macedonian 16, 205, 305; Shark 241, 256; Hornet 16, 57; Grampus 32, 33, 401; Mediterranean squadron 49, 163; Cyane 70, 193, 209, 307, 416; Alligator 80, 211, 226, 240, 320; Peacock 118, 144, 148; Porpoise 128; Spark 193, 367, 400, 401; John Adams 288; fraternal association 367; hospital fund 369; freight of specie 305; peace establishment 347; officers 353; squadron in the Pacific 197, 246; number of ships, &c. 275, 353; documents 282, 326; courts martial and of inquiry 129, 187, 205; midshipmen 193, 408; deaths and resignations of officers 19, 305; ships building 128, 163, 273; fire at navy yard, Brooklyn 16
- Navigation—improvements in 180
- "Necker," a writer in the Register 274
- Neighborhood, real 150
- Netherlands*—ports opened to S. American flags 55; small pox at Amsterdam 103; wreck of the Lutine frigate on the coast of 149; reported disturbances in 405
- New Hampshire*—election 96
- New Hope bank 404
- New Jersey*—elections 112, 160, 192, penitentiary 192; correspondent 228; report respecting the "Pea Patch" 233
- New Orleans—yellow fever at 145, 192, 208
- New South Iceland 180
- New South Wales—ne colony at 86
- New York, (city)—cases of fever, &c. in 1, 32, 53, 65, 81; deaths in 52; state of the city 131; duties paid at 65; packets to England 161; election of sheriff 176; vessels in port 256; proposition to erect a statue of Washington 256; population at different periods 274; election of mayor 304; arrivals 309; concerning a monument at the Wallabout 314; estate of John Jones 384; bills of mortality 386; criminal and humane institutions 386
- New York*—(state.) Saratoga Springs 2; the Pulteney estates 16; gen. Van Rensselaer's geological survey 17; elections 176, 208, 240; northern canal 17; (the great dam) 64, 113; remarks 248, 320; ancient remains of animals 20; Salmon river falls 20; dreadful accident 80; correct copy of the constitution 172; Erie canal 113, 177, 208, 369; from Ontario to Champlain, projected 178; Genessee flour 288; canal loan 290; governor Clinton's address to the militia 309; Rochester 320; new banks proposed 336; chancellor and judges named 355; newspapers in the state 370; common schools 402
- New Zealand—of the people of 86
- "Newburg letters" 21
- Newspapers, establishment of in the U. States 112; taken by Indians 291
- Niagara, the battle of 135
- Norfolk, fire at 355
- North American Review 178
- North Carolina*—mines in 112, 227; the banks 193, 309; elections 240, 257; financial 225; various laws passed, public spirit roused, &c. 309; act abolishing imprisonment for debt 370
- North West Coast, of the trade to 157
- North Western expedition, British 63
- O.
- Office, rotation in, &c. 163
- Ohio*—Painsville 1; absence of paupers 65; emigration 148; penitentiary 256; representation in congress 176; nomination of president 257, 344
- "Old Times," in the history of Massachusetts 159
- Opium, trade to China 249
- Osgood, Dr. dies 242
- Owls, an apologue about 306
- P.
- Palmyra, the brig 33, 64, 99, 116
- Panther, killed 48
- Paper carpets 17
- Paraguay*—some account of the country, &c. 79
- Paupers 288
- Pea Patch, in the Delaware river 233
- Penitentiary system 32
- Pennsylvania*—Mellish's map of 49; elections 112, 128; penitentiary 144; execution of Lechler 160; union canal 177; improvements on the Schuylkill 183; dispute with New Jersey about oyster beds in the Delaware 212; finances 233; Dickinson college 274; legislative body 291; report of the committee on domestic manufactures 295; on roads 295; on a speech said to have been made in the legislature 305; travelling 372; New Hope Delaware Bridge bank 386, 404
- Pensacola, fever at 81, 99, 122
- Pensions, on the payment of 226
- Perkins, Mr. 354
- Persia*, at war with the Turks 406
- Peru*—flag of the new state 36; Lima 150, 232; San Martin and Bolivar 353; La Serena 246; price of flour 246; proclamation of San Martin 310
- Philadelphia—public edifices & improvements 17; deaths in 32; election of mayor 112; buildings in 1749, 151; bank of the northern liberties 164, 337; loan 192; St. Mary's church at 225, 386; Jewish synagogue at 275; paupers 288; Mr. Girard 384; incendiaries at 322; execution at 384; bills of mortality 386
- Phillips, Mr. the singer 2
- Pirates on the southern coast in 1718 66
- Pirates of Cuba, noticed 4, 64, 81, 118, 130, 148, 164, 225, 241, 289, 386, 401; acts of 69, 98, 130, 148, 193, 211, 401; desperate fight with 134; affair of lieut. Allen and his death 211; British exertions against 241, 386; Porter's expedition—see "Porter."
- Pitcairn's island, account of 123
- Pitt, Wm. anecdote of 133
- Pittsburg 305
- Poison, apparatus to relieve the stomach of 149
- Poland*; conjectures respecting 85

.....

- Political parties—Mr. Jefferson's opinion on 164
 Politicians, portrait of 370
 Poor, on the support of the 65
 Population and power, comparative views of 337
 Porter, com. 225, 257, 289, 320, 321, 337; his squadron 384, 386; entertained at Norfolk 387
 Porto Rico—privateers 4, 104, 132, 404, 406; the John Adams at 132; the Cyane at 70; the expedition against 118, 143, 179, 209, 227, 337
 Portugal—population 6, the Heroine privateer 55; troops for Brazil 84; regency for Brazil 103; address of the cortes to the people of Brazil 142; decree respecting the same 167; further proceedings 231; king's speech 250; civil code 276; note from Mr. Canning 345; citizens 400; case of the queen 405
 Potomac—the projected canal 355, 385, 401
 Powder mills blown up 355, 384
 Presidential election—notes of 33, 146, 161, 193, 257, 289, 369; remarks on 134, 146; letter of James A. Bayard and remarks on 161; letter to the editor and remarks 179; another letter on the same subject 210; nominations, &c. 193, 245, 305, 322, 344
 President and ex-presidents, a meeting of 112, 122
 Privateers—see "Porto Rico."
 Privilege of ambassadors 212
 Prussia—secret societies 84; prayer ordered by the king 276
 Punishment, inequality of 241, 273
 Putnam's rock 168
 Q.
 Quakers' address on the slave trade 12
 Quarterly Review 7
 R.
 Race, the, at Washington 177, 193
 Randolph, Mr. John 1
 Rattle Snakes—tamed 28
 Religious liberty 306
 Revenue of the U. States 65, 403; and ad valorem goods, essay on 314, and specific duties 323
 Revolutionary incidents 193, 213
 Rhode Island—elections 43, 368; dispute about the tax on banks 143; Brown University 355
 Richmond—"Hornet" office destroyed at 320
 "Rights of men and things" 337
 Roads—the Cumberland 2—see congress; turnpikes, cost and product of 200
 Roanoke canal 355
 Robbers, silly ones 179
 Rocky Mountains, maj. Long's expedition to 76, 353
 Rodgers' marine railway, noticed 353
 Roman catholic church in the U. States, bishop, &c. 156
 Rotation in office, remarks on 162
 Russell, Mr. J. 96
 Russia—supposed designs in regard to the Greeks and Turks 6, 56; state of the country 22, 68; statistics of the empire 36; institutes of the law 68; despotic ordinance 85; minister arrives in the U. States 98; sentiments 99; suppression of free masons' lodges 104; decree 151; feeling about the Greeks and Turks 104; voyage of discovery 166; murder of Paul 199; state paper 201; reported insurrection 231; frigate touches at England 231; levies of troops 310; mediation between the U. States and G. Britain 313; protestant missionaries checked 405
 S.
 Sailing carriages 372
 Salmon river falls 20; salmon trout 372
 Salt—fluctuations of the price of, in the west 384
 Sardinia—fitting out a squadron 231; envoys at Verona 310
 Schuylkill river 185
 Seamen, scarcity of 402
 Seas, rights of nations on the 157
 Segars, import and consumption of 384
 Senate of the U. States—see congress. List of members, &c. 133
 Shakers, an account of the, &c. 37
 Shaw, capt. case of 129
 Sheep, for Ohio 96
 Ship houses 16
 Sicard, the abbe, interesting notices of 60
 Silk goods, import of 257
 Sinecure offices, remarks on 241
 Sinking fund, report on 394
 Slave trade—see "Africa." Address from the Quakers concerning 12; debate in the British parliament 53; first carried on to America 60
 Slavery, general remarks on 17, 81; the dread of 242
 Slaves—estimated value of 178; transported to Brazil 184; cost of slaves and slave-labor 209, 242
 Snake, an extraordinary one 16; in the stomach of a person 99; tamed 98
 Society, on the relationship of 228
 South Carolina—servile conspiracy at Charleston, governor Bennett's letter, &c. 9, 18, 64; dreadful storm in 81, 101, 137; elections 256, 416; petition of P. Harris, an Indian 259; notice of some of the laws passed 291
 Spain—population 6; general notices of the state of the kingdom, 6, 21, 35, 55, 57, 68, 200, 245, 246, 276; Morillo 6, 231; events at Madrid 6, 35, 55, 84, 184; gen. Foy 55; gen. O'Donnell 405; hostile appearances 35, 55, 68, 200, 246, 310, 345; civil disturbances 35, 55, 103, 137, 166, 231, 276, 405; note addressed to the secretary of state 35; finances 200; military preparations 84; duke del Infantado 84; of the king 84, 103, 231, (his speech) 250; bishops and priests 103, 117, 131, 231, 276, 356; gen. Elio 137, 166; proclamation of priests 131; Mina 345, 356; British notice of the cortes 151; fidelity of a peasant 184; dreadful villain at Barcelona 182; the holy inquisition 183; alliance with Portugal 231; case of capt. Alvey 200, 245; relations with France 388, 405; baron d'Eroles 405.
 Specie, drains of 113, 147; on the export of 185, 243
 Specific duties 323
 Spence, capt. his protest against the decree of Morales 263; at Laguirra 307
 Spring, singular 373
 Spy, the—the person of 354, 373
 Squirrels, numerous 112, 134
 Stages, public—accidents in 2
 Steam, used to make roads 34; carriages 130; the "walking-horse" 166; an Irishman's notion of the power of 203; steam brig "New York" 16; boats, progress of 19; passengers in 193; boats on the Mississippi 275; at Pittsburg 305; great improvement in the power of 354
 Strong, Miss H. her sufferings 123
 Sugar—notices of its cultivation &c. 4
 Superior, the lake, fishery on 256
 Supplement to the Register 113
 Supreme court, meets, &c. 353
 Susquehannah—value of produce brought down the river 97; on the improvement of 192
 Sweden—commercial regulations 35
 Switzerland—the Colombian minister's application to the Diet 103
 T.
 "T," a writer on political economy—essays so signed 185, 293, 311, 323, 356, 374, 389
 Tanning, reported improvement in 136; not true 193
 Tariff—see congress; general essay on the right and necessity of a further protection of domestic industry 339; comparative rates and statements 363; remarks on the debate in congress 369

- Tennessee*—presentation of a sword to gen. Gaines 54; act concerning marriages 66; notice of James Robinson 193
- Texas*—miserable accounts from 80; wagons arrive in from Missouri 177
- Thames, anniversary of the battle of 148
- Theological seminaries 372
- Tilsit, the secret treaty of 400
- Titles, on the use of 355
- Toast, singular 131
- Tobacco, great price of 147; exports of 199; export at N. Orleans 323; cultivation of 372; crop of Maryland 388
- Todd, Charles S. 147—see *Colombia*
- Tonnage, remarks on 229
- Trade—freedom of, &c. 274
- Transportation, the rate of 257
- Travelling in Pennsylvania 372; rapid 387
- Tread mill, an account of the 158
- Treasury department—circular about the West India trade 86—see *Congress*.
- Treaty of indemnity with Great Britain 313; with France 392; secret, of Tilsit 400—see *Congress*.
- Turkey*—devastation of Scio 6, 7; details of events 15, 22, 36, 85, 213, 356; war with the Persians 6, 259, 406; Colocotroni 69, 167; fugitive Greeks 7; foreign aid 7; the plague 151; British and Austrians 7, 152, 231; massacres 56, 213; reported rebellions 7, 71, 406; fire ships 405; addresses of the provisional government of Greece 14, 85, 117, 152; naval exploits 22, 36, 56, 57, 167, 310, 405; pay of the Greek troops 22; Hydra 136, 231; Turkish assumption 22; Turkish fleet 36; Candia 36, 56; Morea 36, 152, 259; Samos 231; British consul at Smyrna 49; wives of Ali Pacha 56; Ypsilanti 56; Canaris 405; Athens 57, 69, 71; Napoli de Romania 57, 68; battles on the land 68, 86, 104, 117, 167, 213, 259, 356, 406; chiefs of the Greeks 85; Greeks at Marseilles 85, 213; the Jews 85; Norman 86; Ulysses 86; Jassy burnt 86, 104, 166; ancient Turkish declaration of war 101; devotion of the Greek women 104; Bozzaris killed 104; Greek patriarch dies 104; ld. Strangford 152; Trippoliza 166; case of a Russian ambassador arriving in an armed vessel 212; desolation of Cyprus 213; Corinth 259; Wechabites 259; awful predictions 259
- Turo, Abraham, his bequests 131
- Tyger, killed in Alabama 112
- Typographical error 67
- U.
- Unitarian churches 342
- V.
- Vermont*—elections 64, 160; the college of 98; governor's speech 141; finances 160; Middlebury college 210; the legislative body 225
- Villain, extraordinary 182
- Vincennes, the bank of 167
- Virginia*—tax on hawkers and pedlars 2; sickness at Blandfield 114; agricultural societies—proceedings 203, 257, 260; financial summary 225; election 288; annual cost of of the banks 241; relations with Kentucky 256, 384; East and West 341; editorial article concerning the affairs of 258; Mr Baldwin's speech noticed 341; grant to the University 384; cost of, &c. 387; compensation bill 384
- W.
- "Walking horse" the—a steam power 166
- Waltham factory 66
- Washington city—the first bell for public purposes 112; great race at 177, 193; marriage at 367; improvements, the capitol and bills of mortality 287
- Washington's birth day 401
- Water, general supply of 150
- Water spouts on lake Erie 16
- Welby, Mr. a traveller 177
- West Indies—British act respecting the trade of 28; circular from the treasury concerning the intercourse with 86—see *Congress*.
- Western waters, navigation of 212
- Whale fishery 373; oil proposed to be made of *sturgeons* 384; ships to be fitted out at *Cincinnati* 404
- Wheat, the crop of 16; import of 273, 369
- Willet, col. and gen. La Fayette 71
- Williams, George his statement 121
- Wilmington, Del. cases of longevity at 145; counterfeiters caught at 176, 289
- Winthrop's Journal, extracts from 159
- Witchcraft! 48
- Wolves killed 288
- Worcester's gazetteer 210
- Worth—what it is 66
- Wright, Miss 7
- Y.
- Yellow, or malignant fever, remarks on 114

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THE PAST—THE PRESENT—FOR THE FUTURE.

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BALTIMORE. The "Federal Republican" says there are thirteen cotton-mills in our vicinity, which drive at least 32,880 spindles.—Two woollen mills—one copper rolling mill, which is the only one of note in the United States—three extensive rolling-mills, which manufacture annually, at least 1500 tons of iron into rods, hoops, bolt and sheet-iron, besides at least 30 of the best and most improved merchant-mills within the limits and environs of the city, that manufacture about 300,000 barrels of flour annually.

NEW YORK. A few new cases of fever, from three to six, are daily reported to the board of health—but the disease does not appear to be on the increase. A great number of temporary buildings have been erected at Greenwich and in its neighborhood, and it is supposed that more than 25,000 persons have removed from their usual places of residence in the city.

The district thus abandoned appears infested with robbers—and their depredations are of an alarming amount. It is proposed to have a day watch as well as a nightly one; that a company of mounted men shall patrol streets, and boats be stationed in the river to prevent the escape of the plunderers.

FOREIGN GOODS. For a year or two past, but a small quantity of European manufactures were received at Baltimore, but no less than four vessels have already arrived with an abundance of them. The cargo of the *Belvidera* is supposed to have cost not much less than 150,000*l.* and the *Franklin* brought out 1700 different packages—the others were also well filled; so that the assortment is said to be complete as well as extensive. But we are more pleased to observe that the market is amply stocked with *domestic goods*, and that the sales of them are continually increasing.

FLAX. Another machine has been invented by Samuel Davidson, of Romulus, N. Y. for dressing flax. Its whole cost, including the patent right, is only forty dollars. It has been tried by many of the most respectable farmers. They estimate the saving in labor at three fourths, and the saving in flax at one fifth, compared with the common mode; while it leaves the texture of the thread unbroken. By the use of this machine the process of *rotting* may be dispensed with, as it will answer for dressing the flax either with or without rotting.

This improvement promises to be extensively useful—its price is so small that every neighborhood may easily have a machine. Flax is an article of easy cultivation and great product, if the process of rotting and usual way of cleaning it can be dispensed with, and must become an important staple to the people of the interior for home use and transport to the sea-board, &c. A pound of flax may be carried any given distance as readily as a pound of corn, pork, &c. The cost of transportation will be the same; but the amount of that cost as to the relative value of the article, will be essentially different. The seed, too, if crushed and made into oil, will always find a ready market, and better pay charges for carriage than any sort of provisions

that our farmers can raise in the interior. Oil mills may be erected at a small expense, and would yield large profits to their owners, if the supply of seed was abundant, in any part of our country west of the mountains.

We feel both publicly and personally interested in the cultivation of flax and the use of flaxen goods—publicly, because it will add much to the national prosperity; privately, because we cannot have good *paper* without flaxen rags to make it of.

COLOMBIA. There is a long and interesting account of the proceedings that took place at London, when a public dinner was given to Mr. Zca, the Colombian minister or agent. Several of the gentlemen present, members of parliament and distinguished persons, delivered some very handsome speeches on the occasion, and it might have been expected that Mr. Randolph, who seems to have suffered no opportunity to pass without displaying his eloquence among lords and loyalists, would have attended to honor the representative of the new republic in the south—but he was not there. Liberal minded Englishmen will wonder at his absence; but those who best know the excentric gentleman have no reason to be surprised at any thing that he does or refrains from doing.

THE QUERCUS CERRIS, or Oriental Oak, is abundant in Florida. It is the tree on which the *nut-galls* are produced. These are the work of an insect, for the purpose of depositing its eggs; and they are found on the branches of the tree so abundantly, that a person gathered several pounds of them in a few moments; and it is probable that they will become a considerable article of commerce, being in quality quite equal to those imported from the Levant.

PAINSVILLE, O. We never before heard of this place, which is in Geauga county, Ohio, until we received therefrom a very neatly printed and well conducted newspaper, called the "Painsville Telegraph," the first number of which was issued on the 16th ult. It contains a brief notice of the village, which has 100 buildings and 400 inhabitants—with a plenty of lawyers and stores, &c. It is located 30 miles north-east of Cleveland—the water power in its vicinity, on the Grand River, is great, and many mills have been already erected. It appears to be excellently well fitted for a large manufacturing town—many of which our friends in the west must establish, if they are disposed to make the most of the advantages that they possess.

THE SHIPS ON THE LAKES, especially those on Ontario, with the exception of the New Orleans and Chippewa, of 106 guns each, are in a state of rapid decay, as was to have been expected. Those named were not launched, and, being well covered, might now soon be fitted for service. But, even in the event of a war with Great Britain, of which there is no present prospect, it is doubtful whether any great naval force will be maintained on the lakes. The circumstances of the countries bordering on them are materially changed—what was a wilderness (on our side of them), at the beginning of

the late war, now teems with inhabitants, hourly increasing in numbers and advancing in power; abounding also in supplies of all sorts necessary on an emergency. No one ever entertained the idea, we should suppose, that the great naval establishment on the lakes would have been kept up—the ships were built for temporary purposes, and it will be much cheaper to build others, if they should even be wanted, than to keep in repair ships built as these were, during peace. Several of them, we know, were, on the lake, fitted for service, in less than 60 days after the trees of which they were built were felled in the forest. They were perishable in their nature, and have perished.

“**ILLIBERAL POLICY.**” Under this head, a writer in the Richmond “*Enquirer*” notices the passage of a law by the legislature of Virginia, which taxes every hawker and pedlar who deals in foreign or domestic manufactures, (except the latter are the product of that state), in the sum of eighty dollars *per annum*. The writer justly doubts the constitutional power of the state to pass such a law, and thinks it offers a strange comment on the favorite saying of “*Let us alone.*”

CUMBERLAND ROAD. The banks of Maryland, as a condition for the renewal of their charters, have agreed to make a good road between Boonsborough and Hagerstown, a distance of ten miles only; and then the great turnpike from Baltimore to Wheeling will be complete. The work is to be commenced immediately.

NAVAL SCIENCE. A late French writer observes—“How does it happen that the commanders of French vessels, with 34 schools of hydrography established in the kingdom, either know not, or do not wish to know how to calculate the longitude of their vessels by *Lunar* distances, while even the *cooks* and *negroes* of the American vessels understand it?”

This wholesale question appears to have resulted from a circumstance that occurred on board Mr. Crewinshield's famous little vessel—*Cleopatra's barge*, in which he visited Europe and the coasts of Asia and Africa on the Mediterranean, as a pleasurable excursion, some years ago. A conversation took place at Genoa, when many foreigners were on board the barge, about lunar observations, &c. The Americans made light of a knowledge of them; the foreigners were surprised, and the *black cook*, was literally called from his employ of cutting up a fowl, with his carving knife in his hand, to answer questions about them, all which he did in the most satisfactory manner; demonstrating that he was perfectly acquainted with them, the use of the sextant, &c. to the astonishment of the strangers. But it cannot be believed that such acquirements are common to persons of this class, though it does sometimes happen that every one of an American crew is able to navigate a ship to any part of the navigable world.

HARMONY, IND. A correspondent, who resides at or near this place, has occasionally informed us of the progress of this singular society, under the direction of Mr. Rapp, who appears to possess extraordinary power, as the civil and ecclesiastical ruler of this famous community. The letter now before us states, that for about six years the married women have not had any children, and that among many handsome girls and fine young men, an astonishing degree of obedience to [supposed]

orders had been observed. This society removed from Pennsylvania a few years ago—they now have a handsome town in Indiana, adorned with a splendid church having an elegant steeple, and other public buildings—though, generally, all are in common. It appears that they honored the last anniversary of American independence, and furnished a free dinner and plenty of beer to all who pleased to visit them, treating them also to fine music from their band. The writer goes on to state that, besides the great quantities of grain and other vegetables, beef, pork, &c. that they raise, the amount of their *manufacturing industry* may be estimated as follows:

Hatters and shoemakers,	value per day,	\$30
Distillers and brewers	“	30
Spinning and carding	“	15
Blacksmiths and coopers	“	15
Various cloth, (cotton)	“	25
Ditto (woolen)	“	70
Flannels and linsey	“	20
The tannery	“	15
Wagon makers and turners	“	12
Steam and other mills	“	15
Saddlers, &c.	“	15

\$262

Product of manufactures, 262 dollars per day, with a large value in agricultural products. We cannot determine the correctness of this aggregate, but, from what we do know of the society, it is probably within the daily earnings of this laborious people. We must confess, however, that, zealous to see as much as we can, the power of the republic in population and force, we cannot approve of a neglect of the *first* command, in a “*legitimate*” way.

FAMILIES. From various statements that we have lately examined, we think it may be accepted as a statistical fact, that the families in the United States will average between six and seven persons.

STAGE ACCIDENTS. At a late trial in England of a suit brought against the proprietors of a stage coach, for personal injury received from its being overset, by being imprudently loaded and driven, a verdict of \$9,000 was given for the plaintiff, subject to reference.

THE SARATOGA SPRINGS are now visited by a very numerous company of the fashionables and wealthy of the United States, as well as by many others, for the purpose of recruiting their health and strength. A letter published in a Boston paper, says that Mr. Phillips, the English singer, is there, and adds, “before he entered the village, he sent a servant to ascertain *what sort of company was at Congress Hall!*” The report was favorable; but he could find no apartment, or any thing else, to please him after his arrival. He, however, condescended to *honor* the establishment by stopping. The gentleman who keeps it, on observing his violin, and probably not knowing him, remarked, that “he thought his accommodations good enough for a *fiddler.*”

Though such a proceeding entirely conforms to the general character of the *great* men of England who have honored us with their presence for the sake of our money, while they feel it no disgrace to *exhibit* themselves to obtain it, differs in its point from what we have heard mentioned of the person named—who is said to have carried himself with the modesty that belongs to his humble vocation—that of a singer of songs, for pay.

CANALS. In a speech delivered in the French chamber of deputies on the 5th July, by M. Chabaud Latour, on the subject of improving and extending the canal system of France, is the following passage:—"The United States of America, in the course of an independent existence of only forty years, have established more communications by water than old Europe in all its states. The spirit of association has created numerous companies, and canals have been made with as much promptitude as economy."

MR. BALDWIN, a representative in congress from Pennsylvania, who nearly died at Washington after the last session, has since been seriously indisposed and travelling for the recovery of his health, which now is partially restored. On the morning of the 16th ult. it was known that he would return to his home, in Pittsburg, that day—and the people, by one general and spontaneous movement, resolved to welcome him after his long absence from among them. A salute of 15 guns was fired, the mayor and city council were suddenly convened, and the volunteer companies ordered out. At about two miles from the city line, he was met by the civil authorities, the battalion of volunteers, and a large concourse of the citizens—when judge *Walker*, in the name and on behalf of the multitude assembled, delivered the following short, but pertinent address:

"The committee of arrangement of the town councils and military, on behalf of the citizens and volunteers of the city of Pittsburg, have requested me to tender you their hearty welcome on your return. You ask the cause of this assemblage of your fellow-citizens? They answer—Their gratitude for your tried services in the national council, which, while they have given you a distinguished place among the American statesmen, have reflected their lustre on the district and the country.—Their regret that they are about to lose a representative who broke the first ground in a system of finance and national policy, which will form an era in the political history of the republic. Their sympathy for your protracted indisposition, produced by their's and their country's cause, prosecuted with all the labor and industry of counsel, and all the zeal and eloquence of advocacy. Their joy for your restoration to health and home."

To which Mr. Baldwin replied, that he felt wholly unable to express to his fellow-citizens the feelings which this occasion had excited in his mind, and he should not attempt it; that there was no reward for one's exertions or services so highly to be valued, as such an expression of the confidence and attachment of his constituents: he could never forget it; it could be attended with but one source of regret, that he had been able to effect so little for those who had honored him so much.

The procession was formed in a suitable order by marshals, and moved through the principal streets to the residence of Mr Baldwin.

AFRICA. The viceroy or pacha of Egypt, in prosecuting his scheme of conquering of the country on the Upper Nile, will probably be the means of furnishing the world with much information about the interior of Africa. The army is under the command of two of his sons, who have several learned Europeans in their train—one of them, Mr. Zuccoli, an officer of engineers, is charged with the geographical survey of the country, and a letter from him has lately been received by his correspondent in Germany. He has made a survey of the Nile

from Alexandria to Sennar, in which there are no less than 180 falls or cataracts, of greater or lesser magnitude. He thinks he has discovered the island of Meroe, in the slip of land between the Dender and the Rabb; where he discovered 45 pyramids, covered with hieroglyphics. He met here with M. Cailland, and his companion, who followed Ismail Pacha, one of the sons of the viceroy. He waited for the armed vessels to proceed as far up the Nile river, and see whether it comes, as is said, from the great inland lake, and is connected with the Niger, or at least in its neighborhood.

MR. BRAHAM. It is reported that this stage songster is about to honor us, by leaving England to sing for us one year for the moderate sum of forty thousand dollars. The editors of the National Intelligencer, noticing this matter, have observed, "we shall be glad to hear what our friend Niles will say to this folly." All that it is needful to say is easily said—"friend Niles" pays nothing to England for his coats, and will not pay any thing to transient Englishmen for songs—though pleased to hear good music on rightful occasions and reasonable terms. Yet the managers of our theatres may make money by exposing this musical biped to the public—and persons will spend 10 or 20 dollars to hear him, who have defrauded their honest creditors out of scores of thousands, or suffer themselves to be *dunned* by those who supply them with milk for their coffee and tea. It is even yet the fashion rather to be extravagant than to be honest—though the state of society is evidently improving; more perhaps, of necessity than from inclination.

MEXICO. Iturbide is playing the emperor right handsomely. The establishment of his household is splendid—masters of horse, captains of the guard, aids de camp, almoners, confessors, chaplains, preachers, tutors, surveyors of the palace, masters of ceremonies, gentlemen of the bed chamber, gentlemen ushers, pages, &c. &c. are in abundance; the empress, also, has her officers, ladies of honor, &c. in equal style, and the prince of the empire has his governor, tutors, &c. The emperor has instituted an order of *knighthood*, which he calls the Imperial order of Guadalupe, himself being the grand master, and there are crosses and grand crosses—many priests are in this body. The emperor and empress were crowned on the 21st July, with great pomp and ceremony. The coins are to bear his bust on one side, on the reverse an eagle crowned, &c. We cannot believe that these things will last—the people of Mexico are not prepared to yield up their liberties so easily; and the example of the United States on one side, and of Colombia on the other, we trust, will make his imperial majesty feel a little uneasy in his seat—the throne of Montezuma.

HAWAII. Our trade with this important island is increasing—and after that which we have with Great Britain, France, Spain and their dependencies, it is, perhaps, more valuable to us than any other—taking off a large amount of the products of our fields and forests, and latterly receiving considerable quantities of our manufactures. In the estimation of *Edwards*, the geographer and historian of the West Indies, the plains alone are capable of producing more sugar and other valuable commodities than all the British West India islands put together. The population is rapidly increasing and knowledge is diffusing—and, if the government

shall remain stable and continue to be administered as it now is, a powerful and wealthy nation will spring up in a few years.

THE PIRATES OF CUBA, probably checked by our vigilant cruisers, do not shew themselves so active as heretofore; but recent accounts tell us that they have plundered two or three vessels. The British sloop of war Tyne was cruising off Cape Antonio, to protect the trade.

The privateers of Porto Rico are capturing and carrying in a number of vessels, which are condemned by the court—and it appears also, that the privateersmen have sometimes conducted themselves with much cruelty to those who have happened to fall into their hands. The U. S. ship John Adams proceeds first to Porto Rico, where certain explanations will be demanded of the authorities of the island, in respect to the pretended blockade of the Colombian coast.

SUGAR. The Aurora says, no sugar was raised in the East Indies, for exportation, till 1792. Since then, the quantity has rapidly increased, and bids fair to supercede the West India, as it is produced at much less expense. Vast quantities of sugar are expected to be furnished by the Colombian republic. If there should be an excess of this article, as may be expected, attention should be turned in a greater degree to coffee, cocoa, indigo, &c.

THE LAWS! A London paper of the 18th of June contains the article that follows. It develops a system of fraud which, though in some respects peculiar to that of England, may be also applied to the practice in the United States, without the least variation in its principle or operation.

In the investigations that have taken place before a committee in the house of commons, on the subject of insolvent debtors, Mr. Thomas Clark (at the time clerk of the court) stated, that in a debtor's book, he found a paper, "wherein it was pointed out to debtors how to harass creditors." He had heard, he said, that it was sold from one prisoner to another, in a printed form, for six pence each. That witness then delivered to the committee a book, from which the following extract was read; it is extracted from the parliamentary report:

"Law proceedings.

"When arrested and held to bail, and after being served with a declaration, you may plead a general issue, which brings you to trial the sooner of any plea that you can put in; but if you want to vex your plaintiff, put in a special plea; and, if in custody, get your attorney to plead in your name, which will cost you 1*l.* 1*s.* your plaintiff 3*l.* as expenses. If you do not mean to try the cause, you have no occasion to do so until your plaintiff gets judgment against you; he must, in the term after you put in a special plea, send what is termed the paper book, which you must return with 7*s.* 6*d.* otherwise you will not put him to half the expenses. When he proceeds, and has received a final judgment against you, get your attorney to search the office appointed for that purpose in the Temple, and when he finds that judgment is actually signed, he must give notice to the plaintiff's attorney to attend the master to tax his costs, at which time your attorney must have a writ of error ready, and give it to the plaintiff's attorney before the master, which puts him to a very great expense, as he will have the same charges to go over again. The writ of error will cost you 4*l.* 4*s.* If you want to be further troublesome to your plaintiff, make your writ of error

returnable in parliament, which costs you 8*l.* 8*s.* and your plaintiff 100*l.* Should he have the courage to follow you through all your proceedings, then file a bill in the exchequer, which will cost about 5 or 6*l.* and if he answers it, it will cost him 80*l.* more. After this you may file a bill in chancery; which will cost about 10*l.*; and if he does not answer this bill, you will get an injunction, and, at the same time, an attachment from the court against him, and may take his body for contempt of court in not answering your last bill. You may file your bill in the court of chancery, instead of the exchequer, only the latter costs you the least. If you are at any time served with a copy of a writ, take no further notice of it than by keeping it; when you are declared against do not fail to put in a special plea immediately, and most likely you will hear no more of the business, as your plaintiff will probably not like to incur any further expense, after having been at so much."

Defendant's costs.

Common plea	£0 3 6
Special do.	1 1 0
Paper book	0 7 6
Writ of error	4 4 0
Do. returnable in parliament	8 8 0
Filing bill in exchequer	6 6 0
Do. in chancery	10 0 0
	£30 10 0

Plaintiff's costs.

Answer to special plea	£30 0 0
Answer to writ of error	100 0 0
Answer to bill in exchequer	84 0 0
Do. do. in chancery	100 0 0
	£314 0 0

Thus a creditor may be put to an expense of three hundred and fourteen pounds, by a debtor, for the small cost of thirty pounds ten shillings, and all because the law allowed him to sue for his own; and if he and his attorney do not keep a sharp look out, the creditor may get committed for "contempt of court."

BALTIMORE MONUMENT.

On the 12th inst. if fair—if not, on the 13th, the anniversary of the battle of North Point or of the bombardment of Fort McHenry—the statue is to be placed on the top of this beautiful and classic structure, in the presence of the 3rd and 14th brigades, &c. and under discharges of artillery and appropriate music from the united bands of our volunteer companies. We shall probably give a description of the ceremonies—and now present the following account of the monument itself.

Explanation of the Baltimore Monument, erected by the city of Baltimore, to the memory of the brave citizens who fell in the battle of North Point, and the bombardment of Fort McHenry, in defending the city, on the 12th and 13th of September, 1814—from the design of Mr. Maximilian Godefroy. The statue, the two bass-relievs and four griffins, executed in Baltimore, by signor Antonio Cappellano, late first statuary and sculptor of the court of Spain.

1st. The principal part of this monument presents a *Fasces*, symbolical of the union, the rods of which are bound by a fillet, on which are inscribed, in letters of brass, the names of the brave killed in defence of the city; because, by their glorious death, they strengthened the bands of the union.

2d. The *Fasces* is ornamented with two bass relievs, the one on the south front representing the

battle of North Point and the death of the British general Ross, and the other on the north front, a battery of Fort McHenry, at the moment of the bombardment. On the two other fronts, east and west, are *Lacrymal Urns*, emblems of regret and tears. On the top are bound two wreaths, one of laurel, and one of cypress; the first expressive of *glory*, the second, *sepulchral and mourning*. On the square base, are the inscriptions in letters of brass. This part is supported by a square *Egyptian basement*; this style being especially consecrated to tombs. Each of the four angles of the cornice is decorated with a *Griffin* with an eagle's head, (as an emblem of the United States), because this hieroglyphic having been dedicated to the sun, and often employed by the ancients in the front of their *temples*, has become the emblem of *glory and veneration*. Each centre of the Egyptian cornice is adorned with a winged globe. The globe represents *eternity*, and the wings *time*, which flies. On each of the four fronts of the basement is a false door, in the antique style, closed with a single tablet of black marble, to give the idea of the *remains of the brave being deposited in the edifice*, and is what is called a *cenotaph*. There are steps to ascend these doors in the socle, which forms the base around the whole.

3d. The Egyptian basement, above mentioned, is entirely *rusticated*, as this style announces *strength*; and the layers of stone which compose it are eighteen in number, in memorial of the eighteen states which formed the union at the period of the event which this monument commemorates. The principal parts form also altogether thirty-nine feet, to shew that it was founded in the *thirty-ninth year of the independence of the United States*.

Lastly—The edifice, which is entirely of *marble*, on the above mentioned anniversary, will be surmounted by the colossal *statue*, representing the city of Baltimore: the head of the figure bearing a *mural crown*, emblematic of *cities*: in one hand she holds an *antique rudder*, the emblem of *navigation*, and in the other she raises a *crown of laurel*, as she looks towards the fort and field of battle. At her feet are, on one side, the *eagle of the United States*, and a *bomb*, in memory of the bombardment.

The only thing yet to be done to complete that beautiful monument, is the marble platform or basis, which is to be inclosed with an iron railing, ornamented at each corner with half cannons of bronze. It is to be sixteen feet three inches wide at the base of each front. The height of the monument, without the statue, is forty-two feet eight inches; and the statue being, with its dependencies, nine feet six inches, makes the monument *fifty two feet two inches above the platform*.

FOREIGN NEWS.

From London papers of the 24th July.

Great Britain. There is some one hardy enough to speak of an appropriation of the revenues of the church to a payment of the national debt!—How monstrous, that so many thousand *fat parsons* should be compelled to make an honest living!

From returns to parliament, it appears that the debts of *six thousand and ninety* petitioning and discharged debtors amounted to upwards of *five millions and a half*, while the amount of the property received by the assignees was *one thousand four hundred and ninety-nine pounds!!!* This was somewhat more than *four shillings* from each debtor's estate to clear upwards of five millions and a half of debts.

The king is to visit Scotland, and there intends to appear in the Highland dress.

The distresses in Ireland increase. So great is the want of food, that a bullock, which died of a mortification, and the flesh of which had become putrid, was actually dug up and devoured on the fourth day after it was buried in the ground several feet deep to prevent infection! Nothing can be conceived more horrible than this. Hundreds die daily—the hospitals are filled with the sick; but the prospect of the harvest is favorable, and subscriptions in England for the relief of the people, amount to nearly 200,000*l*.

In the British house of commons, a motion was brought forward by Mr. Lennard, having in view the recognition of the independence of the South American states. Lord Londonderry said, that out of respect to Spain, he would not side with the South Americans at present, further than by cultivating a friendly intercourse with the southern states, while they remained, *de facto*, a government; he should, therefore, oppose the motion. It was lost by a majority of 35.

On the 23d July, Mr. Canning presented a petition to parliament, from certain merchants, who had suffered losses by piracy, and praying assistance to obtain redress. The ministers stated, they experienced a difficulty, because the depredators had commissions of some kind or other, [this is a mistake as to the Antonio pirates], but that they had applied to the Spanish government, who had promised to give strict orders on the subject. Mr. Canning said the question was how long we should wait for redress and security. He did not think the time for action had arrived, but he thought it not far distant.

On the 16th of July, a petition was presented to the British parliament, from certain persons of Leeds, stating that they viewed with horror and detestation the murder of their christian brethren, the Greeks, by those inhuman and blood thirsty barbarians the Turks, and praying for the interference of the house. The petition was ordered to be printed.

The society of Friends in England have proposed to take the lead in obtaining a subscription for the relief of the suffering Greeks.

To the credit of the underwriters at Lloyd's, it is said that they utterly refused to insure a certain vessel lying in the Thames, loaded with arms and munitions of war for the use of the Turks.

1,100,000 ounces of silver have been lately shipped to Russia by one house in London.

The contest as to West and East India sugar continues in England. It is stated that the latter could be sold for from 2*d*. to 3*d*. per lb. The West India is at 6*d*.

It appears by the following article that the communication is now *direct* from London to Calais—The steam yacht Lord Melville, left her moorings at the Tower, at 7 o'clock on the morning of July 17, with 120 passengers and six carriages, for Calais—reached that port at 7 in the afternoon—disembarked her passengers, and took on board 40 or 50 others for London, and arrived again at the Tower on the following morning.

A case of *crim. con.* was lately tried in Dublin, wherein Mr. Owen Georghagan Nolan was plaintiff, and lord Glentworth defendant. In the course of the examination, letters from the husband were read in defence, congratulating his wife upon the birth of a child, not his own, anticipating another; and expressing the utmost anxiety to behold the fruits of her guilt! The damages were laid at 10,000*l*. in lieu of which the jury gave a verdict of 40*s*. and 6*d*. cost.

France evidently appears to be preparing to act against Spain. A late letter from Paris says—"Government has concluded a contract for 10,000 horses for the artillery, &c. All the different officers have been ordered to their posts, and the *conscrip*ts of 1821 are ordered to join the army."

So great is the number of English residents in Paris, that an English theatre is to be opened in that city. Economy, or rather *st*ile at a moderate expense, drains England of hundreds of thousands annually.

Spain. The population of the fifty-one provinces of Spain, as ascertained by a census taken in the last year, amounts to 11,243,026 souls.

We have a great deal of matter in relation to the state of this kingdom. A body of the king's guard, to the amount of 1500 men, revolted at Madrid on the 30th of June, and with arms in their hands marched to the Prado.—Here they were exhorted by Morillo to return to their duty, but they asked him to place himself at their head; on which he indignantly left them. They remained together until the 6th of July, when, persuasion having failed, force was resorted to, and some fighting took place—after which they capitulated, but still a party attempted to escape; these were pursued and many of them killed. A great part of this body appears to have suffered death, and the survivors were chiefly in close confinement. Morillo, Riego, Ballasteros and others high in authority, behaved exceedingly well on this trying occasion. It is said that Morillo was offered *five millions* of dollars, if he would put himself at the head of the guards; but he said that the oath of a Spaniard was better than that sum.

The factious were in great force in Catalonia—it is said 1000 of them were killed in one battle. The country at large, is no doubt much disturbed; but it is difficult to ascertain the extent of disaffection. The last accounts from Madrid represent the capital as being tranquil, and say also that the insurgents in the provinces were declining in force. Some appear to suspect that the king secretly countenances these revolutionary movements, and that it is the object of the factious to get possession of his person—so he may be considered as a sort of prisoner at Madrid, not actually restrained as yet, but closely watched by the Constitutionalists.

The public indignation is strongly excited against France, who is strengthening her armies on the Spanish frontier, and seemingly prepared for instant hostilities; and it is thought that the factious are encouraged by the French. Why France should quarrel with Spain, we cannot imagine, unless in enmity to her constitutional government.

In alluding to the events at Madrid, the Paris Constitutional says—"A meeting was held by the Foreign Ministers at that place, to sign a declaration for the information of their governments. The Austrian and another minister were for ascribing the blame of what had happened to the revolutionists, but Mr. Forsyth, the American minister, would agree to no such statement."

Madrid, July 8.—The following proclamation by the constitutional Junta of Madrid was issued last evening.

People of Madrid—Spanish blood has flowed in the streets of this city, shed in consequence of the conduct of traitors to their country—perjured men, who have violated the sacred oaths by which they swore a defend liberty. The rebel battalions of the *royal guards*, which had taken a position in the Prado during the night, secretly entered the capital and attacked the defenceless population, the gal-

lant national militia, and the no less gallant troops of the garrison. But the perjured rebels paid dear for their temerity. Overthrown in every direction, dispersed and straggling, those who have saved their lives endeavour to repair to the palace of the monarch. Many are concealed in houses. Those wretched men obtain, perhaps, a merciful asylum from the generosity of the persons they intended to assassinate. Public tranquility and public safety, however, require that all these measures, which the existing circumstances call for, should be promptly adopted. Your constitutional Ayuntamiento, therefore, orders every citizen to deliver up, without delay, any guardman whom he may have received or concealed in his house, under the penalty which the laws inflict on criminals guilty of high treason. Citizens, the unfortunate wounded, as well as all the other prisoners who have fallen into the hands of the brave defenders of our liberties, have been treated with that compassion and generosity which the contemplation of unhappy men, misled by black intrigue and vile seduction, dictates to truly liberal minds. In fine, though factious, they are Spaniards; they are our brethren, and the conquerors are *Liberales*. The cause of the country has triumphed—the nation, the constitution, and liberty for ever. By order of the Ayuntamiento.

Francisco Fernandez, Secretary.

Portugal. By the plan suggested for the election of the cortes, it appears that the population of this kingdom amounts to 3,016,300 souls. The amount is supposed to be decreasing.

Russia. Though nothing of a decisive character is yet known, it appears highly probable that Alexander has lowered the Greek cross to the Turkish crescent, through the instrumentality of the holy alliance.

It is stated from St. Petersburg that the imperial guards had returned to that city. In addition to the other proofs that no war is to take place with Turkey, a sort of manifesto, considered as official, from St. Petersburg, is published in the Frankfort journals. We extract from it the following passage:

"The state of the case is simply this:—

1. Russia is in a state of difference with Turkey, but which has arisen from the breach of treaties and the law of nations on the part of the Turks, and in which the Greek insurrection has no direct share.

2. Russia has not by any means shewn a tendency to offensive war, but it is able to repel every attack.

3. Russia has signified to the Turkish government, by the intervention of England and Austria, in what manner the ancient relations may be re-established."

Turkey. The details of the proceedings of the barbarians at Scio, seem to be more and more horrid, if possible. It is stated that upwards of 5000 *children* have been hung, drowned or otherwise destroyed by the Turks, putting to death 50 or 60 of them at a time, by various means, as if it were for amusement!—But yet it does not appear that the Greeks have become dispirited, and, though abandoned by the "magnanimous Alexander," it is probable that they will maintain their ground for a considerable time—but we are now hopeless of their success, unless the infernal alliance of kings against men is shaken to pieces. It is *officially* stated that 30,000 women and children have been exported from Scio as slaves!

Many troops are arriving at Smyrna from the interior of the Asiatic provinces, and a body of 4000 Egyptians are said to have reached Stancho. It

seems that the Persians are still at war with the Turks, and it is reported that they have lately gained a battle near Erzerum. The island of Scio, was the dower of a sister of the sultan, and she has taken up the butchery of the people so warmly, that it is thought the captain pacha will lose his life for his inhuman conduct, though her brother appears willing to excuse it.

A great number of Greek families have taken refuge in Mass'illes.

A Turkish frigate was, in July, fitted at Deptford, Eng. with arms, &c. which it was reported was to be manned with English officers and sailors!

Reports of the proceedings of the British in support of the Turks are reiterated. The Greeks had released several Austrian ships having supplies for the barbarians, on the condition that the cargoes should be landed in some christian country.

Three Turkish vessels and a corvette laden with spoils and captives from Scio, had been taken by a Greek squadron and carried into , or

There is a report that the Asiatic troops in Moldavia were in a state of rebellion, and had taken post on both banks of the Danube.

Brazil. Captain Davis, arrived at New York, informs that about the first of June, a rencontre took place at St. Salvador between the inhabitants and European troops; the Brazilians insisting on a government of their own choice. In the contest, 300 of the latter were killed, principally citizens.—Prince Don Pedro had sent 10,000 stand of arms, 100 officers, 3,000 men, a frigate and three corvettes, from Rio, which force sailed on the 13th of July.

Colombia. A vessel containing British manufactured goods, valued at 25,000*l.* sterling, had sailed from London, for the republic of Colombia.

The Dutch government is stated to have intimated to the Colombian republic, that the moment any European power acknowledges them, they will be the first to follow the example.

Canada. A Quebec paper says—The arrivals this season were 391—settlers 8,987. [Of whom at least one half have passed into the United States.]

The same paper observes—The Catholic population of Lower Canada in 1820, was 333,000, that of the city of Quebec 4,000, and that of Montreal 12,000; as the ratio of increase for several years past has been found to be one twentieth per annum, it may, therefore, at present be considered as amounting to near 360,000. The Protestant population will not exceed 40,000; so that the whole population of Lower Canada may be fairly stated at 400,000 souls.

British Quarterly Review.

The fifty third number of this abusive work has been received, and contains a review of Miss Wright's travels in this country. The rage, mortification, jealousy, malignity, and insolence of those pensioned reviewers, may be gathered from the following remarks. They now have the 'chalice returned to their own lips;' they now have a taste of that retort which has long been their due; and they have to encounter the additional mortification of learning that Miss Wright is an Englishwoman. These reviewers will have a second dose to swallow when they receive 'Sketches of Old England, by a New England-man.'—[*Nat. Advocate.*]

"The fourth and last article is an impudent attempt, we conceive, to foist into public notice, under a spurious title, namely, that of an *Englishwoman*, a most ridiculous and extravagant pa-

negyme on the government and people of the U. States; accompanied by the grossest and most detestable calumnies against this country that folly and malignity ever invented. An Englishwoman, with the proper spirit and feeling attached to that proud title, would blush to be thought the author of such a work. We will not, we cannot, possibly, believe that one so lost to shame exists among us; and are rather disposed, therefore, to attribute it to one of those wretched hirelings, who, under the assumed names of 'travellers,' 'residents in France, Italy,' &c. supply the radical press with the means of mischief. Our first conjecture, indeed, on opening the correspondence, was, that we were indebted for it to the consistent Mr. Walsh, who, finding that his former work had made no converts on this side the Atlantic, (with the exception of our northern brethren, to whom the subject endeared it), had attempted to revive it under a more taking title.—A regard to justice, however, compels us to add, that the perusal of a very few pages convinced us that the calumnies are too stupidly outrageous to come from him; and, to say a bold word, we know of no other American that could justify even a guess. Such, however, as the correspondence is, we must proceed with it. We can smile at the bloated vanity which proclaims a Solon and Lycurgus to be mere simpletons in legislation compared with a Jefferson; and Hannibal a bungler by the side of a general Jackson, whose most glorious achievement, we believe, (before his unparalleled campaign in the Floridas), was that of the murder of two unarmed Englishmen. Nay, we can hear, without much impatience, that the American government is the perfection of all human institutions; that justice is cheaply dealt out, with such an even hand, to high and low, that slavery even ceases to be a curse; that a spirit of universal benevolence pervades all classes of society; that poverty is unknown, oppression unfelt, and dishonesty unpractised: but when we are told that the people of the United States are far superior to the English in all intellectual endowments, in the decencies of life, and in their general conduct towards each other and to strangers: that they have not, like us, disgraced themselves with an established church, supported by penal laws, the work of statecraft and priestcraft united:—in short, that 'relief from all the evils which the old governments of Europe have inflicted upon the poor and industrious, is only to be found in America'—it becomes a duty to rise up and expose the fallacies, in order to check the ruinous consequences which they are but too well calculated to entail upon those credulous people who are liable to be deluded by them."

Treaty of Ghent.

In common justice to Mr. Floyd, as well as for a right understanding of the matter, we cheerfully give place to his letter to the editors of the *Richmond Enquirer*, explanatory of his views in calling for certain papers relative to the negotiations at Ghent, to which we have added a note thereon by Mr. Adams.

We thank Mr. Floyd for the act of justice which he has rendered to our motives—but his name was not mentioned by us, nor did we regard him as originating what we approved; his objects were apart from *electioneering*; but the progress of things, we must think, justified the general remarks that were made on the subject—see last vol. page 220. We have the pleasure to know Mr.

Floyd, and to esteem his character as equal to that of any other gentleman of the house of representatives. But he wants not *our* endorsement on his good name.

TO THE EDITORS OF THE ENQUIRER.

New Berne, Virginia, Aug. 14, 1822.

GENTLEMEN: I am induced to write to you, impelled by the numerous editorial remarks which have issued from different parts of the union, relating to the controversy between Messrs. Russell and Adams, involving me in a greater or less degree; but more particularly from the unwarrantable assertions of Mr. Adams throughout his rejoinder.

On entering into public life, I formed a plan from which I determined never to depart, unless for the strongest reasons; and, I assure you, it is with pain and regret, I now deviate from that plan. When any thing occurs in my public conduct, if it concerns myself alone, I have been content to rest my claims to justice upon the decision of those with whom I act, entirely regardless whether the newspapers, or reporters to newspapers, either misunderstand me, misrepresent me, or do not hear me.

In the commencement of this affair, I was not a little surprised to see the editorial remarks of the Weekly Register, in concluding the publication of the president's message with the letters of Mr. Russell and Mr. Adams, subjecting me to imputations of "electioneering views" and the "getting up" this business: My surprise was not lessened to find any thing in my course liable to such imputations, as I have always felt the most perfect confidence in the correctness of my course: though I have too high an opinion of the correctness and integrity of the Weekly Register to believe these remarks were intended for any other purpose than to give an honest opinion of the transaction as it appeared to him.

With these feelings, as soon as I recovered from a severe illness, under which I was laboring when the Register was received, I wrote a statement of the whole matter, to the editor of that paper, whose independent republican course has impressed me with the most favorable sentiments of his rectitude and ability;—but, thinking there would be an end to the affair very soon, and that opportunities might offer elsewhere, of doing myself justice, I yielded to the suggestion of a friend in withholding it: nor, do I think the necessity would now exist, had the whole of the debate been published which took place in the house of representatives, upon the adoption of Mr. Fuller's resolution, making the final call upon the president for the papers; which now appears to have been done at the instance of Mr. Adams himself.

There is certainly something very singular in this affair, that Mr. Adams, who has labored with so much zeal and perseverance to impress the nation with the belief that Mr. Russell is not correct in his statements, should, nevertheless, as zealously adhere to declarations equally injurious, and unfounded, as it regards myself; to the end, it is presumed, to justify his own conduct in procuring Mr. Fuller to make the call which I had desisted from, and which it seems was so desirable to him, as a mean of getting into the newspapers—this, too, after Mr. Russell had said he knew nothing of my intention of making the request I did make.

Mr. Adams, I had believed, was too well acquainted with *etiquette*, to leave his lawful game to send a shaft at me, however he might feel towards

me; but, since he has thought proper to do so, I must defend myself.

Whatever a secretary shall say of me, I think it but right to hold him responsible; nor will I consent that he shall ransack his department to find a clerk to prop his desires by a certificate.—So far as it regards myself, I must protest against the certificates of clerks, who depend, for their daily bread, upon the capricious smiles of a secretary of a department. I do not wish to be understood as making any remark upon Mr. Adams' certifying clerks. It is possible they may be respectable, I know nothing of them; nor can I, consistent with my own self-approbation, know any body but Mr. Adams, who, I presume, having reliance, and regardless of feelings or opinions, boldly and confidently reiterates, in his rejoinder, that Mr. Russell procured me to subserve his purposes, and make the call in the house, which I did make; which assertion I, unequivocally, pronounce to be utterly destitute of that verity, which ought always to characterize assertions made to the public.

The story is briefly this:

Last winter was a year, at my lodgings, in conversation with some of my friends, we were discussing the advantages of the occupation of the Oregon, or Columbia river, the value of the fur trade of our western rivers, the wealth to be derived from that trade in the Canton market, and the practicability of supplying the valley of the Mississippi with the manufactures of China by that route: when one gentleman observed, that the Mississippi had been discussed at Ghent, and, from the character of the gentlemen engaged in it, there was a strong probability that, if I had that correspondence, I would obtain something which might be useful to me. I had then presented to the house my report upon the occupation of that river, and would have to make an exposition of the bill when it came up for discussion. I instantly determined to make the call, as the proper mode of getting the papers; but I soon found my bill for its occupation could not, from the place it held in the orders of the day, be acted upon that session; I then determined to postpone the call until the next session. Accordingly, on the 17th of January last, I requested all the papers; and, on the 23d of February, the president answered that request, taking more than a month to prepare a copy.

Mr. Adams says, after commenting upon this, that "it will be observed, that nearly two months had intervened between the report of the Ghent treaty documents to the house and this second call, which Mr. Russell has admitted was made at his suggestion."

Mr. Adams knew very well the papers were sent to the house on the 23d of February, and not only ordered to lie on the table, as he states, but likewise *ordered to be printed*: I had not an opportunity of examining them until they were printed, which would, of course, require some days. But, in that time, I had received intelligence of the afflictions of my family, and Mr. Adams does know I obtained leave of absence for the remainder of the session, believing it not possible for me to return.

I left the city, I believe, about the 13th of March, but my family being restored to health, I returned to Washington, and arrived on Sunday the 14th of April. I went into the house on the 15th and on the 18th submitted the second resolution, calling specifically for Mr. Russell's letter; that resolution was adopted on the 19th.

The reason of this second call was, that, on examining the papers, I could not find any thing I wanted, though I did perceive, from Mr. Russell's letter, dated the 25th of December, from Ghent, that he intended to write fully, and naturally concluded he had done so, as he was a public man and in the discharge, as I thought, of his duty; and too, expected what I wanted was contained in that letter, to wit, touching the value of the Mississippi river.

I will take no part in the controversy between Mr. Russell and Mr. Adams, nor would I now have written, had not Mr. Adams gone out of his way, in endeavoring to place me in an attitude, which he must know nothing but his injustice could have exhibited me in.

I am almost as much surprised at the memory of the friend of the National Intelligencer, as at all the rest of this affair: he has certainly reported to that paper, as far as he went, "substantially" what happened in that debate; but the surprise is, that his memory fails at the precise point where my justification begins. I recollect what was said, and made these remarks, and nearly in these words—That I had made the previous calls, and had not renewed it, as the letter wanted had been specifically desired and the president already knew the wishes of the house, and might send it if he thought proper, as he was the judge of the propriety of doing so; I did not think another resolution to the same effect would be consulting the dignity of the house, and if the papers would produce misunderstanding and ill blood between men high in office and public esteem, which the president, who had the papers, seemed to insinuate, I would not be the means of producing that evil. What I wanted was the information, which I supposed the papers to contain, relative to the value of the Mississippi, which would, according to my view of the occupation of the Columbia river, show the value of the trade to flow in that channel, which was to connect those two great rivers; and that there could not be any thing difficult to comprehend in that: that, if the president would tell the house such consequences would flow from the communication, and, at the same time, state that copies of the papers would be furnished to any gentleman at the department of state, who might desire them, was a thing left for him to justify and to reconcile—I wished myself to be correct, and said this for my own justification, and to show my own consistency, and not the president's.

I will close these observations by observing to you, that I have seen in your paper a few days ago, the remarks contained in a Charleston journal.—I cannot divine how the writer knew I had made a motion to refer the president's communication to my committee, before it was read.—I conclude, though, it is much after the disinterestedness of the times, and that a diplomatic mission to some of the new republics may be the hoped reward of the honest exertions of the writer.—How was that fact ascertained? there is no record showing whether the motion was made before the papers were read or not—this minute fact is known to the writer so distant from Washington, who does not even know the part of the country I live in, as he states me to be a member from the west—it may be honest ignorance. I believe though I did make the motion to refer the papers as soon as it was ascertained what the papers related to. This is every day's practice, and I have now papers referred to my committee which the house never saw, which contained information I had sought through the medi-

um of the house, as I had done that, which was to be used when my bill was called up.—I will say more, that if I, by any proper act, could have prevented this affair, that I would have done so; nor will I, either in public or private, refrain from commenting upon the public conduct and opinions of any public man, who may be thought, or may think himself entitled to office. My opposition has always been political, and directed by the ideas I entertain of the power which gentlemen may think themselves entitled to exercise under the constitution of the United States. I look upon that constitution as containing expressed grants of power, and cannot approve any opposite opinion.

I, as a public man, am willing to be judged by this test, and when I, or others, cannot defend their opinion, in justice to the country they ought to retire. In my public capacity I called upon the executive branch of the government for papers expressly relating to a national transaction, and for public use; and if evil has resulted, or private letters been divulged—it cannot attach to me.

I am, Sirs, with great respect, your obedient servant,

JOHN FLOYD.

TO THE EDITORS OF THE NATIONAL INTELLIGENCER.

In the Richmond Enquirer of the 27th August, 1822, there is published a letter from Mr. Floyd to the editors of that paper, in which he says, that in my rejoinder to Mr. Russell, I boldly and confidently reiterate, that Mr. Russell procured HIM to subvert his purposes, and make the call in the house, which he did make; which assertion he unequivocally pronounces to be utterly destitute of that verity which ought always to characterize assertions made to the public.

Whoever has read the rejoinder thus referred to, must have seen that the name of Mr. Floyd is not so much as mentioned in it. I have invariably spoken in it of the *call of the house of representatives*, and have mentioned the mover of the resolution, only to say, that, when Mr. Russell left the city, on the fifth of May, I presumed he knew that the call for the letter would not be renewed by him. I have said that the *call of the house* of the 19th of April was made at Mr. Russell's instance or suggestion, and that it was procured by him. My vouchers for this assertion are the declarations of Mr. Russell himself to Mr. Brent and Mr. Bailey, as attested in their statements—from the latter of which it appears how the call for Mr. Russell's letter was procured by him, namely, that Mr. Floyd, before offering the resolution, asked him for a copy of the letter, which Mr. Russell declined giving, telling Mr. Floyd that if he wished a copy he must move a call for it. Mr. Floyd has not denied this to be fact. If he did deny it, the question would be upon the verity of Mr. Russell's assertion, and not of mine. With the verity which ought always to characterize assertions made to the public, I am as deeply impressed as I could be by the precept of Mr. Floyd, or by his example. JOHN QUINCY ADAMS.

Washington, 30th August, 1822.

Servile Conspiracy in S. Carolina.

Of the following letter from the governor of the state of South Carolina, we have become accidentally possessed of a copy, without authority to publish it. The subject, however, being of so pervading an interest, and the letter itself being a printed circular, we see no sufficient reason for withholding from our readers the information it contains:

[Nat. Int.

Copy of a letter from the governor of the state of South Carolina.

EXECUTIVE DEPARTMENT,
Charleston, August 10, 1822.

SIR: After a prolonged and almost uninterrupted session of six weeks, the first court organized for the trial of slaves charged with an attempt to raise an insurrection in this city, was dissolved on the 20th ult. Another court was subsequently convened, and, after a session of three days, closed the unpleasant investigation with which it was charged, and adjourned on the 8th instant, *sine die*.

During the interesting period occupied by the court first organized, the public mind was agitated by a variety of rumors, calculated to produce great excitement and alarm. These had their origin in the nature of the transaction, and the secrecy and seclusion observed in the incipient stages of the inquiry; as but few of the circumstances were known to the community, and the number apprehended and sentenced to the severest punishment, beyond any former example. Certainty gave place to exaggeration, and the general impression sustained the rumor of a very extensive conspiracy.

The effects resulting from these reports, if uncontrolled by an exhibition of facts, are too obvious to require comment. The reputation of the state must suffer abroad, and a rapid deterioration of property occur within; while suspicion and anxiety will continue long to mar the public tranquility. It becomes, therefore, a duty imperiously obligatory on me, to represent the occurrences as they have transpired, and thus evidence to you that the attempt has not only been greatly magnified, but as soon as discovered it ceased to be dangerous.

A servant, prompted by attachment to his master, communicated to him that he had been requested to give his assent and subscribe his name to a list of persons already engaged in the conspiracy. The intendant immediately received the information, and caused the arrest of three slaves of Mr. Paul—one of whom was subsequently identified by the servant making the communication. The city council was convened, and after a very close and attentive examination, a general impression was produced that but little credence could attach to the statement. A prudent caution was nevertheless exercised, and the fellow charged committed to solitary imprisonment. A few days after his confinement, he made many disclosures to a member of council, but so amplified the circumstances that the utmost credulity was requisite to the belief of his tale.

Some consternation was obviously produced amongst a few of the conspirators by the arrest of these slaves, and I cannot doubt led to a detail more plausible and deserving of attention. Another servant, whose name is also concealed, from prudential motives, stated, generally, that such a combination actually existed, and mentioned the names of several who were most conspicuous in their exertions, adding, with great confidence, that the explosion of their schemes would occur on the ensuing Sunday night. This confession was given on Thursday, the 13th June, and contained the recital of several occurrences which would precede the attempt and evidence the intention. This suggested the propriety, while it sanctioned the effort, to conceal from the community the intelligence thus received, for the intervening time—during which extensive and efficient preparations were made for the safety and protection of the city. Saturday night and Sunday morning passed without the predicted demonstrations; doubts were again excited, and counter orders issued for diminishing the guard. The facts

communicated were generally known to our fellow citizens on Sunday; producing a night of sleepless anxiety. But no one of the predicted (or any other) occurrences presented itself to disturb the general tranquility.

On the 18th June ten slaves were arrested, and on the 19th the court was organized for their trial. Investigation was retarded by the difficulty of procuring authentic evidence, and it was not until the 28th that the sentence of death was pronounced against six of the persons charged with the offence. Denmark Vesey, a free negro, was arrested on the 21st, and on the 22d put on his trial. Although he was unquestionably the instigator and chief of this plot, no positive proof of his guilt appeared until the 25th. This grew out of the confession of one of the convicts, and on the 27th his guilt was further established by a servant of Mr. Ferguson.

The progress made, and the expectations of immunity from punishment by confession, gradually developed the plot, and produced the arrest of several others, fortunately two who were principals, Monday Gell and Gullah Jack. These, with three others, John Horry, Charles Drayton and Harry Haig, were convicted, and sentenced to die on Friday, the 12th July last; but, at the suggestion of the court that important communications were expected from them, Monday Gell, Charles Drayton and Harry Haig were respited.

The arrest of Perault, a servant of Mr. Strohecker, which took place the day previous to the respite, and the general and very important discoveries made by him, enabled the committee of vigilance, not only to elicit the confirmation of his statement from the three convicts, but to apprehend a great number of persons engaged in the plot. Among others, William Garner, reputed to be one of the principals, the only one not then apprehended.

The number of persons at this period under arrest, evinced the necessity of such arrangements of the testimony as would enable the court to progress with more rapidity. This duty devolved on the committee of vigilance: and principally from the general information of Perault, and of the convicts Monday Gell and Charles Drayton, facility was given to the further proceedings of the court. In the short space of seven days thirty-two negroes were convicted; twenty-two of whom were executed on Friday, the 20th July: and within four days after, eleven others were convicted, four of whom have also been executed.

Having established the existence of a plot, and the places of rendezvous, all that was deemed requisite for conviction was to prove an association with the ringleaders, and an expression of their assent to the measure. On such, generally, the sentence of death has been executed. Others who, without actually combining, were proved to have known of the conspiracy, and to have given their sanction by any act, have been sentenced to die, and their punishment commuted to banishment from the United States; or sentenced, in the first instance to banishment from this state or from the United States. In this manner, the whole number, seventy-two, have been disposed of; thirty-five executed, and thirty-seven sentenced to banishment. With these we may reasonably conclude that we have reached the extremities of this conspiracy, and this opinion, if not conclusive, is entitled to great weight, when we advert to the extraordinary measures pursued to effect the object and the motives which influenced the accused.

No means which experience or ingenuity could devise were left unessayed, to eviscerate the plot. In the labors of investigation, the court was preceded by a committee formed by the city council, whose intelligence, activity, and zeal, were well adapted to the arduous duties of their appointment. Their assiduity, aided by the various sentiments which influenced the prisoners, produced a rapid development of the plot. Several of the conspirators had entered into solemn pledges to partake of a common destiny, and one, at least, was found, who, after his arrest, felt no repugnance to enforce the obligation, by surrendering the names of his associates. A spirit of retaliation and revenge produced a similar effect with others, who suspected that they were the victims of treachery; and this principle operated with full effect, as the hope or expectation of pardon predominated. To the last hour of the existence of several, who appeared to be conspicuous actors in this drama, they were pressingly importuned to make further confessions.

Among the conspirators, the most daring and active was Monday, the slave of Mr Gell. He could read and write with facility, and thus attained an extraordinary and dangerous influence over his fellows. Permitted by his owner to occupy a house in a central part of the city, hourly opportunities were afforded for the exercise of his skill on those, who were attracted to his shop by business or favor. It was there that his artful and insidious delusions were kept in perpetual exercise. Materials were abundantly furnished in the seditious pamphlets brought into this state, by equally culpable incendiaries; while the speeches of the oppositionists in congress to the admission of Missouri, gave a serious and imposing effect to his machinations. This man wrote to Boyer (by his own confession) requesting his aid, and addressed the envelope of his letter to a relative of the person who became the bearer of it, a negro from one of the northern states. He was the only person proved to have kept a list of those engaged; and the court considered his confession full and ample.—From such means and such sources of information, it cannot be doubted that all who were actually concerned, have been brought to justice. There is no exception within my knowledge; it has, however, been stated, that a plantation in St. John's was infected, but I do not know on what authority.

This plain detail of the principal incidents in this transaction, will satisfy you that the scheme has not been general nor alarmingly extensive. And it furnishes a cause for much satisfaction, that, although religion, superstition, fear, and almost every passion that sways the human mind, have been artfully used by the wicked instigators of this design, so few have been seduced from a course of propriety and obedience. Those who associated were unprovided with the means of attack or resistance. No weapons (if we except thirteen hoop poles) have been discovered; nor any testimony received but of six pikes, that such preparations were actually made. The witnesses generally agree in one fact, that the attempt was to have taken place on Sunday night the 16th June, differing a little as to the precise time; 12 o'clock appears to have been the hour.

From the various conflicting statements made during the trials, it is difficult to form a plausible conjecture of their ultimate plans of operation; no two agreeing on general definite principles. That the first essay would be made with clubs against

the state arsenal is inferrible, from their being unprovided with arms, and the concurrence of several witnesses. But whether the attack would be made simultaneously by various detachments, or whether the whole, embodied at a particular spot, would proceed to the accomplishment of their object, is very uncertain. Upon the whole, it is manifest that if any plan had been organized, it was never communicated by the principal conspirator to the leaders or the men, as they were wholly ignorant even of the places of rendezvous; although within two days of the time appointed, and but one man arrested prior to the day fixed on for the attempt.

When we contrast the numbers engaged with the magnitude of the enterprize, the imputation of egregious folly or madness is irresistible: and supposing the attempt to have been predicated on the probability, that partial success would augment their numbers, the utmost presumption would scarcely have hazarded the result. Servility long continued, debases the mind and abstracts it from that energy of character, which is fitted to great exploits. It cannot be supposed, therefore, without a violation of the immutable laws of nature, that a transition from slavery and degradation to authority and power, could instantly occur. Great and general excitement may produce extensive and alarming effects; but the various passions which operate with powerful effect on this class of persons, impart a confident assurance of detection and defeat to every similar design. While the event is remote, they may listen with credulity to the artful tale of the instigator, and concur in its plausibility; but the approach of danger will invariably produce treachery, the concomitant of dastardly dispositions. In the fidelity and attachment of a numerous class of these persons, we have other sources of security and early information; from both of which, it is reasonable to conclude, that, in proportion to the number engaged, will be the certainty of detection; and that an extensive conspiracy cannot be matured in this state.

I have entered with much reluctance on this detail, nor would it have been considered requisite, but to counteract the number of gross and idle reports, actively and extensively circulated, and producing a general anxiety and alarm. And, although their authors may have no evil design, and may really be under the delusion, it is easy to perceive what pernicious consequences may ensue from not applying the proper corrective. Every individual in the state is interested, whether in relation to his own property, or the reputation of the state, in giving no more importance to the transaction than it justly merits. The legislature has wisely provided the means of efficient protection. If the citizens will faithfully perform the duty enjoined on them by the patrol laws, I fear not that we shall continue in the enjoyment of as much tranquility and safety as any state in the union.

I have the honor to be, very respectfully, sir,
your obedient servant, THO. BENNETT.

☞ A pamphlet has also been published, under the authority of the city council of Charleston, giving a long account of the intended insurrection in that city, and detailing the facts that appeared against individuals found guilty of being engaged in it. But, perhaps, enough has been said to shew the nature and extent of the conspiracy. It appears that 131 blacks were arrested, of whom 35 were executed, 12 respited until the 25th of October, 21 sentenced to be transported out of the United States, 1 to be sent out of the state, 9 were acquit-

ted, the propriety of transportation being suggested and agreed to, and 52 were acquitted and discharged.

"The following is the sentence that was pronounced on *Gullah Jack*, who affected great supernatural power by *charming* men and things, and declaring that he was invulnerable by white men, &c.

The court, after deliberately considering all the circumstances of your case, are perfectly satisfied of your guilt. In the prosecution of your wicked designs, you were not satisfied with resorting to natural and ordinary means, but endeavored to enlist on your behalf, all the powers of darkness, and employed for that purpose the most disgusting mummery and superstition. You represented yourself as invulnerable; that you could neither be taken nor destroyed; that all who fought under your banners would be invincible. While such wretched expedients are calculated to *inspire* the confidence, or to alarm the fears of the ignorant and credulous, they excite no other emotion in the mind of the intelligent and enlightened, but contempt and disgust. Your boasted charms have not protected yourself, and of course could not protect others. "Your altars and your Gods have sunk together in the dust." The airy spectres, conjured by you, have been chased away by the special light of truth, and you stand exposed, the miserable and deluded victim of offended justice. Your days are literally numbered. You will shortly be consigned to the cold and silent grave, and all the powers of darkness cannot rescue you from your approaching fate! Let me then, conjure you to devote the remnant of your miserable existence, fleeing from the "wrath to come." This can only be done by a full disclosure of the truth. The court is willing to afford you all the aid in their power, and to permit any minister of the gospel, whom you may select, to have free access to you. To him you may unburthen your guilty conscience. Neglect not the opportunity, for there is "no device nor art beyond the tomb," to which you must shortly be consigned."

☞ We have some *general* remarks prepared on the subject, which shall be published in our next paper if convenient.

Slave Trade.

An address to the inhabitants of Europe on the iniquity of the slave trade; issued by the religious society of Friends, commonly called Quakers, in Great Britain and Ireland.

(Copied from a pamphlet lately published in England).

Many years have now elapsed since the attention of the religious society of Friends, commonly called Quakers, was first turned to the subject of the slave trade. Such was the conviction of its iniquity, that it was felt to be a duty to represent to all in the same religious profession, the sufferings to which the natives of Africa were subjected, by being forcibly torn from their native soil, and condemned to cruel bondage on a foreign shore.

The society proceeded further: under a sense of the enormity of the crime, a regulation was made upwards of sixty years ago, which has continued in force unto the present time, that those who persisted in "the unrighteous traffic in Negroes,"* after pains had been taken to convince them of their error, should no longer be considered as its members. And as such as are in religious connection with us, have been uniformly warned not to partake

of the gain of oppression, not to defile themselves with any profits arising from this species of injustice, we trust that we shall obtain full credit when we allege, that we have no commercial or political end whatever to answer, by thus advocating the cause of the oppressed. We plead on the simple but firm basis of christian principle.

In common with many virtuous and benevolent characters of our own nation, we felt it to be a christian duty, to aid in diffusing among our fellow countrymen information on the horrors of the trade; and in soliciting our government to pass a law, for the termination of a commerce, at once barbarous and iniquitous. And we participated in feelings of joy on beholding that, notwithstanding there were great and numerous obstacles in the outset, and in the progress, of this work of humanity, the sense of the great bulk of the inhabitants of these islands was so clearly seen and yielded to by our rulers, that this stain on our national character, was ultimately effaced, in the year 1807, by an act of the British legislature;—many of the members of which not only acknowledge the injustice of the trade, but nobly and successfully united their unwearyed efforts to hasten its suppression.

We have rejoiced to hear that the respective governments of those countries, whose subjects are still implicated in the traffic, have proceeded so far as they have hitherto done towards its abolition; but we have learned, with deep regret and sorrow, that it is still pursued to a great and truly lamentable extent, and that under circumstances of aggravated cruelty, by the subjects of those very powers. We hear that numerous vessels are still hovering along the shores of Africa, to procure cargoes of human beings, and transport them to distant lands, whence they are designed never to return. In fact we hear, and that from undoubted authority, that the trade which the congress at Vienna, in 1814, pronounced to be "the desolation of Africa, the degradation of Europe, and the afflicting scourge of humanity," has been carried on with increased eagerness in the course of last year.

It is under the influence of christian love and good will, that we are now engaged to express our interest on behalf of this injured people. In thus introducing ourselves to the notice of our continental neighbors, we feel that we need not offer any apology, considering them as our brethren, as the children of one universal parent, as fellow professors, of a belief in one and the same merciful Saviour. The same feelings which lead us to consider the natives of France, of Spain, of Holland, of Portugal, and of the other nations of Europe, as our brethren, induce us to extend this endearing appellation to the inhabitants of Africa. Our heavenly Father has made of one blood all nations of men that dwell upon the face of the earth; and we are all the objects of that great redemption, which comes by our Lord and Saviour Jesus Christ. And, although the kindreds of the earth are divided into distinct communities and nations, we are all bound one unto another by the ties of love, of brotherly kindness and compassion. But the nations of Europe are united by an additional bond. To them has been granted a blessing, which has not hitherto been enjoyed by the greater part of the natives of Africa: this blessing, this invaluable treasure, is the bible, in which is contained the record of the gospel of Christ.

Permit us then, as fellow professors of the christian name, to remind you of the complicated iniquity of the slave trade. Possessed of a superior force, which he has acquired by a greater knowledge of

*Yearly meeting, 1761.

the dreadful arts of naval and military warfare, the slave trader visits the coasts of unoffending Africa. He employs his agents to tear her inhabitants from their country, their families, and their friends; to burn their villages and ravage their fields; to spread terror and desolation through their peaceful dwellings. He foments wars between neighboring chieftains, in order to supply himself with their subjects, the victims of his avarice. Having thus either stolen or bought his fellow men, who are equally with himself entitled to their liberty, and of which he possesses no right whatever to deprive them, he hurries them to the vessel that may be waiting in some adjoining creek to receive the objects of his cruelty; or he chains them with iron fetters, or loads them with heavy yokes, and drives them like the beasts of the field to the shores. There new distresses await them; they are violently conveyed on board the ships stationed to receive them, stowed beside each other like bales of goods, and conveyed across the Atlantic to the place of their destination. The horrors of this passage cannot be adequately described even by those who have been witnesses of them. Faint, then, must be the idea we can form of the situation of upwards of three hundred human beings, in a comparatively small vessel, each limited to so narrow a space, that it often happens they cannot lie on their backs. Here they are subjected to miserable reflections—for the power of reflection in common with us they undoubtedly possess—on the past, the present and the future. Their shrieks, and cries, and groans, ought to be sufficient to excite pity in the hardest heart. Arbitrary and cruel power is often exercised to prevent those attempts at insurrection, to which their situation prompts them. And such is their state of desperation, that they are often ready to have recourse to suicide. The noxious and pestilential effluvia, that arises from their close confinement between decks, (which are often not more than three feet apart), or from the illness of their companions, produce loss of appetite, disease, and, in many instances, suffocation, and other distressing forms of death. And here let us bear in mind, that these cruelties are practised in violation of the laws of many of the nations of Europe, and that the slave dealers in their attempts to elude the operations of the law, have recourse to fresh acts of oppression to accomplish their wicked designs.

When released from their horrible prison, the surviving slaves are exposed to sale like cattle, and consigned to pass their days in the loss of liberty, far separated from their nearest earthly ties, and exposed to such acts of domineering violence, as a capricious master or his dependents may be disposed to exercise. Such is the cruelty practised upon thousands and tens of thousands of innocent sufferers, not by men who might attempt to palliate their conduct on the plea of retaliating injuries; but by those who, when they themselves are enjoying the blessings of liberty, when the comforts of social life are within their reach, leave their native land for the sake of sordid gain, and spread desolation, distress, and misery, amongst a people who had never injured them. May the nations of Europe consider in time the awful consequences that await such accumulated guilt!

The arguments of the christian, like the religion from which they are derived, are plain and simple, but they are in themselves invincible. The gospel of our Lord Jesus Christ is a system of peace, of love, of mercy, and of good will. The slave trade is a system of fraud and rapine, of violence and cruelty. The author of our salvation, when he

took upon him our nature, set us a perfect example of piety and virtue. He went about doing good to the bodies and souls of men. He taught his disciples that the evil dispositions and passions of men are not to be indulged, but that they are to be restrained by the power of his Spirit acting upon the soul. His parables teach us the happy effects of a religious life. His miraculous cures bespeak a tender compassion for the sufferings and afflictions of man. His discourses inculcate disinterested, genuine humanity. The man who traffics in the lives and liberties of his fellow beings, goes forth to gratify the malevolent passions of selfishness and avarice; he does violence to all the tender feelings of humanity, and spreads around him distress and terror. Our blessed Redeemer has taught us pure, impartial justice, in this plain but most important language, "all things whatsoever ye would that men should do to you, do ye even so to them."* The slave trader, in open violation of this injunction, acts towards others in a way which he would use every means in his power to resist, if it were practised upon him. He is indeed guilty of the greatest injustice; he deprives his fellow men of their liberty; that gift of heaven which is estimated as the greatest of civil blessings; and which is the natural, and, (whilst we are not disturbing the peace and tranquility of our neighbours), the unalienable right of the whole human race. And here we would observe that as the practice itself is clearly unjust, it cannot be warranted by any *commercial* considerations. That which is morally wrong cannot be politically right. And our beneficent Creator has wisely ordered that our duty and our interest should be intimately combined; and it is contrary to his gracious purpose, that gain and advantage should be sought by one part of his rational creation, from the distress and sufferings of another.

It has been alleged by some, that the natives of Africa are a race of beings inferior to ourselves. If the intellectual powers of the present inhabitants of Europe are more vigorous than theirs, they should ever consider with thankfulness the means by which they have risen to their state of mental energy. If, in the inscrutable orderings of his Divine Providence, that being who is all-powerful, and all-wise, has accelerated the diffusion of moral and religious knowledge through this quarter of the globe, are we not showing our ingratitude for the blessing bestowed upon *us*, by acts of cruelty and oppression to *them*? But is not their conduct under the sufferings to which they are subjected, a proof that they possess the common feelings of humanity? Our intercourse with them, and the authentic reports of travellers, clearly show that they are capable of kindness, sensibility and gratitude; that they can make improvements in the arts of agriculture and mechanics, and that they can adopt wise and just regulations for the good order of society.

It has also been maintained by some, that we are justified in forcing the inhabitants of Africa from their native soil, to make them acquainted with the blessings of *christianity*. To these we would reply—The Divine Founder of our religion used no endeavors to compel his hearers to accept his doctrine, or to obey his precepts.—Even the Jews, who had been the peculiar objects of Almighty protection, who had, through many successive generations, partaken of the special care of God, were not to be forced to accept the blessings of the gos-

*Matthew, vii. 12.

pel. To them its promises were offered, and when by that nation they were rejected, the Saviour of the world, even when enumerating their sins and transgressions, so far from employing any compulsory power, pronounced this pathetic lamentation. "O Jerusalem, Jerusalem, how often would I have gathered thy children together, even as a hen gathereth her chickens under her wings, and ye would not."† He is our Lord and Master: He is the Great Head of the christian church: his precepts and his examples are equally obligatory upon all his true disciples, in all ages and in all countries. If we follow them, in the meekness and lowliness which he taught, under the influence of his spirit, we shall be happy here, and happy hereafter: but if, bearing his name, and calling ourselves his disciples, even though we profess to be teaching his doctrine,—if we reject his example, and violate his precepts, in the presence of those who have not, like ourselves, been partakers of the outward knowledge of the gospel, awful and fearful will be our future condition.

The nations of Europe owe indeed a heavy debt to Africa. Instead of improving the opportunity of their commercial intercourse with that unoffending people, to exemplify the excellence of the christian religion by the kindness of their conduct, and the purity of their morals;—instead of endeavoring to convey to them a knowledge of those exalted views, of that increase of temporal happiness, which the spirit of christianity produces, many of them have gone forth to plunder and to ravage, to spread desolation and terror, to practice injustice and cruelty in their most odious forms; and thus have caused the name of Christ to be blasphemed among the Gentiles through them.

We appeal to all who have felt that love of their country which is inherent in our nature; who can appreciate the blessings and enjoyments of social life; who can form an estimate of the endearing relation of parents and children, of brothers and sisters, of husband and wife. We entreat all to reflect on the violation of these feelings which is now practised on the continent of Africa; to cultivate in their minds from day to day, and from year to year, sentiments of pity for those unhappy sufferers;—to embrace every opportunity of advocating their cause among their neighbours, with christian firmness and love; and to obtain and diffuse correct information on the nature and extent of the traffic, by every means in their power, and in such a way as becomes the subjects of a christian government. The performance of acts of kindness and love to others is premitted by our great Creator, in his unmerited mercy, to bring an immediate reward;—a reward of such intrinsic value, that it becomes a strong incentive to further deeds of beneficence and humanity.—Surely then an attempt to rescue our fellow-men from the most cruel and distressing sufferings, is a pursuit worthy of our unwearied exertions, not only as our duty, but from the satisfaction which it may itself afford.

We hope that none will be disheartened from doing their utmost in this good cause, from the thought that their efforts will be of little avail. No one knows, let his station be ever so obscure, let his sphere of action be ever so limited, what may be the result of his persevering attempts in the cause of justice and mercy. Great events have often followed what appeared to be but small and unimportant beginnings. And we earnestly entreat those, whose influence may be more extensive, to

lose no time, to neglect no opportunity of pleading a cause, in which the happiness and comfort of an incalculable number of our fellow men, are most deeply involved.

If the foregoing should be read by any who are employed in this cruel traffic, we would suggest to these a few reflections. We feel whilst thus attempting to describe the miseries which you are inflicting, that *you* also are our brethren—that although we view your actions with indignation and abhorrence, you are the objects of our tender pity. As we are believers in a future state of rewards and punishments, we would warn you in christian love of the awful termination of that course of wickedness which you are pursuing. Our Lord, our righteous Judge, declared, "Blessed are the merciful, for they shall obtain mercy;"—what then will become of the unmerciful and cruel? In the same most excellent discourse, he uttered this solemn sentence: "With what measure ye mete, it shall be measured to you again." What then will be the portion of those who have meted out cruelty, distress, and sorrow, to the innocent and unprotected?

The voice of reason and justice, the voice of humanity and religion, proclaims that the slave trade is an iniquity of the deepest die. May the friends of the abolition of this abominable traffic, wherever they are scattered, combine their efforts in this righteous cause—may their energy and alacrity be in proportion to the enormity of the evil—may their patience and perseverance be in proportion to the difficulties which they have to encounter; and may the laborers increase until the trade be eradicated from the face of the earth.

May it please the Almighty parent of the universe to hasten the period of its extirpation, and by this and other means to prepare for the coming of that day, when, "from the rising of the sun even to the going down of the same, his name shall be great among the Gentiles; and in every place incense shall be offered unto his name, and a pure offering."

Signed in, by order, and on behalf of the Yearly Meeting of the said society, held in London, the 25th of the fifth month, 1822, by

JOSIAH FÖRSTER,

Clerk to the meeting this year.

Provisional government of Greece.

The Greek nation has taken arms, and combats against tyranny. The rights of the people are uncontested. The unheard of sacrifices made by that people, have for object its independence, and as it is acquainted with its rights, it knows also its duty. In declaring its independence, it established a central government to defend the former, and to fulfil the second, it is incumbent on the government to attain its object and to render the sacred cause of the people triumphant, to deprive the enemies of Greece of all their means of oppression; in consequence, the provisional government of Greece, in virtue of the law of nations of all the states of Europe, declares now in a state of blockade all the coast occupied by the enemy, both in Epirus and the Peloponnesus, Eubœa, (Negropont) and Thessaly from Epidaurus to Salonica, including that place—declares also in a state of blockade all the isles and ports occupied by the enemy in the Egean sea, the Sporadian Isles and the isle of Crete.

† Matthew, xxiii. 37.

All vessels, under whatever flag they sail, which, after obtaining a knowledge of the decree by the commanders of the Greek squadrons, or by separate vessels, shall attempt to enter these ports, shall be seized, and treated according to the laws and usages established in such cases. The commanders of Greek vessels shall continue to cause to be published this resolution, till the government have acquired the certainty that it has reached wherever it is necessary. The present declaration shall be besides communicated to all the consuls of the friendly powers in the different states of Greece.

The president of the executive power,

A MAURO CORDATO.

The minister of foreign affairs,

TH. NEGRI.

Corinth, March 13, 1822.

SMYRNA, May 15.

Extract of a private letter from a young Greek.

"My dear brother—Prepare yourself on reading this letter to summon to your aid the strength of your character; the blow which has struck us is so terrible that all my reason is required not to succumb under it. This opening alarms you—estimate at once the extent of our misfortunes—we have to weep for our country, the beautiful Scio, in the power of our barbarous enemies—we have to deplore the loss of our numerous family.

"Of all our relations my youngest sister alone escaped; by a miracle, owing to the protection of a generous Frenchman, she has been restored to my embraces. How can I speak to you of our father? Alas! this venerable old man now implores the Supreme Being for his country, and for the unfortunate children who have survived him. The following are the details of his dreadful assassination:—You know that he and our two brothers, Theodore and Constantine, and your father-in-law, were amongst the hostages shut up in the castle on the 8th inst; they went out with the archbishop, and it appears that, notwithstanding the promises of the barbarians, they had been all the time confined in dungeons; they were placed in two lines, and were either hung or put to death with prolonged tortments.

"Our father and his companions witnessed with tranquility the preparations for their execution, and these martyrs to their fidelity did not lose their presence of mind for a single instant. Our sister Henrietta is a slave; and I have not yet succeeded in discovering to what country of Asia the infamous ravishers have carried her. Nor have I yet been able to obtain the least information respecting the fate of our dear mother and three other sisters; the destiny of your wife and her family has also escaped my search. In short, our misfortunes are so great that I can scarcely credit them.

"On the 11th inst. I quitted Scio—saved by a miracle from the dangers of the most sanguinary catastrophe, of which any one can form an idea. But I do not feel that joy which one might experience on being delivered from the dreadful perils to which I have been exposed. Hatred and indignation against our executioners are the only sentiments which can henceforth dwell in my heart—Thanks to the European costume, which I have adopted; the captain of a English vessel agreed to take me on board; but my dreadful situation interested neither Turks nor Englishmen. The captain of the vessel would not allow me to embark till I had reckoned out to him 300 piastres, and it was not till after he had examined them one by one, that I received from him permission to set

my foot on board the vessel; whatever was my danger in remaining longer on board the chaloupe. I have left the island in ashes. The Turks, after pillaging all the houses, set them on fire, and joining sword to fire to demolish them to the last stone, in the hope of finding concealed treasure.

"Throughout the opulent Scio only fifteen houses are standing, containing our mothers, our sisters, and our daughters, reduced to the most dreadful slavery. There the monsters profane every thing to gratify their rage and their passions; and often the virgins, whom they have sullied by their embraces, receive from themselves the death which they wish for. All the chateaus which rendered our island the most agreeable in the Mediterranean, our academy, the library, the superb edifices of Saint Anaigroso, Saint Victor, the apostles, 86 churches, and upwards of 40 villages, have been consumed by the flames.

"The ferocious incendiaries then scoured the mountains and the forests, and they are now at the 24th village of Mastic. These tigers, a thousand times more cruel than those of the forest, have vented their hatred upon the dead, which they bear to the living. They opened the tombs, and threw into the streets the bones of our fathers, and the corpses of their own victims were dragged by the feet through the brooks.

"Every day women of the first families in the island are exposed to sale in the public markets; articles of great value, such as the sacred vases of the Greek and catholic churches, and the habiliments of the priests, are, by these wretches, sold at a vile price. Through the intervention of the charge d'affaires of the French consulate, I have succeeded in purchasing thirty five women, whose names I send you, and who are now in safety at the consulate.

"Since my arrival here, the same scenes have been renewed every day: there are sales of diamonds, rich pelisses, jewellery, chalices, fine stuffs, in short, all kinds of valuable articles, which are in the streets, and are given away for nothing. How should it be otherwise, when all the inhabitants of Asia, from children of 15 to old men of 80, embarked every day for Scio, from whence they return laden with our spoils? We can only return our thanks to the Europeans who reside at Smyrna; they have done all they could to purchase our women; to purchase all, the treasures which the country of Homer possessed before its disasters, would scarcely suffice. Amongst the ravishers of them, there are some with souls so atrocious that they will not listen to any species of arrangement.

One of these monsters refused 10,000 piastres for the ransom of the wife of Gaba, and replied that he would not restore her for 200,000. I have contributed to the ransom of Theodora Halle, purchased for 5,000 piastres. M. Petrochochico, on learning the death of his brother, precipitated himself from a window; his sister Julia threw herself into a ditch; the other, made a slave, was brought here, where she was immediately purchased. Our good friend, Jean d'Andre, was killed in his house in the presence of his wife, whilst hastening to save his two sons, who shared the fate of their father, also, in the presence of their mother; the latter has been conveyed in slavery to Algiers.

My hand refuses to trace at greater length the atrocious scenes which I have witnessed, and others a thousand times more dreadful might be added to these I have cited. In one word, the sanguinary catastrophe of Scio has produced the death or misery of 40,000 individuals, for to that amount may

be estimated the number of our fellow countrymen and women put to death or reduced to slavery. Just God, when will the day of vengeance come, and what vengeance can ever inflict upon our odious assassins all the chastisement which they deserve!"

CHRONICLE.

Died, at Lexington, Ken. *Thomas Dougherty*, esq. for the last eight years clerk to the house of representatives of the United States.

—, at Baltimore, on the 23d Aug. Dr. *George Brown*, aged 68—for nearly 40 years a practitioner in this city, much beloved as a man, and eminently respected as a physician.

The *Macedonian's* crew are doing well. No new cases have recently appeared.

The *Hornet*—returned some days ago to Norfolk, in an apparent healthy condition, and after a few days was permitted to anchor off Town Point. On reaching the navy yard, her hold was broken up, and the part of the crew detailed for this duty were nearly all taken sick—17 ill, 14 of them with the malignant fever, some of whom have died; among them midshipmen Zantzing and Newton.

Ship houses. A second house is building at Philadelphia, under the roof of which a ship of the line is to be built. The house will be 275 feet long, 100 wide, and 75 high—furnished with windows and weather boarded.

A *steam brig*, as a packet, has been built to ply between New-York and Norfolk—she is called the "New-York," and has been tried at Norfolk, where she was constructed, and found to perform exceedingly well: her accommodations are said to be elegant—and, no doubt, she will do a profitable business; of which we in Baltimore have no right to complain, though the establishment will interfere with us as an interesting point of communication between the north and the south. We are really friendly to the doctrine of suffering trade to regulate itself, though not friendly to the importation of goods, the product of foreign labor, when foreigners will not receive our's on reciprocal terms. All that we ask is this: and, *personally* speaking, all that I would desire to make my fortune, would be—the privilege of sending printed books to England on paying the same duties that we pay on English printed books.

A *fire* broke out in certain wooden buildings at Brooklyn, that were occupied as naval stores, on the evening of the 21st ult. and property, to the value of 100,000 dollars, was consumed—which, in part, consisted of 12,000 barrels of naval stores, and 12 or 1400 bales of cotton. The whole city of New York was illuminated by the flame. The goods chiefly belonged to southern merchants.

Kentucky. The following named gentlemen have been elected to the next congress by the people of this state, representing the new districts from No. 1 to 12, in the order given—David Trimble, Thomas Metcalf, Henry Clay*, Robert P. Letcher*, John T. Johnson, David White, jun.*, Thomas P. Moore*, Richard A. Buckner*, Charles A. Wickliffe*, Frank Johnson, Philip Thompson* and Robert P. Henry*. [*New members marked with a *.

Wheat. The crop in the United States, generally, appears to have been short of its usual product—but one farmer in New York is said to have

raised 3000 bushels, each acre cultivated averaging forty bushels.

St. Fe, of New Mexico, is now often visited by our traders on the upper parts of the Arkansas river. It is stated that there has not been any rain at the place for three years, and no complaint about it, the people irrigating their fields by ditches and canals from the river del Norte, and from the streams which issue from the highlands and neighboring mountains.

Maryland penitentiary. An extensive system for forging or altering the denominations of bank notes, was recently discovered within the walls of this institution!—a deputy keeper was in the plot, and the agent who carried on the business. Thirteen plates, or rather parts of plates, were found; but it is supposed that a good many of their manufactures were put in circulation, purporting to be of the Frederick County bank.

Sales of land. A part of the "Pulteney estate," located in Steuben and Alleghany counties, N. Y. is offered for sale. It consists of 380,000 acres of land, unsettled, and 340,000 dollars of debt for lands sold. The tract is watered by the Conhocton and Canisteo rivers, which are branches of the Susquehannah. The price at which the land will be disposed of is not stated—but it is said that the sales hitherto made have averaged \$3.37 per acre. There is yet enough of vacant or partially cultivated land in New York to occupy the attention of a million of people.

Interest. The legislature of Mississippi have fixed the legal rate of interest at 8 per cent. per annum. Persons who loan money, however, may recover 10 per cent. if the borrower contracts to pay it.

Water spouts on lake Erie. From the Cleveland Herald of Aug. 22. Yesterday, about 10 o'clock in the morning, while a cloud hung over the lake, apparently at the distance of about ten miles, the people of this village were entertained at the sight of several water-spouts, which formed themselves, one after another, from the lake to the cloud.—They were four in number, of different sizes, and a considerable distance from each other. The cloud being high, and the spouts being black and perpendicular, resembling huge pillars of some mighty fabric, and occasionally changing in their positions, presented a prospect both grand and beautiful. They continued visible for some length of time, and their disappearance was followed by the falling of rain in torrents on the lake, and a slight shower extending itself to this village,

Wonderful. On the 27th July there was killed in the town of Ogden, a large snake which, upon examination, was found to contain *one hundred and six live snakes!* One of the snakes had two complete heads and necks, with one body, another had two heads with one neck and body; and a third had one and a half heads, with one neck and two bodies! what is more singular still, these deformed reptiles were as active and sprightly as the others. They are now in the possession of one of the canal engineers, where they may be seen by the curious.

[Rochester Telegraph.]

[It is quite possible, that if the preceding paragraph should meet the eye of some British traveler, he will put it down as a fact that *all* the snakes in America are double headed.]

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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THE DROUGHT. It should be noted, as a most singular fact, that about the 20th ult, a wagon load of flour was carried from Baltimore to York county, Pennsylvania—from whence, it is very possible, it might have been a short time before received; as large quantities are annually sent from that county to this city. The mills have nearly all stopped.

PAPER CARPETS, as a new discovery, or "invention," are noticed in a Philadelphia paper. They appear to be exactly the same as those invented by Mr. Guy, of Baltimore, eleven years ago and patented—an account of which may be found in the 1st vol. of the REGISTER, page 328.

PHILADELPHIA. The public and private buildings now erecting in this city, are numerous and important. We have already mentioned the *new water works*, on which it is estimated that the sum of 800,000 dollars will be expended before they are complete, as they pretty soon will be. The *new theatre* is almost finished—it is 100 feet front, by 150 in depth, and is a splendid edifice. A *state prison*, 600 feet by 800, is going on—the foundations are composed of massy stones. The *First Presbyterian church* is nearly completed—a beautiful building, with a portico, columns and cupola: It has cost about \$65,000. *St. Stephen's church*, a fine specimen of Gothic architecture, adorned with spires, slender and delicate, but rising 125 feet in the air, is expected to be occupied in December ensuing. *St. Andrew's church*, just commenced, is to have a steeple 236 feet high. The *Presbyterian church*, in Arch street, which goes on rapidly, is a large building, and to have a steeple 180 feet high. The *Orphan Asylum*, (the lower stories of which are fire-proof), has a front of 100 feet—all the walls are up. One of the most extensive *breweries* in the United States, is also building in this city. The numerous private edifices that are erecting, are remarkable for capacity, neatness and convenience. This city owes much of her prosperity to the amount and success of her manufactures.

GEOLOGICAL. Stephen Van Rensselaer, esq. of Albany, has engaged professor A. Eaton, of Troy, to take a geological and agricultural survey of the great canal route from Albany to Buffalo, a distance of 350 miles. The survey is to include this breadth of ten miles. An accurate investigation of the rocks, soils, minerals and plants, is to be made on both sides of the canal. The method of culture adopted by the best practical farmers is to be sought out, and all the varieties of soil to be analyzed.

THE GREAT DAM across the Hudson river for the supply of the northern canal, is completed. It is thirty-three feet high, and nine hundred feet long, and is well called "a stupendous monument of the ingenuity of man."

THE GREAT CURSE OF OUR LAND. The Edinburgh "Scotsman," speaking of slavery in America, says the following just and liberal remarks:

"Our anti Jacobins have been very eloquent upon the existence of slavery amidst the boasted free-

dom of America. But before they indulged in invective, it would have been wise to inquire who were the authors of the evil. Other nations may have a right to taunt the Americans on the subject, but assuredly we have none. The slavery existing there is the *misfortune of America*—but it is the *crime of Britain*. We poured the foul infection into her veins; we fed and cherished the leprosy which now deforms that otherwise happy country."

Never was any thing more true than what is set forth in the preceding;—several of the colonies petitioned the British government to stop the trade long before the revolution broke out, and Virginia, especially, exerted herself to accomplish it, by appealing to the justice and humanity of the "mother country." But the trade was *profitable* to Englishmen, and a consideration of that solitary fact overwhelmed all others.

It is an easy thing to rail against slavery, and those who inhabit countries or districts in which there are none or very few blacks, may indulge themselves with schemes of emancipation—but, until some way is provided to *remove* them out of the country, or overcome the prejudice against color, every attempt of the kind must be ineffectual. Without one or the other of these, a general liberation would be almost as productive of injury to the public welfare as a general insurrection. My feelings and principles on this subject are well known—I never will hold a slave; but the desire of my heart is to locate myself somewhere in which a black man is a rarity. The *worst* persons among us in Baltimore, are the free blacks—a lazy, idle and perfidious body—standing in the way of the white laboring classes, male and female, and depreciating such laborers by their ignorance, impudence and power of numbers. This opinion has been formed after much observation and considerable experience—and the fact is, to speak generally, if I personally knew nothing more of a black man than that he was a freeman or a slave, I would prefer the latter, if to be entrusted with a commission that involved his fidelity, regard for truth, or moral honesty. There are good *reasons* why the blacks should be what they are—they are in the state of those "to whom hope never comes" as to temporal things: their cast has determined their lot of degradation and estrangement from the mass of society—all they can expect is, that, after dragging out a weary life, they may enjoy the life to come, for God is "no respecter of persons." This, to be sure, ought to be the most powerful inducement with us all—but we know that it is but little attended to by the people at large; and that which leads white persons to acquire knowledge, merit distinction, and gain wealth, has but a small influence over the poor negro, because he cannot enjoy such things, if obtained. I know several persons of color who are more worthy of confidence than whites of their class generally are, and who, if helped forward, as they would be unless for the color of their skins, would rise to eminence and bring up most respectable families. But they cannot advance,—the negro is always a negro—in a class of his own; not for crimes by himself committed, but by the repulsive feelings of the whites. The most enthusiastic among us would have refused a matri-

most alliance even with *Paul Cuffee* a well informed man of property, possessed of a soul of benevolence and charity, and abundant in good works; who *forced* respect from all that personally knew him, for his many virtues, but could not escape from his cast, even in that part of our country where prejudice against color is supposed to have the least powerful operation. Thousands of Europe and who arrive on our shores, and tens of thousands of white persons born and brought up among us, have less intelligence, less honor, less of every estimable quality of the head or heart, than many of the blacks—but there is no impediment to their progress in society, and they, or their children, may arrive at eminence, through honest industry and steady perseverance in well doing, form alliances with the most reputable families, and lose the character and condition of their ancestors, or shake off a bad one of their own, by good behavior; while the black must retain his station, and continue a degraded being. And hence, perhaps, it is that, hopeless of being better off in the future, they are careless of the present—and the result commonly is, that the best treated among them, whether slaves or freemen, are as worthless as any. Cases of this sort are daily presented to us, and the fact appears to have been established at Charleston, that the leaders of the late contemplated insurrection were chiefly of those who were most indulged by their masters. Unpleasant as the fact may appear, there seems to be *reason* in it—we must admit that the slaves have a *natural right* to obtain their liberty, if they can; and hence those who best know what indulgence is, are the most desirous of being masters of their own conduct. The just man cannot blame the slave for seeking his freedom, though self-preservation may interpose to check his proceedings to obtain it. If, when captain Bainbridge and the crew of the Philadelphia frigate, were held in slavery at Tripoli, they had acquired their liberty by a confiscation of that city and the slaughter of every one who opposed them, even to the amount of tens of thousands of persons, we should have hailed them as *heroes* "*covered with glory*"—and, surely, the dey had a better claim on them as slaves than we can pretend to in imported negroes: they had crossed the ocean to attack him. It is the *right* of the blacks to seek their freedom—and the *necessity* of the whites to prevent them from obtaining it, unless under circumstances of which the *latter, in self-defence, must be the judges*. It is more our *misfortune* than our *crime*, that they are amongst us—and a dreadful misfortune it is, whose *effect* will be felt at some future day as surely as that we shall return to "dust and ashes." It is inevitable as fate, without some yet unthought of plan to relieve us of this sort of our population. It is the fault of individuals that, by the domestic slave trade, they are hastening events. In some districts of our country the elements of desolation are continually accumulating. Gangs of miserable wretches, the *worst of the bad*, are daily sent *south*, from Maryland and Virginia, chained together two by two, and all fastened to a chain that extends from the front to the rear—a spectacle that sickens the heart, and frequently causes travellers who are so unlucky as to meet them, to vomit.* But what is to be done—how can these things be prevented? The people of the states named regard slaves as property—the pro-

perty becomes bad or unprofitable—slaves run away, steal from or abuse their owners, and then the latter think it justifiable to transfer the property to save themselves from loss. The public sentiment is decidedly against this traffic; but private interest, and, perhaps, even in many cases, local benefit favors it. Few are disposed to give up a slave that will fetch them 4 or 500 dollars, merely because he behaves badly—as I myself would do if I was one; for nothing but force should keep me in subjection: kindness would not do it, if escape was practicable. There are two sides to the case, and each must be viewed to make out its merits. Either presents only a gloomy prospect, and all that remains for us is, to make the best that we can of this curse of our country. Yet we must say, that the people of the south are acting most imprudently, in receiving the outcasts of other states, and adding *matériel* to *matériel* for calamity. We refrain from further remarks on this distressing subject. Some will learn wisdom only in the school of adversity—but they should recollect that, by introducing those persons, they expel the free laboring whites, and thus act against their own safety in a duplicate manner.

It is probable that the slaves in the southern states, generally, are as well fed, clothed, &c. as the free blacks—and, it may be, that, except on account of their color, their condition is preferable to that of the white slaves of Russia, Poland, &c. and surely better than that of the Greeks, subjected to the fury of the barbarian Turks; but genius, industry, fidelity—an honorable mind and a grateful heart, avails little to the negro, except to ameliorate his own *personal* condition; and on this account it is that *white* slaves have the happiest lot: with being made free, they become full members of the society in which they live.

These remarks were chiefly induced by reflecting on the late conspiracy at Charleston, and certain shocking enormities committed near Norfolk and in North Carolina on the persons of white women, for which the perpetrators were put to death, the relation of which is too disgusting for our pages. Thirty five have been hung and others remain for execution at Charleston, and many were sentenced to transportation, &c. yet it appears that the trials are not over. The plot seems to have been well devised, its operation was extensive, and its intent terrific. The conspirators were associated in a sort of a society, and held frequent meetings. It was agreed that each slave should first kill his own master and the males about the house, then repair to a certain rendezvous, rush upon the guard, fire the city in various places, seize upon certain ships and laden them with plunder, and then proceed to Hayti, having secured a sufficiency of seamen to conduct them thither. When the plan was nearly ripe, the conspiracy was made known, and a large number of the supposed principals were arrested—twenty-two of whom were executed in one day! It is thought that some severe laws will be passed for the preservation of the whites, and to guard against such attempts in future. The system of slavery involves in itself a state of dreadful severity, for it is sustained only by force—and about 60 years ago, thirteen blacks were burnt alive in the then colony of New York for insurrectionary movements. Sanguinary punishment always has been and ever will be the attendant of slavery every where. We neither approve of the one nor the other—but all that we can do is, to disapprove of them.

*A case of this kind really occurred to one of my neighbors a few days ago, though he himself holds and has bought and sold slaves.

THE SWORD OF THE CHURCH! The rosy-faced vicar of Leigh, in Lancashire, England, lately appointed a *journeyman* to do his business at Astley, whom the people did not see proper to accept of, thinking that they had a special right to say who should take care of their souls! It being understood that the parishioners would resist the entry of the journeyman priest into the church, the bishop of Chester applied for a writ which is called a writ *de vi laica removenda*, directed to the sheriff, and commanding him to attach all lay or armed force that might oppose the induction of the priest. The deputy sheriff, accompanied by 20 or 30 persons, attempted to get possession of the church—the people resisted his entrance; he then proceeded to Manchester and obtained the aid of a parcel of *dragoons*, and, with military force, entered the house supposed to be dedicated to the *Prince of peace*.—and then the priest, supported by the swords of the soldiers, went through what is called “the service.” What a blessed state of things!

THE NAVY. We have seen, (says the Washington Gazette), a Naval Register, corrected from one kept in the navy department, up to 22nd August, which furnishes the following deaths and resignations, from the 1st of January to the 19th of August, 1822, which we publish in compliance with our promise.

DEATHS.

- Captain*—John Cassin.
- Lieutenants*.—George Pearce, Nathaniel D. Nicholson, Thos. A. Tippet, George W. Isaacs, Jas. A. Perry.
- Surgeons*—Peter St. Medard and John Cadle.
- Surgeon's mates*.—Samuel M. Kissam, Edward Tilley.
- Purser*.—Henry Dennison.
- Midshipmen*.—Francis Armstrong, Thos O. Bruff, James S. Coxe, John Cremer, Robert B. Coffin, Richard Dominick, Christopher T. Emmet, Abraham Hosack, Robert Marshall, Alexander M. Murray, Henry H. Myers, Edward Preble, Wilson C. Purviance, Richard S. Platt, Herman Rutgers, Isaac H. Rand, Nathaniel B. Richardson, Oliver W. Wood, Thos. B. Worthington.
- Sailing masters*.—Richard J. Coxe, Samuel B. Chamberlain, Thomas Nichols, George Ulrick.
- Boatswain*.—Abraham Walton.
- Sail maker*.—George Parcells.
- Marine corps. Lieutenants*.—Henry E. Dix, James M. Clements, Charles Betts.

RESIGNATIONS.

- Surgeon's mates*.—John A. Belches, Leuco Mitchell.
- Midshipmen*.—Jacob S. Allison, Oscar Davis, Jacob E. Gillemeyer, John Heth, Alexander Hosack, Richard Kennon, Charles W. Minchin, Solomon Rutter, T. M. Randolph, Nehemiah Tilton.

GEORGIA. This state has long been subject to strong political agitations—one party supports and the other opposes governor Clark. A late incident has given new life to their feuds.

If the office of secretary of state becomes vacant by death, resignation or otherwise, the governor for the time being, has power to fill up such vacancy. It appears that col Hammond, the secretary, was absent about 30 days—which the governor regarded as an abandonment of the office, and he appointed a new secretary, Col. H's clerk refused to give up the keys and papers confided to him—force was resorted to, and the possession obtained. Shortly after this, col. Hammond returned and de-

manded the re possession of his office, which was refused; and so the matter stands at present.

DOGS. Five hundred and fifty-two dogs were killed in Philadelphia in May, June, July and August last, in pursuance of the city ordinances, and to prevent the dreadful affliction of hydrophobia.

THE SOUTH SEA. Seventy-four American whalers were lately in this sea, at one time pursuing the mighty monster of the deep.

“WHO SHALL DECIDE?” “It is remarkable, in the progress of human opinions, that at the very moment that a British house of commons was rewarding Dr. Smith with 5000*l.* for the vapour of nitrous acid as a destroyer of contagion, an American legislator, Dr. Mitchell, of New York, was exhibiting to his fellow citizens, this individual substance, as being the very matter of contagion itself.

[London Magazine.

PLUNDER. On the capture of Havana, (says a London paper), the value of the conquest was estimated at three millions. The prize money distributed to the army amounted to about 736,000*l.* The earl of Albemarle, commander in chief, had of this nearly 500,000*l.* The second in command, 24, 539*l.* The major generals each 6,816*l.* The brigadier generals 1,947*l.* The field officers 563*l.* The captains 124*l.* The subalterns 116*l.* The sergeants 8*l.* 15*s.* The corporal 6*l.* 16*s.* And the privates, 4*l.* 11*s.* 8*d.* each man.

PROGRESS OF STEAM BOATS. From the Monthly Magazine for July—It is little more than ten years since the editor of this Magazine received a letter from his friend Fulton, in New York, to apprise him of the success of his first steam packet between that city and Albany. The substance of that letter was inserted in the Monthly Magazine for March, 1811; but, before it was printed, the editor read it to the late earl Stanhope, whose experiments on mechanical navigation had excited much attention. That nobleman, however, like the Douay professors in the case of the telescope, set about to demonstrate *the impossibility* of the thing, and convinced himself, if not his auditor, that Fulton had misrepresented the fact. The letter however appeared, and the attention of our speculative mechanics being drawn to the subject, the American steam boat was not only soon imitated in the rivers of Britain, but essentially improved by their skill and science. We have now, therefore, more than one hundred steam vessels plying in various parts of the empire, not merely against the current of our rivers, so as to render parallel canals as ridiculous as the aqueducts of the ancients, but performing their voyages, in the face of tides and winds, in the adjacent seas. Thus London and Edinburgh, London and Calais, Liverpool and Dublin, Holyhead and Dublin, Bristol and Liverpool, Brighton and Dieppe, are now connected by steam vessels, which perform their voyages in measured time; but within the past month an *iron* vessel, of 280 tons burthen, has performed its first voyage from London to Paris direct. It reached Rouen in fifty five hours, and proceeded from Rouen to Paris in a day and night, notwithstanding an accident in its tackle. We regard this as an event of great social importance to mankind, and record it with singular pleasure. It is the triumph of isolated genius over the inveterate prejudices of arrogant societies, all of whom have virulently opposed themselves to the improvements

of our age; and in no case have done more to accelerate them, than the rudest persons in the community. Thus, notwithstanding the royal associations of men of science, France alone has succeeded in establishing but two or three steam vessels. In Austria Jerome Bonaparte, almost unaided, has munificently expended 100,000 pounds, in vainly endeavoring to complete one to navigate the Danube. Only one has been established on the Adriatic; and, if one has been started on the Baltic, it is the speculation of a Scotchman. The lakes and rivers of North America are, nevertheless, filled with them, and we may soon expect to hear of their connecting the northern with the southern continent, and all parts of the latter by means of the vast rivers which penetrate the interior. The public are now awaiting with anxiety the results of Mr. Griffith's patent for steam land carriages, of the progress and experiments on which we shall duly apprise our readers.

☞ We are curious to know the amount of steam boats in the United States, and suppose they amount to about *two hundred*, or more; of which nearly one half are on the Mississippi and its tributary streams.

INDIAN OPINIONS. From the Aurora. Extract of a letter written by Mr. Sibley to Dr. Morse. "I have noticed Indians observing, with much apparent interest, the effects of our agricultural skill, our fine gardens, abundant crops, and numerous comforts and conveniences.

"A very sensible Osage, the Big Soldier, who had twice been at Washington, once said to me, when I was urging the subject of civilization upon him: 'I see and admire your manner of living, your good warm houses, your extensive fields of corn, your gardens, your cows, oxen, work horses, wagons, and a thousand machines that I know not the use of. I see that you are able to clothe yourselves even from weeds and grass. In short, you can do almost what you please. You whites possess the power of subduing almost every animal to your use.'" But, after this acknowledgment, on his part, of our superior skill in the various arts, and this candid expression of his admiration, he continues thus:

"You are surrounded by slaves. Every thing about you is in chains, and you are slaves yourselves; I fear if I should change my pursuits for yours I should become a slave. Talk to my sons; perhaps they may be persuaded to adopt your fashions, at least to recommend them to their sons; but for myself, I was born free! and wish to die free!! I am perfectly content with my condition. The forests and rivers supply all the wants of nature in plenty; and there is no lack of white people to purchase the produce of our labor."

THE ANCIENT WORLD. As the workmen were engaged in excavating the earth for the foundation of a culvert, over Sandy Creek, N. Y. about 20 miles from Rochester, on the route of the great canal, they struck upon a vein of salt water of very uncommon strength—about three times as strong as any other water hitherto discovered; and it is said that the spring may be wrought to advantage. Mr. Hamlin, the owner of the land, in a letter on the subject, says—"It may be proper to add, that the spring is attended by most of the usual associations—as secondary rocks; clay, in its usual state, and indurated; sandstone, *elephants' teeth*, &c."

And then adds—"A day or two since, the same workmen, pursuing their excavation in the bed of the creek, found, at the dept of 12 or 14 inches from the surface, a *tooth* of uncommon size, weighing 2lbs.

and 2oz. It must have measured, when entire, at least 8 inches in length, and it is 13 inches in circumference. The tooth appears be one of the molares or grinders, and the end or surface is deeply indented, forming three prominent, pointed, and parallel ridges across it. The extremity of the root has either decayed and crumbled off, or has been broken off with some violence; what remains of the tooth (say 6 inches in length) is entirely sound, and so hard, that a *file* will scarcely make an impression upon it. It has become a jet black, except some portions of the surface, which have received a peculiar polish, apparently from the action of the *opposing tooth*, when in use by the animal. These portions have retained their native white and the polish is of such freshness and brilliancy, as if the tooth had been in its natural and accustomed use but yesterday; a strong proof how indestructible are the materials of its composition. Several gentlemen of information, and some respectable for science, have examined the tooth, and expressed an opinion that it must have belonged once to a mammoth. It may have belonged to an elephant (although considered exotic) that might have strayed hither by the way of Kamschatka, before the Asiatic and American continents were separated; and, allured by the quiet seclusion of this deep and solitary dell, and above all, by the salt licks which abound in it, lingering about it, till, overtaken by old age, or the swifter messenger, lurking in an uncongenial climate, he laid his bones here, which may now be reposing undisturbed in the bed of the creek above.

"The tooth in question must doubtless have belonged to some animal altogether larger than any now known to our forests; yet, to what animal or by what means, it was deposited in the bed of Sandy Creek, is a question to be solved by the ingenious philosopher and naturalist."

SALMON RIVER FALLS. A few weeks ago I visited this spot, situated in Orwell, Oswego county, on the Great Salmon river, about 10 miles above what is called the Lower Bridge at Pulaski Village. Surrounded by a lofty forest of beech and maple, as you approach it, from the public road, the ear is agreeably exercised by the sound of its tumbling waters, until proceeding on almost to the verge of the chasm, a sudden burst affords a full view of its grandeur and sublimity. The fall, a perpendicular rock, of 107 feet, composed of slate stone and granite. The bank of the river ascends from above and below the falls, about 90 feet higher than the summit of the water: and from the foot of the falls to the summit of the adjoining bank, the height is, at the least calculation, 200 feet, composed of a similar formation. At the foot of the falls the prospect is awfully pleasing. In looking up the bank of 200 feet, huge ledges of rock, apparently hanging by a single stratum, threaten horribly the below; whilst the mist and spray refract the rays of the sun in all their prismatic variety. The water below the falls for some distance is kept in constant commotion from the first impulse; here is trout in abundance, and it is the head of passage for salmon which ascend this river.

At the summit of the falls the scenery is impressively romantic. When the river is at its height, a sheet of 250 feet in width glides unhurried and smoothly on for some distance above, until arriving at the precipice, it plunges off, with "roar tremendous." This place seems like a sudden breaking off of nature: all is order and symmetry above the falls, but at and below them a certain sublime want of har-

mony affords a spectacle of venerable grandeur and picturesque scenery, which just such a combination can only exhibit.

The place has been visited by several scientific gentlemen, who pronounce it next to the falls of Niagara; for one of those curiosities in nature which abound in materials for the painter, naturalist, and mineralogist; and to less inquisitive visitants, it cannot but afford amusement to the senses, and a convincing proof to the heart of the infinite resources of the divine architect. *Anon.*

PROGRESS OF METHODISTS. Extract from the "Minutes of the Annual Conferences of the Methodist Episcopal Church," for the year 1822, just published.

Bishops and superintendents—*William McKendree, Enoch George, Robert R. Roberts.*

Travelling preachers,	1106
Preachers admitted on trial this year,	185
remaining on trial	124
admitted into full connexion	92
located this year	37
Deacons	155
Elders elected and ordained this year	100
Supernumerary preachers	24
Superannuated preachers	71
Ministers expelled from connexion this year	2
withdrawn	0
died	3

Numbers in society.

	Whites.	Colored.	Total.
Ohio conference	34,336	205	34,541
Kentucky do.	20,846	2,859	23,723
Missouri do.	9,161	288	9,449
Tennessee do.	15,823	1,810	17,633
Mississippi do.	4,531	1,020	5,551
S. Carolina do.	21,290	12,906	34,796
Virginia do.	19,329	6,625	25,954
Baltimore do.	28,265	9,616	37,881
Philadelphia do.	26,500	8,270	34,770
New-York do.	25,557	442	25,999
N. England do.	19,807	217	20,024
Genessee do.	27,182	119	27,301
Total	263,045	44,377	297,622
Total last year			281,146
Increase this year			16,476

THE NEWBURG LETTERS. *From the Salem Gazette.*

Judge Johnson, in his life of general Greene, remarks, that "popular opinion has attributed them to an individual, (general Armstrong) who has been satisfied to compound for the doubt cast upon his morals, by enjoying the eclat of giving birth to such brilliant productions."

The judge controverts this opinion, and says, "we think ourselves in possession of a clue to trace out the leader of the boldest and most portentuous intrigue that ever threatened the liberties of this country. If there ever was in the United States a man whose bold and decisive character, whose popular eloquence, nerve of style, and vigor of conception, qualified him more than any other for the author of these letters, and the leader of that undertaking, it was the author of a private letter to gen. Greene." which is dated Feb. 11, 1783, and inserted.

The judge, in a note, says, Gouverneur Morris was the writer; but remarks, that gen. G. "was fully apprised of the writer's intimate connection with the public creditors, to a greater amount probably than any other man in the union," and that

general Greene "was not deceived by his specious affectation of disinterestedness and public spirit."

The famous Newburg letters appeared March 10, 1783.

FOREIGN NEWS.

From London papers of the 31st July.

Great Britain and Ireland. No matter of importance as happening in these, has been received since our last. The distresses of the latter are yet on the increase. In one district, (Mayo), containing 500,000 inhabitants, there were only 40,000 who were not dependent on weekly charity.

It is thought that 150,000 English and Irish people of property reside on the continent. At Paris 20,000, with the duke of Hamilton and earls Stair and Fife, the persons named spending about 100,000*l.* a year. At Geneva, a member of parliament, and many titled persons. At Rome, the duke of Leeds and marchioness of Bute, with 1500 families. Near Bordeaux, lord Montford and 2,000 others. At Tours 4,000. At Boulogne there are 6,000 English, "4,000 of whom are entitled to some compassion, being half pay officers, who cannot live without wine." At Brussels, on the banks of the Arno and through Italy, Switzerland and France, they are every where to be found. It is added to the account, that prince *Leopold* very naturally expends his 50,000 pounds a year among his German cousins.

It has been pompously stated that the London "Times," when published on two sheets, contained 830 advertisements. The New-York Gazette, published on one sheet, not unfrequently contains as many.

France. Violent debates still agitate the chamber of deputies. The conduct of the ministry towards Spain and the Greeks has been severely reprehended. A motion was made to reduce the expenses on account of the *secret police* of Paris in the sum of two millions of francs, by which we may judge of the extent of the spy-system.

Spain. The Paris editors have hatched a complete revolution in Spain, and the release of the king from the hands of the "jacobins," saying that Morillo had placed himself at the head of the party in favor of *absolute* royalty: but there does not appear to be any truth in those stories. On the contrary, it seems that the constitutionalists were getting strength and solidity. Gen. Foy stated in the French chamber of deputies that the ministers of the king of France were answerable for the blood shed in Spain. He also spoke freely of the troops stationed on the Spanish frontier, and ridiculed the idea that they formed a *cordon sanitaire*—the yellow fever had ceased for eight months! The answers of the French ministers were, that the king had pledged himself to maintain the *cordon sanitaire*; that it was to protect against not only pestilence, but insults; that the welfare of Spain would not be found but in the support of a *strong monarchical authority*; that the French government might be on the alert to discharge the duty of a faithful ally; and, lastly, that it was essential to preserve "those great attributes inseparable from monarchies, the *inviolability and safety of kings.*" So no doubt remains that it is the design of the French ministry to act against constitutional liberty in Spain, on the first opportunity: but, perhaps, a spark from the altar of the revolution, may blow themselves up—to which we have no manner of objection.

It appears that Algiers is on the point of declaring war against Spain—the non-payment of the tribute is the excuse for or cause of it.

The king is closely watched—and persons are prevented from “abusing him by whispering political suggestions in his royal ear.”

Russia. A letter from St. Petersburg, of the 10th July, gives as frightful accounts of the deplorable state of the Russian peasantry, as the letters from Ireland contain of the wretched sufferings of that population. The farmers can get no buyers for their produce, and the people are perishing with hunger. The nobles, so far from reaping benefit from their possessions, find themselves obliged to purchase food for their slaves. There is plenty of food, but the great mass of consumers have no money. At Odessa, wheat brought from the interior of Poland and Russia, is worth no more than fifteen shillings a quarter, and other descriptions of grain are low in proportion. The great bulk of his imperial majesty's subjects are laboring under the deepest distress.

Turkey. It is distinctly stated, that the Turks, instead of evacuating the provinces of Moldavia and Wallachia, are strengthening the garrisons in them. The Russian army, except the imperial guards, remained in *statu quo*.

On the eve of the feast of Bairam, the 22d of June, the Greeks, stimulated to vengeance by the ravages at Scio, gallantly conducted three fire ships into the Turkish fleet, by which the admiral's ship and some others were in flames. Many lives were lost—the butcher, the captain pacha, half-roasted to death, was landed on Scio, and there died in torments. The amount of the destruction is not stated; but the news of the event had produced an extraordinary sensation at Constantinople, and raised the fury of the soldiers to the highest pitch; and a letter from that city says that the “affairs of the Morea assume a dismal aspect for the Porte.” How glorious would it be, if this oppressed people shall shake off the chains of the barbarians, unaided by their *christian* neighbors?

An article from Corfu states, that the Greek government has adopted a new mode of paying its troops. It has substituted land for money; and the sequestration of all the domains belonging to the Sultan, the Vakoufs, and the Mosques, affords an extent of territory more than sufficient to pay the services of a large army for a number of years. By a decree, issued at Corinth on the 19th of May last, the soldiers already enrolled, and those who may hereafter enlist, are to receive an acre of land per month as long as they continue to serve the state; so that if the war should linger on for several years, every private will find himself, at its close, not only a free man, but a landed proprietor. Those who may be called upon to serve beyond the frontiers of the Morea are to receive an acre and a half per month. The rights of those killed in battle will descend to their heirs, who will receive for the whole amount of the time which the deceased had engaged to serve. Those incapacitated by wounds are to be considered as having completed their engagement.

Smyrna, May 29.—Amongst the number of private circumstances, the following is guaranteed by several eye-witnesses. A young Greek female, sixteen or seventeen years of age, of great beauty, was carried off by an Arab, who sold her to a Turk for 300 piastres. Shortly afterwards he offered 3,000 piastres to her new master for the re-purchase of this beautiful Chiot. The Turk, who already felt a sentiment of love, refused the money. The Arab proceeded to the market, met the Turk, and wanted to compel him restore the slave on receiving 300 piastres, the original price. The Turk

opposed this, and high words arose; the Arab, at length, in a transport of anger, said, ‘you shall not have her,’ and, taking out his pistol, lodged the contents in her bosom; she fell and expired. The Turk embraced the inanimate body, and mingled his tears with its blood. Recovering himself, he presented himself before the captain Pacha and demanded justice. ‘You shall have it,’ said the grand admiral. ‘Do you know the murderer?’—‘Yes.’ ‘Let all the Arabs be arrested and brought before me.’ The order was executed, and the Turk pointed out the guilty individual. ‘Draw thy sabre and cut off his head.’ The Turk declined the office, which was then performed by the executioner.

Eaton, in his survey of the Turkish empire, relates the following anecdotes in illustration of the temper of the Turks towards the christians. ‘It is not 50 years since the grand vizier, Gin Ali Pacha, advised the divan to confine all the ambassadors to a small island near Constantinople, as lepers or other infectious and unclean persons. In 1756, the sieur Du Val, drogoman to the French ambassador, M. de Vergennes, having announced the double bond of alliance and marriage which had united his court with the house of Austria, received from the Reis Effendi no other answer than that “the sublime Porte did not trouble itself about the union of one hog with another.” This marriage was not very agreeable news to the Porte. A similar answer was given by vizier Kimperli to the French ambassador, monsieur de la Haye, even in the brilliant era of Louis XIV. when that minister announced the splendid success of his sovereign over the Spaniards, the vizier replied, with the barbarous insolence of an Ottoman satrap, “what care I whether the dog eat the hog, or the hog eat the dog, so that the interests of my sovereign prosper!”

Further to shew the character of this ‘legitimate’ government, it was proposed in the divan, (when the Greeks rose to emancipate themselves at the time when Russia was at war with the Turks), to put all of them to death—six or seven millions of people; but the project was defeated on the score of interest, it being asked how the capitation tax could be supplied?

Africa. The British government now have possession of the establishments on the coast that heretofore belonged to the African company, and they are placed under the restrictions of the colonial laws. The governor-general is sir Charles McCarthy. Com. Mends, the naval commander, has a frigate and several smaller vessels under his charge—He appears to be an active and vigilant officer, and a worthy man, affording aid and assistance liberally to strangers on the coast. He has had the command about eight months, during which his squadron has captured eight slave vessels, with 1856 slaves on board—in one case, after a smart resistance, in which severally of the dealers in blood were happily killed—as we wish that all engaged in it may be.

Treaty of Ghent.

Letter from Mr. Fuller, Member of Congress from Massachusetts.

Boston, 3d September, 1822.

TO THE EDITORS OF THE BOSTON PATRIOT.

Gentlemen: Having seen in the Richmond Enquirer of the 27th of August, a letter from Mr. Floyd, of Virginia, in which he speaks of the conduct of Mr. Adams “in procuring Mr. Fuller to make the call” for Mr. Russell's letter and Mr. A.'s

remarks in relation to the Ghent treaty, I am induced, with great reluctance, to address you a line on that subject, for publication. My great aversion to appear, without evident necessity, in the newspapers, alone withheld me from this course, on observing that Mr. Russell, in his letter, republished in the National Intelligencer on the 3d of July, says, Mr. Adams "sought for a member who would consent to make the call." "To one member from Massachusetts, at least, he had applied in vain, before he finally succeeded in his object."

It was perfectly obvious, on being informed by the president's message of the 4th of May, that Mr. Russell's private letter on the Ghent negotiation, was to be seen by gentlemen who might call at the department of state, that it would be immediately published in the newspapers. The message also stated the wish of the secretary of state to have the letter communicated to congress, together with his remarks explanatory of its contents. This course appeared to me perfectly fair, and, in supporting the motion which I had submitted for the purpose, I assigned, among other reasons, the palpable unfairness of making the letter public, while the answer was suppressed. Several members, with whom I conversed, concurred with me entirely in the propriety of having both communicated together. It seems to me, therefore, very singular that any censure could be attached to Mr. Adams, even had he, as alleged, requested or "procured" the call. I do, however, explicitly declare, that neither Mr. Adams, nor any other person, either requested or "procured" me to move the call, or to do any thing in relation to it.

I regretted the absence of Mr. Russell, and did not know of his intention to depart from Washington until he was actually gone. Had he been present, however, it did not occur to me that he could have any objection to the resolution, and it would not have prevented the support I gave it.

Mr. Floyd's remarks, in opposition to the resolution, appear to me more accurately stated in his letter than as reported in the Intelligencer; but the addition which he has supplied seems not material, in my view, for his "justification."

Permit me to add, that, while I regret extremely the unfortunate occasion, I nevertheless rejoice in perceiving that it has produced a full development of the import and bearings of several important points, which required only to be understood to allay the jealousies so natural, but I trust so unfounded, between the different sections of our country.

Yours, respectfully,

T. FULLER.

Bank of the United States.

PHILADELPHIA, Sept. 7.

At the general triennial meeting of the stockholders of the Bank of the United States, held by adjournment at their hall, in the city of Philadelphia, on Friday, the 6th of September, 1822,

Thomas Ellicott, esq. in the chair,

William Meredith, secretary.

The committee of inspection and investigation, appointed on Monday last, the 2d inst. reported as follows:

"Your committee, to whom was referred the investigation of the state of the bank, under the appointment of the 2d inst. beg leave to report, that the reasonable expectation entertained by the meeting of the arrival of delegates from among the distant stockholders, has not been realized; and they regret to add, that, in consequence of pressing and

unavoidable engagements, of a public and private nature, some of the gentlemen composing an important part of your committee, have been constrained to return home.

Under such circumstances, your committee, after having made some progress in the investigation confided to them, by the prusal of a variety of interesting documents, eminently illustrative of the past and present condition of the bank, are deeply sensible of the importance of the present meeting to its future prosperity and welfare, and how extremely desirable it is to obtain, if practicable, a full representation of stockholders from places at present unrepresented; more especially as the notification of the president of the bank, of July last, gives us emphatically to understand that he is about to retire from his present trust. The expediency of a free interchange of opinion as to the person who shall be his successor, confers upon this last consideration a peculiar interest, which it would be an affectation of delicacy to conceal or to attempt to repress.

With the hope, therefore, of obtaining an accession to their numbers from the different placés most interested in the bank, your committee have adjourned to Monday, the 23d of September instant, and, to promote the object of their own adjournment, they would beg leave most respectfully to submit the following resolution for the adoption of the present meeting:

Resolved, That the triennial meeting of the stockholders of the Bank of the United States, now convened, do adjourn to Saturday, the 21st of September, instant, for the purpose of affording time for the distant stockholders to assemble, either in person or by proxy, in order that the vacancies in the present committee of investigation may be filled; and for the promotion of which, be it further resolved, that the chairman of the meeting be requested to address letters to the different offices of the Bank of the United States, earnestly soliciting a call of the stockholders, for the appointment of the delegates in question, to convene at the period previously mentioned."

Whereupon, the said resolution was unanimously adopted, and this meeting adjourned accordingly, to Saturday, the 21st of September instant, at 12 o'clock.

THOMAS ELLICOTT, *Chairman.*

WM. MEREDITH, *Sec'y.*

Florida.

The legislative council of Florida met and organized at Pensacola on the 22d July. The governor administered the oath to the members to support the constitution of the United States, &c. A motion was made by Mr. Miller to proceed to elect a president—the council adjourned without going into an election. On the 23d the council having met, Mr. Bronaugh was called to the chair, when they proceeded to elect a president, and the choice was unanimous of James C. Bronaugh, esq. of Pensacola.

The president then made his acknowledgments to the council, in the following neat and appropriate address.

Gentlemen of the legislative council:

The flattering manner in which you have called me to preside over this honorable body, has excited in my mind emotions which I shall not attempt to describe. I should, however, do great injustice to my feelings, were I to withhold from you an expression of my sincere and grateful acknowledg,

ments for this distinguished mark of your confidence.

Conscious of possessing but little practical experience of the forms of legislation, I am but too sensible of my inadequacy to discharge the duties of the station assigned me, in a manner calculated to meet even your most just expectations—I therefore assume its functions with great diffidence, and the most anxious solicitude for the result—confidently relying on your liberality for a charitable indulgence of any errors which I may commit, and on your wisdom for guidance and support—all I dare promise, is rectitude of intention, strict impartiality, and a constant, zealous exertion, on my part, so to discharge the duties assigned me, as to merit your approbation.

As the first legislative body assembled in this territory, we are called upon to perform a task of great importance to its future welfare—we are required to lay the foundation of the laws and government of a Territory, which, at present, although but little known, is perhaps destined, at no very distant day, to become one of the most wealthy and respectable members of the American confederacy. Let us, therefore, unite in the work with harmony and good will, and by the usefulness of our labors, satisfy the expectations of the people of Florida, and justify the confidence of the president and congress of the United States.

The council then proceeded to elect their officers—when John Coppinger Connor was chosen clerk and Jabez N. Brown was elected sergeant at arms. The council being now organized,

Mr. Murray moved, that the governor be informed that the legislative council is now ready to proceed to business. And Messrs. Miller and Gaither were appointed a committee for that purpose.

Mr. Miller reported, that the committee had waited on the governor and received for answer, that he would immediately communicate his message to the council.

On motion—

Messrs. Law, Call and Murray, were appointed a committee to draft rules and regulations for the house.

A message was received from the governor, by col. Walton, secretary, and was read as follows:

Gentlemen of the legislative council:

Circumstances, over which we had no controul, have prevented us from meeting earlier; I trust, however, no serious inconvenience will result from the delay.

Permit me to call your attention to some few of the many subjects on which you will find it necessary to legislate—the superior courts for this territory cannot exercise jurisdiction in matters of debt or contract, under one hundred dollars; inferior courts ought, therefore, to be established for the purpose of adjudicating upon such small sums, and with such further powers as may be thought expedient and warranted by the organic law—as also to be intrusted with the controul over roads, mills, ferries and other matters of police within their respective counties. They should also possess the power to try all offenders in penal and criminal cases, not made capital by the acts of congress.

Some provisions are also required by which the causes now pending in the several courts of Florida may be transferred to the superior courts, and to such inferior tribunals as you may create.

In all cases of a penal or criminal character the common law is better calculated, than any other, to secure the accused a fair and impartial trial. By

the act of congress establishing the government of the territory of Florida, the laws in force at the passage of the act, not inconsistent with the constitution and the laws of the United States relating to Florida, as declared by the act, shall continue in force, until altered, modified or repealed by the legislature.

The uncertainty as to the laws actually in force in Florida, renders it your duty to give to the territory the basis of such a code, as can be clearly and certainly understood by the great body of the people. The civil code, as in force under the Spanish government, was not always the same in her several provinces: many of her laws were of necessity local in their character, and rested on decrees, and ordinances not now to be obtained.

I advise, therefore, that the common law be adopted as the basis of our code, engraving upon it such provisions of the civil law, as are best calculated to secure to our citizens an ample, speedy and certain redress for any injuries they may sustain.

That there exist serious objections to the common law, cannot be denied. Too often we see justice yielding her best and most sacred rights to the skill of the cunning pleader, or fettered under its unbending forms and rigid rules; yet, divest it of these evils; call in the aid of the civil law to simplify the rules and forms of judicial proceeding, and to do away the absurd fictions on which several of the common law actions rest, and you may combine whatever is excellent in both systems, and avoid whatever is objectionable in either, as a distinct code. The civil law has long been in force in Florida; the titles to real and personal estate being founded upon it you cannot make any radical alteration so as to affect existing rights.

It will readily occur to you, gentlemen, that a revenue is indispensably necessary to meet the expenses which must arise in the execution of our local laws; and the subjects proper for taxation, to meet this object, will claim your attention.

Gentlemen of the legislative council, the subjects on which you will necessarily be compelled to legislate, are so various, that, to call your attention specially to each of them, would be as tedious as it is unnecessary. To regulate with prudence and wisdom the government of the territory, is not less your desire than mine. The interest, feeling and wishes of the people who have lately become citizens of the United States, ought to be consulted, and treated with candor and liberality. Let us, by our acts, prove to them, that they are regarded by us as brothers of the same great family.

Gentlemen, I rely with confidence on your support, and, with candor and promptness on my part, you shall ever find me ready to sanction and execute such of your acts as will tend to the harmony and prosperity of our new country. That Florida will, in a few years, assume a rank among the states of our great and happy union, if her citizens are united and her government just and wise, cannot be doubted.

On these great principles then, let us all cordially unite to increase the respectability and wealth of our country, by inviting into our territory a population active and enterprising, and by promoting her agriculture and commerce. Your fellow citizen,

WM. P. DUVAL.

Pensacola, July 22, 1822.

The legislative council of Florida appear to be diligently engaged in the discharge of their duties. As the business of their first session embraces, as

far as practicable, the enactment of a general code of laws for the territory, it is both important and arduous. Down to the 9th of August many bills had been under consideration and some of the most interesting had finally passed. Among the former were bills to raise a revenue—to regulate civil proceedings and chancery proceedings—to regulate damages on bills of exchange—to establish inferior courts—to regulate descents—bills concerning awards and arbitration, proceedings on attachments—to prevent frauds and perjuries—for the distribution of intestate estates—for regulating executions, &c.

The bill providing for the election of a delegate to congress had been matured and passed. By this bill the council have extended the right of suffrage to soldiers, sailors, and marines, in the public service. On this principle, however, the council was nearly divided; a motion being made to exclude that description of persons from voting for delegates to congress, it was rejected by the casting vote of the president, Mr. Bronaugh. The members in favor of granting the privilege, were Messrs. Gaither, Hanham, Miller, and White; those against it were Messrs. Call, Law, Murray, and Reynolds.

The territory has been, by one of the acts, divided into four counties—in the east, St. Johns's and Duval—in the west, Escambia and Jackson.

The following resolution was adopted by the council on the 9th of August, and a committee appointed to draft a memorial accordingly.

Resolved, by the legislative council of the territory of Florida, that a respectful memorial ought to be addressed to the president of the United States, upon the subjects of general interest to the inhabitants of this territory, and particularly to request his excellency to direct the officers of the engineer corps, who are expected shortly to make a survey of Tampa bay, by order of the secretary of war, to explore the interior of the country, and report to the governor of this territory the most eligible place for the permanent seat of government, and to lay out the nearest practicable road from St. Augustine to the place designated, and from thence to Pensacola.

President Adams on the Fisheries.

FROM THE PLYMOUTH [MASSACHUSETTS] ADVERTISER.
Montezillo, Aug. 10, 1822.

Dear Sir--The grounds and principles on which the third article of the treaty of '83 was contended for on our part, and finally yielded on the part of the British, were these: First, that the Americans and the adventurers to America were the first discoverers and the first practisers of the fisheries.—2dly. That New-England, and, especially, Massachusetts, had done more in defence of them, than all the rest of the British empire; that the various projected expeditions to Canada, in which they were defeated by British negligence; the conquest of Louisiana in '45; the subsequent conquest of Nova Scotia, in which New-England had expended more blood and treasure than all the rest of the British empire, were principally effected with a special view to the security and protection of the fisheries. 3dly. That the inhabitants of the United States had as clear a right to every branch of these fisheries, and to cure fish on land, as the inhabitants of Canada or Nova Scotia; that the citizens of Boston, New-York, or Philadelphia, had as clear a right to those fisheries, and to cure fish on land, as the inhabitants of London, Liverpool, Bristol, Glasgow, or Dublin. 4thly. That the third ar-

ticle was demanded as an ultimatum, and it was declared that no treaty of peace should ever be made without that article. And when the British ministers found that peace could not be made without that article, they consented, for Britain wanted peace, if possible, more than we did. 5thly. We asked no favor; we requested no grant, and would accept none. We demanded it as a right, and we demanded an explicit acknowledgment of that right, as an indispensable condition of peace; and the word "right" was in the article as agreed to by the British minister, but they afterwards requested that the word "liberty" might be substituted instead of right; they said it amounted to the same thing, for *liberty* was *right*, and *privilege* was *right*, but the word *right* might be more displeasing to the people of England than *liberty*, and we did not think it necessary to contend for a word. To detail the conferences and conversations, which took place for six weeks on this subject, would require volumes, if they could be remembered.—Mr. Jay is the only person now living, who was officially concerned in that negotiation, and I am not afraid to appeal to his memory for the truth of these facts.

Lord St. Hellens, then Mr. Fitzherbert, though not officially concerned in the negotiation, was instructed by the British minister to assist at our conferences, and he was freely and candidly admitted by us. I dare appeal to his lordship's memory for the truth of these facts. There is another excellent character still living, Mr. Benj. Vaughan, of Hallowell, Maine, who was then a confidential friend of lord Stelburn, and an intimate friend to the British negociators, and I dare appeal to his recollections of the representations made to him of the conferences concerning the fisheries, by Mr. Oswald, Mr. Fitzherbert, and Mr. Whiteford.

6thly. We considered that treaty as a division of the empire. Our independence, our rights to territory and to the fisheries, as practised before the revolution, were no more a grant from Great Britain to us, than the treaty was a grant from us of Canada, Nova Scotia, England, Scotland and Ireland, to the Britons. The treaty was nothing more than mutual acknowledgments of antecedent rights.

If there is any other question that you wish me to answer, I shall be happy to do it, so long as my strength may last.

I had omitted what follows: 7thly. We urged upon the British ministers, that it was the interest of England herself, that we should hold fast forever all the rights contained in that article, because all the profits we make of those fisheries went regularly to Great Britain in gold and silver to purchase and pay for their manufactures; that if it were in her power, which it was not, to exclude us from, or abridge these rights, they would be the dupes of their own weak policy.

8thly. That if we should consent to an exclusion, the stipulation would not be regarded; our bold and hardy seamen would trespass; they must keep a standing naval force on the coast to prevent them; our people would fight and complain, and this would be speedily and infallibly the source of another war between the two nations.

I am, sir, your humble servant,

J. ADAMS.

William Thomas, esq.

Montezillo, Aug. 11, 1822.

Dear sir--Let me add a few hints to my former letter. Please to search in the publications after

the treaty of peace for a letter of monsieur de Marbois, secretary of the legation, to the Chevalier de la Luzerne, and records and files of congress during that period; and an octavo volume in French, entitled, "Politique de tous les cabinets de l'Europe," published by the French government during the revolution; in which you will find a memorial from the count de Vergennes to the king, recommending to his majesty a plan of policy toward the American colonies and the English government. I wish every document concerning the negociation of 1782-3 may be searched, and researched, that the truth, the whole truth, and nothing but the truth, in its minutest particulars, may appear. I wish, also, that every human being, who knows any thing concerning it, may be consulted and examined. I have before referred you to Mr. Jay, lord St. Hellens, and Mr. Vaughan. I now refer you to Mr. Wm. Temple Franklin, still living in France, who was secretary to the American legation, and attended most, if not all, the conferences. Mr. Thaxter, my private secretary, has long since deceased. But Mr. Charles Storer, who was then an inmate in my family, alert and active, and very useful to me in copying letters and papers, is now living. Let him be asked whether he remembers the letters that I wrote, and he and Mr. Thaxter copied, or which they wrote at my desire, to certain gentlemen then residing at Amsterdam, by the names, as I think, of Folger and Coffin, of Nantucket, earnestly requesting of them the most particular information concerning the extent, value and importance of these fisheries on the coast, and the right of curing fish on land, and especially on the coast of Labrador; and whether he remembers the ample information those gentlemen gave me in their answers, even concerning the value of the seal fishery, as well as all others.

If I should ever hear of any other person who knew any thing of that negociation, I will mention him to you.

I am, sir, your humble servant, J. ADAMS.

Fugitive Slaves.

COURT OF KING'S BENCH, GUILDHALL, July 15.

Forbes } Sitting after Trinity term, before lord
vs. } chief justice Abbot, and a
Cochrane. } special jury.

This was an action brought to recover from the defendant the value of thirty-eight slaves, the property of the plaintiff.

In the years 1814 and 1815 the defendant, sir Alexander Cochrane, commanded the fleet sent out to act against the Americans, and sir George Cockburn was second in command. The gallant defendant, on his arrival, off Georgia, issued a proclamation, stating, that he understood that many persons wished to emigrate from the U. States, and offering to such persons a reception on board his majesty's ships, and a conveyance, as free settlers, to his majesty's colonies in North America or the West India islands, if they should not wish to enter into his majesty's naval or military service. In the month of February, 1815, sir G. Cockburn was lying off Cumberland Island, and on the 23d of that month, a boat, having on board 18 men, 8 women and 12 children, all negroes, approached his majesty's vessel, the *Terror* bomb, and were taken on board; they were afterwards sent on board sir G. Cockburn's ship, the *Whon*, where they were treated as refugees. Shortly afterwards the plaintiff, who is partner in a house in East Florida, came on board sir G. Cockburn's ship, produced a letter

from the Spanish governor of that province, and demanded the negroes, who, he said, were part of a gang of 60 which had made their escape from off his plantation in East Florida. The negroes refused to return, alleging that the moment they got on board a British ship they were free. The plaintiff then requested sir G. Cockburn to send them back, but this he refused to do, saying that he thought them free agents, over whom he had no control; but he went to the negroes, and advised them to return and they said they would not return, unless compelled by force so to do. Sir G. Cockburn then refused to interfere any further, and he immediately wrote a letter to the defendant, who was at a great distance from him, stating what occurred, and also, that he had transferred them to the ship *Ruby*, which was going to Bermuda. The defendant wrote in answer to sir G. Cockburn, that he thought he had acted right, but to avoid giving offence to the Spanish government, that he had written home to England, stating the circumstances to this government, and requesting their further orders; and also that the slaves, on the 23d, 1816, had been landed at Bermuda dock yard, where he should have them closely guarded until he should have received instructions from his own government.

It having been proved that the plaintiff had bought the slaves for 60*l.* a head, and also that they were worth 100*l.* a head, that the proclamation was not published or circulated at any point south of the Chesapeake, and that it was addressed solely to the inhabitants of the United States,

The solicitor general proceeded to address the jury on behalf of the gallant defendant, who, he said, only acted in pursuance of the orders of his government, and therefore was not liable. The learned counsel was proceeding to contend, that the moment the slaves had escaped out of the province in which they were slaves, the master had no property in them unless that property was secured by treaty; and that sir G. Cockburn would have acted as improperly in compelling these creatures to return to the service of the plaintiff, as he would if he were to compel the plaintiff to go into the service of the negroes.

The chief justice—"Mr. Solicitor, I see no facts in dispute between you and Mr. Scarlett; your dispute is upon the law of the case, and as I, sitting here as judge *ad nisi prius*, will not take upon me to decide this point, I think the better way would be to agree to a verdict for the plaintiff, subject to the opinion of the court as to whether the plaintiff had or had not any property in the negroes when on board a British ship.

This suggestion was adopted, and a verdict for the plaintiff—damages 3800*l.* was taken, subject to the opinion of the court.

¶ We are curious to know what ultimately became of these slaves. Admiral Cochrane has been charged as a whole sale dealer in human flesh, and the probability is, that he made merchandise of his "emigrants." Reg.

Delaware and Hudson Canal.

Philadelphia, Sept. 6. At a numerous meeting convened at Morristown, on the 21st ult. present the governor of the state and many other persons of the first respectability, a committee was appointed, consisting of two citizens of each of the counties of Essex, Bergen, Morris, Hunterdon, and Sussex, New Jersey, to collect and embody such facts and information as may seem to them important respecting a canal to pass through that district, and

connect the Hudson with the Delaware. Another duty of the committee is to solicit the aid of the legislature in the undertaking.

In an able address, which was made to the meeting, by G. O. P. McCulloch, esq. the chairman, he mentioned several routes for the canal. One beginning above Easton, and following the valley of the Pequest; another beginning below Easton, and following the valley of the Muskenetkonk. Both approach to the neighborhood of Stanhope, from below which there is only one passage to the Rockaway, near Valley Forge; nor is there any diverging point on that stream until we arrive at Danville. There two courses offer themselves; the one by Hoottown to Patterson, the other by Morristown to Patterson, or Newark. Which of these should be preferred, future inquiry must decide. Each is now deemed practicable, and each holds out great advantages.

The length of the proposed canal is about ninety miles, passing through a rugged country, yet not such as to present any insuperable obstacles. The summit level near the verge of Suckasunny plain, is 185 feet above the waters of the Hudson, and 115 above those of the Delaware, making a fall of about 300 feet to be overcome by locks. The whole expense, however, including digging, making locks, &c. is not estimated at above three, or at most, four hundred thousand dollars.

A copious supply of water can be procured from two natural reservoirs, the great pond from which the river Muskenetkonk issues, and the Green pond, which, at a small expense, may be made to contain, together, 41,501,333 cubic yards of water.

The toll which it is supposed will be received, taken at unusually low rates, is estimated at \$81,100 a year, leaving a net revenue of \$60,000, after deducting \$21,000, for toll keepers, repairs and management.

The advantages which this canal promises are,—supplying the city of New York with Lehigh coal at one half the price it now pays for Liverpool coal—making coal the article of fuel in a large district of New Jersey, and thus enabling the inhabitants to convert their timber into lumber and sell it at a greater profit,—improving the agriculture of the district by opening markets for its produce at New York, Newark, Elizabethtown and Patterson; lastly, introducing new forges, furnaces, and manufactories, of every sort in a country full of water powers, and abounding in all the conveniences for manufacturing industry.

Mr. McCulloch very properly objects to entrusting this public work to a corporation. “In the hands of the people,” he says, “a canal could be executed and managed as cheaply, and would produce more than if owned by a company. Every legislature is reluctant to cede its authority to individuals. We know, in a former instance, that the privileges conferred upon a canal company were so scanty and embarrassed by such restrictions, as to frustrate the plan and to prevent subscriptions. Collisions and opposing interests will occur between the state and the company. Unforeseen cases, and exigencies unprovided for, must certainly arise, in which the people will be arrayed against the canal, or the canal against the people. To avoid all these evils, this enterprise should belong to the state; for, however easily a chartered society might be filled up, we ought to be subjected to no influence and bent under no controul, save that of our representatives; nor should our greatest national effort become the sport of speculation or the avenue to a paltry spirit of jobbing.”

Valenciana Silver Mines, in Mexico.

Valenciana has a shaft of 1680 feet from whence to bring up the ore. The use of machinery, to diminish labor, is but feebly adopted, and the execution of those few machines they construct is so bad that they are scarcely of any benefit. As the ore is brought from the mine on the backs of men, it is necessary that the descent should be made very capacious. That of the mine Valenciana is 1680 feet in perpendicular depth, and 90 feet in circumference. The pit is dug in the solid rock; it is beautifully walled, and, when completed, having cost a million of dollars, may be considered as one of the greatest and boldest undertakings in the history of Mexican mining. This mine has the peculiar property of being free from water, a circumstance of vast importance, since other mines, equally rich, have been abandoned, because the proprietors have not been enabled to exclude the water where the steam engine is not yet adopted. In the year 1760, the country around this mine was a perfect desert. M. Obregan, a Spaniard, with a vehement passion for mining, with a small capital, but with the confidence of richer men, who assisted him, began to excavate. In 1766, though he had got to the depth of 260 feet, the value of the produce was less than the current expenses. He then entered into partnership with a small trader, named Otero, who had some ready money. They continued their operations, with confidence in the result, till, in 1771, they came to masses of sulphuretted silver, mixed with native and red silver. From 1771 to 1804, the mine has yielded a gross produce of 533,000*l.* sterling; and, in some of the most profitable years, the two proprietors have each shared the enormous sum of 250,000*l.* sterling. The spot where these operations commenced was occupied by a few wild goats and in ten years it became a considerable town, with 7 or 8,000 inhabitants, surrounded with cultivated and highly productive fields. As the miners have gone deeper for the ore, the expenses of raising it have been increased; but the quality has so improved that the net profit to the proprietors has continued the same. The expense of working this mine amounts annually to 190,000*l.* sterling; three fourths of which are for wages to the laborers, and the remainder for gun powder, steel, iron, wood, leather, and tools of various kinds. The costs of powder for blasting the rocks, amounts to 16,000*l.* sterling annually. The number of individuals employed is about 3,000. The principal manager receives a salary of 2,500*l.* sterling, and has under him several overseers and nine master miners. These head men visit daily the subterraneous operations on the backs of men, who have a kind of saddle for the purpose, and are called little horses, (caballitos).

The whole of the labor of the mines is performed by freemen; the labor, though voluntary, is very severe, and the people are stimulated to perform it only by being paid, not by the time occupied, but, by the quantity of work that is performed. The ore is carried solely by men, who are so accustomed to this kind of labor, that they remain with a load from 240 to 370 pounds on their backs, six hours at a time, during which they ascend many thousand steps in the pits, in a temperature from 71 deg. to 77 deg. of Fahrenheit. They proceed in files of 50 or 60, among whom are some boys, of 10 or 12 years old, and some men, more than sixty, each of them loaded according to his own estimation of his strength. In ascending these stairs, they throw the body forward, and support themselves

with a staff, about a foot long. They walk in a zig zag direction, having found, by experience that their respiration is thereby less impeded. The muscular strength acquired by these men must be prodigious, since, without any burden, a person, not accustomed to it, feels intolerably fatigued from ascending and descending so many thousand steps.

The weight of each load is agreed on before the ascent is begun; regular registers of the quantity carried by each individual is entered by accountants, and the quantity of ore brought from the mine is easily ascertained to the satisfaction of all parties. Each digger of the ore is calculated to loosen as much from the vein as three of the porters can carry away. This operation is performed by a kind of iron crow, with a sharpened steel point, that requires perpetual re-pointing; for which purpose, small moveable forges are placed in various parts of the mines. Though the workmen are almost naked and are closely watched and carefully searched, they sometime contrive to embezzle considerable portions of the richest minerals by concealing them in their hair, under their arms and other parts of the body. Their thefts are often detected, and a register is kept of what is thus seized from the deprecators. In the mine of Valenciana it amounted, in fourteen years, to the value of £36,000 sterling.

Tame Rattle Snakes.

FROM THE RICHMOND ENQUIRER.

The exhibition of Mr. Neal's rattle snakes at the Eagle, is too great a curiosity to be passed over. It is one of the most singular sights which we have ever witnessed.

Mr. Neal is a Frenchman; while in North Carolina, he attempted to procure some rattle snakes, for the purpose of making out a collection. But some of the observations and experiments he made, induced him to believe the possibility of taming this poisonous reptile; he finally made the trial, and has succeeded in a manner which is calculated to astonish every beholder. What is the process he employed, is unknown to us—he probably availed himself of the power, which a control over the appetite of the animal gives him—he dwells very much, too, on the charms of music; while inflamed by hunger, and irritated by the application of hot iron, the creature is soothed and softened by a slow and plaintive strain.

Mr. N. has two rattle snakes—the male, which is four feet eight inches long, has eight rattles to his tail, thus proving him to be nine years old—he has had this snake four years. The female is much smaller, and has five rattles—she has been with him 33 months. So great is their docility, that he will take them up, after speaking a sort of jargon to them, and stroking down their backs, as if they were so many strings, he will make them crawl up his breast and face, caress and kiss him, coil round his neck, and while one of them is thus hanging around him, he will take up and exhibit the other. The perfect harmlessness of the reptile, and even attachment to his keeper, is astonishing. Meanwhile Mr. N. is himself thoroughly at his ease—completely self possessed, diverting the spectator with the exhibition of his snakes, or instructing them by his explanations. He says, he has no fears himself; for, independently of his command over the animal, he is satisfied he can cure the bite of it—of the remedy he makes no secret. Wash your mouth first with warm sweet oil, and then suck the wound—next drink most copiously of he decooc-

tion of the snake root, until it operates as a strong emetic. This is the regimen the recommends—and which he believes to be infallible.

There is no deception practised upon you. He opens the mouth of the snake, and shows you his fangs. They are in the upper jaw alone—two on each side, and have the faculty of renewing themselves, in case they are drawn out by a violent blow—the fang is within the mouth, bent sharpened and sheathed like the claw of a cat, and turned towards the throat—the orifice through which the poison is ejected, is a small groove on the upper side of the fang, between its point and upper curve—the poison bags lie at the roots of the fangs. But to remove all doubts of the poisonous qualities of these snakes being uninjured, Mr. N. proposes to have a public exhibition this week, when the snake will kill a young hare by a slight stroke, and then immediately devour him.

Perhaps no one has had so good an opportunity of studying the habits of the animal. His remarks will, of course, form a valuable addition to natural history. He is an intelligent man—and a memoir may be expected from him, when he arrives in Europe. The male snake has just cast his skin—and the new one is most beautiful. The tail has a fine glossy black. He says they renew their skins every two months; three times in the year: perhaps from October to April they remain torpid, and their functions are suspended. Most probably, it varies in different snakes with the quantities of food they can obtain. Mr. Neal generally feeds his once a week.

They have also a rattle every year after the first. They scarcely ever shake it but when they are strongly excited, or to strike the attention of their prey. He contends that the use of their rattles is to draw upon themselves the eyes of their victim, which generally consists of the fleetest animals, as birds, squirrels, &c.

As soon as the eyes meet, he says the process of charming commences. He believes in this faculty, for he has seen it exemplified in a garden by his own snakes; the victim will hop from bough to bough, and rock to rock, overcome with apprehension, until approaching each other, the snake seizes him—He denies altogether what some naturalists assert, the deleterious qualities of their breath—for he has often kissed them, and in blowing their breath upon him, he has found it uncommonly sweet.

Mr. N. has other snakes in his collection—as a wampum snake, beautifully streaked, and so called after the Indian ornament;—it is a small species of the boa constrictor, which winds itself round its prey, and kills not by poison, but by stricture—it even squeezes the rattle snake to death. He has also the common black snake, and the lead colored American adder, of the description of the flat heads. He has all these under the same command—exhibiting almost the same docility as the rattle snakes.—The spectacle is not dangerous nor even disgusting—and is well worthy of the attention of the curious.

Trade with the West Indies.

From the New-York E. Post, Aug. 21.

An act to regulate the trade between his majesty's possessions in America and the West Indies, and other places in America and the West Indies.—24th June 1822.

[The first section repeals all the acts of parliament theretofore passed, the titles of which are recited, for regulating the importation and exporta-

tion of certain articles into and from certain territories, islands and ports, under the dominion of the British king in America and the West Indies.]

H. Provided also, and be it further enacted, That nothing in this act contained shall extend, or be deemed or construed to extend to release or discharge any seizure of goods, wares or merchandise, or of any ship or vessel, or to release or discharge any forfeiture or penalty incurred on or before the passing of this act, but that the same may be prosecuted, sued for, recovered, and divided, in such and in the like manner as any such seizure, forfeiture, or penalty might have been prosecuted, sued for, recovered, and divided, if this act had not been made.

III. And be it further enacted, that from and after the passing of this act, it shall be lawful to import into any of the ports enumerated in the schedule annexed to this act, marked (A), from any foreign country on the continent of the North or South America, or from any foreign island in the West Indies, whether such country or island as aforesaid shall be under the dominion of any foreign European sovereign or state, or otherwise, the articles, enumerated in the schedule annexed to this act, marked (B), either in British built ships or vessels owned and navigated according to law, or in any ship or vessel bona fide the built and owned by the inhabitants of any country or place belonging to or under the dominion of the sovereign or state of which the said articles are the growth, produce or manufacture, such ship or vessel being navigated with a master and three fourths of the mariners at least belonging to such country or place; or in any British built ship or vessel which has been sold to and become the property of the subjects of any such sovereign or state, such ship or vessel last mentioned being also navigated with a master and three fourths of the mariners at least belonging to such country or place: provided always, that no articles enumerated in said schedule shall be imported in any foreign ship or vessel so sold as aforesaid, unless shipped and brought directly from the country or place from which they are the growth, produce or manufacture.

IV. And be it further enacted, that it shall be lawful to export in any British built ship or vessel, owned and navigated according to law, or in any foreign ship or vessel aforesaid, or in any British built ship or vessel so sold as aforesaid, from any of the ports enumerated in the schedule annexed to this act, marked (A), any article of the growth, produce or manufacture of any of his majesty's dominions, or any other article legally imported into the said ports, provided that the said articles, when exported in any such foreign ship or vessel, or in any British built ship or vessel so sold as aforesaid, shall be exported direct to the country or state in America or the West Indies to which such ship or vessel belongs as aforesaid, and before the shipment thereof, security by bond shall be given to his majesty, his heirs and successors, in a penalty equal to half the value of the said articles; such bond to be entered into by the master and exporter, before the collector or other chief officer of the customs of such colony, plantation or island, for the due landing such articles at the port or ports for which entered, and for producing a certificate thereof within twelve months from the date of such bond, under the hand and seal of the British consul or vice consul resident at the port or place where the said articles shall have been landed; but in case there shall not be any such consul or vice consul there resident, such certificate to be under

the hand and seal of the chief magistrate, or under the hand and seal of two known British merchants residing at such port or place; but such bond may be discharged by proof, on oath, by credible persons, that the said articles were taken by enemies, or perished in the seas: Provided always, that nothing herein contained shall be construed to permit or allow the exportation of any arms or naval stores, unless a license shall have been obtained for that purpose from his majesty's secretary of state; and in any case any such articles shall be shipped or waterborne for the purpose of being exported contrary to this act, the same shall be forfeited, and shall and may be seized and prosecuted as hereinafter directed.

V. Provided always, and be it further enacted, that for ten years after the passing of this act, nothing in this act contained shall extend, or be construed to extend, to exclude from the trade allowed by this act, any foreign ship or vessel, which, previous to the passing of this act, may have been engaged in lawful trade with his majesty's said colonies, islands, or plantations, on account of such ship or vessel not being of the built of the country to which such ship or vessel may belong.

VI. And be it further enacted, that in case any doubt shall arise, whether any goods, wares, or merchandise intended to be exported in any foreign ship or vessel, under the authority of this act, had been legally imported into such port, the legality of such importation shall be made to appear to the satisfaction of the collector and comptroller, or other principal officer of the customs of such port, before such goods, wares, and merchandise shall be suffered to be shipped for exportation.

VII. And be it further enacted, that from and after the passing of this act, there shall be raised levied, collected, and paid unto his majesty's, his heirs and successors, upon the several articles enumerated or described in the said schedule marked (C), imported or brought into any of the ports enumerated in the schedule marked (A), from any such foreign island, state, or country, under the authority of this act, the several duties of customs as the same are respectively inserted or described and set forth in figures in the said schedule annexed to this act marked (C), and the same shall be under the management of the commissioners of the customs in England, and shall be raised, levied, collected, paid, and recovered in such and the like manner and form, and by such and the like rules, ways, means, and methods, respectively, and under such penalties and forfeitures as any other duties now payable to his majesty on goods imported into any of the islands, plantations, colonies, or territories belonging to or under the dominion of his majesty in America or the West Indies, are or may be raised, levied, collected, paid, and recovered by any act or acts of parliament now in force, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures relating thereto, were particularly repeated and again enacted in the body of this act; and the produce of such duties shall be paid by the collector of the customs to the treasurer or receiver general of the colony, province or plantation in which the same shall be respectively levied, to be applied to such uses and purposes as may be directed by the authority of the respective general courts or general assemblies of such colonies, provinces, or plantations.

VIII. And be it further enacted, That in case there shall be no general courts or general assemblies

blies in the colony, province, or plantation in which the said duties shall have been levied and collected under the authority of this act, the net proceeds of such duties shall then be applied and appropriated in such and the like manner and to such uses as any other duties levied and collected in any of his majesty's colonies, provinces, or plantations in America or the West Indies, not having general courts or general assemblies, may now by any act or acts of parliament, passed in Great Britain, or the united kingdom of Great Britain and Ireland, or by any order of his majesty in council, or by any proclamation issued in his majesty's name, be appropriated and applied.

IX. And be it further enacted, that in all cases where, by the schedule marked (C), the duties imposed upon the importation of articles into his majesty's colonies, plantations, or islands in America or the West Indies are charged not according to the weight, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer or proprietor of such articles, or his known agent or factor, in manner and form following:—(that is to say),

“I, A. B. do hereby declare, that the articles mentioned in the entry, and contained in the packages [here specifying the several packages, and describing the several marks and numbers, as the case may be], are of the value of _____

Witness my hand, the _____ day of _____ A. B.”

“The above declaration, signed the _____ day of _____ in the presence of C. D. collector, or other principal officer.”

Which declaration shall be written on the warrant of entry of such articles, and shall be subscribed with the hand of the importer or proprietor thereof, or his known agent or factor, in the presence of the collector or other principal officer of the customs at the port of importation. Provided, that, if upon view and examination of such articles by the proper officer of the customs, it shall appear to him that the said articles are not valued according to the true price or value thereof, and according to the true intent and meaning of this act, then and in such case the importer or proprietor, or his known agent or factor, shall be required to declare on oath before the collector or chief officer of the customs at the port of importation, (which oath he is hereby authorised and required to administer), what is the invoiced price of such articles, and that he verily believes such invoiced price is the current value of the articles at the place from whence the said articles were imported: and such invoice price, with the addition of ten pounds *per centum* thereon, shall be deemed and taken to be the value of the articles in such colony, plantation, or island as aforesaid, in lieu of the value so declared by the importer or proprietor, or his known agent or factor, and upon which the duties specified in the said schedule shall be charged and paid: Provided also, that if it shall appear to the collector, or other chief officer of the customs, that such articles have been invoiced below the real and true value thereof at the place from whence the same were imported, or if the invoice price is not known, the articles shall, in such case, be examined by two competent persons, to be nominated and appointed by the governor or commander in chief of the colony, plantation, or island into which the said articles are imported; and such persons shall declare on oath, before the collector or chief officer of the customs, what is the true and real value of such articles in such colony, plantation, or island;

and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the duties specified in the said schedule marked (C), shall be charged and paid.

X. And be it further enacted, That if the importer or proprietor of such articles shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the collector or other chief officer of the customs where such articles shall be imported, and he is hereby respectfully required, to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold, within the space of twenty days at the most after such refusal made, and at such time and place as such officer shall, by four or more days public notice, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising by the sale thereof, shall be applied, in the first place, in payment of the said duties, together with the charges that shall have been occasioned by the said sale; and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorized to receive the same.

XI. And be it further enacted, That whenever any foreign article is liable to duty by this act on the importation thereof into any of his majesty's colonies, plantations, or islands in America, or the West Indies, under the provisions of this act, the like duty shall be payable upon any such foreign article when imported into any such colonies, plantations, or islands, direct from any part of the united kingdom of Great Britain and Ireland; and such duty shall be raised, levied, collected, and paid, in such and the like manner, and be appropriated and applied to such and the like uses, as the duty payable upon the like article imported from any other place, under the provisions of this act, is by this act directed to be raised and applied.

XII. Provided always, and be it further enacted, That if, upon the importation of any article charged with duty by this act, the said article shall also be liable to the payment of duty under the authority of any colonial law, equal to or exceeding in amount the duty charged by this act, then and in such case the duty charged upon such article by this act, shall not be demanded or paid upon the importation of such article: provided also, that if the duty payable under such colonial law shall be less in amount than the duty payable by this act, then and in such case the difference only in the amount of the duty payable by this act, and the duty payable under the authority of such colonial law, shall be deemed to be the duty payable by this act; and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like uses, as the duties specified in the said schedule annexed to this act, marked (C), are directed to be collected, paid, appropriated, and applied.

XIII. And be it further enacted, That all sums of money granted and imposed by this act, as duties, shall be deemed and are hereby declared to be sterling money of Great Britain, and shall be collected, recovered, and paid to the amount of the value which such nominal sums bear in Great Britain; and that such moneys may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver.

XIV. And be it further enacted, That any article enumerated in the schedule (B), legally imported as aforesaid under the authority of this act shall be allowed to be exported in any British ship

or vessel, owned and navigated according to law, to any other British Island, colony, or plantation in America or the West Indies; provided, that, upon the importation thereof into any such other British Island, colony or plantation, proof shall be produced that the said duties due to his majesty have been first paid in the colony or plantation into which the said articles shall have been imported; and any article so imported; in any vessel as aforesaid shall be allowed to be exported to any part of the united kingdom of Great Britain and Ireland, under the rules, regulations, restrictions, securities penalties and forfeitures particularly mentioned and provided for in an act of parliament made in the twelfth year of the reign of king Charles the second, entitled an act for the encouraging and increasing of shipping and navigation; and in another act of parliament, made in the twenty-second and twenty-third years of the reign of king Charles the second, entitled an act to prevent the planting of tobacco in England, and for regulating the plantation trade; and in another act of parliament made in the twentieth year of his late majesty's reign, entitled an act to allow the trade between Ireland and the British colonies in America and the West Indies, and the British settlements on the coast of Africa, to be carried on in like manner as it is now carried on between Great Britain and the said colonies and settlements, or in any of the said acts with respect to the goods, wares or merchandise, therein enumerated or described.

XV. And whereas it is the intention and meaning of this act, that the privileges hereby granted to the foreign ships and vessels shall be confined to the ships and vessels of such countries only as give the like privileges to British ships and vessels in their ports in America and the West Indies; be it, therefore, enacted, That it shall be lawful for his majesty, his heirs and successors, by order in council from time to time, when and as often as the same shall be judged expedient, to prohibit trade and intercourse under the authority of this act, with any country or Island in America or the West Indies, if it shall appear to his majesty that the privileges granted by this act to foreign ships and vessels are not allowed to British ships and vessels trading to and from any such country or Island under the provisions of this act; and in case such order of his majesty in council shall be issued, then during the time that such order in council shall be in force, none of the provisions of this act, either as respects the laws herein repealed, or to any other provisions of this act, shall apply or be taken to apply to any country or state, the trade with which, under the provisions of this act, shall be prohibited by any such order of his majesty in council; and if any goods whatever shall be imported from, or shipped for the purpose of being exported to any such country or Island in America or the West Indies, in any foreign ship or vessel, after trade and intercourse therewith shall have been prohibited by any such order of his majesty in council, issued under the authority of this act, all such goods, together with the ship or vessel in which the same shall have been imported, or in which the same shall have been shipped for the purpose of being exported as aforesaid, shall be forfeited, with all her guns, furniture, ammunition, tackle and apparel; and in every such case the same shall and may be seized by any officer of his majesty's customs or navy, authorized or empowered to make seizures in cases of forfeiture, and shall, and may be prosecuted in manner as herein after directed.

XVI. And be it further enacted, That if his ma-

esty shall deem it expedient to extend the provisions of this act to any port or ports not enumerated in the schedule marked (A.), it shall be lawful for his majesty, by order in council, to extend the provisions of this act to such port or ports; and from and after the day mentioned in such order in council, all the privileges and advantages of this act, and all the provisions, penalties, and forfeitures therein contained, shall extend, and be deemed and construed to extend, to any such port or ports, respectively, as fully as if the same had been inserted and enumerated in the said schedule at the time of passing this act.

XVII. And be it further enacted, That no articles, except such as are enumerated in the schedule marked (B.), shall be imported in any such British built ship or vessel, or in any such foreign ship or vessel, or in any such British built ship or vessel so sold as aforesaid, from any foreign country or state, on the continent of America, or Island in the West Indies, into any of the ports enumerated in the schedule marked (A), or into any port which may be added to the schedule marked (A.), by virtue of any order in council as aforesaid, on any pretence whatever, on pain of forfeiting such articles, together with the ship or vessel in which the same shall have been imported, and the guns, tackle, apparel, and furniture of such ship or vessel; and in every such case the same shall and may be seized by any officer or officers of his majesty's customs or navy, who are or shall be authorized and empowered to make seizures in case of forfeiture, and shall and may be prosecuted in such manner, as herein after directed.

XVIII. And be it further enacted, That no article whatever shall be imported or exported, either in a British built ship or vessel or in any such foreign ship or vessel, as aforesaid, from or to any foreign country on the continent of North and South America, or from or to any foreign Islands in the West Indies, or from any port of any British colony, plantation, or Island in America or the West Indies, not enumerated in the schedule annexed to this act marked (A.), on any pretence whatever on forfeiture of such articles, also the ship or vessel in which the same shall be imported and all her guns, furniture, ammunition, tackle and apparel.

XIX. Provided always, and be it further enacted, That nothing in this act contained shall affect or be construed to affect the right which British subjects or others may enjoy under any law in force at the passing of this act, of exporting in British ships from ports not enumerated in the said schedule marked (A.), the produce of the fisheries carried on from any of his majesty's said colonies, plantations, or Islands.

XX. And be it further enacted, That all penalties and forfeitures imposed by this act shall and may be respectively prosecuted, sued for, and recovered, and divided in Great Britain, Guernsey, Jersey, or the Isle of Man, or in any of his majesty's colonies or Islands in America, in the same manner and from and by the same rules and regulations in all respects, in so far as the same are applicable, as any other penalties and forfeitures imposed by any act or acts of parliament made for the security of the revenue of the customs, or for the regulation or improvement thereof, or for the regulation of trade or navigation, and which were in force immediately before the passing of this act, may be respectively prosecuted, sued for, recovered, and divided in Great Britain, Guernsey, Jersey, or the Isle of Man, or in any of his majesty's colonies or Islands in America.

Schedule (A).—List of free ports; Kingston, Savannah Le Mar, Montego bay; Santa Lucia, Antonio, Saint Ann, Falmouth, Maria, Norant bay, Jamaica; Saint George, Grenada; Roseau, Dominica, St. John's, Antigua; San Josef, Trinidad; Scarborough, Tobago; Road Harbour, Tortola; Nassau, New-Providence; Pitt's Town, Crooked Island; Kingston, St. Vincent; Port St. George and Port Hamilton, Bermuda; any port where there is a custom house, Bahamas; Bridgetown, Barbadoes; St. John's, Saint Andrews, New-Brunswick; Halifax, Nova-Scotia; Quebec, Canada; Saint John's, Newfoundland; Georgetown, Demerara; New Amsterdam, Berbice; Castries, St. Lucia; Basseterre, Saint Kitts; Charles Town, Nevis; Plymouth, Montserrat.

Schedule (B).—Asses, barley, beans, biscuit, bread, beaver and all sorts of fur; bowsprits, calavances, cocoa, cattle, cochineal, coin and bullion, cotton wool, drugs of all sorts, diamonds and precious stones, flax, fruit and vegetables; fustick and all sorts of wood for dyer's use; flour, grain of any sort; garden seeds, hay, hemp, heading boards, horses, hogs, hides, hoops, hardwood or mill timber, indian corn, meal, indigo, live stock of any sort, lumber, logwood, mahogany and other wood for cabinet wares, masts, mules, neat cattle, oats, peas, potatoes, poultry, pitch, rye, rice, staves, skins, shingles, sheep, tar, tallow, tobacco, turpentine, timber, tortoise-shell, wool, wheat, yards.

Schedule (C).—A schedule of duties payable on articles imported into his majesty's possessions in America and the West Indies, from other places in America and the West Indies, the duties following; (that is to say): bbl of wheat flour not weighing more than 196 lbs net weight, 5s sterling; barrel of biscuit, not weighing more than 196 lbs, net weight 2s 6d; for every cwt. of biscuit 1s 6d; for every 100 lbs of bread made from wheat or other grain imported in bags or packages 2s 6d; for every barrel of flour, not weighing more than 196lbs, made from rye, peas or beans, 2s 6d; for every bushel of peas, beans, rye or calavances, 7d; rice, for every 100 lbs. net weight, 2s 6d; for every 1000 shingles, called Boston chips, not more than 12 inches in length, 7s; for every 1000 shingles, being more than 12 inches in length, 14s; for every 1000 red oak staves, 11 1s; for every 1000 white oak staves or headings, 15s; for every 1000 feet of white or yellow pine lumber, of one inch thick, 11 1s; for every 1000 feet of pitch pine lumber, 11 1s; other kinds of wood and lumber per 1000 feet, 11 8s; for every 1000 wood hoops, 5s 3d; horses, for every 100l of the value thereof, 10l; neat cattle, for every 100l of the value thereof, 10l; all other live stock, for every 100l of the value thereof, 10l.

CHRONICLE.

The U. S. schr. *Grampus*, is stated to have captured a Spanish privateer called *Panchetta*, of eight 12 pounders a long tom, and 92 men. It appears that the privateer first dogged the *Grampus*, and was then chased in turn. When the vessels were near to each other, the character of our schooner was made known, and received a broadside from the privateer. This was returned with full effect—11 men were killed and wounded, and the the privateer instantly surrendered, being also in a sinking condition. The prize was carried into St. Thomas.

Died, on the 4th instant, at Washington, *Josiah Meigs*, esq. commissioner of the general land office,

one of the best of men and most faithful of officers. At Harper's Ferry, on the 2nd, col. Jacinth Laval, in the 60th year of his age. He came to our country in company with gen. de la Fayette, and remained in the army until the close of the revolutionary war; during the late war he commanded a battalion of cavalry, and was personally engaged several times. He was a gallant officer and a much esteemed man.

New York. Six or eight new cases of fever are still daily reported, and the deaths are not numerous; yet the alarm has rather increased than subsided.

Penitentiary system. The following rigid but salutary regulation has been adopted at the state prison, Auburn, N. Y. "The convicts shall receive no letters or intelligence whatever from or concerning their friends, or any information on any subject out of the prison, nor be permitted to write letters themselves; that no relation or friend shall be allowed to speak to a convict, except in some extraordinary case, where the condition of his property or family imperiously requires it; and then only in the presence of the agent or the deputy keeper; but that any information concerning the convicts will be furnished to their friends on personal application, or by letter, post paid, directed to the agent."

Deaths in several cities, the year ending Jan. 1, 1822.

In Boston, 1,420.

Of these, there were by

Consumption	192
Dysentery	64
Measles	149
Typhus	42
Cholera morbus	15
Small pox	00

Number of inhabitants 43,895

In New York, 3,542.

Consumption	715
Dysentery	142
Measles	109
Typhus	127
Cholera morbus	14
Small pox	00

Number of inhabitants, 123,706.

In Philadelphia, 3,172.

Consumption	438
Dysentery	124
Measles	00
Typhus	106
Cholera morbus	191
Small pox	00

Number of inhabitants, 120,000.

In Baltimore, 2,015.

Consumption	336
Dysentery	30
Measles	3
Typhus fever	33
Malignant	173
Cholera morbus	12
infantum	197
Small pox	21

Number of inhabitants, 62,738

In Charleston, (S. C.) 921.

Consumption	164
Dysentery	12
Measles	17
Typhus	4
Cholera morbus	1
Small pox	0

Number of inhabitants, 24,780.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 3—VOL. XL.] BALTIMORE, SEPT. 21, 1822. [No. 3—VOL. XXIII. WHOLE No. 575

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

A ROGUE ON THE ROAD. Within a week past, I have received two letters from Tennessee—one from Gallatin and the other from Clarksville; the writers of which say, "I have enclosed you" such and such amounts, in bills of the bank of North Carolina, and one of the gentlemen gives the number of his note, 1148, state bank at Raleigh, for 5\$. It cannot be believed that the bills were not enclosed, as stated, and, as they both were from Tennessee, perhaps it may afford some clue to the post-master-general to ferret out the thief. In these dismal times, such things are doubly vexatious; but we hope that our friends will not be discouraged, for we still guarantee the safety of the mail, hoping, however, that, sooner or later, we may be the agents of bringing some of its robbers to justice.

ROADS AND CANALS. We present a very interesting report on these important subjects, laid before the house of representatives at its last session. It well deserves an attentive perusal, and contains much intelligence on the matters about which it treats.

THE PRESIDENTIAL ELECTION. Two much esteemed and able friends, have notified me that they are about to prepare some essays, to be published in the REGISTER, in regard to the pretensions of certain candidates for the office of president of the United States, after Mr. Monroe's period of service shall have terminated. It is very doubtful, indeed, whether we shall admit into our pages any discussions of a *personal* nature on that subject—but certainly not yet. Intelligent essays and state papers, regarding *measures*, and so affecting the pretensions of different gentlemen, shall, occasionally, and impartially, have place—but we cannot become even liable to the suspicion of being partizans in this controversy, until the *necessity* of it shall be shewn by the progress of things.

BALTIMORE MONUMENT. The statue was placed on this monument on the 12th inst. according to the plan and ceremonies adopted by the building committee, as heretofore stated; and without any accident or other occurrence to mar the occasion. The statue does honor to the artist, signor Capellano; and the monument, as a whole, is chaste, beautiful and classic.

NEW YORK. The fever seems to be rather on the increase; yet the new cases reported do not exceed 10 or 12 per day.

AMERICAN ATLAS—published by Messrs. H. Carey & I. Lea. From a slight inspection of this work, and because some of the proof sheets had been previously shewn to us, we lately spoke of this publication in terms of high approbation, which we are satisfied that, as a whole, it richly deserves. Indeed, the mere *attempt* to collect the materials for and bring out a work of this nature, ought to make a favorable impression on the mind of every friend of literature and political science.

But, in a country like that of the United States, wherein new towns are known as of almost daily origin, and new counties, and even new states, are

frequently established—wherein the constitutions of states are oftentimes altered, amended or made a-new, it was impossible to expect that a work of this sort could be free from errors—and, no doubt, this is as free of error than any reasonable, reflecting man calculated upon.

The chief complaints that we have yet heard, are as to certain inaccuracies about the constitution of Maryland, and some omissions in regard to one or two things about which we, in this state, are warmly interested. As soon as these inaccuracies and omissions were known, the publishers cancelled the objectionable sheet and supplied its place with a new one. What more could be asked of them—what more could they do? Many in Baltimore have regarded the people of Philadelphia as prejudiced and unfriendly to them, and hence the excitement; but is it possible to believe that the publishers of a work, the disbursements for which we suppose must have amounted to 20 or 25,000 dollars, would risk a remuneration of that sum to gratify such prejudice or wickedness? Certainly not—I speak of the publishers as persons pursuing their *interest*; I *personally* know it to be impossible that they should wilfully misrepresent facts.

These remarks have occurred on reading an article addressed to the editor of the "Federal Republican," by Messrs. Carey & Lea, and published in that paper of Wednesday, wherein the REGISTER is referred to to excuse or palliate the errors now corrected. I thank the gentlemen for the respectful manner in which they have spoken of me and my work; and, without hesitation, repeat, that "*the constitution of this state was a batch of absurdities at first, and has been so MENDED, that there are not five men within its limits who can promptly tell what it is.*"

In conclusion, I again recommend this ATLAS to the public patronage—it is a most valuable collection of facts, and deserves a most liberal support.

THE U. S. SCHOONER GRAMPUS has arrived at Charleston, with her prize, the brig Palmyra, belonging to Porto Rico, lately called the Panchita, a "notorious character" in the West India seas.

From the account, it appears that when the Grampus was convoying some vessels to St. Thomas, this brig came within hail, saying that she wished to board one of the fleet, and was told it would not be permitted. "The G. left St. Thomas 14th August, having under her care the schooners Velocede and Caduceus, for Curacao, and next day saw a brig in chase; on the morning of the 16th saw the same brig on the weather-bow and gave chase to her; she hoisted English colors and then changed them to Spanish and fired a gun to windward; and at half past 10, she hoisted a white flag at the fore top mast, and was soon found to be the Palmyra. At twenty minutes past 11, the Grampus was brought under the lee of the brig, within pistol shot, and lieut. Gregory demanded her instant surrender as a pirate; the brig answered that the demand was not understood, and, upon its being repeated, she commenced a fire upon the Grampus with her small arms and carronades; this was so effectually returned, that, in about three minutes and a half she gave up the combat, being a complete wreck, having one killed and seven wounded,

and three shot between wind and water, both pumps shot through, and the brig in a sinking condition. The cry of we are sinking, was made immediately upon striking her flag, and boats were despatched under command of lieutenant Voorhies, to take charge of the vessel, and save her if possible. It was with great difficulty and after great exertions that lieutenant V. was able to stop the leaks—the water was on the cabin floor, and the pumps being in a great measure useless, he laid her over on her side, by shifting her guns and other weighty articles to the sound side of the vessel, and by that means saved her. The *Grampus* received a little injury in her sails and rigging, but had no man hurt.—The *Palmyra* was armed with one long brass 18 pounder, and eight 18-pounder carronades, and had a crew of 88 men, "a mixture of all nations and the friends of none." It was ascertained that they had robbed several vessels of the United States, and a part of her crew was recognized as having committed certain acts of piracy—all which, it seems that lieutenant Gregory has taken care to obtain the proof of. The people of St. Thomas were much pleased with the capture of this vessel. The sick and wounded were sent to Porto Rico, by lieutenant Gregory, with a letter to the governor, stating the circumstances under which he had made the capture of the brig, and hoping it would cause no coolness between the United States and Spain: But it is said that the governor immediately embargoed all the American vessels, and imprisoned all the American citizens there.

On board of the *Grampus* and her prize, 77 prisoners, with the former captain of the brig, were brought in. In consequence of having so great a number on board, the duty of the officers and seamen has been severe to guard against a surprise. They slept upon deck for 28 nights, but are all healthy.

THE DROUGHT. A York, (Penn.) paper, speaking of the "Big Conewago," says—"This stream, which is the reservoir of the waters on this side of the South Mountain, and a range of lands of some 20 or 25 miles above the bridge across it on the Carlisle road, has its channel entirely bared of water. Above this bridge, the Conewago receives its principal tributary streams, Oppossum, Bermudian and other creeks, which, in low water, hitherto presented a volume of water, filling a channel from 90 to 120 feet wide, in which there was not a drop to be seen on the 13th of September, 1822.

MASSACHUSETTS. A census of the population of the state of Massachusetts, in the year 1764, (not sixty years ago), has just been published; from which it appears that the grand total was, at that day, 248,714 souls, of whom only 20,788 belonged to Maine. The population of Massachusetts proper, was, by the last census, 622,287, and that of Maine, 297,839; making together 821,126; having more than trebled within the period of sixty years.

JOHN HANCOCK. During the siege at Boston, general Washington consulted congress upon the propriety of bombarding the town of Boston. Mr. Hancock was then president of congress. After general Washington's letter was read, a solemn silence ensued. This was broken by a member making a motion that the house should resolve itself into a committee of the whole, in order that Mr. Hancock might give his opinion upon the important subject, as he was deeply interested from having all his estate in Boston. After he left the chair, he addressed the chairman of the committee

of the whole in the following words: "It is true, sir, nearly all the property I have in the world is in houses and other real estate in the town of Boston; but, if the expulsion of the British army from it, and the liberties of our country require their being burnt to ashes, issue the orders for that purpose immediately."—*Boston Patriot.*

NAPOLEON. In Dr. Meara's work, entitled "A voice from St. Helena," detailing his various conversations with the late emperor, we have the following as his own words: "To give you an instance of the general feeling in France towards the Bourbons, I will relate to you an anecdote:—On my return from Italy, while my carriage was ascending the steep hill of Tarare, I got out and walked, without any attendants, as was often my custom. My wife and my suite were at a little distance behind me. I saw an old woman lame, hobbling about with the help of a crutch, endeavoring to ascend the mountain. I had a great coat on, and was not recognized. I went up to her, and said, well *ma bonne*, where are you going with a haste which so little belongs to your years? What is the matter? "*Ma foi*," replied the old dame, "they tell me the emperor is here, and I want to see him before I die." Bah! bah! said I, what do you want to see him for—what have you gained by him? he is a tyrant as well as the others; you have only changed one tyrant for another, Louis for Napoleon. "*Mais Monsieur*, that may be; but, after all, he is the king of the *people*, and the Bourbons were the kings of the nobles; we have chosen *him*, and if we are to have a tyrant, let him be one chosen by ourselves." There, said he, you have the sentiments of the French nation expressed by an old woman."

STEAM. From an English paper. On a new line of road now cutting between Bury and Bolton, about half a mile distant from the former town, one of Kay and Routledge's patent rotary engines is a machine something similar to a bone mill, but considerably stronger, and breaks the stones to cover the road at the astonishing rate of 70 or 80 tons in 10 hours. The engine is mounted on wheels, so that it can be removed to any part of the road without being taken to pieces. This novel application of the power of steam originated with the spirited and ingenious inventor of the rotary engine. By it the commissioners of the road are enabled to prepare materials on a scale of economy not before contemplated.

LAW CASE. Copy right of a newspaper—from a Scotch paper. On the 4th July, the court of session (second division), determined an important point regarding the copyright of newspapers.

John and Peter Wilson, in 1803, established a newspaper called the *Ayr Advertiser*, or *West Country Journal*, which speedily became a lucrative concern, and thenceforward belonged to them equally. In 1809, Peter Wilson sold his half share to a third person, receiving a premium or price for the copy right, exclusive of the stock. The purchaser afterwards sold it to two strangers, receiving the same premium as he had paid.

John Wilson retained his original half share till his death in May, 1821. Conceiving it to be a valuable part of his estate, he, by his will, conveyed his half share of the copyright to his testamentary trustees. In all the changes of partners or proprietors, from the first establishment of the newspaper, there had been no written contract of co-partnership betwixt them.

John Wilson's trustees were about to sell his half share, when the two persons who had last purchased the other half presented a bill of suspension and interdict, to have the trustees restrained, upon the allegation that there was no such thing as the copyright of a newspaper; that the right to print and publish a newspaper, exercised by two or more persons associated together, just resembled any other trade; and that, upon the death of any partner, there being no written contract providing otherwise, the good will, as it is called, of the business accrued to the survivors. Lord Meadowbank, in the bill chamber, appointed the bill to be answered, and granted the interdict. On advising the bill, with answers, lord Cringletie appointed parties to prepare memorials to the court. In these memorials the case was fully argued.

The court were unanimously of opinion, that the right of printing and publishing a newspaper, or the share of such a right, however anomalous it may be in point of principle, and whether it might be called copyright, privilege, property, or whatever other name, is a valuable right, now perfectly known and understood, and is, by the common law, both transferrable, *inter vivos*, and transmissible to heirs, independently of any written contract between partners or proprietors. They, therefore, recalled the interdict, and refused the bill, with full expenses.

FOREIGN NEWS.

Great Britain and Ireland. The prospects of the harvest in England continued good, and the distresses of the people of Ireland remained unameliorated.

An *adder* has been killed in England that was found to contain thirteen young partridges.

No fewer than 6,040 persons were committed to jail in 5 years, from 1815 to 1821, under the game laws of England.

Spain. A squadron was about to sail from Toulon, supposed to be intended to cruise on the Mediterranean coast of Spain. The hostile designs of France are now pretty evident, and it seems to be a grand project to get possession of the person of the king, that he may sanction, by his presence, an invasion of the country! The Spaniards appear to be aware of this; and, perhaps, the idea may cost the poor simple creature his life, before there is an end of such proceedings. It was thought that the Spanish minister at Paris would be called home.

The monk of La Trappe, who excited the church militant to arms in defence of the catholic faith and the holy inquisition, made himself master of the forts of La Leo de Urgel, in the latter part of June. He has since assumed the title of "First Consul of the moderate republicans!"

There is much detail about the proceedings of the "factious" in Spain. In some instances they appear to be in considerable force, armed and prepared to effect a change of the constitutional system to an absolute monarchy. Many petit battles take place, which are represented to be as generally unfavorable to them. The accounts chiefly go to shew that Spain is in a very disordered condition. The whole province of Catalonia has been declared in a state of war!

The "*Aurora*," says—The cortes at Madrid have detected and possessed themselves of a secret treaty, entered into between Louis XVIII. and Ferdinand VII, negotiated by the duke del Infantado and count Legarde; which had in its express view, the overthrow of the constitutional and representative system of government.

The march of a large French army to the frontier, (*cordon sanitaire*), was stipulated to be, at stated times, augmented to 50,000 men: military supplies to be provided by France.

Great Britain to aid with her fleet, and, on condition that she should not acknowledge the independent states of the new world, Spain would cede to her the island of Cuba.

This treaty was entered into deliberately by Ferdinand, and when it was presented to him was not denied; but he promised (for the hundredth time) to be faithful to the constitution, if spared on this occasion.

The seizure and execution of the leaders of the liberales—Riego, Quiroga, &c. were among the stipulations, and the concurrence of Austria and Russia was expressly stated.

A Gibraltar paper of Aug. 7, says—The following is a translation of the note addressed to the Spanish secretary of state for the foreign department, by the foreign ministers at Madrid, on the 7th of July, of which an article in the Universal, referred to in the Chronicle of the 30th of the same month, had enabled us to give but an imperfect idea:

"After the deplorable occurrences which have just taken place in this capital, the undersigned, a prey to the liveliest apprehensions, on account both of the terrible situation his catholic majesty and his family are placed in, and of the dangers which threaten their august heads, again address his excellency, Mr. Martinez de la Roza, to repeat, with all the solemnity which interests of such magnitude call for, the verbal declarations which they have had the honor collectively to make to his excellency.

"The fate of Spain and of all Europe this day depends on the security and inviolability of his catholic majesty and of his family; this precious deposit is committed to the care of his majesty's government, and the undersigned take pleasure in renewing the acknowledgment, that it could not have been entrusted to ministers more honorable, or more worthy of confidence.

"The undersigned, perfectly satisfied with the explanations, full of dignity, loyalty and regard for his catholic majesty, which they yesterday heard from the mouth of his excellency Mr. Martinez de la Roza, would be wanting in their most sacred duty, if they should not repeat, on this occasion, in the name of their respective sovereigns, and in the most formal manner, the declaration that, on the conduct which will be observed towards his catholic majesty, irrevocably depend the relations between Spain and the whole of Europe, and that the least insult to the king's majesty would plunge the peninsula into an abyss of calamities.

"The undersigned avail themselves of this opportunity to renew, &c."

(Signed) The nuncio of his holiness; the ministers of France and Denmark; the charge d'affairs of Russia, Austria, Prussia, the Netherlands, Saxony, Portugal and Sardinia.

[The British minister, it was stated in the above mentioned article of the Universal, refused to sign the foregoing note on the ground of mere etiquette, but sent in a separate one to the same effect.]

Italy. By a storm of wind and hail, 127 persons were killed in the city of Venice, on the 24th of June.

Sweden. The king of Sweden has issued an *Ordonnance*, by which Swedish subjects are permitted to trade with all the places of the South American continent. To encourage that commerce

still more, a diminution of the custom duties, which hitherto took place only in certain cases, will extend to all merchandise coming from South America to Sweden, imported in Swedish vessels.

Russia. From a report lately made of the extent, population, industry, commerce, &c. of the Russian empire, it appears the 50 governments of Russia comprehend 298,950 geographical square miles, and contain 40,067,000 inhabitants. There are 3742 manufactories in the empire. The capital employed in commerce, as stated by merchants, amounts to 319,660,000 roubles. The revenue arising from the poll-tax, and that upon drink, is stated at 169,350,000 roubles.

Turkey. It is confirmed that the Greeks succeeded in blowing up some of the Turkish fleet, by their fire ships—one of them was a new 74, with the captain pacha and 2000 men. In consequence, the final massacre took place at Scio, and between 4 and 5000 persons were butchered. The Greeks at sea are still able to check, if not defeat, the whole naval power of the Turks; and they feel a confidence of being able to work out their own liberation. Nearly the whole of the Morea is in their possession, and their army therein is reported at 60,000 men, tolerably well armed, but wanting ammunition. The Turks only hold two places in Candia—the Egyptian and Barbary fleets had attempted to relieve them, but they were beaten off with considerable loss. The following is given as an account of the naval forces of the Turks and Greeks—that of the former, in the hands of our brave and experienced seamen, would prove itself the most powerful: the Turks have 6 line of battle ships, 11 frigates, 15 to 20 corvettes, and 20 gun boats; the Greeks in two divisions of 40 each, principally brigs of about 250 tons, a few ships, say 8 or 10, of 4 to 500 tons.

East Indies. A new weekly paper, edited by a learned Hindoo, has been recently published in India, in the Bengalee language. It is the first attempt of the kind; but the first and second numbers were purchased with so much avidity that both were out of print. The subjects on which they treated were the liberty of the native press, and the right of trial by jury. The title of the paper is as singular as its publication is novel. It is entitled "*Singpand Cowmuddy*," or the "*Moon of Intelligence*." The Sun and the Star are by no means uncommon titles; but this is the first instance we have known in which an editor has even impliedly admitted the existence of lunar influence as applied to himself, although the fraternity are often very willing to acknowledge the great extent to which it prevails over others!

Barbary. The plague rages severely at Algiers. It lately prevailed through the whole country, but, in the present case, is yet confined to the capital.

Peru. The state of Peru has established a new flag of three stripes, two of a carnation red on the exterior of a white stripe; in the centre of the white stripe, a sun in carnation red. The superior flag, or flag of the state, a carnation red, with a sun, all in white in the centre. The colors of merchantmen to be the same as the national, three stripes.

Buenos Ayres, May 23. The government has this day received a communication from the agent of the United States of North America, by which the most important facts are made known.

1. A message from the president of the United States and a report from the secretary of state to the congress of the United States, of which exact translations shall be made and published in the gazettes.

2. Both of these documents shall be published and printed separately, in a supplementary number of the official register.

3. This supplement shall be issued and circulated free of expense.

4. The minister of exterior relations is charged with the fulfilment of this order, and distribution of the supplementary register.

(Signed) RODRIGUES, *President.*

BERNARDO RIVADAVIA, *Sec'y of state.*

Hayti. A letter dated Port au Prince, Aug. 24, says—Gen. Romain, a former duke of Christophe's, undertook to raise a kind of insurrection among the Haytians; his purpose was, however, defeated by his arrest, and he not being willing to be taken, or, at least, making considerable resistance, was immediately shot by the guard in the street of *Leogane*, a town about 30 miles distant from this place; he had also hired a young man to bear despatches to *Cape Haytien*, his place of residence, for the purpose of exciting them to an insurrection; the messenger was, however, caught, brought to this place, had his trial on the 20th, was shot the same day, which I was witness to; since which president Boyer has issued the following proclamation:

Proclamation to the people and army.

JOHN PETER BOYER, president of Hayti.

Citizens—Our country was but a short time ago divided and torn by intestine factions. The traces of desolation are to be seen every where; we still behold the victims of those frightful times when crime was heaped upon crime, and when unbridled passions, overturning what might have constituted the force of the country, prepared an easy access for foreign enemies, who unceasingly meditated the destruction of our national independence.

You cannot have forgotten the calamities which have afflicted you for more than twenty years; you are not ignorant of the want of union being the sole cause of all your misfortunes. You are witnesses, that the government, since the foundation of the republic, has not deviated from the route marked out for the amelioration of your condition. By perseverance and good faith, by watchings and sacrifices, it has dissipated the clouds which were gathered over your heads; it has united and attached the scattered parts of the state to a common centre, and has formed out of all the Haytians only one family, rendering triumphant throughout our island the principles of true liberty, the advantages of a wise equality.

The prosperous futurity which such a change seemed to promise to the children of Hayti frightened its foreign enemies, and overwhelmed with chagrin those few within it who regarded the nation as existing only for themselves, and who were ever ready to sacrifice it to their vanity and ambition. Thus both conspired against the public felicity, because their efforts, altogether directed to a different end, co-operated to impede our progress to prosperity.

In fact, whilst I pacified the eastern part, and that glorious revolution proved to Europe the force of our institutions and the shameful and fruitless attempts of France against the Presquile of Samana, gen. Romain, a man whom, on account of his age, (and with a view to satisfy such as dream of our ruin, that no individual influence could overturn the state), I had rescued from the death he merited for having organized the conspiracy at Gonaives in February, 1821, sent secret emissaries to the north to foment troubles and augment the number of his partizans—with what intentions? It could only be for the purpose of subjecting his fellow-ci-

tizens and of obtaining the supreme command, by pursuing the path pointed out to him by Christophe. He, therefore, made use of the same means as the latter did against the victorious Pétion to excite doubts as to his devotion to his country.

With the exception of a few wretched intriguers, none have become the dupes of the artifices of Romain, who, more effectually to deceive good citizens, sent, in the names of generals Gedeon and Lamotteaigron, a messenger to general Magny, to excite disquietude in his bosom and to shake his devotion. For this purpose the old and ridiculous measure was resorted to, of spreading a report that the country was sold to the French. Gen. Magny, highly honorable and indignant at the message which had been addressed to him, arrested James Peter Lamotte, the bearer of it, and informed me of the conspiracy that existed. In answer to gen. Magny I repelled the idea of generals Gedeon and Lamotteaigron being the authors of this infamous message—and ordered the criminal messenger to this capital. But general Romain heard of this the moment it reached Leogane, and attempted to escape from that place, in which he was a prisoner. General Gedeon, who was responsible for his person, and charged with strictly watching him, then ordered him to the guard house—he formally refused to obey, and compelled them to use an armed force, which he also resisted: It is this resistance which, to my sincere regret and contrary to my intentions, has caused the death of general Romain, who doubtless preferred thus to bury his crime than to appear before judges whose severe equity would have quickly unveiled his abominable machinations. Such has been the end of a man, who, because he fought, as did many others, for his country, supposed he could subject it to his will and his caprices. This circumstance, although it has opened the eyes of the nation, and has called forth additional proofs of their unshaken disposition, has, nevertheless, induced other intriguers of a different class to believe, that the moment was favorable for the execution of their projects, by becoming the complaisant echoes of the seditious words of general Romain. Public opinion has defeated the plans of these perverse men, and the vigilance of government will pursue them till they have fallen beneath the sword of the law.

Citizens, the government, strong in the rectitude of its principles, will always march with a firm step, in order that you may enjoy that peace which is the disdain of your enemies, and for which you have made such heroic sacrifices. Neither the speeches nor the arts of ambitious men shall intimidate them; but your repose will be troubled, your families tormented if you do not exert yourselves to stifle them, by denouncing to the magistrates placed as a guard over the public tranquillity, those persons who spread alarming reports, whose seditious proposals have a tendency to shake your confidence. Observe well that these atrabilious characters are to be found in all countries; they are restless and envious, never satisfied with what may be done for them, and their tastes flattered only by the adoption of such innovations as they themselves propose. Thank heaven, their number is but small, and your patriotism sufficient to restrain them, and prevent them from again uniting in order to divide you. If, I repeat, you point them out to the proper authority, they shall no longer be the agents of our external enemies, who await only the slightest disturbance in our country to fall on it and destroy all that you have done for

the happiness of your posterity and the glory of the Haytian name.

Magistrates, functionaries of every description, you are responsible for the public tranquillity; recollect that the people wish to enjoy their liberty, their independence: that it will no longer be the sport of intrigues and factions; that it will obey only the voice of government for the defence of its interests and its rights. Hunt down these alarmists, whomsoever they may be, or to whatever corporation they may belong; pursue them according to the established rules, that they may be convicted and punished according to law, and that the honest and peaceable citizen may be protected. Fulfill, punctually, the obligations you contracted on accepting public stations; know that if your fellow citizens consent to respect you, to honor you as public officers, it is because they consider you as the watchful guardians of their repose; far be from you the criminal idea of acting like those men, who were ambitious of authority, solely because it offered them lucrative advantages, and the power of oppressing their fellow creatures.

Soldiers—You have ever been in the republic, and will forever be the columns on which the national edifice will rest. You will be constantly the terror of designing men, since you have learnt to appreciate the sweets of liberty amidst privations and sufferings known only in camps. You have sworn on your arms, fidelity to government; listen to my voice, it will be raised only to direct you in the path of honor; you have seen me sharing your pains, your fatigues and your dangers; you will still behold me, to my latest breath, consecrating my existence to your happiness, and to make you fondly cherish our rallying words—Long live liberty! Long live independence! Long live the republic!

At the national palace of Port au Prince, 19th August, 1822.

BOYER.

By the president.

B. INGINAC, *Sec'y gen'l.*

Mexico. A letter published at Havana, represents this country as already so dissatisfied at the new order of things, as to have caused the assembling of a force of 10,000 men, who call themselves the "army of the republic." If such is the fact, and such they are, we wish success to them.

The Shakers.

FROM THE PITTSBURG (PA.) RECORDER.

The following account of the Shakers, in Warren county, Ohio, has been furnished by the rev. *Jonathan Leslie*. It probably contains as correct and particular information of their peculiar tenets and practices as any heretofore published.

Mr. Andrews—I here send you an account of the Shakers and their creed, taken from personal knowledge, and acknowledged correct by their elders, together with some of my own remarks on their appearance, manner of worship, &c. You are welcome to publish the whole, or any part of it, as you may think best.

The Shakers live in a village called Union, 30 miles from Cincinnati, and 4 from Lebanon, the seat of justice for Warren county, Ohio.

Their number is 600, and they live in 11 families. The number of individuals in each family varies from 40 to 60, one half men, the other half women, who attend to their appropriate business.

Their dwelling houses are brick and frame, spacious, neat and plain, well finished and convenient. Their apartments are not decorated with ornaments; but are supplied with useful furniture. They are

neat farmers, and their mechanical work is completely executed. Their orchards and gardens are extensive. They have plenty to eat and wear, and appear to be contented with their condition. They are hospitable and social, and frequently bestow large charities to worthy objects.

They have a meeting-house, two stories 65 by 56. The outside is painted white, the roof as well as the walls, which gives it a singular appearance. In the upper story the ministry live. They are two men and two women, who are said to have arrived to an extraordinary degree of holiness. They superintend the whole community, visit different stations, and hear the confessions of those who are initiated into their community. The lower story is for public worship on the Sabbath, and in it are accommodations for a great number of spectators.

In each family are two male and two female elders, who have the whole spiritual direction of the members, and two male deacons, who furnish the kitchen, and attend to all the temporal concerns of the family.

First called at a great house, opposite the meeting-house, and had considerable conversation with three elders; who are men of intelligence and capable of expressing their ideas clearly. They directed me to Matthew Huston, for they Mr. no one who is appointed to converse with the people of the world, and to entertain them. He had formerly been a Presbyterian minister, and left that body in the time of the revival in Kentucky. He appeared very willing to gratify my curiosity, and answer the queries I made relative to their belief and practice.

At 8 o'clock, their stated hour for evening devotion, a folding door was opened, which united two spacious rooms. The men and women formed each a column facing one another, with a space between, at the head of which elder Huston stood. Their devotion commenced by all singing a hymn, in one part of music. The tune was lively, and their words were plainly pronounced. Amongst the women, were several little girls. After singing, the elder gave a short exhortation, and bade them prepare for labor. Then the men pulled off their coats, and the women some of their loose clothes, and all faced towards the head of their column.—Four of the brethren and as many sisters sung and the rest danced. At certain turns in the music, they spat on their hands, turned entirely round and still continued dancing. They sung a more lively tune, and danced with a more lively step.—They sang another hymn and immediately retired to rest.

My feelings at what I have just seen I cannot express. Their hymns are poor compositions, and partake strongly of their peculiar sentiments. Their singing and dancing are very similar to what I have frequently seen practised by the Indians. Never did a greater mixture of sensations crowd upon my mind. I felt contempt for their folly, pity for their ignorance, indignation at their leaders, who, to think the most charitably of them, ought to know better, and I wept at the awful disappointment they must experience when they enter the eternal world—when their sandy foundation shall be swept away, their hopes fall, and they be forever undone!

I retired to rest; but the recollection of what I had seen drove sleep from my eyes. I concluded they only are happy whom the arms of everlasting love support.

In the morning they rose at 4 o'clock and one half hour after attended their morning devotions. They took their places as described last evening, and sung a hymn of praise to, and expressive of, confidence in God their mother, after which they all fell upon their knees, and appeared to be in silent devotion for some minutes. They then arose and went to their respective apartments.

They are regular and systematic in every thing they do. They retire at 9 o'clock, rise at 4, breakfast at 6, dine at 12, and sup at 6. They keep a school, where children of both sexes are taught.—It is said that their teachers assiduously inculcate their peculiar principles upon their pupils. When their children are of lawful age to act for themselves, they insist on their making a choice either fully to unite with the community or to leave it. They inform me that, in seven years past, 200, young and old, have joined their community. They have no summary of doctrine; but, by looking over their books, and from conversation with them, I drew up the following creed, which they acknowledge as their belief.

There is one God, but no Trinity of persons in the Godhead. That the Son is inferior to the Father, and in the work of creation was used as a subordinate agent. That the principal excellency of the man Jesus Christ consisted in his being filled with the divine spirit. They deny the propitiatory nature of the atonement of Christ, and hold that he suffered only for our example, to show us how we are to crucify the flesh, that is, to eradicate our natural propensities and affections. They believe that none of those who died before Christ went to heaven, but that a number of them went with him to that blessed place, after his resurrection.

They believe that the plan of salvation was not developed, nor perfect holiness required of those who then professed religion. But that Christ has come a second time, "without sin unto salvation," in the person of a female; and now the plan of salvation is perfectly revealed and understood by all Shakers; perfect holiness is now required and attainable, and the example of Christ is to be literally followed. Hence they will not permit the members of their church to marry; nor those who are married, when they unite with them, to live together as husband and wife. They believe they are the children of the resurrection, and must neither marry nor be given in marriage, but be as the angels of heaven.

They deny the doctrine of God's decrees, and of justification through faith on the merits of Christ. But believe, when they confess their sins to their ministry and are absolved, they then live perfectly holy and free from every taint of sin. They believe the day of judgment commenced when Christ appeared the second time in the person of Anna Lee, and that it is still progressing. That her spirit diffused on the ministry enables them to judge, acquit, or condemn, and that they confer a portion of that same spirit on all that they account worthy of eternal life, which lives in, and continually governs them.

They say the resurrection is past, and will never be a resurrection of the body. They believe that judgment, begun in this world, will be continued until all the souls of the wicked, who departed this life ignorant of the gospel, as it is held by the Shakers, have an offer of it, and if they become Shakers, they shall be saved; if not, they shall be made eternally miserable. They believe the Bible is of no use now, farther than to prove the introduction of their new dispensation.—It is the old heavens which

have passed away. They deny the charge of worshipping Anna Lee. They trace the origin of their denomination from the French Jumpers.

Though they disavow worshipping Anna Lee, yet in their hymns they address their parents and their mother. It is my opinion they worship her as much as they worship Jesus of Nazareth.

Massachusetts Colonization Society.

From the Boston Daily Advertiser, Sept. 7.

The adjourned meeting on the subject of an Auxiliary Colonization Society, and of a society to aid in the suppression of the slave trade, was held on Wednesday evening, *George Blake, esq.* in the chair, *Mr. Lewis Tappan*, secretary, in the absence of the rev. *Mr. Frothingham*, who acted as secretary at the previous meeting. The following report was presented by the committee and read, and, after an interesting discussion of the whole subject, was unanimously accepted.

The committee appointed to consider the expediency of forming a society for the purpose of aiding the funds of the American Colonization Society, or of assisting in the suppression of the slave trade, have paid such attention to the subject referred to them as the time and their opportunities would permit, and respectfully submit the following report:—

The importance of providing some remedy for the evils arising from the rapid relative increase of the black population in some portions of our country, is becoming every year more serious. It is now well known, that, where a slave population abounds, their ratio of increase is much greater than that of the people among whom they live; hence the time cannot be far distant, when their numbers, in some of the states, and their power, will predominate over that of those who hold them in servitude, unless some mode is devised of diminishing their numbers, or some provision made for removing the surplus portion of them.

It was in the expectation of furnishing, in some measure, a remedy for these evils, or at least of diminishing their danger, that the American Society for colonizing the free people of color of the United States was established. The society has been in operation nearly six years, and its affairs appear to have been conducted with much enterprise and zeal, and, as your committee believe, in a spirit of enlightened christian benevolence.

Were the objects of the society extended no farther than to the colonization of such people of color in our country as are already free, or who will become free in the ordinary course of events, they would not, in the view of the committee, be such as to excite that deep interest among us, which is necessary to secure a very active co-operation. It might, indeed, afford some advantages to that unhappy people to remove them from their present degraded state, to a condition more free from temptations to vice, and more favorable to moral and intellectual improvement; and it would, doubtless, confer a benefit upon the community from which they are taken. And if, through the medium of a colony thus established, the arts of civilized life and the blessings of christianity can be introduced among the people who are ignorant of both, the good that may be done, may be greatly increased. But the accomplishment of the objects, valuable as they are, appears too remote and of too difficult attainment to admit of their enlisting our feelings very ardently in the cause. Other objects of benevolence press upon us with more urgent

solicitations and more immediate prospects of usefulness.

But if, while those purposes are accomplished, the colonization of the free people of color will aid effectually in the suppression of the slave trade, so as to lead to the entire abolition of that detestable traffic; and, at the same time, afford such encouragement to the emancipation of slaves as to prepare the way for the gradual extermination of slavery, it would become an object worthy of the attention and assistance of the whole christian world.

That such are the designs and expectations of those who are most active in managing the concerns of the American Colonization Society, the committee have the fullest confidence. The committee are not prepared to give an opinion how far these expectations are likely to be realized. If a colony, decidedly and actively hostile to the slave trade, can be maintained on the coast of Africa, and especially if several could be supported on different parts of that coast, much might doubtless be done to aid cruisers in the pursuit of slave ships, by furnishing supplies, and by giving information of their places of rendezvous. We are also assured that there are proprietors of slaves who are desirous of emancipating them, and that many will be thus emancipated as soon as an asylum shall be suitably prepared for them, and the means provided of transporting them to it.

We have no means of ascertaining how extensively such a disposition prevails among the holders of slaves. But there is reason to apprehend that it is at present limited to a very small proportion of them. The events of the last two or three years have furnished melancholy proof, that the great body of the people in the slave holding states are very little disposed to relinquish any of the advantages which their slaves afford them. That there are exceptions to this feeling, we are fully persuaded—and we hope there are many. It is only from the belief which the committee very cordially entertain, that the active members of the American Colonization Society are perfectly disposed to frame their measures with reference to the entire suppression of the slave trade, and to a gradual and prudent, but complete, emancipation of those now held in slavery, that we can regard the society as having any claim upon the sympathy or assistance of the people of New-England.

At the same time, there are other modes by which assistance can be given towards suppressing the slave trade, without losing sight of the objects which have been mentioned.

A society is particularly needed to aid in prosecuting those who are concerned in carrying on this trade. By combining the influence and exertions of its members, this purpose may be accomplished much more effectually than it can by individuals alone.

The committee would, therefore, respectfully recommend, that a society be formed for the general purpose of assisting in the suppression of the slave trade; that a subscription be opened to provide funds for the proposed society; and that the government of the society be fully authorized to make such a disposal of the funds as they shall judge most conducive to the object of its institution. If, on further attention to the subject, the managers of the society shall be satisfied that the operations of the American Colonization society are favorable to the suppression of the slave trade, they will be disposed to aid them as far as their funds will permit; while they will not neglect any other means that may present themselves, of accomplish-

ing that object. As, however, there may be some who are prepared to contribute at once to the American Colonization society, the committee would propose, that the subscription should be so arranged as to leave it to the option of each subscriber, either to appropriate the amount of his subscription directly or indirectly to that object; or commit it to the disposal of the government of the society.

Per order,

E. HALE, Jr.

The committee also presented a draft of a constitution of the proposed society, which was adopted, as follows; and it was voted that the blank in the second article be filled by the managers:

Constitution of the Massachusetts Society to aid in the suppression of the Slave trade.

Article 1. The society shall be called "the Massachusetts Society to aid in the suppression of the Slave trade;" and its objects shall be, either to assist the American Colonization society, or to contribute towards suppressing of the slave trade by such other means as the managers shall judge best.

Art. 2. Every person who shall subscribe and pay annually a sum not less than — dollars, shall be a member of the society.

Art. 3. The officers of the society shall be a president, vice-president, corresponding and recording secretary, and a treasurer, who shall also be managers, and five additional managers; the board of managers shall have power to elect honorary vice-presidents.

Art. 4. Every member shall be permitted to appropriate the amount of his subscription, either to be paid over to the American Colonization society, or to be left at the disposal of this society, as he shall direct in his subscription.

Art. 5. All the funds of the society, not specifically appropriated, as described in the preceding article, shall be subject to the order of the board of managers, to be disposed of as they shall judge most conducive to the objects of the society.

The society was then organized by the election of the following officers:

Hon. Daniel Webster, <i>President.</i>	
George Blake, esq. <i>Vice-president.</i>	
Rev. S. F. Jarvis, D. D. <i>Corres. secretary.</i>	
Bradford Sumner, esq. <i>Recording secretary.</i>	
Samuel H. Walley, esq. <i>Treasurer.</i>	
Richard Sullivan, esq.	} <i>Managers.</i>
Mr. William Sturgis,	
Bradford Sumner, esq.	
E. Hale, Jr. M. D.	
John Tappan, esq.	

National Policy.

TO THE EDITORS OF THE NATIONAL INTELLIGENCER.

Gentlemen: One of your late papers contains a strong panegyric on what you are pleased to style the "let-us-alone policy of our government," predicated on the present prosperous state of some of the manufactures of our country; which you appear to regard as an indubitable proof of the correctness of the rejection of the applications made by the manufacturers to congress for additional protection in past years, and of course of the impolicy of those applications.

I answer to your own expressions:

"Let us alone."—Every day brings to our view some additional proof of the wisdom of the policy of our government, in refusing to meddle with the interests of the manufacturers. In every part of the country where they are conducted with any sort of discretion, they are prosperous, no less in

the west than in the east, in the middle than in the extreme states.

How far congress, the parent of this policy, is entitled to the panegyric—and how far the policy in question displayed a sound view of the national interest, or humanity and justice towards the manufacturers, a large, respectable, and useful body of citizens, will appear from a very brief view of the subject.

War was declared in the year 1812: and through the pernicious operation of the "let-us-alone policy" pursued respecting manufacturing industry, from the organization of the government, it found the country in a lamentable destitution of the means of supplying itself with the most necessary articles of linen, cotton, or woollen clothing, for which, as well as the great mass of manufactures of iron, steel, brass, copper, &c. we had been almost wholly dependent on Europe. The supply of foreign merchandise of every description in the country was then inconsiderable, in consequence of years of embargoes, non-intercourse, &c. &c. and, being utterly inadequate to the demand, prices rose considerably.

This state of things tempted our capitalists, among whom were hundreds of merchants, whose commerce was nearly annihilated by the war, to devote their time, their talents, and their industry, to manufacturing establishments, in order to supply the deficiency. In those establishments, which arose, as it were, by magic, in every part of the country, millions were invested—and such were the energies of the citizens engaged in those pursuits, that, in a very short time, the wants of the country were supplied, and prices restrained within reasonable bounds; whereas, but for this timely aid, they would have risen most exorbitantly.

In these undertakings the parties had to struggle with immense difficulties. There having been little previous encouragement for machinery, and for certain manufactures, particularly cotton and woollen, mechanists and workmen were scarce and inexpert. Many of them led their employers into useless expenses, through their incapacity. Their wages were in many instances extravagantly high, as were all the raw materials, of which the prices were generally doubled, and in many cases trebled. The manufacturers effected loans, and contracted debts, in paper money, which were to be repaid ultimately in solid coin. In a word, it is a subject of wonder to every rational person, how they were able successfully to contend with, and finally to overcome, the host of difficulties and embarrassments with which they were surrounded. But, to their honor be it recorded, they were generally successful, and were 'in the full tide of successful experiment' when, unexpectedly, peace was proclaimed, and our country was deluged with rival foreign manufactures, which were sold in many cases at and below prime cost. The consequence was, that the markets were almost wholly supplied by them, and closed against our citizens.

In this period of distress, with ruin impending over them, they appealed for protection to that country to whose wants they had in time of need so beneficially ministered. But the appeal was in vain. The tariff was modelled almost wholly with a view to revenue. The article of coarse cottons forms a striking and splendid exception. They were protected by duties nearly prohibitory, averaging probably sixty per cent.

At the first glance it appears extraordinary and almost unaccountable, that the manufacturers of these articles should have such a powerful protec-

tion, and their fellow citizens, engaged in manufacturing woollens, iron, steel, brass, copper, lead, tin, glass, and china, have no more, the first than twenty-five, and all the others twenty per cent. This displays a very unequal distribution of favor, which is wholly irreconcilable with justice and consistency. It would be impossible to assign any sound reason why one class of citizens should be shielded by duties of sixty per cent—and others by no more than twenty. But the motive is easily developed. The manufacture of coarse cottons affords a most important and extensive market for the grand staple of the southern states. If imported at twenty or twenty-five per cent. duty, that species of goods, in consequence of their low price, would yield but little revenue. Therefore, in affording the domestic articles full protection, the solid and substantial interests of the cotton planters were carefully and scrupulously guarded, without materially affecting the revenue.

This, however, is somewhat of a digression. I return to the main point.

The affecting appeals to the justice, to the humanity of congress, were rendered nugatory—and all sympathy for the awful sufferings of the manufacturers were extinguished—by a cry of extortion, which, for illiberality and injustice, (I might use stronger terms with perfect propriety), has never been exceeded. Men who sold cotton at thirty-three cents, and wool at three dollars per pound—flour at eleven, twelve, thirteen, and even fourteen dollars per barrel—and tobacco at one hundred and eighty-five dollars per hogshead, felt no "*compunctious visitings of conscience*" at the transcendent injustice of branding their suffering and ruined fellow-citizens with the odious accusation of extortion for raising the price of broadcloth and other articles, forty, fifty, sixty, seventy, or eighty per cent. *beyond the peace prices*; whereas, be it observed, the raw materials were advanced from one hundred to two hundred and fifty per cent—labor fifty or sixty, and paper money, which formed the great mass of the national currency, had depreciated ten, twenty, and thirty per cent. Thus it was perfectly just and right for the farmers and planters to raise their prices one hundred, one hundred and fifty, or two hundred per cent—whereas it was monstrous wickedness for the manufacturers to raise theirs one-half or one-third as much!! That the world has never exhibited a more shocking illustration of the parable of the beam and the mote, will scarcely be denied by any man who has a regard to his character for veracity or honor.

From year to year, from 1816 to 1820, distress and ruin spread among the manufacturers. All the powers of language were exhausted in imploring the interference of congress to rescue them. But, I repeat, to all entreaties, expostulations, and appeals to justice or pity, an inexorably deaf ear was turned. Millions of money which had been invested in useful establishments were sacrificed—hundreds of estimable citizens, who had embarked their fortunes in those establishments, were bankrupted—and thousands of workmen bereft of employment, some of them thrown on the overseers of the poor for support, others driven to labor on the roads, and a large proportion to the pursuits of agriculture, for which their habits wholly incapacitated them: and thus the agricultural part of our population was deprived of so many consumers, who were perniciously converted into rivals. It is needless to dwell on the pernicious operation of this system on the agricultural interest.

While these lamentable scenes were going on,

it was confidently asserted that manufactures were adequately protected—that the complaints of the applicants were unwarranted—and that the clamor on the subject arose from persons disaffected to the government! These assertions, destitute of the shadow of foundation, to which the state of the country gave the most pointed contra-faction, were re-echoed, in and out of congress, with as much confidence as if they were capable of mathematical demonstration. And many of the newspapers throughout the union lent themselves to the dissemination of such delusive statements, to which they afforded factitious credit, whereby every avenue to relief was unfeelingly closed, and the sufferers consigned to hopeless ruin.

But impolicy generally works its own punishment. This was exemplified here in a most remarkable degree. The farmers and planters, the votes of which classes in congress had sealed the destruction of their fellow citizens, were overtaken by and involved in an equal calamity, the natural and inevitable result of the system so fatally pursued, whereby the industry of the country was cramped, and its resources impaired. The enormous importations, which high duties would have checked, and brought within somewhat reasonable bounds, so far exceeded the amount of our exports, that the country, after immense remittances of bank and government stock, was drained of its specie, notwithstanding an importation by the bank of the United States, in 1817—18, of above 7,000,000 dollars, at the enormous expense of above 500,000 dollars. This deprived the banks of their main support. It obliged all of them to press on their debtors, and many of them to stop payment. As a natural consequence, all the operations of industry, of every description, were more or less paralyzed throughout the country—and scenes of distress produced, which, to the end of time, ought to serve as a beacon to warn governments against the "*let-us-alone policy*."

Although these facts are of very recent occurrence, and have left behind them melancholy and lasting memorials of their existence in the blighted prospects of thousands of estimable families, it has lately become fashionable to deny them, and to charge all reference to them to the account of a grumbling and discontented spirit; it is, therefore, incumbent on me to produce vouchers to establish them, beyond the power of contradiction.

A report made to the legislature of Pennsylvania, in the session of 1819—20, presents a most alarming picture of the calamitous situation of the state at that period, from which I submit a few extracts. Among its features are enumerated—

"Ruinous sacrifices of landed property at sheriff's sales, whereby, in many cases, lands and houses have been sold at less than a half, or a third, or a fourth, of their former value, thereby depriving of their homes and of the fruits of laborious years, a vast number of our industrious farmers, some of whom have been driven to seek, in the uncultivated forests of the west, that shelter of which they have been deprived in their native state."

"Forced sales of merchandise, household goods, farming stock and utensils, at prices far below the cost of production, by which numerous families have been deprived of the common necessities of life and of the implements of their trade."

"A general suspension of labor, the only legitimate source of wealth in our towns and cities, by which thousands of our citizens are rendered destitute of the means of support, and are reduced to the extremity of poverty and despair."

"An universal suspension of all large manufacturing operations, by which, in addition to the dismissal of numerous productive laborers heretofore engaged therein, who can find no other employment, the public loses the revenue of the capital invested in machinery and buildings."

This frightful portrait, too true to nature, applied equally to the interior of New-York, and to the great mass of the population of Ohio, Kentucky, and Tennessee, embracing, together, about one fourth part of the citizens of the United States.

Here I might make a stand, and rest the merits of the question on the "let-us-alone policy," the bane and scourge of every nation where it has prevailed. Till all remembrance of those hideous scenes shall have faded from our minds--till these awful warnings shall have been obliterated from our historical records, it is imprudent to vaunt and eulogize the system from which they flowed. It is really "*renovare infandum dolorem*."

But I do not choose to depend on the above proofs alone. I shall bring other authorities, to which many of your readers will more readily bow down than to that of any committee of a state legislature. Only two years and a half have elapsed since the secretary of the treasury summed up a frightful detail of the calamitous situation of the country, with this short statement--

"Few examples have occurred of a distress so general and so severe as that which has been exhibited in the United States."

And one year later, viz. in 1821, a committee of the house of representatives of the United States assigned the general distress of the country as a reason against the imposition of an excise:--

"The imposition of an excise at this season of extreme distress, would be unwise, and is not demanded by the state of the treasury. If imposed, it would be difficult to collect:--and, if collected, it would, in some parts of the union, be in paper little available."

I presume that no man of character will ever hereafter be so unwise as to hazard that character by a denial of these facts, thus resting on the most impregnable basis.

It has afforded matter of intense astonishment to the observing part of mankind, that a nation with natural advantages, rarely, if ever, equalled--certainly never exceeded--with a population second to none in the world for skill, industry and enterprise--with the most perfect freedom of will--with a debt of not more than ten dollars per head--taxes insignificant--an unexpensive government--freedom from tithes--that a nation, I say, under such very favorable circumstances, could, in a period of profound peace, and after a war of only about thirty months' duration, by any conceivable policy whatever, without any great natural calamity, be precipitated in five years from the towering height we occupied at the close of the war, to the abyss in which we found ourselves in 1819, as so accurately depicted by the secretary of the treasury. But this is the natural and inevitable effect of the "let-us-alone policy," whereby the resources of the country, which ought to be employed for the protection of our own industry, are wantonly lavished to promote that of foreign nations.

That the country was, in the year 1821, and is now, in a state of convalescence, is beyond a doubt.

*It is a singular fact, that the revenue of England for the year 1815, was nearly treble--and the mere excise in 1817 was nearly equal to our entire national debt.

For such is the power of human industry, and so boundless are the resources of the United States, that no system of policy, however injudicious, can permanently depress her. She will, by our present policy, so long as it endures, be, from time to time, subjected to a renewal of the calamitous scenes of 1817, 1818, 1819 and 1820. But her native energies will enable her, like Antæus, to rise again in pristine vigor, with, or, as in the recent case, without the aid of government. I say distinctly, *without the aid of government*--because the most zealous advocate of congress cannot point out a single measure adopted, during all the awful scenes of the above-mentioned years, whose object was to apply a remedy to the public distress. Therefore, the melioration of our affairs is not to be ascribed to congress. Suppose a physician called in to a patient, writhing under a most acute and dangerous disorder: suppose he looks on with sang froid--does not feel the pulse--prescribes no remedy--affords no aid whatever, but lets the disorder take its course. Should the patient recover through the force of a sound constitution, would it not be regarded as something worse than folly for the physician to claim any merit for the escape? It is equally incorrect for congress to claim any merit from, or their friends to extol them for, the recovery of the nation from a state of distress so general and severe that few examples of the kind have occurred--a distress on which they looked with the most sovereign indifference, and without making a single effort to apply a remedy.

These are unpalatable truths. But, however unpalatable, they are matters of history. And the system pursued, together with its authors, and its baleful consequences, will be duly appreciated, when you, gentlemen, and your present correspondent, are consigned to the peaceful grave.

Our career, short as it has been, has afforded striking proofs of the ruinous effects of the *let-us-alone policy*--as well as of the benign ones of the protecting system. In addition to the facts above stated, in proof of the first point, it must be abundantly sufficient to refer to the deplorable condition of the United States in the years 1783, 84, 85, 86, 87 and 88, when the *let-us-alone policy* was the order of the day, and in full and unrestrained operation--and when public distress drove our legislative bodies to paper money, with suspension and tender laws--and a portion of our citizens to insurrection. On the second point, I shall confine myself to two cases--the coarse cottons, and our tonnage.

The coarse cottons are a very trite example, and have been often adduced in similar discussions.--But while our present policy continues, the example cannot be too often urged on the public attention. The duty on these goods is almost prohibitory. What has been the effect? Salutary or otherwise? Salutary in the highest degree. The goods are manufactured far superior to the imported rival articles; are cheaper; afford a most important market for a native staple; diminish the quantity of that staple exported: of course, prevent a reduction of price abroad; furnish employment to thousands of our citizens; and, so far as they amount, aid to reduce the balance of trade which has been, and is so ruinously against the country. How can a system, thus fairly tried in one important case, and found so eminently advantageous, be other than wise and beneficent?

The case of the tonnage of the United States is at least equally strong. No nation ever enacted a system of more protection, restriction, and exclu-

sion, than our navigation laws. They occupied the earliest and most sedulous attention of the first congress, and have never been lost sight of by their successors. Confiscation attends the attempt to carry on the coasting trade by any foreign vessels. Every means that ingenuity could devise has been adopted to protect our commerce. We have buckled on our armor and entered the lists with France and England, to accomplish this object—and in both cases have been successful. What has been the happy result? Why, that, in a very few years, this nation became the second in the world in point of tonnage. Had we pursued the *let us alone policy* with respect to our shipping, it would have been depressed and ruined by foreign rivalry, as our manufactures have been. No man of enlarged mind, who allows that mind fair play, can resist the strong inference deducible from these two cases—an inference which passes sentence of condemnation on the miserable *let us alone policy*, as to manufacturing industry—a policy which humbled Spain and Portugal in the dust for centuries, notwithstanding the extraordinary advantages afforded by their colonies—while the restrictive system has raised England to a degree of power to which neither her extent, her population, nor her natural advantages, entitle her; and has enabled France to overcome all the injury she sustained by a twenty years' war—the rapine of ferocious and embittered victorious armies; together with a military contribution amounting to 100,000,000 of dollars. He that will not be convinced by these facts, would not be convinced 'though one rose from the dead.'

HAMILTON.

P. S. Should it be objected to this essay, that it contains but little novelty, it may be correctly replied, that it is about as new as the defence of the *let us alone policy*, on which it animadverts.
Philadelphia, Aug. 30, 1822.

Roads and Canals.

Report of the committee on roads and canals in the house of representatives, January 2, 1822.

The committee on roads and canals, report:

That they have considered the general subject submitted to their charge, and also the specific objects of internal improvements which have been referred to them.

In relation to the subject, under its general head, they believe it will not be controverted, that, after the formation of a good government, it is the next interest of a nation to adopt such a system of internal policy as will enable the people to enjoy, as soon as practicable, all the natural advantages belonging to the country in which they live. Labor is justly considered to be the wealth of a nation—productions of every description, and all things valuable, are produced by it—and the whole operation of a society of people, as regards their political economy and social intercourse, consists in obtaining what are usually called first materials; in the conversion and fashioning of these for use; and the transportation of the raw or manufactured articles to the places where they are finally wanted. The transportation necessarily forms a heavy charge on the fund of labor, and, in proportion to the reduction of labor, in this respect, will be the gain of a nation, as the part saved can be employed to advantage in other objects.

The great extension of our territory, and its various latitudes, abounding in almost every species of products, will always render the expense of

transportation an object of great and national importance.

Although artificial works may not, for a while, afford a profit to the undertakers, still they will be beneficial to the community at large, not only by the increased value they will give to the productions at a distance from market, but, also, by an increase of the quantity of productions, in consequence of the additional excitement to enterprise, and the general diffusion of industry.

The utility of good roads and canals has been tested by long experience in other countries. In China, it is said, that, by means of their water carriage, their home market is nearly equal to the whole market in Europe. Satisfactory evidence of the immense advantages to be derived from canals, is likewise furnished from almost every part of Europe, and particularly in England, where they have been extended, within the last fifty years, in every direction, supplying the demands of one place by the resources of another, and so extensively spreading industry, as to enable them to supply their own wants, and to furnish vast exports to exchange for the wealth of other countries.

It must be a source of gratification to every American, when he reflects that his own country possesses advantages, in this respect, not inferior to that of any other on the globe—and that there is none that presents higher inducements for the legislative aid of its councils, or where there is a greater certainty of being repaid for any expenses which their patriotism may bestow.

From a well regulated system of internal commerce in the United States, by the means of good roads and canals, the happiest consequences may be expected to flow. We enjoy almost every variety of climate, and possess populous cities and condensed settlements, as well as vast tracts of country thinly inhabited. A regular trade in the exchange of manufactured articles for raw materials would take place, and the nation would receive, within itself, the whole benefit that is usually gained between old and new countries. It is admitted by the ablest writers on political economy, that the most important branch of the commerce of any nation is that which is carried on between the inhabitants of the towns and those of the country: customers become acquainted with each other, and less risk is generally incurred.

It is also essential to the prosperity of a nation to obtain all the labor it can from its members; and, as it is composed of people possessing various talents and inclinations, every reasonable encouragement should be given to each branch of national industry, as a means of calling into activity the different qualifications of men; and, besides, from a frequency of intercourse among the citizens living in different parts of the country, close and profitable connections would be formed, which would have a tendency to produce harmony and affections that would add to the safety of the union: the people would reap great benefits, from a stability in their affairs, as a judicious system of internal commerce would create a certain proportion, or level, in all the departments of industry, that could not be readily disturbed by the wars and vicissitudes of other powers. From charges of this description, over which we had no control, this country, in several instances, has experienced shocks and sustained losses, which would far exceed (as it is reasonable to conjecture) the aid or expense necessary, on the part of the general government, for the completion of such artificial roads and canals, and

improvements in rivers, as would satisfy, in this respect, all the real exigencies of the country.

Among the many objects of improvements in inland navigation, some are limited and within the means of individual and state enterprize—others are of a character too extensive, their productiveness depending on improvements to be made in different states, at great distances from each other. The great and important line of inland communication contemplated along the Atlantic coast, would be beneficial, in various degrees, to more than one half the states in the union; yet no one or two states would have sufficient inducements to furnish the necessary means for the completion of any of its parts; nor could a union of sentiment be scarcely expected among the states through which it would pass, as to the particular routes, or modes of execution. Such objects are great and national, requiring one general head, and, consequently, the aid of the general government is rendered indispensable, as well as regards the funds to be furnished as the facility of execution. Objects of such transcendent importance to the welfare and defence of the nation must be perfected by the general government, or their perfection can scarcely ever be expected. Had we waited for the joint agency of states, more than an age would have passed before we should have seen a road constructed by the union of states, equal, in national design and costliness, to the road from Cumberland to Wheeling. Objects on the large scale of national benefit are creatures of the union, the scope and views of state authority being local in their nature.

The committee will further observe that, antecedent to the existence of the general government, several states could not have perfected an object of this kind, without entering into some understanding or compact, in the nature of a treaty, in the character of independent states; but serious doubts may now exist on the subject, as states are not allowed by the constitution, to enter into any agreement or compact with each other; it will, at least, be difficult to say how such a power can be exercised by the states, which could be enforced, unless by corporations, in perpetuity, or by the consent of congress.

The committee will not undertake to make researches into the history of the rise and progress of canals and internal improvements, in ancient or modern times, in foreign countries; but the task is an agreeable one to pursue, even partially, the public spirit that has prevailed on this subject in many of the states. The works that have already been constructed are so many evidences of the opinion of the people in favor of their utility beyond their expense, and from them much experience has been derived, as to skill and economy, that will be very useful hereafter. Their influence should operate as a persuasive inducement to the general government to begin her own great work for her own benefit.

As to most of the improvements that were perfected prior to 1808, the committee will refer the house to a report of the secretary of the treasury, dated 4th of April, of that year. This plain and valuable document contains more information on the subject in general than is to be found any where else. Since that period, great efforts have been made towards internal improvements, but the committee do not possess an accurate knowledge as to their extent, and even if they were to embrace all the public improvements that are within their collection, it would too much enlarge this report; a few objects will, therefore, be selected.

In Massachusetts, a magnificent work or dam, a

mile and three quarters in length, has been constructed, to connect the town of Boston with the main land, at an expense of about 600,000 dollars. An allusion need only be made to the patriotic and laudable efforts of the state of New York, as to grandeur in the designs, and the execution of so great a part of their immense undertakings. Pennsylvania has made great advances in the construction of permanent bridges over her large rivers, and in the making of artificial roads; and is now engaged in the grand object of connecting the Susquehanna with the Schuylkill by the union canal. Maryland has made expensive roads, in many directions, for the accommodation of her citizens, and to bring trade to her capital. Virginia, in 1816, enacted a law, creating a board of public works, with power to appoint engineers and surveyors, and also creating a fund to be applied exclusively to the rendering navigable, and uniting, by canals, the principal rivers, and more intimately connecting, by means of public highways, the different parts of the commonwealth. North Carolina has made many and expensive improvements in roads and canals. In the state of Georgia, it appears, from official documents, that 189,000 dollars have lately been expended in public improvements, besides 100,000 dollars for free schools. In the state of Tennessee, the legislature has unanimously appropriated \$500,000 for the purpose of improving the navigation of the rivers in the state.

Public examples need not, at present, be farther traced.

The national objects, which, in the opinion of the committee, claim the first attention of government, are—

1. The great line of canals from the harbor of Boston to the south, along the Atlantic sea coast.
2. A road from the city of Washington to that of New-Orleans.
3. Canals to connect the waters of the Ohio above with those below the falls, at Louisville; lake Erie with the Ohio river, and the tide waters of the Potomac with the same stream at Cumberland.
4. Communications between the Susquehanna and the rivers Seneca and Genesee, which empty into lake Ontario.
5. Communications between the Tennessee and Savannah, and between the Tennessee, Alabama, and Tombeckbee rivers.

For the more particular information relating to those objects, and for their magnitude and the many and high advantages which they would produce to the union, either in times of war or peace, the house are referred to the above report of the secretary of the treasury, and to the very interesting and convincing report of the secretary of war, dated January 7th, 1819, which reports the committee beg may be annexed to their present report. As to some of the objects mentioned, or parts of them, it will be important, previous to the commencement of any general system, to form the basis of it upon the best information that can be obtained by scientific men; the committee, therefore, beg leave to report a bill, entitled "An act to procure the necessary surveys, plans, and estimates, on the subject of roads and canals."

The committee will make separate reports on the subject of the Chesapeake and Delaware canal, and the other objects referred to them.

HOUSE OF REPRESENTATIVES, APRIL 26.

The committee on roads and canals, report:—

That, after carefully examining the different resolutions and petitions submitted to them, they

have thought it best to make a general report, embracing the several objects of reference.

The committee have already reported that they consider it expedient to have a certain section of the state of Maine explored, for the purpose of ascertaining, by survey, the proper route for a road, and whether it would be useful in a military point of view, from the Penobscot river, at or near Bangor, to some point in the eastern boundary of the state; and, also, in favor of a survey being made to ascertain whether it would be proper for the general government to aid in the construction of a canal in the town of Gloucester, in Massachusetts, to connect the waters of Boston and Ipswich Bay in order to avoid the tedious and dangerous passage round Cape Ann.

The committee will bring the remaining cases referred to them into the view of the house.

The legislature of the state of New York have passed the following resolution, which has been transmitted and referred.

In assembly, April 10, 1822.

Resolved, (if the honorable the senate concur herein), that our senators, in congress, be instructed, and our representatives requested, to call the attention of the national government to the great importance and public utility of improving the navigation of the Hudson, so as to open a free communication and direct intercourse, for vessels of all descriptions, with the internal canal navigation of the state of New York.

The design of the resolution, as the committee understand, is to remove sand-bars that exist in several places in the Hudson river, and impede its navigation by vessels over a certain size. To improve the navigation of the tide waters of this river would require an expense of about two hundred thousand dollars, and it is believed to be practicable, either by the construction of piers and dams, in such places as may be proper to concentrate the current of the river, so as to give it, with the assistance of the engine called the mud turtle, where necessary, power sufficient to remove the bars, and to prevent future deposits, or avoiding them by a lateral canal, or a combination of both.

It appears to the committee to be an object, which, in an eminent degree, is deserving of the aid of the general government, to perfect the navigation of this river, which exhibits the phenomenon of carrying its tide waters through a mountain, and is destined to communicate with such a range of lakes and fertile countries.

Resolutions of this house have been referred, instructing the committee to inquire whether it is expedient for the U. States to give aid to the Delaware and Raritan canal company, and to the Chesapeake and Delaware canal company.

The advantages to be derived from these contemplated canals, as forming central links in the great line of inland navigation along the Atlantic coast, is apparent; they would afford a cheap transportation for merchandise and munitions of war, free from the dangers of storms and enemies. On this subject several committees have reported in favor of their great importance and public utility.

A resolution has been referred, instructing the committee to inquire into the expediency of appointing commissioners to examine and report as to the practicability and probable expense of connecting, by a canal, the Potomac and Youghagany rivers; and sundry petitions have been referred in pursuance of the same object, which state that these rivers approach each other within the short

distance of two miles; and that springs and rivers which supply them, are amply sufficient to furnish water on the summit level; and that the expense would be inconsiderable, compared with its great importance.

Petitions have also been referred, earnestly soliciting the attention of congress to the navigation of the Potomac river; the petitions state, that "this stream presents a direct communication from the seat of the general government, and the tides of the ocean, to the gentle and unobstructed waters of the west; the portage across the Alleghany mountain in about seventy miles, by the national road now completed. From Cumberland, on the Potomac, the commencement of this road, to the tides at the city of Washington, is the distance of one hundred and eighty eight miles, by the river; and the total fall is seven hundred and fifteen feet, or near four feet in each mile; this fall, with the scanty supply of water in dry seasons, renders the natural channel impracticable for useful navigation; and, to remedy this defect, a canal and lock navigation must be resorted to the whole distance; the expense to be incurred in completing this improvement, it can be easily ascertained, would not exceed two and a half million of dollars, estimated at the ordinary cost of such works, where obstacles of equal or greater magnitude have been overcome.

The committee need not endeavor to enumerate the many great advantages to be derived from a connection of the river Potomac with the western waters; they will only observe, that the project becomes more elevated and interesting, when they consider the practicability of extending this inland navigation to the lakes; which, by means of the New York navigation, and the proposed Atlantic canal, would form an island in the heart of the union.

A memorial from the legislature of the state of Alabama has been referred, praying aid of the general government to connect some of their valuable streams.

It states that the Alabama river commences, and becomes capable of a water transportation, within eight or eleven miles of a stream equally susceptible of being rendered navigable, and which empties into the Tennessee river; that the latter receives the tribute of several other streams, which take their rise, and become navigable, in the state of Virginia, passing through some of its most productive lands, and watering, in their course, the whole eastern section of the state of Tennessee; that the dividing ground, separating these waters, affords a favorable opportunity of connecting the waters of the Alabama with those of the Tennessee river, and that the distance required for the produce of Tennessee to reach a market on the seaboard, would be reduced from nearly two thousand miles, to New Orleans, to six or seven hundred miles, to the Mobile.

The memorial likewise calls the attention of congress to the communication of the Pensacola bay with that of Mobile.

On the important subject of the internal improvement of the country, the committee have adopted what they consider the only true plan, by reporting a bill to procure the necessary surveys, plans, and estimates, on the subject of roads and canals. This is a measure recommended by the able and valuable report of the secretary of the treasury, of the 4th of April, 1808. The following is an abstract:

"As an important basis of the general system, an immediate authority might also be given to

"take the surveys and levels of the routes of the most important roads and canals which are contemplated; a work always useful, and by which the practicability and expense of the undertakings would be ascertained with much more correctness than in this report." "A moderate appropriation would be sufficient for those several objects."

The execution of this measure would present to congress a full view of the subject, and enable them the better to decide on the propriety of engaging in these undertakings. It would lay the foundation of a well digested and regular system, and it would not require any immediate demand on the treasury for a large amount. It is believed that fifteen or twenty thousand dollars would be sufficient, and the expenditure of this sum would be divided between three and four years, as it would consume that period to obtain the information.

For many reasons the committee have supposed that the information could be more satisfactorily obtained by the corps of engineers than from any other source. They are a well disciplined and organized body and composed of the most capable of our scientific men, and it belongs peculiarly to the topographical corps to explore the country, and to give accurate knowledge of such parts as may be deemed necessary, by actual surveys. In this manner, a similar corps has been employed in France, through which every necessary information, relating to the face of the country, is acquired, and deposited in what is called their military bureau.

The corps of engineers, with the assistance of two civil engineers, and the aid of others who can be detailed to duty in that corps, are believed, by those best acquainted with the subject, to be sufficient. They proceed by a regular system, and report monthly. Young cadets, as they leave the military academy, can be employed. It will give them experience and advance their usefulness to their country. It will render the science appertaining to the engineer department more perfect and extensive, and obviate the necessity of employing foreign engineers. There are farther inducements as it respects economy; they are already in the employment of the government, and can have no motive to delay the work. They can be actuated by no other than an honorable ambition to establish their own reputation, and to show that their institution is valuable to their country. It is the practice to allow them but \$150 per diem beyond their usual compensation, which is merely to meet occasional expenses. The difference of expense in obtaining the information by the corps of engineers, or by commissioners and common surveyors, would be exceedingly great. The information, when obtained, would be valuable, for it cannot be otherwise than important to be acquainted with the capacities of the country for internal improvements. It would be useful to the states who have not the same economical means of acquiring it; and this part of the subject cannot be embarrassed by any constitutional question.

The commencement of internal improvements, upon a large scale, has generally been attended with difficulties, and improvidently delayed. The people of England, after having experienced their advantages, are astonished that such works had not been undertaken earlier. In the beginning of the reign of George III. the first charter to the duke of Bridgewater was obtained, and his canal is said to yield £80,000 sterling per annum. The growth of canals became so rapid that George III.

lived to see a hundred completed during his reign; and it is a matter of surprise now, that the government suffered them to be carried on without a participation, which would have produced so much revenue.

In the authority from which the above is derived it is stated that more than 2,400 miles of canalling have been completed, and that scarcely any district of country is more than fifteen miles from a water communication.

Nothing but the ardency of the most energetic minds could have overcome the opposing obstacles in the state of New York; by some the project, in the beginning, was looked upon as romantic; they began without resources, relying upon the credit of the state, and, in the course of six years, will have completed 414 miles of canalling, which averages nearly a quarter of a mile for each working day, including the locks; the expense of the undertakings, it is now ascertained, will fall below the original estimates; the whole will not exceed five millions of dollars: the profits of these works, from what appears to be a reasonable calculation, will, in a few years, extinguish the expense of making the works, and, afterwards, leave an annual revenue to the state of more than a million of dollars. These works are of high importance to the nation; they show what can be done, and that a government, with proper management, can execute great undertakings with despatch and economy; they have afforded, moreover, the most valuable experience in the science of engineering.

We must be convinced, from the examples of other nations, that the natural advantages of this country will not remain unenjoyed forever; national improvements will, at some time, be prosecuted and perfected; but why should we be deprived of their eminent advantages by further delay?

It is said that the proper period has not arrived, and that we have neither resources nor constitutional power.

As to the time:

We have opinions from different quarters that are entitled to our best respect:

In 1807, the attention of the senate was directed to this subject, and it was in pursuance of a resolution of that body, that the secretary of the treasury made his report. Able reports have been made in the senate at different times, recommending some system of internal improvements.

In 1817, a bill passed both houses of the legislature, on this subject, which was rejected by the president upon constitutional scruples.

The object of the bill was to set apart, and pledge a fund for the construction of roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce, among the several states; and to render more easy and less expensive, the means and provisions necessary for the common defence. For this purpose the dividends from the shares belonging to government in the bank of the U. States were to be pledged for twenty years, during the charter, and the proportion of the moneys to be expended on the objects, in each state, was to be in the ratio of its representation in the most numerous branch of the national legislature. Mr. Madison, and the present chief magistrate, both, have recommended the subject of internal improvements to the attention of congress, as an object of sufficient magnitude to produce a change in the constitution; neither suggested the idea that the subject was prematurely pressed upon the nation.

In 1818, the house of representatives passed two resolutions, requiring the secretary of the treasury, and secretary of war, to furnish information respecting internal improvements.

When we reflect on the influence to which such authorities are entitled, and see that the nation has increased to nearly ten millions, we think it ought to be admitted, that the time has arrived when the national improvements ought to be commenced.

As to the resources:

New York commenced their immense undertakings on the credit of the state; and it is believed, that it would not, in a just comparison, be a greater undertaking for the union to accomplish the most prominent objects of national improvements.

In relation to the resources, it ought to be considered how much the country would be benefited; and in the casualty of a war, how much would be saved. Had the country been improved by roads and canals during the late war with England, a doubt can hardly be entertained, that as much money would have been saved as would be sufficient to complete them. Similar events may occur again, and it would be wise to prepare for them, and especially so, when the improvements, independent of this consideration, would be worth infinitely more to the country than the amount of their cost.

In the course of three or four years, which will be consumed in procuring the surveys and estimates under the proposed bill, our finances may be improved; but suppose no favorable change is produced: the improvements must be a work of time, and, if it should be necessary to resort to loans, large sums would not be wanted at any one time; and, if proper objects are selected in the beginning, a revenue will be coming in long before the whole is completed. A canal along the Atlantic coast, it is probable, would yield more than six per cent. immediately after its completion: the public expenditures would be spread over a period of perhaps twenty years; and if, during that time, the general government, with the aid to be derived from incorporated companies, would expend twenty millions of dollars, the advantages to the country would be incalculable; and the revenue to be derived from the improvements, if it did not meet the interest of the capital expended, it cannot be expected that it would fall short of it. In time, there can be no fear, but that it would exceed the interest, and become a source of revenue to the government.

Looking forward to the completion of the works, say twenty years, and supposing all the money to be borrowed, if we advert to the usual course of nature, we can perceive that the pension fund might be applied to the extinguishment of the debt. It would be passing the fund from an object of charity to one of permanent utility to the country.

We will suppose the last case, and the one which is most unfavorable. Suppose the debt, together with the improvements, go down to posterity; it would only create an obligation on those who would have the enjoyment of the improvements, to pay the debt. There does not seem to be the same pressing obligation on us to pay off such a debt, as in the case of most others.

If we are to wait until the public debt is paid off, the scheme of internal improvements may as well be abandoned at once. We have no good reason to expect a more favorable time to make a beginning.

As to the power, it is not customary in reports to

enter into a minute discussion of constitutional points. The committee will not, therefore, take up the constitution to examine it. Enough, they think, has been done on the part of government to preclude this question from further inquiry. Nothing can be more desirable to society than to arrive at a settled construction on the different parts of the constitution. Versatility on such questions would impair the character of the nation, and be detrimental to its interest. The committee will merely observe that, in their opinion, congress can possess no power except that which is derived through the constitution. Consent or contract cannot confer power; and, if congress has no power to construct roads and canals, and maintain a control over them, it can have no power to purchase lands, or appropriate money for the purpose of making them; but it has been the constant practice to allow to the new states five per cent. of the net proceeds arising from the sales of public lands, to be laid out in the construction of roads and canals. Three fifths are generally to be expended within the states, and two fifths are to be expended under the direction of congress in the making of roads leading to the states. From forty to fifty thousand dollars are annually expended in this manner.

In 1806 the president was authorized by congress to open a road in Nashville, in the state of Tennessee, to Natchez. this road passes through a state, without asking consent. In 1809, the president was authorized to cause the canal of Carondelet, leading from lake Ponchartrain, by way of the bayou St. John, to the city of New Orleans, to be extended to the river Mississippi. The Cumberland road has cost one million and eight hundred thousand dollars, which exceeds the proceeds arising from the sales of public lands in that state, more than a million of dollars. How is it possible to reconcile these acts with the idea that congress possesses no power to construct roads and canals? If there should ever be a construction of the constitution dangerous to liberty, there will be an apology for repeated resistance; but when there has been a series of legislation in pursuance of a construction of the constitution, which is calculated to promote the best interest of the country, it is not consistent with wisdom, or the peace and welfare of society, to disturb it.

In what age or nation has the power of improving a country been wilfully abused? Even the unsuccessful attempts at great undertakings have received the admiration of mankind. No power can be more safely placed in the hands of the representatives of the people; and it may be truly said, that, among the objects of a national character, which, at intervals, engage the patriotism and resources of a nation, none are more beneficial, and none so permanent, as the internal improvements of a country: While others, with the institutions that gave them birth, may be effaced even from remembrance by the flow of time, these will remain, as lasting as the rivers they connect, to be enjoyed and admired as long as generations are permitted to exist.

The committee, upon the whole, do not deem it expedient to recommend the immediate prosecution of any work; they think that some well digested system ought hereafter to be devised by congress, which can be done with greater propriety when the surveys and estimates shall have been received, by virtue of the proposed bill already alluded to.

They, therefore, offer the following resolution:

Resolved, That it is inexpedient at the present to authorize the expenditure of any money on any of

the objects referred, except to carry into effect the bill reported entitled a bill to procure the necessary surveys, plans, and estimates, on the subject of roads and canals.

CHRONICLE.

John McLean, of Ohio, formerly a member of congress from that state, has been appointed by the president commissioner of the general land office, in the place of the late Josiah Meigs.

Rhode Island. Messrs. Eddy and Durfee have been re-elected to congress without opposition.

Indiana. Jonathan Jennings is re-elected governor of this state.

Illinois. Edward Coles is elected governor of, and Daniel P. Cook re-elected the representative in congress from, this state. Mr. Cook had 4,764 votes, and his opponent, John McLean, 3,311.

Mississippi. Mr. Rankin has been re-elected a representative to congress from this state—he was opposed by George Poindexter, esq.

Missouri. John Scott is re-elected to congress by a considerable majority—there were several candidates.

A panther, weighing 140 lbs. was lately killed by a lad of 13 years of age, in Westlerly, R. I.

Witchcraft. A silly creature at Norfolk, has lately been found guilty of murder in the second degree, for killing a person that a female fortune teller informed him had bewitched his wife. The beldam, the author of this fatal event, escaped, and only could be required to give security for her good behaviour—on the inability to do which she was sent to jail.

A public dinner was recently given at Cincinnati to Mr. Clay and gen. Jessup, in testimony of respect for their public services. Many good and patriotic toasts were drank, and also the following of a personal nature:

Our guest, Mr. Clay—His public services are cherished in the gratitude and recollections of the people: we hail with gratitude and confidence his return to the councils of the nation.

Mr. Clay said that, in rising to make his respectful acknowledgments for the sentiments just drank, and for the flattering marks of kind attention which, on the occasion of a former as well as his present visit, he had experienced in this city, he trusted he should violate no usage nor offend against any sense of propriety which prevailed here. He should be sorry, indeed, if there existed any restraint to the expression, however inadequate it might be, of the grateful emotions which he felt. He had been long desirous to see Cincinnati. He had been prevented from having that gratification until about two years ago, when he was brought here principally by a professional duty, painful to himself, and which, had its citizens been less liberal, less magnanimous, might have induced them to have given him a cold and cheerless reception. They then received him with a warm and hearty cordiality which he should never forget.* He was anxious to see this city for many reasons. It held, indisputably, the first rank among our western towns. All had had a rapid and unexampled rise. Whilst towns, in other countries, rose gradually and so impercepti-

*Mr. C. was understood here to allude more particularly to the offer then made him of the compliment of a public dinner, which he was obliged to decline.

bly that their origin was obscured in their antiquity, this city had sprung up, on the banks of the most beautiful river in the world, as it were but yesterday, by a sort of enchantment. If causes, common to the whole of the western towns, for a moment seemed to cloud its prospects, he had no doubt that it would emerge by its native energies, by the industry and by the enterprize of citizens, and exhibit a renewed activity and an increased splendor and expansion.

He was extremely gratified to find that the gentlemen here assembled approved of his return to the national councils. He had left them with regret, and for imperious private motives, which it would be impertinent here to relate. In going back again he should endeavor to carry with him those broad and comprehensive principles, by which he had ever sought to guide his public conduct, and by which every part and every interest of this great confederacy ought to be fostered and encouraged and protected. And it will be to him a source of proud and agreeable recollection if he should be enabled hereafter to deserve the distinguished favor which, on this occasion, had been shown him.

Our distinguished friend and townsman, gen. Jessup—Merit has met its reward, and patriotism received her laurels.

Gen. Jessup said that, although he had not been accustomed to speak in public, yet he could not refrain from returning thanks for the honor shewn him: that it had been said the highest honor the soldier could receive was the approbation of his fellow citizens—but he felt that there is a reward still more precious—the confidence and approbation of those who had known him from his youth, and marked his course. He begged leave to propose as a toast,

The city of Cincinnati—May its prosperity equal the patriotism and enterprize of its citizens.

Volunteer by Mr. Longworthy. Gen. Wm. H. Harrison, the man who dared to be honest in the worst of times.

Gen. Harrison observed, that custom required that he should express his obligation for the honor done him by the company, and he had little to say but to express that obligation. In addressing, however, a portion of his fellow citizens, for whose favor he was then a candidate, he could not help giving utterance to the sentiment which was predominant in his mind—that of gratitude for their past confidence, and a determination to exert his utmost endeavors to serve them should he be again honored with their suffrages. He would never forget that he was the representative of two most respectable counties, and of a city which had been truly characterized by his friend Mr. Clay for the liberality and magnanimity of its inhabitants. The opinion which his friend had formed on a casual visit, he knew from a long residence to be correct.

By gen. Harrison—electioneering tricks: devised by the great enemy of mankind for the destruction of free governments, by preventing a fair expression of the public will.

Montgomery, (Ala.) Aug. 23. It is reported by a gentleman who arrived in yesterday's stage, that hostilities in the Creek nation had commenced between the Big Warrior and McIntosh. We have heard before that there was a misunderstanding between these personages; but have not learned the cause of their difference. The character of the reporter is known to us, and we doubt not his veracity.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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PENNSYLVANIA. The long expected map of this state, by Mr. *Mellish*, has at length appeared. It may be called a magnificent work, worthy of the great commonwealth which has so liberally furnished the means to produce it. Greater accuracy could not well have been expected than is *assured* in this map; made up, chiefly, of *county* surveys, taken by experienced persons, resident in the respective counties, and *responsible* to their immediate neighbors and friends, for the truth of their representations. There is nothing like *direct responsibility*, whether in mechanics, manufacturers, map-makers, or governors and presidents. It assures fidelity, or enables the people to punish the want of it.

Some of these maps, besides all that it is usual to expect to find on such productions, shew the geology of the whole state, and mark the boundaries of the various cessions of the Indians, &c.

MILITARY ACADEMY. We understand that an order has been issued at this academy, prohibiting any cadet from receiving more than *one* newspaper; and this, perhaps, is right; but it seems that the paper which a cadet is permitted to receive, must be published in his own state, county or town, no matter how useless it may be as a vehicle of intelligence or news. Thus, a cadet from Missouri shall receive an account of the proceedings of congress via St. Louis; and another from Kentucky must expect European news through a Lexington newspaper!

We are informed of some other regulations of this national establishment that do not appear altogether consistent with the light and reason of the republican system—but we do not wish to interfere with them, without a better understanding of their nature; it is possible that a considerable degree of restraint may be necessary to preserve order among so many high-spirited young men, collected from different and distant parts of our country. Hitherto it has too much been a school for the *gratuitous* education of the children of the rich and influential; but we believe that some reformation has taken place in this particular: at least, there is a better and more just apportionment as to states than there used to be.

THE ATLANTIC AND PACIFIC. Lieut. *Weaver*, of the navy, has lately arrived in Washington city from the Pacific, though not immediately from our squadron in that sea. He left Lima about the 25th of June, shortly before which a battle took place between the royalists and a division of San Martin's army, in which the latter were decisively beaten, and nearly destroyed. No other event of importance had recently occurred.

Lieut. *Weaver* came over-land from the Pacific to the Atlantic, across the Isthmus of Panama, which has become an interesting country from the possibility of an attempt, some time or other, being made to connect the two great oceans at that point, if the nature of the intervening land be found to admit the practicability of such a work. Lieut. *Weaver* represents the country, on the route which he came, as generally low and flat; and such an one, we should presume, as would render

an inter-oceanic communication, by canal, between the rivers which fall into each sea, a work neither very difficult nor expensive. We did not see Lieut. *Weaver* ourselves during his stay in town, or our inquiries would have enabled us to give a more particular description of the Isthmus. Its general character, however, may be understood from the above, and from his denominating it as throughout an ague and fever country, of which he had good evidence, being detained some time on that road by the sickness. *Nat. Int.*

Our squadron in the Mediterranean, consisting of the Constitution frigate, Ontario, &c. has lately visited some of the Turkish ports and Greek islands. The people of the latter were much delighted with the hope that these vessels had arrived to assist them against the Turks, and were much disappointed to find that it was not so. They made many enquiries about our country, and it appears probable that many of them will embark for it, in the event of being driven to an extremity. The commodore landed at Ibra, and was received with a salute of 18 guns. When the squadron returned to Leghorn, it was visited by Lord Byron, who was very respectfully received, and much pleased to see a fine edition of his works in the cabin of the Ontario.

COTTON. Some time ago, we noticed certain experiments that were making in New-York, &c. to ascertain the probable success that would attend the cultivation of cotton, as a crop—those experiments have very generally succeeded so far; and there is every prospect of their complete success, if there should not be frosts before the 6th or 8th of October.

We have in our hands (says the National Gazette) a fine specimen of Pennsylvania cotton, planted on the 6th May, by a gentleman of South Carolina; at his summer residence near Germantown. He has half an acre of it in his orchard, and writes thus on the subject: "It is a sample of the green seed (or short staple cotton). From the rough and poor state of the soil, it has been cultivated under unfavorable circumstances; nevertheless it grows luxuriantly and is superior to what I expected; indeed, the staple is scarcely inferior to the best upland cotton of South Carolina."

BILLS ON ENGLAND are at 10 per cent. advanced again, and gold is in much demand, at a high premium, for remittances. The heavy importations of the present year will have a most uniaquy effect on the internal trade and commerce of our country. Silver begins to be in request for *exportation*.

RIGHTS OF THINGS—GREECE, and the French and British agents therein. There is no man in Christendom who has read of ancient Greece and is acquainted with the early progress of her people in the arts and sciences, which they so gallantly defended by their arms, against the vast hordes of barbarians—who has understood what was the condition of this fine country under the mastery of the Turks, and been informed of the present struggle of its present inhabitants for life, liberty and all that

is near or dear to the hearts of men, that can behold the existing state of things with indifference, unless his natural feeling, every honorable principle within him, has been destroyed, annihilated, by self interested views, or a vile devotion to the opinions and policy of others: but it is yet even so, that, in the United States, a republic, proudly styled "the asylum of oppressed humanity," not an hundredth part of the excitement exists on behalf of the *Greeks*, that prevailed when the people of Spain, made *fighting machines* of Great Britain, were ostensibly contending that stupified bigot should be their king and that the "holy inquisition" should be re-established. These poor fools were lauded as "patriots"—and many of our "moral and religious" people were ready to denounce any one *as* among the worst of mankind, that would not rejoice in their success or mourn for their discomfiture. We had feasts and processions and goings-to-church—orations and sermons; the public ear was wearied with praises of them, and heaven was invoked to patronize their efforts and rescue them from the dominion of France! But who cares for the *Greeks*, really fighting for life and liberty—to emancipate themselves from the yoke of barbarians—to rescue their country from the power of those who invaded and subjugated it, with fire and sword—to uphold their right to worship God after the dictates of their own conscience—to defend their wives and daughters from beastly pollution—to prevent a dashing out of the brains of their little ones, by heartless, cold-blooded, infernal assassins and murderers?

There must be some *reason* from the difference of feeling that prevailed in regard to *Spain* and that which exists in respect to *Greece*; and it is worth while to enquire a little into the matter. The *reason* that I assign is this—that GREAT BRITAIN was interested in *reducing* the power of Napoleon in Spain, but is interested in *maintaining* the power of the Turks. Some persons will be startled at this declaration—for they have not considered the *moral force* of that country over the people of this, which force I am devoted to the annihilation of, as of all other *foreign* influence. I do not want any importation of *opinions* or of *callicoes* from Great Britain, unless on reciprocal principles, such as one *independent* nation should extend to another. But, while the Spaniards were fighting for Britain, a bundle of tapes would not reach us without something about the *holy* cause of Spain—not a piece of bobbin, unless accompanied with an exhortation to throw up our hats and rejoice at a victory over Napoleon, even at the foul *massacre* of the French at Madrid!!! But now there is nothing said about a gallant people struggling for liberty and life—not a word of the descendants of those who fought at Thermopylæ, Marathon and Plataea, and preserved light and knowledge from extinguishing despotism—no feeling for 10,000 respectable women and amiable young ladies, dragged from one island and sold in one *market*, at Constantinople, like negroes at Havana; where purchasers examine their limbs as butchers do hogs that they wish to purchase, and who are treated with no more lenity than is shewn to the filthiest and most disgusting of beasts—no outcry for tens of thousands of husbands and brothers of these females purely *butchered*, whose carcasses covered the fields unburied—because Great Britain is now as much afraid of the power of Russia as she was that of France; because the emancipation of Greece may lessen her trade in the Mediterranean and open the way to her India possessions, where gold is gathered by the blood of men, and dominion extended by the *desolation* of

kingdoms. And shall *we*, for the reason that *benevolence* for Greece is not imported like that for Spain was, have none of it? This wretched thing comes out of the habit of suffering other people to *think* for us—and hence the *moral power* of England is greater in the United States than that of her arms, mighty as her means of annoyance are, even shaken as it was by the events of the late war, and affected as it is by the progress of domestic manufactures and internal improvement—which may, at last, render it harmless, if not eradicate it, and, perchance, "turn the tables" in our favor, at some further day.

Now, let every liberal minded man seriously consider the matters just presented, call to mind the excitement about Spain and regard the apathy respecting Greece—to the latter of which we can do just *as much* good as we did to the former. I repeat it, there must be some *reason* for this difference of feeling; and I believe that the true one is assigned above. It was the wish of Great Britain that the Spaniards should kill off the French; it is her wish that the Greeks would not rescue themselves from the Turks—and we seem to wish as she directs that we should!!! It ought to be our desire, that the Turks should be driven out of Europe, the Russians out of Poland, the British out of India, and the Ionian Islands &c. for the power of each is supported by the miseries of mankind, in rendering free persons slaves, like the blacks of Africa, stolen or subdued, and consigned to the lusts and lashes of masters for life. It is true, some pretendedly *religious* men among us, wish a plentiful destruction of people in Europe, that *trade* may revive; and will say that they "thank God" for the prospect of an abundant cutting off of heads—but who shall get the victory they care not, except that they want the war to be a long one! It is my prayer, that peace and prosperity should prevail and abound every where—and, when the wishes or the wants of a government or an individual are to be gratified mainly by the miseries of others, I earnestly wish that that government or individual may be precipitated into the misery which it was desired might be the lot of others—not out of vengeance, but as an act of *retributive justice*, to teach wisdom in the school of adversity—and many will not be taught in any other.

Some will pronounce me to be prejudiced or suppose me severe, for thus expressing myself, as to the *moral power* of England over the minds of the people of the United States; but the right of what I have said is easily maintained, and a hundred things to prove it might be put down from recollection as fast as I could commit them to paper. The defeat (or treason) of gen Hull at Detroit, and the massacre of the gallant Kentuckians on the river Raisin, pleased many—and the victory of capt. Hull displeased not a few; the result of the battle of Waterloo was openly rejoiced at, though it loosened the whole force of the enemy upon us, and caused some of the *heroes* of St. Sebastian's to be transported across the Atlantic, to play the part of Goths at Washington, to get "booty and beauty," at Baltimore, *if they could*, and ingloriously perish at New Orleans—and yet the legislature of a most important state, gravely resolved that it did not become "a moral and religious people" to rejoice at *Perry's* victory on lake Erie, which rescued an extensive frontier from the *tomahawk* and *scalping knife* of the savage and the more savage promoters of their terrible mode of war: legitimate kings in Europe were prayed for, and the freely elected president of the United States advised to "abdi-

cate," because so said the British—such were the key-notes of the British press! In the "era of good feelings" such recognitions may appear rude—we may forgive, but cannot forget them; the truly repentant may grieve, but will not complain that they are mentioned: for others, I care not.

In a thousand other things we are the most humble copyists—every *gim-crack* about religion or politics, dress or address, that becomes popular and makes a noise in England, is introduced here: missionary societies and Wellington boots, "his majesty's" virtues and the *eyes* and *vitches* of the cockney. We yankees are said to be full of "notions;" surely, the inventive genius of our countrymen is equal to that of any other people—yet we can hardly contrive a scheme even of *benevolence* for ourselves, and nine tenths of those that are popular are imported, as if the hearts of the American people were incapable of suggesting any good thing, suited to the condition of their own country and applicable to domestic purposes! I would wish to deal tenderly with the well-meaning members of some of our societies, even those instituted to make indifferent priests out of what might be rendered excellent ploughmen—but the *principals* of many of these are of the same class of people as compose the *dignitaries* of the church in Europe—influenced by the same considerations and leading to them by the same devices. What must we think of a pampered clergyman in the United States, whose whole receipts were, perhaps, equal to about 5000 dollars a year, commending a poor fellow who saved, as he thought, about 5 dollars in the course of 12 months, by working on the 4th of July, by going without a neck cloth, by wearing cow-hide shoes, &c. that he might give it to a missionary or some other religious society, of which that clergyman was a patron? I regard such conduct just as would that of "his royal highness, the duke of York," if, when he and his famous courtesan, Mary Ann Clark, were promoting persons to office in the state and church, he had become a most active agent for the suppression of vice and immorality—and some such thing it is highly probable that he was at the time: the character of the cases and of the actors in them, must be precisely alike. Yet, with all this zealous and servile copying of foreign contrivances, our own charitable institutions languish—we send men half way round the world to preach to people less vicious than we ourselves are, and neglect our own household—the multitudes of white persons in our frontier settlements, the wild Indian, and the debased descendant of Africa, resident among us and living at our doors!

The foreign missionary system is chiefly a favorite with us, because it is the hobby of the religious-proud in Great Britain—and for why? It has been the pioneer of the sword in India, the means used to "discover the nakedness of the land," to spread disaffection among the people, to divide and distract them, and guide armies to conquest!—so we must send missionaries to India to assist in completing the work of misery and subjugation! India—the blood seems as if curling in my veins, when I call to mind the doings of England in this extensive region of country, inhabited by an innocent people if compared with those who permit missionaries to travel among them. The British, in India, caused the destruction of between thirty and

forty millions of people, in about thirty years, and are now, in the most charitable aspect of things, about to make their peace with God for such extensive desolations, by sending out a few *some loving* missionaries to persuade those to Christianity, who ought to hate the very name of Christian, if judging by the acts of those who have called themselves so—who, like the Peruvian at the stake to be burnt to death, when exhorted to believe in the religion of his murderers that he might be prepared for heaven, preferred the *other place*, on being told that heaven was filled with Spaniards—as any reasonable man, *conditioned as he was*, would have done. But all that the Spaniards did in Hayti, Cuba, Mexico and Peru, were little sins—small matters, compared with the acts of professing christians in Hindostan. A mere trifle—millions against tens of millions! But all this is like Napoleon's "horrible conscriptions," though bearing, relatively, with less than half the force of British impressment, and the principle of the one being exactly the principle of the other—to tear men from their homes, (and, on the part of the British, to steal even *foreigners* on the high seas), to make white slaves of them and compel them to fight.

At the moment of writing this, we notice an extract from some newspaper called the "Christian Watchman," which says, that a subscription of 3000 dollars a year, for five years, has been made up at Boston, "for the purpose of putting in operation a printing office in Asia;" and that another of 3000 dollars was got up to purchase presses, &c. to start with—ALL at the urgent recommendation of a late British consul at Smyrna—mark that, of a British consul at SMYRNA, of which we shall have occasion to speak below. People may distribute their money thus, if they please—but my humble opinion is, that he who "provideth not for his own household, (out of the means that he hath), is worse than an infidel." I have always found enough at home for the pittance that I have had to spare, or rather that I have parted with without having them to spare. I trust that there is as much charity in my bosom as people generally have—but frankly confess, that I have no money to bestow on *foreign missions*; nor shall I, until there are no meritorious and respectable poor at home, on whom the amount of the money thus lavished would confer real, substantial, unaffected good. As I said sometime ago, "praying is well but doing is better," as is fully exemplified by the following anecdote:—"A German priest walking in procession, at the head of his parishioners, over cultivated fields, in order to procure a blessing on their future crops, when he came to those of unpropitious appearance, would pass on, saying, "here prayers and singing will avail nothing—this must have manure."

I am a great advocate for a national character, and do not think that the English are the best people in the world to lead us in works of "faith, hope, and charity." It is true, that their vanity and wealth have raised up many grand edifices and richly endowed them for the benefit of the poor, for the spread of the everlasting gospel: but the same persons have been the great advocates of the systems of fraud and oppression that made paupers to fill such edifices, and are supporters of a church establishment which substitutes the opinions of men for the light of that gospel; "dealing damnation" on those who do not subscribe to such opinions! We have nothing to do with "my lord, his grace, the archbishop of Canterbury," who gives back to suffering humanity a few hundred dollars out of the fifties of thousands that his "arat" exacts of the needy—

*But he himself not giving a cent's worth of any thing—unless there should be a cent's value in his formal prayers.

or with the "royal dukes," who grant a pittance to missionaries out of the thousands paid by the laboring poor to support them in their debaucheries. Their charity is like the "sounding brass or a tinkling cymbal"—only to make a noise, and keep up the deceptions of priest-craft and royalty. A fox-hunting parson, who, after a hard chase, lies prostrate under a dinner table, wallowing in his filth, might as well open his mouth and speak of mercy and temperance, if his tongue could give utterance to his cant on such subjects. In the dark ages, a certain nobleman having committed some outrage on the property of another in the days of his youth, repented of it in his old age—he sought out the heirs of the injured most zealously, but without success; the monks advised that he should bestow the ill-gotten wealth upon them. "What," said he, rudely, "and make the ALMIGHTY a partner in the sin? No—no; the poor shall have it." If those pricked by conscience or desirous of doing good, would act on this principle, we should be much better off than we are: for, I hold it more pleasing to God, as surely it is more beneficial to mankind, to give *employ and encouragement to the poor*, that they may honorably and honestly maintain themselves, than to build and endow hospitals for them, and cause priests to roll in the fatness of things extracted out of their substance.

The time has past, in which it is allowable to give people a gentle roasting to death, before a slow fire, to do "God's service," and convince mankind of the merciful dispensations of the MEDIATOR—when scoundrel priests, with an image of ALL GOODNESS in one hand, stirred the faggots with the other, and exhorted suffering wretches to love the religious dogmas that had sent them to the stake—yet there is, just now, a feeling abroad not less tolerant or unworthy of the Christian name, than that which prevailed when fire was used to establish *orthodoxy*; and for this opposition to the missionary system, I am quite sure that some will severely reprobate me—but they cannot hurt me! Miserable, indeed, must be a people when any set of persons are able to establish themselves as ORACLES OF THE DEITY! They work and twist and screw things to support their own constructions, and hurl anathemas on all who, like themselves, claim the privilege of exercising the reasoning powers that Heaven has given. My opinion, that missionaries to India have produced much harm to the people of that country, may be as rightly held as the opinion of another that they *will do good*—for no creature has a claim to direct the operations of my mind, though some would, very reasonably, take it into their own keeping—but they shall not. I would rather "do justice, love mercy and walk humbly," as a *responsible being*, than profess to believe all the dogmas and observe all the ceremonies invented by man since the flood, for what are called "religious" purposes.

The conduct of the French and British agents in Turkey, furnish us with glaring distinctions between *doing and professing*. Every one is horrified at the proceedings of the barbarians at Scio—the males have been murdered, and the most delicate and respectable females, to the amount of 10,000—ten thousand, have been literally exposed in the common slave market at Constantinople, like heasts—deprived, perhaps, of the necessary covering which decency required, so that their delicate limbs might invite purchasers! The French consul on this island saved 1500 of its unfortunate inhabitants, suffering his house to be literally filled up with them, and covering them by the flag of his country; resisting the demands of the Turks that

the butchery might be finished! What did the British do at Scio? No one ever heard of their intervention, except to create a belief that they cooperated with the barbarians to bring about the massacre and slavery of the people that inhabited it, the most refined and accomplished, perhaps, of all the inhabitants of Turkey. At *Smyrna*, too, where, through British exhortations, we are to send our money and missionaries—[*no money, no missionaries*—the French consul, a brave and generous gentleman, armed himself and his friends, to resist force by force, when the hell-hounds would have wrested from him the miserable people that had sought the sanctuary of his roof; and the French ships in the harbor stood prepared to second his noble efforts to save, even to cannonade the city, if his house had been assailed: and these ships received the Greeks flying from *indiscriminate murder*. Well might the king of France say, as he did in his speech to the chambers, that his naval force in the Levant had afforded aid to the *unfortunate*, whose gratitude has been the reward of his solicitude." And what did the British do on that occasion? They stood with arms folded—closed their doors against, or pointed their cannon at the fugitive Greeks, who were flying by water in boats; and they suffered many to be murdered within a few yards of their ships, under their guns—within a cable's length, perhaps; or beheld others precipitate themselves into the sea, and prefer death by drowning to the mercy of the Turks. These things we have been informed of through the British newspapers—and it is evident that if they have ever interfered with effect, it has been on the side of the barbarians, whom they have *succored and protected* at the Ionian islands, while they persecuted the inhabitants for their supposed attachment to the Greek cause, and they have *rejected* the Greeks. Consuls and agents in foreign countries have no right to interpose themselves between the *law* and its victims—but in the scenes that have taken place at *Smyrna, Scio, &c. &c.* there was no pretence of law or of authority to murder; and any man of honor would have interfered to save if he could, unless restrained by some very positive orders from the government to which he owed allegiance.

It is no more the desire of France than of Great Britain, that Russia should possess herself of European Turkey—but this desire is founded on or guided by different principles. The governments of the two nations join in an unwillingness that the power of Alexander should be extended, but to this the British add the meanness of the spirit of trade, and an apprehension of maritime supremacy. Ifence the one will do what humanity enjoins, while the other stands neutral, or secretly aids the barbarians. *It is not the genius of the British people to be cruel*, and, no doubt, a vast majority of them really wish the liberation of the Greeks—but *the government is heartless*. We mournfully know that it has placed the tomahawk in the hands of the savage, and bought the scalps of men, women and children, with money—and knowing this, we know enough to believe it capable of violating every principle of humanity, religion and law, that stands in the way of its purposes—it is not necessary to add any thing to the black catalogue of its crimes.

What will be the result of affairs in Turkey, we cannot foresee: but, if the Greeks accomplish their emancipation, with or without the aid of Russia, they will, no doubt, remember and duly esteem, *British neutrality* of the same character as the *British protection* of the Ionian isles. [This article was prepared two or three weeks ago—It is now civ-

dent that Russia, yielding to the *holy alliance*, has given up the Christian Greeks to *massacre* and *murder*.]

IMPROVEMENT IN PUBLIC EDUCATION. It is allowed by all, that the interests of public education are entitled to a character of being more extensively useful, and to an encouragement more liberal than those of any object or subject on which national character and independence are to be durably supported. On this subject, whatever experience may have suggested, or whatever genius, of any kind, may have discovered, it is presumed, should always lay claim to attention from an enlightened public.

From more than thirty years' exercise in the instruction of youth, of whom many have filled honorable stations in society: having, also, examined, with no little attention and interest, the systems of *Joseph Lancaster* and *Dr. Bell*, of England, the subscriber flatters himself that he has digested a plan much superior to that of either of those gentlemen; especially where the most liberal course of instruction is contemplated.

It has been on this presumption, that the following information and overture have been, in this way, submitted to the attention of the friends and patrons of literary instruction throughout the United States.

The improved plan would require a house and accommodations well adapted to the purpose, but not essentially different, either in form or in expense, from those which are already in use; and sufficiently spacious to contain, on the lesser scale, three hundred scholars, or, on the larger, six hundred.

The former of these would require only three instructors, and the latter not more than six: the method, in either, altogether different from any yet introduced—and which the author would engage to exhibit, in many respects, superior to any yet offered to public patronage.

This may seem to be professional vanity; and, on this account, if on no other, the plan may be discountenanced. However this may be, its author has too long cherished a confidence in its superiority of general usefulness, and is too thoroughly convinced of its probable advantages, for the diffusion and promotion of national literature, to be discouraged, by any considerations, from offering it to public acceptance.

It is not contemplated to submit a complete development of the system: the principal improvement, however, is to depend on the proper use of the *printing press*; and, by a suitable apparatus, enabling the instructors to extend to *many* their unremitting labors, with the same facility as to *a few*; and, at the same time, without resorting to the mode adopted by some other systems, of employing a portion of those to be instructed to teach their fellows—a practice suited to those only who have the misfortune to be in a state of dependence and pauperism.

With any state legislature, district, or city, or county, disposed to patronise and introduce such a plan of public education, its author would be happy in opening a correspondence; and flatters himself with being able to afford such a view of its advantages, as could not fail to receive adequate encouragement.

Any communication, post paid, on this subject, shall receive immediate attention, by the subscriber.

SAMUEL KNOX.

Baltimore, No. 31 East street, Sept. 20, 1822.

P. S. From an accurate estimate of the probable

expense of such an institution as the above contemplates, it might be supported by a reduction of at least one half of the terms of tuition, as they are at present, at least in Baltimore.

THE FUR TRADE. A St. Louis paper says—Since the abolition of the United States' factories, a great activity has prevailed in the operation of this trade. Those formerly engaged in it have increased their capital and extended their enterprise, many new firms have engaged in it, and others are preparing to do so. It is computed that a thousand men, chiefly from this place, are now employed in this trade on the waters of the Missouri, and half that number on the Upper Mississippi. The Missouri fur company, which alone employs upwards of 300 men, have reached the mountains, and will soon be on the Columbia river.—Others have the same destination, so that the rich furs of that region will soon cease to be the exclusive property of the Hudson Bay company.

THE SLAVE TRADE, &c. In a debate in the house of commons, on the 25th of July, on the subject of the slave trade at the cape of Good Hope, Mr. Wilberforce begged the attention of the house to an extraordinary circumstance. Would it be believed, (said the hon. gentleman), that while this country labored so much to propagate the doctrine of christianity, there were men who had been born Britons, and who boasted of their birth, who took pains to educate their slaves in the principles of Mahometanism? Yet there were colonists who did so, and they assigned in their justification the most extraordinary reasons, that the slaves, being by the principles of Moslemism prevented from drinking wine, would become throughly sober in their habits; and also that the want of christian marriages would enable them to separate the father from the mother of his children without any injury to their religious principles. He assured the house that the most odious practice was carried on in some of the colonies. He hoped that means would be taken to prevent it in future. It had been said that the Hottentots had always been incapable of civilization; but the house could not but be aware that man, once stamped with the signet of a beneficent Creator, was always capable of feeling. Mean as the Hottentots had been accounted, even as the meanest of the human race, Mr. Barrow, in his intelligent work on the Cape of Good Hope, had given proofs of their capability of feeling as men. Sir J. Craig too had, in defiance of prejudices and sarcasm, proved that they could be rendered good members of society, and had formed some of them into a regiment.

Mr. W. Smith, also, regretted that the Hottentots had been in effect reduced to the condition of slaves by the artifice of those who employed them; these farmers supplied them with necessaries and other articles until they got them into their debt, and then brought them before a magistrate, when having sworn to the debt (no doubt exorbitant) the unhappy Hottentot, being in most cases unable to pay, was handed over to his master, to work himself out of debt, which in effect condemned him to slavery, although no more a slave than any member of that house, and placed his liberty in the hands of an arbitrary and rapacious master. He (Mr. S.) had the highest respect for the right of property in all cases, except one, namely—an unqualified property existing in one privileged individual, to the labor and person of his fellow creature.

All this is as nothing. The British have 120 millions of slaves in Asia alone. White, brown, or black—all is the same to them, if profit is made by the proceeding. Some in parliament, no doubt, hated slavery because it was slavery; but I believe that the whole secret of the British interference to prevent the African slave trade, was a regard for the price of sugar and the support of the West India colonies, well stocked with this miserable class. To preserve such a wretched being as Ferdinand of Spain, the British appeared willing to spend millions of money and waste tens of thousands of lives; but they will not move a peg to save hundreds of thousands of Greeks from butchery.

HONOR TO THE BRAVE. It will be recollected that the legislature of Tennessee voted a sword to gen. Gaines, as well as to gen. Jackson. An account of the presentation of the latter has been inserted—the following is an account of what took place when governor Carroll tendered the compliment to the former.

The *Nashville Guards*, under the command of capt. Armstrong, paraded and escorted the general from his lodgings to the Presbyterian church, accompanied by the mayor and aldermen of the town, and a large concourse of citizens. After an eloquent and appropriate prayer by the rev. Mr. Campbell, the governor rose and addressed gen. Gaines as follows:

"Major general Gaines—By a resolution of the legislature of this state, in 1819, a sword, with suitable engravings thereon, was directed to be procured by the executive and delivered to you, as a testimonial of the high respect entertained by the state of Tennessee for your public services.

"I should do injustice to my own feelings, were I not to acknowledge the satisfaction I feel in carrying into effect that resolution. The devotion of the best years of your life to military pursuits, for the honor and interests of your country, entitle you to the gratitude of the nation. The distinguished services which you rendered during the late war, particularly in the gallant defence of Fort Erie, give you additional claims to the respect and admiration of your fellow citizens of this state. National gratitude, in a government like ours, is calculated to excite emulation, as well as to perpetuate the merits of those who are entitled to it.

"On the part of the people of Tennessee, I tender you this testimonial of their high consideration; with a sincere wish that your future days may be as happy as your past have been useful."

To which he replied as follows:—

"Governor Carroll—I feel grateful to the legislature of Tennessee for this elegant and acceptable testimonial of their respect.

"Early residence in this land of promise and of freedom; youthful associations from childhood to manhood; the commencement of my military service in the state, after witnessing her rise from territory to minority to state sovereignty, from adversity to prosperity; these recollections all unite to render her dear to me. Could any other tie have been wanting to complete the bond of union between us, to arm me with additional fortitude, and to nerve my arm in her defence, her resolution, announced by your excellency, with the interesting token of her approbation, which you have just now presented, could not fail to form that tie.

"Although the theatre of the principal military service confided to the gallant forces under my command in the late war, lay in a quarter far distant from this state, I am much gratified to know

that it was not too far distant to be seen by her statesmen and warriors—the faithful guardians of her fame. That those more immediately within her limits and vicinity, and those employed on the southern border, a part of whose achievements was no where surpassed, and the chief of which no where equalled—that they should have been alive to every effort made in defence of our common country, as well in Canada as in Alabama, in Florida as in Louisiana, was but to be consistent.

"I have witnessed, with unmixed gratification and pride, Tennessee's efficient patriotism and growing fame, in the cabinet and in the field. My long acquaintance with the chivalrous virtue of the chief of her defenders, warrants me in ascribing to him, as a statesman and soldier, the first merit in the achievement of that fame. His immediate colleagues and associates in following his example, have attracted, and, I trust, will long continue to attract, the applause and admiration of our countrymen. They will thus prove to an admiring world, that liberty has found an asylum in our union, and that her reign therein shall be eternal.

"I cannot permit myself to conclude without tendering to you, individually, my respectful acknowledgments, for the kind and complimentary terms in which you have addressed me; and, through you, to the legislature of the state, my heartfelt thanks for this distinguished expression of their regard; with my earnest prayer for a continuance of your and their happiness and prosperity, with that of the state over which you preside.

FOREIGN NEWS.

From London papers of the 6th Aug.

Great Britain and Ireland. Splendid preparations are making to receive the king in Scotland, and there will be "boozing" enough.

It is reported that England is in treaty with Denmark to obtain the Island of Zealand, and with it the command of the Baltic, for which the kingdom of Hanover is offered in exchange. The emperor of Russia will have something to say about this matter, if there is any reality in the report.

Twenty members of the British parliament hold offices during the king's pleasure, whose income is \$136,000.

London Aug. 6. His majesty this day proceeded in person to prorogue parliament. On taking his seat upon the throne, the commons were forthwith summoned to the bar, and on their arrival his majesty delivered the following speech in a clear and audible voice:—

"My Lords and Gentlemen,

"I cannot release you from your attendance in parliament, without assuring you how sensible I am of the attention you have paid to the many important objects which have been brought before you in the course of this long and laborious session.

"I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country; and I have the satisfaction of believing, that the differences which had unfortunately arisen between the court of St. Petersburg and the Ottoman Porte, are in such a train of adjustment as to afford a fair prospect that the peace of Europe will not be disturbed.

"Gentlemen of the house of commons,

"I thank you for the supplies which you have granted me for the service of the present year and for the wisdom you have manifested in availing yourselves of the first opportunity to reduce the interest of a part of the national debt, without the least infringement of parliamentary faith.

It is most gratifying to me that you should have been enabled, in consequence of this, and other measures, to relieve my people from some of their burdens.

“Lords and Gentlemen,

“The distress which has for some months past pervaded a considerable portion of Ireland, arising principally from the failure of that crop, on which the great body of the population depend for their subsistence, has deeply affected me.

The measures which you have adopted for the relief of the sufferers, meet with my warmest approbation, and, seconded as they have been by the spontaneous and generous efforts of my people, they have most materially contributed to alleviate the pressure of this severe calamity.

“I have the satisfaction of knowing that these exertions have been justly appreciated in Ireland, and I entertain a sincere belief, that the benevolence and sympathy so conspicuously manifested upon the present occasion, will essentially promote the object which I have ever had at heart, that of cementing the connection between every part of the empire, and uniting in brotherly love and affection all classes and descriptions of my subjects.”

France. The country is quiet, but the debates in the chamber of deputies are exceedingly rude and ardent.

The king of Prussia is expected at Paris—something of an important character seems to be projected.

The conduct of the French government with respect to Spain, has been frequently alluded to in the course of the protracted discussions on the budget. In the sitting of the 30th July, on the proposition of 1,865,000 francs for the service of marches and transports, general Semele forcibly exposed the wickedness and the folly of the attempts against the liberties of their southern neighbor. Having proposed a reduction, of 200,000 francs—

Fearing (he said) lest the expenses of the Sanitary Cordon should cover more extensive projects, that it was intended to crush a people who have recovered their liberty and wish to live under a constitutional government—he added, gentlemen, may it not be asked, with what elements we should undertake this war?

If I except the Swiss, the army is national. Is it not composed of the children of France?—Does it not exist under constitutional laws? And this is the army which it is wished to employ without any legitimate motive against a nation, essentially the friend of France by her geographical position, by her dynasty, by her institutions, and, finally, by the actual state of politics in Europe—(agitation on the right).

It is this army which they should order to go and kill the Spaniards, and be killed by them—[renewed murmurs on the right].

Many voices exclaim—It is the duty of soldiers to march wherever they are ordered.

M. Semele—And all this, because the Spaniards wish to enjoy the same advantages as ourselves. It is this national army which they wish to employ in the service of an ambitious oligarchy, which is as much the enemy of kings as of the people. No, gentlemen, such an enterprise is impossible—[violent murmurs and increasing agitation].

The project of establishing an English theatre at Paris, will probably be abandoned. Two or three plays had been offered, but the actors were greeted with showers of eggs, apples, &c. and many were thrown at the English part of the audience:

This seems to be retaliatory on the *courtesies* of London to Parisian actors.

The affair of gen. Berton occupies much public attention—it is given out as though his plot was extensive. Some of the deputies are implicated.—Several arrests had taken place. Darkness and despotism prevails.

The present army of France amounts to about 200,000 men.

It is stated that on the 1st of January, 1821, there were 1,070,500 boys from 5 to 15 years of age that attended the primary schools in France; there were 27,528 schools under the care of 28,945 masters, situated in 24,124 communes. About 500,000 girls attended the public schools. From the old method of teaching and the little assiduity of the pupils, two thirds of the people of France could neither read nor write.

Netherlands. It appears that the ports of this kingdom are open to the flags of the South American governments.

Spain. The accounts from Madrid are to the 22d of July. The capital was tranquil, and the parties in the provinces were suffering many defeats and discomfitures. It was thought that the extraordinary cortes would be immediately convened.

The constitutionalists seem to be perfectly aware of the doings of France, as the agent of the “holy alliance,” and speak in very confident terms of their ability to resist them; but it now rather appears as if those designs had been abandoned, through the defeat of the factious. The national militia amounts to about 500,000 men.

It was strongly reported at Paris that an army of Austrians and Prussians were about to arrive on the frontiers of France for the purpose of passing into Spain, with the consent of the French government. The rumor had excited some strong remarks in the chamber of deputies. Gen. Foy said—“You have been told of the holy alliance—the holy alliance! we only know it through the tributes which it has imposed upon us, through the injuries which it has inflicted upon our country! But should its soldiers once again appear on the national territory; should a third military occupation threaten, all Frenchmen, soldiers or not soldiers, (*the whole of the left side rising at once; “Yes, all! all!”*) all France would rise and march to exterminate them!”—(*Loud and reiterated applause on the left.*)

“We have seen (says the National Gazette) a letter of a recent date, from a gentleman resident at Madrid, in whose intelligence and opportunities of knowledge we have entire confidence, which represents that the revolt of the guards at Madrid was the work of a conspiracy against the constitutional government of Spain, formed by the royal families of Spain and France; that six battalions, composing the royal guard, were corrupted; that, in their attempt on the 7th July to make themselves masters of the capital, they were beaten at all points by the militia and constitutional regulars—that all was tranquil on the 18th July, and the constitution stronger than ever. ‘Two battalions,’ says the writer, attempted to escape, and a running fight commenced just out of the city. We heard the firing distinctly. The poor devils were killed, wounded and taken prisoners by hundreds. The officers and soldiers are in confinement, and some more of them will be the victims of a crime in the perpetration of which they were the blind instruments of worse men than themselves.”

Portugal. The Heroine, patriot privateer, was lately taken by a Portuguese frigate, and her crew consisted of the following nations, viz: 1 African,

1 Austrian, 1 Greek, 10 French, 6 Spaniards, 26 South Americans, 2 Dutchmen, 42 Englishmen, 19 Americans, 4 East Indians, 7 Italians, 1 Portuguese, 2 Prussians, 1 Russian, and 3 Swedes—in all 126 men.

Russia. Though the accounts are not of a positive character, it seems admitted that Russia has abandoned all present designs upon, or interference with the affairs of Turkey—it is even stated that Moldavia and Wallachia will be given up wholly to the *legitimacy* of the Turks.

A congress is to be held—the emperors of Russia and Austria will attend in person; England, France and Prussia will be represented by ministers. The sultan has been invited also to send one, which he declined, on the ground that he had no particular relations with the Christian powers. It is speculated, that the affairs of Spain, Italy and Turkey, will occupy the attention of this assembly—whose manifest design is to “consolidate the condition of Europe;” that is, to support kings and keep the people in chains. But a day of retribution will come, and justice overtake the oppressor.

Turkey. The governor of Scio has been beheaded at the instance of the sultan's sister, for the part that he took in the massacre in this island;

Most of the wives of the late Ali Pacha of Janina have been *drowned*, by order of the sultan. His lawful wife Waseleka will probably share the same fate, as soon as all the information she can give is obtained of her.

It appears that the Egyptian troops were suffered to land on Candia—they were then attacked with great fury and a multitude of them were destroyed—many being drowned in attempting to swim to their ships. These Egyptians had arrived at Candia for the very humane purpose of destroying all the Greeks. Some Austrian ships served as transports on this occasion. The Souliots have gained a splendid victory over Churchist Pacha, killing 2000 of his men.

A letter received in England from Constantinople says—“Since I have been here, 14 days, a great number of Greeks have lost their heads; they are taken from their houses, and their heads cut off before their own doors; they are then stripped, and laid with their heads upon their bodies for three days; after which they are thrown into the harbor. The streets being very narrow, I have been obliged to step over many, lying in them daily.”

We have accounts from Vienna confirming the intelligence already received of the destruction of the Turkish fleet, and the death of the captain Pacha. They give the following details.

“The chiefs of the Greek navy held a council at Ipsara, and decided on the plan which was afterwards adopted. They called upon all those who were willing to devote their lives for the public good; more than 200 immediately presented themselves, and swore on the cross to execute the preconcerted enterprize, or to die gloriously. Out of these, 48 were chosen by casting lots, and received the benediction of their priests before engaging in their magnanimous design. All arrangements having been made, on the first day of the festival of Bairam, a Greek frigate and five vessels appeared, under a foreign flag, before the Turkish line, as though to take a part in the rejoicings. The 200 heroes, who passed for Englishmen and Frenchmen, were well received by the enemy, who allowed them to enter the port of Tsenese, in order to anchor in the centre of the Turkish fleet. But scarcely had they reached that position when they carried their plan into effect. In a short time

five ships of the line were on fire. The Admiral's ship ran out of the harbor all in a blaze, in the hope of escaping total destruction, and run aground on the neighboring coast of Scio, where the captain Pacha was landed, expiring. After this signal success, the two hundred self-devoted patriots retired, without having experienced any loss.” The enterprize appears to have been conceived and executed in a spirit of self-devotion worthy of the best times of ancient Greece.

Ypsilanti, the celebrated Greek chief, and a victim of Russian cupidity, is said to be a prisoner at this time, in the fortress of Montgat.

We have many particulars of the late blowing up of the captain Pacha's ship. It was a deed of desperate bravery. The ship was of 84 guns, and had 2264 persons on board, including soldiers and Greek slaves—all these perished except about 180! A second fire vessel struck the vice admiral's ship and set her in a blaze, but not being grappled, they separated and the flames were extinguished. When the fire reached the magazine the explosion shook Scio like an earthquake.

The Greek accounts state the loss of the Turks at Scio to be, the admiral's ship of 130 guns, three others of the line and seven frigates wrecked—the greater part of their crews being drowned in consequence of the fright; that they had also captured 16 Turkish vessels, belonging to another expedition.

M. Bourville, the brave and humane French vice consul at Smyrna, died on the 23rd of June.

Chinese army. The emperor has expressed a desire to diminish the army, on account of the great expense of supporting it. The limited number of the standing army for China proper, is stated to be 600,000 men, of which the province of Sze chuen has allotted to it \$3,973 men. The governor of that province, (late of Canton), has remonstrated against diminishing his military establishment.

Colombia. In the British house of commons, Aug 5. general Gascoyne said he had a petition to present from the most respectable and numerous body of the merchants of Liverpool that had ever petitioned that house, complaining of the non-acknowledgment by our government of the independence of Colombia, from which conduct they anticipated great detriment to the trade of this country. All hopes on the part of Spain, of recovering her Colonies had ceased, and the Colombian, like all new governments, was very anxious to obtain the acknowledgement of her independence. A very lucrative trade has been established with Colombia, but an interruption to it was apprehended, as an accredited agent had notified, on the 8th April, to the several governments of Europe, that the Colombian government would only admit the ships and subjects of those states which would acknowledge their independence. This notification, they feared, would be followed up; and it was an immediate detriment to the trade, as all merchants felt extremely distressed in getting up shipments, which might, before they could enter Colombia, be met by the decree of exclusion. The policy pursued by our government appeared to him to be inconsistent with the true interests of the country, and he saw nothing in the past conduct of the Spanish government, (who had furnished arms, men, and money, to our own colonies, when they were in arms against us,) that could call for the political etiquette which we observed towards Spain. Other nations of Europe had nothing to gain and nothing to lose, by the acknowledgment, as they had no trade; but it was a matter which essentially concerned the interests of England, as in the present state of agri-

cultural distress, the loss of a large and prosperous branch of our commerce would be severely felt.—On this question, and in their conduct towards the pirates who had grown by encouragement, he thought the ministers had neglected their duty, and he should on the very first opportunity next session bring the matter before the house.

Mr. Lushington said, when the time came for discussing the question, it would appear that the government had acted with every regard to the dignity and interests of the nation.

Latest—London papers of the 14th August.

Great Britain. The marquis of Londonderry, alias lord Castlereagh, fully took his own life, on the morning of the 12th of August, "by opening an artery" in his neck with a penknife. He was just about to proceed to the continent to be present at the approaching congress. Great efforts are made to prove that he had been in a state of insanity sometime previous, and he appears to have been indisposed. Dr. Bankhead, his physician, was the first person who saw him after the act—he thinks it was committed at the moment when he, (the doctor), entered the room, and the marquis, on seeing him, said, "Bankhead let me fall on your arm—'tis all over." The doctor thought he was fainting—but, on the instant, the blood began to flow "like a torrent from a watering pot," and in about *one minute* he was dead, during which time about two quarts of blood flowed from him. Even yet he held the knife fast in his hand with which he had cut his throat. Cruel man that he was, may his sins be forgiven! Further notice of the case is not necessary. Mr. Canning is chiefly spoken of as his successor.

The king had started on his visit to Scotland—and all was bustle and confusion, pomp and shew, to receive him.

Spain. These later accounts do not make any material alteration in the appearance of things, which were in great confusion. The military seems to govern at Madrid—several of the provinces are in open insurrection—and, if the intelligence was not chiefly received through French vehicles, we should apprehend that a most dreadful civil war was on the point of breaking out. *It seems agreed that either the king or the cortes must be annihilated.*

Turkey. Twenty Turkish vessels were missing after the late attack of the Greeks, by fire ships—this is the Turkish account, and the consternation by reason of this great misfortune had not subsided. When the news reached Constantinople, the Sultan ordered some hundreds of Greeks to be publicly put to death, to calm the feelings of the people and prevent them from committing murder! *The English minister is stated to have profited by the alarm, and to have obtained some concessions.* The very important fortress of Napoli de Romania has surrendered to the Greeks, who have also possessed themselves of the citadel of Athens. We begin to entertain a hope that they will, of themselves, work out their own emancipation.

Sickness of the Hornet's Crew.

FROM THE AMERICAN BEACON.

Messrs. Shields Ashburn, & Co.

GENTLEMEN, I send you for publication in the "Beacon," an interesting communication from Dr. Cooke, surgeon of the U. S. ship *Hornet*, on the subject of the afflicting malady which recently visited the crew of that vessel.

I am very respectfully, &c. R. HENLEY.

Norfolk Sept. 21st, 1822.

U. S. FRIGATE GUERRIERE,
Gosport, Sept. 16th, 1822.

Sir. In conformity with your request, I lay before you a statement relative to the disease which occurred to the crew of the *Hornet*, while laying at Gosport navy yard. The duties incidental to the occasion have prevented an earlier compliance; in the mean time the event has given rise to statements in every respect erroneous, founded on mere rumor, without any knowledge of the facts relating to the subject. I consider a correct opinion of such events to be, not only of high importance to society generally, but also to the officers and crews of vessels which may hereafter labor under similar calamities, I therefore deem it necessary, not only to relate the causes which gave origin to the disease of the *Hornet's* crew, but to show the errors of the reports and fallacy of the alarms occasioned by it.

The first case of our sickness occurred on the 23d August, and the last case on the 1st September; during which period thirty-eight of our crew were attacked with a most strange and peculiar form of disease, the whole force of which, particularly in the more violent cases, was exerted almost exclusively on the stomach: Of this number eight died—the others recovered. The healthy state of the *Hornet's* crew, on her arrival in this port on the 11th of August—the continuance of this healthy state up to the 23d August—the rapidity with which her crew sickened after that period—the peculiar character of the disease—the measures adopted for its extinction, and the short interval between the first and last case of the disease, are such strong circumstances attending this event, that the conclusion is irresistible, that an observer of the calamity through its progress and termination, requires not the gift of divination to detect the causes by which it was produced, especially when he views them in connection with the measures which proved entirely effectual in its suppression.

The great cause of our sickness I attribute to the season and climate, which evidently produced a *predisposition* to this peculiar form of disease. The secondary or *exciting* causes were fatiguing duty in the sun—exposure by night, and, in the majority of the violent cases, excessive intemperance. When these causes were removed, the disease ceased. To produce conviction as to the validity of the causes assigned, and to remove the impressions made by incorrect statements, it becomes necessary to enter into a more detailed view of the subject.

The first or *predisposing* cause of our sickness, viz. season or climate, requires consideration. It is not necessary to examine in the present instance how this peculiarity of season or climate produces its effects, or in what it consists, whether in the atmosphere—from miasmata or exhalations—from vicissitude of temperature—from alternations of sun and rain—calms and winds—dryness and moisture, &c. &c. These at best are mere speculations which the investigations of science have as yet not been able to unfold: it is only necessary to shew that a peculiarity, predisposing to the particular form of disease which afflicted our crew did exist. The following facts will satisfactorily prove the existence of this peculiarity: 1st. On the day the *Hornet* arrived at the navy yard, a death occurred at the navy hospital, under the charge of Dr. Kenyon, of a similar form of disease to that which subsequently appeared among our crew; also, some days after, another death occurred there, under

the same form; no communication whatever occurred between these two men and our ship; the one sickened before the Hornet went up to the navy yard, the other sickened in the same place, and died during the period of our calamity. 2dly. A similar form of disease made its appearance among the prisoners at the marine barracks who had been in confinement long previous to the arrival of the Hornet from sea, consequently could have no communication with our ship. 3dly. A disease of a similar form has made its appearance at Portsmouth—and 4thly. diseases, evidently of a different nature, and well known character, such as the common intermittent and bilious fevers of this country, have in their progress, assumed in a number of cases, some of the peculiar symptoms of the disease of our crew, and evidently approximated to its form. These facts, more especially the latter, prove, that some peculiarity of the season has occasioned a *predisposition* to a particular form of disease, and the circumstances connected with the disease of the Hornet, will shew that it only requires some powerful *exciting* cause to produce this specific form of disease. These exciting causes were as follows, and succeeded each other in the order in which they are enumerated. 1st. On our arrival in this port, we found the Macedonian at Craney Island, under a prohibition from all intercourse with Norfolk and the navy yard, by her own boats and crew; she therefore required the aid of others, to carry communications—to market for her—to take supplies on requisition, &c. &c. This aid was granted by the Hornet, and necessarily exposed our men to much boat duty in the sun. 2dly. It was also assigned to the crew of our ship to tow up the guns, rigging, stores, &c. of the Macedonian to the navy yard, a very laborious duty, which several times exposed them to become wet, and to the night air. These duties, in addition to the proper duties of the Hornet, operated powerfully to give effect to the peculiarity of the season, by occasioning among our crew a more rapid *predisposition* to the peculiar form of disease with which they were subsequently attacked. 3dly. After our ship went up to the navy yard on the 21st Aug. she was immediately dismantled—her hold broken out—her guns, stores, rigging, spars &c. taken on shore and stored in the yard; this service was performed by the Hornet's crew in three days—the heavy labor attending which is too well known. 4thly. Gangs of our crew were employed in the duties of the navy yard, particularly in bringing the spars of the Congress from the depository of timber on the opposite side of the river, to the yard. 5thly. For the better accommodation of our crew, after the dismantling of the Hornet, the frigate Congress was assigned to them as quarters; immediately after they occupied this vessel, the order for her being fitted out to sea arrived, and the roof was taken of preparatory to her repairs. On the night of the 24th August, a heavy fall of rain occurred—the spar deck of the Congress leaked in every direction, and the greater proportion of our crew became wet in their beds: a disposition to sleep, in consequence of the fatigues of the preceding day, predominated over every other influence, and no effort was made to remove themselves to dry places; they consequently remained wet during the whole night. The morning of the 25th, I was called to visit the second case of our sickness, which was the case of the amiable and much lamented midshipman Newton; on this occasion I found him entirely wet in his bed; this occurred after he had been exposed the two pre-

ceding days to constant duty in the hot sun. 6thly. A very great proportion of our crew were indulged with liberty on shore on the 25th Aug. being Sunday; an indulgence, not only expected by them, but commonly granted, more especially after having performed laborious duties. On this occasion, as is also common among sailors, they indulged in intemperance, and few or none returned sober; many remained on shore all night, and of these, some slept all night on the ground; to add to their miserable situation a shower of rain fell. Under the existence of the causes I have enumerated, our crew sickened so rapidly, that on the 29th Aug. I had nine of the more violent cases of the disease, removed to the navy hospital, and seventeen more remaining on board the Hornet. I then found it my duty to make a representation to captain Warrington of the state of our crew, and the probable causes which produced this state, and to suggest to him the necessity of excusing them from further duty until the sickness was suppressed; also to request their removal to a more commodious vessel. The following reasons dictated this request. 1st. That the sick might be separated from the well, which it was impossible to do on the small birth deck of the Hornet, at this time already crowded with sick, to the great annoyance of the well, who also in turn, necessarily incommoded the sick. 2dly. That as our whole crew had been nearly equally exposed to the deleterious causes, and as it consequently could not be foreseen how long the calamity would continue, I wished our men to be so situated that as soon as any one should be taken ill, he might be immediately made comfortable without the fatigue and exposure of a removal. 3dly. Because the navy hospital was at this time so full that no new case could be taken there and some other accommodation for the sick was indispensable. Captain Warrington very promptly assigned the frigate Guerriere for this purpose, and prohibited the further employment of the crew, so that, from this period, they had nothing to do, but to make themselves easy and comfortable; this change took place on the 29th August, and on the 1st September the last case of the disease occurred!—On a review of the circumstances under which the Hornet's crew sickened, can it be a matter of surprise that causes, powerful as were those to which they were exposed—causes which are known to produce violent diseases—causes applied in such rapid succession, that the system had not time to recover itself from one violent shock before it had another to sustain—causes which, when singly applied, are daily the instruments of disease and death—I ask, can it be a matter of surprise that, under the operation of these causes, the crew should become sickly, and that some of these causes should have placed the system, in many cases, totally beyond the possibility of repair? Is it not rather a matter of surprise that of about one hundred and fifty persons exposed to such powers, only thirty-eight should be taken sick, and eight prove fatal? Or shall we lose sight of these causes and refer the calamity of the Hornet to imaginary agents, such as imported contagion, "deleterious air confined in the hold of the ship," or such like similar causes, the existence of which it is much easier to affirm, than to support by reasoning or facts. A review of this part of the subject will demonstrate the absurdity of attributing our sickness to any such causes.

On our arrival at Norfolk we had not any case of a contagious disease existing on board the ship, and the sickness which occurred during the cruise never manifested any such property. The di-

sease, which is the subject of this statement, made its appearance on the 23d August, 12 days after our arrival, and exhibited a totally distinct character from any form of disease which had existed on board the Hornet for the last two years; it is, therefore, absurd to consider it as connected in the remotest manner with contagion from former diseases. To ascribe it to deleterious air confined in the hold of the ship, which is stated in the Norfolk Herald, "upon the best information, as well as our own observation," to have "proved fatal to the greater part of those engaged in breaking it out" is equally as absurd as erroneous. The very construction of the Hornet makes it hardly probable that air can be confined in the hold, with the least precaution to its prevention, the hatches of the hold being directly under those of the spar deck, and these hatches being always open, and exposed to a constant current of air from large wind sails, or ventilators, which were always in use. Messrs. Zant, Zinger and Newton were never in the hold from the time the ship arrived from sea to the day of their death, and had no duties assigned to them which required their being there; those who did attend to the breaking out of the hold have never sickened, because, though their duty was laborious, yet they were confined exclusively to that particular employment during the whole time of dismantling the ship, consequently were not exposed in the sun, rain, &c. The only officer engaged in that duty, who became sick, was the master's mate, Mr. Gale, who was also engaged a whole day in the sun, and was exposed to rain. In every case which terminated fatally, great exposure or great imprudence, and, in many cases, both, occurred—this also took place in every violent case of the disease of those who recovered.

I know not one circumstance attending the Hornet, which can justify the opinion that the source of the disease existed in her. The hold was perfectly sweet and clean. It occurred, in breaking out the hold, that about ten casks of sea water, which had been filled on our passage home, for the purpose of improving the trim of the ship, had become, in a considerable degree, offensive; this was pumped off with a common hand pump, and, to free the ship from the disagreeable smell it occasioned, she was immediately washed out—the smell and effect of this water was the same as is experienced by bilge water in a tight ship, and, as on those occasions, it never caused any disease or injury, so it requires, infinitely, more credulity than I am possessed of, to consider this circumstance as, in the remotest degree, occasioning our sickness: its agency, if any it had, was most strangely exerted—those engaged in pumping it off—those engaged in the hold and over the hatches, superintending the duty, and who, of course, were exposed to its utmost virulence, escaped altogether, while those who were on deck in the hot sun—in boats—engaged in laborious duties on shore, &c. were its victims! This supposition would be absurd—if, in its most concentrated state, it proved wholly inert, it must have continued so after its dilution and total dissipation. One case of the disease, and that a fatal one, occurred before these casks were touched.

If any thing were wanting to establish the correctness of the causes which I have assigned, as giving origin to the disease of the Hornet's crew, and to show the futility of those assigned for it in the newspaper, it would be supplied by the circumstance of its rapid extinction: The exciting causes I have assigned as producing the disease, lose their

effect in a very short time, and those exposed to them, should they escape the consequences for two or three days, are generally entirely safe. On the other hand, it is well known that, when infection or contagion is the source of disease, but a very few will be so susceptible of their action as to become immediately contaminated; their effects are slow and progressive, so that the great proportion of cases resulting from such causes, will generally be developed at a considerably distant period from that of the exposure. This observation applies I believe universally—it does so in all cases of this nature that have ever fallen under my observation.

When it is considered that the hatches of the Hornet were open and exposed to the streams of air from a number of wind sails—that her hold was perfectly clean—that none of those engaged in the duties of the hold became diseased, except the case of Mr. Gale—that those who sickened were exposed to the causes I have enumerated, for the most part out of the ship, and became sick in a more or less violent manner, in proportion to the degree of those causes to which they were exposed—that the disease was unknown among our people until the application of these causes, and almost immediately ceased when they were removed—that, among the great number of persons who have been on board since the arrival of the Hornet, such as washerwomen, men's wives, &c. many of whom were on board day and night, during the whole time the ship's hold was broken out, and during the pumping out of the offensive casks of salt water, and after it, until the ship was finally abandoned—that these persons must have been equally, if not more, susceptible of any contagion or infection existing in our ship, and not one case of disease occurred among these people—I say, when these facts are considered, the conclusion necessarily follows, that the state of the Hornet's hold, or any other part of the ship, had no agency in producing the disease of her crew, but that her disaster is solely referable to the causes I have assigned.

The disease of the Hornet's crew was not in the least contagious or infectious; this is evidently proved by its rapid extinction after their removal to this ship—by the circumstance that none of those who attended the sick received the disease, and that, of nine of the most violent cases which were removed to the navy hospital, where there were about thirty other persons, no new case of the disease occurred, though attendants and physicians were constantly with these cases, sleeping in the same apartments with them, and performing all the offices necessary on such occasions, without adopting any precautionary measures for their own safety. A review of all these circumstances, clearly shews that there was not the slightest cause for the alarms which were excited in the public mind, on account of the calamity of our ship.

To conclude: when occasions of this distressing nature occur, how much more benefit would a community derive from a correct account of the character and causes by which it was occasioned, than from representations calculated to awaken their fears, by diverting their attention to contagion, infection, &c? They would then be told that a certain peculiarity of season exists, so feeble, indeed, in its effects, as to require the most powerful exciting causes to produce the disease to which it predisposes: that this peculiarity may go off without producing much evil; but, on the other hand, it may increase, as the season advances, to such a degree, as to make much less powerful causes equally efficient in the

production of the disease, and, ultimately, by its long continuance, or increased energy, it may become not only a predisposing, but also an exciting cause. The community might be told that, in the first state, little caution is necessary, as nothing but the most powerful exciting causes are dangerous. That, in the second state, every, even the least exciting cause, should be guarded against; and, when it is observed that new cases occur to those who have observed every precaution, they will then know that the last state exists, and that the only effectual security against disease, is to abandon a place surrounded by such peculiarity. The community should be told, whenever the occasion justifies the declaration, which I believe has almost always been the fact as relates to the epidemics of our sea port towns, that the disease is incommunicable from a sick to a healthy person. We might then see healthy towns opening, instead of closing their ports from communication with sickly towns. We should then not behold so frequently the heart-rending spectacle of an afflicted mortal deprived of the consolations, and his last moments embittered by the desertion of those whose duty it was to support and comfort him. Human ingenuity would no longer lend its aid to the cause of disease and death—we would not so frequently see the dreadful reports of miserable beings, hurried off to distant lazarettos, in the last moments of their existence, when quiet and repose are all important, dying during their removal, or shortly after; perhaps frequently by the gloom and dismay occasioned by their cruel transportation! But I have digressed from the immediate object of this statement, into a path that would lead me much too far. I must, therefore, close the subject.

I am, very respectfully, sir, your obedient ser^{vt}.

ANDREW B. COOKE,

Surgeon U. S. navy.

ROBT. HENLEY, esq.

Commander U. S. ship *Hornet*.

American History.

There are a number of interesting facts relative to early *American history* scattered through *Holmes' Annals*. The editor of the Democratic Press has read the work for the purpose of selecting such matter as may interest the American people.—He submits the result.—No. 1—

Robertson and Anderson concur in stating that in the year 1506 some ships of the *suger cane* were brought from the Canary Islands and planted in Hispaniola, (St. Domingo) where they were found to thrive so well, as soon to become an object of commerce.

Robertson says that a few *negro slaves* were sent to America in the year 1503. In 1508 negroes were imported into St. Domingo by the Spaniards from the Portuguese settlements on the Guinea coast.—The reason assigned was that the natives were too feeble to work in the fields and in the mines. It is clear that in modern times slavery is the offspring of cupidity. Charles V. of Spain, granted to a Flemish favorite an exclusive privilege of importing into America four thousand negroes. The Fleming sold the privilege for 25,000 ducats to some Geneose merchants, who first brought into a regular form the commerce for slaves between Africa and America. A commerce which is now happily at an end. It is an honorable fact in the history of the United States, that it was the first government which prohibited the importation of slaves.

The first *charter* for a colony granted by the crown of England was granted by queen Elizabeth in 1578 to sir Humphrey Gilbert. By this charter he was authorized to take possession of all remote and barbarous lands unoccupied by any christian prince or people."

The first *English colony* ever planted in America was at Roanoke Island, Virginia, in 1585.—One hundred and seven persons were left there by sir Richard Greenville under the government of Mr. Lane.

On the 18th of August 1587, Mrs. Dare was delivered of a daughter in Roanoke, which was baptized the next Lord's day by the name of Virginia. She was the first English child born in the country.

In 1593 the English sent some English ships to Cape Breton for morse, and others for whale fishing. This is the first mention we find of the *whale fishery* by the English. They found no whales, but they discovered on an island eight hundred whale fins, where a Biscay ship had been lost three years before, and this is the first account that we have of whale fins or whale bone by the English.

In 1607 the English settlers built a town in Virginia, and in honor of king James, called it James Town. This was the *first PERMANENT HABITATION* of the English in America.

In 1608 John Laydon was married to Ann Burras, and this was the *first marriage* in Virginia. The first marriage in New England was in 1621, between Edward Winslow and Susanna White.

In 1610 a member of parliament came to America. The commons declared his seat vacant, because by accepting a colonial office he was rendered incapable of executing his trust. This appears to be the *first time* that Virginia was noticed by the English parliament.

In 1616 *tobacco* was *first* cultivated by the English in Virginia.

The Abbe Sicard,

LATE INSTRUCTOR OF THE DEAF AND DUMB AT PARIS.

Translated for the American Sentinel, from the 'Magazin de Literature Europeenne, 1802.'

The celebrated and modest Sicard, the man whom the Abbe de l'Epee had chosen for his immediate successor, was, during two years and four months, the object of an unmerited prescription. Concealed in the house of a faithful friend, who, during nearly two years, exposed his own life to save that of so valuable a man, Sicard undertook to strew with flowers the earliest path in the studious career of children, to facilitate their progress, and to aid the fathers of families in the exercise of their duties. In a small chamber, by the assistance of a lamp whose feeble light seemed unwilling to disclose the respectable features of the estimable outlaw, and to betray his asylum, he wrote his *past-graphy*.*

During this time, the deaf and dumb of every age, and of both sexes, lamented the absence of their instructor. Sometimes, looking towards the windows of his chamber, their eyes were bathed with tears; at others, they adjusted with the greatest care the arm-chair in which Sicard daily extended the sphere of their understandings, and labored to render them susceptible of the impressions of nature. Of all the multiplied and most significant

*The art of writing and printing in one language, so as to be read and understood in all other languages without a translation.

gestures which had before animated their persons, they now remained nothing but the expression of dejection and sorrow.

Among others, one of them, Jean Massieu, the fifth individual of his family, who had enjoyed the instruction of the respectable Sicard, was so deeply affected by the loss of his instructor, that, in order to restore him to tranquility, they were obliged to disclose to him the place of his retreat. This young man, whose mind and talents had excited the admiration of all Paris, and who, notwithstanding his ill health, had become a tutor in the school of the deaf and dumb, with a salary of 1200 francs per annum, frequently offered to divide his little income with Sicard. "*My father,*" said he, by the most rapid signs, "*My father has nothing now; I must supply him with food and clothing, and rescue him from the misery by which he is overburthened.*"

In consequence he took the wisest measures. He engaged some of his friends to second him in his generous project, and resolved to profit, for this purpose, of the first favorable occasion. At length the moment so ardently desired, arrived. Bouilly, a dramatic author, excited by the enthusiasm of his heart, formed the design of captivating the interest of the public in favor of the successor of the Abbe de l'Epee, by introducing upon the stage one of the most remarkable traits of the life of the celebrated founder of the institution of the deaf and dumb. The enterprize was dangerous; but his desire on that account was the more invincible. The tears of the audience flowed at the recollection of this excellent man; and while they repeated his sacred name, many voices also made the house ring with that of the unhappy Sicard. Oh, why could he not, from the depth of his solitude, hear the cheering exclamations of so numerous and distinguished an assembly; and the generous transports of the enthusiasm of a people who did homage to virtue, and took under their protection the cause of innocence! "*Sicard! Liberty to Sicard,*"† resounded from every quarter.

From the internal sensibility which was painted on all countenances, from the noisy plaudits, and clapping of hands, and, above all, from the ineffable transports of the poet Bouilly, it was not difficult for the deaf and dumb Massieu himself to form an idea of the interest the audience had taken in the fate of his instructor. He contrived a few days after to meet Bouilly, at the house of one of the legislative commission, known to be a friend of men of merit and of the unfortunate, and to whom the brother of the first consul was at that moment making a visit. By his touching replies to the questions which were asked him, he succeeded in interesting the hearts of many of the company in the feelings of his own. He gave to the brother of the first consul a letter, which he had written in his presence, and which contained, among others, the following remarkable words:

"*Promise! oh promise me to speak for us to the first consul! They say that he loves those men who labor for the happiness of their kind. Then, surely, he should love the Abbe Sicard, whose whole happiness consists in producing that of the poor deaf and dumb.*"

This pathetic language of nature excited the admiration of all who were present, and produced the most lively emotions in their souls. Massieu, who perceived the effect, immediately threw one of his arms around Joseph Bonaparte, and the other around Bouilly, and all three melted in tears, Jo-

seph Bonaparte, who was the most excited, pressing the amiable pupil of Sicard to his bosom, desired his worthy friend to communicate to him that he would present his letter, that very evening, to the first consul, and that he ventured to promise that it would produce the desired effect. The effort of Massieu was not vain. The first consul ordered the name of Sicard to be struck off the list of outlaws, and, immediately after, he was permitted to continue the instruction of his scholars.

It was on the 14th of February, 1800, that the good father re-appeared among his children. It was 11 o'clock in the morning. The hall appropriated to the public exercises of the deaf and dumb was already crowded with a number of spectators, among whom were distinguished, many estimable men, who had consecrated their talents and exertions to the education of youth, and to the advancement of the happiness of their species. The scholars, the deaf and dumb of both sexes, were placed in the middle of the hall. The vivacity of their countenances, and the nimbleness of the signs by which they communicated their thoughts to each other, proved that this was the happiest day of their lives.

The friends of the respectable Sicard, among whom was the excellent man who had rescued him from the fury of party spirit, entered the hall in crowds, where a number of beautiful women rendered the assembly still more brilliant.

Massieu having uttered a very piercing cry of joy, every one arose. A respectful silence reigned through the whole assembly. Sicard appeared. Instantly Massieu is in his arms, he presses his lips against Sicard's, his whole soul appears to infuse itself into that of his instructor; he takes his hand and conducts him to his seat. Immediately the boys, his pupils, throw themselves upon him. The oldest surround him, they press him to their hearts, they lock him in their arms. The younger kiss his hands, they attach themselves to his clothes, they eagerly hold on him as high as the breast, as the cheek; shedding tears of joy, they cover him with the most tender kisses, and load him with the most affecting caresses.

Sicard endeavors to speak, but his emotion deprives him of utterance. He wished to express to each of his pupils what was passing in his heart; but all have their eyes fixed on him at the same instant, all embrace him, all caress him. To extend over them his beneficent hands, to communicate to them by signs, that he loves them all equally, with the tenderness of a father, that they have all a place in his heart; this is all he can do, all that the holy intoxication of his soul can inspire and permit him.

But as nothing escapes his penetrating eye, he soon perceives that his female pupils, withheld by their natural timidity, dare not allow their sensibility to break forth, which pours through their eyes and glows in every feature of their expressive countenances. Affected by this struggle of feeling with modesty, Sicard approaches them, and after a moment of silence, he extends his hands, and receives their caresses, in a manner which seemed to say, "*should a father blush to embrace his children?*"

While these timid girls expressed to their instructor the joyful feelings which his return caused them, those of the boys who had made the greatest progress, had approached the table, where they wrote, with the rapidity of lightning, the feelings of their hearts. One rendered thanks to the first consul and his brother, for having restored to their wisest the man to whom they owed their moral existence.

† Sicard! qu'on rende la liberte a Sicard."

another described the anguish and affliction which they had experienced during the absence of their beloved instructor; a third wrote this sentence: *Truth and virtue triumph soon or late over all the artifices of men.*

Massieu at length appeared before the table, and whilst to the great astonishment of the spectators he commented upon the most profound doctrines of natural and moral philosophy, a young girl, in the full bloom of beauty, placed a crown of poppies and heliotropes upon the head of Sicard, as a symbol of the grief which his absence had caused his pupils, and of the immortality with which his genius, his patience, and his benevolent labors would be crowned.

Censorship of France.

The "Scotsman" gives the following instructive summary of the legislation of the government of France on the subject of the press:

"The French constitution of 1791, which emanated from the people, and not from the throne, guaranteed to every citizen the liberty of speaking, writing, printing and publishing thoughts, without the writing being submitted to a censor for inspection before publication." (Tit. 1, art. 3.) Compare with this clear and explicit language the Jesuitical reservation contained in the 8th article of king Louis' charter: 'Frenchmen have the right to print and publish their opinions, provided they conform themselves to the laws which are to repress the abuse of this liberty.' Equivocations and evasions, which stamp a man with the character of a swindler in private life, have always formed part of the authorized arms of legislative policy. The law to repress the abuse of the press, when it was framed, turned out to be a law to take away the right which it pretended only to regulate. The charter says, that every Frenchman has the right to print and publish his opinions. The law of the 21st of October, 1814, vests the right to publish (as to all periodical works) exclusively in a board of censors, and named by the king; and the Frenchman's right to publish, comes to be nothing more than the right to submit his work to the censors. By this law, the censorship was extended not only to newspapers, but to reviews, tracts, pamphlets, and all works, not exceeding twenty sheets in size, unless written in the learned languages. An ordinance, issued on the king's second return to Paris, in July, 1815, restricted the censure to periodical works only. In this state the press continued till the Duc Decazes, by the acts of 17th and 26th May and 9th June, 1819, had the courage to withdraw the censorship entirely. Such a state of things could not last. The press acquired an activity and power which alarmed the ministers. The *Minerve*, a journal conducted by some liberaux of distinguished talents, overpowered all its royalist competitors, and reached the unexampled circulation of 35,000. A government resting on force, found the appeal to reason a dangerous experiment, and saw the necessity of retracing its steps. Accordingly, after a lucid interval of eleven months of free discussion, the censorship was re-established by the act of 31st March, 1820. The following is in force, at present, in relation to the press:

No person can be a printer or bookseller unless he has received a patent from the king, and has taken the requisite oaths.

The patent may be withdrawn from any printer or bookseller who has been judicially convicted of violating the laws or regulations:

Clandestine printing offices, (that are not authorized by royal patent), shall be destroyed, and the owners punished by a fine of 1,000 francs (40*l.*) and imprisonment for six months.

A printer must give intimation (to the authorities) before he print any work, and must deposit five copies of the work before publication or sale. Neglect as to either of these particulars, subjects him to a fine of 40*l.* for the first offence, and 80*l.* for the second. The five copies are for the royal library, the chancellor of France, the minister of the interior, the director general of printing, and the censors.

A work may be seized if the forms above mentioned have not been complied with, or if an action is raised before the tribunals as to its contents.

The printer who prints a book without his name and designation, is liable to a fine of 120*l.* besides imprisonment. If a false name is given, the fine is 240*l.* The bookseller who has in his possession a work wanting the printer's name, pays a fine of 80*l.* The same regulations apply to engravings. (Law 21st Oct. 1814; ord. 24th Oct.)

No journal or periodical work, devoted wholly or in part to news or political matters, (whether appearing at fixed intervals or irregularly), can be published without authorization of the king, (that is, without being submitted to the censors.)

The proprietors or editors of such a work are obliged, 1st. To give in a declaration, stating the name and residence of at least one proprietor or responsible editor, and the authorized printing office where it is to be printed. 2d. To furnish security to the extent of 10,000 francs *de zente* for a daily paper in Paris, or 5,000 for one published less frequently. [They are required to lodge a sum which would yield ten thousand francs yearly; that is, a capital of 200,000 francs, or 8,000*l.* sterling, in the one case, and 4,000*l.* in the other.] In the departments, the security is one fifth of this amount.

The security (*cautionnement*) so lodged, is answerable for any expense, damages, or fines, which may be awarded against the journal.

The editors and proprietors of periodical works are prosecuted in the same manner as authors of other works, and are liable to the same punishments. But the fines may be raised to double, or in case of a repetition of the offence, to quadruple of those fixed by the penal code. (Laws 9th June, 1819; 31st March, 1820.)

If the offence charged is committed against one or both of the chambers, the prosecution cannot take place without the authority of the same. If it is against the sovereign of the country, the prosecution must be at the instance of the government. And in all other cases, it must be at the instance of the party aggrieved.

Any person who, by means of writing, printing, or engraving, excites another to the commission of a crime, shall be punished as an accomplice.

If the excitement or provocation is not followed by a criminal act, the offender shall be punished by imprisonment, from three months to five years, and fine, from 50 to 6,000 francs.

Are considered as provocations to crime—all formal attacks on the inviolability of the king, the order of succession, or the constitutional authority of the king or chambers.

Provocations by writing, printing, &c. to disobedience of the laws, are punished as misdemeanors, (delicts.)

Correct accounts of the public sittings of the chamber of deputies given in good faith, are not liable to prosecution.

The power of raising actions against crimes or misdemeanors of the press, suffers prescription in six months from the date of publication. (Laws 17th and 26th May, 1819.)

A commission composed of twelve censors, named by the king, has charge of the periodical press in Paris.

Every article in a journal must, before being printed, be submitted to, and receive the sanction of the censors, who cannot pronounce unless five of them be present.

In the departments, the inspection of the journals is confided to a council of three censors, seated in the chief town.

Nine magistrates, named by the king, form a council of surveillance, to which the censors of Paris render an account of their decisions weekly, and those of the departments monthly.

If a proprietor or editor of a periodical work, print a sheet of an article without submitting it to the censors, he shall be punished by the correctional police with imprisonment from one to six months, and a fine of from 200 to 1200 francs, exclusive of any other penalty to which he may be liable for the contents of the article.

In this case, also, the council of surveillance may suspend the publication of the journal till the matter is tried. In the event of condemnation, the suspension may be continued for six months, and in the case of a repetition of the offence, the journal may be suppressed. (Law 31st March, and ord. 1st April, 1820.)

English Common Law.

In the *Edinburgh Review* of Feb. No. 72, the first article is entitled "the courts of the ancient English common law," and beginning with the following summary of the various codes, whose validity Great Britain at present recognizes in different parts of her dominions.

"At this moment there are few of the systems of legislation, either of ancient or modern times, which are not in force as a living law within the British empire.

Menu and Mohammed decide the civil rights of the *Hindu* and the *Mogul*; and an appeal from India compels our privy councillors to consult the *Koran* and the *Paranas*, as authorities at Whitehall.

Justinian is obeyed by the courts of the *Ionian* republic.

In the *Norman Isles*, the several portions of the domains of the conqueror, the Barbaric custumal framed by his justiciars, still guides the grand bailiff and the seneschal, who dispense the equity of *Rolo*, now forgotten in the halls of *Rouen*.

Canada cherishes the volumes which have been cast forth from the palace of justice; and the legitimate representatives of the proud and learned presidents of the parliaments of Paris, are found in the court house of a colonial town. Banished from the flowery meadows of the Seine, the ordinances expounded by St. Louis beneath the oak tree of Vincennes, constitute the tenures of lands on the Gulf of St. Lawrence; and whilst every vestige of feudality has been blotted out of the title-deeds of the European continent, it remains full in vigor in the wilds and wastes of the new world.

In the opposite hemisphere we bestow an equal protection on the codes of *Napoleon*; and it is possible that in future ages the speck of land, the *Mauritius*, in which they are now in force, may alone preserve the vestiges of the jurisprudence of the great empire.

Our sovereign appoints his *alcades* and his corregidores in the Indies of Columbus at Trinidad; while his *Landvoets* in Southern Africa (Cape of Good Hope) are guided by the placets of the states general of the departed republic of the Netherlands.

The laws of king Christian, of Denmark, are administered by British authority in the torrid zone. And the deemsters assembled on the Tynwald of Man, have not abandoned the polity of the Sea-Kings of Scandnavia."

British North West Expedition.

From the Montreal Gazette.

In addition to the communication which appeared in the *Montreal Herald* of the 17th ult. relative to the arctic expedition, under the orders of Lieut. Franklin, we are happy to be empowered to state, upon the authority of more recent arrivals, that the expedition had arrived at York Factory, in Hudson's Bay, and was about to embark for England.

It appears that the toils and the sufferings of the expedition have been of the most trying description, and that if they do not exceed belief, they were, at least, of such a nature as almost to overcome the stoutest heart, and deter all future attempts of a similar tendency. It was fitted out in the summer of 1819, and, in the course of the following year, it was enabled, by a liberal aid and reinforcement from the North West Company, to advance to the shores of the Great Bear Lake, which, we think, is situated in about 67 deg. N. latitude, where it encamped and wintered. In the ensuing spring it approached the Copper Mine river, which it descended until it fell into the ocean. Hitherto the expedition was accompanied by Mr. Wintzel, a clerk to the North West Company, with ten of their best Indian hunters; but the wide and open sea, which appeared at the confluence of the river with the ocean, elated the expedition so much with the hope of ultimate success, that it was thought proper to dispense with the further attendance of Mr. Wintzel and his hunters, who accordingly returned up the river, leaving the expedition to proceed in two canoes, to explore the coast of the Polar sea, eastward from the mouth of the Copper Mine river, towards Hudson's Bay. But, it seems that, in consequence of the approach of winter, so early as the latter end of August, heavy falls of snow, dense as mist, and an extremely bare and ill provided wardrobe, the expedition was unfortunately prevented from accomplishing its end, farther than exploring about 500 miles of the coast which lies to the north east of the Copper Mine river, and ascertaining that, so far as the eye could penetrate, the sea which lay before them was quite open and perfectly free of ice.

As the expedition returned, its wants and its exigencies became alarming in the extreme, and it soon required the whole fortitude of the heart, and the utmost exertion of the frame, to brave the hardships which stared it in the face. In approaching that part of the Copper Mine river from which it set out, it was necessary to double an immense point of land, which would occupy a greater length of time than its emergencies would well admit of, and it was, therefore, deemed necessary to set the canoes adrift, and cut a direct course over land to the Copper Mine river. When the travellers arrived on the banks of this river, they experienced some puzzling difficulties how to get across, but, having killed ten elks, with the skins of which they contrived to construct a canoe, this hardship was

soon overcome; but the joy which it diffused was as transient as disappointed hope. In forcing their melancholy way through the untravelled wilds between the Copper Mine river and the Great Bear lake, they fell completely short of provisions, and were for many days under the necessity of subsisting upon sea weeds, and a powder produced from pounding the withered bones of the food which they had already consumed. In this struggle betwixt the love of life and the dread of a death that must be terrifying to all mankind, Mr. Wood, nine Canadians, and an Esquimaux, fell untimely and regretted victims; and had not the survivors, who, for several days, were driven to the necessity of prolonging a miserable existence, by feeding upon the tattered remnants of their shoes, and, we fear, upon a more forbidding and unpalatable fare, exerted themselves by a superhuman effort to reach the Great Bear lake, it is probable that they would have all suffered the most exquisite and appalling martyrdom. Here they found the heads and the bleached bones of the animals that had served them for last winter's provisions, which afforded them the melancholy ingredients for preserving the vital spark, until their arrival at some post belonging to the Hudson's Bay Company. It is said that, upon the arrival of this surviving party of the expedition at Slave lake, the Canadians there were very nigh breaking forth into some alarming outrage, when they found that their former comrades, instead of returning with the expedition, had been lost forever; but we understand, that no serious injury has transpired, in consequence of this very natural disappointment.

CHRONICLE.

The Palmyra. The crew of this privateer, or pirate, are retained on board of the vessel, under charge of a suitable guard.

Piracy. The French brig L'Azima, arrived at Charleston from Vera Cruz, bound to Bordeaux, was robbed off the Havana of 78 seroons of cochineal, 2 do. of indigo, 3,800 dollars in plate and specie, and 1,700 dollars worth of clothing, &c. by a pirate of 3 guns and about 50 men. The American brig Rose-in-bloom, was also robbed by another pirate of 2 guns and 30 men, and had her crew treated extremely ill.

Yellow fever. The British frigate Iphigenia, which lately stopped at New-York, on her voyage home from Africa, via Jamaica and Havana, had sixty two cases of yellow fever on board when she anchored in the bay of New-York—She has recently sailed from thence.

Boston. According to the report of the financial committee of Boston, which has been approved by the common council of that city, for the current year, the expenses are estimated at \$249,170 15; of this sum, the amount devoted to the support of public schools is \$45,500, independent of \$19,000, appropriated for a new school house. These expenses are highly praiseworthy.

Maine. Albion K. Parris has been re-elected governor by a large majority, and Mark Richards chosen a representative in congress to supply the vacancy occasioned by the resignation of Mr. Whitman.

Vermont. Messrs. Malary, Rich, Crafts, Bradley and Buck, are elected representatives to congress

New York. About five thousand persons are now variously employed on the eastern section of the Erie canal. A raft of logs have been transported 24 miles on this canal for \$50, which, if they had been carried on land, would have cost 1,600.

South Carolina. A further investigation of the late insurrectionary plot of the blacks is going on—seven or eight more have been found guilty and sentenced to death; but their punishment has been commuted to perpetual banishment from the U. States. If any of them should return, they are to be executed on the Friday following their apprehension.

Insurrection. It appears that an insurrection of the blacks was contemplated at Beaufort, S. C. and that ten negroes belonging to the most respectable families were arrested. The town council was in secret session. Particulars had not transpired.

Hurricane. A severe, but not extensive, hurricane was lately experienced near Salem, N. J. A wagon house was taken up and carried one hundred yards and demolished, with a wagon in it. A large tree, four feet in diameter, was whirled round and taken, root and all, in the air, and in its descent fell on a distillery and demolished all the works.—Such were the effects of a whirlwind which was but a few feet in diameter.

The great dam. The following is a more particular description of the great dam at Fort Edward, than we have before seen. It is copied from the "Guardian," printed at Caldwell, lake George.

"The dam is situated about a quarter of a mile above the village of Fort Edward, and about two miles below Baker's Falls, at Sandy Hill. The river, at this place, is about 300 yards wide, enclosed in high banks. The dam is in a straight line across the river. The lower side is built of heavy timber, laid up in cob-work, and presenting a perpendicular front of 900 feet in length, and 30 in height. From the cob-work, rafters are laid up the stream, 70 feet in length, and the whole is closely planked and covered with gravel to the depth of from five to twelve feet. At the east end of the dam is the feeder, to conduct the water into the canal, about half a mile distant.

"The water is let into the feeder by means of a guard-lock, of great strength. When we saw it, the water was running into the feeder with a rapid current. The whole body of this mighty river is thus piled to the height of thirty feet above its common level; and here the grand division takes place, one portion tumbling over this immense pile of timber, in an unbroken sheet of nine hundred feet in length, dashing on the rocks below with a violence that creates a surface white as the drifted snow, and a noise that completely stuns the ear; but, at length, resuming its composure and serenity, winding its way down its natural channel to the ocean, at New York; while the other portion glides peacefully and silently through an artificial river, into lake Champlain, from thence, through its outlet into the St. Lawrence, and, finally, passing under the towering walls of Quebec, mixes with the brine of the Atlantic.

The distance between New-York and Quebec is not less than 400 miles; and yet the waters of the Hudson, which were intended by nature to discharge themselves at the former place, are, by the perseverance of human industry, turned from their course, and made to traverse this long and unnatural distance, to find a resting place in the bosom of the Atlantic, in the frigid regions of the north."

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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REVENUE. The duties secured at the port of New York for the last quarter of 1821 and the two expired quarters of 1822, amounted to the enormous sum of \$7,625,678; and it is estimated that the 3rd quarter of the present year will not be less than \$2,500,000—together \$10,125,678; and, on these facts, it is supposed that the revenue, from this source, will exceed the estimates of the secretary of the treasury in the sum of about six millions of dollars. This has been called “good news for the government.” We are sorry to see that any distinction is drawn between what is good for the government and what is good for the people. We shall pay dearly for this good.

But does it not prove what I have always asserted, that we rest as on the chapter of accidents to get along—that there is no solidity in our manner of collecting the ways and means of government—that they rise up or tumble down, hap-hazard—that no calculation is to be made upon them? If what is anticipated is realized, the secretary's calculations will be wrong in the amount of about forty per cent. It is no fault in him—it only shows the wretched uncertainty that prevails, and which must prevail, so long as we depend on foreign nations for the means of revenue—so long as we place no reliance on ourselves.

HEALTH. Neither the alarm, nor the fever, has yet abated at New York—but the cases of the latter are so few as not, in our opinion, to have justified the former. A high billious fever, of the same type, we suppose, has existed in Baltimore for several weeks—and, last week, 46 persons died of it; but the disease with us is universally believed to be local, and the people remain at their homes without any degree of alarm, except in a small district at present believed to be poisoned—though the new cases, we are happy to learn, are daily reducing in number. Many persons have died at Louisville, Ky. of the same disorder—eleven in one week; and Pensacola, hitherto regarded as one of the healthiest spots in America, has been severely affected by it—15 persons are said to have been buried in one morning; the city was deserted.

SUPPORT OF THE POOR. When last week we spoke of the richly endowed hospitals and other establishments for the relief of the poor in England, we reprobated those systems that made paupers to fill them; believing it far better to provide employment by which persons may maintain themselves in independence and comfort, than to furnish means for affording them a beggarly and mean subsistence. A letter from a gentleman resident at or near Williamsburg, O. addressed to the editor, says—“perhaps it may be gratifying to you to know that there is one ‘sequestered nook’ where the people are not oppressed with poor taxes. We have no pretensions to wealth here; but, for the eighteen years that I have resided in this place, I have not paid or been charged one cent for the support of the poor. It is provided by the laws of our state, that assessments shall be made in the various townships, if necessary, for maintaining the poor—and our township, at the last census, contained eleven hundred and seventy-seven persons.” There are not any paupers.

Now, surely, this is a much more pleasing article of information, than if the gentleman had said—*we are building a magnificent poor house, 150 feet long, 40 broad and 4 stories high, for the accommodation of three hundred miserable people.*

CORNWALLIS. From Dr. O'Meara's “Voice from St. Helena:” “Cornwallis,” said Napoleon, “was a man of probity; a generous and sincere character; *un tres brave homme.* He was the man who first gave me a good opinion of the English; his integrity, fidelity and frankness, and the nobleness of his sentiments, impressed me with a very favorable opinion of him. I recollect Cornwallis saying one day, ‘there are certain qualities which may be bought, but a good character, sincerity, a proper pride and calmness in the hour of danger, are not to be purchased.’ These words made an impression upon me. I gave him a regiment of cavalry to amuse himself with at Amiens, which used to manoeuvre before him. The officers of it loved him much. I do not believe that he was a man of first rate abilities, but he had talent, great probity and sincerity. He never broke his word. At Amiens, the treaty was ready, and was to be signed by him at the Hotel de la Ville, at 9 o'clock. Something happened which prevented him from going; but he sent word to the French ministers, that they might consider the treaty as having been signed, and that he would sign it the following day. A courier from England arrived at night, with directions for him to refuse his consent to certain articles, and not to sign the treaty. Though Cornwallis had not signed it, and might easily have availed himself of this order, he was a man of such strict honor, that he said he considered his promise to be equivalent to his signature, and wrote to his government that he had promised, and that, having once pledged his word, he would keep it—that, if they were not satisfied, they might refuse to ratify the treaty. There was a man of honor, a true Englishman. Such a man as Cornwallis ought to have been sent here, instead of a compound of falsehood, suspicion and meanness. I was much grieved when I heard of his death. Some of his family occasionally wrote to me, to request favors for some prisoners, which I always complied with.”

Bonaparte's opinion respecting the conquest of Turkey.—In the course of a few years Russia will have Constantinople, the greatest part of Turkey, and all Greece. This I hold to be as certain, as if it had already taken place. Almost all the cajoling and flattering which Alexander practised towards me, was to gain my consent to effect this object. I would not consent, foreseeing that the equilibrium of Europe would be destroyed. In the natural course of things, in a few years, Turkey must fall to Russia. The greatest part of her population are Greeks, who you may say are Russians. The powers it would injure; and who could oppose it, are England, France, Prussia and Austria. Now, as to Austria, it will be very easy for Russia to engage her assistance, by giving her Servia, and other provinces bordering upon the Austrian dominions, reaching near to Constantinople. The only Hypothesis, that France and England may ever be allied

with sincerity, will be in order to prevent this. But, even this alliance would not avail; France, England and Prussia, united, cannot prevent it. Russia and Austria can at any time effect it.—*A voice from St. Helena.*

WORTH! The following pointed paragraph, we notice as placed at the head of a *sparring* article in a Fredericktown newspaper—

“Why, fellow! do you not know that I rise every morning worth ——— thousand pounds?” “No,” answered the countryman, archly, “I really did not exactly know till you told me; but, by ——! that is all you are worth.” [*John Harriot.*]

TENNESSEE. At the late extra session of the legislature of Tennessee, an act was passed to amend the laws concerning marriages. No white man to intermarry with a negro, mulatto, or mutsee, or any person of mixed blood, bond or free, till the third generation, under the penalty of \$500; no minister of the gospel, or justice, to marry such persons under the penalty of \$500; and the said pretended marriages so celebrated shall be null and void.—If any white man shall live with a negro, &c. as man and wife, he shall forfeit \$500, and shall be indicted in a circuit or county court, and punished at the discretion of the court; no clerk shall issue such license under the penalty of \$500, and be subject to be indicted and punished at the discretion of the court.

THE COTTON MANUFACTORY at Waltham, is owned by gentlemen of Boston, and is unquestionably the most extensive of any one in the United States. We have heard it stated that the capital is *six hundred thousand dollars*. About 500 workmen are employed, (but few boys or girls), nearly all of whom are Americans. The weekly expenses are about \$2000, which amount to upwards of *one hundred thousand dollars* in a year. There are manufactured thirty-five thousand yards of cloth in a week, or, in a year, *one million eight hundred and twenty thousand yards!* which cloth, for shirting and sheeting, is daily gaining credit in every section of the union. The machinery, too, is, in many respects, superior to the English; so that this extensive establishment may emphatically be styled *the pride of America.*

PIRATES. From the *Charleston City Gazette*.—The late handsome exploit of captain Gregory and his gallant crew, recalls to our mind an achievement of similar effect and courage, which took place during the early history of our state. We should, indeed, rejoice, if the United States, in general, could receive from the latter event, the same benefit that South Carolina did from the former. But, in those times, there was rather more *expedition* in the punishment of certain offenders, than our present policy exhibits.

“1718.—Though the pirates on the island of Providence were crushed, those of North Carolina still remained, and were equally troublesome. Vane, who escaped from captain Rogers, had taken two ships bound from Charleston to London. A pirate sloop of ten guns, commanded by Steed Bonnet, and another, commanded by Richard Worley, had taken possession of the mouth of Cape Fear river, which place was now the principal refuge of the pirates. Their station there was so convenient for blocking up the harbor of Charleston, that the trade of the colony was greatly obstructed. No sooner had one crew left the coast than another appeared; so that scarcely one ship, coming in or

going out, escaped them. To check their insolence, governor Johnson fitted out a ship of force, gave the command of it to William Rhett, and sent him to sea for the protection of trade. Rhett had scarcely got over the bar when Steed Bonnett spied him, and, sensible of his own inferiority, made for his refuge into Cape Fear river. Thither Rhett followed him, took the sloop, and brought the commander and about thirty men to Charleston.

“Soon after this governor Johnson embarked and sailed in pursuit of the other sloop of six guns, commanded by Richard Worley, which, after a desperate engagement, was also taken. The pirates fought till they were all killed or wounded, except Worley and another man, who even then refused to surrender until they were dangerously wounded. The governor brought these two men, together with their sloop, into Charleston, where they were instantly tried, condemned and executed, to prevent their dying of their wounds. Steed Bonnett and his crew were also tried and condemned. With the exception of one man, all, amounting nearly to *forty*, were hanged and buried on White Point,* below high water mark. Governor Johnson, formerly a popular man, was now become more so by his bold and successful expedition against the pirates. The coast was now happily cleared, and *no pirates afterwards ventured to sea in that quarter.*”

[*Dr. Ransay, anno. 1718.*]

A BRITISH DISHOR. A letter dated London, July 26, says—

“A most extraordinary case has occurred, which occupies the conversations of all descriptions of people, for a week past. The right reverend *Percy Jocelyn*, bishop of Clogher, whose income from his bishopric exceeds 15,000*l.* sterling per annum, has been brought up before the magistracy charged with an *infamous crime*, and not fit for any son of a woman to name. His coadjutor in this affair is a private soldier. The affair was carried about from mouth to mouth for three or four days, and the utmost pains taken to prevent the publication in any paper. Several of the prints got sums of money to exclude any account of it; but one weekly paper, the *Observer*, came out with the whole case, names of parties, and all.

“The right reverend bishop, it appears, was held to bail, and has since taken *leg-bail*, and passed, it seems, to Hamburg. The soldier, however, was committed, bail being refused for him.

“It appears that this churchman has such powerful family connections in England, that the business would have been hushed up, if the press could be silenced; but it seems the present is not the first occasion in which the prelate has disgraced his species, his functions, and human and divine laws.

“About seventeen years ago, when the present lord chief justice of the king’s bench in Ireland, then C. K. Bushe, esq. was solicitor general, he was counsel for this bishop, who was, at that time, bishop of Ferns, in Ireland, and the bishop was the prosecutor of a respectable man, by the name of *Richard Byrne*; this man (Byrne) had been in affluent circumstances, and reduced below mediocrity, but with the fairest unblemished reputation, until the bishop of Ferns brought an accusation against him of an attempt to commit an *infamous crime*, or to *seduce this chaste bishop* to its commission. In short, Byrne was prosecuted, and, upon the sole testimony of the right reverend Percy Jocelyn,

*White Point is that sand reef nigh the battery or public walk.

bishop of Ferns, he was found guilty, and so vehement was general indignation against Byrne, that, not content with the ordinary executioner, the sheriff was induced to procure the stoutest drummer that could be found in the garrison of Dublin, to inflict the punishment of whipping, and the unfortunate Byrne was actually, at the tail of a cart, whipped on the bare back from Newgate to the Royal Exchange, and his body presented a gore of lacerated flesh, and his lower garments were covered with his blood. He suffered the brutal punishment without a groan; and when he was returned to the prison, he addressed himself to the officers, and calmly but solemnly declared himself innocent of the charge for which he had been thus punished; burst into tears, the first he had shed, and retired to his dungeon. It is not known to me whether he was transported or not; at least, it is not known where he now is. The detection of this noble shepherd has revealed the trifold atrocity. Byrne constantly alleged that the bishop threatened to accuse if Byrne should refuse to comply with his infamous desires; he spurned the threat, the bishop kept his word and perjured his soul. But the villainess of his foul character has at length brought him to the eye of justice, and poor Byrne, perhaps dead of a broken heart, has not remained to see himself justified.

"The bishop of Clogher has left his bail, and the boasted justice of this country has been prostituted to his escape, while the miserable associate of his crime, because he was not a bishop, nor possessed of 15,000*l.* a year, is in a dungeon, and his escape is not probable, as he has no family interests."

A London paper adds—"As soon as the matter connected with the disgraceful conduct of a certain bishop came to the knowledge of the home department, the particulars were submitted to the crown lawyers; and, according to their advice, if the criminal do not resign, recourse is to be had to the solemn process of *episcopal deprivation*. The attorney general will also officially prosecute the parties at the Middlesex sessions, either to trial, or, if they evade that, to outlawry.

"The *pious* bishop of Clogher is a member of the Society for the Suppression of Vice. His last subscription was 25*l.*"

The Dublin Evening Post, speaking of Byrne, says—"There was a report that the man prosecuted by the bishop of Clogher was dead. He had suffered the agonies of a thousand deaths, but he is still living. His crime was the whispering of a report that the miscreant, who is at length detected, had attempted to perpetrate a certain atrocity in this country. About 11 years ago, he lived as a coachman in the service of the hon. John Jocelyn, of Dundalk, and after quitting his service, was met in Dublin by his hon. and right reverend brother, who was then bishop of Ferns, when the horrid circumstance which he disclosed came to his knowledge; but to prevent his proceeding in the necessary prosecution, he was thrown into prison, and although he offered respectable bail, it was rejected. He had two letters in his possession, written to him by a confidential servant of the bishop, named Leonard, and at the bishop's desire, requesting him to conceal the fact from his brother; these letters were taken from him by stratagem, and he, being thus deprived of the only documents by which he could support his charge against the bishop, was brought to trial for defamation and found guilty. The sentence was two year's imprisonment, and two or three floggings. The incarceration was fully completed and ended, and under one flogging he

bled and tortured until the last spark of life and feeling had nearly become extinct. When he recovered, and was on the eve of getting a second flogging, a steward of the monster came to him and offered a remission of the impending punishment, on the condition of Byrne's signing a written acknowledgment of his having been guilty of slander and falsehood. Who, that was not prepared to die of the agonies of the rack, could refuse a signature under such circumstances? The poor creature, it may be supposed, was not slow in putting his trembling hand to the paper—and he was *mercifully* spared a punishment, of which it was a thousand to one he would not have survived the infliction. Byrne is a native of Maynooth, and a man, though he had been a servant, of some education, and very decent parentage. He has, for some years back, supported a numerous family, by driving job coaches for Collins, in Denzille-street; but having lately met with an accident in that employment, he has been obliged to go into an hospital; and his unhappy wife and children, thus deprived of his support, are now languishing in misery in South Cumberland-street."

Another paper gives the following additional particulars relative to the unfortunate Byrne—"We have stated that this unfortunate man consented to sign an acknowledgment of his guilt after the first flogging. We have learned, since our last, that he did not yield until after repeated menaces of utter destruction, and until his wife and four children were brought to his dungeon, and had thrown themselves on their knees, and actually *wept* him into acquiescence. 'This,' said the poor creature, pointing to the miserable group that surrounded him, 'I cannot stand; give me the paper, Mr. Sheriff, (Harty or James, we know not which), but mind, *I am about to put my name to a falsehood!*'"

CURIOUS TYPOGRAPHICAL ERROR.—The celebrated printer, Henri Ettiene, son of Robert, (both known in the learned world by the name of Stephanus,) once engaged in the printing of a splendid quarto Missal. The great number of subscribers seemed likely to make ample compensation for the heavy expense required by the undertaking. After the sheets had been corrected with the utmost care, the work was printed off, splendidly bound, and delivered to the subscribers. It would be impossible to describe the astonishment of the learned printer, when one copy after another, was returned to him, till all were sent back. He inquired the reason of this extraordinary circumstance, and was informed, that in one place the compositor had put *Ici le pretre otera su culotte*—(here the priest will take off his breeches), instead of *Calotte*, (small black cap), and the error escaped the correctors of the press. In vain did the poor printer offer to make a cancel; the subscribers who were almost all ecclesiastics, positively refused to take the work on any terms. This unfortunate affair is said to have been the first and the chief cause of the derangement which afterwards caused Henri Ettiene to be confined in the Lunatic Hospital at Lyons, where he died in 1698. There is a copy of the Missal, with this unlucky error, in the royal library at Paris. *Anon.*

FOREIGN NEWS.

A congress of sovereigns was to be held at Vienna in September last; but it was supposed that its sittings would be transferred to Florence, as being more convenient, perhaps, to a regulation of the affairs of Italy, Spain, &c.

Great Britain and Ireland. The things that are to be done on the king's arrival in Scotland are so supremely ridiculous, as forcibly to bring to mind the old saying, that "men are only boys of larger growth." If such things happened among those who are called savages, every body would laugh at them. As examples, take the following—the "purveyor of the king's" has established an extensive dairy, to supply his majesty with cream and butter; but the whole of the milk and butter milk is to be distributed among the poor, "by order of his majesty!" No gentleman can be presented in a Highland dress, "unless he is armed with steel wrought pistols, broad sword and dirk." A lady's tail, or train, is to be four yards long; this is to be dropped as she enters the circle of the king, the lord in waiting is to hold it up until this awful moment! She is to make a curtsie—the king to rise and kiss her on the cheek—then she retires backward until she is out of the circle, &c. It is expected that these long tails will cause many laughable embarrassments. The ladies are to wear nine feathers in their head dress. How funny this must be, when we recollect the laughter caused at the drawing room at Washington last winter, on account of a great Indian warrior being present, who had only one feather stuck in his hair, and that was a little one—from the tail of a dunghill fowl!

The church!—We mentioned the fact some time ago, about a certain priest being put in possession of a pulpit by a party of *dragoons*. The following account of subsequent events at the church, are copied from a Liverpool paper. "Affairs at this place of worship have never yet resumed their wonted aspect, since the late dispute. The officiating clergyman cannot restore due subordination among the auxiliaries. Last Sunday afternoon, the refractory singers were informed that other singers had been appointed, and that they must quit their pew. They resisted the mandate, claiming a right to their seat; but said, that if a little singing was all that was required, it should be offered. They accordingly struck up the 119th psalm, and actually sung the whole of that long composition, consisting of 176 verses, and we need scarcely say it lasted till 7 o'clock in the evening. How the clergyman endured the detention, or how the service afterwards proceeded, we have not been informed."

The character of Castlereagh is severely drawn in many of the British papers. As a public man, surely, he was about the most profligate person that ever lived, paying no sort of regard to the means to accomplish an object. He began his political career with open perjury, pursued it with fiend-like assiduity, and closed it with an *act of justice* on himself; the first, in the belief of some, that he ever performed. There is much conversation about his successor in the ministry.

It was believed in the best informed political circles, that sir Charles Stuart will succeed lord Londonderry, as foreign secretary. But it is stated that lord Liverpool intends to make it a *sine qua non* that Mr. Canning shall have the management of the house of commons.

The London Gazette of Tuesday the 6th instant, informs us that "the lord Chamberlain has appointed the hon. William Pole Tilney Long Wellesley gentleman usher daily waiter to his majesty." Thus, after extravagantly squandering his wife's immense fortune, he may return from his covert in France without fear of *arrest* by his creditors. A worthy application of the royal patronage!

A meeting has been held at Edinburgh, and was

well attended, to afford relief to the suffering Greeks; and the Dutch journals announce that subscriptions for the relief of the Irish continue to be received by the church wardens of Amsterdam.

The new marriage act, it appears, is so bewildered with legal jargon, technicalities, and tautology, that many persons, who have been joined in wedlock, complain that they really cannot decide, from perusing it, whether *they are married or not*.

The Glasgow frigate was about to leave Calcutta for England with the marquis of Hastings and suite. It was to bring 55 lacs of rupees in silver, (2,750,000l. sterling), and the Ganges, from Bombay, was also expected with 45 lacs of rupees, (2,250,000l. sterling), on account of the East India company, and sundry British merchants.

The brig Beaver arrived at Portsmouth, (Eng.) on the 8th of August, from South America, last from Rio Janeiro, with 600,000 dollars.

A steam boat, called the Rising Star, of 70 horse power, and 400 tons, had sailed from England for South America.

The largest plate glass manufactory in London, near the western entrance of the London docks, has been destroyed by fire. Loss estimated at 100,000 pounds sterling.

Thorogood, one of the proprietors of the Times Coach from Norwich to London, has actually driven the distance, 186 miles, and been in both those cities *every day*, for more than a twelvemonth.

American stocks at London, Aug. 13—3's, 68½; 5's, 95 to 95½; 6's, (according to date, the latest redeemable being highest in price), 92½ to 99; 7's, 94—all with dividend from 1st July. U. S. bank shares, 22l.

Spain. The feelings of the French soldiery may be estimated from the following circumstance:

When the victory of the national militia and regulars at Madrid, over the king's guards, was announced on the French frontiers, the French army forming the so called *Cordon Sanitaire*, gave a general shout of acclamation expressive of their joy at the event. A bad omen this for the French government, should that army be ordered to march into Spain.

There appears to have been an entire change in the Spanish ministry, in conformity to the wishes of the people, and much good is expected from it.

Russia. A St. Petersburg paper of July 20, has the following paragraphs:

The regiments of the guards continue to arrive successively. At the end of the month they will be assembled for a grand review near Petersburg.

The Persian ambassador, Mizra Saleh, has arrived in this city.

The institutes of the Russian law, published by command of the emperor, by the legislative committee, begins as follows:

Sec. 1. The sovereign, as autocrat, is the source of all political and civil power. The first principle which serves the Russian monarch as a guide in the exercise of this power is *declared in the act of the holy alliance*.

Turkey. Napoli de Romania, which was lately surrendered to the Greeks, is not only the strongest place in the Morea, but of all European Turkey, and a most important acquisition to the patriots. Victory accompanies the standard of freedom in Thessaly, and Hassan Pacha has been beaten with the loss of 5,000 men. Among the prisoners taken, were three beys and three hundred Saphis. Six British vessels were in the fleet that carried Ali Bey and his army to Candia, to kill off all the Greeks—but some sense of shame appears to have been

felt by the commanders of them, when the bloody work was about to be commenced, and they refused to have any thing further to do in the affair. The defeat of the barbarians has already been mentioned. The account of the glorious victory of the Greeks over Chourschid Pacha, near Patras, is amply confirmed, and many particulars stated. He lost six pieces of cannon and left 700 dead on the field—400 prisoners were taken in the pursuit. The Greeks had 200 killed and 450 wounded. *Colocotroni*, the gallant chief of the patriots, was wounded by a musket ball through his arm, but not dangerously. He has 20,000 men under his command. On the day after this battle, pursuing his victory, he captured the castle of More. The Greeks took 225 pieces of cannon and a large quantity of small arms, at Napoli de Romania.

Capitulation of the citadel of *Athens*, (June 21), agreed upon between the plenipotentiaries of the provisional supreme government of Greece, the counsellors of Athens, and the commanders of the Turks, besieged in the citadel of Athens, which, reduced by the Greeks to the last extremity, sent deputies to propose to capitulate.

1. The Turks shall deliver their arms to the Greeks without any reserve.

2. The Greeks shall preserve, with all their power, the honor and lives of the Turks.

3. Each Turkish family shall take their effects, beds, clothes, &c.

4. Of the gold, silver, pearls and jewels, the Turks shall keep half of all that is belonging to them, excepting such as may have been taken from the christians.

5. All the Turks who wish to remain in Athens will be granted the right of residence, and for all who wish to pass to Asia, the Grecian government will procure European vessels to convey them, and pay and provision them.

Signed with 52 names.

Africa. The boats of the British ships *Iphigenia* and *Myrmidon*, after a smart action in the river *Bonny*, captured the following vessels: the French brig *Vigilante*, 240 tons, four guns, thirty men, 343 slaves; French brig *Petite Betsey*, 148 tons, four guns, twenty-five men, 218 slaves; French brigantine *L'Ursule*, 100 tons, four guns, twenty-seven men, 246 slaves; Spanish schooner *Yeanam*, 306 tons, ten guns, fifty-five men, 380 slaves, and another brig, which took part in the action, but she had no cargo in. The state of the unhappy slaves on board these vessels, it is impossible to describe; some were linked in shackles by the leg, in pairs; some of them were bound in cords; and many of them had their arms so lacerated that the flesh was completely eaten through! Another of the inhuman practices of their purchasers is, to flog them until they dance and eat, as an antidote to dejection and despair, as, under their feelings, they often throw themselves overboard in pairs! On board one of the captured vessels, which the crew deserted on the attack being made, a lighted match was placed in the magazine, in which were several barrels of gunpowder, in the hope, no doubt, that so soon as the enemy boarded, the vessel would blow up with them and the 300 slaves who were chained together in the hold. Providentially, one of the men discovering it, very coolly put his hand under it, and carried it safely on deck. On the passage of the prizes from the *Bonny* river to *Sierra Leone*, the fine schooner *Yeanam*, (drawing 17 feet water), with 500 slaves on board, and 23 seamen, upset in a tornado, and all in her perished, excepting eight seamen, who were picked up five days

afterwards by the *Myrmidon*, in a state of derangement, from want of food. The number of slaves liberated by the capture of these vessels was 1876, about 200 of whom died on the passage to *Sierra Leone*; the others, (excepting those lost in the schooner), were landed at that place.

[*V. J. Ev. Post.*

Really—the trade in black slaves, carried on in Africa, so far as its amount goes, is quite as horrible as that in white christian slaves, now so extensively prevailing in Europe, under the sanction of the holy alliance!]

West Indies. The *Kingston*, (Jam.) Chronicle, of Aug. 3, says—The following affidavit details a most horrid and diabolical act of piracy and murder.—The circumstance has been laid before the admiral, at which he expressed great abhorrence; he stated, that the first brig of war he could get hold of would be stationed in the quarter where the piracy was committed; and that he was in hopes that some of our cruisers would capture one of those scoundrels, to enable him to make an example.

[cont.]

Jamaica, ss.

Personally appeared before me, one of his majesty's justices of the peace, Hugh Hamilton, mariner, who, being duly sworn, maketh oath, and saith, he sailed as mate on board the sloop *Blessing*, Wm. Smith, master, and had made three voyages from *Oracabessa*, in this island, to *St. Jago de Cuba*; and that in the return of the fourth voyage, about the beginning of the present month, (but cannot name the day), were fallen in with by a long black sloop, with black mouldings, (then), the name of *Emanuel* marked on her stern, and commanded by a white man, with a mixed crew of color and countries, among whom were English and American; that, after bringing the sloop to, the privateer, or pirates' boat came along side, and took out the captain and his son, with all the crew, and carried them on board of the schooner, leaving the sloop in possession of his people; that he demanded of the captain his money or his life. The captain persisted that he had none, but proffered him the cargo, which consisted of one hundred barrels of flour, and fifty tierces of corn meal; that, on the following day, not producing any money, a plank was run out in the starboard side of the schooner, upon which he made captain Smith walk, and that, as he approached to the end, they tilted the plank, when he dropped into the sea, and there, when in the effort of swimming, the captain called for his musket, and fired at him therewith, when he sunk, and was seen no more! The rest of the crew were ironed below, with the exception of his son, a boy about 14, who witnessed the fate of his father. In the agony of tears and crying, the captain took the but end of the musket and knocked the boy on the head, thereafter took him by the foot and hove him overboard; that, on the day following this sad event, having previously taken out all the rigging, sails, &c. &c. of the sloop, he set her on fire and burnt her—and, on the same day, gave the crew, consisting of three others, and him, this deponent, (having stript us of every article but what we had on our backs), the jolly boat, with a bucket of water, and one biscuit each person, without compass, which we asked for, but were refused by his saying, "he would sooner give *hell!* to be off, or he would sink them." Thus we parted, and in the afternoon of the same day was picked up by the schooner *Mary Ann*, belonging to *Black River*, and were landed at *Port Morant* on the 18th July.

(Signed)

HUGH HAMILTON,

Taken and sworn before me, in the presence of gen. Macay, esq. at Roselle estate, in St. Thomas, in the east, this 29th day of July.

(Signed)

R. FERGUSSON.

Porto Rico. Letters have been received from on board the U. S. ship Cyane, dated St. John's, Porto Rico, Aug. 31. Captain Spence arrived there at a very critical moment. The wounded of the Pan-chita, or Palmyra, privateer had been exhibited, and the populace was worked up into a ferment against the Americans at that place—the English were also threatened. Capt. S. immediately opened an official communication on the subject, and, by a firm but temperate policy, allayed the coming storm; a good understanding resulted, and our officers and citizens were treated with all possible respect; both the civil and military governors of the island meeting capt. Spence when he visited an American gentleman there resident.

One of the letters concludes thus:—"The harbor and town of St. John's, the capital of the island, are both fortified with prodigious strength, and are, perhaps, the strongest fortified of any place in the West Indies, Havana excepted. The island of Porto Rico is beautiful and fertile; its chief productions are rum, sugar, and coffee, for which the American merchants are the principal traders. It is one of the most healthy in the West Indies; since we have been here we have heard of no sickness, either amongst the natives or foreigners, in the island."

Brazil. The whole of this extensive country, except St. Salvador, is in the possession of the revolutionists, at the head of whom is the prince royal. They have 10,000 men at their head-quarters and a fleet of one frigate, and four or five smaller vessels: these lately met the royal squadron—the question was asked if either had orders to fight, and the answer being "no," they parted in peace. The force at St. Salvador consists of about 2500 European troops and 3000 militia, which was rapidly decreasing by desertion to the patriots. The Brazilians have had several smart fights with the royalists, and acquitted themselves well. It is probable that the bonds which held them to the mother country are forever dissolved.

The following proclamation was issued at Rio Janeiro, on the 17th of August—

The dignity and power of regent of this vast empire, that the king, my august father, had granted to me, having been confirmed to me by the unanimous consent and spontaneous will of the people of Brazil, a dignity of which the cortes of Lisbon, without any of the deputies of Brazil being heard, have dared to deprive me, as is notorious; and I having, moreover, accepted the title and duties of perpetual defender of this kingdom, that the same people have so generously and loyally conferred upon me; in obedience, therefore, to my sacred duties, and in gratitude for so much love and fidelity, which call upon me to take all the measures indispensable to the salvation of this greatest part of the Portuguese monarchy that has been confided to me, and whose rights I have sworn to preserve uninjured by any attack; and inasmuch as the cortes of Lisbon continue in the same erroneous and evidently unjust system of recolonizing Brazil, even by force of arms, notwithstanding she has already proclaimed her political independence, and has gone so far as that there is already convened, by my royal decree of the third of June last past, a general, constituent, and legislative assembly, at the request of all the chambers, thus proceeding with a formality that did not take place in Portugal,

where the convening of the congress was originally only an act of secret and factious clubs; and I also considering his majesty the king, Don John the sixth, of whose name and authority the cortes endeavor to avail themselves, for their own sinister purposes, as a prisoner in that kingdom, without any will of his own, and without that liberty of action that is given to the executive power in constitutional monarchies: I command, having first heard my council of state, all the provisional juntas of government, generals, military commandants, and all the constituted authorities, to whom the execution of this decree may appertain, as follows:

I. That all and whatever troops, that shall be sent from Portugal or elsewhere to Brazil, without my previous consent, upon whatever pretext, be reputed enemies; together with all the crews and marines belonging to the vessels, in which they may be transported or from which they may endeavor to land; but without interruption to the commercial and friendly relations between both kingdoms, for the preservation of the political union that I greatly desire to maintain.

II. That if they shall arrive peaceably, they shall immediately return, remaining on board and without communication, until they shall be furnished with the provisions and supplies necessary for their voyage back.

III. That, in case the said troops shall not choose to obey these orders, and shall dare to land, they be driven back, by force of arms, by all the military forces of the first and second line, and if necessary by the people, en masse, putting in execution, if it shall be requisite, all possible means to burn the vessels, and to sink the boats in which the troops may attempt to land.

IV. That if, notwithstanding all these efforts, it shall happen, that the troops get possession of any port, or part of the coast of Brazil, all the inhabitants retire towards the centre, carrying into the woods and mountains, all the provisions and cattle, that could be useful to them; and the troops of the country shall carry on against them a cruel war of posts and guerrillas, (carefully avoiding general actions), until it be freed from the enemy.

V. That it be the duty of all the competent military and civil authorities, to fortify all the ports of Brazil, at which such disembarkations can be made, under the most strict and severe responsibility.

VI. That if, in any of the provinces of Brazil, it shall happen that there are not the munitions and stores necessary for these fortifications, the same authorities above mentioned shall immediately represent to this court what are necessary, that they may be furnished from hence, or give immediate information to the nearest province, which shall be obliged to give them all the assistance necessary for the proper discharge of such important duties. The civil and military authorities, to whom appertains the execution of this, my royal decree, are to fulfil, and cause it to be fulfilled, with all due zeal, energy and promptitude, under the responsibility of being guilty of high treason, if they shall fail so to do.

Palace of Rio de Janeiro, the first of August, one thousand eight hundred and twenty-two.
By his royal highness the prince regent:

Luiz Pereira de Nobrega de Souza Coutinho.
Colombia. The report is confirmed that Portugal has acknowledged this new and interesting republic.

Gen. Morales was beaten off with the loss of 85 men in an attempt to land at Marques, 10 miles east

of Coro. He afterwards landed on an unsettled part of the coast. His fleet are plundering most vessels that they meet with. The Dutch authorities at Curacao have received orders to admit the Colombian flag, as that of a friend.

The following is a proclamation of gen. Bolivar, to the inhabitants and royal troops of Pasto, three days before his entry into that city.

Simon Bolivar, liberator, president of the republic, &c. &c.

An honorable transaction has stemmed the blood which was flowing from your veins. The martial bell shall no longer be heard in Colombia. Your valor and your constancy entitle you to the deference of the liberating army and the Colombian people. In return we tender you our friendship.

Spaniards!—The regeneration of your country promises you a final termination of this conflict which, in compliance with your duty, you have supported with a heroism most worthy of admiration.

Inhabitants of Pasto!—You are Colombians, hence you are my brethren. To reward you, I shall not only be your brother, but also your father. I shall heal your former wounds, soothe your sufferings, leave you to the enjoyment of rest in your homes. Neither shall I employ you in this war, nor burthen you with extraordinary taxes, or heavy contributions. In short, you shall be the favored offsprings of the government of Colombia.

Emigrants in Pasto!—Return to the bosom of your families, to comfort the widows and the orphans. You are already safe from all persecution, for you are Colombians.

Spanish soldiers!—The capitulation which has put a period to our woes, has given you two countries, Spain and Colombia: choose either. If you prefer a free, tranquil and fruitful soil, be Colombians—but, if you will carry your ashes to the tomb of your fathers, Spain is free, and must be happy.

BOLIVAR.

Liberating head quarters,

Berrencos, 5th June, 1822.

Latest—London papers to Aug. 20.

These papers are chiefly filled with notices of those who kissed the king's hand or fell on their knees before him, in Scotland—all which is highly interesting to the people of the United States! He was much depressed in the midst of all this pomp and shew, by receiving information of the death of Castlereagh.

No late news from France or Spain.

The Janissaries had openly revolted at the close of the Ramadan, and killed many Musselmans, whom they suspected of opposing them, and massacred a great number of Jews and Greeks—especially the females of the latter, after violating them! The Asiatic troops were called in to restore order, for the rebels appear to have contemplated a revolution of the government—a battle was fought, 200 killed in the streets, and “several thousands” executed afterwards! So the Janissaries were put down.

The Turkish force in the citadel of Athens amounted to between 3 and 4,000 men, at the time of its surrender to the Greeks, amply supplied with all sorts of munitions and stores.

Gen. La Fayette and col. Willet.

FROM THE NATIONAL ADVOCATE.

Every thing relating to this patriot, cannot but be interesting to the American reader. We find him, at an advanced age, in the French legislature, supporting manfully those principles for which he

contended during our revolutionary war. He has lately written an affectionate letter to an old fellow soldier, *colonel Marinus Willet*, in which he quotes those principles for which both have successfully fought for, and ends with the assurance that he hopes to visit this country, an event which will afford the highest gratification to the American people. Few men acted more conspicuous parts than gen. La Fayette and col. Willet, in the war, declared for American Independence.

Revolutions have sometimes been effected by the most trivial event, and by a mere act of boldness and enthusiasm, have the liberties of a great country been achieved. The patriots of the revolution never bestowed a thought on the form of government which they were in future to adopt. The great question was *independence*. Neither in the first instance did they contemplate opposing the king; they were only against lord North, and the principle of taxation, without their consent; and thus, by degrees, did Providence lead them on, step by step, until the entire dissolution of all ties with the mother country, was the result.

Among the most early and undaunted partizans, we may reckon col. Willet. He labored under great disadvantage, being the only one of his family on the whig side. When the news reached New York of the battle of Lexington, in which the first blood was shed for independence, it was on a Sunday; the churches were opened and most of the inhabitants at prayer. There is something in a first blow for a great cause, which is calculated to arouse and animate a people who had long complained of grievances, and remonstrated without effect. The blow was struck; blood had been shed; a mercenary soldiery had attacked and killed their fellow citizens; the tocsin must be sounded, yet who was to do it, and how was it to be done? While thus hesitating and pausing, Willet stated that there were 500 stand of arms in the garret of the city Hall, at the head of Broad-street, and proposed taking possession of them and arming the people, which was assented to. They called on the mayor, and demanded the arms; he referred them to the armourer, who lived in Liberty-street, which was then called Crown-street. The armourer hesitated, not knowing how to act, and finally said the keys were mislaid. Thus foiled, they were about giving up the project, when Willet told them the keys were unnecessary; and, supplying himself with a broad axe, he broke open the room, took out the muskets and cartouch boxes, and gave one to each man, and finding a fifer, they formed themselves in line, and marched through the streets on Sunday, and went up Broadway as high as John-street, where a fire ball court was kept, which they entered and stacked their arms. It was then apparent that some definite line of conduct must be pursued, and something like organization take place. Accordingly, the name of each person was taken down, to whom a musket was given, and the whole corps was properly officered, Willet being appointed a corporal. Although the city was perfectly tranquil, and no prospect of a contest was near, yet a step had been taken which was to be followed up, and it was agreed to divide the forces into a patrol, which was nightly, to go the rounds; and the countersign, probably the first American one, was *Boston*. They also formed a committee of safety and superintendence, which, in fact, took every thing in their hands, and met daily. At this period there was part of an Irish regiment stationed at New-York, about 300 strong, which observed these revolutionary movements with anxiety, and were not without fears

for their safety, and, therefore, kept in their barracks. An order arrived for these troops to sail for Boston, and the committee, which met somewhere near Coenties slip, deliberated whether they would permit them to depart armed. After much discussion, and urged by the timid inhabitants, they agreed that the soldiers might depart with their arms and accoutrements. Arrangements were made for their departure, and, after they had left their barracks for the water side to embark, some person told Willet that they were carrying off all the spare arms and accoutrements, which they were not permitted to do by the committee. He immediately ran to the foot of Broad-street, and saw the battalions turning down from Wall-street, in good order. In front were seven carts, containing boxes of arms and ammunition, each having a corporal's guard. The troops, with their baggage wagons, were in the rear. When they reached the Exchange, which was at the foot of Broad-street, Willet marched up alone, and seized the bridle of the first cart horse and stopped him; this movement stopped the rest of the carts, and finally the troops. The pause induced the major, who was a short red haired man, and who, from the beginning, was fearful that something would happen, to ride up and demand of Willet, why he stopped the carts? Willet replied that they had no permission to carry away the spare arms, that they might freely depart with their own arms and accoutrements, but should take no more; murmurs and disapprobation prevailed. The mayor, who was present, remonstrated with Mr. Willet on the impropriety of his conduct, and treated him with severity, for thus attempting to promote riot and blood shed. Gouverneur Morris, who belonged to their committee, and was decidedly of the whig party, also took part against Willet, and entreated him to permit the troops and arms to embark peaceably. Thus situated, pausing between duty and remonstrance, one of the most active of the committee came up, and hearing the merits of the dispute, told Willet he was right, and the spare arms should be retained. Thus supported, he seized the bridle of the first horse and turned the cart out of the ranks, the rest following him. Col. Willet, though a plain man, was excellent at haranguing; he could say more in a few words to arouse and animate, than any partizan officer of the day. Mounting on one of the carts he made a speech to the people and soldiers, and he told the latter that they were about being sent away to shed the blood of their brethren, and if any of them were unwilling to go, that they could leave their ranks and would be protected. Some actually did join him, and the rest embarked peaceably.

With the arms and accoutrements thus seized, did colonel Willet raise and equip the first regiment in New York, in the cause of independence.

The northern campaigns were unquestionably the most severe and trying. Compelled to be constantly on guard against the enemy and the Indians, with scanty clothing and provisions, exposed to the vicissitudes of an iron climate, the sufferings of the continental troops were extremely oppressive.—Colonel Willet was constantly on the frontiers, engaged in almost every skirmish and action, and, during the whole war, he had the good fortune never to retreat, and never to have been defeated. When our troops left Ticonderoga, he was engaged in fortifying fort Stanwix, cutting ditches and making redoubts. He knew very little of fortifications, but was compelled to dismiss an ignorant engineer and undertake the work himself. The men refused to labor: they contended that it was unnecessary;

because, when the fortifications were finished, they would be abandoned, like Ticonderoga, and general Burgoyne's army, which was powerful and advantageously posted, would soon occupy the fort. Colonel Willet, who always considered the war a holy one, and never despaired, continued to assure his men that Providence was with them, and drawing from his pocket a small bible, he declared to them that the destruction of Burgoyne's army was prophesied in sacred writ, and turning to the 24 chapter of Joel, he read the 20th verse, as follows:

"But I will remove far off from you the northern army, and will drive him into a land, barren and desolate; with his face towards the east sea, and his hinder parts towards the utmost sea," &c.

The men were satisfied that their colonel was a prophet, and went to work cheerfully.

In the various skirmishes with the Indians and British, colonel Willet was always aware of the powerful effect of example, and was always in front of his men, waving his hat, they followed promptly.

When the sortie from fort Stanwix was determined upon, one of the most brilliant events of the war, colonel Willet, always fond of haranguing his men, and always to great effect, called them together; developed his plans, and recapitulated the cruel conduct of the British and Indians. Now, my boys, said he, look the enemy right in the eye, he'll be afraid to look at you in return; reserve your fire till you come close, then give it to him; keep steady, none of you will be hurt; I'll bring you all back safe. The sortie was made in the day time, and was attended with wonderful success. The British, not dreaming of such a measure, were woefully beaten; and, on their retreat across the river, they looked at the continentals with wonder, not firing a shot at them for two hours.

But, to return to La Fayette. At the battle of Monmouth, colonel Willet was there by accident, and volunteered as an aid to gen. Scott, who commanded the infantry. In the hottest of the fight, he saw La Fayette, (then a very young man although a major general), ride up, and, in a voice cool, steady and slow, and with as much deliberation as if nothing exciting prevailed, said, "General, the enemy is making an attempt to cut off our right wing—march to its assistance with all your force." So saying, he galloped off; being exceedingly well mounted, though always plainly dressed, and very sedate for a Frenchman. A subsequent intimacy between them took place, which at this day is not impaired; and if La Fayette carries his determination of visiting this country into effect, no citizen will meet with a reception equal to his.

Colonel Willet was the first sheriff of New-York, and held the office at several distinct periods, after serving at each his four years; he was also a member of the legislature, and then mayor of the city, and in every situation exhibiting firmness, integrity and good sense. At the advanced age of 83 years, he enjoys good bodily health, a sound memory, and has no small gratification in witnessing the rising glory and eminence of our country.

But, to the letter of the marquis La Fayette; we had to press colonel Willet for permission to publish it, he indulging in delicate scruples which would be in order for a young man, but every thing relating to the revolutionary war, is of deep interest to the present generation, and the surviving patriots, together with every documentary evidence of their principles and services, are the property of the country.

PARIS, July 15, 1822.

My dear sir: I avail myself of a good opportunity to remind you of your old friend and fellow soldier, in whose heart, no time or distance can abate the patriotic remembrances and personal affections of our revolutionary times. We remain, but too few survivors of that glorious epoch, in which the fate of two hemispheres has been decided: It is an additional monitor to think more of the ties of brotherly friendship which united us. May it be in my power, before I join our departed companions, to visit such of them as are still inhabitants of the United States, and to tell you, personally, my dear Willet, how affectionately,
I am your sincere friend,

LA FAYETTE.

Mr. Birkbeck's Oration.

The peculiar circumstances of the gentleman who delivered the following address to his friends and neighbors on the late anniversary of American independence—have induced us to give it a place in the REGISTER. There is much sound sense and wholesome instruction in this product of a late British subject.

Oration delivered on the anniversary of the fourth of July, by MORRIS BIRKBECK, esq. of Waukegan, Illinois.

My friends and neighbors.—The period of five years has elapsed since I became an inhabitant of America, the season of probation has expired, and now may presume to address you as fellow citizens.

The opportunity thus afforded me by the partiality of my friends, to come forward on this interesting occasion, is in perfect accordance with my feelings, however poorly I may be qualified for the office assigned me.

I stand here—not as the advocate of freedom, though such I have been from my earliest recollection, for here, freedom needs no advocate. I stand as the organ of our congratulations on absolute, indefeasible enjoyment of this, the chief of earthly blessings. The subject has such complete possession of my faculties, as to leave no space for vanity, and but little for diffidence—What, indeed, is the orator for this occasion, when viewed in connection with his theme?

Millions of freemen are at this moment assembled, as with one accord, in every department of this great republic, to celebrate the return of that day, which may emphatically be called—the day of political redemption. O! her millions, spread over the vast regions of the southern continent, are also, at this moment, contending for their rights—in the very agony of the conflict. May the result be as happy as that we are assembled to commemorate! Let a fellow feeling for our brother men, who are now engaged in a tremendous struggle for the independence which we have accomplished, give dignity to our joy on the present occasion, and temper it with sobriety; and let gratitude, ascending to the great Disposer of events, for our own deliverance, be mingled with heartfelt aspirations that they too, may persevere until they have obtained the victory; and that they may have wisdom to secure, as well as courage to achieve their liberties.

Many noble instances are recorded of successful combats on the side of freedom. Tyrants have been dethroned, and systems of oppression have been swept away—but it has been to make room for other tyrants—for other modifications of servitude!

Of liberty secured, as well as acquired, our revolution, (ours, for my heart was in it from its com-

mencement) our revolution, has afforded the only established precedent since the beginning of history. This people had wisdom as well as courage. The rights they recovered, they retained inviolate—surrendering them to no master, nor aristocracy of masters. To an aristocracy, they indeed entrusted them, but it was to one of nature's creation, selected by common suffrage and accountable for the trust.

Deputation and responsibility—these are the essential characters of just and legitimate government. Every departure from these is a step towards tyranny—it is high treason against our own proper sovereignty—an attempt at political suicide which has always been made, and sooner or later, has always succeeded, the solitary instance of the North American republic only excepted.

Long may heaven avert from us this deplorable catastrophe! and it will be averted so long as we retain what we now hold—the entire possession and guardianship of the fountain of power—that is to say, as long as we remain faithful to ourselves. But, the moment we concede to a portion of the community, be it to one or to many, uncontrollable and exclusive privileges, or tolerate their assumption, that moment we cease to be free.

We are assembled, this day, not as an empty pageant, in honor of those great and good men who were the founders of the republic, but to evince our reverence for the constitution, and the laws which emanate from it.

Let us, then, look around us—let us see that all is safe. Are the laws respected? Can we take shelter under them as a sure refuge against every violation of our persons and property? Should the scrutiny discover defects either in the laws themselves or in their execution, the remedy is at hand—Let us depute to the legislature, at the approaching election, men of good capacity and sound character. Such men will apply themselves with fidelity to supply the deficiency or correct the evil. Some moments of this important anniversary should be devoted to serious examination and profitable reflection; than which there can be no better prelude to social enjoyment.

It has been said that *honor* is the support of monarchy and *virtue* of a republic. True honor is, however, inseparable from virtue. There is a sort of moral hypocrisy called honor, which attempts to supply the place of virtue, "and imitates her actions where she is not." We will leave this spurious production as an appendage to monarchy; it is of no value to a republic—we must have the reality. Let us, fellow citizens, adhere to virtue if we would be honorable: if we would be useful, let us adhere to virtue; if we would be happy, let us adhere to virtue.

It has been the policy of governments to cherish an overweening fondness for the peculiar habits, opinions, and institutions of their own people, and a contempt for those of other nations, founded not on their excellence, their truth or their wisdom, but merely on their nationality. The tendency of this has ever been to create antipathy among the members of the great human family, as baneful in their effects as they are frivolous in their origin. It has made foes of nations which ought to have been connected by links of brotherhood; and kept them so. To it may be traced a large proportion of the nefarious deeds which render history little else than a series of horrible tragedies. This national spirit is dignified with the name of patriotism, but it is not the patriotism fitted for a republic. It is another of the props of arbitrary power, and, like the

mimicry of virtue, miscalled honor, is a mere counterfeit. Genuine patriotism is a ray of universal benevolence which beams upon every man as a brother. Beginning in the near charities of the domestic circle, it extends through family to neighborhood--to country--to mankind.

This glorious principle, my fellow citizens, has the sure bond of union in our great political family. Spread over so large a portion of the globe, from the state of Maine to the gulf of Mexico, and flourishing under a federal constitution, founded on this principle, it affords the most exhilarating view of human affairs that has ever been exhibited to the lover of his species. May the like fraternal spirit prevail in the new order of things from Mexico to China?

The recognition of the independence of South America was carried in congress with but one dissenting voice. A vote, so nearly unanimous, has never before passed on any subject of importance since our own independence was established. What American heart can refrain from exultation at this honorable exposition of universal feeling, arising out of the identity of the representative body, in sentiment with its constituents?

My friends and neighbors! who, like myself, from various causes, have pulled up your stakes in the land of your nativity, and transported yourselves hither--let me invite you to take a view of your present condition, and its comparative advantages. It is, indeed, incumbent on us so to do, that we be qualified to act rightly in our new character.

On the continent of Europe, with some few exceptions, as well as in Great Britain and her sister island, the whole land, the entire surface of the earth, has been long appropriated, and remains in the possession of a small number of individuals, in comparison with the bulk of the population; inso-much that the poor man, having no title by birth in the soil of his country, has no means of possessing a portion of mother earth beyond what he might cover with his person in the field of battle, or what will cover *him* when all his labors are accomplished.

What, in fact, are the possessions which the poor man relinquishes; of what description are the stakes which he pulls up, on his removal from an old country? This is a question which it would be difficult to answer. He has a house, it is true, to which his title will not be questioned; but it is the workhouse; an income, too, by legal provision, which no man will envy; for it is received with reluctance, and paid with grudging.

This is the condition of the laboring man in England. Behold him here! he enters at once on the privileges of a citizen, and with industry and sobriety; in a short time he becomes a proprietor.

Here, we have houses, which we call our own--we have orchards of our own planting, and fields of our own inclosing; and no privileged order in church or state can touch an atom of the fruits of these orchards and these fields, without our consent.

But, supposing us to have been the more fortunate class--supposing us to have been *owners* of the land we tilled, what was our title to this land? It was little more than nominal, because the produce was at the mercy of others: the clergy take their tenth; the poor come upon it with an irresistible and ever increasing demand; government takes what it pleases, that is to say, as much as can be got. These various claims have, at this time, as I learn from unquestionable authority, absorbed all that remains of the produce, after the expenses of cultivation are defrayed.

Such was our position in England, or such it would now have been, had we remained there and retained our standing in society. But many whom we left behind us, in a state of affluence, have been reduced to poverty since our departure; and it is probable that some of us who were born to better expectations, might have been compelled, ere this, to take our stations among the wretched multitude who wait on the overseer of the poor for their daily sustenance, or have been consigned to the horrors of a prison. So far in regard to property--but, in a political view, how great is our advancement!

In the formation of the British legislature, many of us had no concern: this, however, was of small consequence. The majority of that assembly, on all questions of importance, votes regularly on the side of the executive, over which the electors themselves have no legal control whatever.

Here, the entire government, legislative and executive, from the base to the summit, has been built and amended by them. If it were to fall, it would be instantly restored, because it is essential to our well being. Every citizen has his share in the benefits of this edifice, as he has in its construction. And let every citizen do his duty. It is on the upright performance of our part, as individuals, that the aggregate of good government depends. The private man, who, in the exercise of his elective function, is biassed by unworthy or unpatriotic motives, is a betrayer of his trust, and does his part towards the ruin of his country. Two qualifications for office are indispensable--*virtue* and *talents*. He who gives his vote to a candidate destitute of these, is not a good citizen nor a sound republican.

The citizens of this great republic have proved, (and it is a discovery of the first importance in political science), that true liberty has no affinity--nothing in common with licentiousness. We can have no disposition to rise in tumult to destroy a government of our own creation, and of which the agents will in a little space be resolved into the common mass, surrendering to us the power of remedying their abuses, or correcting their mistakes, by the ready means of a better appointment.

In the redress of grievances, (for such may occur under every human institution, at best imperfect), there is this difference between a republic and a tyranny, between a government of election and a government by prescription; in the former they are corrected deliberately, by the collected wisdom of the people; in the latter, rashly, by popular fury.

Allow me, now, to recall your attention to the instrument which was read before the commencement of this address. The declaration of independence embodies, not only our rights, but our duties, as men and citizens. Let the enjoyment of our rights stimulate us to the performance of our duties. This declaration is a document of sublime importance, if the term sublime may be applied to any earthly transaction. The principles there proclaimed to the world are the basis of all that is good and great in the structure of human society. All the bright theories of government formed by the wise of other ages, and other nations, are founded on these principles, viewed by them with rapture, though in the distant perspective; whilst to you, who were born in this land of freedom, their practical effect is as familiar as the light of heaven: you inhaled them with the breath of life: they have become, as it were, the elements of your social character. Deprive you of these, what would be your existence?--a thing not worth caring for; an evil rather than a blessing! Let us not, then, forget, for a moment, that these sacred principles are equally

true, at all times and in all places, and equally applicable to every human being on the face of the earth. So thought, and so felt, the framers of this glorious instrument, than which a finer proof of wisdom and sincerity is not to be found. They avowed the truth and the whole truth, and they acted up to their avowal as closely as men could act, under their circumstances.

It was not they who bound, with fetters stronger than iron, the minds and the bodies of the unfortunate Africans—our brethren, the children of the same great parent! These fetters, it was not theirs to break: much they did; all they could not do. They pledged their lives, their fortunes, and their sacred honor, to support these principles, and they redeemed the pledge. To us, their successors, belongs the furtherance of the great work they commenced so nobly. Let us, my friends and fellow citizens, follow their example; and, relying, as they did, on the protection of Divine Providence, do our utmost to promote the restoration of every individual of God's creation to the enjoyment of his unalienable rights—of life, of liberty, and the pursuit of happiness.

The Attorney General.

Message from the president of the United States, transmitting, pursuant to a resolution of the house of representatives, information relating to the amount of public money paid to the attorney general, over and above his salary fixed by law. &c. April 9, 1822. Read, and ordered to lie on the table.

To the house of representatives of the U. States:

In compliance with the resolution of the house of representatives, requesting the president of the United States to cause to be furnished to that house certain information relating to the amount of public money paid to the attorney general over and above his salary fixed by law, since the first of January, 1817, specifying the time when paid, the particular services rendered, and the fund out of which such payments have been made, I transmit a paper marked A, containing the information desired. I transmit, also, a paper marked B, containing a statement of the sums paid to attorneys general of the United States prior to the 1st of January, 1817; and in the paper marked C, a like statement of sums advanced to district attorneys, for services not required of them by law. These latter documents being necessary to a full view of the subject, it is thought proper to comprise them in this communication.

By the act of 24th of September, 1789, instituting the office of attorney general, it was made his duty to prosecute and conduct all suits in the supreme court, in which the United States should be concerned, and to give his advice and opinion upon questions of law, when required by the president of the United States, or when requested by the head of any of the departments, touching any matters that might concern their departments. It will be seen, therefore, by the statement communicated, that no money whatever has been paid to the attorney general for his services, in that character, nor for any duty belonging to his office, beyond his salary, as fixed by law.

It will also be shown, by the documents communicated, that the construction given of the laws imposing duties on the attorney general and district attorneys, has been invariably the same since the institution of the government. On the same authority it was thought that the compensation allowed to the present attorney general, for certain ser-

vices, considering their importance, and the time employed in rendering them, did not exceed, regarding precedents, what might fairly be claimed.

JAMES MONROE.

Washington, April 6, 1822.

The statement A. shews that Mr. Wirt received, beyond his salary, 3,450 dollars, from the 18th of December, 1818, to the 9th April, 1821, inclusive of both—to wit:

For attending at Baltimore on certain trials for piracy	1,500
For ditto at ditto on prosecutions for robbing the mail	1,000
For drawing an answer of William Otis to the bill of Blake, &c.	50
For advice and argument in the case of James Johnson, of Ky.	400
For services in the supreme court, Anderson vs. Dunn, employed by the speaker of the house of representatives	500

\$3,450

The statement B shews that, in 1792, Edmund Randolph received 54 dollars, and, in 1814, William Pinkney received 100 dollars, while attorneys general of the United States, for extra services—together 150 dollars. No others are reported a having received any thing over their salaries.

The statement C. shews the amount that had been paid to district attorneys beyond their salaries and fees, for services not required of them by law. The items are various—the following are the amounts which each received:

Alexander Campbell, of Virginia, (1794) \$4 dollars, and in 1796, \$233 33. William Rawle, Pennsylvania, two items, in 1795, \$1,024 83; Richard Harrison, New-York, (1796) \$287 27; David L. Barnes, Rhode Island, (1799) \$50. George Blake, Massachusetts, two items, (1803, 1821) \$262. Alexander J. Dallas, four items, (1804, 1805, 1813, 1815) \$3,500. Pierpont Edwards, Connecticut, (1806) \$500. Walter Jones, jr. District of Columbia, three cases, (1808 and 1812) \$3,000. Silas Lee, Maine, (1808) \$450. Joseph M'Ilvaine, N. Jersey, (1820) \$206 28. Charles Ingersoll, Pennsylvania, (1821) \$150.

IN THE HOUSE OF REPRESENTATIVES, APRIL 12.

Mr. *Sergeant* delivered in the following:

The committee on the judiciary, to whom was referred a message from the president of the United States, furnishing, in compliance with a resolution of the house, certain information relating to the amount of the public money paid to the attorney general, over and above his salary fixed by law, since the 1st January, 1817, report:

That the office of attorney general was established by the act of the 24th September, 1789, and his duty defined to be "to prosecute and conduct all suits in the supreme court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the president of the United States, or when requested by heads of any of the departments, touching any matter that may concern their departments.

The same act directs that he "shall receive such compensation, as shall, by law, be provided."

By an act of the 23d of September, 1789, the compensation of the attorney general was fixed at \$1,500 a year. It has been raised by successive acts of congress, from time to time, as the increased labor and other just considerations seemed to require, and is now \$3,500, which cannot be deemed more than a reasonable allowance, considering

that the increased demand for the frequent legal aid of the attorney general has made it necessary for him to reside at the seat of government, and requires a much longer devotion of his time to the public service than was formerly called for.

From the act of September, 1789, to the present time, no change has been made in the constitution of his office, or the definition of the duties which belong to it, nor is it believed that any such has been suggested; and it may, therefore, well be inferred that nothing has heretofore accrued to induce any one to suppose that a change was expedient; and the committee deem it fit to add that they neither know nor have heard of any complaint that the office has not answered its purpose.

The appointments heretofore made, and the compensation heretofore and now allowed, have had reference only to the existing constitution of the office, and the duties belonging to it, as already stated.

It follows, clearly, that no department of the government has a right, nor ever has had a right, to call upon the attorney general to perform any other duties, and it would be difficult to show that an officer is under a greater obligation than a private citizen, to render gratuitous services to the government, particularly where they are of a nature to be estimated and paid for.

In the extensive and interesting concerns of the nation, it will nevertheless happen, as it has already frequently happened, that the government will have occasion for other or further legal aid than that which their officers are bound, or in some cases able, to afford. Such occurrences are in their nature contingent, and they can only be provided for by the establishment of offices, and the appointment of officers, upon a scale to embrace every possible contingency, with adequate salaries and emoluments, which, if it be at all practicable, would be onerous and wasteful, or by leaving to the executive officers of the government, the power of engaging such aid, from time to time, as the occasion may occur, exercising this very inconsiderable discretion under the same responsibility as belongs to their more important duties. The latter has been the practice of the government.

Where such occasional aid can be afforded by the attorney general, without interference with his proper duties, as in cases occurring at or near to the seat of government, there is no objection to his being employed in the ordinary professional footing of receiving a compensation for the service required. It was not the design of the office, as has already appeared, that he should render any other than the stated duties for the stated compensation or salary, and it was never understood or intended that the office was to deprive the officer of the right to employ his professional talents and learning for his own benefit, where that could be done without prejudice to the faithful performance of his stated duties. There is no good reason why the attorney general should not, under the limitation just mentioned, be at liberty to engage in the general pursuits of the profession. Accordingly, such has been the usage, not only in the instance of the attorney general of the United States; but, it is believed, of every state in the union, to engage in private practice, abstaining only where it interfered with public duty.

In reviewing the past, then, the committee find nothing to disapprove. Where additional professional aid has been employed, it seems to have been necessary and proper, and not to have been compensated beyond a fair and reasonable amount.

Where compensation has been allowed to the attorney general, it has been for services rendered which did not belong to his office, which he was in no manner bound to perform and for which, therefore, if he did perform them, he was entitled to be paid, as any other professional man would be. And they think it fit to state explicitly, that, in those instances where compensation has been allowed to the distinguished citizen who now fills the office, services have been faithfully rendered, well deserving what has been paid to him, and it certainly has not been greater than must have been paid to any other eminent lawyer.

In regard to the future, the committee can propose no other plan than that which has heretofore been adopted and approved. It seems to the committee to have well answered its purpose, and they perceive no good reason to fear, that it will prove less effectual in future.

They therefore offer the following resolution—
Resolved, That the committee be discharged from the further consideration of the subject.

Expedition to the Rocky Mountains.

FROM THE NATIONAL GAZETTE.

Extracts from the history of the expedition from Pittsburg to the Rocky Mountains, in the year 1819, under the command of major Long.

On the 14th of October, four hundred Omawhaw Indians assembled at camp Missouri. Major O'Fallon addressed them in an appropriate speech, stating the reasons for their being called to council, upon which *Ongpa ton-ga*, the *Big Elk*, arose, and after shaking by hand each of the whites present, placed his robe of Otter skins and his moccasins under the feet of the agent, whom he addressed to the following effect, as his language was interpreted by Mr. Dougherty,

"He had heard that his father wished to see him, and he had wished to see and to hear the words of his father, ever since he learned that he was ascending the river. He was informed last fall of his being at the river Platte, and as he could not then go to see him, he had now come to visit him—And here I am, my father. All these young people you see around here are yours, although they are poor and trifling, yet they are your children. I have always loved the whites since I first remember to have seen them, and this affection increases with my age. All my nation love the whites, and always have loved them—Amongst all the good things of this world, I place the whites first. But it appears, that there are many nations that live nearer to you than I, that do not love you, though you have done more for them than you have done for me. When they meet with you, they flatter you, in order to get presents from you, notwithstanding which, they would not hesitate to kill some of your people on their way home. Some of them shake hands with you in a friendly manner, whilst their hands are yet stained with your blood; and if you examine your own hands, my father, I think you would find some of it adhering to them yet. For my part, my father, I am proud to boast, that my hands are clean. Never has one of my nation stained his hands with the blood of a white man. I do not understand, my father, your mode of treating those well, who treat you ill. It is true I know that you have more sense than I have, but I cannot understand it. I have heard that the Pawnees have been to see you, a nation that has killed, robbed and insulted your people; I was also informed that you feasted them, and, at their departure, put weapons

in their hands. I should not be surprised to hear, that those very weapons were stained with white man's blood, before they reached the Pawnee village. This is what I cannot understand. This circumstance led me to believe, that, if you treated those that have injured you so well, you surely would treat your poor children, the Omawhaws, who have never done harm to your people, with much kindness also. But I am afraid the transaction will have a bad effect on my young men. When they heard of American troops ascending this river, they feared and respected them. But I am fearful that this transaction will throw them off their guard, make them lose their respect for you, and cause them to do something that they would not otherwise have done, and thus create trouble and difference between us. You said, my father, that those troops do not come to harm us. I believe it is true. I consider them all my brothers and friends. So far from thinking they come to injure me, I regard them as my shield, to guard me against bad nations around me. You say, that if ever there is a difference between us, that it will be our fault; but I hope not, my father. I cannot think that the Omawhaws will offer any indignity to your people, now that they have seen all those troops, when they have not harmed individuals who have resided years in their village unprotected, although we were then less enlightened than we now are.—Some think, my father, that you have brought all these warriors here to take our land from us, but I do not believe it. For although I am but a poor simple Indian, yet I know that this land will not suit your farmers; if I even thought your hearts bad enough to take the land, I would not fear it, as I know there is not wood enough on it for the use of whites. You might settle along this river, where timber is to be found; but we can always get wood enough in our country to make our little fires.—There is one thing I fear, my father; my nation is coming down here to hunt this winter, and if you send out your soldiers to hunt also, they will drive off all the game, and our women and children will starve.—We have heard of the ascent of the troops up this river ever since last fall, and we have been told by other nations, that if they chance to meet with any squaws unprotected, they ravish them.—But, my father, we shall soon know if this is true or not, because, having but little to eat, our squaws will be obliged to go out into the prairies to dig roots; I shall trust to you, and not hesitate to let them go." He also observed that he could not see the necessity of stationing so many troops here, as they had no one to oppose; he thought it desirable that they should go higher up the river, to chastise those refractory Indians, who will not listen to our words. "There is one thing, my father," he observed, "which I wish you to inform me of. We have heard of your tying up and whipping individuals of several nations, as you ascended this river.—What is the offence which will subject us to this punishment. I wish to know, that I may inform my people, that they may be on their guard." He then observed that all his children were poor, and that they had come with the expectation of receiving something from their father.

This speech, contrary to the usual mode of Indian orators, was commenced in a low tone, the voice gradually rising as the speaker proceeded, until it attained its full intonation.

Several speakers subsequently went forward and delivered their sentiments, generally alluding to the circumstance of our treating those who injure us, kindly, and neglecting our friends.

Ta-sone, the *White Dog*, spoke [with the allusion, and added, "Look at me, my father, look at my hands, examine me well, I am a wild man, born in the prairie," and subsequently, "I told you, my father, to look at me, that you might see if there is any of the blood of your people upon me. Some, whose hands have been stained with blood, endeavour to wash it off, but some of it will still remain."

It is proper to mention, as explanatory of some of the allusions in the above speeches, that the Pawnees, at the conclusion of their council, had been invited to dine at Camp Missouri, and that many of their chiefs were there presented with sabres, as I before stated. It was to this circumstance, that the above mentioned speakers had reference, as being inexplicable to them, as it seemed as if we wished to conciliate the good will of those evil doers through fear, and yet they could hardly accuse us of fear, surrounded as we were by so formidable an array of troops.

In the year 1814, a trader married a beautiful squaw of one of the most distinguished families in the Omawhaw nation. This match, on the part of the husband, was induced by the following circumstances. Being an active, intelligent and enterprising man, he had introduced the American trade to the Missouri Indians, and had gained great influence amongst them by his bravery and ingenious deportment. But he, at length, perceived that his influence was gradually declining, in consequence of the presence and wiles of many rival traders, to whom his enterprize had opened the way, and that his customers were gradually forsaking him.

Thus circumstanced, in order to regain the ground he had lost, he determined to seek a matrimonial alliance with one of the most powerful families of the Omawhaws. In pursuance of this resolution, he selected a squaw whose family and friends were such as he desired. He addressed himself to her parents, agreeably to the Indian custom, and informed them that he loved their daughter, that he was very sorry to see her in the state of poverty, common to her nation, and although he possessed a wife among the white people, yet he wished to have one also of the Omawhaw nation. If they would transfer their daughter to him in marriage, he would obligate himself to treat her kindly; and as he had commenced a permanent trading establishment in their country, he would dwell during a portion of the year with her, and the remainder with the white people, as the nature of his occupation required. His establishment should be her home, and that of her people during her life, as he never intended to abandon the trade.—In return, he expressed his expectation that, for this act, the nation would give him the refusal of their peltries, in order that he might be enabled to comply with his engagement to them. He further promised that if the match proved fruitful, the children should be made known to the white people, and would probably be qualified to continue the trade after his death.

The parents repudiated with thanks for his liberal offers, and for his disposition to have pity on them, they would not object to the connection, and hoped that their daughter would accept of him as a husband.

The parents then retired, and opened the subject to the daughter; they assured her that her proposed husband was a great man, greater than any of the Omawhaws; that he would do much for her

and for them, and concluded by requesting her to acquiesce in the wishes of the white man. She replied that all they said was, without doubt, true, and that, agreeable to his request, she was willing to become his wife.

The agreement being thus concluded, the trader made presents, agreeably to the custom of the nation, and conducted his interesting prize to his house.

The ensuing autumn she had the pleasure to see him return, having now conceived for him the most tender attachment. Upon his visit the following season, she presented him with a fine daughter, born during his absence, and whom she had nursed with the fondest attention. With the infant in her arms, she had daily seated herself on the bank of a river, and followed the downward course of the stream, with her eye, to gain the earliest notice of his approach. Thus time passed on. The second year the father greeted a son, and obtained his squaw's reluctant consent to take their daughter with him on his return voyage to the country of the white people. But no sooner had he commenced his voyage, although she had another charge upon which to lavish her carresses, than her maternal fondness overpowered her, and she ran crying and screaming along the river side in pursuit of the boat, tearing out her long flowing hair, and appearing to be almost bereft of reason. On her return home she gave away every thing she possessed, cut off her hair, went in deep mourning, and remained inconsolable. She would often say that she well knew that her daughter would be better treated, than she could be at home, but she could not avoid regarding her own situation to be the same as if the Wahconda had taken away her offspring forever.

One day, in company with six other squaws, she was engaged in her agricultural labors, her infant boy being secured to his cradle like board, which she had carefully reclined against a tree at a short distance. They were discovered by a war party of Sioux, who rushed towards them with the expectation of gratifying their vengeance by securing all their scalps. An exclamation from her companions directed her attention to the common enemy, and in her flight she fled precipitately, but suddenly recollecting her child, she swiftly returned full in the face of the Sioux, snatched her child from the tree, and turned to save its life, more precious than her own. She was closely pursued by one of the enemy, when she arrived at a fence which separated her from the trading house. A moment's hesitation here would have been fatal, and exerting all her strength, she threw the child with its board, as far as she could on the opposite side.

Four of the squaws were tomahawked, and the others escaped, of which number the mother was one, having succeeded in bearing off her child uninjured.

The trader, on his arrival at the settlements, learned that his white, or civilized wife, had died during his absence, and, after a short interval devoted to the usual formalities of mourning, he united his destinies with another, and highly amiable lady. The second season his wife accompanied him on his annual voyage up the Missouri, to his trading house, the abode of his squaw.

Previously to his arrival, however, he despatched a messenger to his dependants, at the trading house, directing them to prevent his squaw from appearing in the presence of his wife. She was accordingly sent off to the village of her nation, a

distance of sixty or seventy miles. But she could not long remain there, and soon returned with her little boy on her back; and, accompanied by some of her friends, she encamped near her husband's residence. She sent her son to the trader, who treated him affectionately. On the succeeding day the trader sent for his squaw, and after making her some presents, he directed her to accompany her friends who were then on their way to their hunting grounds.

She departed without a murmur, as it is not unusual with the Omawahaws to send off one of their wives, on some occasions, while they remain with the favorite one.

About two months afterwards the trader recalled her. Overjoyed with what she supposed to be her good fortune, she lost no time in presenting herself before the husband whom she tenderly loved. But great was her disappointment, when her husband demanded the surrender of the child, and renounced for the future any association with herself, directing her to return to her people, and to provide for her future well being, in any way she might choose.

Overpowered by her feelings on this demand and repudiation, she ran from the house, and finding a periogue on the river, she paddled over to the opposite side and made her escape into the forest, with her child. The night was cold and attended with a fall of snow and hail. Reflecting upon her disconsolate condition, she resolved to return again in the morning, and, with the feelings of a wife and a mother, to plead her cause before the arbiter of her fate, and endeavor to mitigate the cruel sentence.

Agreeably to this determination, she once more approached him, upon whom she had claims paramount to those of any other individual. "Here is our child" said she, "I do not question your fondness for him, but he is still more dear to me. You say you will keep him for yourself, and drive me far from you. But no, I will remain with him; I can find some hole or corner into which I may creep, in order to be near him, and sometimes to see him. If you will not give me food, I will, nevertheless, remain until I starve before your eyes."

The trader then offered her a considerable present, desiring her, at the same time, to go and leave the child. But she said, "Is my child a dog, that I should sell him for merchandise? You cannot drive me away, you may beat me it is true, and otherwise abuse me, but I will still remain. When you married me, you promised to use me kindly, as long as I should be faithful to you; that I have been so no one can deny. Ours was not a marriage contracted for a season, it was to terminate only with our lives. I was then a young girl, and might have been united to an Omawahaw chief, but I am now an old woman, having had two children, and what Omawahaw will regard me? Is not my right paramount to that of your other wife; she had heard of me before you possessed her. It is true her skin is whiter than mine, but her heart cannot be more pure towards you nor her fidelity more rigid. Do not take the child from my breast, I cannot bear to hear it cry, and not be present to relieve it; permit me to retain it until the spring, when it will be able to eat, and then, if it must be so, take it from my sight, that I may part with it but once."

Seeing her thus inflexible, the trader informed her, that she might remain there if she pleased, but that the child should be immediately sent down to the settlements.

The affectionate mother had thus far sustained herself during the interview with the firmness of conscious virtue, and successfully resisted the impulse of her feelings; but nature now yielded, the tears coursed rapidly over her cheeks, and clasping her hands, and bowing her head, she burst into an agony of grief, exclaiming, "why did the Wahonda hate me so much as to induce me to put my child again into your power."

The feelings of the unhappy mother were, however, soon relieved. Mr. Dougherty communicated the circumstances of the case to major O'Fallon, who immediately and peremptorily ordered the restoration of the child to its mother, and informed the trader that any further attempt to wrest it from her should be at his peril.

Paraguay.

FROM THE LONDON MORNING CHRONICLE.

It has been long erroneously believed in Europe, that *Artigas*, the noted chief, who, for a period of years, governed the eastern bank of river Plate in a state of independence, rejecting the overtures of Spain, and withstanding the attacks of the rival government of Buenos Ayres—who, without any organized government of laws, without having courts of justice, boards of admiralty or any other regular system for the trial of prizes, issued letters of marque, which were afterwards simulated and served for an extensive plan of plunder and murder on the seas: It has erroneously been believed in Europe, we repeat, that this noted Artigas has been taken by the Portuguese and killed. This, however, is not the case. Artigas is alive, although, perhaps, so situated as to be prevented from again using his influence and ascendancy, either as a terror to his neighbors or as an instrument of desolation in a country governed by him after the Tartar fashion; and the recent inquiries we have been induced to make after the fate of this singular character, have elicited a variety of interesting particulars which, availing ourselves of a leisure moment, we now lay before our readers.

Compared with the other independent governments which have been formed in South America, Paraguay, known to us from the labors of the Jesuit, and the descriptions of Maratori and Azara, presented many singular points of contrast. When the first disturbances commenced in that quarter, towards the year 1810, the inhabitants of Paraguay, owing to their peculiarly secluded situation, judged that no further protection or support could be derived from the mother country, whose affairs soon afterwards, at that distance, began to look desperate, and they early saw the necessity of considering what way they could best administer their own concerns, without being dependant on, or embroiled in the quarrels of their neighbors. Unattended by political commotion or anarchy, a junta of the principal inhabitants was assembled to deliberate on the best plan to form and carry on a local government, when upwards of 1,000 deputies unanimously declared in favor of a total independence, and, as it were, political seclusion, and in that state they have remained ever since. They further determined that the government should be confided in the person who, from his virtues and knowledge, was most deserving of public confidence; but, in order avoid the conflict of two parties, headed by two individuals equally entitled to this distinction, they determined to elect Dr. *Francia* and M. *Yedros* joint governors. These two persons administered the affairs of Paraguay jointly,

each having a separate district, and commanding an equal force; but in the course of time the growing ascendancy of Dr. *Francia* deprived his rival of his party, and through the sanction of another meeting of the inhabitants, he was made supreme dictator, the title he now bears, and poor *Yedros* became his prisoner, and had the limits of the city given to him, as the boundary of his personal freedom.

From the peculiar traits of character Dr. *Francia* has since evinced, it can hardly be supposed that this wish to exercise the supreme command, originated in interested or ambitious views. Had he been obstructed by the interference of another, possibly he could never have so successfully guarded his country from civil commotions, and raised it to the state of prosperity and happiness it now enjoys beyond any other portion of South America.

Dr. *Francia* is a native of Paraguay, and was bred a lawyer. Not fond of society, and rich enough to live with ease and independence previous to the revolution, he remained retired in the country, principally devoted to study. His pursuits gave him a reputation for learning beyond any of his countrymen, and his virtuous and moral conduct, added to his known disinterestedness, subsequently secured their confidence. Gradually, Dr. *Francia*, has consolidated his power, and become a sovereign over his country; but without having any of the appendages or incurring the expenses of a ruler. Equity, justice and policy are his guides, and his administration is founded on no written code of laws. The trade of the country affords him a sufficient revenue, and this is expended with the greatest frugality. The postmaster and collector of the customs are the only two public functionaries he employs; should they be wanting in their duty, he dismisses them and appoints others. He sees to every thing himself: purchases the clothing and arms for his militia, settles disputes, grants passports, in short, fills every department in the state. He has no favorites, and his impartial demeanor stands unimpeached in the opinion of his fellow countrymen, after governing them for a number of years. The militia of Paraguay is astonishingly well organized. One half is on duty during six months in the year, and for a similar period is succeeded by the other half. Thus he has always at least 3,000 men at his disposal, and he commands them in person. Since he came into power he has refused all political intercourse with the neighboring provinces, uniformly rejected the overtures made, and dismissed the emissaries sent to him.—He has repelled the attacks of Buenos Ayres, routed her armies, and defended his territory from the hostilities of savage Indians.

It has been the object of Dr. *Francia* to keep Paraguay clear from those feuds and broils, which have unfortunately so often desolated Buenos Ayres, and the other provinces, and by his ability and management he has prevented anarchy and rendered his country prosperous—Emigrants have flocked there from Corrientes, Tucuman, Buenos Ayres, &c. and particularly from the eastern bank. The population of Paraguay, under the last Spanish governor, that is, about the year 1805, was only from 130,000 to 140,000 souls; now it exceeds 200,000. It cannot be attacked, unless it is by ascending the river, and this is easily defended by gun boats.—European goods are supplied from Buenos Ayres and tobacco and Paraguay tea, so much used in the part of S. America alluded to, are brought down in return. The exportation of coin is prohibited, or only allowed in exchange for arms. The export of

timber, so much wanted at Buenos Ayres, for house and ship building, is also prohibited, unless in payment for arms. Some United States trading vessels have gone up to Paraguay, without touching at Buenos Ayres, with arms and warlike stores, the river admitting even to that immense distance up, vessels of 300 tons burden. The banks of the Parana are lined with willows, and the boats carry out long lined tow lines, which are tied to them, and the vessel is then hauled gradually against the current. In this the Paraguayans are very dexterous; they swim astonishingly well, and carry the tow-lines out without the aid of a boat, by putting an end in their mouths to ascend, and one to descend from Paraguay. There is also a local trade in rum, sugar, and coarse cottons of home manufacture.

Dr. Francia seems to have followed the policy of the jesuits who, by the most wonderful address, retained, till the time of their expulsion, an absolute dominion, both in spiritual and temporal concerns, over the inhabitants of Paraguay. He foresees and provides for their wants, and his great activity forms a striking contrast with the general apathy of his countrymen. He forbids the liberty of the press, from a wish to guard against political agitation, and from similar motives he rejects the visits of European foreigners. Owing to this peculiar policy it was, that Bonpland, the botanist, on his late excursion, was unable to ascend higher than Corrientes; but he receives Spaniards, South Americans and Brazilians indiscriminately, and treats them according to their deserts, although he does not allow Spaniards to marry white women in the country he governs.

It is into the power of this singular man, that Artigas has fallen. He has been his prisoner for nearly two years. Not flying from the Portuguese, but from the persecutions of a party of his own countrymen, under Ramirez, who was himself subsequently killed at Rio Seco, a place situated between Santiago del Estero, and Santa Fe, towards the close of 1820. Artigas sought an asylum in Paraguay, and there found one; but his turbulent disposition not allowing him to be quite, he formed a plan to raise troops, and again recover his ascendancy; when Dr. Francia, not to involve his country with his neighbors, arrested him in a convent, where he was closely watched and guarded, when the last advices left Paraguay. Notwithstanding the facts above stated, there are still cruisers at sea wearing the flag of Artigas, and most of their captures are paid at Lloyd's.

CHRONICLE.

Maj. gen. Brown, we are happy to say, has been restored to such a state of health as to enable him to resume his duties at head quarters—he arrived at Washington a few days ago.

Capt. John H. Elton, of the navy, died at Norfolk on Saturday last, after a lingering illness, aged about 37 years.

Col. Matthew Lyon, U.S. factor for the Cherokee nation, died at Spadre Bluff, in Arkansas, on the 1st of August ult. aged about 76 years. He was a soldier of the revolution, and for some time a member of congress, from Vermont, and afterwards from Kentucky.

The French corvette *La Tarn*, has arrived at Norfolk from Rochefort.

Another naval fight. It is said, that, on the 6th Sept. in the *Monia* passage, the U. S. schooner *Alli-*

gator fell in with, and, after an action, captured the Spanish piratical brig *Polono*, of 16 guns, and 180 men. Another account says there is no truth in the preceding report.

An account, truly Spanish, in the old fashioned style, has been published at Porto Rico, of the capture of the Palmyra by the *Grampis*. The most important thing mentioned is, that the latter fired into the former without "warning or explanation!" and that the crew of the privateer were much abused, &c.

Mr. Crawford, secretary of the treasury, in a late visit to his former home in Georgia, was received at many places with distinguished respect, and complimented with several public dinners. At the dinner at Athens, the following were among the toasts drank:

Thomas Jefferson—The re-incorporation of his principles, so purely republican, into the body of our government, "is a consummation devoutly to be wished."

Principles and not men—The motto of every good citizen, and the creed of every honest politician.

The United States—May all attempts at either sectional or political division, acquire neither length of acquiescence or strength of influence, but be resisted with unceremonious contempt.

By Mr. Crawford—The memory of general Jett Thomas—his gallantry in action was not less conspicuous than his integrity as a citizen.

(*Mr. Crawford having retired*)—*Our enlightened guest, William H. Crawford*—Whatever may be the hopes to the contrary, the world may be assured he has not lost the confidence and attachment of his own state.

By col. John A. Cobb—Prosperity to the manufactures of the United States, without the aid of protecting duties.

The following were drank at Greensborough:

By Mr. Crawford—The memory of the personal and political friend of my youth, Peter Early—May his public virtues stimulate those who succeed him to emulate his patriotic exertions.

By the president—(*Mr. Crawford having retired*)—Our distinguished guest, William H. Crawford—His vigorous intellect, republican simplicity, extensive political information and inflexible integrity, eminently qualify him for the first office in the gift of the American people.

By Thomas Crawford, esq.—Southern rights—Slavery is no institution of ours—if we are obliged to support it, it is because we can't help it.

Canandigua, N. Y. Sept. 20. By a gentleman passing this place from Chenango, we learn the following melancholy circumstances, which he stated to have occurred last week in the town of Otselic, in the above county.

A large number of men were employed in raising a barn; two young men were scuffling, and the neck of one was broken in the affray: in this situation he was carried before his father, who was holding a corner post of one of the *bents*—when, (dreadful to relate), the father, shocked at the horrid spectacle, left his hold, by which means the timbers fell and killed seven men on the spot.

Texas. There are miserable accounts from Austin's settlement, and those who were seduced to emigrate to Texas have chiefly perished by various hardships, or returned again to the United States. It is stated that every settler was required to make oath that he was of the Roman Catholic religion, no other being tolerated.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

BANK OF THE U. S. The important exposition of the affairs of this institution, which occupies so large a portion of the present sheet, cannot fail to excite the public attention, deeply interested in this establishment, for it partakes somewhat of a national character, though it has been so much devoted to private purposes. We have not yet seen the documents referred to, but, if any or the whole of them shall appear necessary to the more full elucidation of the facts stated, they shall have a place in the Register.

THE GREEKS. Though we cannot "thank God," as many seemingly pious people say that they do, even in temples or places appropriated to His worship, for the destruction of the human race, we cannot altogether withhold an expression of high gratification at the news received from Greece—perhaps we do rejoice, and may rightfully rejoice, at the great slaughter of the Turks; seeing that, if they had not been killed, they would, most certainly, have massacred the Greeks, and have performed in the Morea a second part of the terrible tragedy acted in Scio. If the accounts are true, and we see no reason to doubt them except because of the magnitude of the victory, we may begin to calculate upon the liberation of Greece by the arms of her sons, worthy of the best days of this interesting country. See "Foreign News," under the head of *Turkey*; a name that we have some little hope may be blotted from the map of Europe.

HEALTH. A few cases of fever are still reported at New York, and the infected district is yet nearly uninhabited. We had forty deaths by "bilious fever" in Baltimore, in the last week—many of them caused by diseases of the most violent character. The latest accounts from Pensacola shew that the city was nearly deserted, and give us a long list of deaths; many estimable and distinguished persons have found a grave at this place: and, it is said, that the living who remained in the city, were hardly sufficient to inter the dead! The disease generally terminated in about five days. The fugitives from the pestilence have suffered great hardships on account of the sparse settlement of the neighboring country, and the most respectable families have been glad to obtain the garret of a miserable hut to shield them from the weather. At New Orleans, also, though, until late in the season, very healthy, the yellow fever has broken out, and was carrying off 10 or 12 persons every day.

SLAVERY. One great good, at least, will grow out of the revolutions in Mexico, Colombia, &c. for slavery is abolished in all of them—and, after a few years, the road to honor, respectability and wealth being open to all—distinctions, on account of color, will be lost, and the whole mass of society have a common interest and feeling. Let the future fate of these countries be what it may, *personal slavery cannot be restored.* Much alarm prevails in Louisiana in consequence of the flight of slaves to Mexico—see page 96.

TERRIBLE STORM. The city of Charleston was visited by the most destructive hurricane on the 27th

and 28th ult. that, probably, ever occurred in our country. The direction of the wind was such that the damage done in the harbor was slight compared with that sustained in the city. Many houses were completely prostrated, and a considerable number of persons killed thereby—six of them by the falling of one building; several vessels were driven ashore or sunk—others lost masts and spars; but the U. S. schooner *Grampus* rode out the gale in safety. It appears that hardly a house in the city escaped uninjured, and the streets were almost impassable for the number of trees, &c. that had fallen in them. The force of the storm may be partially estimated by the following circumstances:—"The sheet of tin which covered the cupola of the circular church in Meeting street, about twenty feet in circumference, and which was well fastened round with brass nails, three or four inches in length, was completely torn up by the fury of the storm, and carried through the air into Queen-st. a distance of about one hundred yards. The iron vane at the top of St. Michael's church has been considerably bent, and the top of St. Philip's church has been carried away."

"The thermometer rose from 70 degrees at 10 o'clock, to 77½ at 1 o'clock.

"The barometer fell, in the same time, from 30° 15' to 29° 50'.

"The tide rose and fell, about one o'clock, 6 feet in 45 minutes."

This storm appears to have reached Raleigh, N. C. though the damage sustained there was not great. The mails from the south were delayed several days—and such was the amount of trees prostrated on the roads, that one gentleman was eight hours in going eleven miles! It was thought that *one half* of the trees had been blown down or bent. The preceding account reached us by a vessel that arrived at Norfolk, and, since the hurricane up to yesterday evening, inclusive, we have not received any mail from Charleston.

PIRACY. The pirates of Cuba, &c. appear to be nearly as active as ever they were, and not infrequently terminate their abuse of persons by putting them to death. Some great and general effort must be made by the United States, England, France, &c. to exterminate these wretches, who do not respect any flag, or suffer any thing to stand in the way between them and their business, but *force.*

THE AURORA newspaper establishment has been sold by Mr. Duane, its veteran proprietor, to Mr. James Wilson, editor of the Steubenville Herald, who, at a former period, had charge of the Aurora for some time. Mr. Duane, is about to be absent from the United States. The following extract from his parting address to his delinquent subscribers, presents too true a portrait of the negligence with which the just claims of the publishers of newspapers are often treated:—

"There is one subject, which, if I were alone concerned, I should scorn to notice on an occasion like the present—I mean the vast amount due to me for value delivered; my duty to others, however, compels me to make an anxious appeal to the justice, and, indeed, to the generosity, of those who

are indebted to me—if they had repaid my services with the fidelity with which I am conscious those services were performed, I should not have had occasion to relinquish this paper, (a painful operation), or to seek, in my sixty-third year, in a foreign clime and new pursuit, the means necessary to the support of a numerous family.”

To the editor of the Weekly Register.

Sir: In a late number there is an excellent paper on the moral force which Great Britain exercises over this country; to the sentiments of which I most cordially subscribe, believing them to be perfectly correct. With a view of aiding you in your laudable endeavors of putting down this pernicious influence, I send you an extract from a late periodical publication in Britain, of acknowledged respectability and veracity. In this your readers really find depicted the true character of the persons who exercise the power in England, and will clearly see the reason why the cause of suffering humanity in Greece is so little regarded among many of our moral and religious people. The columns of the London Courier may be consulted in coroboration.

“The ministers of England, if we may judge from the language of their organ, the unprincipled Courier, are devoting the resources of this mighty empire to the extinction of every thing liberal and generous in the affairs of mankind. The Greeks are insurgent rebels, as cruel as the Turks, and ought not to receive support. The Spaniards are public enemies of religion and royal prerogatives, and ought to be put down. The American republics ought to receive no countenance; and the Irish peasantry ought to be fed as paupers rather than be restored to their civil and social rights. In truth, such a series of machiavelian turpitude never was so unblushingly displayed as appears from day to day in this ministerial organ. Happily however the Greek cause improves. The friends of absolute power and priest-craft in Spain have met with defeat in every quarter; the American republics will be established in spite of all their enemies; and the pauperism of the Irish will render their situation known to the world, and when known, their social wrongs must be permanently redressed.

“Parliament is not yet prorogued; but a reward might be offered for the discovery of any laudable measures which have been adopted during so prolonged a session, without the hazard of being claimed. Never was more promised,—never was more expected,—never was more wanted by a country bleeding in all its vital parts,—and never was less done. Incapacity must be the apology, for certainly less talent never appeared in the house of commons than at this time, and nothing could render a patriot more melancholy and hopeless, than a few nights' attendance on its technical debates.”

Let our American brethren read the above true character of the organs of the moral force which is, most unfortunately, wielded over our beloved land; and, if possessed of republican feeling, they will blush that the case should be so—if possessed of patriotism they will use their utmost efforts to do away its effects, by discountenancing all pernicious importations from a country which is ruled by such inveterate enemies to republican principles and to civil and religious liberty.

J. M,

NATIONAL LAW. From a London paper. An answer has been received by the underwriters at Lloyd's coffee house, from the Dutch government, which has excited some surprise. It regards the Lutine frigate, which, as has been stated in the newspa-

pers, was long since wrecked on the coast of Holland, with half a million of specie on board, intended for Prussia. Not a soul survived, nor was it known what had become of the frigate until recently, when she was found buried in the sand, on the Dutch coast. The British government, which sent the specie as a subsidy to Prussia, insured at Lloyd's, and in due course received the money on proof of the loss. The insurers, therefore, or such of them as are alive, applied a short time since to the Dutch government, for permission to take the specie out of the wreck of the Lutine. The answer obtained this day, though very courteous, is by no means satisfactory, upon any account. It is this: That as the Lutine was wrecked pending a war with Holland, the property of course became Dutch, and no restoration can therefore be made. Had the disaster occurred while peace existed, the Dutch government would have been most ready to afford every facility for the recovery of the specie from the wreck.

FOREIGN NEWS.

London papers of September 9

The congress. Several ministers from foreign courts are stated to have arrived at Paris, on their way to the congress. The following is given in the Paris papers of the 5th of August, as a summary of the propositions to be submitted to the congress of Verona:—

“1. To declare firmly and openly against revolutions of every kind. 2. To entrust the guarantee of Italy and Germany to Austria. 3. To agree to a secret article relative to Spain. 4. To renew the guarantees given to the other states of Europe. 5. To declare a neutrality, at least ostensibly, with respect to the affairs of Turkey. 6. To invite the different powers to abstain from open war with Spain. 7. To agree to repressive and general measures with respect to the press.

Great Britain and Ireland. The 18th regiment of Hussars lately disbanded, was raised in 1759, by the present marquis of Drogheda, who commanded it sixty-two years!

A successor for lord Castlereagh was not yet determined on—but it seems to have been generally thought that Mr. Peel would be appointed. The duke of Wellington goes to the continental congress in the place of the late minister.

Mr. Wellesley Long, famous for his prodigalities, recently appointed to an office in the household of the king, with a view, it was thought, of preventing his arrest for debt, plead his “privilege;” but being told, by authority, that it would not avail him, he fled again to France.

The mob in London are stated, in the Sun newspaper, to have expressed “a feeling of triumphant joy at the funeral of the marquis of Londonderry. At Hambledon, near Portsmouth, and Laxfield, in Suffolk, the church bells were rung, as an expression of exultation over the melancholy fate of that great statesman.”

Some future good may be realized out of the present distress of the people of Ireland. As the best way of affording relief, it is said that about forty thousand persons are now employed in making roads, &c. in the counties of Mayo and Galway.

It is stated that there are fresh symptoms of an insurrectionary spirit in Ireland. “The hereditary bondsmen are determined to strike another blow this winter.”

A Scotch paper says—The sword which was drawn by the renowned Sir William Wallace, and now in the possession of the noble family of Lou-

don, who are lineal descendants of that illustrious hero, has been sent off from Loudon Castle, in Ayrshire, under an escort of a detachment of the Loudon troop of Ayrshire yeomanry cavalry, for the inspection of the king.

Herschell, the astronomer, died on the 25th August, in the 86th year of his age. What a folly it was to have dubbed that man as "Sir William!"

The best wheat is selling in England for 5s. 6d. per bushel of 70 lbs. Other sorts of provisions are proportionally cheap, and an increased distress of the agricultural interest may be expected!

The actual expenditure of the British government for fifteen years, taken from a late work.

		Of which was paid
1806,	£82,337,000 stlg.	as subsidies of
1807,	83,782,000	foreign powers.
1808,	89,802,000	£3,989,000
1809,	95,604,000	1,259,000
1810,	94,566,000	2,059,000
1811,	102,340,000	2,977,000
1812,	114,552,000	5,315,000
1813,	131,825,000	11,294,000
1814,	137,343,000	10,024,000
1815,	127,364,000	11,035,000
1816,	99,593,000	£731,000
1817,	73,061,000	
1818,	73,224,000	
1819,	73,697,000	
1820,	74,986,000	

Or 333 millions of dollars for the year 1820.

"Law." A young laborer lately won the heart of his employer's daughter in the west of England, to the great displeasure of her father, a man of property. The father settled a sum of money on her and got her made a ward in chancery, and the youth was forbidden to hold any communication with the "infant," then seventeen years old. But, after this, the young lady wrote a letter to her lover, which he received—he was, thereupon, arrested for a "contempt of court," and confined in jail three years; but then released through the interference of some respectable persons who deprecated such severity of treatment, though their efforts were still opposed by the father.

France. A society of Carbonari, is said recently to have been discovered at Paris, with the object of overturning the existing government, by fomenting insurrections in different parts of the kingdom, which they hoped would ultimately become general.

In a late debate in the French chamber of deputies, while discussing a proposition for that purpose, M. Bastarreche opposed the erection of statues to generals Pichegrin and Moreau, on the ground that the former sullied his services by betraying his country at one time, and losing his life in an attempt to commit "a cowardly assassination" on the person of Napoleon. With respect to Moreau, he declared himself to have been his most intimate friend and the sharer of his exile, but he had perished, fighting in the ranks of foreigners against France; and whilst, as a friend, he would cheerfully contribute to raise a statue to his memory for a private sanctuary, as a deputy of France he should vote against it as a public monument. It was observed that although the impression of that speech was negated, all the military officers, even those belonging to the right, rose in its favor, thus showing to the chamber that they shared the opinions of the orator with respect to the close of Moreau's career. The various sums proposed, were voted, however, without a discussion.

On an examination of our French journals, (say the New York Gazette), we find an account in the Havre paper of the 17th of August, of a public dinner given to the baron Hyde de Neuville at the exchange, on the 15th. The number of subscribers was 58. Among the guests were the sub-prefect, the chiefs of marine, the inspector of customs, and the United States vice consul. The exchange room was transformed into a banquet hall at twenty-four hours notice, and was decorated with the French and American flags united. The bust of the king was placed in the arcade in the centre, giving the appearance of a father presiding in his family at the re-union of his children.

The mayor, as president of the chamber of commerce, the president of the tribunal of commerce, and managers appointed by the subscribers, received the honors of the table.

After the cloth was removed, the following toasts were drank:

The king.

The president of the United States.

To the happy establishment of the direct commercial relations between the two nations.

Peace and commerce.

Baron Hyde de Neuville, the negotiator of the treaty.

After this toast the baron rose and made the following address:

"Gentlemen: Having terminated the mission with which the king has deigned to intrust me, and now ready to render him an account, it is very grateful to my feelings to receive so flattering a testimony of good will in the city of a kingdom, which so eminently contributes by its industry, to the national prosperity.

I dare not flatter myself, gentlemen, that I have always met the views of commerce and navigation, the noble and powerful resources of riches, force and the glory of empires; but this I can assure you, that I have neglected nothing in the defence and conciliation to these interests.

"Neither have I neglected any thing, (and I received my instructions from the king himself), in hastening to conciliate, in the most equitable manner, the interests of two nations which love and esteem each other, and are united, and wish to remain so.

"Yes, gentlemen, the Americans love us; they rejoice with the joy of friends, (it would give me pleasure to repeat expressions I have heard) in the actual prosperity of France. Let us, with the same cordiality, rejoice in theirs, and pray that the strictest union may ever exist between two people who neither have or can have any true cause of misunderstanding, and who are connected by mutual interests.

"This union, so desirable and so much desired by the intelligent of the two countries, cannot but turn to the advantage of all nations, in aiding in the maintenance of the peace of the world, and the strengthening of a principle; of which all governments cannot but recognize the importance, a principle which all liberal and generous minds should watch and defend—that of the liberty of the seas.

"Accept, gentlemen, the expression of my gratitude, and permit me to offer you the following toast:

"The city of Havre, one of the most flourishing cities in the beautiful and powerful kingdom of France. She must increase in prosperity under so enlightened and wise a monarch, who appreciates and honors commerce, and has the disposition to encourage and restore national navigation."

This sentiment was listened to with attention, and received the unanimous plaudits of the company.

The Baron set out the next day for Paris.

Chamber of Deputies. We received, (says a London paper of July 24), the Paris papers of Wednesday, last night by express.

The discussion of the budget has been conducted with considerable warmth. The following scene occurred in the sitting of the 16th.

It appears very extraordinary, said M. de Villele, that the king's government should be reproached with the care it takes to pay the debts of former governments; if there is any remarkable phenomenon that could prove the power of legitimacy, and of the institutions which guarantee our public liberties, it was the spectacle presented for several years by the king's government, imposing enormous sacrifices upon the people to fill the pockets of those who served the preceding government.

The most violent agitation broke out on the left; all the members rose at once and violently abused the minister. M. M. Casimir Perier, Lafitte, Demarcay and de Grammont, were particularly remarked.

M. Bignon—It is infamous.

M. Dupont (de l'Eure)—Do not insult the chamber.

M. Chauvelin—Let every one empty his pockets. A voice—You have paid foreigners with what came to your hands.

The minister—I know that when the truth is told [new interruptions more violent still on the left].

M. de Villele—What fact do you dispute? [on the right, order! order!]

M. Foy—Your order is disorder.

The president—I request the chamber to be silent; the king's minister ought to be heard.

On the left—Yes, when he speaks with propriety, and does not insult the chamber.

The president—It is for the dignity of the chamber not to answer by such interruptions. The king's minister ought to be heard, you can answer him if you have any thing to answer, but he ought to be heard in tranquility and silence.

M. de Villele—Is it pretended that I have not been correct, or that I have insulted the chamber? I have said that the king's government has imposed sacrifices on the people, and great sacrifices.—Upwards of 800,000,000*f.* is raised to pay, I have not said persons, but debts, which however, comes to the same thing, for there are no debts without creditors, to pay the debts of the preceding government.

On the right—That is clear.

The tumult re-commenced.

Numerous voices on the left—He does well; as he has the profit he ought to bear the expense.

Another voice—It is the nation who pays, not him.

M. Perier—All the liquidations have been purchased by your people.

Another voice—The privileged brokers have carried on a scandalous commerce.

Gen. Foy—Is it us who have devoured the treasures of the extraordinary domain?

Another voice—Is it us who have caused the civil war amongst our neighbors? (The tumult was at its height, the members of the right and the left rose and loudly abused each other. M. Delalot addressed himself to gen. Foy, who answered him with violence. The tumult was so great that it was impossible for us to hear their words).

In the midst of the noise, M. Demarcay rose and addressed an epithet to the minister, which we could not hear.

The president—M. Demarcay, I call you to order.

M. Dupont (de l'Eure)—That is very unfortunate.

M. Demarcay—What is it he has done to me?

Spain. A Paris paper says—A letter from Madrid, of the 5th of August, states the order of the king of Spain for the levy of 85,000 provincial militia, which, added to those already organized, comprise a force of 115,000 men, destined, (as the writer says), to suppress insurrection, to form a counter-cordon on the French frontier; and, what is of more moment in the present state of the Spanish finances, to put in execution the maxim of Bonaparte, "that bayonets formed the best mint for the coinage of silver."

The present ministry act with the greatest firmness—among other things they have demanded of the foreign ministers an unequivocal assurance of the friendly dispositions of their courts; stating that if they were not prepared for this, their passports would be immediately ready for them. They have banished the duke del Infantado and several other great titularies, accused of advising the king to violate his oaths. The people have confidence in the exertions of the administration, and it is probable that tranquility may soon be restored to Spain.

The new ministry had called together the official persons, and declared that all who showed themselves luke-warm in defence of the existing government, should immediately be dismissed.

Accounts from Madrid, to the 16th of August, are silent as to the alleged sickness of the queen. The king is said to have attempted a fruitless escape in the night, which was the cause of a guard being put on the palace, to watch the motions of his majesty. Perfect tranquility reigned at Madrid, and all the accounts received from the interior justified the opinion that the mal-contents would be speedily exterminated.

The following extraordinary statement is given in a Madrid paper of August 7. "It is said that col. St. Michael, accompanied by two other reporters, in the cause of the officers of the guard, lately had a private audience of the king, and explained the difficult situation in which he found himself with respect to his majesty, and to the officers, against whom he was preparing to proceed, in consequence of their producing, in vindication of their conduct, autograph letters from his majesty. He added, that, under such circumstances, he came to take the king's directions, and to endeavor to lighten the terrible charges laid against those unfortunate officers. His majesty answered in an ill-humored tone, 'tis true; the letters are mine. Well! what does that mean? So much the worse for them, (the officers), they knew that my orders were null and void, unless countersigned by the ministers; why did they execute them?' 'But yet,' replied St. Michael, 'your majesty will not abandon those unfortunate men!' 'You are charged with the prosecution,' returned the king, 'carry it on with activity, for I will hear nothing more about it.'

Portugal. A considerable number of troops have embarked at Lisbon for Bahia, Brazil.

Prussia. Considerable alarm appears to exist on account of the establishment of many secret societies, having for their object a revolution in the government. Their motto is said to be "freedom, honor and equality."

Russia. Previous to his setting out for the continental congress, the emperor Alexander issued the following ordinance: it marks the despotic character and rule of "the deliverer"--

"In every village or place where, unknown to the lord, a deserter or fugitive finds a forbidden shelter with a peasant, the community of those peasants shall be condemned to a fine of 2,000 roubles for every such deserter. If this shelter is given with the knowledge of the lord of the village, he shall pay the same sum, independently of that paid by the peasants. If the concealment has been effected by the lord, and if the deserter has been received into one of the villages by him, in that case the lord shall be obliged to pay alone the sum of roubles for every deserter, besides being liable to the other rigors of the law. Whoever shall denounce a deserter or fugitive shall receive a reward of 500 roubles, derived from the one imposed on the harbinger."

Poland. Among the many conjectures to be found in the French papers, is a rumor that the three great powers, Russia, Austria, and Prussia, which made the division of Poland, had agreed to give up their respective portions, and to restore that kingdom, with a sovereign, who is a native of the country, and free from all foreign influence. The question as to settling the indemnities, it is thought, will prove a bar to this arrangement.

Turkey. The following are the names of the principal men now at the head of the government of Greece:

The prince Alexandre De Macrogordate, president of the executive body.

The prince Demetrius Ypsilanti, president of the executive.

Theodore Negri, minister for foreign affairs, minister and secretary of state, and presiding over all the ministers.

Jean Celety, minister for the interior, and by interim minister of war, representing Mareo Bozzari De Tully, absent.

Verde Metaxan, minister of police.

Metaxan, minister of justice.

The bishop Joseph, minister of worship.

Panuzzo Notari, minister of finances.

The marine ministry is composed of a commission of three members, viz.—one Idiotie, one Ipariotie, and one Speriotie. There are three different districts; each furnishes one third of their fleet, composed of about 60 vessels, the largest carrying only 22 guns. Each district has its admiral; and when joined in a combat, the one who is nearest to its district takes the command over the two others:

Proclamation—Addressed by the Areopagus, or government of the eastern provinces which have shaken off the Turkish yoke, to their countrymen settled in Europe:—

"It is now generally known, and we doubt not but that you are already acquainted with the fact, that at last our nation has adopted a government—that the troubles and disorders inseparable from anarchy, together with their dreadful consequences, have ceased—and that we make daily advances towards the entire deliverance which is promised us by general liberty, and the destruction of the unheard of oppression of despotism.

"In consequence, we announce to you that we fight with all our force to extirpate our inhuman tyrants, and to expel them from the soil of Greece; and that as often as we have come to grapple with the enemy, we have, by the assistance of God, come off victorious.

"We continue to fight with courage, and endeavor to accomplish impossibilities by means of a general levy and extraordinary sacrifices. We put even the stones in motion. Hitherto victory has been faithful to us; and, full of confidence in succours from on high, we carry the war against our enemies into Thessaly and Macedonia.

"Let the ancient enthusiasm of Hellenians (Greeks) for their dear country animate you likewise—you who belong to Greece and who are settled in Europe. Come to her assistance as much as you can, by sending money, provisions, and military stores—send them to the council of the Hellenian people to enable them to encounter the extraordinary demands of the sacred struggle. Sons of Attica, of Bœotia, of Eubœa, of Phœcis, of Lœra, of Thessaly, and Macedonia, if you destine your succours to the provinces which gave you birth, send them as soon as possible to the Areopagus.—The blessing of Heaven, the gratitude of your country, will be the recompense of your generosity and patriotism.

"On the coast of Eubœa, the second year of liberty."

Signed by several of the members of the Areopagus.

In consequence of the preceding proclamation, and also from receiving the news of the death of the captain pacha, it was thought that about 2,000 Greeks at Odessa, &c. had started to make the long journey on foot, to participate in the efforts of their countrymen to shake off the yoke of the barbarians.

The Greek agents at Marseilles, under date of June 30, published the following statement—

"Nothing in history is more frightful than modern Turkish ferocity. Our towns and villages (in Scio) are ravaged and razed. Death and captivity have shared 60,000 victims between them. The sick and the aged were burnt alive in the hospitals. The noblest of our femals threw themselves and their children into wells.—Others died under the most horrible atrocities; such was the fate of madame *Constantine Ralli*, whose husband was the first magistrate of Scio. He was hanged with the Metropolitan and the remaining 119 of the most distinguished inhabitants—the hostages in the fortress.

His eldest son has been made a mussulman. So many hecatombs have not sufficed to pacify the Sultan. All the Sciots at Constantinople have perished, and at Smyrna the same system is adopted.

The conduct of the Jews has been devilish. Too base and cowardly to attack the living, their barbarism is directed principally to the dead. You know how they treated the body of the Patriarch. Their cruelties are of long standing. In August, 1821, when Balanos of Thessalonica was assassinated, a Jew, passing near his dead body, amused himself by pulling out his eyes. A Turk that was passing and who had known the deceased, shot the Jew dead.

When the bishop of Kitro was killed and thrown into the streets, the Jews put a stick into his mouth, to represent a pipe, and tore handfuls of hair from his head as they passed along. *Liberius*, an enlightened ecclesiastic, has saved the Turks made prisoners at Athens, though they had massacred all the Greeks in the citadel, and thrown their mangled remains over the wall. The same has occurred in Lavadia.

Is there any shame, if there is any sense of truth, in your country? Is there sensibility or sympathy? In England, the ferocious Mussulmen have their apologists. We did not expect this from England."

Other grand recollections are united to a pronunciation of the word "Thermopylae!"—famous for events long past, glorious for things that lately happened. Another victory has been gained by the Greeks at this noted point, which, like the fight and devotion of Leonidas, may lead to the extermination or expulsion of the barbarians!

It appears that Chourschid Pacha, being joined by the forces of the pachas of Negropont, Larissa and Janina, in the whole about 70,000 men, engaged the Greeks near Thermopylae on the 7th of July. The latter were commanded by Ulysses, Ypsilanti, Norman and Kazeatis. On this day, the barbarians appeared to have the advantage; but on the next day, they were assailed as if by lions and entirely defeated—losing in killed, wounded and prisoners, about fifty thousand men, among the latter, three of the pachas—Chourschid, (whose name), being able to rally only 4000 men, with whom he fled and escaped. The number of the Greeks engaged is not mentioned, but it is reported that they lost 18,000 men—self sacrificed on the altar of liberty, and to preserve their wives and children from bestial degradation and horrible suffering. Peace to their names!—for they died on the field of honor, in defence of the most sacred rights granted by the Creator.

A great number of heads and many packages of ears, were sent by the Turks to Constantinople, on the evening of the first day's fight with the Greeks.

This account is substantially confirmed in various ways, and there appears to be no doubt that a grand victory has been obtained by the Greeks. The great destruction of the Turks is said to be owing to their want of discipline and an ambuscade of their enemies—but we readily fall into the belief that it must be attributed to the desperation of the Greeks, every one of whom must have considered the contest as a personal concern. The gallant chief, Ulysses, is said to have been among the killed on the first day. Norman then appears to have taken the leading part—after the victory he was saluted by the title of "heroic prince," and carried through the camp on the bucklers of the soldiers. A letter from Constantinople, dated July 26, says that the Greeks in that city were intoxicated with joy at the news of the victory.

There is a rumor that the Greeks had slaughtered 600 Turks—the remnant of the garrison of Athens, having received false intelligence that their brethren had been defeated and afterwards massacred at Thermopylae: but this rumor is not relied on.

The plague has appeared in various parts of the Turkish empire.

It is reported that the Greeks have obtained some further advantages at sea.

The later accounts do not contain any official statements relative to the great victory of the Greeks, as noticed above; but there are many rumors and reports that confirm the general fact. At Jassy, 20,000 houses were destroyed by fire on the night of the 10th of August; this desolation was the work of the Turks! Chourschid pacha, in a late proclamation, said the "Porte had deigned to grant peace" to Russia, "since it has abandoned the cause of the Greek christians and recognized the pre-eminence of the crescent above the standard of the cross!" Some of the persons carried off from Scio have been restored, but all the young girls were still retained. A party of Turks formed the infernal project of getting possession of the French consul's house to murder the males and make slaves of the females, who had found an asylum therein—but the consul, M. Digeon, was ap-

prized of the scheme and repelled the assassins—meeting them at the head of his household, sabre in hand.

New Zealand. Extract of a letter from Mr. Kendall to the rev. Dr. Waugh, Nov. 25, 1821:—The longer I am among the New Zealanders, the more I am convinced that they sprung originally either from Assyria or Egypt. The god Pan is universally acknowledged. The overflowings of the river Nile, and the fertility of the country in consequence, are evidently alluded to in their traditions; and I also think the Argonautic expedition, Pan's crook, Pan's pipes, and Pan's office in making the earth fertile, are mentioned in their themes.

New South Wales, &c. By the last letters from New South Wales, (says a London paper), down to the 7th March, it appears such is the rapidly increasing population of this territory, that agreeable to the official census in October, there were mustered in Sydney alone, 13,400 souls, being 1400 more than, in 1810, were in the various settlements of the whole territory, including Van Diemen's land. The total population of Sydney, Paramatta, Liverpool, Windsor, Bathurst, Newcastle, and the surrounding districts, was mustered at 34,500; and, including Van Diemen's land, the inhabitants of the territory at large at 42,000 souls. The increase of respectable settlers during the preceding two years, exceeds the whole number that had arrived in the preceding 32 years of the establishment of the British government in this part of the world. So late as 1818, there were only 10 magistrates, and by the last papers we see that sir Thomas Brisbane had directed a *Declarum Potestatem* to be issued to 26 gentlemen, inclusive of the magistrates of Van Diemen's land. Lieut. R. Johnstone, R. N. who has been sent to examine the coast to the southward of Jervis's bay, to ascertain if a river fell into the sea near that place, found, at the head of Beaman's bay, the entrance of a fine, clear, capacious river, with 9 feet water over the bar, deepening after to 6 fathoms, and continuing from 4 to 7 fathoms for 25 miles. For the first 15 miles, the land is stated to be good forest land, after which it becomes lower, and fitter for cultivation. Mr. Throsby has also proceeded over land from Sydney to Jervis's bay, (having set out on the 23d of November and returned on the 26th of December), and is decidedly of opinion, that a good road may be cut from Sydney to that harbor, and reports the land to be extremely rich and promising. The Sydney Gazette, of March 8th, says:—"In confirmation of the many avowals that New South Wales has latterly rapidly increased in commercial prosperity, we state the pleasing fact that ten vessels have left the ports of Australasia, with cargoes for Europe, within the space of 12 hours."

Hayti. The fugitive slaves from Turk's Island have been given up, on well substantiated claims for them.

Mexico. Several persons, lately arrived at New-Orleans from Vera Cruz, report that universal discontent prevailed at Mexico; that general Victoria and other chiefs had raised the standard of liberty; that great numbers of men had joined them, and that their force was daily increasing. "In a word, that the reign of Iturbide could not last long."

Trade with the West Indies.

We have been politely favored by an esteemed correspondent, (says the Boston Daily Advertiser), with the following extract from the circular of the

comptroller of the treasury, addressed to the several collectors, &c. of the United States. Deeming it important that those interested in commerce should be possessed of the construction put upon the proclamation of the president, opening the trade with the British islands and colonies, we lose no time in laying these instructions before our readers.

Circular to collectors, naval officers and surveyors.
TREASURY DEPARTMENT,
Comptroller's office, Sept. 14, 1822.

SIR: You will receive, herewith, a copy of the proclamation of the president of the United States, of the 24th ultimo, issued in conformity with the authority vested in him by an act of congress passed on the 6th of May last, entitled "An act in addition to the act concerning navigation, and also to authorize the appointment of deputy collectors."

The proclamation specifies the British colonial ports in the West Indies, and in North America, which have, by an act of Parliament, of the 24th of June last, been opened to the vessels of the United States; and from which British vessels, possessing certain qualifications, may be admitted to entry in the ports of the United States, until the end of the next session of congress.

According to the terms of the proclamation, no articles can be imported into the United States, in any such British ship or vessel, other than articles of the growth, produce or manufacture of the British islands and colonies in the *West Indies*, in the case of British vessels coming from any such island or colony in the *West Indies*; and articles of the growth, produce or manufacture of the British colonies in *North America*, or of the island of *Newfoundland*, in the case of such vessels coming from the port of St. Johns, in that island, or any of the ports in *North America* specified in the proclamation.

This is a corresponding regulation with that contained in the third article of the act of parliament alluded to, in these words: "Provided always, that no articles enumerated in the said schedule shall be imported in any foreign ship or vessel, or in any British built ship or vessel so sold as aforesaid, unless shipped and brought directly from the country or place of which they are the growth, produce or manufacture."

It results that British vessels coming from British colonial ports in *North America*, cannot bring articles of the growth, produce or manufacture of the British *West India islands*, or the productions of any other place or country; and when coming from the British colonial ports in the *West Indies*, cannot bring articles of the growth, produce or manufacture of the British colonial ports in *North America*, or the productions of any other place or country.

It is not to be understood, however, that the proclamation limits the importation in British vessels, to the growth, produce and manufacture of the particular port or island from which the vessel may come;—on the contrary, a British vessel coming from any British colonial port in the *West Indies*, may bring articles of the growth, produce or manufacture, not only of such particular port, but also of any other of the British colonial ports in the *West Indies*;—and a British vessel coming from a British port in *North America*, may bring articles of the growth, produce or manufacture, not only of such particular port, but also of any other of the *North American* British colonies.

It may be proper to observe, that vessels of the United States are neither affected by the act of congress of the 6th of May last, before referred to,

nor by the proclamation of the president of the United States; but are still subject to the operation of the 3d section of the navigation act of the 15th of May, 1820—according to which they cannot import from British colonial ports in *North America*, the productions of the British colonial ports in the *West Indies*, or those of any other place or country; nor from the British colonial ports in *North America*, or those of any other place or country; with the same privilege, however, as has already been stated, with respect to importations in British vessels; that is to say, that the importation in American vessels are not to be limited to the articles of the growth, produce or manufacture of the particular port from which the vessel may come; but the same latitude is to be enjoyed in this respect as in the case of British vessels.

As the act of congress and the president's proclamations extend no farther than to the opening of the ports of the United States, on certain conditions and restrictions, to British vessels arriving from certain British colonial ports, such vessels and their cargoes are not entitled to the privileges of the convention between the United States and Great Britain, of the 3d of July, 1815; but British vessels arriving from such colonial ports, are liable to one dollar per ton for tonnage duties and light-money, and their cargoes to the usual discriminating duty of 10 per cent. between importations of goods in vessels of the United States, and foreign vessels not privileged by treaty stipulations.

Although the proclamation has no special reference to *exportations* from the United States, of the productions thereof, in British vessels, yet from the spirit and intention of the regulation contemplated by it, I am of opinion that the ports of the United States are to be considered so opened to British vessels, as to render the provisions of the act concerning navigation, of the 18th April, 1818, and of the act supplementary thereto, of the 15th of May, 1820, entirely inoperative, as well with respect to *exportations* as to *importations*.

You will, therefore, consider British vessels having the qualifications mentioned in the proclamation, as being privileged to export the productions of the United States to any of the British colonial ports or places specified in it, and grant clearances accordingly.

Bank of the United States.

At a triennial meeting of the stockholders of the bank of the United States, held by adjournment at their hall in the city of Philadelphia, on Tuesday the first of October, 1822.

Thomas Ellicott, esq. in the chair, and
William Meredith, Secretary.

The following report of the committee of inspection and investigation, appointed agreeably to the resolution of the stockholders, at the meeting held on the 2d of September, 1822, having been adopted, it was

Resolved, That the report, with its appendix, be published in the public papers; and that the president and directors of the bank of the United States, do also cause the same to be published in pamphlet form, and that a copy thereof be held at the disposal of each stockholder.

Your committee, to whom was referred an examination of the condition of the bank, report:

That they have carefully considered and diligently investigated the subject confided to them. But, before submitting any opinion or statement in detail, as to its actual situation, they beg leave to refer

to the luminous exposition of the president, hereto appended, containing a fund of information in relation to the institution, in connection with various topics of sound speculation and practical utility, which cannot fail to prove highly interesting to the stockholders, and to the public; while, at the same time, they illustrate the consoling truth that the most appalling difficulties may be surmounted by the steady application of industry, integrity and talent.

In compliance with the provisions of the 13th article of the 11th section of the charter, your committee have ascertained that the suspended debts at the bank and its various branches are

Upon personal and other than stock securities	\$6,401,255 90
And upon loans secured by pledges of stock	4,017,050 76

Together amounting to 10,418,306 66

Your committee are decidedly of opinion that the loss to the bank upon this debt, together with overdrafts, counterfeit checks, and from all other sources, cannot exceed \$3,732,899, a loss arising partly from the peculiar situation of the monied relations of the country, but principally from a misplaced confidence in unworthy agents. But your committee feel gratified in saying that a fund more than sufficient has been derived from the previous profits of the bank, and specifically pledged and set apart to meet this loss; besides which it possesses a surplus of 971,425 dollars 41 cents, arising from a balance which stood to the credit of the profit and loss account on the 1st of July last, and from interest which has actually accrued, but which has not yet been paid, upon that portion of the suspended debts, which, it is confidently believed, will be ultimately obtained.

The preceding facts, with the following analysis, your committee feel assured will render the conviction irresistible, that the bank of the United States has now arrived at that point when its capital may be declared to be sound and entire, while it possesses contingent interests of nearly one million of dollars, to be applied to such objects as the future administrators of its affairs may deem advisable.

DR. Bank of the United States, to stockholders, for capital paid in \$34,992,139 63

The sum paid, but not yet extinguished, for bonus, premium on four millions of 5 per cent. government stock and for banking houses, provided for and to be extinguished by the semi annual appropriation of \$60,000 2,015,802 15

Estimate of all the losses of the bank up to the present period 3,743,899 00

Balance 971,425 41

\$41,723,266 19

CR. Bank of the United States, by capital paid in \$34,992,139 63

The sum which has been paid on bonus, premium on four millions 5 per cent. government stock and banking houses, and which will be extinguished by a semi-annual appropriation of \$60,000 1,620,000 00

Value of banking houses which have cost \$834,992 15, but which, at the expiration of the charter, will not then stand on the books of the bank at a value more than 395,802 15

Contingent fund of 3,550,000 dolls. which will be increased by the transfers of 193,899 dollars from the balance of the profit and loss account as it stood on the 1st July last, to cover the losses sustained 3,743,899 00

The balance that will remain of what appeared to the credit of the profit and loss account on the 1st of July, after having transferred to contingent fund \$193,899 51,897 07

The interest which has accrued on suspended debts amounting to \$1,279,520 54

After deducting interest on that portion which is deemed bad of 511,808 20

767,712 35

Advanced above par on 57,954 shares stock of the bank of the U. States which it holds—say \$4 per share 151,816 00

\$41,723,266 19

In addition to the above, the committee deem it proper to exhibit the following brief view of the present actual situation of the funds of the bank, and of their distribution:—

The capital of the bank paid in is	\$34,992,139 63
The circulation of bank notes amounts to	5 456,891 90
The deposits are	6,776,492 74
Unclaimed dividends	129,741 28
Amount due to sundry banks, in current account, and to individuals in Europe	1,964,898 36
Fund reserved to cover the losses sustained by the bank	3,743,899 00
Profit and loss account, after having transferred to contingent fund \$193,899	51,897 07
Interest, discounts, &c. received from 1st July to — September	388,237 01

The total amount of funds are \$53,504,196 99

Which are distributed as follows:—

In United States 5 per cent. stock	\$11,000,000 00
United States 6 per cent. stock	2,020,469 27
Loans on personal security	26,236,150 88
Loans secured by bank stock	5,974,725 80
Loans secured by mortgage	8,000 00
Due by state banks, bearing interest	739,918 76
Real estate taken for debt, part of which is productive	587,102 38
Amount due by sundry state banks, &c. in current account	910,950 97
Paid on account of bonus, and premium on 5 per cent. stock	1,180,880 00
Banking house in Philadelphia and branches cost	834,922 15
Notes of state banks on hand	664,642 56
Specie in United States bank and branches	3,346,434 22

\$53,504,196 99

It might be deemed prudent to abstain from expressing an opinion upon the future prospects of the bank, leaving each individual to draw his own inferences from the facts exhibited; yet your committee are unwilling to omit the expression of what

they believe to be a well grounded hope that the profits of the bank and its public utility will continue to increase with the gradual development of its resources. If the bank has, under the embarrassment and perplexity in which it has been placed, not only sustained its own credit, but that of the circulating medium of the country, with which its interest and prosperity are indissolubly connected, it can scarcely be doubted, that these difficulties being surmounted, and a more ample field opened for the exercise of its energies, an increase of profit will result from a corresponding extension of its business. And whilst your committee have found it impracticable to view this institution in any other light than as an establishment to effect great national objects, they have been compelled to remark that, though those objects have been most fully attained, the institution itself has not received the support, which it is clearly the interest of the nation to afford.

The past history of the bank has proved that where a sense of moral obligation is wanting, the existing laws are inadequate to deter the agents of the bank from the commission of frauds upon its vaults. Your committee therefore advise that the president and directors present a respectful memorial praying—1st. The enactment of efficacious laws, that adequate punishments may be inflicted upon such agents of the bank as may be guilty of malversation in office. 2dly. That they ask an alteration in that part of the charter which requires that all the notes of the bank, which are payable on demand, shall be received in payment of debts due to the government, inasmuch as this requisition, as heretofore construed, has not only the tendency to prevent the bank from restoring to some sections of the country a sound circulating medium, but it may occur that the bank cannot safely place to the credit of the government, in cash, notes at one office, which, according to the contract on the face of them, are payable at different and distant offices alone, and where only funds have been placed for their redemption.

Though your committee are aware, that not only the convenience of the public but the interest of the institution require an additional emission of its notes, and although they believe that, with a degree of exertion on the part of the cashier, these may be executed and put in circulation, while the business of the bank is confined to its present limit; yet they are satisfied that a considerable extension of the ordinary business of the institution, would render it wholly impossible for its officers to perform this service: it is therefore respectfully suggested, that congress be prayed also to pass a law, authorizing other agents of the bank to sign its notes, and, in the mean time, the committee recommend that the best means in the power of the president and directors be taken to put in circulation a large additional amount of notes, not exceeding the denomination of twenty dollars.

Your committee have not discovered that any serious consequences have resulted to the interests of the bank (except those which have been followed by a public exposure) from want of obedience in distant agents; they nevertheless deem it proper to advise, that the president and directors of the parent bank keep steadily in view the absolute necessity of enforcing its own orders through all the various departments of the institution; without which, neither harmony can be expected in its administration, nor security to the interests of its stockholders.

Your committee feel much gratification in being able to state, that the current expenses of the bank have been essentially reduced since the year 1819, and while it might be supposed that the present embarrassed state of the commerce of the country, and the limited amount of interest heretofore divided upon the capital of the bank, are strong admonitions to your agents to observe the most rigid economy; yet, inasmuch as the splendid edifice in which you are assembled is now so nearly completed, they cannot but recommend that it be finished, provided the expense shall not exceed 25,000 dollars.

In taking into view the business of the bank, as connected with its different offices, the committee think it right to recommend to the continued attention of the president and directors the necessity of withdrawing those branches which are found to be unprofitable, and transferring their funds to those offices which shall seem to require additional capital.

Your committee take great pleasure in unanimously declaring that the circumstances of the bank fully realize the anticipations of the stockholders, as expressed at their last meeting, in regard to the president, who, by his talents, disinterestedness and assiduity, has placed its affairs in an attitude so safe and prosperous, as that the burthen of duty devolving upon his successor will be comparatively light.

THOS. ELLICOTT,
Chairman of the committee of inspection and investigation.

*Bank of the United States,
October 1st, 1822.*

EXPOSITION

Of the president of the bank to the stockholders.

The stockholders generally have never had any view of the progress of the bank submitted to them. At the triennial meeting in 1819, it was my intention to have given them such a view. I was, however, advised that it would be more expedient to reserve the communication for a committee, and my opinion was cheerfully surrendered. But as it is my determination in a few months to quit the station with which you have honored me, and as my silence on a former occasion has kept you, as well as the public, in a great measure, ignorant of the difficulties in which I found the bank, and has subjected the administration, of which I have been a member, to censures which were unfounded, and which have fallen, in many instances, from the lips of the very persons who were the authors of the errors and misarrangements, to use no harsher language, by which this institution was brought to the verge of bankruptcy and ruin, I will now present to you a short view of the progress and present state of the bank. You will probably raise a committee of inspection and investigation, and as far as any facts or circumstances which I shall present, may be deemed material, their accuracy or error may be ascertained.

The institution commenced active banking operations about the 1st of January, 1817, and in the course of that year established eighteen branches, being all that have been established. One was projected at Augusta, but, on reconsideration, was abandoned. The report of the committee of congress made in December, 1818, has made you fully acquainted with so many leading details of the previous management, and the lapse of time has made them so much less interesting than they would have been at an earlier day, that I mean to do little more, in relation to the period which preceded 1819, than

present the results as they will be exhibited in the state of the bank, when I came to it.

The bank, immediately on its commencement, did a very extensive business, imported vast sums of specie, paid its notes and those of the offices, without reference to the places where they were payable at the bank, and all the principal offices north of the Potomac; while they were under the charter, necessarily received every where in payment of debts to the government of the United States; and drafts were given, without limit, on the parent bank, and northern offices by the western offices, at par, or at a premium merely nominal. As soon as the notes of the southern and western offices were paid or received by the bank and northern offices, they were returned to them and re-issued in perpetual succession. An accompanying exhibit (1) will shew the enormous amount of the notes of southern and western offices which became chargeable on the bank, directly and indirectly, through the northern offices. The result was, that the bank and the great northern offices were drained of their capital, and, on the 20th of July, 1818, only eighteen months after the institution began its operations, it was obliged to commence a rapid and heavy curtailment of the business of the bank and its offices. During all this time it had the advantage of immense government deposits. At the moment these curtailments were ordered, the government deposits in the bank and its branches, including the deposits of public officers, amounted to eight millions of dollars, (a) and they had been larger at preceding periods. Curtailments were ordered, from time to time, at the southern and western offices, to the amount of seven millions of dollars, and at the parent bank to the amount of two millions, though at the latter they were made to the amount of 3,600,000 dollars and upwards, between the 30th July, 1818, and the 1st April, 1819. No curtailments were ordered at the offices of New-York and Boston, because there was no room for them, yet necessity obliged them to reduce their business very much. The curtailments at all points, within the abovementioned dates, (b) being eight months, were 6,530,159 dollars 49 cents. Yet, after these immense and rapid curtailments, the most sensible and vital points (Philadelphia, New-York and Boston) were infinitely in a worse condition than when the remedy was devised.

An accompanying exhibit, (2) will shew the distribution of capital at the close of this period. At that moment the discount line of the important office at Boston was only 94,584 dollars 37 cents! And when in this wretched state, the southern and western circulation was pouring in upon these weak points, and the government at liberty, according to the practice of the time, to draw on either office or the bank, for the gross amount of its deposits, throughout the whole establishment, whether, south, north, east, or west. The southern and western offices were not restrained from issuing their notes, which they did most profusely. The curtailments, in many instances, resulted merely in a change of debts bearing interest for debts due by local banks, or the notes of local banks, on neither of which was interest received. The western offices curtailed their discounted paper, but they purchased what were called *race horse bills*, to a greater amount than their curtailments. The

bank itself continued, during the whole period, to purchase and collect drafts on the southern and even western offices, though almost the whole active capital already lay in these quarters of the union, and though the great object of the curtailments was to draw funds from these points. The debt due in Kentucky and Ohio, instead of being reduced, was, within this period, actually increased upwards of half a million of dollars. An accompanying exhibit (3) will shew, that instead of getting relief from the southern and western offices generally, where curtailments had been ordered, the bank was still further exhausted by the intervening operations.

At the commencement of this period, (a period commencing with the order for curtailments, and ending March, 1819), the bank was indebted to Baring, Brothers & Co. Reed, Irving & Co. Adams, Robertson & Co. and Thos. Wilson & Co. the sum of 1,586,345 dollars 47 cents, growing principally, if not entirely, out of its specie operations. Of this sum, the greater part was paid during this period. It had, however, contracted new debts with Baring, Brothers & Co. and Thomas Wilson & Co. of which there remained due, including any balance which may have been due on the former accounts, the sum of 876,648 dollars; and within the same period it had disposed of 2,270,926 dolls. 65 cts. of its funded debt, furnishing, by these compound operations, ways and means, in addition to its curtailments, to the amount of 1,561,239 dollars, 13 cents, and making, with these curtailments, a reduction in the productive capital of the bank, within the period of eight months, of eight millions of dollars and upwards.

At the close of this period, the discounts on personal security at Philadelphia, had been so long the subject of curtailment, that but a small portion of them admitted of further reduction, and, after great efforts, a rule had been established to reduce the discounts which had been granted on the stock of the bank at the rate of 5 per cent. every 60 days. These latter constituted the bulk of the discounted paper, and so small a reduction afforded no material relief against a great and immediate demand. Even this small reduction was the subject of loud, angry, and constant remonstrances among the borrowers, who claimed the privilege, and the favor which they contended were due to stockholders, and sometimes succeeded in communicating their sympathies to the board. All the funded debt which was saleable, had been disposed of, and the proceeds exhausted. The specie in the vaults, at the close of the day, on the 21st of April, 1819, was only 126,745 dollars 28 cents, and the bank owed to the city banks, deducting balances due to it, an aggregate balance of 79,125 dollars 99 cents.

It is true, there were in the mint 267,978 dollars 9 cents, and *in transitu* from Kentucky and Ohio, over land, 250,000 dollars; but the treasury dividends were payable on that day to the amount of near 500,000 dollars, and there remained at the close of the day, more than one half of the sum subject to draft, and the greater part, even of the sum which had been drawn during the day, remained a charge upon the bank, in the shape of temporary deposits, which were almost immediately withdrawn. Accordingly, on the 12th of the same month the bank had in its vaults but 71,522 dollars 47 cents, and owed to the city banks a balance of 196,418 dollars 66 cents; exceeding the specie in its vaults 124,895 dollars 19 cents. It must be again remarked, that it had yet the sum before mentioned in the mint, as well as the sum *in transitu* from

(a) See the monthly statements, of the 6th and 30th of July, 1818.

(b) I refer to the monthly statements of the 30th of July, 1818, and 1st of April, 1819.

Ohio and Kentucky—this last sum (250,000 dollars) arrived very seasonably, on the next day or a day or two thereafter. The bank in this situation, the office at New-York was little better, and the office at Boston a great deal worse. At the same time, the bank owed to Baring, Brothers & Co. and to Thos. Wilson & Co. nearly \$900,000, which it was bound to pay immediately, and which was equivalent to a charge upon its vaults to that amount. It had, including the notes of the offices, a circulation of six millions of dollars to meet, to which was to be added the demands of depositors, public and private, at a time too, when the scarcity of money called forth every disposable dollar, and therefore created demands upon the bank for an unusual portion of the ordinary deposits and circulation.

The sums which were collected daily on account of the revenue, in branch paper, were demandable the next day in Philadelphia, and, at the same time, at every office of the establishment, at the discretion of the officers of the government. The revenue was principally paid in branch paper, as well at Boston and New York as at Philadelphia; and while the duties were thus paid at one counter in branch paper, the adventures, which amounted to one million of dollars every three months, were demanded and paid at the other in specie, or its equivalent—money of the place. Many additional details, increasing the difficulties of the moment, might be added. The southern offices were remitting tardily, and the western not at all. All the resources of the bank would not have sustained it in this course and mode of business another month!! Such was the prostrate state of the bank of the nation, which had only twenty seven months before commenced business, with an untrammelled active capital of twenty eight millions of dollars.

But it would have been fortunate for the institution if its danger had ceased here. There still remained in some of the trusts of the bank, some of the men who had contributed most to involve it in this state of things. As I must be brief, and the subject is very extensive, I will advert only to the principal instance of the misfortunes and profligacy to which I allude.

In the office at Baltimore of which James A. Buchanan was president, and J. W. McCulloh was cashier, there were near three millions of dollars discounted or appropriated, without any authority, and without the knowledge of the board of the office, or that of the parent bank! S. Smith and Buchanan, of which firm J. A. Buchanan was a member, James W. McCulloh and George Williams, (the latter a member of the parent board by the appointment of the government), had obtained of the parent bank, discounts, in the regular and accustomed manner, to the amount of 1,957,700 dollars, on a pledge of 18,290 shares stock of the bank. These men, without the knowledge of either board, and contrary to the resolves and orders of the parent bank, took out of the office at Baltimore, under the pretence of securing it by pledging the surplus value of the stock, already pledged at the parent bank for its par value and more, and other like surplusses over which the bank had no control, the sum of 1,540,000 dollars: this formed a part of the sum before stated to have been discounted by the president and cashier of the office without authority. When this stupendous fraud was discovered, attempts were immediately made to obtain security, and it was obtained nominally to the amount of 900,000 dollars. It was probably really worth 500,000. For this the bank is principally indebted to the good management of Messrs. Oliver, Hoffman and M'Kim,

of Baltimore, who were at the time members of the parent board. The losses sustained at the office at Baltimore alone, the great mass of which grew out of this fraud and others closely connected with it, have been estimated at the immense sum of 1,671,221 dollars 87 cents. The aggregate of the losses of the institution, growing out of the operations which preceded the 6th March, 1819, exceed considerably 3,500,000 dollars. The dividends, during the same time, amount to, 4,410,000. Of this sum, 1,348,558 dollars 98 cents were received as the interest on the public debt held by the bank, which leaves, as the entire profits on all the operations of banking, the sum of 3,061,441 dollars 2 cents, which is less, by at least half a million of dollars, than the losses sustained on the same business!!

When I was invited, and consented to fill the station I now hold, (4) I was alike ignorant and unapprehensive of the situation in which I have just described the bank (truly, I believe), to have been. I was at the moment remotely situated from the scenes of its active business, and its important transactions. I had held, it is true, shortly before, to oblige my friends, a place in the board of the office at Charleston, at which I occasionally attended, and from what I saw there, as well as from the public facts concerning the transactions of the bank, I was satisfied that there was a great want of financial talent in the management of it. But I had not the faintest idea that its power had been so completely prostrated, or that it had been thus unfortunately managed or grossly defrauded. I never imagined that when it had, at so much expense and loss, imported so many millions of specie, they had been entirely exhausted and were not yet paid for; nor that the bank was on the point of stopping payment. It was not until the moment I was about to commence my journey to Philadelphia, that I was apprized by a letter (5) from a friend, who had been a member of the preceding board, that he feared, in a few months, the bank would be obliged to stop payment.

This was, indeed, appalling news. When I reached Washington, I received hourly proofs of the probability of this event. In Philadelphia it was generally expected. My memory deceives me much if I found any one in or out of bank, who entertained a sanguine belief of its being able to sustain its payments much longer. On the contrary there was (I think it cannot be forgotten) a public and general expectation that the nation was about to suffer the calamity of a currency composed entirely of irredeemable paper. The evil which thus threatened the country, is not at all to be compared with a suspension of a sound currency in times of war and great national emergencies. The former can only be conceived by a people who have suffered under a paper currency in profound peace. What a train of evils does it produce? The destruction of public and private credit, the national torpor, the individual ruin, the disgraceful legislation, and the prostration of the morals of the people, of which you may discover within your own territories, some examples, will give you some but yet a faint idea of the calamity which was about to fall on the country.

On the bank it must have brought inevitable ruin, for if it had failed, from its own mismanagement, to serve the great purpose for which it was just before established—that of restoring and preserving the soundness of the currency—there is no doubt that the hostility which its great habitual public usefulness cannot now appease, would have overwhelmed it. Indeed it would have had no claim on the

sympathy or the justice of the government, and would have suffered a merited fate. No exertions and no sacrifices were therefore too great to avert this calamity. It was not to be accomplished without sacrifices: But they have been small, and infinitely less than was expected.

Thus stood the bank at the organization of the present administration. I was elected and took my seat as president of the board on the 6th March, 1819. But some time of course was necessary to look into the state of the bank before measures of relief could be projected. Its danger, however, was too manifest, and too pressing to allow much time for this purpose. The principal errors which produced the danger were fortunately of easy discovery, and to them the proper remedy was immediately applied. The southern and western offices were immediately directed not to issue their notes, and the bank ceased to purchase and collect exchange on the south and west. A special meeting of the board was called, which the non-resident directors were summoned to attend for the 9th April (the next month) and a correspondence with the secretary of the treasury was commenced, entreating his forbearance and his aid, to which I beg leave to refer (6). To this officer I should be ungrateful and unjust, if I were not publicly to acknowledge my obligations and those of the bank, for the countenance and support which he afforded to both in this struggle.

At the meeting of the directors on the 9th April, which was very full, the state of the bank was submitted to them, a select committee appointed, to whom the subject of its difficulties was referred, and after very mature deliberation, that committee made a report which was *unanimously* agreed to. The principal means of relief proposed and agreed to were:

1. To continue the curtailments *previously* ordered.
2. To forbid the offices to the south and west to issue their notes when the exchanges were against them.
3. To collect the balances due by local banks to the offices.
4. To claim of the government the time necessary to transfer funds from the offices where money was collected, to those where it was to be disbursed, as well as like time (until the difficulties of the bank were removed) to transfer funds to meet the notes of offices paid into the bank or other offices, than those where they were payable according to their tenor.
5. To pay debentures in the same money in which the duties on which the debentures were secured, had been paid.
6. To obtain a loan in Europe for a sum not exceeding 2,500,000 dollars, for a period not exceeding three years.

These measures, simple and obvious as they are, and some of them so strangely overlooked so long, lifted the bank in the short space of 70 days (from 6 March to 17 May) from the extreme prostration which has been described, to a state of safety and even some degree of power, enabled it to cease its curtailments, except at points where it had an excess of capital, to defy all attacks upon it, and to sustain other institutions which wanted aid and were ascertained to be solvent; above all, to establish the soundness of the currency which had just before been deemed hopeless; and, in a single season of business (the first) to give to every office as much capital as it could advantageously employ. There are two of the measures thus adopted, on which I will enter into some detail, because they have been misconceived and misrepresented.

1. The curtailments. The immense curtailments which had been made before the present adminis-

tration of the bank was organized, have been stated. The public has been led to believe that these curtailments were made by this administration, and were the fruit of a policy which originated with it. Men who have sat at the board and knew the contrary, or, which is little better, without taking the trouble to ascertain a fact which was so easily within their reach, have consented to propagate this slander.

I now state and defy contradiction, and am ready to prove that *no curtailment has been ordered from the time I took my seat, until this day.*

That any curtailments which have been made by the administration of which I have been a member, were made under orders which I found in force;—that the bank at Philadelphia continued to curtail only 70 days after I took my seat, that the offices of New York and Boston were only required to sustain themselves, according to circumstances, until the scattered funds of the institution could be collected to give them capital; and further, that the greatest reduction of the discounts of the bank itself, and all the offices north of Philadelphia, together, at no one time, exceeded 400,000 dollars, until they were reduced by a want of demand for money which was general through the nation.—When this want of demand for money prevented the profitable employment of the funds of the bank, the only expedient to relieve it from the losses of unemployed capital which existed, was promptly and successfully employed, by purchasing of the government of the U States, first two millions of six per cent. stock, redeemable at the pleasure of the government, and afterwards four millions of five per cent. stock, redeemable in 1835, on terms which were then deemed highly advantageous to the bank, and which are so still, as shall be hereafter proved.

It is believed that a candid and dispassionate investigation of the facts will shew that, with the same means and under the same circumstances, no change of proceeding or policy could have increased the profits of the bank, (7) and that if the interest which has accrued on the heavy amount of suspended debt and not been received (and that it has not been received, is not the fault of the present administration, which did not grant the loans on which this interest accrued) be added to the dividends made and the accumulations reserved, the gains will be within about a half per cent. per annum of the nominal profits of the preceding period, in which every thing was hazarded, and more actually lost than all that was thus nominally gained. I should have had no disposition to make these comparisons had they not been made necessary by false statements and representations of the same facts. In looking at these results, let it also be recollected what different circumstances characterized the different periods.

2. The other measure which I mean particularly to notice is the loan which was obtained in Europe. There was at the time this loan was projected great embarrassment in all the concerns of commerce, but the pressing difficulty was a real unsoundness in the bank circulation which constituted the whole currency of the country. The weakness of the bank of the United States, has been exposed. That of the state banks was probably greater, though they were not subject to so many and such complicated dangers. The revenue was accumulating to the credit of the government, at various points, in paper that if immediately pressed upon the banks

(7) Statement of monies at interest.

which issued it would not have been honored, and yet to have discredited it suddenly would have forced the crisis of the unsoundness of all the bank circulation at a moment when it had no recuperative faculty, and must have ended in consequences alike disastrous to the bank and the country. On the other hand to have imposed no pressure upon these banks would have been to cherish and perpetuate and increase the evil of an unsound currency. The course to be pursued by this bank was a subject of great delicacy and difficulty. The situation of the country was exceedingly alarming.

It was not simply the present evil that was dreaded—the country was in its money concerns in an extreme state of exhaustion. It was drained of its specie in the preceding year before the first instalment of the Louisiana stock became payable. The sum necessary to make the payment stood to the credit of the treasury in the bank and was transferred to the credit of the holders of this stock. The agent of Baring, Brothers, and Co. had, for foreign account, at one moment, 2,410,000 dollars at his credit at the bank in Philadelphia, and on the same day all the specie in the bank and all its offices did not amount to as much. It was impossible to have paid it, and the bank was obliged to enter into a contract to pay it in England by a given time, with interest. In executing this contract it employed the whole operations of the next season of business in foreign exchanges and paid a very large amount of interest; and at the time this loan was projected there remained a large balance due to Baring, Brothers and Co. on account of this contract. The country had been still further divested of the metallic basis in the interim, and a pretence was only wanting by too many individuals and banking institutions to stop payment. To them it might have afforded immediate relief and profit. But to the bank of the United States it must, as already shewn, have caused inevitable ruin. At every hazard it was obliged to continue its payments. Its ability to do so, depended on sustaining the credit of the country, and restoring the soundness of the currency.

If its own vaults had been better replenished than they were, it could not have relied upon them alone. The ability of this bank to sustain its credit at no time depends solely or principally on the specie in its own vaults: but, on the general credit of the country sustained by the usual legal and moral obligations—destroy these practically, and all its power becomes feebleness. Thus it has, at any given moment, from 20 to 30 millions of dollars becoming due to it within 90 days, besides very large sums standing in balances against other banks, and further sums in the notes of other banks. Now suppose at any moment, that a state of things should arise which should destroy the general credit of the country, and disable debtors, who in their turn depend on the same means for their ability to pay, to comply, with the first, and tempt him to disregard the last of these obligations, what would be then the situation of the bank of the United States? Yet that state of things was on the point of taking place; when the loan in question was projected.

The country could bear no further exhaustion, however small, until it had a season to recover. But the second instalment of the Louisiana stock, was to be paid in a few months; and the sum to be withdrawn by foreigners, exceeded probably all the specie in the two great cities of Philadelphia and New York. The bank would have been bound to pay it, had it received the local paper in payment of the revenue; and if it had refused it, we have

seen the disastrous consequences to which it would have led. It was a payment which the country could not, at the time, bear, and the ability of the bank was necessarily limited by the ability of the country. Hence, in a general view, the necessity and expediency of the loan.

It has, I understand, been said, that events have proved that the loan was unnecessary, regarding merely the direct obligations of the bank. This is an objection which no mind capable of comprehending the just policy of a national bank could make, if the foregoing views be correct. But it is not true. Events on the contrary, proved it was indispensable. What would the situation of the bank have been, if in October, 1819, upwards of two millions of dollars had been, in this section of the union, where it was payable, drawn from its vaults. Although they had been by that day considerably strengthened, yet all the specie in the bank, and all the offices on this side the Potomac, could not have met the draft! Will it be said, that the government had not, at the time this instalment was payable, a sufficient deposit to make the payment? It is true, because the government, as soon as it was discovered that the public credit would not be made to suffer, disbursed the monies which must have been and would have been reserved for this purpose; and thus the bank and the community generally were relieved from the foreign drain upon them, in the manner in which the relief was originally projected.

Again—the burthen of this loan has been greatly misrepresented. It has been supposed that in consequence of the subsequent want of demand for money, which prevented the bank from fully employing its capital, therefore the interest paid on this loan was a loss to the bank. This might be admitted, and still the loan was not the less necessary. A sacrifice of gain was expected and intended. But the fact is not so. Although undoubtedly there was a long period during which the capital of the bank was not fully employed, yet it so happened, that the specific money derived from this loan was employed, and has not ceased to bring in six per cent. per annum from that day to this: Without it the bank could not have taken the government loan of two millions of dollars in 1820, which remains yet unpaid, nor could it have done the profitable business in foreign exchanges which it did in that year, nor have distributed capitals as early as it did to the northern offices, which infused into them a new life, nor could it have sustained the character or the usefulness of a national bank, until it should have collected by slow and painful means its scattered capital.

I have said so much of the loan, not only because it is an important circumstance in the management of the bank, but also because it is a measure closely connected with the financial history of the country, and on which turned, in a great measure, the preservation of a sound currency, an event, however unusual it is so to consider it, probably of more importance than any other in the history of the country since the late peace. In sustaining the bank a great public purpose was served, but it cost not an additional cent. Censured though it may be, I proudly say I suggested and advised this measure, and am well content to bear the responsibility of it. The loan was for only two millions of dollars, and was payable on the 5th of July last. One million thereof has been continued at 5 per cent. interest, and the other has been paid off at a profit which would defray the charge of remitting the

remaining million, even at the present adverse rate of exchange.

During the present administration of the bank, considerable sums have been drawn from the capital in erecting necessary buildings for the use of the institution, considerable burthens, which were previously created, have been discharged; one million of dollars have been paid on account of the bonus to the government for the charter, six millions of funded debt have been purchased, and are now held by the bank, three millions five hundred and fifty thousand dollars have been accumulated for the purpose of repairing the losses, which had been previously sustained, and there now stands to the credit of profit and loss the sum of 245,796 dollars 7 cents; and there is due to the bank 1,279,520 dollars 54 cents, for interest which accrued before the 1st of July last, on suspended debts, and which has not been received.

The losses of the institution were estimated, at the last meeting of the stockholders, at three millions of dollars. They have been found to exceed that sum. The estimates of the dividend committee, in July last, made the aggregate of the losses \$3,743,899. This includes all losses to that time from whatever cause. A very small portion of these losses, you will discover, has resulted from the business or management posterior to March, 1819. It is hoped, from the lapse of time, and the trying circumstances which have intervened, that the losses have reached their utmost amount. The greatest pains have been taken to probe the state of all the offices to the botom, as the accompanying documents will shew. (8)

The western debts, by which are meant those due in the states of Ohio and Kentucky, have been a subject of peculiar anxiety and attention. To ascertain the exact state of them, the board were not satisfied to rely on the ordinary means, but dispatched the cashier of the bank, who was understood to be particularly well acquainted with these states, to look into the situation of the offices in Kentucky and Ohio, and to furnish an estimate of the probable loss which would be sustained upon them. His reports which accompany this communication, will exhibit these results. His estimates, very far exceeded those of the committees of the offices; and the parent board and the committees of that board have been governed by his estimates, in forming their opinions of the amount of these losses. A number of investigations of particular cases have, in the course of the current transactions of the bank, taken place, and, on all such occasions, his estimates of loss have appeared to be beyond the probable loss, with the exception of the cases of some local banks at Cincinnati. Doubts, however, of the sufficiency of these estimates, founded on the fear of the fraudulent disposition of some of the debtors and the unjust laws of those states in relation to creditors, were excited—the board, therefore, in July 1821, set apart, as an auxiliary fund, in addition to the contingent fund of 3,550,000 dollars, all excess over the par value of certain stock pledged and transferred to the bank, and all interest due and to grow due on the suspended debts at the offices in Kentucky, and Ohio, to be with the said "contingent fund" inviolably appropriated to the extinguishment of the losses of the bank, unless otherwise ordered or advised by the stockholders at a triennial meeting or at a regular meeting which should be called for the purpose.

The course of policy pursued by the board in relation to suspended debts, and particularly the debts due in the western states, was not to press

the debtors rigorously where they were willing to give the best security in their power, and indeed never to press them except with a view to security.—The most liberal indulgence therefore has invariably been granted where satisfactory security or the best in the power of the debtor has been given. On the 1st April 1819, the sum due to the bank, in Ohio, and Kentucky, including balances due by local banks, was 6,351,120 dollars, 80 cents; on the 30th August 1822 the sum due, including also real estate taken in payment, was \$5,389,477 18, being a reduction of \$961,653 62 (o) but in the debt now due, is a considerable sum of contingent interest which has been liquidated and notes taken for it, so that the reduction will exceed one million of dollars of the principal.—Mortgages, and other collateral security deemed ample have in many cases been obtained, in others valuable additional security, in others judgments, and suits are pending in all, or nearly all cases in which security has not been obtained.

The office at Cincinnati was discontinued in September 1820, and a confidential agent is now employed in winding up its affairs.—The reasons for discontinuing this office it would be tedious and perhaps invidious to narrate, they shall be stated to any committee you may appoint. It has been deemed inexpedient to discontinue any other office.

The several funds which may be relied upon to extinguish the estimated losses are the following. 1. A contingent fund of actual profits which has been reserved of three millions five hundred and fifty thousand dollars. 2. Any excess beyond the par value of 37,954 shares of the capital stock of the bank pledged to it and standing in its corporate name on the books. Though the debts secured by these shares are only estimated at par, they give a claim to the bank which will cover any value beyond par, which the shares may hereafter bear. 3. The sum of 245,796 dollars 7 cents now standing to the credit of profit and loss. 4. The sum of 1,279,520 dollars 54 cents, arrears of interest due the bank. It must be remarked that this last sum includes interest as well on debts estimated as bad and doubtful as on those deemed good. There is now no charge on the bank besides ordinary current charges, except 60,000 dollars semi-annually, which will, if applied for the duration of the charter, extinguish the bonus, the premium on the five per cent. loan, and within a trifle of forty per cent. of the cost of the banking houses which have been erected, and of any that in all likelihood will be hereafter erected, as well as the completion of the building in which you are assembled; and although I have been opposed and have even entered my dissent upon the journals, to some of the acts of the board in relation to this building, I nevertheless do advise, as it is so near completion and is so beautiful a specimen of architecture, that it be finished. It never again can be done at so small an expense, and never under the superintendance of an agent more skilful, faithful, economical and accurate, than the gentleman who planned and has so far executed it. The additional expense will be small. (9)

It was expected by the stockholders at their last meeting, that the bank would have been enabled to have repaired the losses which had been sustained, and to have made a dividend in January, 1820.—This the increased estimates of the losses and the stagnation of trade concurred to prevent, while the

(o) Vide monthly statements for 1st April 1819 and 30th August, 1822.

same causes have diminished the amount of the dividends which have since been made. It will be seen, however, on reference to the accompanying statement, (10) that the bank would have been able to have made dividends which would, no doubt, have been satisfactory to the stockholders during the whole period of this administration, had it been incumbered as well with the losses as the various embarrassments which belonged, in their origin, to a previous period.

The expenses of the institution very soon attracted the attention of the present administration, but it was not practicable to reduce them immediately. An accompanying statement (11) however, will shew that much has been done towards the accomplishment of this object. The amount is still enormous compared with the profits growing out of the proper operations of banking; that is to say, the profits of the bank, exclusive of the dividends received on the funded debt, which it holds and which require no management or expense in the receipt of them.

The monthly statements of the bank exhibit an analysis of the state and current business of the bank and the several offices, as perfect as the nature of the subjects will permit: but if taken without explanations they are often likely to mislead. No attempt at this time and in this form to give such explanations in a general way would be admissible, or practicable, but all such will be cheerfully and promptly given in reply to every inquiry on particular points which may be presented.

You will probably desire to have some notices of the condition of the principal funds in which the capital is invested. This I will briefly attempt:

1. The discounted paper. The current paper of this bank and its offices is probably as good, or better, than the current paper of other banks, in the places respectively where it is due. There is, however, unfortunately a heavy mass of suspended paper on which interest is continually accruing, a great part of which will, no doubt, in time be recovered, but which adds little or nothing at the present time, to the fund from which the bank is to divide. There is one portion of this which, independent of the losses already sustained by it, and which are included in the estimates, I consider as very good and productive. I mean the forfeited stock consisting of 57,954 shares which may be considered as a reduction of a capital quite too large, to the extent of their par value.

II. The funded debt held by the bank. This now consists, with the exception of a very inconsiderable sum, (1) of seven millions of five per cent. stock subscribed by the government; (2) of two millions of six per cent stock purchased in 1820, redeemable at the pleasure of the government; (3) of four millions of five per cent. stock purchased in 1831, and redeemable on the 31st of December 1835. The two millions of six per cent stock, of the loan of 1820, will, in all likelihood, be speedily redeemed. The four millions of five per cents. are longer irredeemable than any other stock of the government of the United States, and hence probably this stock is more valuable than any other stock of the government of the United States. It is quoted higher in the London market than the average of the six per cent stocks. When the bank obtained this stock it was deemed a great bargain. It is now unusually depressed, from causes which probably cannot be permanent, and some stockholders who urged the bank to endeavor to take it at any price, begin now to doubt whether the institution were not better without it. If it were

now sold at a profitable rate, as it may be, the same persons, if it rise, would condemn the sale of it. Leaving these persons then to the indulgence of their opinions, it may be remarked that the more the bank can retain of this stock the better for the institution. It wants active funds but for two purposes: Firstly, to pay the loan of \$1,000,000, due in London. And, secondly, to give additional capital to its offices. All the offices south of Philadelphia, I venture to say, have as much capital as they can use advantageously.

I cannot stop to give my reasons for this opinion. It is doubtful whether more than half a million in addition to its present funds could be profitably employed at the parent bank: more than an additional million I am satisfied cannot, under any circumstances, be profitably employed at New York, (a great many crude suggestions to the contrary notwithstanding): and I doubt whether at this moment a dollar more ought to be added; though I am of opinion that a million ought to be added to the capital of that office at a proper time, making the capital 2,500,000 dollars. Half a million added to the capital of the office at Boston, making the capital 1,500,000 dollars, will be enough for that office. All this will be supplied by the redemption of the two millions 6 per cent. loan, and if a little more be necessary, it will soon be supplied from the suspended debt. I think, therefore, if the bank find it necessary to part with a million and a half of this loan, it ought to do it with regret; but it should on no account, part with more. The unextinguished part of the premium of this loan is about 44 per cent, and the last London quotations are 95 a 96; and the exchange in favor of London 10 to 10½ per cent. It is obvious, therefore, that at the lowest quotations now or at any other time of this stock, it would realize the cost, in connexion with the rate of exchange, the rise of which against this country, is supposed to be the principal cause of the depression of this stock. Here is one error in relation to this subject which it may be worth explaining.

It is supposed by some, that because the government of the United States have not been enabled to convert their six per cent. stocks into fives, that a five per cent stock is deemed undesirable abroad; but the government has never offered a stock like that which the bank holds in exchange for the sixes. It has offered a stock redeemable in eight or ten years. The stock held by the bank is not redeemable in less than 13 years and 3 months. No stronger proof can be given that the sixes would be exchanged for such a stock, than the fact that is quoted higher than the average of the six per cents, in the London market.

The bank, by a resolution of the 26th day of November, 1816, agreed to remit to the holders of the capital stock of the bank, residing in Europe, the dividends which should be declared thereon, free of expence. This was deemed a very disadvantageous and burthensome engagement on the part of the bank—advice of eminent counsel has been taken, to know whether the bank was bound to continue these remittances, and it has been advised that it was not bound longer than it should desire to do so from its own views of expediency or advantage. It was determined therefore to discontinue this agency except as to those who had made regular requisitions or who should do so by a given day. As to these it was thought better that the bank should make the sacrifice which these remittances required, then incur the suspicion of having misled the holders of stock who had made

the requisition, perhaps, under the impression, that the regulation was not disadvantageous to the bank, and that it would be permanent; as to all others there was no pretence of claim. There is one case of 3,540 shares which is under consideration, which the bank has heretofore determined not to be entitled to this privilege, but the parties have urged a reconsideration of it. If this be embraced the number of shares on which the bank has determined to continue remittances, will be 15,330 shares. If they be excluded the number will be 11,790 shares.

With these facts, and an inspection of the documents which are referred to and ready to be exhibited, the stockholders will be able to form an opinion for themselves, with all the lights and information which I have or of which the subject is susceptible, of the state of the bank, and may offer their advice and express their opinions accordingly.

LANGDON CHEVES,

President bank United States.

[Mr. George Williams, implicated in the preceding exposition, has publicly requested a suspension of public opinion.]

CHRONICLE.

A trader, named Jonas Whitney Farnsworth, who says he was of Boston, has been tried at the U. S. district court, sitting at Batavia, N. Y. found guilty, and sentenced to death, for forging United States' patents for military bounty lands. The fellow had every thing complete for carrying on the business.

Money. Messrs. Astor & Son have taken the New-York canal loan, at 6 per cent. interest. On \$100,000 they gave a premium of $7\frac{1}{2}$ per cent. and on 150,000 a premium of 7.

Emigration. A number of cotton weavers have started from Carlise, Eng. for the United States. A great many Irish emigrants, who arrived at St. Johns, N. B. on their way to the U. S. are reported to be in extreme distress—without the means of reaching their destination.

Mississippi lead. On the 12th ult. 12,000 lbs. of Mississippi lead arrived at Detroit, from Green Bay. It was transported by water the whole distance, with the exception of the short portage between the Fox and Ouisconsin rivers.

Baltimore. One of the most severe electioneering contests that we have known of took place in this city on Monday last, for the choice of electors of mayor. The ticket presumed favorable to the election of Edward Johnson, received 3518 votes, and that supposed friendly to the re-election of John Montgomery, 3500—majority for Johnson *eleven*.

Massachusetts. It is announced that Mr. Jonathan Russel declines a re-election to congress.

New Hampshire. Messrs. Bartlett, Harvey, Matson, Plumer and Whipple are elected to congress; a new election must be held for the sixth member, no one having a plurality.

Delaware is one of the states in which the old parties of republicans and federalists are maintained in nearly their former warmth and activity. The late election for governor and representatives in congress was severely contested. Mr. Haslett, son of the patriot who fell at Princeton, was the republican candidate, and judge Booth received the federal support for governor. The former was elected last week by a majority of 22 votes.

We have not seen a return of the votes for congress, nor do we know who is elected.

Maryland—Elections for congress In the district composed of the city and county of Baltimore, sending two members, col. Peter Little received 6867 votes, and gen. Samuel Smith 6765. John Patterson, esq. who opposed col. Little, had 1874 votes. Dr. Joseph Kent is re-elected without opposition from the district composed of Prince George's and Anne Arundel counties. The returns from the other districts will be noted hereafter.

Kentucky. The Louisville Morning Post of the 20th ult. states the fact that "a specie dollar has been selling for some weeks in that place for \$2.05 of their bank paper."

Mississippi. The vote lately taken for a representative in congress stood thus—for Mr. Rankin 4,811, for Mr Poindexter 2,654.

Michigan. Six new counties have been laid off by gov. Cass, extending from the Saginaw bay and river. This territory is rapidly populating. The troops at the Saut de St. Marie are very comfortably quartered; and it was supposed that those at Saginaw would be equally well situated by the 10th of the present month. On this subject the Detroit Gazette remarks—"It is gratifying to reflect that the expense of erecting the barracks at the two posts alluded to, will be even less than the same species of work would have cost in any of the states; such has been the economy with which their erection has been conducted, that the government will be put to the cost of scarcely a single article, except those of iron, nails, and glass."

Louisiana. The mayor of New-Orleans has caused the following letter to be published for the information of the citizens. It is dated St. Martinsville, 9th July, 1822. "The good people in this place are all on the alert. The freedom and equality granted to the blacks by the Mexican constitution, have set the slaves from this neighborhood on the wing for that country. A gang of fourteen, (six of whom were arrested), were met in the Grand Prairie between the Mesmentas and Ceriassis. We have just learned that *seventy five* started last night from the Vermillion. Night before last, four were arrested in this place, as they were absconding with their masters' horses. It is said that a mulatto, son of Mr. Feuille Declaet, leads those who have not been taken. A mulatto, belonging to Mr. Actave de la Eloussage, had stolen his master's horse and saddle and gun, and was making off when he was arrested. The rascal asked if, by the common law, they had a right to do so. He was formerly a servant of judge Porter's, and thought that he had picked up law enough while dusting his master's law books to shield him from harm in case of arrest. Another fellow, belonging to Dr. Alpen, called on Mr. Robin to borrow his horse. Robin lent him his horse, and away the fellow went, full speed; but, fortunately, the horse fell and he was arrested. This fellow had learned that the plot had been discovered, and that it was known that he was at the bottom of it, and but for the falling of his horse would have made his escape.

A true copy. DAVEZAC, Sec'ry."
York, (Penn.) Oct 5. On Tuesday last a drove of 300 merino sheep passed through this borough, destined for the state of Ohio. No state in the union is more active in retrieving past errors than Ohio; her citizens have learned that sale and barter, and speculating in hills of credit, without productive labor, leads to inevitable bankruptcy.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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THE REVOLUTION IS NOT OVER," said one of the American patriots, long after the independence of our country had been acknowledged. The revolution may now be *physically* completed, but the *mind* is still in unthought-of subserviency to the views and interests of the "mother country," as has been shewn in relation to the cause of humanity—that of the *Greeks*. We yet rejoice when Britain rejoices, and mourn when she mourns—or, at least, passively fall into the most of her designs, and become the victims of her ever-watchful policy to promote her own prosperity—even at the cost of the destruction of nations! I wish that we might regard all *foreigners* as they regard us—be ready to meet them at all times, and at every point, on terms precisely *reciprocal*; not exacting anything, but yielding nothing unless also yielded by them: acting as an *independent nation* should do, in matters of fact as well as in those opinion.

The following is an extract of a letter from one of the most distinguished statesmen of our country—and late events, especially the prodigal importation of foreign goods during the present year* and the consequent rise of exchange on England to about *thirteen per cent. above par*, with the severe pecuniary pressure now felt by most persons, shew that he has examined the subject beyond its surface—that he is capable of separating appearances from realities.

I feel confident that the state of the country is daily becoming worse, and it appears to me more hopeless because there seems a general apathy—or,

*Some degree of retirement on the product of the labor of our own country, gave a check to the progress of distress—but such is the elastic character of the American people, that the least relaxation of a cord that may bind them will only produce new exertions for entire release—so the prospect of business has induced hundreds to make large importations of British and other foreign goods, who already repent the proceeding almost in despair. There are some—bankrupts, who cannot cease importing, because of the *credit* that they receive on the duties secured at the custom house, and the sooner we are clear of this description of persons the better, for they are dead weights on the national prosperity; but the real or apparent relaxation which rigid and indispensable economy produced, led many to extend their business to an amount that, I fear, will prove ruinous to many honest and otherwise prudent men. We could name individuals who anticipate "harder times" than they ever encountered, from the amount of their engagements with foreigners—who, if they had kept quiet, would have remained "snug." When and how the importations of the present year are to be paid for—"no man knoweth." The demand is not any thing like equal to the supply, and the stores are every where lumbered with goods. The government will receive a fine revenue from the procedure spoken of—but it will cost the people dearly; more dearly than the sale of six per cent. stocks during the late war, for payment of which the nation was pledged, at 12 or 13 per cent. below the par amount thereof; but that was a season of great emergency, and the end in view may have justified the means used.

what is more injurious, a general opinion that our condition is improving; and, of course, no exertion is necessary. The abstract opinion of the people is in favor of a system that shall support the national industry—but when a tangible measure is proposed, how does it succeed? You cannot convince individuals, and individuals compose the nation—that the efforts of 1 man, 10 men, or 20,000 men, are any thing—they expect the *nation* will come out with an expression of its opinion and give an impulse to government, though the component parts of the nation are silent!—that a great machine is to be put into motion, while the first principle of its power is at rest! One may make speeches, write essays and gain the argument—acquire reputation for talents, industry, zeal and public spirit, but not make a practical convert. The whole are convinced, but the national policy remains unchanged—the people are clothed in foreign cloths, they labor with foreign tools, they riot on foreign luxuries. The government clings to a system of revenue which is built on a sacrifice of domestic and an encouragement of foreign labor. How is this grand error to be corrected?—"where is the rub." We see the resources of the country diminishing, debts accumulating, property depreciating, profitable industry declining, capitalists looking to the funds for a *revenue*, not to the employment of their money for *profit*—the capital of the country abundant, while embarrassment intrudes itself in almost every useful *creative* occupation. Most sections of the world are flourishing in peace, while we are retrograding. The cure must be radical, for so is the evil. The distress of the United States is through the acts of the individuals who compose the nation; and the remedy must be by individuals. Until the people take the great concern into their own hands—until they make the affairs of the state as personal matters, the times will get worse and worse. This cannot be expected for a while—we may not soon see our measures in operation, but let us not despair; let us not "give up the ship." Mr. Randolph, when speaking on the Missouri question, said, "we have the argument if we lose the land," and truth will prevail. Yet the intermediate distress will be very great—it is unavoidable; but the fault is not in you or in me. We have warned the people of it, according to our respective means; and are innocent of a participation in a system that comforts the foreign laborer at the expense of a fellow citizen."

DOMESTIC PRODUCTS! Among the articles lately exhibited at Brighton, Mass. were three sons (by one birth), of Mrs. Willis, wife of Joseph Willis, of West Sudbury in that state, a soldier of the revolution. Their names are George Washington, John Hancock and Samsel Adams. They are now 23 months old and weigh 71 pounds. The mother is 48 and her husband 57 years of age.

THE SUSQUEHANNAH. The value of the produce brought down this noble river, during the present season, has been estimated at \$1,168,954—yet a great number of boats were prevented from descending by the unusual lowness of the water. The importance of the project to open and clear the bed

of this river, is every day made more and more manifest. The *descending* trade naturally centres at Baltimore; but this city has only a small part of that which ought to *ascend* this great artery of our country.

RUSSIAN MINISTER. The baron de Thuyte, formerly envoy extraordinary and minister plenipotentiary to the court of Lisbon, has been appointed the successor of M. Poletica in the United States.

THE ARMY. It is, without doubt, necessary, in the present state of society, that the United States should maintain an efficient military and naval establishment. The *knowledge* acquired in the "trade of war," whether on land or at sea, should not be lost to the nation, through a withering parsimony on one hand, or a blasting prodigality on the other; and of this every one is convinced, that, whether we support a military force of 50 or 5,000 men, or have a navy of 5 vessels or of 50, *efficiency* should be studied, and every branch or department of either service be *understood* by those who are engaged in them respectively, for the instruction of others and the wholesome regulation of the whole.

Without at all entering into the merits of the question whether the present military force is too large or too small, whether economy has been exerted or waste suffered, we are glad to believe that a more efficient body of men can hardly be found in any country than that which composes our little army; and there is a degree of respectability for talents and good conduct in both officers and privates, that, perhaps, never was equalled. It is probable that this respectability will be kept up by the great caution that is observed as to new enlistments—not many men being wanted, the officers are careful to receive only such as have claims to decency, and there is not a deficiency of such applicants at this time.

Under these impressions, we have, with pleasure, inserted an article relative to the capacities, &c. of the present army of the United States, from a gentleman whose opinion is entitled to the greatest respect. We invite some one in the navy to furnish a similar view of that establishment; for it contains information that ought to be spread before the people—entitled to know all that relates to the institutions which they support.

EDUCATION. We have a catalogue of the officers and students of the University of Vermont, to which is annexed the terms of education. The faculty consists of a president and seven professors. The medical students amount to 53—there are 6 seniors, 11 juniors, 12 sophomores and 11 freshmen—in all 93. The charge for tuition, room rent, use the library, &c. is only twenty dollars a year, and the price of boarding is from 125 to 150 cents per week.

LONGEVITY. A respectable gentleman of Ohio gives us the following particulars respecting a poor old woman of his neighborhood, named Ann Baily. "She cannot tell her age exactly, but believes that she was about 12 or 13 years old when queen Ann (of England) died, after whom she was named. When about 46 years old, she emigrated to the United States, and now resides with her son, who is an old man. When the state of Virginia kept up a garrison of Kanawha, to defend the western country against the Indians, frequent attempts were made to force it by the savages, and at one time it became necessary to obtain a supply of ammunition.

Ann volunteered to proceed to Greenbriar county, 100 miles, through an entire wilderness—she left the fort in the night, on horseback, and returned with the ammunition amidst the acclamations of the soldiery. Being wretchedly poor, a petition was presented in her behalf to the legislature of Virginia, praying for a pension—a bill for the purpose passed the house of delegates, but the senate rejected it on general grounds—as establishing a precedent that might bear hard upon the treasury; so poor Ann has to dwindle out a long life dependent chiefly on the bounty of her neighbors: but she sometimes attends market with a few fowls, &c. making a journey on foot of about *seven miles* to dispose of her articles, which she carries on her back.

"When the N. W. army was at Fort Meigs, during the late war, Ann travelled on foot as far as Delaware, or Fort Stephenson, my informant could not certainly say which, to procure some situation in which she might be useful: but she could not find any employment and returned home."

Queen Ann died in August, 1714; so Ann Baily, if the account be true, which we have reason to believe that it is, must be about *one hundred and twenty years* old.

CRIMES. The population of France is about 29 millions—that of England is 10. In 1817, the total convictions for crimes in France was 9,431—in England 9,056; condemnations to death in France 538; in England 1,302. In 1818, no more than 324 persons were sentenced to death in France, but in England they amounted to 1,251. France has nearly three times the population of England, yet furnishes only a bare majority of convictions, and a fourth part as many sentences of death.

THE BALTIC. One hundred American vessels passed Elsinore previous to the 16th August in the present year; of these 74 were bound direct to St. Petersburg, 12 to Copenhagen; 10 to Stockholm, &c. Sixty-two of the number belonged to the single state of Massachusetts—38 to Boston, 12 to Salem, &c.

BANK OF THE U. S. We had laid aside with an intention to publish, the following note as an appendix to the exhibit of Mr. Cheves; but, at the moment when the last Register was going to press, observed that it was missing. As an act of justice to the accused, we now give it a place:—

To the public. Langdon Cheves, in his recent exposition, as president, of the affairs of the bank of the United States, having reiterated charges of fraudulent conduct on my part towards that bank, at a time, too, when, through the agency of that institution, proceedings are prosecuted on the same charge, which I have in vain sought to have brought to a full investigation; I content myself, for the present, with pronouncing the said Cheves' statement concerning me, to be false and without a just foundation. GEO. WILLIAMS.

Baltimore, 7th October, 1822.

THE PIRATES. We are becoming disgusted by feeling bound to notice the doings of the wretched men who infest the coasts of Cuba, especially in the neighborhood of Cape Antonio. The brig *Hannah*, of Philadelphia, has been plundered of 460 bags of coffee, 5,000 dollars worth of tortoise shell, and 1,000 dollars in specie. The crew were most horribly treated—the captain, his brother and five passengers, were nearly *roasted* to death, to make them

confess that money was on board, by building a large fire round them, they being tied; they were also nearly killed by being beaten with swords! The same pirates also robbed and destroyed the Danish schooner Albert, from Vera Cruz for St. Thomas, of \$20,000 in specie and \$5,000 worth of cochineal, and, after abusing the captain and crew in the most unmerciful manner, they put them aboard the Hannah, in which vessel they arrived at Charleston. These pirates rendezvous at a place called Feureas, 30 or 40 miles to windward of Cape Antonio. They have daily communications with Havana, which is the market for their spoils.

We hear of several cases every week, like those noticed above.

Our cruisers in these seas do not appear to want activity—but the pirates, keeping close to the coast, have so many hiding places in shoal water, that it is almost impossible to get at them.

THE PALMYRA. *Charleston, Oct. 8.* His honor, judge Drayton, pronounced the decree of the court in the case of the Spanish privateer Palmyra, brought into this port by the United States' schooner Grampus. The vessel and crew are discharged from detention, with the exception of one officer and six men, against whom affidavits have been exhibited as having plundered the Coquette. They will be retained for trial at the court to be held next November. The commission of the Palmyra was adjudged to be a legal one, and as such saving the vessel and her crew from the forfeitures and penalties of piracy, excepting those individuals who may have been recognized as having boarded and plundered any vessel lawlessly.

Hayne and Holmes for the libellants—Prioleau for the claimants.

PENSACOLA. It was believed that, from the 15th of August to the 11th of September, not less than 120 persons had died of the pestilence at Pensacola; an amount of mortality without precedent, we believe, in the United States, when that of the population to be acted upon is taken into consideration.

Among the names of the deceased, we notice the following: Dr. Bronaugh, president of the legislative council; major Underwood, judge Shannon, J. Connor, secretary to the governor; Mr. Car, commodore; captain Crocker, of the sloop Intrepid; Mr. Bradford, sheriff; Mr. Kennedy, deputy; Mr. Harrison, of Washington city, and his family; F. Johnson, Mrs. Johnson, and two Misses Johnson, J. Keyser, New-York; Mr. Kennedy, merchant; judge Foster, Mr. and Mrs. Stutson, J. H. Champlin, esq. Dr. Rogers, of Baton Rouge; Dr. Elliot, U. S. army; captain Young, U. S. engineers; Mr. Wadlington, clerk to the paymaster; Miss Benson, Miss Ker, Mrs. Dinkins, Mr. Saltonstall, Mr. Newton, wife and child, captain Gerrish, Mr. Simms, navy agent, and W. H. Flournoy, esq.

THE JEWS. In every case wherein this people have been mentioned by the Greeks, struggling for life and seeking to preserve themselves and their wives and children from the cold-blooded murder of the barbarians, they have been described as more base and meanly cruel than the Turks themselves; and, in the early part of the contest, before their character was ascertained by their conduct, they were reported as the chief spies and informers, and as causing the seizure, and, generally, subsequent execution of many distinguished and wealthy Greeks. We are not of those who would condemn a whole

people for the acts of a few, but think there is reason to believe that the Jews of Turkey are about the most degraded of mankind—whom it will be necessary, and, perhaps, also just, for the Greeks to expel, if they shall have the strength and good fortune to work out their own emancipation from the perfect despotism of the Porte. Many worthy men, no doubt, belong to this people; but, is probable that the persecutions which they have suffered, afford the reason for their general repugnance to honest labor, and causes them, almost every where, to stand in opposition to productive industry—they are, nearly every one of them, mere consumers.

SNAKE IN THE STOMACH. An astonishing surgical operation was lately performed, with success, in the hospital of St. Louis, Paris. A peasant, of the neighborhood of La Fere, was persuaded that, about five years ago, he had swallowed, with his food, some reptile, which, in an inexplicable manner, still lived, as he affirmed, in his stomach. The physicians employed various prescriptions, without effect. Tortured by excruciating pains, the unhappy man resolved to go to Paris to be opened, which operation was in fact performed, by making an incision just below the region of the heart, when it was ascertained that his conjecture was well founded. As soon as the animal perceived more air than it was accustomed to, it shewed itself at the end of the incision, but immediately drew back; when one of the assistants put his finger into the wound and drew out a snake two feet and an half in length, and eighteen lines in circumference! It lived sixty hours. The patient felt great relief, and is in a situation which gives no reason to apprehend any bad consequences. [French paper.]

CIRCULATION OF THE BLOOD. Blumenbach says that the pulse of a new born infant, while placidly sleeping, is

About	(in a minute)	140
Towards the end of the first year		124
Towards the end of the second year		110
Towards the end of the third and fourth years		96
When the first teeth drop out		86
At puberty		80
At manhood		75
At sixty, about		60

"Three turkies and a basket of sallad" have been seized by the custom-house officers at Detroit, which, as well as the "United States against one red ox," were to come before the court on the 7th of October last, for adjudication! We hope that the editor of the *Detroit Gazette* will give us the particulars, with an account of the costs on those queer prosecutions. The turkies, if condemned as forfeited, will probably cost the people of the U. States not less than ten dollars a piece.

THE SLAVE TRADE. A French slave vessel, the schooner Maria, of seventy five tons, with a crew of 14 persons, has arrived at Havana from the coast of Africa, with a cargo of one hundred and seventy-six human beings. The captain stated that he had put into Havana, in consequence of being chased out of his course for Martinico by an insurgent privateer. We cannot form an idea how, in so small a vessel, so many wretched beings could be stowed.

RUSSIAN SENTIMENTS. A late St. Petersburg journal contains the following article—it is perfectly Russian, alias slavish. The people of the empire

of the "deliverer" have as imperfect ideas respecting free government, as the black slaves of Jamaica, being white slaves themselves, attached to the soil even more closely than our negroes are, and subject to a more perfect and unrelenting despotism. Yet with such machines, the emperor, who has given up his fellow christians, the Greeks, to the *mercy* of the barbarians, dictates to enlightened Europe; and, by force, finds advocates among the most liberal and polished nations. He is called "magnanimous," though his people, generally, are political and personal slaves.

"If civilization were lost, where should we find it again? Would it be in Africa, that ancient bazaar of human flesh?—or in Asia, which is falling back into childhood from decrepitude?—or in that *Ancientia*, whose government proclaims in the face of the universe, *dogmas which will cause itself to perish*? Between us and barbarism, we see only the HOLY ALLIANCE!!"

DISGRACEFUL. A certain A. JONES, L. L. D. or doctor of laws, has recently published at London a collection of *crim. con. cases*, which he calls "the Annals of Gallantry," in 3 vols. 8vo. illustrated with numerous colored plates—price 2l. 5s. in boards.—This work is chiefly given up to a record of the debaucheries of "the Corinthian pillars of society," the nobility of Great Britain; and perhaps no book recently published, contains so much filthy, dirty, despicable matter. We can hardly imagine a condition of society in which such things are tolerated; and this, by the amount of its cost, is evidently designed for the amusement of the wealthy! It is publicly advertised for sale.

REPROOF FOR LYING. A late English paper furnishes the following article: "In the coffee room at the Bush tavern, Bristol, the conversation of the company touched on the subject respecting the real or imaginary existence of mermaids, when one of the party declared in favor of the affirmative: "Oh! real, beyond all doubt; I have seen seven or more at one time, the most beautiful creatures I ever beheld, with long black hair, and their young ones sucking at their breasts." The worthy and facetious host of the Bush, replied, "Sir, captain —, of the —, informed me that one Sunday morning, a merman had suddenly appeared to his men, dressed in gay attire, with his hair frizzled and powdered as white as a full grown cauliflower, and demanded to know if the captain was on board. The captain soon appeared on deck. The merman addressed him as follows: "Sir, I shall feel particularly obliged by your giving orders for your anchor to be taken up, as it lays against my street door, and prevents my family from going to church."

LIABILITY OF MAIL CARRIERS. The supreme court of Massachusetts, in the case of Dwight vs Brewster, a mail carrier, who undertook to carry a packet of bank bills from Northampton to Springfield, and failed of his undertaking; that is, the packet was lost on the way, have decided for the plaintiff. The court decided, that, as such a packet was not within the prohibitory clauses of the United States law, prohibiting mail carriers from carrying letters, not mailed, past an established post office, there could be no objection to the maintenance of the action on the ground of a fraud practised upon the revenue by the parties; but that, in the transportation of packets, other than letters, (written messages), independent of the mail, the undertaking of the stage driver was that of a common carrier, and, as

such, nothing could excuse the loss, except the act of God or the public enemy. The court held further, that no packets of merchandise, &c. are within the said prohibitory clauses of the law, even though the envelope contain a written communication, if that communication relate to the contents of the packet.

"THE HOLY ALLIANCE!" The following is given in the Lohdon Sun of the 12th September, as an authentic statement of the project with which M. De Montmorency is charged by the government of France, to propose to congress:

1. A uniform measure of compression to be adopted against the present popular feeling, so alarmingly prevalent in Europe; for which purpose, the contracting parties are to provide a military contingent, to be employed at the request of any one of the parties, the internal tranquility of whose state may be menaced; and the employment of this contingent not to be considered as any way interfering with the general relations of amity existing between the countries.

2. A general law for the regulation of the press, which is to suspend all local laws now authorising a greater latitude of publication than may be thought consistent with the new European arrangements.

3. The erection of a tribunal upon the principle of the Mayence tribunal, established at Troppau, for the punishment of offences against the German confederacy, for the trial and punishment of offenders against the order of things now existing in Europe. The authority of this tribunal is to extend over all representative governments, to the extent of bringing under its action individuals who may, from the tribune of their national assemblies, hold language and inculcate doctrines deemed subversive of the present system of legitimacy.

4. A measure which may induce or compel Spain to enter into the views of the holy alliance, by the establishment of a chamber of peers.

It seems quite probable, from the temper of the sovereigns in "holy alliance" against liberty and justice, that some grand plan will be adopted to reduce the people into more abject obedience and servile submission, than as yet belongs to those of several nations. The condition of Russia, wherein the whole population may be regarded as political, if not personal slaves, will furnish a model of that which will "preserve the tranquility of Europe," in the estimation of the "magnanimous Alexander," the head of this league against the rights granted by the CREATOR. The march of mind must be arrested, or tyranny will fall—but can despotism extinguish light, will the sword forever restrain the operations of common sense? It would appear, from the French project given above, that the United States are to be brought under the care of "the holy alliance," for, surely, our practice (as well as our doctrines), is subversive of the present system of legitimacy! The chain that binds the people of Europe, being too severely stretched, may be broken—and emancipated man avenge himself on the oppressor. The liberales have the power in Spain and Portugal; France is feverish, and seemingly ready for a bustle; Italy is unsettled; and Germany and Prussia not a little alarmed with secret societies and supposed plots in favor of liberty; and even in Russia, measures have been adopted which shew that the emperor is not altogether confident of the obedience of his slaves. If the congress shall do much more at restraint and directly meddle with the affairs of nations—it is very possible that such a congress will not be held again; being dissolved by revolution.

THE LATE STORM. In our last paper we briefly noticed the terrible storm with which the city of Charleston, and the parts adjacent, was visited on the 27th ult. By a vessel that arrived at Baltimore on Wednesday last, we received a great quantity of newspapers—forwarded by sea, because the roads were yet impassable for carriages, from the general prostration of the forest trees that bordered on them.

We have anxiously looked for some summary statement, that might help us to form an idea of the power and extent of this awful visitation—but we do not notice any thing of the sort; and we cannot, for want of local knowledge, attempt to make one out: but we should suppose that, at least, *one thousand lives* have been lost, and that more than 1,000 houses were blown down or otherwise injured; and the damage done to buildings, rice fields and plantations, must amount to several millions. In the neighborhood of Georgetown and North island, 300 lives are ascertained to have been lost, and the damage farther suffered is estimated at half a million. A letter from "North Santee" enumerates 127 persons lost, chiefly slaves. These are only particular cases. In several of them, as well as in other instances, whole families perished—white and black; some by the falling of chimneys, others by the prostration of houses, and many by the rising of the tide, or swell of the sea, raging tremendously. Sullivan's island, a great summer resort, felt the whole fury of the gale, and the accounts therefrom are shocking. The district between the two Santees appears to have been completely swept—negroes and crops nearly all lost. The storm did not extend more than 25 miles into the country; but was felt all along the coast from a little south of Charleston to a short distance south of Georgetown—especially on the islands.

The following letters, which enter into details, may aid us in forming some estimate of the condition of those exposed to the force of the gale—

Extract of letter from a gentleman at North Inlet, to his friend in Charleston, dated Sept. 29.

"It is my very painful duty to be the bearer of dreadful news. I pray you, my dear friend, to calm and compose yourself, and bear with resignation the dispensation of an Almighty Providence, in whose hands alone are all our lives. In announcing the dreadful catastrophe, I can scarcely proceed—but it must be done. Our dear and beloved friends, R. F. Withers and family, with the house, were swept away on Friday night, by the terrible storm or tornado, and of the whole number, only Mr. Withers has yet been found. He was taken out of the water yesterday morning, after having been it three or four hours. He was carried to Debordieu's island, and has had every kindness and attention paid to him by Mr. Cohen's family. I was with him all the day, as was also the rev. Mr. Capers, and it is at his particular request that I make this communication to you. Every search was made and still is making for the rest of the family—but as yet nothing has been seen or heard of them. The materials of the house, furniture, &c. are found scattered and drifted in every direction, and the dead body of one of his negroes has been found.

"Mr. Withers states, that between one and two o'clock in the morning, after the chimneys had fallen, his whole family, with Withers Shackelford and captain Wish, left the body of the house, and went into the western shed room, (wind S. E.) being, as they thought, the most safe.—In ten minutes after, the house wavered, and in an instant was crushed; he fell, but recovered, and found him-

self in the water, and recollects hearing a call for him to catch Anna Maria; after which he recollects nothing of his family.—After being in the water a long while, he saw a negro near him; he asked who he was? the fellow replied a stranger—well, said he, "take hold, for I must quit;" a voice behind exclaimed "my dear father don't give up, we can yet be saved."—turning, he said, "Is it you my son?" "Yes my dear father—don't give up, I'm yet strong, and can hold on—we may be saved."—Here a wave came, and a part of the wreck of the house in it, and covered them all, which was the last he saw of his son.

"Mr. Withers was heard, and seen, and rescued by lieutenant Levy, of the United States navy, who was passing the summer at Mr. Cohen's, on Debordieu's Island—this gentleman waded up to his chin in the marsh and creek; and was the happy instrument of saving Mr. Withers and his servant Cudjo, who was the fellow Mr. Withers spoke to as before mentioned. Jack a little boy, was also saved, by floating up to Mr. Cohen's on one of the steps.—As yet we have made no further or successful discovery of any other part of the family—I fear their fates are but too certain. In vain should I attempt to give an account of this most awful and dreadful scene—I am inadequate to the task. Such a night as Friday night and such a day as yesterday, I never before experienced. Poor Mrs. Myers and family, fourteen or fifteen in number, are also swept away, and nothing can be heard of them; and also a poor barber named Deroca. Mrs. Bottsford and two white children and two negroes, killed by the fall of Mr. Fort's house. Every heart is full, and every eye is streaming—I can say no more."

Extract of a letter from Long Bay, Waccanaw, dated Sunday, 29th ult.

"No doubt you must have felt in Charleston the storm of the 27th. To describe the horrors of our situation is utterly impossible. You cannot conceive of any thing more dreadful.—Between 12 and 1 o'clock, the wind became very high; we got up, secured the doors and windows as well as we could; but the wind increased every moment, and we soon perceived that it was a hurricane, more violent than any that we had ever before witnessed. Still we felt secure; but conceive the agony, the terror that seized us, upon hearing the tremendous crash of the roof falling in, and both piazzas torn away! The first impulse was to run out, but were could we run to? The water was upwards of 3 feet deep at the back piazza, and in front the waves were breaking over the hill upon which our house stood.

We stayed in the house until it appeared to be giving way, when we rushed out upon the Sand Hills, but the wind was so violent, that it was with difficulty we could stand our ground; after a while, when the wind had abated a little, we got into an outhouse, where we remained until the morning.—The tide fell about 3 o'clock—had it continued to rise one hour longer, the whole island must have been swept away. Mr. Huger's establishment is so completely broken up, that they have been obliged to remove to the river. Poor Mrs. Myer's body and the bodies of several black children have been washed upon the beach."

TURKISH DECLARATION OF WAR. The German papers have published the following curious declaration of war, issued in 1663 by Mahomet IV. against Leopold, emperor of Germany:

"By the grace of God, the great God in heaven, we, Molo Mahomet, God of the earth, renowned and

powerful emperor of Babylon and Judea, from the rising to the setting of the sun, king of all earthly kings, mighty ruler of Arabia and Mauritania, born triumphant sovereign of Jerusalem, possessor of the tomb of Christ the crucified, declare to thee, emperor of Germany, to thee, king of Poland, and to all the chiefs of thy land, as well as to the pope of Rome, his cardinals and bishops, that we are resolved to attack thee with thirteen kings, 1,300,000 men on horseback and on foot, with Turkish courage unknown to thee and thine. We will visit thee in Vienna, thy capital, and pursue thee, and the king of Poland, and all thy allies, sword in hand, burning, plundering, murdering and destroying thy country and subjects. As for thee, thou shalt suffer the most horrible death that can be imagined. As thy government is weak and cruel, even among christians, we will wrest from thee, with fire and sword, thy empire and kingdom, and likewise overthrow and annihilate the see of Rome and its triple crown.

This, emperor of Germany, and king of Poland, is our declaration to thee and to all thy dependents; and we, moreover, inform thee that these words will speedily be followed by deeds, for which thou hast to hold thyself in readiness.

Given in our powerful city Stamboul, containing 1,639 streets, 90 hospitals, 1,000 public baths, 997 fountains, 120 markets, 115 stables for mules, 480 inns for foreigners, 1,652 great and small schools, 4,122 mosques and churches. This great and powerful city is four German miles in circumference, and on its walls are 360 strong towers. Our ancestors wrested it from the hands of the christians, whose wives and children were murdered before their eyes. Thus will we treat thee and all christians, to prove our hatred and disdain.

Given in the 25th year of our age and the 7th of our potent reign.

(Signed)

“MOLO MAHOMET.”

TRADE WITH FRANCE. The French government has promulgated the following ordinance respecting the tonnage duties, to be levied upon American ships, entering the ports of France.

Royal ordinance.

Louis, by the grace of God &c. &c.

On the report of our minister secretary of state and finance, our council being heard, we have ordered and do order as follows:—

Art. 1. The application of our ordinance on the 26th of July, 1820, purporting that “the duties of tonnage collected on foreign vessels arriving in the ports of our kingdom situated in Europe, shall be replaced, with regard to the ships of the United States of America by a special duty of 90 francs per ton,” shall be suspended from and after the first of October next.

2 From and after the said date of the 1st of Oct. and until it be otherwise ordered, the natural produce or manufactures of the United States of America, which when imported by vessels belonging to that power, pay, in virtue of the laws now in force, a surcharge amounting to more than 20 francs per marine ton (tonneau de mer), shall only pay an additional duty of 20 francs per ton over and above the duties paid on the same natural produce or manufactures of the United States when imported in French ships.

Such articles of the said produce, the surcharge on which does not amount to 20 francs per ton, shall continue to pay the duties and surcharges imposed by the general tariff, the present ordinance being intended to apply only in the way of reduc-

3. The following quantities shall be considered as forming the ton of merchandise for each of the articles hereinafter mentioned:—

Cotton, in wool	365 kilograms
Tobacco, in leaf	725 ditto
Potashes and pearlshes	1,016 ditto
Rice	725 ditto

All other articles which are specified, and which are weighed, 1,016 kilograms. Those generally measured, 42 cubic French feet.

4. The produce of the soil and of the industry of the union which are re-exported after deposit, or pass in transit through France, shall continue to pay no differential duty.

5. Under the name of tonnage duty, American ships shall pay only a duty of 5 francs per ton of measurement, according to the American register of the vessel, they will thereby be relieved from the tonnage of duty established by the laws of October, 1793, and the 4th of May, 1802, and will only be liable on the same footing as French ships to the other taxes and dues relative to navigation, such as light house duty, pilotage, brokerage and others which affect foreign vessels in a different manner. The administration of the customs remaining charged with paying those entitled, out of the produce of the collection above of the five francs per ton, the differences to which American ships would have been subject in virtue of any laws and regulations whether general or local.

Our minister secretary of state for finance is charged with the execution of the present ordinance, which shall be inserted in the bulletin of the laws.

Given at the Tuilleries, September 3.

(Signed)

LOUIS.

POPULATION OF PARIS. The population of Paris, in 1817, was 714,000 souls, divided into two separate classes, namely—the inhabitants who live by salaries of office and public professions, or any income whatever, who are neither artisans nor workmen, amounting to 366,000; and the laboring class, amounting to 348,000 individuals.

But these two distinctions are not sufficient to discover the quantity of actual consumption; for this purpose, M. *Beniston* established two others: “the opulent consumers” and “the indigent consumers.” The former comprises 47,000 married men and 47,000 married women; 27,700 bachelors, between the ages of twenty and forty years; 25,000 spinsters; 9,600 widowers; 20,000 widows; 16,700 bachelors at and above the age of forty, and 20,000 spinsters at the same age—this gives 95,000 men and 105,000 women, making a total of 200,000 individuals belonging to the class of opulent consumers.

The class of indigent consumers are as follows: 85,000 married men and 85,000 married women; 24,000 male and 24,800 female children at and under the age of 5 years; 14,844 males between the age of five and seventy, and 19,304 females at academies or boarding houses and schools; 67,506 young men living with their parents or otherwise; and 66,046 young women in the like situation; 16,000 soldiers, 1,000 nuns and charitable sisterhood; 32,730 unmarried men between the ages of twenty and forty years, and not included in the preceding numbers; 37,770 females of the same age and in the same situation; 4,200 widowers; 27,000 widows; 4,000 bachelors above the age of 40; 4,800 females in the same situation; making a total of 248,280 men, and 265,769 women of this class; altogether 514,000 individuals—which number added to the

preceding class, makes 714,000 souls the population of Paris.

To estimate the extent of consumption in articles of workmanship and manufacture, M. Benoiston takes into consideration the number of persons who have the pecuniary means of making use of them, and, according to the above statement, the following is the result: The consumption of articles of dress and ornament during the year 1817 was 71,900,000 francs; in articles of trade and workmanship, 35,726,000 francs; and in sundries, 217,000,000 francs—total consumption of material manufactured, and other expenses, 324,626,000 francs, or, in English money, 12,987,340*l.* It will, doubtless, be observed, that M. Benoiston has not noticed, in the above estimate, some objects which are probably but little calculated to appear in such a table: such as theatres, lotteries, women of the town, gambling houses, &c. All these are, doubtless, objects of expense and often ruin; but ought they to appear in an estimate of consumption? In speaking of this class of profits, which are certainly the most deplorable species, M. Benoiston says, the scourge, prostitution, brings the revenue of Paris 50,000 francs; and that before the revolution the number of unfortunate females amounted to 15,000.

FOREIGN NEWS.

London papers of September 14.

Great Britain and Ireland. We forgot to mention the important fact that the king had returned from his expedition to Scotland! The Glasgow Courier mentions that, when "his majesty and sir William Curtis first met in their Highland dress, they both burst out into a rude laugh at the ridiculous appearance of each other."

Mr. Canning is appointed the successor of the marquis of Londonderry.

It is somewhat remarkable that the premier peer in each part of the united kingdom should be in opposition to the present ministers, viz. the duke of Norfolk in England, the duke of Leinster in Ireland, and the duke of Hamilton in Scotland.

A gentleman named *Boyle*, became a bankrupt at London sometime ago. A motion being made before the lord chancellor to supercede the commission that had been issued against him, it appeared that he had paid off debts to the enormous amount of 719,000*l.*—that there was yet unclaimed of him only 14,000*l.*, to satisfy which the amount was deposited in the hands of the assignees. The counsel on the part of the latter supported the motion, and, in the name of his clients, felt it his duty publicly to thank Mr. Boyle for his exertions; by which, after satisfying all these claims, he had a surplus of 600,000*l.* The chancellor granted the motion and said that this was worth all the bankruptcies that he had ever heard of in his life.

Walter Fitzmaurice, well known in Ireland as "*capt. Rock*," was lately arrested, and, being put on his trial, plead guilty, though warned of the consequence. He was sentenced to death.

A respectable catholic priest has been tried in Connaught for marrying "a reputed catholic to a woman who professed to be a protestant." The result is not stated; but the proceeding is said to be a felony!

The receipts of the British religious charity societies in 1821, amounted to the sum of 341,141*l.* 12*s.* 8*d.* of this aggregate the "British and Foreign Bible society" received 103,802*l.* and that for the conversion of the Jews, 10,689*l.*

At the Leicester assizes, John Bates was sent enclosed to be imprisoned one year, and to pay a fine of

£200, on a conviction of having given orders for the making of twenty frames or machines, called bobin-lace-machines, with the intent that the same should be exported to Antwerp. The indictment was grounded on an act of 21 Geo. III, which forbids the exportation to foreign parts, of utensils made use of in the cotton, woollen, and silk manufactures of the kingdom. The prosecutor was Mr. Lacy of Nottingham, to whom a patent for making lace, was some years ago granted.

France. Great efforts are continued to restrain the press. The following article subjected a person to a prosecution—"The old clothes shop.—An officer covered with honorable scars, is in the deepest distress. He looks to his clothes for a last service. Their condition announces under what glorious circumstances they covered their unfortunate owner; but that is no recommendation to an old clothes man. As to his sword, the veteran warrior transmits it, bequeaths it, but will not sell it. The blade is bright, though stained with the blood of the enemy. This veteran is in poverty; but perhaps if his sword had been dipped in French blood ———"

It is stated in a German paper that a part of the Austrian army in Italy is about to march into France to relieve the cordon on the frontier of Spain! This is not probable.

Netherlands. Many children have died at Amsterdam of the small pox; and the people were seriously called upon by the magistrates to promote vaccination.

Spain. The ministers are completely gleaning the persons that were about the king—they have given many of them orders to retire to their homes, and have intimated to his majesty himself, the possibility of his being brought to trial for mal-conduct, if he does not behave better in future!

Gibraltar papers inform us that—The insurrections in Spain continue to prevail in the provinces of Catalonia, Navarre and Biscay.

The marquis of Mata Florida, the bishop of Tarragona, and baron d'Creoles, have issued a proclamation dated at Urgel, Aug. 15, announcing themselves as the regency of Spain during the captivity of the king!

A French squadron was cruising off Cadiz.

Portugal. The cortes has voted to establish a regency of five persons, with secretaries, in the Brazils; all with limited powers, and to be appointed by the king. Cortesian delegates from Paraiba, Rio Grande del Norte, and Pernambuco, have arrived at Lisbon.

Italy. The present pope is eighty years of age, and has governed the church twenty-two years.—There are forty-four cardinals, and twenty-three vacant hats. The number of patriarchs, archbishops and bishops dispersed throughout christiandom, is 550. The reason of the "vacant hats" is, that the moderate revenues of the ecclesiastical state, compel the holy father to be as sparing as possible in filling up the vacancies, lest the scanty income of the college should be still more subdivided. The present income of a cardinal is not more than four hundred pounds sterling a year.

Switzerland. A Swiss diet was held at Zurich in July last, and took into consideration the overtures of M. Zea, ambassador of the Colombian republic. His proposals were *ad instrumentum*. The assembly also appointed two Swiss merchants, one a native of Yverden, the other of Geneva, who had long resided in America, to be consuls at New York and Washington.

Germany. The lordship of Ernsdorf, in Austrian Silesia, is advertised to be disposed of by way of

lottery, *title and all*. The property is valued at 1,632,619 florins—the tickets are at 1*l.* sterling each.

Russia. An order was issued at St. Petersburg on the 21st of August, for closing all the freemasons lodges. Some great alarm appears to have seized on the government.

It is stated that during the late review of the troops at Moscow, about eighty petitions were presented to the emperor (*by soldiers stepping out of the ranks*), praying that he would commence war with the Turks. A priest of consideration, has loudly denounced him for his insensibility to the sufferings of his fellow christians.

Turkey. The French papers state, that after the Turkish fleet, under the command of the captain pacha, sailed from Constantinople, and that since, in consequence of a 3d expedition having taken place, there scarcely remained a single ship of war in the before mentioned harbor. The captains of several Greek vessels, then lying in the port of Odesa, formed the daring resolution of immediately sailing to Constantinople, and there to set fire to the arsenal. They might perhaps have succeeded in this rash attempt, from which great consequences would have issued, but our government prevented them from carrying it into execution, by not allowing them to sail.

The following details of the late victory of the Greeks, is from a Frankfort paper of Aug. 24.—We have at this instant received new details of the victory gained by the Greeks on the 14th of July, which are of the greatest interest. As already stated, the Hellenians were forced, on the 13th, after fighting valiantly, to retreat, and they took up a new position in the Straits of Thermopylae. Encouraged by their success the evening before, the Turks attempted on the 14th, to force all the passages; but seven hundred brave soldiers, under the command of another Leonidas, young Bozzaris, stopped their progress till night, repeating a thousand times the cry of Eleutheria (liberty). They defended with the greatest heroism the principal defiles. During this time, the greater part of the Greek army marched with great haste, and arrived, after making several detours in the rear of the enemy's army, where it took up a position. The Turks, entirely surrounded, were attacked with fury and completely routed. The results were most brilliant—three pachas, seventy boys, and eleven thousand men were taken prisoners. All the baggage of the Ottoman army, with its artillery and tents, fell into the power of the victors. Nearly a third of the Turkish army was killed, and a considerable number wounded.—Chourschid Pacha had great difficulty to save himself with four thousand men, the miserable wreck of his army at Larissa.

During the battle, Grecian women, leading with them boys of ten years of age, who followed the example of their mothers, hurled down stones on the Turks from the tops of the mountains. In general, the Hellenians fought with an enthusiasm, great almost beyond example. There cry was, 'death to the barbarians, vengeance, our brothers were massacred at Scio.' Young Bozzaris, the modern hero of Thermopylae, in his devotion to his country, for feited his life. His corpse was transported to Corinth with the greatest pomp; 1000 women, preceded by 160 priests, accompanied the procession. They are preparing in that city to pay him the greatest honours.

Another great victory has been obtained by the Greeks! Chourschid Pacha, threatened by the divan on account of his defeat, assembled all his re-

serves in the utmost haste to recover his reputation. He met the enemy again on the 1st of August, and is said to have lost as many men as on the former occasion—he himself being among the prisoners! It must be remarked however, that the London Courier, (the mouth-piece of the ministry, and deadly hostile to the Greeks), *doubts* the truth of this report.

A Greek fleet of 40 sail, had been fitted out to bombard Salonichi. It is confirmed that the Turks have nearly destroyed the whole city of Jassy with fire, out of mere love of ruin or for the sake of plunder. Nine churches and seven monasteries were consumed.

The Greek patriarch is dead, and the late bishop of Chalcedonia has been elected his successor. The patriarch died of the dropsy, and the Greeks at Constantinople appear to have had full liberty to pay the usual respect to the remains of a person so distinguished.

The porte has intimated his willingness to receive a Russian minister, provided he shall not come in a vessel of war.

Porto Rico. The privateers that have been fitted out in this island, are the Palomo, of 6 guns and 130 men; the Pancheta, of 16 guns and 120 men; the Pareira of 6 or 8 guns and 80 men; the Bruqueña, of 4 guns and about 60 men; the Flora de la mar, 1 gun, and 40 men; La Carmen, 4 guns and 50 men—besides three or four other small vessels.

A letter from a gentleman who was on board the brig Fairy, which was captured by one of those privateers and sent into Pounce, Porto Rico, says—"I received three stabs in the breast, and the crew of the Fairy were treated very badly. They talk about hanging us, on account of an United States' schooner having taken one of their privateers. We are double-ironed, both and land foot. They give us one pint of water and one biscuit a day each man; and if we ask for more, they threaten to cut our throats. We are down in the hold of a schooner, with just room enough to move, and eaten up with vermin. Mr. Mitchell, the first mate of the brig, suffers equally with us."

The new governor of the island, gen. La Torres, had arrived, and it was believed that he would put a stop to the privateering business, having expressed the greatest disapprobation of it.

Colombia. Morales, the royal general, has made a descent on the coast and captured Maracaibo without opposition. A large force was sent to expel him. The war prosecuted by him is useless—yet it involves a great waste of life and treasure.

Mexico. A battle is reported to have taken place between the imperialists and the republicans, in which the former were defeated, with great loss. It is quite certain that many are dissatisfied with his *emperovanship*. We have a copy of a proclamation signed "Guadaloupe Victoria," informing the people that "the standard of liberty is raised," and inviting them to take up arms—he proscribes Iturbide as a tyrant, and proposes that a general congress be held at Puebla.

The emperor has arrested many distinguished persons at Mexico—several of them being members of the congress; he is evidently alarmed. It is probable that his reign will be short.

Military establishment of the U. S.

COMMUNICATED.

Every country that pretends to take a station among the nations of the earth and to maintain that rank and standing which its population and re-

sources justly, ought to be prepared with the necessary means of sustaining herself, under all circumstances, against foreign aggression and attack. Some countries, according to their localities or the tempers of their rulers, keep on foot at all times numerous forces, so as to be able either to secure themselves from the sudden attack of their more powerful neighbors, or to avail themselves of the opportunity which may offer for extending their own power by seizing the colonies and distant establishments of their rivals, in order to weaken their trade and resources and to increase their own. But the United States, having in view the single object of defence and not that of conquest, in making her military arrangements, and being disposed, at the same time, to leave as much power in the hands of the people as is consistent with good government and her civil institutions, have always avoided increasing her regular forces in time of peace, beyond what is actually necessary to preserve her fortifications from decay, to protect her arsenals from pillage, and to secure her ports and harbors from foreign insult. She has not however been unmindful of the advantages of possessing at all times a well organized and instructed corps of artillerymen and engineers, a small but well disciplined body of infantry, and a military academy of sufficient extent to educate annually a certain number of youths capable of filling the vacancies which may occur in her little army. This small establishment, with the general staff, constitutes the whole of the land forces of the republic, forming an aggregate of about 5000 men, and maintained at an annual expense of about 1,500,000 dollars. This force is the nucleus around which, it is proposed, when the necessity shall exist, to form a body of regular troops sufficient to answer all the purposes of defence and to relieve the militia from the task of remaining constantly in the field, when the state shall be threatened with invasion. Small as this establishment is, it is susceptible of an extension equal to 36,000 men, a greater body than was ever on foot at any one time during the whole of the late war, and perhaps, judging from the events of that period, equal to all the exigencies of the union.

It may perhaps be questioned by some as to the feasibility of this extension, and therefore, it is thought proper to demonstrate the fact by showing how it may be effected. First, we have, exclusive of the general, field and staff officers, 644 platoon officers and cadets, more than one half of whom are capable of commanding companies—say 300 companies at 120 men each, (the standard of the French companies on the war establishment), would be equal to 36,000 men; and second, from the remaining 344 officers, and from the field and staff officers now in service, could be obtained the general, field and staff officers for such a force, to say nothing of the recourse that may be had to that valuable body of officers who served through the late war and retired on the reduction at the peace. All these 300 captains commanding companies will be well instructed, respectable, acquainted not only with the theoretical and practical parts of their duty, but well versed in the system of accountability and general administration of regimental affairs. Had the United States had the command of such a corps of officers at the commencement of the late war, our army would have been in a better condition in three months after the declaration of hostilities to have taken the field, than it was at the close of the contest: for now we have one uniform system of discipline, administration and accountability, in every arm and branch of the service—a staff organized on

a proper plan and in successful operation. The supplies of every description are regular and of excellent quality. But at the commencement of the late war we were without a general staff, without system and experience, or any fixed rule of conduct; the officers of the old army were not advanced and dispersed among the new troops, but left in inglorious retirement with the old regiments, except in few instances, and then the effects of their experience were visible wherever they were placed. It is a mistaken notion that the officers of the old army did not distinguish themselves in the late war—when ever they had the opportunity they did. Look at Brownstown, Erie, Niagara, Fort George, York, Sackett's Harbor, Christler's field, Plattsburg, Baltimore, Norfolk, St. Mary's, Pensacola and New Orleans, and you will see among the distinguished in these affairs many officers of the old army—you will see the names of Pike, Covington, Gaines, Scott, Macomb, Jesup, Boyd, Porter, Bissell, Swift, McLee, Wood, Backus, Lawrence, Armistead, Gibson, Taylor, Morgan, Forsythe, Mosias, Chambers, Dorman, Brooke, King, Gardner, Snelling, Baker, Miller, Gratiot, Blue, Haynes, Toten, Walback, Eustis, McPherson, Jones, Crane, Boyl, Bomford, Atkinson, Thayer, Deltussy, Gadsden, Fenwick, Laval, Smith, Russell, Ball, Hindman, Appling, Brooks, Larabee, Overton, Woolstoncraft, Pratt, Chotard, Davis, Humphreys, Whiting, Brevort, Vail, White, Allen, and many others whose names are not now recollected, who have been honorably and publicly mentioned. Yes, let it be repeated, had the officers of the old army been distributed among the new troops, and a just regard been paid to their experience and talents at the beginning of the late war, instead of seeking for popular characters to lead the troops, the treasury would not have exhibited such a waste of money, nor history had to record so many failures and blunders as the onset of the conflict exhibited.

British Population—1822.

FROM A LATE ENGLISH PAPER

There has just issued a voluminous elaborate, and very valuable statistical work, consisting of an abstract of the population and parish registry returns for 1821, "ordered by the house of commons to be printed July 2, 1822." The volume is a thick folio. It consists first of "preliminary observations," on the enumeration abstract, on the divisions of England into shires, &c.; on the ages of persons, baptisms, marriages, &c.; on the increase of the population, &c. Secondly, of "comparative enumeration of five periods, 1700, 1750, 1801, 1811, and 1821." Thirdly, "enumeration abstract," being an account of the population of England, Wales, Scotland, the Isles, &c. showing the number of houses inhabited; by how many families occupied; houses building; uninhabited; the number of families chiefly employed in agriculture; those chiefly employed in trade, manufactures, &c.; "all other families not comprised in the two preceding classes;" males, females; total of persons; and fourthly, "parish register abstract."

These outlines of the varied contents will show their interest, and the number of objects respecting which accurate and official information is here given; and its massive character may be imagined when it is stated that the volume consists of seven hundred and fifty pages, almost the whole of which is table work. To give even the results of the various details would exceed the limits of our journal; the work, however, has been prepared with great

care, chiefly under the superintendance of Mr. Rickman, clerk at the table of the house of commons; Mr. Philips, the speaker's secretary, and several clerks.

We shall give some extracts from what may be deemed the most popularly interesting parts of the work. In making the extracts, we shall pursue the order adopted by the parliamentary document.

In the "preliminary observations" it is stated that "the subject of classification may be dismissed by stating that the third or negative class appears to consist chiefly of superannuated laborers, and widows resident in small tenements; this may serve to show that scarcely any information can be drawn from the numbers which appear in the third or negative class; from the two former classes, and especially the agricultural, important inferences may with confidence be deduced; for instance, that in the year 1811, rather more than one-third part of the population of Great Britain (or, more accurately, 352 in 1,000) were employed in raising subsistence for the other two-thirds, that in the year 1821 the proportion had decreased to one-third, (333 in 1,000); the degree in which the population of the several counties of Great Britain is agricultural, may of course be easily deduced from the respective county summaries.

Summary and comparative statement of the enumerations of 1801, 1811, and 1821.

	Populat'n 1801.	Rate of		Populat'n 1811.	Rate of		Populat'n 1821.
		Incr	Dim		Incr	Dim	
		p. ct.	p. ct.		p. ct.	p. ct.	
England . . .	8,331,434	14		9,533,827	18		11,261,437
Wales . . .	541,546	13		611,788	17 1-5		717,438
Scotland . . .	1,599,068	13		1,805,688	15 6-7		2,093,456
	10,472,048	14		11,956,303	17 2-3		14,073,331
Army, navy, &c	470,498	36		640,500		50	319,300
Total . . .	10,942,546	15		12,596,803	14 1-4		14,392,631

A calculation has also been made upon the comparative population of each county, in the same periods.

In order to avoid uncertainty, the increase has been separately calculated on the respective numbers of females only—viz:

	1801	Incr. per cent.	1811	Increase per cent.	1821				
						14 or 1402		15 4-5ths or 15-82	
Females.	5,492,554		6,225,716		7,253,728				

And the absolute increase of population in Great Britain (if measured by doubling that of females only) appears to have been 1,500,000 in the first period, 2,000,000 in the second period.

It is afterwards added, that "the enumeration of the whole population may be considered as complete, no place being known finally to have omitted making returns. In cases where the name of a place differs from the abstract of 1811, or where two places are included under one title, all the former names are preserved in a note; and in cases where any place has been transferred from one hundred to another, explanation is afforded in the same manner.

The proportion of the sexes was as 100 males to 110 females of the resident population in the years 1801 and 1811; at present to only 106 females, a difference which may be ascribed to the cessation of war, and consequent smaller number of males in the army and navy.

In conclusion, it is proper to mention that where the total of any county, as laid before parliament, in February, 1822, shall be found to differ from the

total in the present volume, the latter is to be considered as the authentic total, a few corrections on discovery of duplicate entries, of omissions, and of clerical errors, having been made on the final revision of the work. The only material error discovered in the abstract of 1811, upon collation with the present abstract, occurs in the North Riding of the county of York, where, from some clerical error in adding the columns of the liberty of Lang-baugh, an omission of 13,061 persons took place, whence a diminution of population between the enumeration of 1801 and 1811 was ascribed to the North Riding, making it appear a singular and unaccountable exception from the general increase. The error is now rectified in the comparative table of counties.

On the subject of burials, there are the following consolatory observations:—"The annual number of burials, as collected in pursuance of the three population acts, authorises a satisfactory inference of *diminishing mortality in England*, the average number of burials not differing materially from the year 1780 to the year 1800; the first five years of that period, the last five years, and the whole period giving the same average result; not but that the effect of the deaths by which England was afflicted in 1795 and 1800, is very perceptible in the increased mortality of those years. Many other, and no doubt, very various considerations would occur to every investigator of such a subject; especially the doubt as to how many years of the burial register ought to be applied as a divisor or existing population. If, for instance, the average number of registered burials in the preceding ten years, is applied to the number of persons resident in England and Wales in the year 1821, the annual mortality very little exceeds one in sixty; but if the registered burials of the year 1820 are applied in like manner, the result is a mortality of one in fifty-seven or fifty-eight, which last proportion (burials not brought into the account considered) is perhaps nearest to the truth.

The same calculations founded on the numerical results of the population act of 1811, show a mortality of one in *fifty-two*, and one in *fifty* respectively. The rate of mortality in the year 1801 has heretofore been taken at one in *forty-seven*; in the year 1790, at one in *forty-five*; in 1780, at one in *forty*; so that on the whole the annual mortality seems to have decreased from one in *forty*, to one in *fifty-eight* (nearly one-third) in forty years.

The causes of increase in the duration of human life (hereby indicated) will, no doubt, be investigated by those who are able to elucidate the subject; houses less crowded, better food, better clothing, and more cleanliness among the numerous classes of society, cannot have been without some effect; and to these may be added the increased extent of drainage, which may have acted beneficially on the health of the agricultural population.

The improved treatment of diseases is stated in many of the returns, as a cause of increasing population, and especially the substitution of vaccination for the small-pox; infectious fevers have almost disappeared, even in the metropolis; and intermittents, which till lately under the name of ague, infested the country very extensively (especially the ten districts) are no longer spoken of. In former times, the plague, (as it was called) (disappeared as soon as the city of London had been rebuilt, after the great fire of 1666, so the land-scurvy, and before that the leprosy, became gradually extinct, when the reformation of religion, and improvements in agriculture, had removed the necessity of eating

salt fish and salted meet during the greater portion of the year.

The mortality in the several counties of England ranges between one in forty-seven, and one in seventy-two; Middlesex and Sussex being the extremes. In Anglesey, the mortality is stated at one in 83.

The abstract of answers and returns is followed by this complete and interesting general summary of houses, families, and persons in Great Britain,—

	England	Wales	Scotland	Great Britain
HOUSES, inhabited	1,951,973	356,483	341,474	2,929,634
by how many families occupied	2,346,717	146,705	447,960	2,941,383
Building	18,289	98	2,405	21,679
Uninhabited	66,035	3,652	12,657	82,264
FAMILIES, chiefly employed in agriculture	773,732	74,225	130,699	978,656
in trade, manufacture or handicraft—	1,118,295	41,680	190,261	1,350,239
all other families not comprised in the 2 preceding classes	454,680	30,801	126,997	612,488
PERSONS, Males	5,433,679	380,487	983,552	7,137,018
Females	5,777,758	360,951	1,109,904	7,248,613
Total of persons	11,261,437	747,438	2,093,456	14,301,631

There being added 319,360, for "army navy, marines and seamen in registered vessels."

And it is succeeded by an equally curious summary of baptisms, burials and marriages, in England and Wales:—

YEARS.....	BAPTISMS.			BURIALS.			MARRIAGES.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
1811	155,671	149,186	304,857	94,971	93,572	188,543	86,389	82,066	168,455
1812	153,919	148,005	301,924	95,987	94,445	190,402	82,066	83,860	165,926
1813	160,685	153,747	314,432	93,726	92,751	186,477	83,860	82,066	165,926
1814	163,282	155,524	318,806	103,552	102,878	206,408	89,944	89,944	179,888
1815	176,233	168,694	344,927	103,442	97,966	197,408	91,946	91,946	183,892
1816	168,801	161,398	330,199	103,924	102,005	205,929	88,234	88,234	176,468
1817	169,337	163,246	331,583	101,040	98,229	199,269	89,779	89,779	179,558
1818	169,181	162,903	331,384	107,724	103,900	213,624	95,571	95,571	191,142
1819	171,107	163,154	333,261	106,749	106,811	213,560	96,835	96,835	193,670
1820	176,311	167,349	343,660	104,329	104,020	208,349	96,835	96,835	193,670
Total	1,664,557	1,590,510	3,255,067	1,011,417	998,152	2,009,569	910,426	898,152	1,808,578

The summary of England and Wales is collected from the registers of 10,453 parish churches, and 389 chapels; and it is believed that no more than five returns remain due.—103 returns of registers of Roman catholics, Quakers, and Dissenters, and of registers kept at hospitals and work houses, were received, and are included in the above summary, and many of the returns mention unentered baptisms, burials and marriages, to the following amount, viz.: Annual average number of unentered baptisms, 23,066; burials, 9,505; marriages, 191. (Signed) JOHN RICKMAN,

In the "preliminary observations" there is an account of the population throughout the last century—As it may be useful to illustrate the above details, we shall return to quote it; and then conclude, for the present, with the remarks which follow such table respecting "the increase of the population." Table of population throughout the last century in England and Wales.

Year.	Population.	Year.	Population.
1700	5,175,000	1760	6,736,000
1710	5,240,000	1770	7,428,000
1720	5,565,000	1780	7,953,000
1730	5,795,000	1790	8,675,000
1740	6,064,000	1801	9,168,000
1750	6,467,000		

Hereby it may seem, that although the beginning of the 18th century exhibits a decreasing population, the lost number had been regained in 1720; since which time a continual, though irregular, increase appears. For the year 1790, the average medium of the baptisms of each year, with the four preceding years, is taken. The baptisms of every year previous to 1730 were not called for by the act of 1801.

It was supposed that when the enumeration returns of 1811 were collected and arranged, a considerable deficiency in those of 1803 would become manifest; but this did not happen, the seeming deficiencies of 1801 so constantly disappearing upon enquiry and explanation, as to leave scarcely twenty places additional in 1811, and those among the smallest of the 15,741 which made separate returns. The variation from this number in the present abstract, which contains 15,773 enumeration returns, entirely arises from the conjunction or division of parts of the same parish, at the option of the overseer, or of the other persons employed in the enumeration, and of course does not indicate any real defect or redundancy, nor affect the total return of any parish, nor of the abstract generally.

It has been reasonably supposed that the first enumeration of the people in Great Britain, especially as it took place in time of war, was rendered somewhat defective from backwardness or evasion in making the answers required, inasmuch as direct taxation, and more obviously the levy of men in every place, might possibly be founded on the result of such an investigation. But as no such effect was perceived to take place, the returns of the year 1811 were, in all probability, more full and accurate than those of 1801; and the war having now ceased, there remains no reason to suspect the least deficiency in the return of 1821. Indeed, the voluntary return of the ages of persons, an inquiry of far more labor than of the enumeration of houses, families, and persons, proves, by the extent of the answers, that the population act has been carried into effect in the year 1821, not merely with willingness, but even with zeal, throughout the greatest part of the kingdom.

How far the increase of 14 per cent. in the period between the enumerations of 1801 and 1811, and of nearly 16 per cent. in the period from 1811 to 1821 (as computed on the female population only) may have been produced from such causes, cannot be discovered: but that the effect was not very different in the two respective periods, may be reasonably inferred by shortly adverting to the parish register abstract.

It may be stated that the increase of the population of Great Britain, from 1801 to 1811, was 1,654,000 according to the respective enumeration returns; and of this increase 1,277,000 in England and Wales:—the registered baptisms are 2,878,906;

the registered burials 1,950,189; showing an increase of 928,717; so that, even allowing the deficiency of the baptismal register not to be greater than of the burial register, more than two-thirds of the increase is established upon incontrovertible grounds. Again, in the period between the enumerations of 1811 and 1821, the increase of population in England and Wales appears to have been 1,828,000: while a comparison of registered baptism and burials give an apparent increase of 1,245,000, or rather more than two thirds of the actual increase. This similarity of result seems to prove that the enumeration of 8101 was no more defective, as compared with that of 1811, than the enumeration of 1811 is to that of 1821. The annual excess of unentered baptisms over unentered burials is estimated at 13,561, in answer to the third question put to every officiating minister; but three times this number, after making every allowance, would scarcely reconcile the parish register abstract with the actual increase, as resulting from the three successive enumeration abstracts. But that the register of baptisms is much more deficient than that of burials has already been shown, although it does not seem possible to ascertain (by direct evidence) in what degree one deficiency exceeds the other.

The proximate causes of the increase of population in Great Britain are obviously the diminished rate of mortality, and the increasing number of children born. The first of these causes has been already adverted to, and the remarks on the schedules, in answer to the 6th question, assign many local causes of increased population, and are briefly inserted in the notes whenever any remarkable increase appears really to have taken place. The instances of diminished population are very few, and almost always noticed.

The remarks which state the increase of population to have resulted from the operation of the poor laws, are too frequent for distinct insertion; they suppose persons to marry with a direct view of thereby obtaining a weekly allowance, or at least in reliance on that kind of resource in time of need, nor can it be denied but that such an effect seems very naturally to follow from the compulsory nature of the relief afforded to the poor in England; and it is quite certain that whenever employment is scarce, the married man will have a preference, lest he should be constrained to apply to the overseer for gratuitous aid.

But there is reason to suspect that the poor laws are much less conducive to an increase of population than they are usually stated to be in argument, and in the remarks on the population schedules; because it must be recollected that although in Scotland there is no poor's rate, the ratio of increase since 1811 is nearly sixteen per cent. upon the resident population; while in England it is no more than 13 per cent. (as computed upon the resident population, of both countries); a small difference and such as probably would be expected had poor rates equally, or not at all existed in both countries.

A class of remarks more frequent in Scotland than in England, goes some length in accounting for the increase of the agricultural population; not immediately from the prosperity of agriculture during the first twelve or thirteen years, of the present century, but consequentially, from the disuse of farm-house servants, (male servants especially), when the master began to live in a very superior manner, to his domestics, and the mistress to dislike the trouble of providing for them. The dismissed laborer in such

cases could not but become a cottager, and in his new situation could scarcely fail to become a married man.

The manufacturing population is naturally on the increase; not only as every short period of prosperity and increased wages produces imprudent marriages, but also because in many manufactures, children are able to maintain themselves at an early age, and so to entail little expense on their parents, to the obvious encouragement of marriage.

But this is not a proper place for going deeply into the causes of increasing population, which may be deemed a solid good, or a dreadful evil, according to the circumstances of the country in which it occurs. (Signed) JOHN HICKMAN.

June, 1822.

British Finances.

REVENUE.

Great Britain.

Customs, (making the deduction for the coast blockade),	29,135,107
Excise, (deducting 2,550,000 <i>l.</i> lost by the remission of malt, salt, and leather duties),	26,546,415
Stamps,	6,108,640
Post-office,	1,318,000
Assessed taxes, (deducting 500,000 <i>l.</i> lost by the remission of the horse tax),	6,256,811
Land tax,	1,263,274
Miscellaneous,	223,430
Property tax,	34,234
Total net revenue of G Britain including property and war duty on malt,	50,885,906
Deduct receipt upon property and war duty on malt,	34,234

Total net revenue of G. Britain, exclusive of property and war duty on malt, 50,851,672

Ireland.

Customs,	1,496,598
Excise and assessed taxes,	1,985,933
Stamps,	400,827
Post-office,	65,538
Miscellaneous,	155,034

Total net revenue of Ireland, 4,103,931

Total net revenue of Great Britain and Ireland, including property and war duty on malt, 54,989,337

Deduct receipt upon property and war duty on malt, 34,234

Total net revenue of Great Britain and Ireland, exclusive of property, and war duty on malt, 54,955,603

EXPENDITURE.

Army,	17,705,000
—extra expense in Ireland,	220,000
	7,925,000
Navy,	5,480,000
Ordinance,	1,200,000
Miscellaneous,	1,550,000
Extra expense in Ireland;	150,000
	1,700,000
Greenwich hospital, out-pensioners	310,000
	16,615,000
Interest on exchequer bills,	1,200,000
	17,815,000

REDUCTION OF DEBT.

Sinking fund on exchequer bills	290,000	
To pay holders of 5 per cents,	2,801,000	
Deficiency of ways and means		
1821,	290,456	
Total for reduction of Debt,		3,381,456
Reduction of unfunded debt,		21,196,456
Exchequer bills,		29,000,000
Irish treasury bills,		1,000,000
Bills for public works and churches,		368,330
		50,368,330
Total,		51,564,786

The chancellor of the exchequer entered into a statement of the probable expenses of the year 1822, and taking them on the scale of the present year, assuming that the revenue would be considerably increased, and that the unfunded debt would be very much diminished, he expressed a strong hope that, at the conclusion of that year, there would also be found a clear surplus of 5,000,000*l*. Thus, in the two years, the amount of surplus revenue above the expenditure would be 10,000,000*l*.

African Treaty.

The following copy of the treaty entered into at Cape Mesurado is a curiosity well worth preservation.

Agreement for the cession and purchase of lands entered into between the agents of the American colonization society, and the king and head men of Cape Mesurado.

Know all men, That this contract, made on the fifteenth day of December, in the year of our Lord one thousand eight hundred twenty-one, between king Peter, king George, king Zoda and king Long Peter, their princes and head men, of the one part; and captain Robert F. Stockton and Eli Ayres, of the other part, witnesseth, That whereas certain persons, citizens of the United States of America, are desirous to establish themselves on the Western Coast of Africa; and have invested captain Robert F. Stockton and Eli Ayres with full powers to treat with and purchase from us the said kings, princes, and head men, certain lands, viz: Dozoa Island, and also all that portion of land bounded north and west by the Atlantic ocean, on the south and east by a line drawn in a south east direction, from the north of Mesurado river, We, the said kings, princes and head men, being fully convinced of the pacific and just views of the said citizens of America, and being desirous to reciprocate the friendship and affection expressed for us and our people, Do HEREBY, in consideration of so much paid in hand, viz: six muskets, one box beads, two hogsheds tobacco, one cask gunpowder, six bars iron, ten iron pots, one dozen knives and forks, one dozen spoons, six pieces blue bafta, four hats, three coats, three pair shoes, one box pipes, one keg nails, twenty looking glasses, three pieces handkerchiefs, three pieces calico, three canes, four umbrellas, one box soap, one barrel rum; and to be paid, the following: three casks tobacco, one box pipes, three barrels rum, twelve pieces cloth, six bars iron, one box beads, fifty knives, twenty looking glasses, ten iron pots different sizes, twelve guns, three barrels gunpowder, one dozen plates, one dozen knives and forks, twenty hats, five casks beef, five barrels pork, ten barrels biscuit, twelve decanters, twelve

glass tumblers, and fifty shoes, FOREVER CEDE AND RELINQUISH the above described lands, with all thereto appertaining or belonging, or reputed so to belong, to captain Robert F. Stockton and Eli Ayres, TO HAVE AND TO HOLD the said premises, for the use of these said citizens of America. And WE, the said kings, and princes, and head men, do further pledge ourselves that we are the lawful owners of the above described land, without manner of condition, limitation, or other matter.

The contracting parties pledge themselves to live in peace and friendship for ever; and do further contract, not to make war, or otherwise molest or disturb each other.

WE the kings, princes, and head men, for a proper consideration by us received, do further agree to build for the use of the said citizens of America, six large houses on any place selected by them within the above described tract of ceded land.

IN WITNESS whereof, the said kings, princes, and head men, of the one part, and captain Robert F. Stockton and Eli Ayres, of the other part, do set their hands to this covenant on the day, and year above written,

(Signed) King Peter, ✕ his mark.
 King George, ✕ his mark.
 King Zoda, ✕ his mark.
 King Long Peter, ✕ his mark.
 King Governor, ✕ his mark,
 King Jimmy, ✕ his mark.
 Captain Robert F. Stockton.
 Eli Ayres, M. D.

Witness:
 (Signed) John S. Mill,
 John Craig.

Agreement with J. S. Mill.

I HEREBY CONTRACT, for the consideration of one barrel of rum, one tierce of tobacco, one barrel of bread, one barrel of beef, one barrel of pork, and one piece of trade cloth, to give to captain R. F. Stockton and Eli Ayres, all my right and title to the houses situated on the land bought by them on Cape Mesurado.

In witness whereof, I have hereunto signed my name, on this sixteenth day of December one thousand eight hundred and twenty-one.

(Signed) JOHN S. MILL.
 Witness:
 (Signed) Charles Carey, ✕ his mark.
 William Rodgers ✕ his mark.

We promise to present to Charles Carey, one coat.

(Signed) R. F. STOCKTON.
 ELI AYRES.

Foreign Ministers of the U. States.

Among the papers laid before congress at the last session, was a report from the secretary of state "showing the amount of money paid as salaries, outfits and contingent expenses of foreign ministers since the year 1800, and the amount paid to each." The following recapitulation takes in every thing that can be generally useful for reference as to this subject.

M. P. stands for minister plenipotentiary. E. E. and M. P. for envoy extraordinary and minister plenipotentiary—these abbreviations were necessary to mechanical convenience in printing the table. We have also arranged it so that the different missions, &c. of the several gentlemen are placed together, that the amounts paid to each may be more easily ascertained by such as desire it.

NAMES.		OUTFIT.	RETURN.	SALARIES.	CONTINGENC'.	TOTAL.
Prattis King, M. P.	to Great Britain, from 1st January, 1801, to 18th May, 1803		\$9,000			
James Monroe, E. E. and M. P.	from 12th Jan. to 15th Nov. 1807, to France, to Great Britain,		9,000			
William Pinkney, E. E. and M. P.	to Great Britain, from 23d April, 1806, to 7th May, 1811, to Spain,		13,500			
Do.	do. from 7th March, 1816, to 16th February, 1818, to Russia, the Two Sicilies, 9,000		9,000			
John Q. Adams, E. E. and M. P.	to Prussia, from 1st January to 26th April, 1801,		9,000			
Do.	do. from 5th August, 1809, to 10th June, 1817, to Russia, to Ghent,		9,000			
Richard Rush, E. E. and M. P.	to Great Britain, from 6th August, 1817, to 31st December, 1821, to Great Britain 9,000		9,000			
Robert R. Livingston, E. E. and M. P.	to France, from 23d September, 1801, to 24th November, 1804, 7th June, 1804, to 12th October, 1810,		9,000			
John Armstrong, do.	do. do. do. 1811, to 26th December, 1812, 1811, to 26th December, 1812,		9,000			
Joel Barlow, do.	do. do. do. 9th April, 1813, to 28th April, 1815,		9,000			
William H. Crawford, do.	do. do. do. from 1st March, 1816, to 31st December, 1820, to France, from 21st April, 1813, to 22d July, 1815, to Ghent,		9,000			
Albert Gallatin, E. E. and M. P.	from 1st January to 12th September, 1801		9,000			
William Van Murray, Minister resident at the Hague,	from 1st January to 12th September, 1801		9,000			
William Enslin, E. E. and M. P.	to the Netherlands, from the 1st of April, 1815, to the 5th May, 1815,		9,000			
Henry Clay, do.	do. to Ghent, from 17th January, 1814, to 22d July, 1815,		9,000			
Jas. A. Bayard, do.	do. do. do. 19th April, 1813, to 18th June, 1815,		9,000			
William Short, do.	do. do. do. to Russia, from 1st October, 1808, to 10th May, 1809,		9,000			
George W. Campbell, E. E. and M. P.	to Russia, from 18th April, 1818, to 8th July, 1820,		9,000			
Henry Middleton, do.	do. do. do. 6th " 1820, to 30th September, 1821,		9,000			
David Humphreys, do.	do. do. do. to Spain, from 1st January to 9th December, 1801,		9,000			
Charles Pinkney, do.	do. do. do. 10th July, 1801, to 2d October, 1805,		9,000			
James Bowdoin, do.	do. do. do. 10th May, 1805, to 1st " 1807,		9,000			
George W. Erving, do.	do. do. do. 24th September, 1814, to 15th May, 1819,		9,000			
Do.	do. do. do. 24th October, 1805, to 6th April, 1810,		9,000			
John Forsyth, E. E. and M. P.	do. do. do. 18th February, 1819, to 31st December, 1821,		9,000			
William Smith, do.	do. do. do. to Portugal, from 1st January to 9th September, 1801,		9,000			
Thomas Sumter, do.	do. do. do. to Brazil, from 9th July, 1809, to 24th July, 1819,		9,000			
John Gresham, do.	do. do. do. 12th March, 1819, to 10th June, 1820,		9,000			
Jonathan Russell, do.	do. do. do. to Sweden and Ghent, from the 25th January, 1814, to 1st October, 1816, and from 15th July, 1817, to 31st December, 1818,		9,000			
Do.	do. do. do. Charge d'Affaires to Great Britain and France, from 10th Aug. 1810, to 27th July, 1812,		9,000			
Henry Jackson, do.	do. do. do. to France, from 27th April, 1815, to 17th July, 1816,		4,500			
Alexander H. Everett, do.	do. do. do. to the Netherlands, from 10th November, 1818, to 31st Dec. 1819,		4,500			
Leverett Harris, do.	do. do. do. to Russia, from 17th April, 1814, to 21st February, 1817,		4,500			
Total,		265,500 00	59,625 00	853,456 28	141,296 55	1,329,877 83

The cause of the Greeks.

FROM THE LIVERPOOL MERCURY.

Lord Erskine, whose early career was distinguished by his attachment to the liberties of his own country, is a genuine cosmopolite, whose motto appears to be, "The world my home, and doing good my religion." To his immortal honor, the lively interest he has manifested to the cause of regenerated Greece presents a striking contrast to the slavish and criminal apathy with which we blush to own our countrymen have witnessed the fate of a struggling and gallant people, towards whom our national habits and earliest predilections ought to have inspired the deepest sympathy. His lordship's appeal, from which we subjoin a few passages, is addressed to the earl of Liverpool; and if it, in any degree, operates favorably upon the approaching congress, we shall greatly rejoice. For our own parts, we have very little hope that a liberal spirit will ever find its way into the deliberations of the holy alliance.

"We hail the appearance of this production (says the *Morning Chronicle*) as the harbinger of better fortune to the cause of that unfortunate people. Religion and humanity have here guided the pen of this amiable and venerable nobleman, whose voice has so often and so successfully been already raised in behalf of the oppressed; and the heart that can read his powerful appeal unmoved, must be torpid indeed. On the religious part of the community, we are warranted in believing that it will produce a strong and durable impression."

His lordship commences with informing lord Liverpool that "he is solemnly and indispensably forced, by a duty paramount to that of a statesman, to make an instant effort to engage the nations in alliance with this country, to overthrow the cruel dominion of unprincipled, incorrigible barbarians, over a christian people, struggling for freedom and independence."

The noble writer then proceeds as follows:

"The freehold of the Greeks, if I may so describe the possessions of that nation, comprehend Thrace, Macedonia, Thessaly, Epirus, Achaia, Peloponnesus, and Negropont, &c. with most of the islands in the Archipelago, the Ionian islands amongst the number, they being sometimes called Ionians on that account. They were masters of the celebrated cities, with their districts, of Athens, Sparta, Thebes, Corinth, and Mycenae, &c. and were a most refined and celebrated people. Classical learning, so justly encouraged in all countries as indispensable, derives its principal sources from their sublime superiority in poetry and eloquence, which, in the lapse of so many ages, have found no competition; and, even at this hour, to inspire those who are to live after us with the most exalted sentiments, with contempt of danger, and the sacred love of their country—we make them stoop at their desks, in their earliest years, over the histories of their illustrious forefathers, in periods when the noblest of our own were in the woods. The claim, therefore, of the Greeks, with the aid of all christianity, to a free and undisturbed territory, *com mensurate, at least, with the present population*, is the clearest in human signals, whilst the dominion of the Turks, who overpower and oppress them, is the most audacious usurpation. They began, extended, and completed their ravages under the mask of imposture, impiously pretending to a commission from heaven for the desolation of the earth.

"All that I ask of the British government, through your lordship, is an *instant, faithful, and strenuous*

exertion, to engage our allies in this great cause of humanity, without giving rise (as I assert it could not) to any probable, or, rather, possible contest, which could deserve the name of war.

"It cannot be questioned, that, by thus taking the lead for the deliverance of the Greeks, we should lay the foundation of an endless gratitude, be advantaged by their returning power and commerce, while we were snatching from the desert the most fertile provinces, and redeeming from their abject slavery and contagious pestilence, the noblest people of the ancient world.

"But it is objected that the Greeks are not less savagely cruel than the Turks. *I will not hear such a charge*—the gentlest animals which Providence has subjected to us, patient of labor, and licking the benevolent hand that feeds them, when maddened with terror and goaded by barbarous oppression, will change on a sudden all the characteristics of their original natures, and overthrow every thing in their course. To judge of what the Greeks, *under good government*, are capable of being, we have only to look back to what they *have been*. Their pedigrees, in which we can trace so many great men, who *never should have died*, ought to protect them from the Saracens, who cannot show, in all their esoutecheons, a *single man who should have lived*.

Well then may we exclaim to such miscreants, in the language of Milton—

"Lift not thy spear against the Muse's bower,
"The great Æmathian conqueror bid spare
"The house of Pandarus, when temple and tower
"Went to the ground."

"But, although I have thus endeavored, against my most predominant feelings, to expel from my indignant views, cruelties by whomsoever committed, and, in protection of the unfortunate Greeks, have covered them with the veil which our imperfect natures entitle me to throw over them; yet, let it be remembered, that what I have written concerning them, applies only to unpremeditated inhumanity, such as, when hunted like wild beasts, they have turned upon their pursuers, but that barbarous retaliations can receive no pardon—it continued when they are contending, as a nation, for their religion and freedom. I rejoice that they are advanced in that condition, that they are marshalling armies, that they are laying the foundations of a civil government; and I feel confident that they will henceforth remember that they are soldiers and christians.

"That our influence could fail, if faithfully exerted, I cannot bring my mind to believe. I might ask those who were the warmest advocates for the war, and who held the highest its happy termination, and the eminence on which it has placed us, what *rueux* would think, if it could be doubted, that if we spoke the word we should be obeyed? The misfortune is, my lord, *that we did not speak it* at a time when many of the enormities which have taken place, and for a long time must follow, might have been averted, and I fear that we may be now under great embarrassment in holding a different course. I am convinced that it has been entirely owing to the system which the governments of Europe have too long been pursuing, that the great work of humanity and justice has not long ago been complete, and the only difficulty I can foresee to its instant accomplishment is, that, perhaps, we ourselves must retrace some of our steps in taking the lead to give it effect. Our alliance with the Porte ought to have been long ago removed out of the way, as being unworthy of the British government and people; and, without contending that we should at once have resented by hostility their monstrous in-

quities, yet, if not a man in England were prepared to second my opinion, I should assert, that it would have become us to withdraw our ambassador from Constantinople, and reject such a banditti as our allies. The king of Great Britain ought not to be styled the brother of the Sultan, whilst the desolation of Scio and the butchery of the hostages are unatoned for. Those authorized murders are not the acts of a civilized nation. "The voice of their blood," like that of the first victim of violence, "cries unto God out of the ground," and the judgment of God ought to be an example to the nations who worship him—"Let them be fugitives and vagabonds upon the earth."

"My observations, my lord, upon this afflicting subject, are drawing fast to their close. It has been for some time no secret that a congress is to be held upon the continent, where the subject of the Greeks cannot but come under consideration, and that we are to be represented at it by some minister of state. It was this which determined me, without a moment's delay, to write and to publish this letter; because it would have been too late to make any useful appeal to your lordship or the public, after we had taken our part, and, perhaps, concurred in measures which I could then only uselessly dissent from.

"If this congress of sovereigns and their ministers is only to have for its object the renewed support of principles and projects already too notorious, and if, to avoid any incongruity or departure from the system hitherto acted upon, *Two keys is to be sanctoriously upheld as a legitimate sovereignty, and the Greeks are to be sacrificed, or in any manner compromised, on the ground that they are the subjects of the Porte, and bound by their allegiance, though against their universal will, to obedience and peace,* I desire hereby to express my abhorrence of comprehending this country in such an odious combination, and I am confident that the great mass of the British people will join me in my protest. My alarm as to the future, my lord, is justified by what is past. The conduct of Russia is quite inexplicable upon any other ground than that she has been, recently, at least, acting in concert with the continental powers, and ourselves, perhaps, along with them, had taken no steps for any establishment for the Greeks, nor were preparing to provide for them any security whatsoever."

CHRONICLE.

Thomas Jefferson, James Madison and James Monroe lately met, like private persons, at Charlotteville, or as ordinary visitors to the University of Virginia.

Florida. The legislative council have agreed to wear crape for sixty days, in testimony of respect for their late president, Dr. James O. Bronough. This late valued man fell a victim to his disinterested zeal in attending the sick at Pensacola.

Washington City. The first bell erected in this city for public purposes, was placed in the tower of the Unitarian church on the 11th instant.

Close polling. An election was held last week in the district composed of the city and county of Philadelphia and county of Delaware, (under the former apportionment), to supply a vacancy in the present congress—the amount of votes was 11,953, of which col. Forrest had a majority of one.

Philadelphia. Robert Wharton, esq. is re-elected mayor.

New Jersey. The elections in this state were held last week. No opposition was made to the republican candidates for congress: to the council 9 republicans and 4 federalists are returned; to the assembly 30 republicans and 12 federalists—majority in joint meeting twenty three.

The gentlemen elected to congress are Messrs. Lewis Condict, Geo. Cassedy, Samuel Swan, Geo. Holcombe, James Matlack and ——— Garrison.

Delaware election. The returns are now published and shew that Louis McLane is re-elected to congress by a majority of 639 votes—and that Daniel Rodney is chosen to supply the place of C. A. Rodney, in the present congress; these are "federalists," though a "republican" governor has been elected by a majority of 22 votes. The legislature, for nearly the first time we believe, has a decided republican majority.

Maryland election. The following is a list of the members of congress lately chosen in this state—Peter Little, Samuel Smith, Joseph Kent, Henry R. Warfield, Raphael Neale, re-elected. Thomas Hayward, jr. in the place of Mr. Wright, George E. Mitchell, in the place of Mr. Read, John S. Spence, in the place of Mr. Bayly, and John Lee, in the place of Mr. Nelson—the old members in each of those cases having declined a poll.

More mines in North Carolina. Gold and silver, as well as lead, in considerable quantities, have lately been discovered in Lincoln county, in the state of North Carolina.

Mad dogs. A London paper states that the hydrophobia prevailed to such a degree in New York and Philadelphia, that the military had been called out to kill the dogs!

A tyger, weighing 92 lbs. and measuring 6 feet 3 inches, was lately killed in the neighborhood of Blakely, Alabama.

Squirrels. In some parts of Ohio, these animals are so numerous as to threaten the destruction of whole crops of corn. Thousands of them are killed by hunting parties, without an apparent diminution of their numbers. A Cadiz paper says "they are literally thronging the streets and house tops of our villages every day"—2,351 of them were killed by a party of eleven men in four days.

Geese. James Sisson, esq. who resides near Warren, R. I. has a breed of geese, that weigh, when fatted, 20 lbs. or upwards a piece. The old ones were imported from Germany, and the young broods appear to do well.

Newspapers. For the first eighty years after the British colonies began to be settled, (says Dr. Dwight), there were no newspapers printed in any of them. The first was the Massachusetts Gazette, originally the Boston Weekly Newsletter, which was published in 1704. There were only 7 published before 1750. In 1765 there were 26 on the continent, and 5 in the West India Islands.

The Massachusetts Gazette	began	1704
New England Courant		1721
Pennsylvania Gazette		1728
South Carolina Gazette		1734
Boston Evening Post		1735
New-York Gazette		1742
Pennsylvania Journal		1742
Maryland Gazette		1745
New York Mercury		1751
Boston Gazette		1754
Connecticut		1755
Boston Post Boy		1757
Portsmouth Mercury		1765

NILES' WEEKLY REGISTER.

NEW SERIES. No. 8—VOL. XI.] BALTIMORE, OCT. 26, 1822. [No. 8—VOL. XXIII. WHOLE No. 580

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ The second, and much improved, edition of a very valuable pamphlet, has appeared at Philadelphia, entitled "Desultory facts and observations, illustrative of the past and present situation and future prospects of the United States: embracing a view of the causes of the late bankruptcies at Boston. To which is annexed, a sketch of the restrictive systems of the principal nations of Christendom." By a Pennsylvanian."

Mr. Mathew Carey is understood to be the writer of this pamphlet—it is one of the best productions of his prolific and powerful pen, and presents a great variety of facts and remarks that are entitled to the most profound consideration, and we wish that it was in the hands of every thinking man in the United States. The great purpose of it is to shew the importance of the home market, and illustrate the necessity of it to the prosperity of the nation, fast retrograding by excessive importations of foreign goods and ruinous drains of the precious metals—the consequence of which is bankruptcy and distress. These things are demonstrated by many authentic tables—to which, as well as the pamphlet generally, we shall hereafter liberally refer.

One or two things we shall just notice now: It is shewn that the price of cotton has declined at Liverpool from 34 pence, in 1814, to 8 pence, in 1822; that, from January to June, in the present year, the imports, at the three ports of Boston, New York and Philadelphia, exceeded the exports by 150 per cent. or, in the sum of 19,000,000 dollars, [in both cases, exclusive of specie]; that the returns of the custom-houses, for the last quarter of the last year and two quarters of the present, so far as they were received at the treasury, give an *import* of specie and bullion to the value of \$1,913,415, and an *export* thereof to the amount of \$10,095,468—being a balance of more than eight millions against us; that, in January, 1814, the Boston banks had 4,945,444 dollars in their vaults—in the same month, 1821, only 2,435,188—in the same month of the present year, but 936,427, and on the 22d of June last, only the sum of 406,275!!! If these facts are not calculated to put the people to *thinking* and *acting*, we know not what will do it.

☞ THE SUPPLEMENT. It was mentioned during the past summer, that a supplement would be published for the volume of the REGISTER just closed. The unprecedented drought kept back a supply of paper and delayed its progress—and since then, a variety of circumstances have retarded its publication so long that, after consideration, we have resolved to issue it as belonging to the *current* volume, and shall take care to have it finished by the first week in March next, the larger part being already printed.

This change is not material to any one, and, in deed, but tend to make the supplement more valuable; but the fact should be stated, that gentlemen may have their twenty second volume bound without waiting any longer for it. It shall be duly forwarded, (and in due season), for the twenty third, or current volume, to those who have or shall have ordered it.

Vol. XXIII.—8.

CAPT. HULL. It is understood that the proceedings had in the case of this celebrated officer, (at his own request), have resulted in his complete acquittal. The testimony, &c. it is said, will make two octavo volumes.

AS DISGRACEFUL. We noticed in our last the publication of three volumes of cases of adultery and fornication in England, as being disgraceful to the society of that country—but our own newspapers have column after column, sometimes as much as three columns at a time, of the foul and filthy productions of two persons, whose noise about their design to *kill* one another was equally disgusting as that which they now *say* about each other—and this wretched stuff finds its way into some of our best conducted periodical works, for the edification of those who desire instruction in the use of bad words and abominable epithets!

GLASS. An extensive establishment for the manufacture of glass, is about to be made at Ipswich, Mass.

CANALS. The water is about to be let into another section of the great Erie canal, so that a communication will be opened from Schenectady to Rochester—the distance is about *two hundred miles*.

A letter from Whitehall states that the northern canal is in full operation, and that great quantities of plank are daily passing the locks at that place.

BANK OF THE U. S. There is a great apparent diversity of opinion as to the person who shall succeed Mr. Cheves, as president of this institution. Public opinion seemed to be in favor of Mr. Gallatin, but it is stated that he has absolutely declined, and some half a dozen are named for the office, about to become highly important. The time has nearly arrived when the mammoth power of this establishment may be felt—and it will soon be felt to the whole extent long since predicted, unless there should again be some great mismanagement of its concerns: we shall know what this bank is before the bonds given for the payment of duties on goods imported during the *present year* are cancelled; and there is no sort of doubt on my mind, that the public suffering will coerce the adoption of some measures to embarrass the operations of the institution. Much, however, will depend on the administration of its affairs—and a liberal and enlightened, as well as an honest man for its president, may do a great deal to promote its popularity, without diminishing the profits which ought to be rightfully made. But, if the president shall be the *tool* of a junto, the public and the stockholders must look out for troublesome times and much confusion, and no small amount of loss.

HEALTH. The eastern states have been, and remain to be, generally healthy—there was a little alarm of fever at one or two places, but it soon subsided. The same remark applies to the state of New York, except the city, in which, however, there is a decrease of cases of fever, and the people begin to look to a speedy return to their homes.

Philadelphia is healthy, but some places in Pennsylvania have been severely afflicted with a high bilious fever, such as we call the yellow fever, when it appears in our cities—Delaware has been like situated, except that the cases have been less malignant. Though a small part of Baltimore has been infected, the rest of the city has been quite as healthy as any other part of Maryland—much more so than many parts. Some spots in Virginia have been quite sickly; but the southern states and cities have been more than usually healthy, except New Orleans and Pensacola. The former of these were remarkably free from fever until about the 1st of September, when it broke out with great fury, so that, up to the 23th of that month, it was believed that from 7 to 800 persons had died of it—60 new cases were reported on the 24th; out of one vessel, with a crew of 16 persons, there were 15 interments; all business was nearly at a stand, though it is said that not one native of Louisiana has died. Pensacola, at the last dates, remained nearly deserted—the fever was dreadfully fatal at this place; of two hundred persons attacked with it, only four are known to have recovered; so says a letter therefrom. Several of the towns of Kentucky and Ohio, situate on the great rivers, have suffered severely; but the rest of these states are healthy. Detroit has been much afflicted—the prevailing disease is called the typhus. The season, generally, has been sickly—which, in many parts, is attributed to the remarkable drought that we had.

YELLOW, OR MALIGNANT FEVER. Without any pretensions to the medical character, we have thought that a few common sense remarks, drawn from much personal observation and considerable enquiry, may have a tendency to *humanize* the feelings of some, in respect to others, afflicted with this awful malady. If the disease which partially visited Baltimore in 1819 and 1821, and more slightly in the present year, was the "yellow fever," (as all the doctors say that it was, or a grade of bilious which amounts to the same thing), we feel authorized to speak a little about it.

In 1819, that section of our city which is called the "Point,"* and containing about an eighth part of our population, was pretty generally affected with this disease—350 persons (in all) died of it during the season, and the majority of the people of that section abandoned their homes, about 1000 being encamped and supported by public provision and private bounty. In 1821, a small part of the same district was afflicted; the deaths therein, by the fever, may have amounted to about 150, and, perhaps, a fifth part of the population removed. In the present year, 1822, a still smaller part, and in a new place, was affected—but the deaths may have amounted to 130 or 150; because there were fewer removals, not more than an eighth or a tenth of the *whole* people of the "Point" having fled from the disease.

In each of those years, such as left their homes generally took up a temporary residence in other parts of the city—many, with their bedding, &c. in the most densely populated districts and neigh-

* The fever also prevailed in some other parts of the city—such as Smith's wharf, Dugan's wharf, &c. and there were a number of cases in Commerce street, &c. but the noxious matter was seemingly expelled from those places by the exertions of the board of health, soon after its appearance.

borhoods; and, as above stated, 1000 were encamped, or rather accommodated chiefly in two adjacent rope-walks—yet *no case of contagion existed*. In 1819, about thirty persons from "the infected districts," died within 100 yards of my own dwelling, (where my family remained as unimpressed with the fear of catching the fever as if they had been located on the Allegany mountains), and not one person received the disease from either of them. Other instances happened in 1821 and in the present season; but the people among whom they occurred were no more apprehensive of the disease, as being *contagious*, than of contagion from a broken leg; they sympathized with the sufferers, kindly attended upon them, and the neighbors visited them as in ordinary cases of sickness. These are facts within my own knowledge and experience—and *beds* on which persons died of the "yellow fever," were slept on as other beds are, without fear or effect. It is demonstrated, then, that the disease is not contagious, and the cause of humanity is advanced by the abundant proof of it. We all believe it imprudent, uselessly to frequent a district supposed to be *poisoned*, and especially at night—but all communicate as freely with those who reside in such districts as with any other persons whatever. It is strictly a *local* disease—I know of *one* house in a thickly built part of this city, wherein five persons sickened (four of whom died) in 1819, without a case occurring in the adjacent houses—indeed, the *immediate* neighborhood was quite healthy: the cause was ascertained and removed, and, consequently, the effect ceased.* We believe the yellow fever may be produced by any one desirous of doing it, in a proper season, by collections of filth, especially of vegetable matter, exposed to the operations of the weather; and suppose that the causes of it are at most times within the power of human efforts, though they may not be within present, *instant* means. That part of the "Point" which was the most unhealthy in 1819, has been nearly, if not altogether, exempt from the disease in the present year—as we believe from the vigorous exertions of the board of health in 1820. The malady that lately prevailed has been called "bilious fever," but is of the same character as that which has affected various parts of Maryland and the states adjacent. An estimable friend, who resided on a most delightful spot about six miles from Baltimore, lost his own life and that his niece, and his lady also nearly died, from having visited his daughter in Calvert county (who perished of this disease), after their return home: but no other of a very numerous and most affectionate family were afflicted with it.

* *Richmond, Oct. 14.* A mortality has afflicted the family of Blandfield, in the county of Essex, which is sufficient to touch the hardest heart. One of the interesting daughters was the first to fall a victim. A second soon followed her to the tomb. Dr. Geo. Clark, a son-in-law, and a highly esteemed physician of Georgetown, (D. C.) visited the family to administer his professional services, and shared the same fate on last Saturday week. The father himself, and a respected guest, who is a lieutenant in the navy, are now stretched on a bed of sickness. The sick, indeed the whole family, are scattered among the hospitable neighbors. It is much to be apprehended that the disease has put on the type of yellow fever. *There is black vomit spoken of.* It is said the disease is ascribed to some shingles which were mouldering in one of the cellar rooms, for some time shut up—the room was opened, and the fatal *effluvia* is supposed to have pervaded the house.

It is useless to multiply cases*—an idea that the disorder which we have had in Baltimore is *contagious*, cannot be tolerated. There is not a solitary case to support the preposterous notion.

The city of New-York has been a little visited and much alarmed with the "yellow fever," for some time past. It has been publicly stated that about 30,000 persons had removed from the "infected district," and established themselves at Greenwich, &c. among whom were many of the principal merchants, for the disease appeared in the business-part of the city. Persons and their goods have been received at Greenwich, &c. from the "infected district" without apprehension of danger; and we venture to say, that not one person has died out of the "infected district," in consequence of receiving the fever from persons or goods, from that district.—This broad assertion is offered from much observation on the nature of the disease—if incorrect, proof of the contrary may be easily furnished, nay, would have been furnished; because some in N. York would rather that a man should doubt the Christian religion than a contagious principle in the yellow fever! Yet, with this proof at their own doors, in the "very teeth" of obstinate demonstration, the authorities at New-York *quarantined vessels from Baltimore, during the present season, until the 1st of November ensuing*† though they must have known that, of our 60,000 inhabitants, not more than 500 or 600 had even removed a few hundred yards, to avoid any disease prevailing here—that the city, proper, is as healthy as ever it was at this time of the year; that the people, in general, have no sort of fear of the disorder, and that there is no general cause for it! What strange inconsistency—to receive persons and goods from *their own* "infected district" without apprehension of danger, though to travel the distance may consume only half an hour's time, and quarantine vessels from *Baltimore*, loaded at and departing from places not liable to the suspicion of being infected! The mystery of this is past finding out, and we shall not attempt it. But we do hope that the time of such things has nearly passed away, and that mighty truth will soon triumph over obstinate, inconsistent prejudice. It is very possible that vessels filled with noxious matter, may cause the decease of persons by the yellow fever, who inhale the poison—but the disorder will not spread be-

*There is one, however, that deserves a special notice. *John M'Henry*, (colonel of one of our Baltimore regiments of militia, and son of the former secretary of war, after whom our famous little fort was named), returning from the springs, stopped at Mercersburg, Pennsylvania, and was there seized with a malady at that time prevailing in the place. His illness being reported, his brother-in-law, *John E. Howard*, jun. (general of one of our brigades, and son of our much revered revolutionary veteran), went on to administer to his necessities, and, soon after the decease of colonel M'Henry, he also was taken down, and died with a few days illness. Now, this malady that prevailed at Mercersburg is exactly the same as that which has afflicted a small part of the city of Baltimore—a high bilious fever; and, at a place hitherto regarded as one of the most healthy in the country, we have suddenly lost two of our most estimable citizens—who, if goodness of heart, enlightened minds and overflowing means could have saved them, would not have left us so prematurely.

† Since the preceding was in type, we notice that the proclamation establishing a quarantine is revoked.

yond these, unless such noxious matter abounds in the district to be acted upon. The famous cases of the U. S. ships *Macedonian* and *Hornet*, at Norfolk, are precisely in point. To a certain extent, the quarantine laws may be useful—foul vessels should not be permitted to approach our large cities in several of the months—their filthy matter may act on a foul atmosphere like a spark on a cask of gunpowder—but even so without a *contagious* principle; for the yellow fever will not prevail in any place that does not abound with *its own* elements. In several little towns of Virginia and Pennsylvania, this disease has prevailed ten times more severely than in New-York or Baltimore, to which, most assuredly, it was not imported.

BOLIVAR. The following is an extract of a letter from this great man to his correspondent in Caracas. If our own loved *WASHINGTON* lived, the chief of Colombia might stand beside him, without fear of disparagement except as a copy of the great original. He is, surely, about the most illustrious soldier and statesman of his day.

"This beautiful country, so much Colombian and patriotic, that none exceeds it in these sentiments, is very fertile, populous, and affords the best hopes: it will form the grandest department of Colombia, and general Sucre, its liberator, will command it, with the greatest applause of its inhabitants.

"I shall remain here some months, and then, at the end of the year, I go to Bogota, to resign my presidency, because I have fully concluded the duties of my office as a soldier. At present in Colombia there are no Spaniards, and thus I have consequently fulfilled, beyond my hopes, the inestimable work of peace. I owe it to myself to resign public affairs, because having grown grey in the service of my country, I ought to dedicate the remaining third part of life, to my glory and my repose."

NAPOLEON. When the British had violated the rights of hospitality and all laws, divine or human, after they had obtained possession of the person of Napoleon Bonaparte, they called him "general;" and after his death at St. Helena, his jailor, Sir Hudson Lowe, refused to permit the following tablet to be placed on his coffin—

"*Napoleon.*

"*Ne a Ajaccio, le 15 Aout, 1789;*

"*Mort a Ste. Helene, le 5 Mai, 1821.*"

Sir Robert Wilson noticed the proceeding in parliament—he acquitted lord Londonderry of participation in these mean and ignoble proceedings, from his general character, and from the liberal conduct which he manifested at Chatillon, which was acknowledged by his enemies, and more particularly after having sanctioned that treaty of Chatillon, which has never been made public, but which Sir Robert Wilson had in his possession, and the first article of which he read in the house, and to the authenticity of which he pledged himself—

"In the name of the Most Holy and Indivisible Trinity, their imperial majesties the emperors of Austria and Russia, his majesty the king of the united kingdom of Great Britain and Ireland, and his majesty the king of Prussia, acting in the name of all their allies on the one part, and his majesty the emperor of the French on the other, desiring to cement the repose and future welfare of Europe by a solid and durable peace by land and sea, and having named, to attain this salutary object, their plenipotentiaries, have agreed on the following articles:

"Art. 1. In the name of the holy and indivisible trinity. There shall be peace and friendship between their majesties the emperors of Austria and of Russia, the king of the united kingdom of Great Britain and Ireland, his majesty the king of Prussia, acting in the same time in the name of their allies, and his majesty the emperor of the French, their heirs and successors in all perpetuity.—The high contracting parties engage, &c. &c.

(Signed) "ABERDEEN,
CATHCART,
Le Comte de RAGOUNOSKI,
HUMBOLDT,
Le Comte de STADION,
CRAS. STEWART, Lt. Gen.

"February 17, 1814."

Sir Robert Wilson remarked, that he should not say a word upon the sacrifices of *legitimacy* on that occasion, notwithstanding that it had been so much insisted upon at subsequent periods, but he would never believe that the noble lord could have forgotten such an act of disinterestedness on the part of Napoleon, when the latter sacrificed for the presumed interests of his country, that throne and the recognition by England of that dynasty which was supposed to be the object of all his ambition.

EXTREMELY MODEST!—From the *London Courier of Sept. 12, the ministerial paper of Great Britain.* "It is a common practice with those ignorant pretenders to political knowledge among us who set themselves up as the reformers of all abuses, imaginary or real, to refer to the United States of America, as the pattern for all governments to follow. We have more than once exposed the puerile absurdity of the argument, that the internal economy of an infant republic can, in any manner, be adapted to the wants and necessities of an ancient monarchy. Before we can move within the narrow circle which limits the operations of the U. States' government, we must be reduced to the dimensions of that government; we must, in fact, retrograde three or four centuries, in arts, literature, in civilization, in conquests; and then, having lopped of all our wide spreading branches of power and dominion—having extinguished our taste for refinement and luxury—having lowered the standard of our intellectual character—and brought ourselves somewhat nearer to Shakspeare's "forked animal," we may fit ourselves with the garb of republican simplicity. But till that is done, it is preposterous, and would be amusingly ridiculous, if we did not know the mischievous end that is aimed at, to talk of taking the United States as our model."

☞ It is thus that proud Englishmen treat their best customers—but we shall never coerce their respect until we cease to use their tapes, bobins and calicoes; and then they will make us out to be angels, in the hope of wheedling us into a support of their starving population. Yet it would be well indeed, if the importation of bales of British goods were as harmless as the commodities of the "Courier." The one robs us of our specie and palsies the national industry; the other only raises the smile contemptuous.

THE PANCHITA. Letter from lieut. com. Gregory, of the *Grampus*, addressed to the editor of the *Charleston City Gazette*—

SIR: I herewith transmit you a few remarks, accompanied with certain documentary evidence. On the grounds thus established, I conceived it my duty to capture the *Panchita* alias *Palmyra*, as in my opinion they fully established her character to be such as was at least doubtful, if not *piratical*.

If I know any thing, I hope I know the duties of my profession, and the nature and extent of the orders I have from the government of my country. Permit me, then, before the following documents are read, to make a few plain remarks.

One of the crew of the brig *Maria-Ann*, from Curacao to New York, was brought into court, and swore to the fact, that in July last the *Palmyra* boarded the said brig, robbed her, and demanded and searched for money. The privateer *schr. Periera*, was in company at the same time, which also boarded and robbed the brig. Capt. *Escurra* acknowledged that an American pilot boat schooner, (the *Dennis* of Newburyport) was robbed of money and clothes. If this came to his knowledge, permit me to ask why he did not punish the offenders! He afterwards sent the same men to board the American schooner *Coquette*, which they robbed. All the authority by which the *Palmyra* had to cruise is derived from the signature of a lieut. in the Spanish Navy, who is also the harbor master of *St. John's, Porto Rico*, and upon examination of the commission, it will be found to be one that had expired, and afterwards unlawfully extended!!! It was also given without securities to indemnify for any spoiliations they might commit at sea!

I insist, sir, upon these truths. The commission is for a schooner of 93 Spanish tons, (equal to 110 American) to carry one long 12 pounder, eight 10 pound carronades, and one hundred men. Now, the *Palmyra* is an hermaphrodite brig of 163 tons, American tonnage; mounts a 12 pounder, which is the only circumstance that corresponds with the commission; two of the crew have been recognized as Cape Antonio pirates, and another of her crew was heard to say that the *Grampus* was the same schooner that broke them up at *Sugar Key*. It may here be necessary to remark, that all vessels which have been robbed by the crew of the *Panchita* alias *Palmyra* have been boarded when the flag of Venezuela or France has been worn by that vessel. Threats of vengeance, which pass unheeded by me, have already been thrown out, but I will execute notwithstanding, what in my apprehension is my duty as a naval officer.

The respect I bear to the civil tribunals of my country, suffers me not for one moment to cast any reflection on the decision of the honorable judge. He has pronounced a sentence of acquittal in the case of the brig *Palmyra*. The *Grampus* must, therefore, relinquish her prize, if the law does not sanction the claim. But respect to myself, and to the brave men under my command, induces me to shew to the world, that while we would risk our lives for the protection of fair commerce, we have not captured and brought into port any prize without strong grounds for the correctness of our conduct.

The public's most respectful servant,
FRANCIS H. GREGORY,
Lieut. commandant.

Charleston, Oct. 8, 1822.

[The documents mentioned by lieut. Gregory, are 1st a letter from the captain and mate of the American schooner *Coquette*, dated 9th August last, in which they state, that they were that day fired on, and brought too by an hermaphrodite brig, in the passage between *St. Bartholomews* and *St. Thomas*; that the officer and crew of the brig overhauled the captain's, mate's and seamen's chests, trunks, bags and births, from which they carried away a number, of articles enumerated; and that, on the arrival of the captain of the *Coquette* at *St. Thomas*, he was informed, "notwithstanding

Der republican, or patriotic colors; she is one of his catholic majesty's brigs, named the Panchita (Palmyra) and last from Porto Rico." 2d. A letter from captain Langdon of the brig general A. Jackson, of New York, dated August 10th, wherein he details various acts of piracy committed on his vessel while on the passage from this port to Curracoa. 3d. Affidavit of the captain, mate and two seamen of the schr. Coquette, as to the circumstances noticed in the first letter above mentioned, in which, the piratical vessel is described to be an "hermaphrodite brig with a red streak, and one long gun midships, and several others" 4th. Affidavit of the master and mate of the French schr. Jeune Eugenia, in which they depose that they were boarded on the 11th August, (in sight of the island of St. Croix) by a brig "hermaphrodite rigged, with red sides," that an officer and boats crew of this brig, carried off a barrel of beef, and a barrel of rice from the French schooner; and that, to the best of their knowledge, the Palmyra, which then lay at anchor in the harbor of St. Thomas, a prize to the Grampus, was the same which boarded them at sea as above deposed. 5th. Affidavit of Megal Pascino, a seaman belonging to the Palmyra, formerly the Panchita, who deposes to several acts of piracy committed by that vessel while he was on board, and which were explicitly sanctioned by the officer belonging to the Palmyra, who accompanied her boat when the acts of piracy were committed. 6th. Copy of the commission granted by the Spanish authorities, referred to in the above statement of lieutenant Gregory].

It will be recollected, that the Palmyra was discharged by judge Drayton, on the ground "that the commission is a regular one of a private armed vessel, and that the acts of such part of the crew as have committed depredations on our commerce, subject only *them* to punishment, and does not create a forfeiture of the vessel. *Com. Adv.*

FOREIGN NEWS.

Great Britain and Ireland. It is with great pleasure we learn that the distresses of the people of Ireland have nearly ceased, on account of hunger and general sickness. The potatoe crop has arrived at maturity, and the product is large; so starvation is no longer apprehended.

The following are among the ridiculous things that happened during the king's visit to Scotland—the pillows on which the old debauchee slept, were *kissed* by young girls and old women; when he landed at Leith, he happened to put his *foot* on a log of mahogany, and, for being thus honored, it is all to be made up into snuff boxes; when Sir Walter Scott presented him with a splendid gift of certain ladies, the king drank their health, and Sir Walter, on his marrow bones, begged the glass to be preserved as a *precious relic*—it was "graciously" given, but the wretched knight had the misfortune to break it in his pocket! When the steadiness and sobriety of the Scotch character is considered, we may well wonder how such things took place.

The Irish papers contain a long report of the trial of *seven men*, as actors in a most terrible deed of violence committed on a young lady, aged 16, of the name of Gooild. The rascals entered the house by force, made her get out of bed, carried her off, and then gave up the entire possession of her to a wretch named Browne, who abused her. The case excited much attention, and the poor girl was universally pitied and believed. The fellows were all sentenced to death. This occurred in Limerick.

Spain. A good many of the insurrectionists have been made prisoners at different times, and there is a *priest* to be found in almost every parcel of them. If to take life in any case is justifiable, these fellows should be hung up without mercy, as the authors of the whole mischief that affects Spain. In this, as in every other country, the priests, of *established religions*, are the basest portion of the society, taking them as a body of men.

Turkey. Notwithstanding the Paris Journals, under direction of the "legitimate" government, and the London Courier, &c. in the pay of the British ministry, have done all that they could to resist a belief in late accounts of the victories of the Greeks, as though they, by the force of their paragraphs, would change the nature of things that had past!—we have ample evidence of the two defeats sustained by Chourschid pacha, near Thermopylæ.

An article dated Corfu, Aug. 11, says—"We have just received certain news of the general defeat of the Turks. It took place at Thermopylæ. It was the greatest battle which the Greeks have gained since their insurrection. Chourschid pacha, with an army of 40,000 men, composed of the combined forces of Thessaly and Macedonia, and all the reinforcements from the bank of the Danube, attacked the straits on the 20th July. The columns of the Turks which got entangled in the defile, surrendered after great carnage, and the rest of the Turkish army took to flight. Pursued in his retreat, Chourschid pacha took the route of Pharsalia; but in this direction, he found the defile of *Trachis*, about four leagues long, where he lost three fourths of the remains of his army. From the village of Zoli to Thaumacos, the road remained blocked up with dead bodies." (These statements are accompanied by particulars of the battles).

"The Souliots, after their two victories against Omar pacha, continued their sallies from the heights of Kianna upon the Albanese, commanded by that pacha, whose army, which, at the beginning of June, amounted to 24,000 men, is now reduced to 7,000."

About the second victory, we learn, that the wreck of the Turkish army retreated on the side of Corinth, where they were joined by fresh troops to the amount of about 6,000 men. They were speedily attacked by the victorious Greeks, on the 6th and 7th of Aug.—and their army was nearly annihilated: 3,000 perished on the field—many prisoners, with 2000 horses, 150 camels, and all their baggage, ammunition, &c. fell into the hands of the victors. The following is the Greek official account of the *latter* affair—but in regard to the dates, the difference between the old and new stile must be recollected:

"Chourschid pacha, commander in chief of Rømelia, after having uselessly sacrificed 8,000 Albanians to conquer the Souliots, and from thence to invade the whole of western Greece, resolved to enter the Peloponnesus. He began his march with a powerful army, penetrated Boetia, and afterwards Peloponnesus, without the efforts of the Greeks being able to prevent him. He came and encamped in the plains of Napoli de Romani, at the moment when that fortress was about to surrender, in virtue of a previous capitulation. The Greek senate saw the whole extent of the danger which threatened the country, and took the most energetic measures. They judged it more useful to employ the body of troops which formed their guard to repulse the enemy, than to retreat with it to another position; they therefore caused it to march against the Musselmen, and retired on

board the vessels that blockaded Napoli de Romani. They caused the women and children to retire into the interior of the peninsula. They ordered, that all the corn and other provisions that had been stored in magazines should be carried to a safe place, with the greatest care, as well as all the cattle. They likewise ordered that the troops of all the neighboring cantons should go against the enemy, who, deprived of provisions, and harassed by continual skirmishes, would be obliged to march back to Corinth, hoping after the arrival of the fleet at Patras, to procure provisions and maintain himself with greater security in the fortress of Corinth; but that fortress had been stripped of every means of defence by the Greeks, who had need of cannon and munitions, in order to defend redoubts at other places. On the 25th and 26th, while the Turkish corps was on its march to Corinth, the Greeks attacked it with a firm resolution to conquer or die; they were victors. The result of the battle carries the number of enemies killed to 3,000—that of prisoners and wounded is not yet known. Two thousand horses, 150 camels, laden with baggage, all the munitions, all the materials of the enemy, and their military chests, have fallen into our possession. The valor that the Greeks displayed in this affair can be equalled only by the cowardice of the Turks, who disgraced themselves so far as to cry *aman! aman!* (mercy) *let us fly!*

This battle furnished gen. Nichita with a new opportunity of distinguishing himself. He shewed himself worthy of the surname of *Turcophagus*, (eater of Turks), that was given him by his troops. The Vizier Ali pacha was killed. Our loss is very inconsiderable. The patriotism of the Greeks, and the energetic measures of the government, afford the best founded hope that the Turks will not succeed in placing us under the yoke. The more wonderful it is that the Greeks should remain conquerors in this contest, so unequal in all respects, the more will their memory be glorious; but forced to resort to arms to shake off the frightful yoke that oppressed them, they have need of prompt assistance.—Will Europe never remember that she is indebted to our ancestors for the progress of science and civilization? Is it then just, and is it then useful for her to refrain from contributing to the future felicity of her brethren? Let us hope that the wise men of all Europe will employ themselves about this great object, and that their voice may reach the ear of those who can do so much for the happiness of the human race.

The vice president of the Greek government,

H. CANACARI.

The arch-chancellor of state, minister of foreign affairs,

J. NEGRU'

Argos, July 30, 1822.

Cuba. The elegant schooner Dandy arrived at Baltimore last week from Matanzas. That place appeared as if filled with pirates, and they openly spoke of seizing upon the schooner, at all hazards—even of cutting her out of the port! And it is probable that they would have possessed themselves of her, had not the captain taken advantage of a strong wind, and cleared the boats that were waiting off the harbor to capture her!

At a place called Regla, in the harbor of Havana, the pirates also teem, and their *business* seems just as well known as that of any merchant in the city. A person named Matteo Garcia is at their head, who publicly boasts of his earnings—he does not fear justice, because he can purchase it! Powder, &c. is carried off from hence without disguise—their craft have regular licences to pass the Moro, cap-

tures have been made in sight of the fortress, and they discharge much of their plunder on the wharf at Regla—if a guard happens to pass, he is silenced with a bribe. Things have arrived at such a pass that some strong measures must be adopted in self-defence—Havana must not be the *home* of pirates, if we can help it; it is the key of the Gulf, and a most valuable part of our coasting trade is subject to the depredations of the most abandoned of mankind, who care not about committing murder, if it better suits the disposition they happen to be in. The sea was never before so infested by pirates as it now is.

The U. S. ship Peacock has taken five piratical vessels, three of which she burnt; one had arrived at Havana, and the other had not yet been heard of. Twenty-five of the crews were made prisoners, the rest escaped to the shore and took to the woods.

Two armed vessels, having five transports, with 1500 troops, under charge, lately left Havana for Porto Rico, where they have arrived, for the protection of the island, menaced by an expedition from St. Barts to revolutionize it, by a party of adventurers under general Henry William Decoudray Holstein—which, however, has failed; the vessel that had them on board having separated from two transports with troops, and being compelled to put into Curracoa, from having sprung a leak.

Mexico. A New Orleans paper of the 20th September, says—The tyranny of Iturbide is at its height. Those who displease him disappear daily—by what means, no one knows!

"The bishop of Puebla, all powerful, makes Iturbide tremble—who, in his turn, makes others tremble.

"The republican party wait the moment when they may overthrow this ephemeral throne, under the ruins of which, without doubt, Iturbide will bury himself, if he is as brave as he is said to be.

"The troops remain unpaid, and are discontented; there is no quicksilver to supply the mines, which consequently remain unproductive."

National Economy.

The following essay or remarks on certain propositions and assertions of M. Say, has been in our possession since February last, and appear to have been written in the month preceding. The writer is a young man of the *interior* of Pennsylvania, and his matter will shew that he has reflected much on political economy and national policy. It was not expected that these remarks would ever meet the public eye—they were really prepared at the request and for the private use of a friend; but they contain so much good sense, expressed in such an intelligible manner, that, having obtained possession of them, we requested permission to give them a place in the REGISTER, at some convenient season.

It is with no small degree of pleasure that we notice the progress of good principles throughout the country, and it is delightful to believe that strong-minded men are affording an increased attention to the affairs of the nation—which, to be safely directed, must be governed by the common sense of individuals participating in these affairs. And individuals must *act* as well as think—they must cast their strength into the government; and then, and not till then, will a system be pursued which, (by securing the prosperity of individuals), will steadily advance the national power and secure the national independence—both resting upon the private comfort

and personal profit of the free laborers of the republic, whether in peace or in war.

In your favor of the 21st inst. you ask me to examine the doctrine contained in an extract from Say's treatise on political economy, published in the National Gazette of the 19th inst. and point out its fallacy, if it can be done in the compass of a letter.

It may be thought presumption in me to attempt a refutation of the doctrine advanced by a writer who has gained so much celebrity in the world as M. Say for his treatise on political economy; I will however attempt to examine a little the arguments he makes use of in the extract above mentioned. Before I proceed, however, I cannot help stating it as my opinion that most of the writers upon political economy, who have attempted to examine the whole subject, have assumed premises, and reasoned from them, in the same way that it would be proper to do if all nations were governed by the same general laws and bound by the same interests. But, in the present state of society, it appears to me as fallacious to advocate such doctrine, as it would be to pretend to uphold a particular religion. If there were no restrictions imposed upon commerce by any nation, it might be thought imprudent in any one to break through the established order; but even in that case, it is extremely doubtful whether it would be sound policy in all to submit to such a state of things. However, as that is not likely soon to be the case, and as that nation which pursues such a policy would be likely to neglect her own real interests in pursuing a course that might, if pursued by all, be thought beneficial to all—it seems to be the better course, on the ground of expediency at least, to reason from things as they are.

In the first paragraph of the extract above mentioned, the author says, that, "by the exclusion of specific manufactures of foreign fabric, a government establishes a monopoly in favor of the home producers of these articles, and in prejudice of the the home consumers." That such an *exclusion* establishes a monopoly, may be true; but it by no means follows, that the establishing such a monopoly as the writer speaks of, is in prejudice of the home consumers. If the raw material, necessary for the manufacture of a particular kind of goods, is in sufficient abundance in a country, and there is capital, that is, money enough in that country to be spared from other pursuits sufficient to carry on the new business to an extent equal to the wants of the nation, no inconvenience can result to it from an exclusion of the foreign product; because the competition among the home producers will soon be such as to reduce the price as low, and, perhaps, much lower than was before paid for the foreign; and the home consumers will be benefited by, at least, the whole amount of the cost of importing such foreign product, (which may be added to the capital of the nation), in addition to the advantages they may derive from being able to pay the home producers in articles of home production which the foreign producer could not take, and which the home consumers could not otherwise dispose of. There is also a saving of the cost of transporting the raw material to the foreign country to be manufactured.

I think the truth of these remarks is fully proved by the present state of our cotton manufacture, which has been wholly brought about, in my opinion, by the prohibitory duty laid on the foreign fabrics, of coarse kinds. In this case the home producer is not only able to compete with the foreign, but the monopoly which the prohibitory duty creat-

ed in favor of the home producer, gave such advantages as to bring into activity a sufficient quantity of skill and capital to cause such a competition among the home producers, as to reduce the article even far below what the foreign, of equal quality, ever was known to be; and, in addition to which, that very competition, caused by our own capital and skill, is sufficient forever to insure a sufficient supply, not only to keep down the price lower than it could be imported for, but at the same time to insure a better fabric. The supply of the article will be more steady than when we depended upon a foreign supply; not being subject to those fluctuations in price or quantity, arising from a disturbance between the nation supplying and the one supplied; or between one of them and any other; from embargoes or restrictions laid by one on the other, and many other causes. I think that even M. Say himself, if he were fully acquainted with our present, compared with our past condition in relation to cotton goods, would be disposed to grant, that, at least to us, the prohibitory duty in this case has been productive of great benefit, and that it *does not* "compel the home consumer to pay unnaturally dear" for the home product; but that, on the contrary, the home consumers have been greatly benefited by being able to purchase at home (with produce perhaps which they could not dispose of abroad), a better article for less money or labor than they formerly purchased in the foreign market.

The same reason that applies to the cotton manufacture would equally apply to many others, if equally protected. I believe the same results would be experienced from all, the raw materials for which are abundant for the supply wanted.

The author goes on and says, "should any one maintain that the advantage of producing at home counterbalances the hardship of paying dearer for almost every article that our own capital and labor are engaged in the production, and the profits pocketed by our own fellow citizens; my answer is, that the foreign commodities we might import are not to be had gratis; that we must purchase them with values of home production, which would have given equal employment to our industry and capital."

In the first place I deny that we should be compelled to pay "dearer for almost every article" that it might be thought best to prohibit the importation of, the reasons for which may be found above; and secondly, I am not willing to allow, that the "values of home production, which would have given equal employment to our industry and capital," could be so employed as always to make it for our advantage to purchase the article in a foreign market, which might have been prohibited. I think the present situation of the United States with respect to our intercourse with other nations, will sufficiently prove the correctness of my opinions. A large number of our citizens that were engaged in the pursuits of agriculture a few years ago, are now manufacturers of articles with which the government have thought proper to prohibit other nations from furnishing us, without imposing thereon a heavy duty, which, in some instances, encourages, in others protects, the home manufacturer; and notwithstanding this great number of manufacturers have become consumers instead of producers of agricultural products, the agriculturalists find it very difficult to get rid of their produce. What they would have become of the additional quantity that would have been in the market, had not government interfered in the way so much condemned by

M. Say? Can it be supposed that a greater quantity would have been wanted if there had been more producers, some of whom are now only consumers? Surely not; and the situation of foreign nations, which causes them to take less of our agricultural products now than they did some years ago, has not been caused by the policy pursued by us; but our policy had been caused by their's. How then could it be possible, that instead of manufacturing for ourselves as we now do to some extent, we could have found it advantageous not to do so, but to purchase from foreigners and run the risk of paying with our products, which could hardly be any thing but agricultural ones, and even they, not wanted to the extent they can now be furnished? We should in such case have been compelled now to pay 25 per cent. or more, for bills on England instead of 12 or 14 as at present; a pretty round tax for the privilege of buying at the cheapest market! What in such case would become of the "values of home production," which were to "have given equal employment to our industry and capital?"

"It is most for our advantage to employ our productive powers, not in those branches in which foreigners excel us, but in those, which we excel in ourselves, and with the product to purchase of others," says the author. Now let me ask, if we as a nation were to adopt this course, what would be our situation? We are young in arts. Previous to the revolution, the colonies which now compose the United States, were not, to use the language of that day, *suffered to make a hob-nail*. After the revolution, and until the embargo and non-intercourse laws were passed, we found it profitable to pursue agriculture, which was the only branch in which we could be supposed to excel foreigners; and this was only supposition, as we found soon after the late peace commenced in Europe. During their wars, we derived a considerable profit not only from exchanging our products for those of Europe, but by being carriers of that and the produce of other nations, and of again exchanging with other nations the products of other nations. But when we all returned to a state of peace, those persons who had previously, and many of them for a long time, been engaged in war, and consequently as consumers, immediately became producers: each nation contributed much more largely to the production of what we were supposed to excel in, than they had done before; and each in a great degree having become the carriers of their own productions, we were left without a market, and without the profits of the carrying trade. The very branches we were supposed to excel in, were rendered unprofitable; consequently it became us to look out for other sources of profit, and the means of exchanging products for products. Could any have been more proper than those we resorted to, during the embargo, non-intercourse and war? that of manufacturing for ourselves articles of the first necessity? These, to be sure, were such as foreign nations then excelled us in but in some of which we now excel them; and this has arisen, not from the fact of the "prohibitive system finding so many partizans and so few opponents," but from necessity, arising from the fact that we are too young to attempt to compete with the whole of Europe in their own markets, even in any one branch; therefore must content ourselves to compete with them at home, where we can only expect to do it to advantage for some time to come. Had we continued farmers and planters exclusively, what could have been our situation now? Where would we have been able to dispose of our products to an amount sufficient to purchase

what we do of other nations, and as much more as the amount of our home manufactures, seeing we cannot dispose of as much now as we can produce, even for the products of other nations? By pursuing the policy laid down by Monsieur Say, we should soon become the *bondsmen*, not to say *slaves*, of other nations.

I have said we are too young to compete with foreign nations in their own markets; that is, in their own countries. But we can compete with them at home, in all the articles of necessity, the raw materials for which we have in abundance, or can procure cheap. The only thing necessary to that end is a high import duty, and a confidence that such duty will be continued. Sufficient capital would then soon become employed, and the effect would be what it has been with respect to coarse cotton goods. "Products are always bought ultimately with products," says Say. Why, then, can it not be as profitable to exchange products for products of home produce or manufacture, as to exchange products of home manufacture for products or manufactures of foreign nations? I presume it will not be denied, that it is good policy in every nation to turn its attention to such a course of trade and business as will insure it a market for the greatest amount of its products; and whenever a surplus is produced beyond the demand for any article, or the products of any branch of business, it is the true policy of that nation to engage in some other business that will employ the amount of capital and industry, equal to what was requisite to produce the surplus of the other branches of business pursued by it; otherwise the nation would be the loser by the whole amount of capital necessary to produce that surplus: and that, therefore, it would be better to have that capital employed in some branch of business that would supply a part of the necessities or luxuries for the consumption of the nation, which it had been in the practice of depending upon other nations for—and that, even if the employment of such capital did not enable the nation to compete with its rival, still the amount of production caused by the employment of that capital would be wholly a profit of so much which would have been paid to other nations, in case it had not been so employed; and hence I conclude it may be advantageous, sometimes, to give the home manufacturer more for an article than the importer. This may be illustrated by an example: suppose a landholder in Huntingdon county has a large tract of woodland, also as much cleared as he can manage to advantage, and his wood is likely to waste for want of a market. He desires a suit of clothes, and can buy imported cloth that will do very well for a suit, at \$5 per yard: a manufacturer in the neighborhood will furnish him with the same quality of cloth at \$6; then 20 dollars worth of imported cloth will make his suit—but he concludes that if the manufacturer will give him cloth for wood he will take of his neighbor, and they fix the price of the wood at \$1, the cutting of which, at 30 cents per cord, amounts to \$7.20, and the drawing to \$16.80, making altogether \$24. He will then have his suit for \$4; because it is understood that, without this exchange with the manufacturer, he would never have got his wood to market, and the labor used in getting it there would never have been turned to any other account. It is in this way that the resources of a young nation must and will be brought into action; and the sooner it is done by protecting or prohibitory duties on articles, the raw materials of which we have in abundance, or by other means, the sooner we will become not only independent, but rich.

The author then asks, "Who are the classes of the community so unfortunate for prohibitions or heavy import duties?" and answers, "the producers of the particular commodity that applies for protection from competition, not the consumers of that commodity. The public interest is their plea; but self-interest is evidently their object. Well, but say these gentry, are they not the same thing? are not our gains national gains? By no means: whatever profit is acquired in this manner, is so much taken out of the pockets of a neighbor and fellow citizen: and if the excess of charge thrown upon consumers by the monopoly could be correctly computed, it would be found that the loss of the consumer exceeds the gain of the monopolist. Here, then, individual and public interest are in direct opposition to each other; and, since public interest is understood by the enlightened few alone, is it all surprising that the prohibitive system should find so many partizans and so few opponents?"

In the above quotation there is a contradiction, not to say absurdity; and, in my opinion, the conclusions the writer draws from his assertions are as unwarrantable as it is evident that he is the servile tool of a despotic government. His assertions are strong, but not supported by reason or facts, as I believe; at any rate, they are not demonstrated to be true. I believe that, as it respects most nations except our own, a majority of the people are in favor of the very prohibitions their governments have adopted; consequently, it is not "the producers of the particular commodity that applies for protection from competition" alone, that are "so importunate for prohibitory or heavy import duties;" for it will hardly be denied, that, in every nation, the consumers make a large majority of the community. And it is not so clear that, even in this country, with all the prejudices imbibed from European authors on political economy, (who, it would seem, are hired to advocate the very doctrines which their own governments condemn, in order to mislead others,—that they themselves may be the better of others' folly), the majority are not in favor of, at least, "heavy import duties" on all articles which can be manufactured at home, and of which we have the raw materials in abundance. My own opinion is, that a majority of our citizens are in favor of even prohibitory duties, upon many articles now imported; and, if so, what would they say of you or me, or even Monsieur Say, when we should tell them that they opposed the interests of the nation, and that "the public interest is understood by the enlightened few alone?" As well might we tell them that they "are their own worst enemies."

"In buying of a foreigner, the nation really does no more than send abroad a domestic product in lieu of consuming it at home, and consumes in its place the foreign product received in exchange. The individual consumer himself, probably, does not conduct this operation; commerce conducts it for him. No one country can buy of another, except with its own domestic products." So says our author: therefore admitting it to be true, how can it be expected that a nation like ours can exchange in foreign markets our own produce for the quantity of foreign products which we want for our own consumption; considering that we are principally an agricultural nation, and our products are prohibited in those very countries whose products we most want? The only alternative we have left is, to produce less of those products we have been in the practice of exchanging for those of foreign nations, and produce others similar to those we have been in the practice

of receiving from other nations in exchange for our own; otherwise, according to Say's own doctrine, we shall be drained of the little wealth we derived from our carrying trade, while the nations of Europe were at war with each other. And whenever we take of the productions of foreign nations for consumption, more than we can pay for in our own productions, the balance is a debt against us, which must be paid in specie, if we have it; and if we have it not, we will not be able to purchase it, consequently we must become bankrupt. If the present policy of our government continues, such appears to me our inevitable fate. The fact of bills of exchange on England bearing a premium of 12 to 14 per cent, is certainly some evidence of it; particularly as we can draw on no country at a premium to balance it. Hence I conclude, that if we were to prohibit, for instance, foreign manufactures of iron, glass, cottons and wollens of particular descriptions, to the amount of our over-trading, the industry of the nation, to an extent equal to the production of that amount, and, perhaps, much more, would be turned into other channels, so as to create a saving of that amount, at least, in manufacturing the kinds of goods prohibited.

I have not time to follow the writer any farther at present; and if I had, I presume you would neither have time nor inclination to follow my observations: but I cannot help saying, as I said before, that the whole tenor of the writings of Smith, Say, Hume, Malthus, and the whole host of book makers on political economy, are not calculated for the present state of society: and I would rather trust myself with the notions of brother Jonathan, than all the fine spun and closely woven productions of John Bull and his European cotemporaries on that subject.

I am not an advocate for the total prohibition of all foreign commodities or manufactures; but I see no reason why we might not, with advantage, prohibit nearly all the foreign manufactures of iron, cotton, wool, hemp, flax, glass, paper, and a few others. We have the raw materials, or can produce them in abundance. A prohibition would have the effect to bring into profitable operation a great deal of the capital, skill and industry of the nation, now idle or unproductive; and would save us a great deal both in the cost and freight of those heavy articles we import. Our iron ores, now buried in the earth, would be brought up and converted into the most useful machinery: our hills would become sheep pastures: our farms in the interior of the country, now almost unproductive, would be converted into hemp and flax farms: the streams and rivulets that flow uninterrupted to their great depository, would be studded with manufactories; and, in fine, the nation would be better fed and clothed, and with less expense, than heretofore. Plenty would fill our board and gladness beam in every countenance.

Bank of the United States.

TO THE PUBLIC. The exposition which I made to the stockholders of the bank of the United States, on the 2d ult. contained no personal allusions, except such as were required by the discharge of my public duty; but, when thus called upon, I frankly confess no fastidious delicacy in relation to the sensibilities of the guilty restrained me from disclosing the truth. The exposition which I made, I considered to be due to the stockholders, and to the public morals. It ought to have been made three years ago. In relation to the fraudulent agents of

the bank, no more was said than was necessary to give a correct view of the state of the bank, and a distinct impression of the extent and character of the frauds which had been committed upon it. The multitude of facts and circumstances from which the just coloring of the picture may be derived, (without which its shades are comparatively feint), have not been touched, though justice to the public and the stockholders, require that they should be given at a proper time hereafter.

I was well aware that any statement I might make would, in all likelihood, be controverted by those whom it tended to inculpate and expose; and that the easy *tactics*, as much as the command of the guilty as the innocent, of declaring it to be *false*, would be employed, unless it should be established by such proof as should leave no room for this subterfuge. It was for this reason that, when I made the exposition, I invited an investigation of it. With the same view I requested as a favor, and claimed as an act of justice, an opportunity of proving the facts which I had alleged. When the committee were first convened, I went into proofs of nearly every fact. When the stockholders re assembled, after a temporary adjournment, many new members were added to the committee, and I again exhibited the proofs before adduced, and added such as were necessary to complete the evidence of every fact I have alleged. Several days were spent in the investigation, and when I had concluded, I emphatically called upon the committee to say, whether, on any fact, they entertained doubt, and if they did, to give me an opportunity of removing it by further proof. No member expressed any. I was afterwards informed that, upon the question being expressly made, whether the facts narrated in the exposition had been established, the committee resolved *unanimously* that they had. I mentioned this in discussion, on the last day of the meeting of the stockholders, when the report was before them, and appealed to the committee for the truth of it, when a distinguished member of it, (the whole committee being present, acquiescing in his statement), declared that the committee had been perfectly satisfied with the proof of every fact alleged, and had *unanimously* resolved that every fact had been fully proved.

I confess, I did suppose, after so solemn and public a testimony on the subject, that even the hardihood of the most audacious guilt would have been silenced; but in this I find I have been mistaken, though it may, perhaps, be discovered that that silence would have been as much an act of prudence as decency. I had, however, relied so much upon the submission to truth, which is natural even with the guilty, when the proof is incontrovertible, that I omitted, until recently, to obtain an authenticated copy of the resolution, believing that I should never have occasion to use it. This fact has prevented me from publishing the annexed document at an earlier day. It will speak for itself, and when the character of the gentlemen who composed the committee shall be regarded, comprising, too, as they did, every species of intelligence, and representing almost all parts of the union, no doubt can be left on any mind of the truth of the facts narrated in the exposition. Whether the conclusions I have drawn, or the commentaries I have made on those facts be correct or not, are questions which I shall, without any solicitude about the result, leave to the judgment of the public. In publishing this document, I am aware that many will suppose I am induced to do so by a circumstance utterly unworthy of such notice, and that the pub-

lication of it is altogether supererogatory. If the circumstance alluded to were my only or my principal motive, the conclusion would be correct; but it is not. I have been much more influenced by a desire to show to the public, once for all, in the most incontrovertible shape, that the facts stated in the exposition *were actually and fully proved* before they were adopted by the committee, than from any apprehension that the public would doubt the truth of the statements I had made.

J. LANGDON CHEVES.

October 17, 1822.

“*Bank United States, Sept. 25, 1822.*”

“The committee of inspection and investigation, appointed in pursuance of a resolution adopted at the meeting of the stockholders, met agreeably to adjournment. Mr. Cheves continued the proof of his statements, and closed at 12—when, on motion of Mr. Hamilton, the following resolution was unanimously adopted:

“*Resolved, That, in the opinion of this committee, Mr. Cheves has fully and satisfactorily proved the facts detailed in his statement of the past and present condition of the bank, submitted by him to the stockholders, on the 2d September, and now in the possession of this committee.*”

I do hereby certify that the above is a correct extract from the minutes of the committee of stockholders of the bank of the United States, signed by the chairman and secretary, and deposited in the bank for safe keeping.

J. ANDREWS, Assistant cashier.

Bank United States, Oct. 17, 1822.

The fruits of Liberty.

The following delightful article is from a late number of the “Richmond Enquirer:”

COMMUNICATED

Curiosity a few days past carried me to Albemarle court—I was more than gratified.—A meeting of the visitors of the university and of the agricultural society of Albemarle had drawn together a large number of our most distinguished citizens. The group was highly gratifying to a Virginian, and still more to a philanthropist. To pass over many private citizens of great intelligence; to say nothing of members of congress, of whom there were three—and among them the speaker of the house of representatives—not to notice the present or ex-governors, of whom there were five—but to confine our attention exclusively to the three distinguished individuals, one of whom now fills, and two had filled the office of chief magistrate of the United States—this alone was a spectacle that could not fail to strike the eye of observation, and to produce a train of the most pleasing reflections. To see citizens, who had held the most important office in the government of their country, in perfect concord with each other, mingling with the great mass of the people upon the footing of the most perfect equality and social familiarity, not otherwise distinguished than by their services, is a practical commentary on the spirit and beneficent effects of our institutions, which cannot fail to obtain the approbation of the good and the wise every where. What a contrast does this incident present, between America and the world beside! The repose of all christendom has been frequently disturbed by the rival pretensions of two insignificant beings, arrogantly claiming to be the temporal head of the mildest of all religions, whose distinguishing characteristics are humility and a contempt of earthly

things—but who scrupled not to disgrace religion itself in their efforts at personal aggrandizement. How many nations have been drenched in blood, and given up to desolation, while waging interminable wars of succession—while settling the contemptible question by what name they should be oppressed. On the contrary, here we see the most illustrious of mankind, if worth and talents confer that exalted distinction, voluntarily retiring from the highest station, and enjoying, in their domestic relations, a happiness which a restless ambition, however successful, never knew. Elsewhere abdication from supreme power is a synonym with the grave. Here it leads directly to the full fruition of the most perfect happiness which man can enjoy—a consciousness that his course is finished, that he has been the benefactor of his species, and that endless gratitude will consecrate his name. Elsewhere the assemblage of chiefs is a direful portent to the hopes of nations—here its beneficent purpose is to multiply, in a thousand ways, the prosperity of mankind—elsewhere those, to whom power has been given, unite themselves under the hypocritical and imposing name of a holy alliance, for the execrable purpose of uniting the chains of slavery by closing the fountain of light—here, without ostentation and without hypocrisy, they lay the solid foundations of everlasting freedom by fostering the means of illuminating the human mind. In the contemplation of this contrast let America rejoice and be thankful.

Pitcairn's Island.

The following account of a visit lately paid by an American whale ship to this little speck in the vast Pacific ocean, cannot fail to interest many readers. The history of the present inhabitants is simply this—the British ship *Bounty*, Lieutenant Bligh, was sent to the South Seas, for the purpose of transporting the bread fruit tree and other productions to the West Indies. Being in these seas, the crew mutinied in 1789, and committed their commander and the other officers to the ocean in a small boat, and their wonderful preservation is well known from lieut. Bligh's narrative. The mutineers proceeded to Otaheite, where they took on board several of the natives, chiefly females, and then went in search of some uninhabited island to escape punishment—they reached Pitcairn's island, ran the ship ashore, and destroyed her, to prevent a discovery of them, after taking out what they thought might be necessary to them. Until the year 1808, nothing was known of the mutineers—it was supposed that they had all perished; but in that year the American ship *Topaz* accidentally fell in with the island, and this was the first visit that the people thereon had ever received. It is not known that they were visited again until 1814, when two British vessels of war, in search of the *Essex* frigate, touched there, to the great alarm of "John Adams," whose right name is said to be Alexander Smith, who was a seaman on board the *Bounty*; but he was not molested by his countrymen, his then harmless life and virtuous conduct disarming any thing like resentment which they might have felt for his former proceedings. The account below was communicated to the publishers at New-York, by captain Ridgely, of the U. S. frigate *Constellation*, on his arrival at that port from his cruise in the Pacific.

Previous to the sailing of the *Constellation* from Valparaiso, the American whale ship *Russell*, capt.

Arthur, of New Bedford, arrived from Pitcairn's Island, and, from the private journal of the captain, the following interesting account of the people of that island was copied:

"March 8th, 1822—lat. 24, 30, S. long 129, 25, W. at midnight love to; at day light saw Pitcairn's Island, 3 leagues off; stood for it, and while we were within about 3 or 4 miles of the shore, were boarded by the most interesting crew of young men that I had ever seen: at noon, we lay aback near the land.

From all I had otherwise read and learned respecting the inhabitants of Pitcairn's Island, induced me to have the following notice posted up in the fore part of our ship, before we had any communication with the islanders:

"It is the impression of the *Russell*'s owners, that the most part of her company were from respectable families, and is desirable that their conduct towards the islanders should verify the opinion. As this island has been hitherto but little frequented, they will be less susceptible of fraud than a more general intercourse with the world would justify. It is desired that every officer and man will abstain from all licentiousness in word or deed; but will treat them kindly, courteously, and with the strictest good faith. As profane swearing has become an unfashionable thing even on board a man of war, it is quite time it were laid aside by a whaleman, particularly at this time. As these islanders have been taught to adore their Maker, and are not accustomed to hear his name blasphemed, they were shocked with horror when they heard some of the crew of an American ship swear, and said it was against the laws of their God, their country and their conscience."

Ship *Russell*, March 9th, 1822.—Pleasant weather, at 2, P. M. went on shore, accompanied by capt. Arey in his boat; as the islanders' boat wanted repairing, we took her on deck, and before the next morning had her done, to the grateful satisfaction of our new friends. The islanders went on shore in one of our boats; captain Arey taking five and we the other five—our landing was effected much easier under the skilful direction of our new pilots than could otherwise have been done.

Previous to leaving the ship, bread and butter was put on the table and they were invited to eat, but they refused, alleging that it was their fast day; however, after some importunity and inquiry whether I thought it would be any harm to them, and being assured in the negative, they partook, though slightly, and not till after they had asked a blessing. And after their repast was finished, a hymn and prayer was preferred with great devotional propriety.

On our landing, the bill of difficulty was to be ascended, a job I could not myself have performed in less than two or three hours; it was done in much less time with the assistance of a young man named Robert Young, who helped me almost every step. When we arrived at the top, we appeared to be at least 300 feet above the surface of the water—having gone up a zigzag path, the boat was almost directly under us. We were then met by the venerable governor, J. Adams, who was attended by most of the women and children of the island, and were welcomed to their shores in the most artless yet dignified manner. After resting a while, we were invited to the village, about half a mile distant, through groves of cocoa nuts and other trees of a large growth, which made an excellent shade. Although we came to the village, which was situated on a gentle declivity, with a sufficient distance be-

tween the houses for the drying and bleaching of their cloth, the beautiful prospect, regularity and neatness of the houses, with the joyous and double welcome of its truly hospitable inhabitants, made the spot enchanting. Soon after our arrival a dinner was served up, consisting of two roasted pigs, fowls, yams and plantains; but as they declined partaking with us, on account of its being their fast day, we concluded to wait till near sun down, at which time they would be at liberty to join us; and when they thought it seasonable we all sat down together, but not till the chief of our kind entertainers had asked a blessing in a very impressive manner. The return of thanks appeared not less impressive on the minds of the little community, who were like olive branches around the family table. After spending the evening, if not the feast of reason, at least we had the flow of soul--beds were prepared for captain Arey and myself, and J. Adams having taken a bed in the chamber, though it was not his house, we conversed till midnight. Early in the morning, our kind female friends were actively employed in getting breakfast for us, which was ready by 7 o'clock, consisting of fowls boiled with yams, which made an excellent soup: it was good and we ate heartily. For our dinner we were treated with baked pigs and roasted goats, with a large quantity of yams, plantains, &c. Our people were equally well provided for. At 3 o'clock I returned to the shore to go on board, receiving the same kind attention in descending; the mountain which was paid when going up it. We got into our boats with feelings of gratitude, which I was unable to express towards these good people, but not till they made me promise to come on shore again before we left the island.

10th, 11th and 12th--Still lying off and on, a part of the crew on shore, relieving each other by turns. On the 12th I again went on shore, and was received and treated with every attention. Before noon I returned on board, after taking a more affectionate leave than I ever did any where except my home. I was accompanied on board by John Adams, Dolly Young and Mary Ann Christian--having received from them a supply of young cocoa nuts and fowls, and made such presents as they wished for and we could spare from the ship's stores--we gave them a part of a bolt of light duck, one axe, two hatchets, four boat knives, a bag of bread, a few bottles of wine, a roll of old canvas, a little grindstone and a watch. Having now accomplished the business for which we came, our friends, after wishing us a good voyage and safe return home, went on shore. Captain Arey, not having finished watering, concluded to stay another day or two. He was anxious for us to stay till he was ready, but I was unwilling to lose more time.

Before we leave Pitcairn's Island, it will not be improper to make a few observations. The time and manner of its colonization are to most general readers well known. John Adams and six Otaheitan women is all that is left of the Bounty. Forty-nine have been born on the island, two of whom are dead, which leaves fifty-three persons on the island, now all in good health, without a single exception. There are about eleven active young men, who are ready and willing at all times to assist a ship's crew in procuring water or wood, or any thing else the island affords. John Adams assures, and from what we ourselves saw, we have no reason to disbelieve him, that the island was inhabited before themselves, but at what period is difficult to conjecture. They found after their arrival, many places where houses had stood, burying places and images repre-

sented a human figure, with other indubitable marks that they were not the first possessors of Pitcairn's Island. It is, however, certain, that the aborigines left it at no recent period, as the trees growing on the house spots could not have arrived to their present size in less than a hundred years, perhaps five hundred. The land is high, and may be seen 12 or 15 leagues--its coast clear of dangers--winds variable, which makes it easy to lie off and on--the town is situated on the north side of the island, rather nearest the west end--the houses may be seen three or four leagues by a ship coming from the north.

The different names of the islanders are Adams, Christian, sen. Christian, jun. Young, Quintrall and M'Kay.

Henderson's Island lies E. N. E. from Pitcairn's one hundred miles. Ducie's Island is rightly laid down in the Practical Navigator, and is low and very dangerous.

Pitcairn's lat. 25, 3, S. by acct. 26, 41--long. 130, 22, W. by acct. 128, 52.

Henderson's lat. 24, 26, S long. 123, 30, W.

Independence of Brazil.

[TRANSLATED FOR THE FEDERAL GAZETTE.]

Manifesto of his royal highness, the constitutional prince regent, and perpetual defender of the kingdom of Brazil

To the people of the same kingdom:

BRAZILIANS--

The day in which men could be deceived has entirely past, and governments which still wish to establish their power on the presumed ignorance of the people, or ancient errors and abuses, will discover that pillar of their usurped greatness too feeble to support it; it will be levelled and they will find one which will rise in the majesty of its strength on the ruins of so fragile a support. Little did the cortes of Lisbon suppose that the southern province of Brazil would shake off the yoke, which they were preparing for them, and that they would place themselves under my protection, requiring of me to stand forth in defence of their rights, and for the preservation of their liberty and independence. Permit me, therefore, Brazilians, to declare to you the truth. The congress of Lisbon, arrogating to itself the tyrannical prerogative of imposing on the Brazilians a new principle of government, an article of new belief, affirmed by a partial and promissory oath, and which contained, in fact, the seeds of self-destruction, compelled the Brazilians to examine minutely the document, in which they discovered so much injustice in their unfounded pretensions. This examination, which reason dictated, was instituted to show to the people that Portugal, destroying all the established forms, changing all the ancient and respectable institutions of the monarchy, effacing the recollection of all its relations on re-establishing itself again, could not compel the Brazilians to accept a disgraceful and contemptible system of government, without violating those very principles on which the revolution was predicated. By their acquiescence they would have denied the right of changing their political institutions when found at variance with the public good; they would have destroyed the very base on which they intend to establish the proper rights of a government suited to their interest, (the unalienable right of all people); they would have arrested the march of reason; they would have destroyed the claims of justice, whose laws are predicated on the very nature of

things, and can never derive any authority from the mere caprice of men.

Then will the southern provinces of Brazil by an unanimous effort rise in the majestic strength of a people, who claim, as their inviolable right, the privileges of liberty and happiness, and will cast their eyes on me, the son of their king and friend, who, properly estimating the advantages of so rich a portion of the globe as this we inhabit, who properly appreciates the talents of this community, will be roused with a just indignation when viewing the contemptible and tyrannical conduct of those who so falsely and prematurely had assumed the title of fathers of their country, and, instead of acting in the character of the faithful representatives of the Portuguese, assumed to themselves the *sovereignty* over its vast provinces.

I thought it, therefore, highly worthy of me, the great king, my father, whose delegate I am, to respect the sons of such faithful subjects, in whose breasts exist the noble feelings of republicanism, and who, avoiding the example of some neighboring towns, will deposit in me all their hopes and thus save the royal offspring in this American continent, and preserve the acknowledged rights of the power of Braganza.

I acceded to their generous and sincere requests and remained in Brazil, informing, in the mean time, our good king. Persuaded that this step would have made known to the cortes of Lisbon the state of feeling in Brazil, its well known dignity and the new acquirement of its enlarged sentiments, it was hoped the knowledge of this state of feeling would have arrested the impolitic career they were pursuing, and would have caused them to adopt one dictated by justice, which they had entirely neglected. Such a course was pointed out by reason; but the visionary schemes offered by egotism and folly, frustrated the patriotic wishes of the people of this kingdom and threw it into a state of anarchy.

Such conduct immediately produced, (as was to be expected), the resentment and indignation of the allied provinces, and, in a moment, as if by magic, all their ideas and sentiments were directed to one point and to one only end. They desired me, as the guarantee of their precious liberty and of the national honor, peaceably to call a general constituent and legislative assembly in the Brazil. I deferred this only to see if the vanity of the cortes of Lisbon would yield to the voice of reason and justice, and to their own interests; but the order suggested by them, and transmitted to the Portuguese consuls, to prohibit the exportation of munitions of war, was too strong an indication of war and the actual commencement of hostilities.

This kingdom, since it acknowledged me their perpetual defender, required of me immediately to adopt the most energetic measures for the preservation of their honor and prosperity.

Had I hesitated in my determination, I would at once have violated my sacred promise, on the one hand, and, on the other, would have given rise to all the evils of anarchy, the dismemberment of the provinces, and all the fury of a democracy. What wrestling would there not have been amidst such sanguinary parties, between a thousand successive and opposing factions? Who would have retained possession of the gold and diamonds of her mines? of those formidable rivers which are the strength of our state—of that astonishing fertility, the inexhaustible fund of so much riches and prosperity?—Who could have appeased, allayed the fury of so many conflicting parties—who could have civilized our distant province, divided by so many rivers?

Who would have penetrated into the wildness of the interminable forests to offer aid to our poor deserted Indian; who could have ascended their lofty and inaccessible mountains? Most assuredly, Brazilians, Brazil would have been ruined, this precious jewel of all beautiful nature, which is at once the envy and admiration of the whole world.

I should have been answerable for all these evils—for all the blood shed—for the unfortunate victims which, unquestionably, would have been sacrificed to the particular views and interests of such contending factions, had I not adopted the measures so earnestly solicited by the people; I, therefore, immediately directed that an assembly of Brazil should be called for the cement of the political independence of this kingdom, at the same time not intending to break the bonds of the Portuguese fraternity; to tranquilize, on principles of justice, the united kingdoms of Portugal, Brazil and Algarves, and to preserve, under the same chief, two families, separated by a wide ocean, who can only live united by the equality of rights and the reciprocation of their interests.

Brazilians, it is not necessary for you to recollect all the evils to which you were subject or what induced you to make the representation transmitted to me by the chamber of representatives and the people, on the 23d of May, and which gave rise to my royal decree of the 3d of June, of the present year; but a deference for the opinions of mankind require us to declare the reasons which dictated this course—the history of the acts of the congress of Lisbon, with regard to Brazil, is a history of continual injustice and deceit—all having in direct object to destroy the prosperity of Brazil, and so effectually to paralyze all its energies as to make it entirely dependent on the mother country; that the world may have been witness to the justice of our cause, we appeal to the following facts.

The congress of Lisbon gave laws to Brazil without waiting for its representation, thus destroying the sovereignty of the majesty of the nation.

They denied us a delegation of executive power so necessary to the proper development of our physical means. Knowing, at the same time, the great distance which separated us, leaving us without laws appropriate to our climate, our wants, and our local situation.

They gave us a government without stability and without unity, formed in insubordination, rivalry and contradictions—thus depriving us of the rank which she enjoys, and weakening the foundation of our future grandeur and prosperity, and driving us into all the horrors of anarchy and confusion.

They excluded the Brazilians from all participation in the emoluments arising from offices of honor or profit, and filled your cities with European bayonets, commanded by cruel, rapacious and foreign chiefs.

They received with enthusiasm, and loaded with benefits all those monsters who attempted to destroy the best affections of the heart, and who triumphed in the idea of extinguishing the last ray of hope among the people.

They cast *usurping hands* upon the resources of the bank of Brazil, overloaded with an enormous national debt, which the congress never used: at a time when the credit of the bank was united with the public credit of Brazil and with its own prosperity.

They negotiated with foreign nations the alienation of portions of your territory, to weaken and enslave you.

They disarmed your fortresses, stripped your navy yards, left in a defenceless state your harbors, calling to Portugal all your navy—they exhausted your treasures with repeated demands to support the troops which came without your permission to shed your blood; and, at the same time, they prohibited the introduction of arms and ammunitions with which you could arm yourselves and support your liberty.

They showed a project of commercial relations, which, under the false appearance of imaginary reciprocity and equality, monopolized your riches, and offered your ports to foreigners; thus destroying your agriculture and industry, and again reducing the inhabitants of Brazil to the state of fatherless and unsettled planters.

They have treated, from the beginning, with contempt and scorn, the representatives of Brazil, when they had the valor to proclaim their right; and even, (but who can dare mention it!) threatened you with setting free all the slaves, that they might rise in opposition against their own masters.

To finish then this long narration of horrid injustice, when, for the first time that congress listened to the expressions of your just indignation, they doubled their opposition and endeavored to take advantage of the goodness and confidence reposed in them.

The delegation of the executive power which was rejected, as unconstitutional, by the congress, is now offered to us by a commission from that congress, without the necessary modification to make it acceptable to the people. Its acknowledgment would be the signal of your destruction and would tend to arm province against province, and brother against brother—thus realizing the views of those who formed it for the purpose of prostrating your liberties.

Remember then, generous inhabitants of this vast and powerful empire, that you now enjoy the independence and happiness which have been predicted at so many different periods by the politicians of Europe. You are now a sovereign people,—you have now entered into the great society of independent nations, to which you had every claim. Honor, national dignity and the voice of nature, all commanded the colonies not to be colonies any longer, since they have arrived at maturity; and, although treated like colonies, they are capable of forming and maintaining a government independent of any foreign dominations. The same right which Portugal has to destroy its ancient institutions, and to establish new, you possess in an extended degree; you inhabit a vast and a spacious country, with a province, although disseminated, already greater than that of Portugal, and which promises to grow in power with unexampled rapidity. If Portugal denies to you this right, it renounces itself the right which it may claim, for the acknowledgment of its new constitution, from other nations.

Brazilians! Nothing further is to be done than to unite yourselves with interest, love, and hopes;—to command the august assembly of Brazil to manage the helm of state, with justice and prudence, that we may avoid the rocks which the seas of revolutions unfortunately present to *France, Spain, and even to Portugal.*

Do not doubt, Brazilians, that your representatives, who are occupied in pointing out the true rights, will support yours, which have been trampled down, and denied to you for these three centuries; they will consecrate the true principles of the *Brazilian* representative monarchy; they will declare king

of this beautiful country seignor D. John VI. my august father, whose love you most highly possess; they will destroy anarchy and despotism; they will compel all the officers and public functionaries to enter into the requisite responsibility for the faithful discharge of their duties, and they never will obstruct the majestic flight of the national legislation and public will.

Pain in the invariable principles of not sanctioning abuses, your representatives will introduce light and new order into the dark chaos of public revenue, economical administration, and civil and criminal laws. They have the magnanimity to believe that those necessary and useful ideas, which tend to the good of mankind, are not destined to be only the ornament of books. And that the perfection granted to man by the Almighty, must not be manifested by the obstruction, but the advancement, of the social order and happiness of nations. They will give you a code of laws adequate to the nature of your local circumstances, interests, population and relations, whose execution will be entrusted to just judges, who will gratuitously administer justice, and will banish all the perplexed causes of your bar, founded on obscure, unfit, complicated and contradictory laws.—They will give you a penal code, devised by reason and humanity, instead of these bloody and absurd laws, of which you have been the unhappy victims. You will have a system of tributes, which will shew respect to the agricultural labors, and to the works of industry, to the dangers of navigation, and to the liberty of commerce.

Valiant soldiers, you have also a military code, made to suit the exigencies of an army constituted of disciplined citizens, possessed of valor, and capable of defending the country and civic virtues, by which they themselves will be protected and secured.

The literati, almost always hated and despised by despotism, now have open the way to the temple of glory and honor. You will now see that only virtue and merit will decorate the sanctuary of our country, and then intrigue will not gain access to the throne, whose doors were heretofore only open to hypocrisy and imposition.

Ye citizens of all ranks, and Brazilian youth, to you I would observe, that you have a code of public and national industry, which will germinate and sprout luxurantly, the talents of this blessed climate, and will place our constitution under the safe guard of the future generations, infusing to all the nation a liberal education, which will communicate to all its members instruction sufficient to promote the happiness of the great Brazil.

Brazilians! Do not fear foreign nations; Europe, which acknowledged the independence of the United States of America, and which kept itself in a perfect state of neutrality towards the Spanish colonies, cannot fail to acknowledge Brazil, which, with so much justice, means and resources, also strives to enter into the great family of nations.—We shall never interfere with their particular affairs, and consequently they will not obstruct the peaceful and free commerce which we shall offer to them, secured by a representative government which we shall establish.

Let no other shout be issued from your lips, but *UNION*; let no other word be reiterated, from the *Amazons to the Prato*, but *INDEPENDENCE*. Let all our provinces be strongly chained into unanimity, not to be broken by any force. Let all ancient prejudices be banished at once, substituting in their place the love of the public good. Let mean bless-

phemers, oh! Brazilians, declaim with injuries and slanders against you, against me, and against our liberal system; for if they praise us, Brazil might be ruined. Let them say that we act against Portugal, against our mother country, against our benefactors; we, supporting our rights, punishing by our justice, and consolidating our liberty, wish to free *Portugal* from a new class of tyrants.

Let them say that we rise in opposition to our king; he well knows that we love him, as a citizen king, and that we wish to deliver him from the ignominious state of servitude to which he has been reduced. Let them shout, wishing to persuade the world that we break the bonds of union with our European brothers; no,—we wish to ground it upon solid foundations, without the influence of a party, which basely despised our rights and trampled upon our liberties.

Illustrious natives of the bay, generous and unlucky portion of the Brazils, whose soil is seized by greedy and envenomed harpies, how much do I feel for your fate! The time of drying your tears, and assuaging your despair may yet appear. Natives of the bay! sprightliness and courage are your characteristic; banish from you, these haunts, which support themselves on your blood, and are emboldened by your forbearance. They are no more Portuguese; throw them off from your sight, and come to join us, who are waiting for you with our arms open.

Valiant minors, intrepid Pernambuguians, defenders of the Brazilian liberty, march and succor your brother; it is not by the cause of a province, it is by the cause of Brazil, that the primogenial of *Cabral* is to be defended. Extinguish the nursery of wolves, who yet support the bloody caprices of the factious party. Remember the fires of *Bonito*, and scenes of *Recife*. We succor and love, as brothers, all the peaceful Portuguese, who respect our rights, and who are anxious for our, as well as their own, happiness.

Inhabitants of *Cera*, of Maranham, and of the rich *Para*, possessors of those beautiful northern provinces, come sign to the act of our emancipation, that we may see you incorporated in the great political society. Brazilians, in general! Friends, let us unite ourselves; I am your companion, I am your defender; let us obtain, as the only reward of all our toils, the honor, glory and prosperity of Brazil; for the accomplishment of which, I shall always be at your front, in the most dangerous places. Permit me to convince you that your felicity depends on mine. It is my glory to rule an upright, valiant and free people. Give me the example of your virtues, and of your union, and be assured that I shall be worthy of you.

In the palace of the Rio Janeiro, on the first day of August, 1822.

(Signed)

PRINCE REGENT.

Mexican Papers.

The following documents may serve to indicate the present condition of this country, and require an insertion in this work for reference:

ROYAL PROCLAMATION.

Whilst in every quarter it was rumoured that a conspiracy was ready to break out threatening to throw the country into the stormy sea of anarchy, good citizens, contemplating with astonishment the apparent indifference in which the government maintained itself, censured as inactive or dissembled a conduct, which sought its justification in that very slowness and delay of its proceedings. The wick-

ed, at the same time, hastened their measures, and believing their horrible triumph secured by the lenity and excessive indulgence of the government, were on the point of displaying their bloody standard of sedition, and delivering up the state to the tumultuous shock of all the passions. They were united only in that, and discordant in every other part of their plans; some wishing to realize chimerical ideas of republicanism, and others to place the sceptre in foreign hands in order to hurl from the throne the person who had been called to occupy it by the free votes of the people.

It would be impossible to calculate the enormous evils, which this opposition of interests among the discontented would produce in the great mass of the people if suffered to be longer exposed to the contagious breath of irreconcilable and inimical factions. In such circumstances, the government, responsible for the security and repose of the nation, found itself under the necessity of applying those remedies pointed out by the nature of the evil itself, and last night proceeded to take steps against the individuals whom public opinion and circumstantial evidence designate as the authors or agents of the revolution; but this measure, of which even these who provoked it cannot complain, insures public order, which would have been compromised by further impunity; and if among those implicated are found some of the deputies of our august congress, sensible and impartial men will be convinced that the government, impelled by imperious necessity for the salvation of the state, has no design against the national representation.

The constitutional representative system is the most suitable for the country, and the emperor, who has sworn to die in its defence, and who has given so many proofs of his adhesion to this form of government, will lose no opportunity of repeating them, and of evincing that he aspires only to preserve uninjured the rights of the people, which can have no guarantee amidst the convulsions of anarchy.

Under this impression, he wishes that all the citizens, informed of the motives which gave rise to last night's proceedings, may live happy and secure, while his majesty watches over their preservation and tranquility, which, by the special favor of Providence, remain undisturbed. And by his order I communicate it to your excellency that, by publishing it in the usual manner, the surprise which always results from exaggerated and incorrect statements may be avoided.

God preserve your excellency many years.

HERREDA.

Mexico, August 27th, 1822.

REPUBLICAN PROCLAMATION.

To the inhabitants of *Anahuac*.

CITIZENS! COUNTRYMEN! A man who has always worn the livery of despotism, and who has gloried in it in the face of the world—by immolating many victims of his compatriots, assassinated by his hand and by his orders, might blind us for a moment, when, pretending to follow the banner of liberty, he proclaimed our independence. But now the veil is rent, and the illusion has disappeared forever. From the moment that the subtle and capricious author of the plan of *Iguala* and treaties of *Cordova* was seen to concentrate in his person and family, all the interests of the country and the fruit of past sacrifices of his well deserving sons; when, with an impudence without example in history, violating physically and morally the august national congress, we have seen him arrogate to

himself the imperial diadem of Anahuac, and finally when, with a paricidal hand he has seized the bar of iron, to establish an *hereditary dominion* in the 19th century over the same empire which was governed in the 15th with a sceptre of gold and flowers, by the generous and unfortunate elective emperor MONTÉZUMA; from that period, I say, the hearts of the sons of liberty ought to beat with indignation, and their arms should be stretched out to seize the naked steel, to rouse our fellow-citizens from their fatal lethargy, and our beloved country from its present abjection and abasement. And their hearts have already leaped, do not doubt, fellow-citizens; and their arms are already extended, and the patriotic ardor has spread even to the anti-chambers of the tyrant's palace. His real followers are few, vile slaves, and for the most part foreigners; his soldiers are either hirelings, or have already served in our ranks and have shed their blood under the banner of liberty. Draw together companions, and besides our bayonets let us use our arms to fraternally embrace each other.

MEXICANS: I aspire to nothing personal; you know it; if the ambition of honors had occupied my heart, nothing would have been easier than to see myself loaded with the most pompous which the tyrant could bestow in the *gotic fame* of his coronation. I propose no plans upon the form or basis of government which we must have to govern us—the first cry of all the people of our continent upon rising against the oppression of Spain, except him of Iguala, was for a *republic*; but I do not believe myself sufficiently the organ of the nation to fix it. But for liberty I do; that I proclaim in the face of the universe, persuaded that I shall find no man so degraded as to resist it. The tyrant himself, although falsely, has vociferated it without intermission. Liberty, then, is that which sustains our arms—above all, liberty for the august congress. The fundamental laws of the nation are not to be dictated by acclamation, nor by the point of the bayonet. The city of Puebla shall be henceforward the residence of the government, where, by the first of October next, the deputies of the provinces, who have or may then abandon the capital, shall meet, until it shall be free from the tyranny which oppresses and degrades it; the general congress shall assemble there without any other garrison or escort than what they may point out.

CITIZENS, COUNTRYMEN!—The standard of liberty is raised; there can be no peace nor treaties with any kind of tyranny. If you assist me, this handful of heroes are sufficient to fix it forever in our country. Follow us, Mexicans; and I, for the first, swear, by the most sacred oath which exists, that the arms shall never leave my hands but with one of those extremes, *liberty or death*.—Jalapa, 1st August, 1822. Your fellow-citizen,

GUADALOUPE VICTORIA.

CHRONICLE.

Naval. The keel of a ship to carry 120 guns, we are told, is about to be laid at Philadelphia. She is to be built under the especial care of captain Bainbridge.

The U. S. schooner *Porpoise* arrived at Charleston on the 14th inst. after a long and active cruise in the West India seas. Lieut. com. Ramage is said to possess irresistible evidence of the piratical character of the Palmyra, lately released at Charleston, though not yet departed from that port.

Pennsylvania. The following gentlemen have been elected members of the 18th congress—the eight last named are fed ralists:

Daniel H. Miller, Samuel D. Ingham, Thomas J. Rogers, Philip S. Markley, James S. Mitchell, John Findlay, James Wilson, Daniel Udree, Henry Wilson, Andrew Stewart, T. Patterson, John Brown, Patrick Farrelly, John Tod, George Plumer, Robert Harris, Samuel McKean, George Kreamer, Samuel Breck, Joseph Hemphill, Samuel Edwards, James Buchanan, Isaac Wayne, W. Cox Ellis, Walter Forward, J. Allison.

Georgia. It is stated in the Washington Gazette, that Col. Hammond, after legal investigation, has been restored to the office of secretary of the state of Georgia.

Singular longevity. Henry Brown, now living in Pennsylvania, was born in January, 1686. His father was a negro, his mother an Indian. He was a slave 70 years, and has been a freeman 58 years. He was a soldier at Ohio in Braddock's defeat, in 1755, then aged 59 years. He is now in his 129th year; has long, straight, black hair; walks about, and enjoys tolerably good health. He never married, and begins to think it too late. He wants to die, but is afraid he never shall.

Mrs. Gowing, a widow lady, of Jaffrey, N. H. on the 8th ult. being then 83 years old, had the pleasure of seeing at her own table her eight sons and four daughters, and their wives and husbands, except two—all in health and prosperity. The account adds—"Few, with her, can say, they have seen, of 26 children, 81 grand children and 3 great grand children, (in all 110)—88 yet living and prosperous."

Died, at Lebanon, Con. Miss Hepzibah Strong, aged 67. When a blooming girl of 19, and on the eve of being married, she received a fall and injured the spiral marrow, and, for the space of 48 years, never walked, or was able to raise her head from the pillow—most of the time also unable to bear the least noise or light.

RAPID WORK. From the [N. Y.] *Steuben & Allegany Patriot*, of Oct. 10. Gen. McClure made a bet of 50 dollars that he would take wool in the fleece and manufacture a suit of satinet cloth in ten hours. The bet was decided last Saturday in his favor, having completed the suit and put them on in 8 hours and 45 minutes. The color was a blue mixture; the wool was colored in 55 minutes; carded, spun and wove in 2 hours and 25 minutes; filled, knapped, dried, sheared and dressed in 1 hour and 56 minutes; carried, in four minutes, three quarters of a mile to Mr. Gilmore's tailor shop, who, with the assistance of seven hands, completed the coat, jacket and overalls in 3 hours and 45 minutes; there was a half yard of the cloth left, being, in the whole, 8½ yards, and of such quality as was estimated to be worth one dollar per yard. The general offers to double the bet that he will make a better suit in less than eight hours—and dares the advocates of John Bull's manufactures to take him up.

There was a great collection of people assembled on the occasion. Col. Bernard, with the officers, commissioned and non-commissioned, of his regiment, a full band of music, and many citizens escorted the general from the village to the factory, when, after partaking of this worthy citizen's usual liberality, the procession returned to the village, the air resounding with many hearty cheers.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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HEALTH. We are truly glad to see it announced in the New-York papers, that the calamity which lately afflicted that city has ceased. The statement of the board of health computes but six cases which could not be traced to the west and south of Fulton street, and but two cases that have not been traced to that part of the city included within the bounds of Catherine, Banker and Pike streets and the river. Is it possible that better evidence than this could be furnished of the *locality* of the disease—that it was not *contagious*?

The whole amount of cases reported was 401; of deaths 230.

To give an idea of the desolation of part of New York, we copy the following from the "Statesman:" "We have seen green beans at Mr. Bruce's store, which were plucked this morning, by one of the watchmen, from vines growing in Liberty-street, which had not been touched by the frost. Mr. Bruce has some muskmelons, of from two to three inches in length, which grew upon the pavements in Greenwich-street! The beans, which are about three inches in length, grew also in the street, and, as in the case of the muskmelons, are the product of seed thrown out by the inhabitants before they were driven thence by the pestilence, and which took root in the scanty soil between the paving stones. What a striking evidence is this of the utter desertion of that part of the city by all human beings and domestic animals! And what a picture of desolation and gloom does it exhibit!"

Those who had left their homes on "the Point," in this city, have generally returned. It appears every where, as yet, that the yellow fever always gives way to a heavy frost, and this also shews that its elements are in the atmosphere—not in persons or goods.

At the date of our last accounts, the angel of death had not stayed his arm at New Orleans—the cases of fever were rather increasing. In Pensacola, the disease had nearly stopped for the want of subjects; the people, generally, having abandoned the place or perished in it: but cases were occurring among those who had fled to the neighboring parts of the country,—and the editor hereof has just received intelligence of the decease of his second son, SAMUEL NILES, at the Barrancas, on the 6th ult. aged 22 years—a well-informed and accomplished young man, who promised to fulfil the best hopes of his now mourning parents. He had been in Pensacola only a few hours on his first arrival, and proceeded to the Barrancas, where he was attacked by the fever—a letter from thence announced that he was the fourth person who had *recovered*; but it seems that he relapsed and departed, after an illness of about four weeks.

THE NAVY. Some friend has sent us a ponderous pamphlet of 104 octavo pages, being an account of the "trial of capt. John Shaw, by the general court martial," held on board the U. S. ship Independence, at Charlestown, Mass. in March last; printed at Washington, "from the official record on file in the navy department;"—to which there is an appendix "subjoined by capt. John Shaw."

We have not waded through this *weighty* exhibit, and perhaps never shall. But opening the book by

accident, we were struck with the words "*much injury to the service generally*," at the top of page 93, being a part of the appendix. This attracted attention, as having immediate bearing on a matter that has become almost *disgusting* of late—the frequency and great waste of money on courts martial and courts of inquiry about the conduct of naval officers. It is part of a letter from capt. Sinclair to capt. Shaw—and the whole of the pointed sentence is to express his regret at the difference that had happened, "*as those feuds among ourselves tend very much to the injury of the service.*" Capt. Sinclair is right—the service is materially injured by it, and the people are *worried* by such doings. They have book after book about these things, and are even threatened with two heavy octavo volumes to contain an account of a proceeding just brought to a close! This is too much!—but it encourages the consumption of rags and employs printers—so we ought not to complain of it!—yet we lose what is much more valuable—the renown, perhaps even the *efficiency* of the navy. These belong to the nation, they are the "main brace" of the establishment; and, if the officers by their "feuds among themselves" destroy them, down it will go and they with it, great and meritorious as may have been their services. The American people are a quiet people; and, above all things, they dislike that the officers cherished and supported by them, should be engaged in any kind of fighting but such as the law designates against the enemies of the republic. There may, or may not, have been cause for the late trials and investigations—they are too tedious, too *large*, for any soberly disposed and disinterested person to examine, that he may form an opinion "from a view of the whole ground;" but this is certain, that, if there is not less of such proceedings, there will be less subjects to give rise to them hereafter: the establishment will be *ruined*. The people will not be taxed because those paid and supported by them wrangle with one another: we do not pay them for *that*. I venture to say that the people will not.

INSOLVENTS. The (Philadelphia) Democratic Press, of the 19th inst. says—"At the present insolvent court for the city and county of Philadelphia, there were 303 applicants, of whom fifty-one were opposed, the remaining two hundred and fifty-two are either discharged or are discharging without opposition."

So it is, or has been, in all our large cities. At Boston, during the months of May, June and July last, about one hundred *capital* failures took place, whose aggregate amount was estimated at from 3 to \$4,000,000! Other cities have had equally perilous times, and some of them have suffered more—"but the end is not yet." The fiery trial will be felt when the great amount of goods imported in the present year, with the duties upon them, are to be paid for. Then we shall have a *smashing*—a tumbling down of the lofty, the ruin of honest but imprudent men, and the triumph of the base—who *calculate* on relief by the insolvent laws as a part of their means of supporting themselves in indecent profligacy and waste. The latter, unapplying, make so large a portion of the people in all our

large cities, as to form societies of their own—to fill the ball-rooms and the theatres, and overflow with quantities for dinner and tea-parties, whereat, seemingly, the sweat and blood of the poor chiefly go into the formation of what they riot upon. At the most *fashionable* places, you may find men sporting with their families, who ought to be occupied in sawing stone or making nails in the penitentiary. These are the fellows who dash through the law, intended for the relief of honest men—who, not being able to do or to swear *any* thing, oftentimes find the operation most difficult, unless they have been very circumspect with their accounts—for they cannot *make* accounts to suit the occasion!

The fluctuations of commerce and of dealing-men in our country, especially those whose business has been in foreign products or with foreigners, should teach us wisdom. It may be easily believed that one half of the whole number of these, become bankrupts in every period of ten years. Their succession is more like the *perpetual motion* than any thing that Redhæller thought of! Mr. Carey, in his late admirable pamphlet, says, "I have in my possession a list of the signers to a policy of insurance drawn in Philadelphia in 1799, amounting to *thirty-seven*, all merchants of high standing, of whom *twenty-seven* subsequently became bankrupt." I have lately examined an exhibit of the duplicate flags kept at the Baltimore observatory, made out less than *four* years ago, which shews the flags and names of about 54 persons or houses, who were engaged as ship owners in foreign trade and importers, of whom twenty four have since become bankrupts, and some of them, I am sure, honestly so. It is stated, that a venerable and very wealthy merchant, lately deceased, not long ago counted up *ninety-nine* persons, or houses, who had maintained a *high* standing in Baltimore and failed during his time. A like sweeping has taken place among the second hand dealers in *imported* goods—the wholesale or retail store or shop-keepers. Let a man pass through the whole length of Market street, and point out how many of the present occupants of the houses were in the same business ten years ago, and cail to mind the mutations that have happened during that period: as a contrast for these, let him look to those who were engaged as manufacturers or mechanics and dealers in the products or labor of *our own country*, and he will not find many of them missing, except by deaths or removals, unless they had abandoned their old businesses. These are plain sense remarks, and must come home to the feelings of every man who reads them. They require no further comment than simply to say, that private happiness and the public good—common honesty and the general prosperity, cannot be sustained but by a reliance on ourselves for the main supply of our own wants. Under the present wild state of things, the government is one year *disgraced* for the want of money; in the next, the treasury overflows. So individuals, to day are riding in their coaches and *commanding the banks*; in a week, they are not rightful owners of a wheelbarrow, and the banks regard them as defunct. This is the fate of most of the *speculators* in cotton and tobacco, &c. I have heard of many, and myself have known some, whose wealth, estimated at 2 or 300,000 dollars, was melted down to nothing by a small breeze of wind that wafted a ship from Liverpool to a port of the United States, with intelligence from *abroad*. Yet pursuits that produce effects like these, are they only that are *protected* by government—because it is deemed most expedient to *deceive* the people into the payment of taxes for its support;

perhaps that they may not too rigidly enquire into what has become of their money.

DISTANCE—*what is it?* In noticing the progress of improvement, we have many times asked this question. New York and Norfolk are now brought within *forty eight hours* journey of each other, by means of a steam brig that plies with passengers and freight between them. We shall soon have *Oliver Evans'* ideas of steam wagons realized, when a trip to Pittsburg will be only a little excursion—the mighty ridges of the Alleghanies being sunk by the pressure of scientific power! Over the water and over the earth—when shall we travel in the air, as we will it? By steam?—we know not; but dare not say what is *impossible* in respect to it.

FOREIGN CONSULS. The president of the United States has recognized John Vaughan, esq. as vice consul at Philadelphia; John Peter Prading, esq. as vice consul for the states of Maine, New Hampshire, Massachusetts and Rhode Island; and James E. Burrill, esq. as vice consul at New Orleans—all for "his majesty the king of Sweden and Norway." And Don Louis Depau, as vice consul, for "his catholic majesty" for North and South Carolina.

THE PIRATES OF CUBA. To rouse the public attention to the subject, as well as to preserve some account of the horrible proceedings and wide desolations of these pirates, we have thought it right frequently to notice their conduct. The period of the last week furnishes us with several terrible narrations of their excesses, in beating and abusing persons, nearly to the loss of life, the carrying off whatsoever they pleased and destroying whatever they would. Vessels of all nations are equally their game—their only enquiry is for valuable property, especially money—and they stab, shoot or drown persons to get a knowledge of it, if on board those so unlucky as to fall into their power. They often leave nothing to the poor mariners but the clothes they stand in, sometimes even taking off their hats and shoes. The British brig *Industry*, of Montego bay, Jamaica, is among those lately plundered—the chief of the pirates was an Englishman, who happened to be known by the captain, but the wretch disavowed such knowledge—they stabbed and beat with their swords the captain and crew of the *Industry*, made them tow their vessel in chase of another, which they captured, and behaved in the most savage manner, in every possible way, except that they did not commit actual murder. These fellows, at the same time, had possession of a Dutch ship, an American brig, and English sloop. We hope that these things will rouse other nations to act with us on this pressing occasion. The whole trade of the gulf, as it were, is at the mercy of this band of robbers and assassins.

We have some further accounts of the late success of the U. S. ship *Peacock*, capt. Cassin. On the 1st of October, off the bay of Honda, she fell in with the British government schooner *Speedwell*, lieutenant Geary, who was attacked by a little fleet of pirates, and, perhaps, would have been taken, unless for her aid. Capt. C. and his officers and crew succeeded in the capture of four piratical schooners and 23 men; the rest reached the shore and fled to the woods. The two other schooners, the rest of the fleet, were run ashore and fired by the pirates. One of these vessels was carried to Havana, where she was recognized as just before having belonged to a merchant of that port—by

whom she was ransomed; the three others, with the prisoners, were sent to New-Orleans.

ALABAMA. No less than 45,423 bales of cotton were exported from Mobile and Blakely in the year ending on the 30th September last, and there remained 840 bales in store. A few years ago, there was hardly one bale exported from either of those places; and the product of next year may be 90,000 bales; for the means of raising the commodity are powerfully increased, in every respect. The cotton-growing lands of this world are adequate to the supply of many other such worlds with that valuable article, *if* they wanted it, and *if* we would send it to them. The consumption has been pushed nearly to its ultimate, on account of the facility with which it is manufactured, so far as *our own* trading world is concerned; but the amount of its production, has not reached the hundredth part of what it might arrive at, under *present* means of labor and subsistence, if the surpluses were applied thereto.

The expected increase of the product of cotton in Alabama, may be esteemed from the fact, that a fire proof warehouse, to be capable of containing 8,000 bales, to be provided with two horse presses, on the most improved plan, and one powerful by draulic press, is now building at Mobile. The crop of the present year, it is believed, will greatly exceed that of the last season.

"A risu stou!" It seems that the pope, yielding to the reason and fitness of things, as a good man always should do, has granted to the Catholics of Portugal and Brazil the liberty of eating meat all the year, except on Fridays, during Lent, and a few of the principal holidays—*if they please to cat it*. The decree is to have force for the period of six years. This has given cause to the following right grave and merry article in a Halifax (Nova Scotia) paper, called the "Free Press." It really *stinks* "of the shop," and is quite laughable, as coming from a protestant of any persuasion:

"It appears from the Newfoundland papers, that fish, to the value of about 200,000*l.* have been shipped from that island to the ports of Lisbon, Alicante, Genoa, Naples and Leghorn. And the bull of the pope, which, it is stated, has been issued, has evidently for its *object* to injure the trade of Great Britain in *that article*. That such will be the effect is very much to be doubted—prohibitory laws alone will prevent the Roman Catholic population of the South of Europe from consuming a description of food to which they have been long accustomed, and which affords them a frugal and wholesome meal. And his holiness may discover, at the expiration of six years, that the *light of reason*, and the fair exercise of the *human understanding*, will render unavailing any farther decrees upon the subject; and that, by endeavoring to injure a nation who has befriended the world, he has injured the cause of that church over which he has been elected to preside!"

LIBERAL BEQUESTS. Mr. Abraham Turo, a jew, of Boston, at which place he was a respectable merchant, lately died, and made the following bequests—to the Massachusetts general hospital 10,000 dollars; to the synagogue at New York 10,000; to the same at Newport 15,000; to the Boston female asylum, the asylum for indigent boys and the humane society 5000 each—in all 50,000 dollars. Mr. Obadiah Brown, a Quaker, of Providence, and extensively engaged in the cotton manufactory, left 3000 dollars to the Friends yearly meeting board-school, to become 6000 on the decease of his widow;

an annuity of 1200 dollars, under charge of a committee, for the printing and dissemination of useful books for the promulgation of the gospel; small annuities to several religious congregations, baptists, &c. 1000 to the Rhode Island bible society, 500 to the peace society.

SINGULAR TOAST—drank at Washington, Geo.—"Wm. Lowndes, our next vice president—and afterwards the successor of Mr. Crawford."

We are sorry to find, in another paper, that the state of Mr. Lowndes' health is such that he has been advised to spend the ensuing winter in the south of France, for which he has embarked.

LIBEL SUIT. The trial of the action brought by captain Isaac Hull against Mr. Joseph Ingersoll, of Boston, for an alleged libel in the Boston Patriot, was concluded on Tuesday, last week. The cause was given to the jury about two o'clock, when the court adjourned. At nine o'clock on Wednesday, the jury brought in a verdict of five hundred dollars damages for the plaintiff.

IRELAND. We have an account of the trial of the "real captain Rock," for the murder of a young gentleman named Hoskins. The wretched man, wearied with blood, gave himself up and plead guilty. Murder, he confessed, was committed for "hire," without enmity to the individual to be slain; and this account shews that, when the victim was on his knees begging for mercy, one of the party fired a pistol "down through his body." The frequency of these things is appalling—and, if we could believe that the wretched state of the people was not produced by the tyranny and neglect of their government, we should say that Ireland was the best field for British missionaries in the world—but they wish to go further from home. The Irish are a noble, kind-hearted people—faithful to their friends, but indiscriminate in their resentments; easily won by kindness, and led by their feeling to the noblest or basest of deeds: the fittest of all people, perhaps, to be led from semi-barbarism to the light and benefits of the gospel, teaching forbearance and the performance of good offices, one to another. We speak of that class which is denominated the peasantry, who have no interest or lot in the welfare of the state, conditioned as they are—kept down by physical force, and resisting it by all the means, and any means, within the scope of their intellectual powers or personal strength.

SPAIN. We have given our opinions freely of the priesthood of Spain, seeking to deluge the country with blood in a civil war, to defend the religion of the PRINCE OF PEACE! We record the following as one of the proclamations issued by these miserable men to excite their brethren to murder their fellows. Comment is not necessary upon it—

"*Navarrese!*—The insults suffered by our holy religion, which is publicly outraged by the arms of the liberals, excite terror. The proclaimers of the most perfidious of men cry aloud—"Down with a religion! the devil forever." ("*Muera la religion! y viva el demonio.*")

"The soldiers of the royal army will bear testimony to the truth. The people of Erro and Viscarete deplore the profanation of their churches and the sacrilegious robbery of the sacred utensils, caused by these Vandals of Spain.

"The dreadful violation of Artajona and Anorbe, the pillage of Vidangos, Azcona, Sturgoyca, Valle de Erro, and many other places; the assassination

of the innocent people of Munain and Puente, who were put to death without being allowed the spiritual comfort of penitence, are authentic proofs of the *atheism* that inspires them. And, in sight of all this, will one of you hesitate a moment to take part with us? The hour of struggle is come, and those who do not issue forth to the combat will not be worthy to retain the names of Catholics, of Spaniards, and Navarrese. The *standard of the faith* is unfurled; and the banners of the king are every where displayed. Hasten, then, to join them; and, bravely fighting for our captive king, Ferdinand, this faction of *impious republicans* will instantly vanish, who endeavor to deprive us at once of *eternal felicity* and of temporal happiness, by plunging us into an abyss of incalculable evils. Unite, without delay, and you will give to Spain a day of glory and renown, which will descend to the latest posterity, with the immortal names of those who have defended, at the hazard of their lives, the *cause of God*, of the king, and of the country.

“Given in the palace of the government at Ochagavia, the 16th of August, 1822.”

(Signed) JUAQUIN LACARRA,
President, *ad interim*.
JOSE JUAQUIN DE MELIDA.
MANUEL DE URIZ.
FRANCIS BENITO DE ERASO.”

TREATY OF CHATILLON. In our last paper, page 115, we gave some extracts from this treaty, signed by two famous British ministerial lords, Aberdeen and Cathcart, and the no less famous whipper-in and supervisor of the “holy alliance,” lieutenant general Charles Stewart, in which *Napoleon was acknowledged as emperor of France*. In every word that we have spoken, and in every line we have written, we have considered that man as having been an usurper of the *rights of the people*, but not as one of the *throne of France*: but as to this, the people of France appeared to differ with us—and we indulged them, (out of our great goodness), with doing as they thought best for themselves, though not pleasing to us!—Yet the British afterwards called him “general,” notwithstanding they had “legitimized” the old French serjeant Bernadotte as king of Sweden, though placed on the throne of that country by the force of the influence of this said Napoleon! So much for the *consistency* of the proceedings in respect to him.

The following article, in relation to that treaty, appears, editorially, in the *Federal Gazette* of Tuesday last, and it is of much interest in the history of that extraordinary man:

“This is a circumstance connected with this treaty of Chatillon, by which all the allies were so willing to acknowledge Napoleon as emperor of France, little, if at all, known to the public, but which we shall now state on good authority. Caulincourt, duke of Vicenza, was the minister on the part of the French emperor, who met and treated with those whose names are signed above,* and when the duke presented the treaty to him for his approval, Napoleon exclaimed, “*take it away, I never treat with my prisoners!*” It was at this moment he made that great movement, throwing himself into the rear of the allies, and placing them between the French army and Paris, by which, as Sir Robert Wilson said, “he should have gained, but lost an

*Aberdeen, Cathcart, le comte de Ragoumowski, Humboldt, le comte de Stadion, Charles Stewart—the British, Russian, Austrian and Prussian ministers, on the occasion.

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empire.” So certain was he of capturing by that movement, that he rejected the treaty of Chatillon, which secured to him the imperial throne of France, but contained some restriction as to territory, to which he would not asscede. Had it not been for the treachery of *Marmont* and others in and before Paris, it is the opinion of the ablest military men in Europe, that Napoleon must have completely succeeded in his object.”

“**HOLY ALLIANCE.**” The abbe de Pradt, in an article in the *Constitutionnel*, on the approaching congress, says, “I should as soon think of having the affairs of St. Domingo settled by a congress formed altogether of whites. In truth, I know not why princes and ministers should give themselves the trouble of quitting their homes, for they know before hand all that they can say to each other, and what they have to decide. The 7th of July of Madrid has disturbed and dislocated the whole of the political machine of Europe. The cabinets are off their hinges, and the congress will not set them to rights. They had made their arrangements for one thing; another has taken place. They reckoned on Spain being counter revolutionized, and now it is more revolutionized than ever, and less manageable than formerly. The events which may take place every day in Spain may well derange all the plans formed in the first moment. Spain is too far from the place where she forms the subject of consideration; it requires too much time to act. Oh! but this Spain is an embarrassing country! With her it may be necessary to digest what cannot be devoured. The announcement of the congress has excited the warlike propensities of many. May it be permitted to represent to those warlike personages, that war is carried on with the *blood of men*, and the *money of the people*, that the assailants being only able to enter by Catalonia, would have to *take the bull by the horns*, and must commence by a great number of sieges; that Napoleon began by occupying Figueras, Barcelona, Pampeluna, and other places; that the holy alliance has very little money; and that the first match would set fire to their paper edifices!”

PORTO RICO PRIVATEERS. Extract of a letter dated 29th September, from one of the officers of the John Adams, capt. Renshaw, off St. John's, Porto Rico, to his friend in Richmond, Va.

“We arrived here after a passage of 39 days from Norfolk; officers and crew in good health.

“It appears the object of our visit here was to make some inquiries in relation to the captures of American vessels by Spanish cruisers, supposed to have been connived at by the Spanish government. Captain Renshaw has had an interview with the governor on the subject; the result of which is, that such a supposition is without foundation; and that those privateers have been fitted out by private individuals; and that if any American vessel is taken by their cruisers in future, and brought into this port, retribution shall be made to the owners, and a reasonable sum paid by the captors for their detention. In case any of these privateers are taken by our men of war, they shall be considered lawful captures, and taken to the United States for trial. Our captain was much pleased with this satisfactory and amicable settlement; and, as the object of our visit is attained, we shall sail this afternoon or tomorrow for Laguna.”

A CALICO PRINTER. It is mentioned in a late London paper, that Sir Robert Peel, the father of Mr.

Peel, is possessed of property to the amount of a million or two in value. His origin in life was very humble: he became possessed of a calico printing establishment, at Bury, near Manchester, and subsequently established others. During many years of the war with France, Sir Robert had this branch of the business so much to himself that he earned 100,000 guineas per annum.

This "Mr Peel," son of "Sir Robert," is now so great a man as to have been spoken of as a probable successor of lord Castlereagh—he fills one of the first offices in the state, though his father was a calico printer!

FORGERY. The *Democratic Press* says—A legal friend has suggested that he knows no case in which the counterfeiting of a private mark is regarded as forgery. He made the remark after having taken the trouble to look into the subject; he therefore suggests, for the better protection of *American manufactures*, that it may be necessary to have some cheap *public* stamp affixed to them, to guard against frauds, and enable the manufacturer or the government to prosecute for forgery. Those hints, at this time, are thrown out to induce the manufacturers to associate, to consult together, and digest some plan to protect themselves and their country from imposition. They should be up and doing. All our cities have their chambers of commerce, and why not their committees of manufactures?

SENATE OF THE U. S. The period of service of the following senators of the United States will expire on the third of March next.

- New Hampshire*—David L. Morrill.
- Massachusetts*—James Lloyd, who has been recently elected for the balance of Mr. Otis' term.
- Rhode Island*—Nehemiah R. Knight.
- New Jersey*—Mahlon Dickerson.
- Delaware*—Nicholas Van Dyke.
- Virginia*—James Pleasants.
- North Carolina*—Montford Stokes.
- South Carolina*—William Smith.
- Georgia*—Nicholas Ware.
- Kentucky*—Richard M. Johnson.
- Tennessee*—John Williams.
- Louisiana*—Henry Johnson.
- Mississippi*—Thomas H. Williams.
- Illinois*—Jesse B. Thomas.
- Alabama*—William R. King.
- Maine*—John Chandler.

One vacancy in Maryland, by the death of Mr. Pinkney.

Governor Bell, of New-Hampshire, has been elected the successor of Mr. Morrill.

MEXICO. The *coinage* in the mint of Mexico, from 1802 to 1821, amounted in

Gold	to	16,684,223 dollars.
Silver	to	286,292 811
Copper	in 1814-15-16-21	342 893

The *products of the mines* of Mexico, in gold and silver, and coined, from 1690 to 1803, inclusive, amounted to \$1,353,452,020: Silver drawn from the mines of Mexico, from 1690 to 1800, amounted to 149,350,271 marks, or 98,008,212lbs. troy.

THE RETORT. *An historical fact.*—When Miss Ann Pitt, sister to the great William Pitt, after wards earl of Catham, received a pension from lord Bute, her brother wrote her a very angry note, saying "he never wished to live to see the name of Pitt and pension together." When the same Wil-

liam Pitt received a pension from the same lord Bute of three thousand pounds per annum, his sister sent him back his own letter.

MONEY. The following account of the expenses of a dinner given by the mayor of Norwich, Eng. in 1561, may be useful to shew us what is *value*, when compared with or regulated by amounts of *money*, put down in pounds or dollars; and, as affording a lesson to such as calculate things by their apparent cost—the great fault of those who pay no attention to public or private economy.

William Mingay, esq. mayor of the city of Norwich, his expenses for a dinner, at which he feasted the duke of Norfolk, &c. the lords, knights, and gentry of the county.

	s.	d.
Eight stone of beef 14 lbs. to the stone	5	4
Two collars of brawn	1	4
Four geese	1	2
Eight pints of butter	1	6
A fore quarter of veal	0	10
A hind quarter of do.	1	0
Leg of mutton	0	3
Loin of mutton and shoulder of veal	1	0
A breast and coat of mutton	0	7
Six plvers	1	0
Four brace of partridges	2	0
Four couple of rabbits	1	8
Two guinea pigs	1	0
Four couple of hens	2	0
Two couple of mullards	1	0
Thirty-four eggs	1	6
Two bushels of flour	1	6
Sixteen loaves of white bread	0	4
Eighteen wheaten bread	0	9
Three loaves mislen do.	0	3
One barrel double beer	2	6
One barrel small do.	1	0
One quarter of wood	2	2
Nutmegs, mace, cinnamon and greens	0	3
Four pounds of barberrys and sugar	1	6
Fruit and almonds	0	7
Sweet water and perfumes	0	4
Sixteen oranges	0	2
Two gallons of white wine and claret	2	0
One quart of sack	0	9
One quart of malmsey	0	5
One quart of bustard	0	3
One quart of muscadine	0	6

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A speech made by Johnny Martyn, of Norwich, a wealthy, honest man, after Mr. Mayor Mingay's dinner. Found in the collection of one Turner, of Lyn Regis:—

"Maister Mayor of Norwich, and it please your worship, you have feasted us like a king, God bless the queen's grace. We have fed plentifully, and now whilom I can speak plain English, I heartily thank you, master mayor, and so do we all; answer, boys, answer! your beer is pleasant and potent, and will soon catch us by the caput, and stop our manners. And so huzza for the queen's majesty's grace, and all her bonny brow'd dames of honor! Huzza for master mayor, and our good dame mayoress. His noble grace, there he is, God save him, and all his jolly company! To all our friends round county, who have a penny in their purse, and an English heart in their bodies, to keep out Spanish Dons, and papists with their faggots to burn our whiskers! Slove it about, turn your cap cases, handle your jugs, and huzza for master mayor, and his brethren their worships!"—*London paper.*

A DESPERATE FIGHT. The brig Patriot, of New York, Horace T. Jacobs, master, on her voyage from Port au Prince to New Orleans, on the 7th of September, being off Cape Antonio, and in a dead calm, was attacked by a piratical schooner of about 60 tons, with a crew of from 45 to 50 men. After noticing the approach of the enemy, we find the following account of the engagement in a New Orleans paper: "Capt. Jacobs then tacked to the south and eastward and hauled up the courses, and ordered preparations to be made for action, which was readily and unanimously obeyed; the universal good spirits which pervaded all hands, (consisting of ten men and a boy), were truly conspicuous. When the schooner was close under the stern, captain Jacobs hailed her, upon which she fired a whole volley of musketry into the brig—and we in return commenced upon the schooner by firing the stern gun, which was under the direction of Mr. Johnson, the chief mate, which, with the musketry, did great execution amongst them. This gun was however dismantled the 3d round, and our colors were shot away at the same time, upon which the schooner set up a terrible shout to board from the bowsprit end—her boarders were covered by an abundance of musketry, but notwithstanding their vast superiority they were very gallantly repulsed. She then set fire to the brig astern, by throwing fired wads in at the cabin windows and into the stern boat, which was happily extinguished without damage. She then made another attempt to board, but was equally unsuccessful. By this time her fire considerably abated, and we could perceive an almost clear deck on board of her, and that she manifested a willingness to get clear of us. She asked for quarters repeatedly, but it was suspected to be a trick, (and regarded as such), to get a sight of the people and knock them off. She had much difficulty in getting clear of the brig, as her jib-boom and some of her ropes forward had got foul of the brig's davis and the stern boat's bow. Seven men could only be counted on her deck with the glass when she was a half mile off. The brig's rigging and sails are very much cut up: Captain Jacobs was wounded in the head by a musket ball and is supposed to have fractured his skull. He died of a lockjaw and violent convulsive fits on the night of the 12th inst. He has left a wife who was on board in the action, to lament his loss: he had only been married a little more than three months. Mr. Johnson, chief mate, to whom reference has already been made, is the only surviving officer of the brig, and was wounded in the thigh by a musket ball. He is much to be praised for his good and persevering conduct. Mr. J. D. Walker, of New York, doing 2d mate's duty, was killed in the action.

The following persons, comprising the crew of the said brig, to wit: Robert Greenoh, Thomas Stanley, Robert Mins, Henry Wilson, alias John Cotton, Henry Brown, Wm. Brown and Jerry Dedon, are deserving of every encouragement for their intrepid conduct against so unequal a force, as well as their dutiful obedience throughout to Mr. Johnson, in bringing the brig hither.

SQUIRRELS. A letter from Chillicothe, gives the following account of the damage sustained by those little animals, the quantity of which almost exceeds belief—"As we passed through the country, from Dayton to Zanesville, it is impossible to describe the havoc and destruction, made by the grey and black squirrels. Whole fields of corn, from 5 to 10 acres, are said to be wholly destroyed—not an ear left. During a squirrel hunt of about a week, in

the neighboring towns about Columbus, the first part of this month, nearly twenty thousand were killed. The exact number, I think, was 19,626.— Hundreds were seen every day swimming the Great Miami, Mad river, Scioto, and other streams.— Children, from 6 to 10 years of age, would wade into the shallow water, before the squirrels reached the shore, and kill them with sticks. Many of them are fat, and fine eating—many families almost live upon them. We saw many little boys; and some men, with from ten to thirty, or forty on their backs. They seem to be almost as destructive as the locusts formerly were in Egypt. They have never before been known so numerous in this section of the country. It is supposed they swim to find mast, as the nuts are scarce in this quarter, and then attack the corn fields. They will probably occasion a scarcity in many places."

ELECTION OF PRESIDENT. From the *Richmond Enquirer*. The 68th No. of the *Federalist* treats of "the mode of appointment" of the president. I do not mean to disparage the almost unqualified eulogium which the writer passes upon this part of the constitution; for he contends that "it unites, in an eminent degree, all the advantages, the union of which was most to be wished for." The following are the *desiderata* which he enumerates:

"It was desirable that the *sense* of the people should operate in the choice of the person to whom so important a trust was to be confided."

"It was equally desirable that the immediate election should be made by men *most capable* of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation and to a judicious combination of all the reasons and inducements that were proper to govern their choice."

"It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder."

"Nothing was more to be desired, than that every practicable obstacle should be opposed to *cabal, intrigue and corruption*."—"They have not made the appointment of the president to depend on pre-existing bodies of men, who might be tampered with beforehand to prostitute their votes; but they have referred it, in the first instance, to an immediate act of the people of America, to be exerted in the choice of persons, for the temporary and sole purpose of making the appointment. And they have excluded from eligibility to this trust, all those who, from situation, might be suspected of too great devotion to the president in office. No senator, representative, or other person holding a place of trust or profit under the U. States, can be of the number of the electors. Thus, without corrupting the body of the people, the immediate agents in the election will, at least, enter upon the task free from any sinister bias. Their transient existence and their detached situation, afford a satisfactory prospect of their continuing so, to the conclusion of it."

"Another, and no less important, desideratum was, that the executive should be *independent*, for his *continuance in office*, of all, but the people themselves. He might otherwise be tempted to sacrifice his duty to his complaisance for those whose favor was necessary to the duration of his official consequence."

"But, (continues the *Federalist*), as a *majority of votes might not always happen to centre in one man*, and as it might be unsafe to permit less than a majority to be conclusive, it is provided, that, in such a contingency, the house of representatives shall select out of the candidates, who shall have the

five" (reduced, by the amendment of the constitution, to three), "highest number of votes, the man who, in their opinion, may be best qualified for the office."

The Federalist fails at the very point where it was necessary to justify the constitution. Why was it requisite to appoint in the house of representatives, by a majority of *states*, and not of *members*? Why reduce New York, with 34 votes, to the same level with Delaware, which has only one vote? Is this the way to make the "majority conclusive?" to prevent "cabal and intrigue?"

Suppose a state of things which may occur—Occur? must it not inevitably occur at the next election, if so many candidates be held up, and there be no means, provided by the good sense of the people, to concentrate a majority of the votes upon one of them? Suppose then the election goes to the house of representatives.

I put out of view all the opportunities of corruption and of intrigue—all dangers of failing to make an election at all, but under the most tremendous sacrifices of private faith or public good—I will dismiss all these considerations and calculate only how far it is possible to trample on the will of the majority—in other words, what *few men* may give a chief magistrate to this union.

There are 260 electoral votes. Suppose no man receives as many as 131—Then the election is made by the H of R. They vote by states.

There are 24 states—13 a majority.

Now Missouri has	1	R.—majority	1
Illinois	1	—	1
Mississippi	1	—	1
Delaware	1	—	1
Alabama	2	—	2
Rhode Island	2	—	2
Indiana	3	—	2
Louisiana	3	—	2
Vermont	5	—	3
New Jersey	6	—	4
Connecticut	6	—	4
N. Hampshire	6	—	4
Maine	7	—	4
			—
			31

Thus, it seems, that by possibility 31 representatives only may give a president to the union. Substitute S. Carolina or Tennessee for Maine, then 32 may become the majority. In other words, we can conceive of a variety of combinations by which an extremely small minority may be "conclusive."

I confess I start at this conclusion only—without throwing in any risks, perils, cabals or corruption.

From these consequences, I trust we may be saved, by uniting in some fair and constitutional mode in favor of some man, so as to secure him a majority of the electoral votes.

CALCULATOR.

DR. BRONAUGH. We have already mentioned the decease of this gentleman at Pensacola on the 1st of Sept. The following are the resolutions of the council, with the remarks of Mr. *White*, in announcing the deplorable event.

Mr. *Chairman*, It has become my painful duty to announce to the legislative council, the melancholy intelligence of the death of our much respected friend and president, doctor J. C. Bronaugh, who, in the charitable office of interposing his medical skill to arrest the progress of a violent epidemic, which was spreading death and desolation around it, has himself fallen a victim to its destructive fury. I shall not attempt to paint the emotions which this distressing occurrence has produced in

my own mind; language is incompetent to their expression.

"But a few days since, our friend was associated with us in the labors of giving to this territory a system of laws, in all the pride of life and vigor of intellect; endeared to us not only as a constituent member of our council, but as a companion conspicuous for his social virtues, and distinguished for those sentiments of honor which adorn the human character, and give to intrepidity and talent an elevation far above the schemes of faction, or machinations of intrigue. His noble soul disclaimed the duplicity which governs ordinary politicians; Exempt from every vicious and visionary passion, he was frank, sincere, generous, and brave; his cheek of innocence never was crimsoned by the blush of guilt; he accompanied the illustrious defenders of our country in the north, and in the south, wherever patriotism invited, and his country's security required, a bold and daring enterprise, to awe back the savage to his native wilderness, or repel the lawless foot of British depredation.

"The loss of such a citizen, Mr. Chairman, is to be regretted as a most serious calamity to our territory, and indeed to the whole United States; for, in times of difficulty and danger, the eye with pleasure and confidence is directed to such men, as the guardians of our rights, and the defenders of our country. With the most flattering prospects of extending the sphere of his usefulness to our territory, as a delegate in congress, he has been sacrificed by the iron grasp of death, which no virtue can prevent, or bravery avert. His body is deposited in the cold chamber of the grave; but his memory will be embalmed in our hearts so long as we preserve a recollection of his virtues, and when all the busy scenes in which we are now engaged shall have passed away like the "baseless fabric of a vision." As a testimony of our regard, I move you, sir, that the following resolutions be adopted:

"Resolved, That the members of the legislative council wear crape, for sixty days, on the left arm, as a testimony of the respect they entertain for the memory of their much-esteemed friend and president, Dr. J. C. Bronaugh.

"Resolved, That the council now adjourn."

Unanimously adopted.

BATTLE OF NIAGARA. From the *Buffalo Patriot* of Oct. 15. The facts contained in the following article were furnished us by a gentleman who recently visited the battle ground.

During the late war with Great Britain, no action with the enemy added greater reputation to the American arms than the sanguinary conflict with some of the best disciplined troops of Europe, who were also superior in numbers to the Americans engaged. This battle was fought about half a mile below the cataract of Niagara, on the Canada shore, at a place called Lundy's lane, and about one mile below the place called Bridgewater, by all which names it has been designated. The Chippewa creek, near which another desperate and bloody battle was fought, is two miles above the Falls.

The British army occupied a position in Lundy's lane, with their artillery on an eminence, commanding the road, by which the Americans advanced, and all the adjacent country, within the range of cannon shot. From this position they were driven by the Americans, and their battery taken, at the point of the bayonet, by the troops led on by the gallant colonel Miller. Their battery was several times taken and retaken, during the battle, which

continued until near midnight; and in their charges the bayonets repeatedly met before the lines fired; and a great number were bayoneted at the field pieces; which finally remained undisputed in the hands of the Americans; who were, however, unable to remove them from the field, in consequence of the loss of all the horses, and the excessive fatigue of the troops.

On the morning after the battle the American army retreated towards Erie, and having no carriages, were obliged to leave their wounded and dead to the care of the enemy. To the wounded we are willing to believe the necessary attention was paid, but in disposing of the dead, a more expeditious method than usual was adopted. The bodies were stripped and dragged together into an immense pile, intermixed and covered with dry fence rails, and set on fire, which soon reduced them to a heap of ashes. To this mode of funeral no objection is made, as the hot weather and situation of the army would not admit of any other.—But, will it be credited, that among a christian people, this pile of human bones and ashes should remain uncovered until the present time; and such, we are assured, is the fact. Colonel Robert Carr, of Philadelphia, passing near that place a few days since, visited the field of battle, and observed a number of hogs turning up the loose ashes and bones, on the spot where the field pieces had so gallantly been won: on inquiry, he learned from a person who keeps a school a few rods from the place, and who was himself wounded in the battle, that the dead bodies of the soldiers were burned on this very spot, and that they had never been covered; he belonged to the English army, and stated that their own dead were collected and buried, and that the Americans only were burnt, and that it was said at the time, that it was in retaliation for similar conduct of the Americans at Chippewa. On being asked what became of the bodies of the officers he pointed to a place where they were interred, but observed that a number of them must have been burned, as they had been stripped during the night and very early in the morning, and could not be easily distinguished from their men.

Colonel Carr employed a number of the school boys, by permission of the teacher, to collect a quantity of stones, laying near the place, and covered the remains of his gallant fellow soldiers, at least sufficient to protect them from the hogs.

TANNING. A late London paper (the Globe) announces the following highly important discovery: "Six weeks since, application was made to a person for the loan of *one hundred pounds* to a young chemist, who had made a discovery he was too poor to substantiate by experiment. The money was obtained, and, in a few days repaid by the borrower, already raised to sudden affluence by the private disposal of his invention. It is a new mode of tanning skins, combining such rapidity and economy, as promise to the public an immediate and immense advantage. Raw hides, hitherto lying twelve months in the tan pit, and subjected to a process otherwise defective and precarious, are now perfect leather within six weeks, and at less than half the expense. The gentleman who bought the invention, is a noted opposition member and contractor; and, from the terms of his stipulation, we may form some judgment of the probable magnitude of the results. He has paid him ten thousand pounds down, he has given obligatory deeds, secured him 5,000*l.* on the 1st of January, 5,000*l.* per annum for the four years next succeeding, and afterwards eleven thousand a

year for life! It is expected the price of a pair of boots will not exceed eight shillings, and a corresponding fall will be produced in all articles of leather manufacture."

BRITISH REPRESENTATION. *Ilchester and sir W. Manners, (lord Huntingtower)* In the last parliament this borough was nominally represented by the honorable Mr. Ward, son of lord Dudley and Ward—The borough then belonged to sir W. Manners; and in the month of February, 1817, Mr. Ward, (representing the baronet's borough in the house of commons), opposed parliamentary reform from his place there, and concluded his observations by saying that, "as parliamentary reform, however moderate, was the beginning of an inroad on the constitution, and was dangerous, so he would firmly resist every proposition that might be made on the subject." Mr. Oldfield, in his history of the house of commons, says, respecting Ilchester, that "this borough has been so imprudent in the exercise of its corruption as to have had the whole system several times exposed before committees of the house of commons." He then states that "the houses in this place were purchased up about 1785 by the late John Harcourt, esq. who sold them to Richard Troward, esq. attorney at law, of Norfolk street. Mr. Troward sold them again to his partner, the late Mr. Albany Wallis, who bequeathed them to col. Bayly, from whom they were purchased by sir William Manners, the present proprietor, who has since possessed himself of nearly the whole borough. At the general election in 1802, a great part of the voters were bribed at 30*l.* a man, to vote against the proprietor. This caused the trial and conviction of Alexander Davidson, esq. and his agents, at the assizes for the county of Somerset in 1804, for which they afterwards received sentence in court of king's bench to suffer one year's imprisonment. To prevent a similar occurrence at a future election, sir William Manners caused all the houses to be pulled down, except about sixty, in order to limit the number of voters, and erected a large work house to accommodate those whose disobedience had offended him. The number of houses destroyed upon this occasion was about one hundred, and the electors, who occupied them, with their families, have mostly resided in the work-house ever since; the nomination of the members is thereby transferred from about one hundred and sixty householders to an individual, (sir William Manners!)." [Lon. paper.]

FOREIGN NEWS. We have extracts from London papers of the 16th Sept. The following are the only things presented that seem worth present notice.

New wheat was selling at London at from 5*s.* to 6*s.* 3*d.* per 70 *lbs.* So there will be great distress among the farmers because of its abundance! 3 per cent. consols, for money, 80 5.8 1 2. Mr. Canning has received the seals as secretary of state for foreign affairs.

Extracts from the *French* papers shew an entirely different picture of the Greeks from that which we have hitherto received. They state that Chourschid pacha had advanced in despite of all difficulties, that many districts had submitted, that the Turkish army in the Morea was 50,000 strong, &c. The truth of the accounts from this quarter may be estimated from a fact, as gravely asserted, that the squadron of the United States landed a great quantity of arms and ammunition at Hydra!!! It is certain that no such thing happened. The number of the houses, destroyed or burnt by the Turks, when

they lately set fire to the city of Jassy, is given at 4700!

Trials for conspiracies and seditions are numerous in France. Gen. Berton and 5 of his accomplices, have been sentenced to death--and many printers have been fined and imprisoned.

The "holy allies" are proceeding to their place of meeting at Verona. It is now stated that they will not interfere with the internal affairs of Spain.

In Spain, the extraordinary cortes is to be convoked--gen Elio has been found guilty of treason. Many parts of the kingdom is still desolated by civil war, but the ultra royalists seem generally to be worsted; yet, at certain points, they appear in considerable strength.

The scraps of intelligence that we have from Mexico, presage the downfall of the recently-made emperor--but we chiefly receive them through Spanish channels.

It is reported that the government of Brazil has resolved to send deputies to the United States and England. Three have arrived at Rio Janeiro from Pernambuco, one *white*, one *black*, and one *mulatto*. In this country, there is no doubt of a complete amalgamation of the whites and the blacks, especially if it maintains its independence.

The late southern storm.

We have briefly noticed the sufferings in the neighborhood of Georgetown, South Carolina, by the late storm. The *Winyaw*, (or Georgetown), Intelligencer, of the 12th ult. contains an account of the proceedings of the citizens, who met to express their sorrow at the losses they had sustained. The intendant was called to the chair--a committee of five was appointed to draw up resolutions suited to the mournful occasion--on presenting these, Mr. *Mitchell*, (member of congress, as we suppose, from that state), made the following remarks:

Mr. *Intendant*--I hold in my hand the resolutions drafted by the committee of which I have the honor to be chairman. They will be found, I hope, to indicate and express that deep and heart felt concern, with which we are all afflicted by the loss of those of our citizens who were swept away in the late gale. We are not, however, sir, bigoted to those resolutions. Should any gentleman of the meeting submit *others* of a deeper cast of character, more significant, more expressive of intensity of feeling, we will most cheerfully and readily concur in their substitution. The stronger the resolutions are, the more faithfully will they exhibit the anguish of our hearts. All that we supplicate and entreat, gentlemen, is, that whatsoever measures they do adopt, they will adopt unanimously and without division. For it will be admitted on all sides, that there is no event in the annals of this part of the country, so afflicting to the hearts of individuals, so desolating to our society at large, as the solemn and melancholy event which we are called upon this day to commemorate.

Our little village, Mr. *Intendant*, has been often and often the victim of the most sorrowful dispensations of Heaven. It is known to us all, that, during the revolutionary war, it was reduced by a merciless foe from a state of smiling prosperity to a heap of ashes. Many of our ancestors, who arose on that fatal morning, blest with fortune, found themselves at noon stripped of every thing--Fathers and mothers wandered about the streets houseless, with young and imploring families, exposed to the fatalities of a sickly season, or depen-

dant on the charity of the few who had fortunately escaped the flames. *This* surely was a most appalling event--but aggravating and aggravated as it was, there was something in it to support, and to uphold and to cheer the hearts of the sufferers. It was not like that, which we are called upon to bedew with our tears--a scene of heart-rending, unmingled, comfortless woe. No, sir, in the black smoke, which arose from the cinders of their habitations, they beheld the bright light of the independence of their country; and to counterbalance the temporary evils which they suffered, they had in prospect great and mighty political and civil blessings. But, alas! what are our consolations on this occasion? What is there to soften and alleviate the agonies of our grief? What to impart a ray of light to this Egyptian darkness, "the like of which no eye hath seen, no heart conceived," "and which no tongue can adequately tell." And here, sir, I do not allude to the loss of property, immense and incalculable as it is; though in recalling the disasters of that tremendous night our hearts are rent by the exhibition of adversities in this respect, almost too great for utterance. We are informed, sir, that some of our fellow-citizens who arose, on the Friday morning of the storm, men of fortune, possessing fair and fertile and ample plantations, cultivated and animated by cheerful and affectionate laborers, with their barn yards laden and groaning under the weight of a most plenteous harvest, and their hearts melting with gratitude to God, for the unprecedented autumn which we had then had; that these men, sir, so gifted, so endowed, so blessed, found themselves on the following morn bereft of every thing, reduced almost to a state of bankruptcy--In casting their eyes over their estates, they beheld nothing but one confused heap of ruinous, disastrous, frightful desolation; not a living creature was left to cheer the hopeless view; *all and every thing* was swept from them by the unfeeling flood. This surely was an overwhelming reverse; a catastrophe as sudden as it was beyond all human calculation. But still it is a reverse at which they should not be inconsolable. For no man, *here*, can continue poor, who is honest, and economical and industrious; and there is no country on earth in which a person, so bereft by Heaven, will meet with such cherishing and universal encouragement from all quarters, if he will manfully put his hand to the plough and his shoulder to the wheel, as in this our most blessed country. Nor is there any where else so little connection between wealth and respectability. For no citizen is here distinguished on account of the number of slaves which he owns, or the number of plantations which he has inherited, or the amount of stock which he holds in the national funds. We have adopted a different standard of estimation.--The principle of our government is that every man should be considered, and loved, and respected, and honored, according to his usefulness; in proportion to the virtues of his heart, and the excellencies of his head.

What I have said of these individuals may with equal applicability be said of the whole society.--Although, on whatsoever side we turn our eyes, we behold nothing but ruin and disaster; yet, if our society will exert its energies, in the course of a very short time, in the revolution of a very few moons, every thing will be restored to its former order, and fitness, and comfort and beauty. For, Mr. *Intendant*, there is nothing which can resist the power of man's industry. The earth must yield to the spade, and the forest must fall before the axe. But supposing that this wreck of property is irretreiv-

able; that it is beyond the reach and grasp of our exertions, still when we balance it against the dispensations with which Heaven is now afflicting the fairest portions of our earth, we must say, that we have cause of gratitude to God for the lightness of his chastisement in this respect. For is all the wealth, which we have lost, to be compared to the dreadful ravages of the yellow fever in our sister city of New York? Or can our wretchedness in this respect be weighed against the wretchedness of the excruciated people of Ireland? Or will you say that our desolation is equal to that lately witnessed by some of our countrymen in the city of Scio in Greece; where nought was seen but streets literally flowing with blood, and nought was heard but the shrieks of prostituted beauty; the groans of mangled decrepitude; the remonstrances of manacled, fettered heroism? *So far we have some consolation.* But the calamity which we are now to touch upon, and which we have assembled this day chiefly to consider, *is an irreparable calamity.* Our society has sustained a wound, for which "there is no balm in Gilead." We have lost some of the best of our people. You, sir, enjoy the reputation of having a most critical and sagacious eye, and I will ask, if you had been appointed to select from the whole mass of our population a given number of individuals as distinguished as any others for the possession of the purest, the chastest, the most gentle, and the most kindly disposed hearts; if you had been appointed to select those who were remarkable for a perfect blamelessness and innocence of life, would your eyes have lit upon any other than those identical persons who have been swept from us by the remorseless ocean? I, sir, was born on this spot; I have lived here all my life, and it is very well known to every man in this assembly, that I have been much engaged in the heats and broils of political contention, yet never have I heard foul-mouthed malice, heart less, reckless, relentless, insidious, undistinguishing as it is; never have I heard foul mouthed malice utter, nay whisper, in its most suppressed and stifled tones, aught against the character of the late Dr. Myers.

[The orator then proceeds to make some most feeling remarks on the character of Dr. Myers, and others, who perished by the awful visitation, and adds—]

In fine, my countrymen! He, "who layeth the beams of his chambers in the waters—who maketh the clouds his chariot—who walketh upon the wings of the wind—who looketh on the earth and it trembleth—who toucheth the hills and they smoke"—He has ordained us this calamity, and we must kneel to its influence. I fear, sir, I have violated a rule that I laid down very early in life, which was, never to address any assembly of which I had the honor to be a member, but when compelled by some private necessity, or public duty. If I have intruded on the patience of my fellow-citizens, I entreat their pardon, and that they will ascribe the trespass to my feelings on the occasion. I beg leave to submit the resolutions of the committee.

Whereas, it having pleased Almighty God to send forth the winds of destruction, and to scatter affliction and ruin among us—it becomes us, as a moral and religious people, to clasp our hands in prayer before his wrath—to humble our hearts, and to seek mercy from him who alone can sooth our affections:

And whereas, it is a duty which we owe the memories of those of our fellow-citizens, who have been unexpectedly torn from us, to pay a suitable tribute to their worth,

Resolved, therefore, That the hon. the intendants and wardens, do set apart a day of prayer, humiliation and thanksgiving, and that our fellow citizens of the country be requested to join in its solemnities.

Resolved, That a committee of five persons be appointed by the chairman, for the purpose of requesting some minister of the gospel to deliver a suitable discourse, as well upon the late visitation of Providence, as upon the worth and virtues of our departed fellow citizens.

Resolved, That the citizens do assemble on the day appointed by the town council, at the market house, and that a procession be formed to the church, and the bell be tolled as at a funeral.

Resolved, That the citizens be recommended to wear crape on the left arm for thirty days.

[These resolutions were separately adopted, after amendment, and a committee to carry them into effect was appointed, as required.]

American Colonization Society.

ADDRESS OF THE BOARD OF MANAGERS.

The period has at length arrived, when we feel it our duty to call upon our friends for their united aid and exertions. We have now a reasonable prospect of accomplishing the great object for which the society was formed. The public have been made acquainted with the difficulties with which it has pleased Providence to try our faith, our constancy, and our zeal. They have been informed by the last report, that a territory had been purchased, under the direction of Lieutenant Stockton and Dr Ayres, on the 15th of December last. This territory is situated at Montserado, at the mouth of Montserado river. Further accounts and fuller observations confirm all the representations formerly made of the health, fertility, commercial and agricultural importance of this place. It is situated in about 6° 13' of north latitude, and about 250 miles south-east of Sierra Leone. Our people who were at Pourah bay, in the colony of Sierra Leone, have been removed to their new settlement. Dr. Ayres and Mr. Wiltberger left them on the 4th of June, when houses had been prepared for them. They amounted, at that time, to about eighty. A vessel was then on the way to join them, with thirty-five new settlers, and fifteen captured Africans, with a good supply of provisions and stores. As the rains will cease in October, and the season then commence for active operations, it is of importance that such reinforcements as will be necessary to place the settlement on a respectable footing, as to strength, society and resources, should be forwarded without delay. It is for this purpose we now call upon the public for aid. To this period we have always looked, not without anxiety as to the result, but with a confident expectation that we might rely upon the liberality, benevolence, and christian zeal of our fellow citizens, to supply the necessary funds for laying the foundation of a settlement, which will make Africa rejoice, and which America shall not be ashamed to own as her work. Great as have been our difficulties, our discouragements, and our trials, we view in them all the hand of a kind Providence, who has sent them, as we believe, for wise purposes, and has not failed to support us under them. We necessarily commenced our operations under much ignorance of the country and people of Africa. By the delay which has taken place, we have procured such information as, we hope, has enabled us to select our situation with greater advantage, and to direct our future

operations with greater skill and judgment, and to give to some of the people of Africa a knowledge of our objects, and a confidence in our agents and country.

We are happy to learn that many of the most powerful and intelligent of the kings along the coast, have become convinced that the slave trade must soon cease; and they have been led to look, with no small anxiety, for the sources of their future supplies; and they now see in our new settlement that resource, the object of their solicitude. Their interest and their hopes are already enlisted in our favor; and the activity and enterprize of our cruisers have brought them to dread the power, and to respect the name of our country. We are now seen and known through another medium, than that of slave traders, and we are now enabled to place the safety of our people and the success of our settlement, on two of the strongest passions of man—fear and interest.

At a grand palaver, called by Dr. Ayres in April last, at which there were seventeen kings, and upwards of thirty half kings, or head men, there were but two opposed to the settlement of our people at Montserado, and all but one offered Dr. Ayres land, within their own jurisdictions. As to the disposition of the colored people in this country to avail themselves of an opportunity to join the colony, we can confidently state that many hundreds are not only willing but anxious to go, and that applications for this purpose are almost daily made to the board. At the same time, it is proper to state that no persons, of any description, ought to attempt to settle in the colony without the permission of the board, and that they will not be received without such permission. We request the auxiliary societies to exert themselves in making collections; and we hope that, where there are no auxiliary societies, individuals, friendly to the cause, will do something among their friends and neighbors. If this is done extensively, even small contributions, which will hardly be felt, will, from their number, enable us to send out a powerful reinforcement. We hope no friend of the cause will omit giving something. This is an important crisis in our affairs. We, therefore, hope none will be lukewarm or indifferent. In a short time, we expect the settlers will be able to support themselves, and to aid other emigrants. Now is the time to encourage them, and lay a foundation for future strength. Many thousands will be enabled, in a few years, to find their way to the settlement, when it is once firmly established, and employment and assistance can be readily furnished them on their arrival. Let us, then, be up and doing. The cause is great, the object important, and the occasion urgent.

Collections in money should be forwarded to Richard Smith, esq. cashier of the United States branch bank, Washington, treasurer of the society. By order of the board.

E. B. CALDWELL, sec.

October, 1822.

The Christian Church.

From the Democratic Press.

We lately gave an extract from a London paper, relative to a book published in England, as to the consumption of the public wealth, by the clergy of every christian nation. We have since been presented with more copious extracts from that work, and find them of so interesting a character as to determine us to exhibit some of its most important facts.

In FRANCE, the number of hearers of the Word are given at 30,000,000; about 29 millions of Catholics and one million of Protestants. There are 25,895 Catholic places of worship, and 357 Protestant. The number of Catholic clergymen is given at 35,286 and 357 Protestants, of whom 183 are Calvinists and 174 Lutherans. The average annual expense is 1,050,000*l.* equal to 35,000*l.* per million of hearers. This estimate is for the year 1821.

By comparing this table with official tables of the expenses of the clergy before the revolution in France, we find that the present establishment provides a far more equal apportionment of clergy to those to whom they are to serve, and secures to the lower orders of ministers a more ample compensation than was provided by the ancient establishment; there is, nevertheless, an *annual saving* to the nation of more than *thirty millions of dollars*. This is *one* of the rich fruits of the revolution. It is thirty years, and more, since the revolution, and, in that time, the French nation, in this one item, have saved upwards of *nine hundred millions of dollars*, and have had the duty of the clergy better performed and their comfort better provided for. Such, and so important are the effects of a good government.

The church or kirk of SCOTLAND, is estimated at 1,500,000 hearers, who have 1,000 places of worship, with each one clergyman; the income of the kirk is given at 206,360*l.* equal to 135,000*l.* per million of hearers. No clergyman can have less than 150*l.* a year, and they average more, besides a dwelling house and a glebe of land.

The following is given as the present state of the church of SPAIN. Hearers, all Roman Catholics, are 11,000,000, who have 11,000 places of worship and 16,552 clergymen, whose annual income is given at 1,134,400*l.* which averages 100,000*l.* for every million of hearers. The Spanish church was organized by a decree of the cortes, of October 24, 1821. The author of the work under review says it is characterized by "kindness, good feeling and wisdom." Comparing this establishment with the expenses of the church before the late revolution in Spain, it appears that the new establishment effects an *annual saving* to the nation of *forty-four millions and a half of dollars*. What an immense saving; and, probably, as in France, the clergy are better provided for and the people better instructed. Here again is the rich fruit of a revolution founded on the rights of man.

The church of PORTUGAL follows next: its hearers are 3,000,000, all Roman Catholics; the places of worship are given at 3,000, the number of clergymen 4,465, the income of the church, annually, 300,000*l.* equal to 100,000*l.* for every million of hearers. This is the new establishment. It is on precisely the same plan as that of Spain, and the saving, although not stated, is probably as great in Portugal as in either Spain or France.

The latin Catholic church in HUNGARY is said to have 4,000,000 of hearers, 3,230 places of worship, 5,469 clergymen, whose annual income is given at 320,000*l.*, equal to 80,000*l.* per million of hearers. The Calvinistic church in Hungary is estimated at 1,050,000 hearers, 1,351 places of worship, 1,384 clergymen, whose income annually is put down at 63,000*l.*, equal to 60,000*l.* per million of hearers. The Lutheran church in Hungary has 650,000 hearers, 448 places of worship, 456 clergymen, whose annual income is 26,000*l.*, equal to 40,000*l.* per million of hearers.

From the facts we have extracted, the following is constructed by our author:

The clergymen receive on an average per million of hearers,
 In France, national stipend £35,000
 In Spain, do. 100,000
 In Portugal, do. 100,000
 In Scotland, do. dwelling and glebe 135,000
 In Hungary, Catholics, do. 80,000
 Do. Calvinists, do. 60,000
 Do. Lutherans, do. 40,000

The average number of people for whom a church is provided,
 In France 1,150
 In Scotland 1,500
 In Hungary, Cath. 1,240
 In Hungary, Lutherans, 1,500.

The average number for whom a clergyman is provided,
 In France 1,150
 In Scotland 1,500
 In Hungary, Cath. 730
 In Hungary, Lutherans, 1,500.

We are next presented with the estimated expenditure on the clergy of these UNITED STATES; the hearers are said to be 9,600,000, places of worship 8,000, clergymen 8,000, annual income 576,000*l.*, equal to 60,000*l.* per million of people.

The church of ITALY is next—its hearers are 19,391,200, all Roman Catholics, places of worship 16,170, clergymen 20,400, whose annual income is 776,000*l.* equal to 40,000*l.* per million of hearers.

The estimated expenditure on the clergy of AUSTRIA is thus given; hearers 18,918,800, places of worship 15,800, clergymen 19,000, whose income is 956,000*l.*, equal to 50,000*l.* per million of hearers.

The clergy of SWITZERLAND are said to have 1,720,000 hearers, they are about two thirds Calvinists and one-third Catholics, 1,430 places of worship, 1,700 clergymen, whose annual income is 87,000*l.*, equal to 50,000*l.* per million of hearers.

In PRUSSIA the hearers are estimated 10,536,571, places of worship 8,100, clergymen 9,578, whose annual income is 527,000*l.*, equal to 20,000*l.* per million of hearers. Of these, there are Lutherans 6,054,579, Catholics 4,023,513, Reformed or Calvinistic 300,101, Jews 127,345, Menonites, &c. &c. 21,233.

THE GERMAN STATES, exclusive of Austria and Prussia, are said to have 12,763,500 hearers, 9,800 places of worship, 12,600 clergymen, with an income of 665,000*l.* annually, equal to 60,000*l.* per million of people.

The kingdom of the NETHERLANDS is said to have 5,000,000 of hearers—of these, there are 3,500,000 Catholics, 1,000,000 of Calvinists, and 500,000 of other sects. They have 3,840 places of worship, 4,540 clergymen, with an annual income of 265,000*l.* being at the rate of 80,000*l.* per million, for two millions of Dutch, and 35,000*l.* per million for three millions of Flenish.

The clergy in DENMARK have 1,700,000 hearers, all Lutherans, 1,300 places of worship, and 1,586 clergymen, whose annual income is 119,000*l.*, at the rate of 70,000*l.* per million of hearers.

In SWEDEN and NORWAY there are supposed to be 3,400,000 hearers, 2,620 places of worship, and 3,100 clergymen, whose incomes are estimated at 238,000*l.*, at the rate of 70,000*l.* per million of hearers.

In the RUSSIAN EMPIRE the hearers are said to be 42,000,000—of these, there are of the Greek church 34,000,000, Catholics 5,500,000, and Lutherans 2,500,000, places of worship 24,500, clergymen 74,270, whose yearly income is 910,000*l.*

34,000,000 Greek church, at 15,000*l.* per million, 510,000*l.*
 8,000,000 Catholics and Lutherans, at 50,000*l.* per million, 400,000*l.*

The Greek christians in TURKEY are calculated at 6,000,000, who pay at the rate of 30,000*l.*, equal to 180,000*l.*

In SOUTH AMERICA the hearers of the gospel are estimated at 15,000,000, who pay at the rate of 30,000*l.* per million, which gives an annual income of 450,000*l.* In small christian communities, dispersed over the world, it is believed there are 3,000,000 of hearers, who pay at the rate of 50,000*l.* per million, equal to 150,000*l.*

ENGLAND and WALES our author calculates to have 6,000,000 of hearers of the church established; there are 11,743 places of worship, and 13,000 clergymen, whose annual income is estimated at 7,596,000*l.*, at the rate of 1,266,000*l.*

In IRELAND, it is assumed that there are not more than 40,000 hearers of the established church; they have 740 places of worship, and 1,700 clergymen, whose annual income is 1,300,000*l.*, at the rate of 3,250,000*l.* per million of hearers.

The people who are not hearers of the established church in England and Wales, are estimated at 6,000,000, who have 8,000 places of worship and 8,000 clergymen, who receive, annually, 510,000*l.*, at the rate of 85,000*l.* per million. In Scotland, the hearers who do not belong to the kirk, are estimated at 500,000, who have 333 places of worship and 400 clergymen, whose yearly income is 45,000*l.*, at the rate of 90,000*l.* per million. In Ireland, the hearers of the gospel not of the established church, are calculated to be 6,600,000, viz. Catholic 5,500,000, Presbyterians 800,000, Methodists and other sects, 300,000—who have 2,378 places of worship, and 2,378 clergymen, whose annual income is estimated 254,080*l.*, equal to 40,000*l.* per million of hearers.

From these and many other facts which we have passed over, it appears that, in all the countries of Europe and America, except G. Britain, 198,728,000 people pay their clergy 8,852,000*l.*; while 6,000,000 of the people of the established church of England and Wales pay their clergy 8,896,000*l.*

The following table exhibits an abstract of the state of christianity throughout the world:

	R. Catholics.	Protestants.	Gk. church.
In G. Britain & Ireland	5,800,000	15,200,000	
Rest of the world	118,872,000	33,856,000	41,500,000
	124,672,000	54,056,000	41,500,000

Catholics, 124,672,000, pay to their clergy 6,106,000*l.*

Protestants, 54,056,000, pay to their clergy 11,906,000*l.*

Greek church, 41,500,000, pay to their clergy 760,000*l.*

Total of christians 220,228,000, pay to their clergy 18,672,000*l.*; of which Great Britain and Ireland, for twenty-one millions of people, pay more than one half.

We will not lengthen this article by remarks upon the number of extraordinary facts it presents for contemplation. We would recommend our readers to lay this abstract away, to be read again and consulted occasionally. Before we close, we would submit the following short statement, exhibiting the expense per thousand of the whole christian world—of the Catholic, of the Protestant, and of the Greek churches, for the maintenance of their clergy.

220,228,000 christians in the world, per thousand, 85*l.* 4s. 9d.

124,672,000 Catholics in the whole world, per thousand, 487 19s. 6d.

54,036,000 Protestants in the world, per thousand 250l. 5s.

41,500 000 Greeks in the world, per thousand, 18l. 6s. 3d.

Hence it appears, that the maintenance of the clergy of the Protestant church cost more than twelve times as much as those of the Greek church, and four and a half times as much as those of the Catholic church.

Legislature of Vermont.

GOVERNOR'S SPEECH.

Gentlemen of the council, and

Gentlemen of the house of representatives:

The evidence given by my fellow citizens, of their continued respect, in electing me again to the office of chief magistrate of the state, excites in my breast the liveliest sense of gratitude; and while it encourages the belief that, hitherto, the discharge of the important duties of the trust has merited approbation, it reminds me, that repeated tokens of confidence demand increased exertions of faithfulness and diligence.

The opportunity which I have been favored of becoming acquainted with the sentiments of gentlemen who compose this assembly; having been frequently associated with most of you, in some of the different departments of the governments, enables me to rely, with confidence, upon your countenance and support in every proposition made by the executive, which has for its end the advancement of the public interest; at the same time afford satisfactory evidence, that the independent and enlightened opinions of the representatives of the freemen are duly appreciated.

In assembling together upon an occasion like the present, we are naturally led to a recollection of the events of the past year; and although, in the dispensations of Providence, there are none distinguishingly marked with prosperity or adversity, in which we are immediately interested, much to the sober, considerate mind, is presented, which demands sincere acknowledgments to the Supreme Being; and that, through his gracious influence, our present labors may have a prosperous result, it becomes us to cherish a grateful remembrance of past favors, and, in sincerity, humbly implore Divine assistance.

The short period for which the representatives hold their offices, and the plenary powers with which they are invested, was designed, by the venerable framers of our constitution, to secure to the people the power of speedily abrogating such laws as were inexpedient or unjust; and, while we possess this peculiar advantage, that we may practically avoid the evil of frequent and injudicious changes of the public laws, against which other governments have provided, by erecting a co ordinate and more permanent branch of legislative authority, we ought to cultivate an habitual regard for existing laws, and carefully to resist a natural, yet dangerous, propensity of magnifying partial imperfections, (to which all human institutions are unavoidably subject), into unnecessary defects.

The present period of public and radical tranquility is highly favorable to the adoption of measures calculated to promote the permanent interests of the state. To improve the means of transporting the various commodities with which the state abounds, and to facilitate access to the most favorable markets, are objects of the first importance.

We have witnessed, with pleasure, the interest which this subject has excited in our sister states; and it cannot be doubted, that the time is not distant when it will claim the attention of our own. Whether the period has arrived in which it would be practicable to attempt any thing beyond the improvement of our roads, will be decided by the discretion of the legislature. That striking disparity which exists in the state of the roads, in different towns, possessing equal means, and subjected to equal obstacles and difficulties, is evidence of a defect in the law, or its administration. I apprehend it will be found, upon examination, that the statute of A. D. 1810, applying the penalty imposed upon a town, for neglect in making and repairing roads to that object, has produced no salutary effects, but has rather induced the very neglect against which the law was designed to provide. Instead of stimulating to diligence and attention, from the fear of punishment, it invites delay till the tardy process of the law shall compel them to do that, and that only, which was their duty to have performed. It is, in effect, saying, "if you neglect to impose this necessary tax upon yourselves, it may, at some future period, be imposed upon you by others."

The fiscal concerns of a state, however limited and inconsiderable, require the constant care and watchfulness of its guardians. They ought not only to require, but to obtain, annually, information in relation to every source of revenue, as well as the state and condition of all the demands, under the charge of the various public officers through the government. Although retrenchment cannot be deemed necessary, in reference to the present compensation allowed for specific services, which is probably below that of any other state of equal rank, that the claims upon the treasury may not be unnecessarily augmented, every branch of public expenditure demands frequent examination. The expenses incurred by public prosecutions, constitute a principal source of the disbursements made by that department; and it is to be noticed that, for many years, they have much increased.

In a government like ours, established upon the avowed principle of securing equal privileges and affording equal protection to all, justice demands of those to whom its administration is entrusted, so to provide as that the unsuspecting and unfortunate may be secured against the unjust exactions of the more artful and fortunate. The distinctions which exist in other governments, arising from affluence and indigence, and which may *there* be necessary to support the deformed fabrics, are alike opposed to the safety of our civil institutions and the well being of society. The acquisition of wealth, by laudable industry, economy and prudence, merits approbation and encouragement; but laws providing facilities for a few calculating, greedy citizens, to monopolize that property, the product of the toil and industry of the more useful and deserving, can never be sanctioned by the faithful and intelligent representatives of the people. These suggestions are made from a conviction, that the practice of exacting exorbitant interest, (a subject alluded to in addressing the legislature the last year, and for which I hope to be excused in again inviting its attention), is becoming extensively injurious to the interests of the great body of the citizens. The amount of the exaction is overlooked in the covert poison of long credit, and the illusive hope of good fortune and better times, or submitted to from necessity. In most governments, where the amount of interest is at all restricted by law, the contract or security, in which is reserved the usury, is rendered

void. Should any law on the subject be considered useful, I submit to the general assembly whether a provision to that effect in our law, would not necessarily check the evil. So long as the security is not jeopardized, the usurer will not hesitate to make the reservation; suspending on the happening of events the ultimate determination of receiving. It is believed, that the existing penalty is inadequate to the object. Private prosecutions, by the aggrieved or others, are discouraged by the consideration that, in most cases, the cost and expense incurred in, and the uncertainty of the final issue of, the prosecution, will counterbalance the offered and unprecedented low reward. Public prosecutions are rare, inasmuch as where no private advantage is expected, there are few who will, at the expense of the displeasure of a powerful class of citizens, voluntarily exercise the reputedly invidious office of informer.

The natural effect produced by the success which of late has attended the petitions for the establishment of banks, is to encourage others in the pursuit; and the difficulty of resisting applications, supported by arguments which have heretofore been urged, with so much skill and efficacy, is probably not diminished. The commercial concerns of the state cannot require extensive banking institutions. The resources of our husbandmen, and their course of business, are illy calculated to meet the demands and comply with the necessary regulations. An opportunity will be afforded for investing that money, which would otherwise remain in the hands of many wealthy, honorable citizens, accessible to those who will then become the prey of such as are thereby enabled to increase the means of usurious depredations. The advantages ordinarily derived to the state at large, from the augmentation of a circulating medium, which is not the representative of real wealth, are not discerned. The ruinous effects of multiplying banks in the interior of our country, have indeed been felt, and, I believe, generally acknowledged; and I can but hope the legislature will concur in the opinion, that enough has already been done to satisfy every requisition, emanating from an ingenious desire for the public good.

The doubts which have been entertained by many whose opinions merit respect, together with the decision lately made by the circuit court of the United States, will suggest to the general assembly the propriety of cautiously providing for the relief of the unfortunate, who are induced to ask for acts of suspension and insolvency, that the intended favor may not prove delusive to the debtors, or prejudicial to those who have humanely furnished the requisite aid, for extending the limits of their confinement beyond the walls of a comfortable prison.

In obedience to the direction of the general assembly, at their last session, a correspondence has been opened with the governor of Canada, on the subject of obstructions supposed to have been erected on the waters issuing from Lake Memphragog; and it is due to that distinguished public officer to state, that a prompt attention was given to the complaint, and satisfaction afforded to the citizens who felt aggrieved.

The sincere attachment of this state to the government of the union, cannot fail to excite a deep interest in the success attending its administration; and it is with pleasure I am enabled to congratulate you on the present prosperous state of our national concerns.—The general anxiety produced by the depressed state of the revenue, has measurably

subsided, by the favorable reports of its augmentation.

The success which has attended the exertions of that meritorious class of citizens engaged in manufactures, notwithstanding the obstacles and difficulties they have encountered, is noticed with much satisfaction; and it is to be hoped, by that encouragement, which may reasonably be expected, our supplies and our revenue, which heretofore have rested upon a precarious foreign commerce, may be drawn from a source, profitable to the citizens and safe to the government. An enlightened and enterprising people cannot long be satisfied with a system of regulations, in which a favorable market for the varied and principal productions of every part of the country, and the different interests of every class of citizens, is not duly regarded. The good sense of the community will discover that the nominal price of the wares in market, is not so important as is the possession of the requisite means to defray the expense of the purchaser. This subject is one which has not heretofore been passed unnoticed; and is now only referred to in the hope that some salutary effects may issue from a frequent recurrence to the claims of the greatest portion of the useful and industrious citizens of this section of our country.

The unanimity which has hitherto apparently prevailed amongst the freemen of the state, in placing me in the responsible station I now occupy, and which I hope will ever be remembered with gratitude and delight, has induced the belief, that it is probable, without a manifestation of my desires, I might again be honored with the suffrages of some portion of my fellow citizens; I have therefore deemed it my duty to request, that I may not again be considered a candidate for the office.

RICHARD SKINNER.

October 11, 1822.

Independence of Brazil.

TRANSLATED FOR THE PHILADELPHIA GAZETTE.
From the Lisbon Diario do Governo, Aug. 27.
The general extraordinary and constituent cortes of the Portuguese nation, to the people of Brazil.

To establish and to consolidate the constitutional monarchy in both hemispheres, is the ardent desire of the cortes. To straighten, by indissoluble ties, the union of two brotherly nations, though they be separated by so great a space, is the difficult problem, which can only be solved by a thorough conviction and a frank declaration of what our circumstances loudly call for. Let us not therefore spend in useless disputes and reciprocal recriminations, the time which we ought to employ to maintain the integrity of so vast an empire, whose greatness and solidity depends on a well adjusted and permanent union.

Brazilians! Neither do your European brethren contradict you, nor did even the cortes deny you the natural right which you have to constitute yourselves independent and to select the conditions of government which might suit you best; the cortes recognized this expressly, when they proposed you the fundamental law of the basis of the constitution, in order that you might declare whether you wished to form with us, under those conditions, the same association, the same empire. If, on account of the distance and time, your representatives could not co-operate in framing this law, you adopted it, after it had been made; you swore to it, the votes of all the political assemblies of Brazil re-echoed in the halls of this building amidst the greatest ap-

plause and the liveliest enthusiasm. Since then it was notorious to the whole world, that, far from adopting an unconditional submission, you had recognized and swore to the basis of the constitution of the Portuguese monarchy, and that you had proclaimed the union with Portugal in the most solemn and most spontaneous manner, under the political system and the conditions of government therein determined.

The essential principles of our original political charter have not been altered by the constitution, they have only been better developed and expounded. They consist generally in the division of the political powers; one single chamber of representatives, with legislative power, assembling once in each year—an inviolable king, with responsible ministers—the liberty of the press—the right of petition. These are the first guarantees of the political and civil liberty of the people of Portugal and of the people of Brazil; a liberty, Brazilians, which is one and the same, as well for you, as for your European brethren, since it is equally valuable and efficacious to both; nor does the constitution allow to one what it refuses to the other; those who tell you the contrary, wish only to satisfy ambitious passions, alienating your minds in order to expose your safety, and to draw on you the horrors of anarchy and civil war; they are restless persons, who flatter any kind of authority, only for the purpose of ascending to the summit of power and riches, heedless of all disastrous consequences.

Let, therefore, all illusion, which may yet possess some minds, disappear at once.

Brazilians! When the cortes displayed to your sight the standard of liberty, and invited you to rally under this signal, it was certainly not done in order to retain you in the abject state of colonial dependence; when they offered you the same constitution, the same liberties and the same guarantees, it was certainly not done in order to make you slaves. It would be a singular way of reducing to a colonial state and enslaving the people, to recognize the rights, of which they had been deprived, and the privileges, which they had never fully enjoyed. As if the civil and political liberty were some abstract speculation and without the reach of any common capacity, a set of disorganizers have tried to persuade you, that it were inconsistent with that liberty to continue the provincial Juntas, which yourselves have established by the elections of the people; to abolish the tribunals which are notoriously useless and a heavy charge; to withdraw from America the heir of the crown, when political reasons called him to the foot of the throne, and when you had yourselves shown an unwillingness to obey him. This faction of ambitious men, enemies of the public tranquility, have taken hold of and exaggerated in the south of Brazil such ill-founded pleas; they have pretended, at first, that the cortes had no authority to legislate for Brazil; they have alleged next the injustice of the legislative measures; and, at last, they have declared their formal disobedience and manifest revolt, whereas the legislative authority of the cortes have sprung from the basis and from the will of the people, who have adopted, sworn to, and recognized that authority; whereas the justice of the legislation is founded on the nature of things and on the will of the people, previously and expressly declared; whereas, finally, partial resistance is the very crime of rebellion, which is always the forerunner of anarchy, and ought to be punished in every well organized society.

The cortes, knowing that this revolt is only the act of a few individuals who have signed a certain document, have decreed that the rebels shall be prosecuted. The cortes respect the general will of all Brazil, and they know that the general will of the people is the vehicle and organ of every prudent legislature; but they know also, that the general will of all Brazil is to adopt, with the same conditions, the same system of government, uniting itself to Portugal by an everlasting tie, and they know that the disorganizing attempts of partial resistance are only ramifications of the faction of the south, in order to prevent the re-acton of these and other turbulent passions, obnoxious to liberty and contrary to the general opinion of the people of Brazil, the cortes have determined, that the executive be authorised to send troops to that continent. A new pretext for the factious!—but as groundless as the former ones. This expedient, in the terms with which the cortes have adopted it, (who of you, Brazilians, does not see it!), if it serves the purpose of suppressing dangerous parties, is certainly inadequate to make conquests or to maintain tyranny; this consideration alone is sufficient to free it even from the appearances of hostility. However, the cortes have taken more and more into consideration the degree to which the irritation between the Europeans and the natives has arrived in Brazil, and how much the excesses of a popular frenzy, which the troops of the country would not be able to contain, are to be feared; it is therefore necessary to protect the real and personal property of a great number of citizens. And how could so great a mass of interests and opinions be indifferent? Nothing else has influenced this determination of the cortes.

Brazilians! The proceedings of the cortes and of government, whose authority you have recognized and swore to, have exceeded neither the principles of universal justice, nor the maxims of the art of governing, in the laws and orders which they have sent you. Do not, therefore, give yourselves up to the intrigues of a party, which wants to persuade you of the contrary, because it intends only to distract and to disunite you. Reflect, yourselves—think of what you were and of the political consideration to which the constitution raises you; examine attentively what these violators of the most solemn oaths pretend to insinuate, and you will find that some want the excess of liberty, proclaiming a democratic independence, and that others want the excess of servitude, opening the road to an absolute power and to the privileges of aristocracy; but the cortes offer you the constitutional monarchy, as a mean term between these two dangerous extremes, as the plank of your political salvation; you have it from their hands, and you need not undertake the arduous and hazardous task of establishing a government entirely new. Your representatives co-operate with activity and wisdom in making to the constitution such additions, as may be consistent with the unity of the power and the empire, and as may contribute towards the general and immediate benefit of the nation. You shall not want the most absolute independence in the exercise of the judiciary power; courts of justice, improperly situated, cannot well administer justice. Nor shall you be wanting of an authority delegated by the king, which may, in the distribution of offices and favors, put you nearer within the reach of the intervention of the royal power.

Brazilians! The act of adopting or of rejecting a system of government, is a compromise; we weigh the inconveniences, we give and we receive; we re-

nounce some rights, better to enjoy others, and, as we sacrifice our natural liberty, in order to enjoy with more security the advantages of civil society, so we must sacrifice a part of the civil advantages to the superior utility of union of a great empire. Though the seas be agitated and months may pass, though an ocean of fifteen hundred leagues may interpose space and time between the law and its execution, yet the sphere of human ingenuity is not so circumscribed, but that the wisdom of the institution may unite what nature separated, and if even some inconveniences should remain, they will be amply compensated by avoiding thereby the horrors of anarchy and the vexations of an absolute power. All this was well calculated by you at the time of your adhering and swearing to the basis of the constitution.

Then, Brazilians, do not violate such solemn and just engagements. Exercise your political power, by sending wise representatives to the cortes of the nation, their personal inconvenience will not be of great weight, if you compare it with the importance of the union; enjoy the gifts of liberty; the protection of the government insures you all the advantages of society.

The cortes do not pretend to maintain the union of Portugal with Brazil by means of arms; force is a weak instrument for retaining in a subordinate and profitable connection, a people who are active, numerous, growing and jealous of their liberty.

Our union, Brazilians, depends only on the affections and interests produced by mutual advantages; by the ties of friendship and blood, by equal laws, and by equal protection. The title to your rights is the constitution; shortly it will be transmitted to you with the necessary additions. After this exposition, no body will ever dare to persuade you into the extravagant and delirious belief, that those, who wish to constitute you a free people, want to reduce you to colonists and slaves; and if so sincere and frank a declaration be not capable of removing all causes of discord, and of re-establishing the prior, unsuspected confidence, the cortes, lamenting your blindness and your hallucination, will, at least, remain satisfied with having followed the dictates of of their conscience, by declaring their principles and manifesting their sentiments.

Palace of the cortes, Aug. 17, 1822.

Agostino Jose Freire, president.

Francisco Xavier Soares de Andrade,

Deputy secretary.

Zoao Baptiste Felgueiras,

Deputy and secretary.

CHRONICLE.

The Peacock. Lieut. T. H. Bowyer and midshipman C. Lowndes, have died on board of this vessel. The former after a few days illness, the latter of an apoplexy.

Domestic industry. At the meeting of the Susquehannah (Pa.) Agricultural Society, the premium for the greatest quantity of domestic manufactures produced in one family, was awarded to W. C. Turrel. His household having made upwards of sixteen hundred yards of different kinds of cloth, besides stockings and yarn sold.

Prolific Parturition. Mrs. Jennings A. Yeatman, aged about 40 years, was delivered, on the night of the 16th inst. near Westmoreland courthouse, Virginia, of four full grown children—three of which are now living; the fourth was a still born child, and

the unfortunate mother expired in the act of its parturition: the resources of her constitution being insufficient to withstand a shock so violent and preternatural.

Boston. The city of Boston has recently adopted a city seal, the device, motto and inscription of which are as follow:

"The device of the seal is a view of the city, as seen from the harbor and South Boston. The motto "*Sicut Patribus, sit Deus Nobiscum.*" The inscription, "BOSTONIA, Conditæ, A. D. 1630. Forman Municipi. Civitatis. Accepit, A. D. 1822."

Maryland. Political complexion of the ensuing legislature of Maryland.

	Rep.	Fed.
St. Mary's	1	3
Charles	0	4
Calvert	4	0
Prince George's	4	0
Montgomery	2	2
Anne Arundel	4	0
City of Annapolis	2	0
City of Baltimore	2	0
Baltimore county	4	0
Harford	4	0
Frederick	2	2
Washington	4	0
Allegany	4	0
Cecil	4	0
Kent	4	0
Queen Ann's	4	0
Caroline	4	0
Talbot	4	0
Dorchester	4	0
Somerset	2	2
Worcester	4	0
Senate	15	—
	82	13
Majority on joint ballot	69	—

Last year there were 23 federalists in the house of delegates. At no time since parties have divided this state, has there been so large a majority of republicans in the legislature, as will be in the ensuing.

Pennsylvania prisons. On the 1st of Jan. 1822, there were 500 convicts in the penitentiary—434 males and 46 females. During the year 1821, 255 males and 45 females were received—of these, 121 were from the city and county of Philadelphia, the rest from the different counties, the highest sending 12; of the whole, 113 were colored—more than one third of the amount. The convictions were 232 for larceny, 15 for burglary, 3 for horse stealing, 7 for murder in the second degree, 2 highway robbery, 3 perjury, 2 forgery, 4 counterfeiting, 1 each, bigamy, arson, sodomy and rape, &c. Of those convicted, 145 were born in Pennsylvania, 70 of them in Philadelphia, 22 in New Jersey, 18 in Delaware, 16 in Maryland, 9 each in New York and Virginia, &c. and 61 in foreign countries, of whom 29 in Ireland and 11 in England.

Louisiana. The annual expenses of the government of Louisiana amount to \$384,530, of which the following items constitute a part:

Three supreme court judges	\$15,000
Eight district judges	17,000
Criminal judge	4,000

Making, with other items, the annual cost of the judiciary department, \$196,500, which the St. Francisville Asylum states to be double what is paid the judiciary of the United States.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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BALTIMORE. One of the New-York editors seems astonished at the "frank confession" made in the *Register* of the 26th ult. of the late prevalence of a disease in this city, bearing the character of yellow fever. If he will turn to a former number of this work, he will find that we had declared the same thing about a month before; and we cannot see why the board of health should not have stated the fact, appending thereto a representation of the truth, that all the city proper, and indeed a great part of "the Point," was as healthy as ever it was known to be at that season of the year—that the range of the disease was of a small extent, that it was strictly local, and should not cause alarm even to strangers—very few of whom, except seamen, would be likely to have business to transact within the well-known infected district—which was not a *terra incognita* with us, as such district was called in New-York.

The neighborhood of Deer Creek, Harford county, Maryland, chiefly settled by members of the Society of Friends, has been most severely afflicted, though heretofore healthy. It is stated that their burial ground at Darlington "presents an awful memento of the general devastation"—that "there is no room left inside the inclosure for interring, and that they have commenced burying outside the pailing." The malady that prevailed was a high bilious fever; the difference between which and the yellow or malignant is not attempted to be defined, if any difference there is. In some cases, nearly whole families have been swept off. The great drought is assigned as the cause of this sickness at Deer Creek.

NEW ORLEANS. We have seen what is given as a statement of the deaths in this city from the 13th to the 30th of Sept. inclusive of both—the aggregate is 393, of whom 257 were reported as of yellow fever. Average deaths per day, nearly twenty-two: of the yellow fever, more than fourteen.

On the first seven days of October there were 209 deaths, of which 147 were of yellow fever: average of deaths per day, nearly 30. On the 18th of October there were *sixty-one* deaths!

The mayor of the city has formed what is called "a board of benevolence" in each district—whose duty it is to provide for the removal of those subject to the disease, and to administer to the wants of persons infected with it.

LONGEVITY. According to the census of Great Britain, the population, in 1822, is as follows:

In England,	Males	4,308,898	} 9,830,461
"	Females	5,021,563	
Wales,	Males	342,154	} 880,210
"	Females	533,056	
Scotland,	Males	923,546	} 1,956,706
"	Females	1,033,166	

Total 12,667,377

In this population, there were 100 males and 191 females about the age of 100.

The population of Great Britain in the year 1720, according to Colquhoun, was 6,955,000—as there are now living therein 291 persons upwards of 100 years old, we then find it out, by the rule of three,

VOL. XXIII. — 19.

that an original stock of twenty-four thousand individuals, is necessary in Great Britain to furnish one centenarian.

I do not know of any statement shewing the probable amount of the population of those then uninhabited regions which now compose the United States 100 years ago, more entitled to respect than that produced by my own calculations, and published in this work, vol. XIII, page 179—on which occasion, every thing like authority within my reach was resorted to. I supposed that the whole population, exclusive of Indians, may have amounted to 490,000, in the year 1725—if so, and in the year 1825, we shall have *twenty* individuals, only, of the age of 100 and upwards, it would appear that our climate and country are as favorable to long life as Great Britain. But some allowance must be made for the immigration of persons, of mature age or advanced in years, since 1725; and it is reasonable to believe that about *thirty* centenarians, in all the United States in 1825, will fully establish the fact, that such aged persons are as common in our country as in the other. The allowance for immigration is regarded as liberal—for, according to the best estimate that I can make, [see volume and page referred to above], the amount of all such, of all sorts and all ages, has not exceeded 227,900 persons from the year 1725 up to 1819—the addition, then, of a *third* as acting on the whole stock of 1725 for the production of centenarians, is large enough. But those who are curious in such things will estimate for themselves—and such estimates must considerably depend on opinion at last.

In vol. IX, page 97, there is a very valuable essay "on the probability of human life in the middle states, particularly at Wilmington, in the state of Delaware, and its vicinity." This was furnished by one of the most acute and correct men of the age; a plain man that never knew his own worth, or put forth the strength of his own mind. I recommend it to the consideration of all who feel an interest in its subject. The following is the substance of a small part of that essay—in the year 1794, the borough of Wilmington, with about 3,000 inhabitants in all, contained 152 persons aged more than 60 years; some of these moved away, and it was uncertain whether they were living or dead: but it was ascertained that 112 of the 152 had died previous to the year 1814, of whom 46 attained the 80th year, 26 the 85th, 12th the 90th, 2 the 92nd, 1 the 94th, 1 the 95th, 2 the 96th, 1 the 102nd, 1 the 103d. — Now, though we cannot count the stock which gave these results, we see that a gross population say of 4,000 souls, at or about the year 1814, furnished two centenarians—or one to two thousand living persons. At this rate, Great Britain ought now to have 6,338, of 100 and upwards, instead of 291.

Again—the rev. Dr. Perkir's lately delivered his *half-century* sermon, at Hartford, Con. He was a minute observer and careful recorder of such things as are now before us—he stated that, "during the fifty years of his ministry, sixty persons had died in his parish who were over 70 years of age, thirty over 80 years, eight over 90 years, and two over 100 years each. He had preached 3,550 sermons of his own writing." We cannot tell the average amount of the persons in his "parish," by which

we understand those under his own pastoral charge: for a "parish," in the United States, simply means a congregation of Christians, of any sort whatever, worshipping at one place—so any town, if it has five or ten ministers and as many places of worship, may have as many parishes. It would seem then, a large allowance to suppose that the congregation of the venerable doctor averaged 1500 persons for the 50 years, which would give one centurian for, at the most, 1500 existing persons.*

But Hartford as well as Wilmington, are remarkably healthy places, and the people are of very temperate and sober habits—so that they cannot furnish us with general data; nor do the cities and large towns—for they are, in all countries, regarded as unfriendly to long life. The bills of mortality of these, however, shew a much larger proportion of centurians than Great Britain exhibits—in which latter the amount of these is as one to about forty two thousand five hundred of the existing population.

In Baltimore, with 60,000 inhabitants, during the year 1821, five died over the age of 100—or, as 1 to 12,000. In Boston, in 1820, population 43,893, four died that were aged more than 100 years—or, as 1 to 11,000. In New-York, the same year, population 124,000,† only two of 100 years and upwards—as 1 to 62,000; but there were 46 persons who died between the ages of 90 and 100. In Philadelphia, population 116,000,‡ in the same year, there were five above 100 years old, or 1 to 22,000—and 18 between 90 and 100. The average of the four cities of Boston, New-York, Philadelphia and Baltimore, together containing about 338,000, and having 15 centurians, is as one to twenty one thousand existing inhabitants—twice the proportion that exists in Great Britain. We have no particular returns of the southern cities, but know that at Charleston, Savannah, &c. the decease of persons of more than 100 years is frequently noticed in the papers. My apprehension is, that they have a full proportion of such persons compared with their sister cities of the United States.

PRESIDENTIAL ELECTION. We have not yet formed an opinion, the least satisfactory to our own minds, as to the person who will succeed Mr. Monroe in the presidency, though so much is said in the newspapers on the subject. Several prominent gentlemen are before the public, and it is quite likely others will be introduced. The people do not yet understand why this or that man should be preferred; for the measures that either will pursue, if elected, are not designated as differing from those of his competitors. The old political landmarks have been broken down, and no new rallying point is set up, so that it will be difficult, if not impossible, to concentrate public opinion through the agency of a congressional nomination, or caucus, as has been the practice heretofore. The present prospect is, that neither of the candidates will receive

*In 1810, there were three churches in Hartford: the city and township then contained, in all, 5,347 inhabitants. It has increased considerably since, and now has a population of nearly 7,000—so that the number suggested is rather large, as the average of Dr. Perkins' "parish" for fifty years.

†The whole island of New-York is included in this number, as all the persons that die on it come within the range of the bills of mortality—in regard to Philadelphia, this is about the amount of persons of the city and county who are supposed to be within the range of such bills, and is pretty near the real number.

a majority of the whole number of votes; and then the choice will devolve on the house of representatives, voting by states—each state one vote: and, though there are 260 electoral votes, it is shewn by the article published in our last from the Richmond Enquirer, that *thirty one* persons may make a president of the United States! This is, truly, an alarming affair: it is a condition that never was contemplated by the *spirit* of the constitution, though plainly expressed in its *letter*—for it cannot be believed as ever having been intended, that *one* man in Delaware should have the weight of *thirty four* men in New York, as good as he. It is wholly at war with the *popular* system; and the weight of the states in the senate, as the most stable branch of the legislative body, is sufficient to all the purposes of the *confederation*, and affords all needful or rightful power to the small states. The argument on this subject would occupy more time and room than we are disposed just now to give it—but we apprehend it must be admitted, that a president of the United States was designed to be a *man of the people*, and that the senate was intended to represent and maintain the *sovereignty of the states*. In the present prospect of things, *thirty one* persons may accidentally represent the voice of the people, and do away the votes of *one hundred and thirty others* immediately selected to elect a president. Again, without meaning to insinuate any thing to the disparagement of either of the gentlemen, (all of whom I happen to know and personally esteem), the case will be, that, at least, four of the supposed candidates for the presidency will be at the seat of government, invested with power and influence to distribute favors or bestow offices: now, is it not human nature, or, as we may say, the unavoidable course of things, that those *thirty one* persons will be coaxed, courted and obtained, if it be possible—not by bribery; I cannot suppose that: but the parties are *men*, not angels—one party must feel its probable power and the other its probable dependence on it. I will not pursue the subject—but its nature is of the most unpleasant character, and may lead into evils which no one has yet apprehended as possible. We sincerely deprecate a congressional *caucus*, but a vote by states is more to be dreaded; and we hope that some good men, able to meet the apparent emergency, will devise a plan to keep the door shut against intrigue and corruption, which, if once fairly opened, may not again be closed but after the most painful events. Vigilance is the condition on which liberty is granted—caution is the parent of security.

"UNFASHIONABLE." Extract of a letter to the editor from a gentleman who is a member of the present congress, and also a member elect of the 18th. "The second and last session of the 17th congress is at hand—and, although it will, fortunately, be a short one, I fear that it will, nevertheless, be too long; for so many have embarked in the BUSINESS OF PRESIDENT-MAKING, that I have no hope of any thing being done which will be worth the trouble of meeting, until a new president shall have been made. With my present "notions" on the subject, if I were called on to recommend what I believed was best for the country, I would say, that the ensuing session should last only six weeks, and that that time should be employed in the simple adaption of such measures as would enable the government to keep its wheels moving until the Monday preceding the day on which the votes for the next president must be counted—and assign that day for the commencement of the 18th congress.

"You must have seen, with regret, that our best men are voluntarily retiring from congress. It is what I feared would happen, and which I am sure will continue to happen, unless that body shall respect itself sufficiently to promise something more of the high character that naturally belongs to it."

BANK OF THE U. S. We ought not to have given a place to Mr. Chéves' address to the public, dated on the 17th ult. and inserted in page 121. It was sufficient that we had published his exposition of the affairs of the bank, and the declaration of one of the persons implicated that some of the matters set forth were "without just foundation." The address partakes more of a private defence than a public paper, though we regarded it as of the latter character: but, having committed ourselves, we feel an obligation to go further and insert Mr. Williams' rejoinder, and here we shall stop, without taking any part or lot in the matter, believing it always obligatory on us to suffer a person accused to be heard in his own vindication before judgment is passed upon him, let his rank or condition in society be what it may.

THE MISERY OF PLENTY England is, perhaps, the only country in the world wherein the bounties of Providence, producing an abundant harvest, are really regarded as curses by that class of persons on whom those bounties immediately operate. Every English farmer wishes a large crop, and does all that he can to secure it; but such is his desperate condition, that his own self-preservation calls up a hope that his neighbor's may be blasted! What a state of things is this for a "Christian land!" But it only shews the effects of a bad government—of that kinglycraft and priestcraft that have so many admirers in our own country—which fill the realm with palaces and poor houses, lords and beggars.

The plain matter of the fact is, that the land is so heavily burthened with ordinary taxes, poor rates and tythes, that, unless corn is at double the monied price that it ought to maintain, these taxes and rates cannot be paid. The taxes and rates call for a determinate amount of money, and two or three bushels of wheat, in a productive season, will only pay so much of that amount as one bushel would do if the poor were reduced to a state of semi-starvation. A return of the days of "roast beef and plum pudding," which live now only "in song," would reduce the British financiers to despair.

We have before us an article from Bell's (London) Weekly Messenger, of the 16th September. It states that the quantity of the late crop is exceedingly large, and the quality uncommonly good. It is thought that there is now enough of bread stuffs on hand for two years' supply, and that the wheat weighs at least 60 or 61 lbs. per bushel. But wheat is sold by the quarter in England, which is made of a quantity understood to be as of eight bushels, each weighing 70 lbs. The new crop has been sold at 3s. the quarter, or 4s. 3d. for 70 lbs. and it was apprehended that the price would fall: some, however, had brought 40s. In consequence of those things, "the difficulties to be encountered by the ministers," and the "general alarm amongst the farmers," are spoken of as serious matters—*showing that a season of abundance is a season of distress.* What a lamentable state of things is this—what a lesson does it teach the people of this free republic to compel their rulers to practice economy, and to call them to a severe account for all that they do! But we shall never arrive at that degree of carefulness necessary to preserve the blessings we en-

joy, until every one knows and can readily count up the amount that he individually pays to government. It is *indirect taxation* and the *borrowing system*, that has reduced the farmers of England to the condition just described, by which the blessing of God is made unto them as a curse.

THE CUSTOMS. The following pointed paragraph is copied from the *Maryland Republican*, published at the seat of government of this state, and now edited by Mr. *Jeremiah Hughes*; who will renovate it, and give it a standing second to no other similar establishment in the state.

"Whilst the customs on the importations of the current year replenish the treasury and relieve the committee of ways and means, a balance against us of 20 millions of dollars between the imports and exports, will have to be settled by the people."

Mr. Hughes is entirely right. There is a balance against us of about twenty millions to be settled by the people. But how? Enquire at the banks—look at the prices current of American produce abroad. Gold has disappeared—it is more of a rarity now to see a half eagle than a hundred dollar note, scarce as the latter are at this time; and, when exchange on England shall be about 16 per cent. above par, as there is every prospect that it will be, our silver will follow our gold and the vaults of the banks will be emptied. Many of these institutions can pay all the notes that they have out; but, to save themselves from bankruptcy, they will have to bankrupt their best customers. There is a fearful looking for this state of things. Such is the result of the "glorious uncertainty" of trade, equally perilous as that of the law, with all its quibbles, quibbles and delusions.

TOBACCO. The "American Farmer" tells us that some tobacco made by judge Dorsey, of Maryland, last year, sold in Europe for \$52 per hundred, and some which grew in Montgomery county, and sold here for \$37, brought in Holland the enormous sum of upwards of \$60 per hundred.

COTTON. The "Democratic Press" says—"It is believed that, at this time, the middle and eastern states consume nearly one fourth of all the cotton grown in the United States. It is certain that, in those states, the consumption annually increases."

The experiments that have been made to cultivate cotton in some of the middle states are also alluded to, and the possibility suggested, that the cultivation may be pushed to an extent equal or superior to the local demand. In Indiana and Illinois, the plant prospers well, and has been grown to a considerable extent. If it will succeed in some of the thickly populated states, in Connecticut for instance, there is no manner of doubt that it can be cultivated cheaper there than in any of the southern states—for free labor is much cheaper than the labor of slaves; and the capital needful to raise the crop will be small in the one case compared with the other.

COLOMBIA. Col. Charles S. Todd, our diplomatic agent, has arrived at Laguirra. He was received with enthusiasm, and, after a short stay, proceeded to Caraccas. A letter says that if the people do not cease giving him dinners, balls and other parties, "they will actually kill him with kindness." The colonel was soon to proceed to the city of Bogota—a long journey.

The loss of Mr. Torres is greatly deplored in Colombia—several distinguished persons are spoken of as his successors.

PORTO RICO. An expedition of a very mysterious character has been formed in the West Indies, the head quarters of which were at St. Bartholomews, and the commander gen. Decoudray, whose singular arrival at Curracoa we noticed some time since. It is strongly hinted, that the design of this expedition was for the purpose of revolutionizing the fine island of Porto Rico, and it is intimated that the force collected for the intent amounted to *twenty two hundred men*, nine hundred of whom went from *New-York, Philadelphia and Baltimore*. It is stated, too, as being probable, that a landing may have been made at Porto Rico, &c. Subsequent accounts, however, speak of the authorities of that place as being fully apprized of the design, and as amply prepared to defeat it.

We are wholly in the dark concerning this business, though some affect to know a little about it. Perhaps, it is only an ill-digested predatory excursion of a few desperate individuals, "above the dull pursuits of civil life," and will end like several other things of the sort have ended. How so many as "nine hundred men" were collected at "New York, Philadelphia and Baltimore," for military purposes, without the knowledge or suspicion of any but themselves, we cannot apprehend; nor do we believe that the fact is as reported.

THE U. S. SHIP PEACOCK has arrived at Norfolk, from a cruise off the coast of Cuba, &c. She has lost lieutenants Stallings, Bowyer and Searcey, with midshipmen Lowndes, Archer and Wetherell, and seven men, with the yellow fever, and several severe cases remained undetermined at the latest accounts. Thus our gallant brothers perish to check the depredations of the pirates of Cuba.

The previous accounts of the captures made by the Peacock were substantially true—but the crews of the pirates, 18 excepted, escaped in the woods: the prisoners were sent to New-Orleans. It appears that the British government schooner Speedwell was *in company* with the Peacock when she grounded, and was relieved by the boats of the latter; and, of course, not in danger of capture by the pirates as heretofore stated.

Just before the Peacock sailed from Havana, a privateer, under the Colombian flag, had been brought into that port as a prize. Fifty six of her crew of sixty odd men, were stated to be Americans. There were great rejoicings at the event, and the case was exultingly used to palliate or justify the piracies committed off Cape Antonio, &c. for this privateer had much annoyed the commerce of Spain. We truly regret that the shew of an excuse has been afforded for proceedings so enormously wrong.

A Norfolk paper of the 6th says, that Dr. Samuel R. Trevett, surgeon of the Peacock, died on the 4th inst.—and that there were upwards of forty of the crew on the sick list, of which only four or five were of the yellow fever.

RHODE ISLAND. There is a sharp contest between the legislature and the banks of this state, on the subject of a tax imposed on them. The latter say that their charters are *contracts*, and that therein no provision is made to tax them—that the constitution of the United States forbids the passage of any law "impairing the obligation of contracts," &c. It is probable that the subject will be referred to the judiciary of the United States.

KENTUCKY. The printers, generally, of this state, have refused any longer to receive the bills of the

bank of the commonwealth, except at their real value. The amount of their prices were fixed on other sorts of money; and the present rate of the value of the local currency reduces those prices fully one half. A person lately paid \$5 to a printer in Kentucky, tendering a 10 dollar bill of one of the banks of Virginia, and was surprised at obtaining a discharge of his debt and three five dollar notes, in the way of change for his own!

"RELIEF LAWS." *St. Louis, Oct. 9.* It may gratify our Kentucky friends to learn the result of the unconstitutional attempts at "relief" in Missouri.

The *replevin law*, as it is called, which gave a stay, unless loan office certificates were taken at par, was repeatedly decided *unconstitutional* by the inferior courts, and was, at length, declared so by the supreme court of the state. Public opinion took sides with the judiciary, and has elected to our next legislature a very large majority in favor of the integrity of constitutions and the honest payment of debts. There will, therefore, be no judge-breaking on this account.

The statute creating *loan offices* for the purposes of insuing a paper medium on the credit of the state, has been in several instances declared unconstitutional by the courts, but there has been as yet no adjudication of the subject in our tribunal of the last resort. The members elect of our next legislature are, however, opposed to the experiment of *paper money*, dissatisfied with the depreciation of that which has been issued, and will certainly issue no more.—*Missouri Repub.*

"BETTER TIMES." The Piqua Gazette mentions the late sale of public lands in that district, as an evidence of better times—saying that "the land at Fort Defiance was sold at \$50 per acre, and a number of tracts, convenient thereto, were purchased at the rate of from 2.00 to \$12.50 per acre."

The northern parts of Ohio are rapidly populating—a late Buffalo paper says that the emigration west is greater than it has been for four years that the streets of the village are daily thronged with wagons of the east, bearing, not unfrequently, *three* generations.

THE BATTLE OF THE THAMES, was celebrated on its anniversary, the 6th ult. near the residence of col. *R. M. Johnson*, in Kentucky, by some of the mounted volunteers who were engaged in that affair. Among many other good toasts the following were drank—

The 5th of October, 1813—the battle of the Thames—The day when Kentucky volunteers vanquished British regulars, supported by 1500 Indian warriors, commanded by Tecumseh.

Isaac Shelby—When his country needs his services he prefers danger to security, and the hardships of the camp to the bed of ease.

Col. R. M. Johnson and his mounted regiment—He sought the post of danger, and he carries about him evidence that he performed his duty with honor to himself and to the satisfaction of those whom he commanded.

Col. Waitly, and those who fell in defence of their country's rights in the battle of the Thames.

Jefferson, Madison, Monroe, Jackson and Clay, were remembered in the "flowing cup," and a solemn tribute was paid to the memory of the father of his country, &c.

HUNTSVILLE LAND OFFICE *From the Republican of Sept. 6.* By the obliging attention of the register

of the land office in this village, we are enabled to present the public with the annexed abstract of the operations of this office under the relief law of March, 1821.

This abstract includes only the transactions of the months of August and September, 1821. We learn from the register that the new certificates are made out and will be ready for delivery in the course of this week.

Total quantity of land contained in the surrendered certificates	1,237,807
Total amount of purchase money, including interest	\$7,899,196
Total quantity of acres relinquished	415,196
Amount of purchase money of lands relinquished	\$3,147,896
Total quantity acres retained	822,611
Amount of purchase money of lands retained	\$4,750,988
Total quantity acres patented	144,987
Amount of purchase money of land patented	\$930,837
Total quantity of acres held on further credit	677,883
Amount due on lands held on further credit	\$2,743,111
Amount Yazoo stock extinguished	1,163,347

"MITCHELL'S GROUP." Captain Barrett, of the ship Independence, of Nantucket, on his voyage from Japan to New Zealand, on the 6th of Nov. 1821, being in lat. 9 18 S. and long 179 45 E. by lunar, fell in with a group, of inhabited islands, which, not being laid down in any chart, he named Mitchell's Group, in compliment to Mr. Mitchell, the owner of the ship. The people appeared mild and acted kindly in making presents of cocoa nuts, &c.

THE GREEKS. The London Morning Chronicle, in a spirited article on the affairs of Greece, has the following paragraph—"It has been the fate of almost every nation to be conquered, and it is therefore no disgrace to the Greeks that they fell under the power of the Turks, at a time when nothing in Europe could withstand them. But while other nations have, in the course of time, melted into one mass with their conquerors, it has been the signal misfortune of the Greeks, that a firm adherence to their religion forbade their union with their masters, and kept them a distinct and degraded cast. While we speak of their protracted slavery we should not forget its cause. *Had they yielded up their faith as easily as the clergy of England did in the reign of queen Elizabeth, they would have escaped that oppression at the hands of the Turks, and that abuse at the hands of some of their brother christians, which their constancy has entailed upon them.*"

BRITISH INDIA. The following is copied from Grimsby's Daily Advertiser, of the 3d of September, 1818, published at Calcutta; and furnishes a most excellent comment on some of the efforts made in Great Britain to suppress the foreign slave trade in African negroes—

"Females ruffled for. Be it known, that six fair and pretty young ladies, with two sweet and engaging children, lately imported from Europe, having the roses of health blooming on their cheeks and joy sparkling in their eyes, possessing amiable tempers and highly accomplished, whom the most indifferent cannot behold without expressions of rapture, are to be raffled for next door to the Bri-

tish Gallery. Scheme, twelve tickets, twelve rupees each; the highest of the three throws, doubtless, takes the most fascinating."

GENERAL JACKSON. The Philadelphia Aurora, of Saturday last, says—"We have heard and are induced to believe, that the hero of New-Orleans has resolved to withdraw from all public employments. Like Cincinnatus, he was called by his country to be its shield and buckler in the hour of peril; like him, he accomplished all that man could effect; and now, seeking the repose of private life, he fully imitates the glorious example of that distinguished Roman. If such is his determination, it is almost certain that we are not, hereafter, to have for a high station a soldier of the revolution: had gen. Jackson become a candidate for the presidency, he would have been the last of the heroes and statesmen of "the times that tried men's souls," whom the people would have had the opportunity to honor."

LYNXES. Four of these animals lately appeared in the arrondissement of Notre dame de la Zose. The alarm was spread and three of them soon killed. The following account of the ferocity of the fourth, and the contest in which he was destroyed, is copied from the Paris Moniteur.

"One of them, about the size of a large dog, passed through a flock without doing any harm, and ran at the shepherd, who owed his safety to his two dogs. In another quarter, he attacked an unfortunate woman whom he bit severely, and whose life was despaired of. At length, he sought refuge in the territory of the commune of Pignans, where he found his conqueror in a peasant of extraordinary courage and strength, made like a Hercules, and in the bloom of life. This man, who was unarmed, siezed him body to body, and, after a sanguinary and obstinate struggle, which lasted three quarters of an hour, succeeded in throwing him to the ground; but still he would not have conquered him but for his address and promptitude.

This ferocious animal had devoured the hat of his adversary; a large buckle attached to the hat stuck between his teeth; he availed himself of this circumstance, and, having courageously thrust his hand, armed with a stone, into his mouth, as deep as possible, left the stone there, and in spite of the numerous bites which he received did not let go his hold until he tore out the tongue of the animal, flung him to the ground, and saw him expire in dreadful convulsions.

POISON. Mr. Edmund Jukes, a surgeon of Westminster, Eng. has invented an apparatus by which the stomach may be emptied of poison, received be accident or design. After trying it on various animals, with complete success, he experimented on himself—and swallowed ten drachms of laudanum, from which he was promptly relieved.

THE LUTINE FRIGATE. In page 82, we noticed the case of this frigate, wrecked on the coast of Holland several years ago, when employed in the conveyance of specie to the continent, which the present Dutch government had decided as now belonging to Holland, if attainable, because that vessel was wrecked during a war—in 1799: on this decision a London editor has the following remarks—

"And this is the return made for supporting the prince of Orange for about five and twenty years, at an expense of 16,000l. a year, and spending millions in endeavoring to restore him as a stadtholder;

raising him to the rank of king and creating a kingdom for him, and giving him colonies which we ought to have retained. After all this, his majesty refused the subjects of Great Britain their own property, lost in that very cause which was to raise him from being a princely pauper to an independent sovereignty. How subtle the distinction of national law on which this refusal is founded, and how unmanly is it to tell us that the money belongs to Holland by the rights of war, when the king had stigmatized that war on the part of the Dutch as an act of rebellion against his legitimate authority."

WATER. A late English paper says—"Recent experiments, in many parts of England, have proved, that supplies of the best water may be obtained by properly boring the earth to a sufficient depth. The expense appears to be trifling, while the result is of the highest importance to all landed property. Fountains have been made in parishes where water has usually been sold by the gallon, which yield a constant supply, the year round, of a hog'shead per hour."

This appears probable enough, when we call to mind how salt water is procured throughout the western states of the union.

A **CARPET** has been manufactured at the royal establishment of the *Savonneris*, at Paris, destined for the hall of the throne, which is believed to be the largest that has ever been executed. It is 50 feet long and 50 wide, and might have been done in one piece agreeably to the design, but it would have required, in that case, nine years for its execution. For the sake of greater expedition, it was divided into three parts, which have been accomplished in three years. Agreeably to the details that have been furnished, it has cost, in labor alone, 50,000 francs—ten thousand dollars.

DESTRUCTIVENESS OF MICE. The *Journal des Debats* says, "The department of the Lower Rhine has been for the last four months afflicted with a scourge which has thrown the inhabitants into the utmost consternation, and reduced them to a situation truly deplorable. The sufferings of this district have arisen from the incredible ravages of mice! The arrondissement of Savern and Strasburgh have been most exposed to their depredations. Those destructive animals have multiplied there to such a degree, that, in the district of Savern, 1,570,000 have been taken in a fortnight, and nearly as many have perished in their holes. The crops have been nearly destroyed in many communes; and the potatoes, the last resource of cultivators, are now attacked and threatened with destruction. What the mice have spared has been carried away by hail storms. On the 23d, a dreadful storm burst over the town and environs of Strasburgh, especially over the districts of Marienheim and Dappenheim, where the crops were almost entirely destroyed, and the loss is estimated at 500,000 francs."

REAL NEIGHBORHOOD. Mr. John F. Hicks, farmer, in Smithfield, Madison county, N. Y. having accidentally had his leg broken, which prevented him from attending to the getting in of his crop, his neighbors, to the number of one hundred, turned out on Wednesday last, and, in the space of four hours, gathered and secured from eight acres, 250 bushels of corn; besides digging and burying 100 bushels of potatoes, and securing all Mr. H's pumpkins, stalks, &c.

A LIBEL. From a late London paper. In the golden days of good queen Bess, those halcyon days to which every Englishman affects to look up with rapture, the punishment for libel was the loss of the right hand to the libeller. A Mr. Page, who had presumed to write a pamphlet on the subject of the queen's marriage with the duke of Anjou, was prosecuted for, and convicted of, libelling her majesty, and suffered the punishment. When on the scaffold, he made the following manly and spirited speech:

"Fellow countrymen—I am come here to receive the sentence of the law, according to my judgment, and thank the God of all, and of this I take God to witness, who knoweth the hearts of men, that I have never offended her majesty's person, crown or dignity; but have been as true a subject as any was in England, to the best of my ability, excepting none." Then holding up his right hand, he said, "this hand did I put to the plough, and got my living at it many years. If it would have pleased her highness to have taken my left hand, or my life, she had dealt more favorably with me, for now I have no means to live; but God, who is the father of us all, will provide for me. I beseech you, good people, to pray for me, that I may take my punishment patiently." He then laid his hand upon the block, and prayed the executioner to despatch quickly. At two blows his hand was taken off; when lifting up his bleeding arm, and pointing to the block, he said to the by-standers, "see, I have left there a true Englishman's hand;" and then went from the scaffold stoutly, and with great courage. What would be said to such a punishment in the present day?

HOLMES' ANNALS. There are a great number of interesting facts, relative to early American history, scattered through Holmes' annals. The editor of the Democratic Press has read the work for the purpose of selecting such matter as may interest the American people:

Lima, the capital of Peru, with Callao its port, was completely destroyed in 1746 by an earthquake. Of twenty-three vessels nine were sunk. The convulsions continued, with short intervals, four months—12,000 persons were killed.

In 1747 a great tumult was raised in the town of Boston. Commodore Knowles, while lying at Nantucket with a number of men of war, losing some of his sailors by desertion, thought it reasonable that Boston should supply him with as many men as he had lost. He, therefore, sent his boats up to town early in the morning, and surprised, not only as many seamen as could be found on board any of the ships outward bound, as well as others, but swept the wharves, taking some ship carpenter's apprentices, and laboring landmen. This conduct was universally resented as outrageous. A mob was soon collected. As soon as it was dusk, several thousand people assembled in King's street, below the town house, where the general court was sitting. Stones and brickbats were thrown into the council chamber through the windows. A judicious speech of the governor from the balcony, greatly disapproving of the impress, promising his utmost endeavors to obtain the discharge of the persons impressed, and gently reprehending the irregular proceedings of the people, had no effect. Equally ineffectual were the attempts of other gentlemen to persuade them to disperse. The seizure and restraint of the commanders and other officers, who were in town, were insisted on, as the only effectual method to procure the release of the

inhabitants on board the ships. The militia, of Boston was summoned the next day to the aid of government, but refused to appear. The governor, judging it inexpedient to remain in town another night, withdrew to Castle William. Letters, in the mean time, were continually passing between him and the commodore. The council and house of representatives now passed some vigorous resolutions, and the tumultuous spirit began to subside. The inhabitants, assembled in town meeting, while they expressed their sense of the great insult and injury by the impress, condemned the riotous transactions. The militia of the town, the next day, promptly made their appearance, and conducted the governor, with great pomp, to his house. The commodore dismissed most, if not all, of the inhabitants who had been impressed; and the squadron sailed, to the joy and repose of the town.

So early as 1746, 200,000, lbs. of *Indigo* were sent from South Carolina to England. [At a time when we grow such a superabundance of cotton that its price is lower than ever before known, would it not be prudent and profitable for some of our South Carolina planters to turn their attention to the cultivation of the *Indigo* plant, which, it is ascertained, will grow well in that state.]

In 1749, *Philadelphia* contained two thousand and seventy-six dwelling houses. There were eleven places of public worship in the city, viz.—2 Presbyterian, 2 Quaker, 1 church of England, 1 Roman Catholic, 1 Moravian, 1 Baptist, 1 Swedish, 1 Dutch Lutheran, and 1 Dutch Calvinist.

This year the *drought* in New England was so great that the grass crop did not yield a tenth of what it usually yielded, and the inhabitants were obliged to send to Pennsylvania and others to England for hay.

FOREIGN NEWS.

From London papers of the 22nd Sept.

Great Britain and Ireland. The stock of cottons in England was estimated at 370,000 bales, on the 20th September. The consumption is about 10,000 bales per week. The prices were, for Uplands from 6d. to 8½; Orleans 6½ to 10½; Alabama 5½ to 8.

The levy of the last year for the support of the poor, in England and Wales, amounted to the sum of 6,958,445 pounds—about thirty-one millions of dollars; or much more than the whole cost of the government of the United States, including all sorts of contributions levied on the people for the support of the poor, for roads, public schools, and the administration of justice, &c. in their several states, counties, cities, towns or townships.

It is supposed that, at one horse race, at Doncaster, at which there was apparently much *jackeering*, alias roguery, one person won about 50,000l.; and some of the servants of the "knowing ones" got as high as 2,000 in winnings.

France. The Cathedral at Rouen, in France, was destroyed by lightning on the 15th Sept. The fire communicated to several houses in the neighborhood, which were burnt down, and some lives lost. The storm which caused this catastrophe is said to have been one of the most terrible ever witnessed.

Spain. The London *Courier* styles the constitutional government of Spain "the faction predominant at Madrid!"

Russia. The following is the imperial decree for closing the masonic lodges in this empire. It is dated at St. Petersburg, August 30, 1822:

The rescript directed by his majesty on the 13th instant, to the minister of the interior, count Kotchuberg, respecting the dissolution of all secret societies and Freemasons' lodges, is as follows:

"*Count Peter Pawlowitch*—The troubles and disorders which have arisen in various other states through the existence of secret societies, some of which, under the names of Freemasons, were, at first, founded for charitable purposes, and others secretly pursued political objects, have induced some governments to pay stricter attention to them, and, in the end, wholly to prohibit such secret associations: As I always direct particular attention to the creation of a firm bulwark against every thing that may be injurious to the empire, and especially at a time like the present, when, unhappily, so many states offer sad examples of the ruinous consequences of the philosophical subtleties now in vogue, I have found it necessary to the general good to command as follows, with respect to the above mentioned secret societies:

"1. All secret societies, under whatever name they exist, (as well as the Freemason's lodges), shall be closed, and the establishments not be allowed.

"2. All the members of such society, as soon as they shall be informed of this measure, are to engage, in writing, to take no part, henceforward, under any pretext, in any secret society, under whatever well meaning name it may exist, in the empire, or in any foreign countries.

"3. As it does not become officers in the public service to bind themselves by any oath but that which the laws determine, the ministers and authorities are bound to require from those subordinate to them a frank declaration, whether they belong to any Freemason's lodge, or other secret society, in or out of the empire, and what that society is.

"4. A written engagement is to be taken from the members of them, that they will break off all intercourse with them; and he who refuses to sign such an engagement, shall be dismissed from the public service.

"5. The authorities in the governments are strictly enjoined to take care that no lodges subsist, or be created, any where, on any pretext whatsoever.

"6. That all persons employed in the public service engage, by their signatures, according to the 3d and 4th sections, not to belong to any secret society, either now, or in future. Without having signed such an engagement they cannot be employed in our service.

"I am convinced that you will neglect nothing to effect the due execution of my order—and that you will communicate this to the other ministers, that they may co operate with you for this purpose.

(Signed)

"ALEXANDER."

This ukase (rescript) has been read, partly in the Russian language, partly in the translation, to all public officers and Freemasons. In consequence, all the officers here, as well as all other members of Freemasons' lodges now present, have signed the engagement required, and they are already delivered to the minister. The police, too, have already examined the places where the Freemasons held their meetings, to see whether all the emblems, &c. were removed. Last week the Freemasons sold their furniture, by auction, among themselves. All have shewn the greatest readiness to execute his majesty's commands. A great many persons were discharged from their offices, shortly before the emperor's departure.

Turkey. The plague has broken out in Albania and spread into Epirus and the Morea—some of the cities were nearly deserted and the people were flying in all directions.

The following very *legitimate* article is from the London *Courier* of the 19th Sept. "We apprehend it can be no longer doubted, that the Greek cause

in the Morea is at an end, and if so, the real friends of humanity will have occasion to rejoice." But—the London papers of three days' later date contain several articles that confirm the previous accounts of the victories of the Greeks, which it is not worth our while to give a repetition of. The head of Char Hadje Ali Pashaw was brought to the vice-president of the Grecian government at Argos. Yet there are still reports that are unfavorable, and a Trieste article, of September 2, says—"A ship arrived yesterday from Corfu, (says the Gazette of Augsburg), brings us overwhelming news from the Morea; Chourschid has penetrated there, the amnesty of Scio in his hand. *The gold of the English will do what the swords of the Turks could not effect.* Numbers of fugitives endeavor to gain the islands. The lot of the Jews is reserved for the Greeks. It is useless to expect any moderation on the part of the irritated Mussulmen, should even the sultan wish it. The Morea is become one vast cemetery. *This catastrophe has been so rapid that many suppose that lord Stangford has pressed the Sultan to terminate this affair before the opening of congress.*"

The following proclamation has been issued by the provisional government of Greece.—"Whereas the danger menacing the western continent of Greece, and consequently the whole of Greece, is great and imminent, and whereas it is necessary that the strongest and most extraordinary measures should be taken,

"In virtue of the 539th article of the decree of the legislative body of the 11th of May, the president of the executive did decree, and does decree as follows:

"1. That all the inhabitants of the western continent of Greece, and whatsoever class, from 16 to 50 years of age, without exception, must take up arms, and must repair to whither the danger of their country may call them.

"2. All Greeks, from 16 to 60 years of age, who, having left the country in these critical moments, and taken refuge in the neighboring Ionian Islands, do not return within three days after the above decree shall be made known to them, in order to second the exertion of their brethren, will be declared expelled from their country, and their property, real or personal, shall be publicly sold by auction.

"3. Whoever, in these circumstances, shall show themselves unworthy of their country, and disobedient, not only will they be declared as such, but will lose every right of citizens; their property will be sold by public auction, and the produce of it serve as pay to the soldiers who defend the country.

"All military and civil officers are charged with the immediate execution of the above decree.

(Signed)

"MAUROCORDATO.

(Signed)

"H. POLISTODES.

"*Machata, July 7, (19), 1821.*"

East Indies. Fifteen hundred houses, occupied by 7,000 muslin weavers, have been destroyed by an accidental fire at Surat.

Buenos Ayres. Another conspiracy is said to have been detected in this city on the 23rd of August, Tagle, formerly secretary of Pueyrredon, is reported to have been at the head of it. Sundry persons were arrested.

Brazil. The prince regent has fully assumed the character of a *revolutionist*—he lately appeared at the theatre with a green badge round his arm, and the motto "independence or death," having removed the Portuguese cockade from his hat. This act appears to have been wholly of his own will. He is very popular with the people. St. Salvador still adheres to Portugal.

The Military Staff of the U. States.

[COMMUNICATED].

The military staff of this country may be considered as applicable to the land service in general, and not exclusively appertaining to the regular army, but equally intended to aid the operations of the militia of the several states. Its present organization is such, that, having a competent and responsible head to each branch, it may be extended, on its present plan, so as to answer all the demands of the service, without greatly increasing its cost, other than what may result from the employment of additional assistance and subordinates to correspond with the number of forces to be employed. Each branch has established rules for transacting its various duties; the system of accountability is as perfect as the nature of the service will permit, and the whole is now in successful operation. The general staff consists of several distinct branches, the chiefs of which reside at the seat of government, and perform their functions under the direction of the war department; they are as follows—

The adjutant general's department or military correspondence.

The engineer department, or the department of fortification and topography;

The ordnance department;

The quarter master's department;

The pay department;

The subsistence department;

The medical department, and

The purchasing department—which last, for convenience, is located at Philadelphia. Besides these there are two inspectors general, who have no fixed residence, but whose duties are divided. One for the artillery and the other for the infantry. Their duties are important and arduous. They inspect the condition of the troops as to discipline, arms and equipments, also as to their numerical, physical and moral efficiency. The arsenals, stores, provisions, clothing, camp-equipage, ordnance and supplies of every description, pass under their inspection at uncertain periods. They keep the government informed of the actual state and condition of the military establishment, both as to the personal and material.

The application of the staff to the militia as well as to the regular forces, is proper, convenient and advantageous. For instance, all the supplies of provisions, camp-equipage, quarter masters stores, hospital stores, ordnance, arms and ammunition, pay and other allowances for the militia, when called into the service of the United States, must be drawn from this source, and it would be still more beneficial and efficacious to add to every detachment of militia, a suitable proportion of regular staff officers, to assist the commanding general of the militia, and to relieve him from the multiplied details of service which must otherwise fall upon himself, and the inexperienced militia staff officers, that may be called out with the troops. Thus surrounded with officers acquainted with the routine of business, accustomed to the transactions connected with military supplies and details, the general or commanding officer would be unembarrassed and left at leisure to form his plans of attack and defence, with the moral certainty of having his troops fed and supplied with every necessary which is deemed essential to his operations. The public treasure would be applied to the proper objects, and the nation thereby secured from the enormous losses and unreasonable expenditure, which, hitherto, unavoidably attended the employ-

ment of the militia. The officers and soldiers, finding themselves sufficiently and regularly supplied, and conducted scientifically, would naturally feel an additional confidence in themselves, and continue more cheerfully to perform their duty. The number of their sacrifices would be greatly lessened, and every comfort would be afforded them consistent with the nature of the service. To effect all this, it is only necessary to increase the staff from the officers of the regular army, whose knowledge of service, and whose known character and experience could be relied on. The military academy is the source from which all these results may be anticipated; because, not only a correct military education is there obtained, but the graduates must prove themselves capable of passing an examination on every branch of the service, and also, during the four years of probation which they have to undergo while remaining in that institution, previous to receiving commissions in the army, satisfy the academic staff that their moral character is unimpeachable. With this constant supply of intelligence and virtue, the army will never fail to possess the means of increasing the national staff when the public service may require it.

Bank of the United States. TO THE PUBLIC.

Langdon Cheves, president of the bank of the United States, has thought proper, in his late exposition, to introduce my name in connection with statements and assertions, which I have been compelled, by a due respect for myself, as well as the demands of justice and truth, to pronounce "false and without a just foundation."

In a notice to the public, he has since come forward with what he would seem to intend a vindication; and such, perhaps, it might be, if arrogance were argument, or indecorous epithets were persuasion, or the speaking infirmities of a heated temper were evidences of a fair mind, and an honorable purpose. I shall make no apology to my fellow-citizens for coming before them in self defence on this occasion. I rely too much on the good feelings, the sense of right, and the virtue of the community, to suspect, for a moment, that I shall be considered as obtruding myself, where I am not commanded to appear by every principle and motive which can actuate an honest mind, or give value to character.

And, like Mr. Cheves, I may be permitted to have so much regard for the "public morals" as to feel it a duty to expose the audacity, which is restrained by no "fastidious delicacy" from violating the rights and sporting with the reputation of individuals; I may be permitted to deprecate the "hardihood of guilt" which dares to condemn a man unheard, to persecute him without allowing his defence, and sacrifice him at the shrine of private animosity; and especially may I be allowed so much disinterested concern for the "public morals," when it is felt that I am myself the victim and the sufferer. But I must be excused from meeting Mr. Cheves on his own ground; I am no adept in the kind of language with which he proves himself so familiar, and I have a deeper interest at stake than a trial of skill in uttering the voice of passion or selecting epithets of abuse. I have nothing more to offer than a plain statement, which comes entirely within the compass of justice and fact. It wants no ostentatious flourish of self assurance, nor the aid of dogmatical assertions, without proof, or the concurrence of a committee, to make it clearly under-

stood, and fully appreciated by every candid mind.

About three years ago the president and directors of the bank caused a prosecution to be instituted against me, which has been most unreasonably protracted *through their agency*. On a late occasion I used all the means in my power to bring the investigation to an issue, having been all along subjected to a great expense; but these attempts were frustrated by the counsel of the bank. While this prosecution was pending, a meeting of the stockholders was called. From their number a committee was selected, who, the world is told, organized themselves into a court of justice. The president brought his charges, and this self-constituted judicial body, as it is said, went through an investigation, and finally judged, condemned and sentenced the accused. Upon this mock trial and condemnation, which is acknowledged to have been founded wholly on *ex parte* testimony, the president imagined himself authorized, and actually took the liberty to publish this sentence to the world, and declare me guilty of being accessory to a "stupendous fraud" on the bank.

This is a literal narrative of facts, as short and simple as it is obvious and imposing. And now I appeal to every man in the community, who looks upon the laws of his country as the safeguard of his rights, and who considers, as every honorable man must consider, a wanton attack on his reputation as the deepest injury which can be inflicted or designed—I appeal to every such man, whether I have been precipitate or rash in the charge I have made, or whether I have gone beyond the bounds to which I was compelled to go by a consciousness of injury like this, inflicted under circumstances as novel in their details, as unjustifiable and aggravating in their character.

And how does Mr. Cheves acquit himself when he attempts a vindication of his conduct? He breaks into a passion—is amazed that his authority should be questioned; and concludes with an extract purporting to contain a resolution of the self-constituted judicial committee above-mentioned.

As to the first and most prominent feature of his vindication, I have already acknowledged my inability to meet him on any terms of equality. I have no mind to be in a passion upon so grave a matter; and if I could think myself capable, I should not suppose my cause would be strengthened by any studied refinement of abuse or indecorum of language. These may be potent weapons in skilful hands, but as I have never learnt to wield them, it is fortunate that I do not need their aid.

In the second place, it seems to have excited a furious resentment in this man, that any one, whom he condemns, should dare to assert his innocence; and, by some unaccountable mental obliquity, he confounds accusations with proofs of guilt. But let me ask by what authority has he acted in this case? Whence does he derive the power to be the accuser and the judge, the prosecutor and organ by which his own sentence of condemnation is published to the world? Does he derive it from the laws of this free country, from the laws of nature, or from the equitable privileges of society? No—this power is assumed, and its exercise is equally an encroachment on the liberty of the citizen and the rights of human nature. From no privileges of the one, no principles of the other, is he authorized to usurp the authority which he has claimed. He has set himself above law, thrust aside the forms of every equitable process, rendered nugatory the judicial institutions of his country, bid defiance to the majesty of justice, and then

wonders that the victims of his usurpation should doubt his infallibility, and remonstrate against proceedings, which not only aim at their ruin, but which, if tolerated, would blast with the pestilence of tyranny every plant in the fair field of liberty. For myself, I am not disposed to submit to such authority; nor do I believe the time will soon come, when there will be so little virtue, or so much blindness in the community, as to suffer any one to tolerate presumption like this, or look upon it with any other than an eye of ridicule or contempt.

To show that his authority is worth something more than I am willing to allow, he fortifies himself with a resolution of a committee? And what committee? A selection of persons, most of whom were his particular friends, adherents and dependants, some of whom were known to be hostile to the accused, and all of whom were in the exclusive interests of the bank, and acting as its agents. That is, the committee, who erected themselves into this tribunal, were the virtual prosecutors of the very men, whom they tried and judged! And how did this committee proceed? They received the charges of the president, listened to his accusations, examined such papers as he presented, and this without even informing the party accused, or hearing a word in their defence. And, to add to the enormity of this outrage, if indeed it admits of addition, this farce was acted over at the moment when a legal investigation was pending! This self-organized court will find a true prototype in the inquisition. And yet, strange as it may seem, Mr. Cheves has been a judge, and acted in this capacity, not in the cloisters of Spain, but under the laws of these independent states of America. This is the court which he puts forward as the supporting pillar of his authority. I make no comments. I abuse not the good sense of any one, by asking him to weigh the authority of this committee. It is just as good in this case as the president's, and no better.

And supposing this authority were as incontestable as Mr. Cheves would have it, the resolution of the committee has no direct bearing on his case. Not a word is there said about "fraud." We are told of the "past and present condition of the bank;" but we have no hint that even this tribunal sanctioned the outrageous charge of which I complain in the president's exposition. Why this resolution should have been made public it is difficult to conjecture. It may amuse some and deceive others; but it would seem impossible that even Mr. Cheves should have been so blind as not to perceive that it argues nothing in his favor. It throws the responsibility still more strongly upon himself, and proves still more clearly that his conduct is indefensible on any principles of justice and fair dealing, since he has been obliged to lean on such a support.

And, after all, let it be supposed that Mr. Cheves has made his case good, that his investigation was conducted with impartiality, and that he has indubitable evidence of my having been guilty of fraud; I should not even then consider his conduct as admitting any possible justification. In its most favorable aspect, it is an outrage upon the laws of his country, and a contempt of its courts of justice. With any testimony in his favor, he has no right, under such circumstances, to anticipate a legal decision. If a man, in a public capacity, is suffered to take upon himself the offices of accuser and judge, and in a public document to send out a libel on the character of an individual, it is a vain boast to talk

any longer of the citizen's rights, or the sacredness of the laws. It is obvious how much more indefensible such a measure must be, when it involves a rash and flagrant charge against one who is conscious of innocence, and who only asks the privilege, which the laws allow him, of confronting his accusers and making his defence.

As I must be supposed to know at least as much of my own case as Mr. Cheves, and as he has publicly uttered what I deem a slander on my character, I have felt it a duty, in the same public manner, to pronounce his statement "false and without a just foundation." He has produced such a vindication as he could, but in this I see no apology for his conduct, and no reason for altering my mind. As for myself, I have no apprehensions for the result, and only desire that public opinion may be suspended until a legal investigation shall have been made; and that no person may be influenced in his decision by the unauthenticated assertions, the passionate violence, and arrogant pretensions with which this assault on my character has been published and defended.

GEO. WILLIAMS.

Baltimore, October 28th, 1822.

Sir William Herschel.

FROM A LONDON PAPER.

The accounts of this celebrated individual, which have found their way into the papers and magazines since his death, are in many respects very inaccurate. The following has been furnished by a gentleman well acquainted with sir William and his family, and its accuracy may be relied on:

"Sir William Herschel was born in November, 1738. His father, being a musician, brought up his four sons, of whom sir William was the second, to the same profession, and placed him, at the age of fourteen, in the band of the Hanoverian foot guards. Unable, however, long to endure the drudgery of such a situation, and conscious of a superior proficiency in his art, he determined on quitting the regiment, and seeking his fortune in England, where he arrived about the end of the year 1757. After struggling with great difficulties in London, he was engaged by the earl of Darlington to superintend and instruct a military band then forming by that nobleman in the county of Durham; the opening thus afforded contributed so far to increase his reputation and connections, as to induce him to spend several years, after the termination of the engagement, in the neighborhood of Leeds, Pontefract, and Doncaster, where he had many scholars, and led the public concerts and oratorios.

"In 1766 he was chosen organist at Halifax, a situation he soon after resigned for the more advantageous one of organist at the Octagon Chapel at Bath. In this great and gay resort of fashion, his extraordinary musical talents procured him ample employment, and the direction of the public concerts and his private teaching produced him a considerable income.

"But though fond to enthusiasm of his profession, his ardent thirst for knowledge had begun for some time past to open a nobler field to his exertions. While at Halifax he had commenced a course of mathematical reading, and in spite of the difficulty of such studies, acquired without assistance a considerable familiarity with the principle both of pure and applied mathematics. The sublime views disclosed by the modern astronomy had powerfully attracted his attention, and when he read of the noble discoveries made by the assistance of the telescope, he was seized with an irresistible desire

to see with his own eyes the wonders he read of. Fortunately the price of an instrument capable of satisfying his curiosity was beyond his means, and he resolved to attempt the construction of one for himself. In this arduous task, after encountering endless difficulties, he succeeded, and in 1774 first saw Saturn in a five feet reflecting telescope, made by his own hands. Encouraged by this success, he now attempted larger telescopes, and soon completed a seven, a ten, and a twenty feet reflector, labring with such obstinacy as to have actually finished no less than 200 object mirrors before he could satisfy himself with the performance of one.

"Astronomy now occupied so much of his attention, that he began to limit his professional engagements, and restrict the number of his scholars.

"About the latter end of 1779 he commenced a regular review of the Heavens, star by star, with a seven feet reflector, and having already continued this upwards of eighteen months, he was at length rewarded, on the 15th of March, 1781, with the discovery of a new primary planet, to which he afterwards gave the name of Georgium Sidus, now more generally distinguished by that of Uranus.

"In consequence of this memorable discovery, the attention of the scientific world became fixed upon him, and his late majesty, with a promptitude of liberality which must ever be recorded, to his honour as a patron of science, enabled him, by the settlement of a handsome salary, to discontinue his professional exertions, and devote the remainder of his life wholly to astronomy. In consequence of this arrangement, Herschel immediately quitted Bath, and took up his residence at Datchet, in the neighborhood of Windsor, where he was no sooner established than he entered on a career of discovery unexampled, perhaps, in the history of science. Having removed to Slough, he commenced the erection of a telescope of yet larger dimensions than any before attempted, which he completed in 1787, and, aided by this stupendous instrument, and by others of hardly inferior power, extended his researches to every part of the Heavens, penetrating into regions of space of a remoteness elding calculation, and developing views of the construction of our own system, and the universe, of a daring sublimity, hardly more suprising than the strictness of the induction on which they rest.

"In these observations, and the laborious calculations into which they led, he was assisted throughout by his excellent sister, Miss Caroline Herschel, whose indefatigable and unhesitating devotion, in the performance of a task usually deemed incompatible with female habits, surpasses all eulogium. It is not our task to trace the progress of these discoveries, which were communicated as they arose to the royal society, and form an important part of the published transactions of that learned body from the year 1782 to 1818.

"In 17—he married Mary, widow of the late John Pitt, esq., and the accession of domestic happiness he experienced from this union, while it testified the justice of his choice, contributed powerfully to cherish that calm tranquility of mind which is the native element of contemplative philosophy, and the soil from which its shoots rise most vigorous and most secure.

"In 1816, his present majesty was graciously pleased to confer on him the decorations of the Guelphic order of Knighthood. His astronomical observations were continued to within a few years of his death; till his declining strength, no longer keeping pace with the activity of his mind, he sunk at length, full of years and glory, amidst the

applause of the world, and, what was far dearer to him, the veneration of his family, and the esteem and love of all who knew him."

Sir William Herschel has left one son, who, with his father's name, inherits his distinguished talents.

Mexican Coinage.

FROM THE NATIONAL GAZETTE.

Amount of gold and silver extracted from the mines of Mexico, and coined at Mexico, from 1690 to 1803, inclusive.—*Humboldt.*

Years.	Value in dolls.	Years.	Value in dolls.
1690	5,285,580	1747	12,002,000
1691	6,213,709	1748	11,628,000
1692	5,252,729	1749	11,823,500
1693	2,802,378	1750	13,209,000
1694	5,840,529	1751	12,631,000
1695	4,001,293	1752	13,627,500
1696	3,190,618	1753	11,594,000
1697	4,459,947	1754	11,594,000
1698	3,319,765	1755	12,486,500
1699	3,504,787	1756	12,299,500
1700	3,379,122	1757	12,529,000
1701	4,019,093	1758	12,757,594
1702	5,022,550	1759	13,022,000
1703	6,079,254	1760	11,968,000
1704	5,627,027	1761	11,731,000
1705	4,757,175	1762	10,114,492
1706	6,172,037	1763	11,775,041
1707	5,735,632	1764	9,792,575
1708	5,735,601	1765	11,604,845
1709	5,214,143	1766	11,210,050
1710	6,710,587	1767	10,415,116
1711	5,666,085	1768	12,278,957
1712	6,613,425	1769	11,938,784
1713	6,487,872	1770	13,926,320
1714	6,220,822	1771	13,803,196
1715	6,368,918	1772	16,971,857
1716	6,496,288	1773	18,932,766
1717	6,750,734	1774	12,892,074
1718	7,173,590	1775	14,245,286
1719	7,258,706	1776	16,463,282
1720	7,874,323	1777	21,600,020
1721	9,460,734	1778	16,911,462
1722	8,324,432	1779	19,435,457
1723	8,107,348	1780	17,514,263
1724	7,872,822	1781	20,335,842
1725	7,370,815	1782	17,581,490
1726	8,466,146	1783	23,716,657
1727	8,133,088	1784	21,037,374
1728	9,228,545	1785	18,575,208
1729	8,814,970	1786	17,257,104
1730	9,745,870	1787	16,110,340
1731	8,439,871	1788	20,146,365
1732	8,726,465	1789	21,229,911
1733	10,009,795	1790	18,063,688
1734	8,556,553	1791	21,121,713
1735	7,992,001	1792	24,195,041
1736	11,016,000	1793	24,312,942
1737	8,122,140	1794	22,011,031
1738	9,490,250	1795	24,593,481
1739	8,550,785	1796	25,644,566
1740	9,556,040	1797	25,080,038
1741	8,663,000	1798	24,004,598
1742	16,677,000	1799	22,053,125
1743	9,384,000	1800	18,685,674
1744	10,285,000	1801	16,568,000
1745	10,327,500	1802	18,798,600
1746	11,501,000	1803	23,166,906

Total of gold and silver from 1690, to 1803 1,353,452,020 dolls. = 284,224,924. sterling—silver drawn from the mines of Mexico from 1690 to 1800, 149,350,371 marks = 98,008,212lbs. troy.

Account of the COINAGE in the mint of Mexico, from the year 1802 to 1821, inclusive. Furnished by don Jose Mariana Pavia, July 15, 1822.

Years.	Gold.	Silver.	Copper.
1802	839,122	17,959,477 3½	—
1803	646,050	22,520,856 1½	—
1804	959,030	26,130,971 0¼	—
1805	1,369,814	25,806,074 3¼	—
1806	1,352,348	23,383,672 6½	—
1807	1,512,266	20,502,433 7½	—
1808	1,182,516	20,703,984 7¼	—
1809	1,464,818	24,708,164 2½	—
1810	1,095,504	17,950,684 3½	—
1811	1,085,363	8,956,433 0½	—
1812	381,646	4,027,620 0¼	—
1813	—	6,133,983 6	—
1814	618,069	6,902,481 4¼	103,555 0
1815	486,464	6,454,799 5	101,356 5
1816	960,393	8,515,616 0¼	125,281 6
1817	854,942	7,994,951 0	—
1818	533,921	10,852,367 7½	—
1819	539,377	11,491,138 5	—
1820	509,076	9,897,078 1	—
1821	303,504	5,600,022 3½	12,700 0

Tot. \$16,684,223 \$286,292,811 5¼ \$342,893 3

Statement of the gross amount of tythes of the holy Metropolitan church of Mexico, with the expenses of collection and administration—the gross amount of receipts, and the partition of it for one common of five current years, viz: 1783 a 1799.

RECEIPTS.

Balance remaining due the year antecedent with the expense of collection	204,103 5.9
Gross amount of tythes	490,441 4.9
Balances due from preceding years	54,227 4.3
	<u>\$748,772 6.9</u>

EXPENSES.

Expenses of collection	97,438 3.5
Incidental expenses	12,955 0.0
Expenses on wool handed over from this to other churches	1,447 6.5
Do. in old balances	6,809 4.4
Do. on sugar	40 0.0
Balance on hand and due	209,971 7.5
	<u>328,642 3.7</u>

Amount divisible \$420,130 3.2

DISTRIBUTION.

<i>Archbishop's Fourths.</i>	
To his excellency the archbishop, for his fourth, the expenses appertaining to it included	105,032 4.9
<i>Royal Ninths.</i>	
To the two royal ninths	46,681 3.2
<i>Fabrica Church Fund.</i>	
To the fund for the repairs of churches, 3-18ths, the incidental expenses included	35,010 6.9
<i>Hospital</i>	
To the hospital del Amor de Dios and that of "Queretaro," their 3-18ths, expenses included	35,010 6.9
<i>Mesa Capinular.</i>	
To the table of the chapter for its fourth & 4-9ths, incidental expenses included,	174,152 6.8
Vacantes menores	24,242 1.1
	<u>198,394 7.9</u>
	<u>\$420,130 3.2</u>

Allowance made to the Individuals of the "Mesa Capinular," at the same time.

To the dean, including the "anniversarios"	\$13,751 0.5
To each of the four dignitaries,	11,570 7.2
To each of the five canons,	8,908 5.5
To each of the six prebendaries,	6,230 3.9
To each of the six half do.	3,115 1.9

Roman Catholic Church.

A new periodical publication has been just issued at Charleston, South Carolina, which presents a new feature in the passing history: it is entitled the "United States Catholic Miscellany," and is to be issued periodically: the first number appeared on the 5th of June. The editor says—

"We beg to inform those who may read this article, that we are most anxious to obtain the fullest and most minute accounts of the venerable father of this church, the late archbishop Carroll. His memory is so deservedly esteemed, that we are eager to render it what justice we can; and are convinced that our readers will be pleased at receiving many traits of the good man's character, in the relation of many facts of his useful life and valuable ministry.

At the commencement of the present order of things, there were, in these states, very few Roman Catholic clergymen, residing principally in Philadelphia and Maryland. There was then no bishop. In the year 1790 the right. rev. John Carroll was appointed and consecrated bishop of Baltimore, and had the jurisdiction throughout the union. In 1803, the increase of Roman Catholics, and of churches, was so great as to require the erection of new sees in Boston, New York, Philadelphia, and Bardstown; and in 1820, Richmond and Charleston were created—and last year a new see was created at Cincinnati, Ohio. One or two more are likely to be soon added at this side of the Mississippi. New Orleans had been for many years successively under the French and Spanish, and having been ceded to this union, and therefore having acquired stability and permanence, the ecclesiastical government was also permanently regular, and a bishop consecrated therefor. He spends a considerable portion of his time at St. Louis in the Missouri, but, from the extent of his diocese, and the increasing number of his flock, division of dioceses must also ere long, take place in the western portion of the states.

Thus, notwithstanding numberless obstacles, many of them of the most appalling nature, and many of which still remain to be overcome, within the space of about 32 years, there has risen up in this union a Catholic hierarchy, consisting of an archbishop and seven suffragans and one coadjutor, together with a bishop of an exempt jurisdiction.

The names and titles, and places of residence of those prelates, are as follows:

Archbishop of Baltimore—most rev. Ambrose Mareschal, Baltimore.

1. Bishop of Boston—right rev. John Cheverus, Boston.

2. Bishop of Bardstown—right rev. Benjamin J. Clagget, Bardstown, Kentucky.

3. Bishop of New York—right rev. John Conolly, N. York.

4. Bishop of Philadelphia—right rev. Henry Conwell, Philadelphia.

5. Bishop of Richmond—right rev. Patrick Kelly, Norfolk.

6. Bishop of Charleston—right rev. John England, Charleston.

7. Bishop of Cincinnati—right rev. Edward Fenwick.

Coadjutor to bishop of Bardstown—right rev. David.

Exempt bishop of New Orleans—right rev. William Dubourg, New Orleans and St. Louis."

Trade to the N. W. Coast.

From the *North American Review*.

A short account of this trade, and a sketch of its present state, may assist our readers in forming some estimate of the importance of this subject to the United States, merely in a commercial view, and independent of any question of territorial rights which it may be thought to involve. The third voyage of Cook having made us acquainted with countries of which little was before known, several enterprising individuals, allured by the prospect of a profitable traffic with the natives, engaged in voyages to the northwest coast as early as 1784. The citizens of the United States, then just recovering from the entire prostration of their commerce by the revolutionary war, and possessing more enterprise than capital, were not slow in perceiving the benefits likely to result from the participation in a branch of trade where industry and perseverance could be substituted for capital. In 1787, two vessels were fitted out in the port of Boston, the *Columbia*, of three hundred tons, and the *Washington*, of one hundred tons burthen, the former commanded by Mr. John Kendrick, the latter by Mr. Robert Grey, since known as the first navigator who entered the river *Columbia*. Other vessels followed shortly after, and those entrusted with the management of those voyages soon acquired the necessary local knowledge to insure a successful competition with the traders of other nations, (mostly English), who had preceded them. The habits and ordinary pursuits of the New-Englanders qualified them in a peculiar manner for carrying on this trade, and the embarrassed state of Europe, combined with other circumstances, gave them, in the course of a few years, almost a monopoly of the most lucrative part of it.

In 1801, which was, perhaps, the most flourishing period of the trade, there were sixteen ships on the the northwest coast, fifteen of which were Americans, and one English. Upwards of eighteen thousand sea otter skins, besides other furs, were collected for the China market in that year, by the American vessels alone. Since that time the trade has declined, the sea otter having become scarce, in consequence of the impolitic system pursued by the Russians, as well as by the natives, who destroy indiscriminately the old and the young of this animal, which will, probably, in a few years, be as rarely met with on the coast of America, as it is now on that of Kamtschatka and among the Aleutian islands, where they abounded when first discovered by the Russians. There are at the present time absent from the United States fourteen vessels engaged in this trade, combined with that to the Sandwich islands, which, for several years past, has been carried on to a considerable extent in sandal wood. These vessels are from two to four hundred tons burthen, and carry from twenty five to thirty men each, and they are usually about three years in completing a voyage. After exchanging with the natives of the coast for furs, such part of their cargoes as is adapted to the wants or suited to the fancy of these people, they return to the Sandwich

islands, where a cargo of sandal wood is prepared, with which, and their furs, they proceed to Canton, and return to the United States with cargoes of tea, &c. The value at Canton of the furs, sandal wood, and other articles, carried thither the last season, by American vessels engaged in the trade, was little short of half a million of dollars. When it is considered that a comparatively small capital is originally embarked; that a great part of the value arises from the employment of so much tonnage, and so many men, for the long time necessary to perform a voyage; and that government finally derives a revenue from that portion of the proceeds which is brought home in teas, equal, at least, to the amount invested at Canton, we believe this trade will be thought too valuable to be quietly relinquished.

Rights of Nations upon the Seas.

FROM THE FREEMAN'S JOURNAL.

1. A nation may occupy and extend its dominion on the sea, beyond the immediate vicinity of its own particular coast, either in rivers, lakes, bays, straits, or the ocean; and such dominion may, if the national security require it, be maintained by a fleet of armed vessels. The empire of a nation on the seas may extend as far as it has been acknowledged to extend, by the consent of other nations, and beyond the boundary of its property. It remains then to be considered, whether or not there are such extended limits on the European seas, acknowledged to be the property, or under the dominion of particular nations. Among the bays, straits, and gulfs, there are some which are generally acknowledged to be free; there are others which are looked upon as under the dominion, and in part, even the property of the masters of the coast; and there are others the property and dominion of which are still in dispute.

2. (1) The following are acknowledged as free. The Spanish sea, the Aquitan sea, the North sea, the White sea, the Mediterranean sea, the straits of Gibraltar. (2) The three straits between Denmark and Sweden are under the dominion, and are looked upon as the property, of the king of Denmark; St. George's channel, between Scotland and Ireland, is under the dominion of Great Britain; the straits of Sicily are under the dominion of the king of Sicily; the gulf of Bothnia is under the dominion of the king of Sweden; the Black sea, the Egean sea, the Bosphorus of Thrace, the Propontis, and the Hellespont, are, with the exception of the Greek innovation, all under the dominion of the Turkish emperor. (3) Other nations dispute with England her claim to the dominion, and, in part, to the property, of the four seas that surround her, particularly the British channel, and the straits of Dover. They dispute with the republic of Venice her claim to the dominion over the Adriatic; and with Genoa, her claim to the dominion over the Ligustic sea. More than one dispute has arisen concerning the dominion over the Baltic.

3. With respect to the vast ocean, and the four great seas that compose it, *first*, the uncommon extent of each of these seas, and particularly that of the Indian sea, about which the greatest disputes have arisen, renders it not only extremely difficult to occupy, but puts it absolutely out of the power of any of the states of Europe to maintain and defend the possession of it. And even if this could be done, the want of a justificatory reason for keeping such possession would render it unlawful. Nei-

ther the right of discovery, nor the donation of the *Holy Father*, nor prescriptions have been able to exclude other nations from that possession in common which ought to be preserved. The sole dominion must exist in the theory; but it has never been acknowledged by the nations of Europe to belong to any one of them. The ocean, then, is free; and, surely, it ought to be so. After the vain pretensions and contestations of the Portuguese on the subject, during the sixteenth and seventeenth centuries, all the powers of Europe now acknowledge the ocean and the Indian sea to be exempt from all property and dominion, and to be the common possession of all nations. A nation may, however, renounce the liberty of navigating in the Indian or any other sea.

4. Rivers and lakes are useful for navigation or for fishing, or for other emoluments arising from their possession; and, therefore, the powers that are masters of the banks have a right to appropriate the use of them exclusively to themselves. In general they do forbid foreigners to fish on them; but, with respect to navigation, as such a prohibition would produce retaliation, and as it is contrary to the commercial liberty generally introduced, foreigners are now permitted, in time of peace, to navigate freely and without restraints. This liberty is founded, in part, on treaties, but, in some demisovereign states, on law. But in every case where it is only founded upon custom, that custom does not hinder a nation from making whatever regulations and restrictions it pleases, or from exercising over such parts of its territories all the rights of sovereign dominion.

5. The sea surrounding the coast, as well as those parts of it which are land-locked, such as the roads, little bays, &c. as well as those which are situated within cannon shot of the shores, (that is, within the distance of three leagues), are so entirely the property, and subject to the dominion, of the master of the coast, that, *First*, he has the exclusive right to all the produce of it, whether ordinary or accidental, as far as relates to things unclaimed by any other lawful proprietor: *Second*, he can forbid or restrain the navigation of foreigners in his roads, and their entry into his ports. Yet, in time of peace, this liberty is generally permitted to merchant ships, and even to ships of war, to a certain number:—*Third*, he has a right to impose duties, tonnage, fees of entry, of clearance, &c. and he can institute tolls for the benefit of his navigation: *Fourth*, he may require the maritime honors that custom allows to those who have dominion over any part of the seas. In short, the parts of the sea surrounding the coast, ought to be looked upon as forming a part of the territory of the sovereign who is master of the shore.

6. The master of the shore cannot be said to have a right to appropriate to his own use the wreck of any foreign vessel cast away on his coast, nor the goods, &c. that, in a moment of danger, have been thrown overboard. This pretended strand right, contrary, most certainly, to the laws of nature as well as those of humanity, was formerly exercised pretty generally in Europe. It has been restrained, from time to time, particularly since the thirteenth century, by privileges, laws, and a number of treaties; so that it may now be considered as generally abolished throughout Europe. If there still remain some relics of it in a few places, it is against such place only that it is made use of by way of retaliation.

7. The rights exercised on the sea near the coast, are exercised also in those straits which are not

wider than two cannon shots. It is for this reason that the king of Denmark, by possessing the property and dominion of the navigable part of the sound, claims, not only those maritime honors due to him as sovereign, but certain tolls or rates for the liberty of passing. This payment is now fixed by his treaties with other nations.

8. With regard to the extent of the rights exercised on the seas adjacent to landed territory of particularly states: *First*. The Turkish emperor has hitherto exercised his right of proprietor and sovereign of the Black sea in such a manner as not to permit even the entry or navigation of it to any nation whatever, unless he has granted it by treaty. Should the Greeks become masters of the coast in their present struggle for independence, they will, no doubt, augment the privileges, as well to this country as to the friendly European powers. *Second*. Denmark, wishing to extend her empire and rights of proprietor over the seas adjacent to Iceland and Greenland, to the space of four miles from Iceland, fifteen miles from Greenland, claims the right of excluding foreigners from fishing, and even navigating in that space. But this is disputed by many nations, and particularly by the United Provinces, in what concerns the right of fishing. *Third*. Great Britain, claiming the property and empire of certain parts of the four seas that surround her, empire over more-distant parts, and maritime honors on all the seas, has very often had contestations with foreign nations, who, on their part, except bound by treaties, have never yielded her any more than what belongs to every master of the shore. *Fourth*. The republic of Venice claims empire, and particularly maritime honors, on the Adriatic; but the neighboring states dispute them with her, and recently she has not been in a situation to maintain this pretended right. An annual ceremony is of little use towards it. *Fifth*. Genoa has no longer a naval force respectable enough to claim, with effect, the maritime honors which she pretends to be entitled to on the Ligustic sea. *Sixth*. After many disputes with respect to the empire of the Baltic, and particularly with respect to the honors of the flag, some of the states situated on the shores, have agreed to yield these honors in certain districts, and to admit them reciprocally in others.

9. The maritime honors, about which there have been so many disputes, and which have often led to violent acts, and even to war, consist: *First*. In saluting with *cannon*; and, on this point, it is to be determined who shall salute first, at what distance the salute shall be given, with how many guns, and if the salute shall be returned gun for gun. *Second*. In saluting with the *flag* or with the *pendant*; and here it is to be fixed whether it shall be furled up, lowered, or hauled quite down. *Third*. In saluting with the sails, by lowering or hauling down the fore-top-sail. This last way of saluting is usually made use of by merchantmen, but vessels of war sometimes use it also.

10. Merchant ships, even when they are armed, are obliged to salute all vessels of war, fortresses, and ports, as well with their cannon "as with their merchant flag and their sails. ARCANUS.

The Tread Mill.

A London paper gives us the following description of the "tread mill," recommended by the society for the improvement of prison discipline. Its introduction is said already to have had a most salutary effect on vagrants and rogues. We cannot apprehend any thing more irksome than this

Kind of labor—disgusting from its sameness, excessively fatiguing, and seemingly without object or end.

The attention of the society for the improvement of prison discipline has long been devoted to the adoption of some plan for the effectual employment of prisoners. All attempts of this nature have heretofore been attended with considerable difficulty, but it is confidently anticipated that this invention will not only afford suitable employment, but act as a species of preventive punishment. Although but very recently introduced into practice, the effects of its discipline have, in every instance, proved highly useful in decreasing the number of commitments; as many prisoners have been known to declare that they would sooner undergo any species of fatigue, or suffer any deprivation, than return to the house of correction, when once released.

This wheel is exactly similar to a common water wheel; the tread boards upon its circumference are, however, of considerable length, so as to allow sufficient standing room for a row of from 10 to 20 persons upon the wheel.* Their weight, the first moving of the machine, produces the greatest effect when applied upon the circumference of the wheel at or near the level of its axle; to secure, therefore, this mechanical advantage, a skreen of boards is fixed up in an inclined position above the wheel, in order to prevent the prisoners from climbing or stepping up higher than the level required. A hand rail is fixed upon this skreen, by holding which they retain their right position upon the revolving wheel.

By means of steps, the gang of prisoners ascend at one end, and when the requisite number range themselves upon the wheel, it commences its revolution. The effort, then, to every individual, is simply that of ascending an endless flight of steps, their combined weight acting upon every successive stepping board, precisely as a stream of water upon the floating boards of a water wheel.

During this operation, each prisoner gradually advances from the end at which he mounted towards the opposite end of the wheel, from whence the fast man taking his turn, descends for rest, another prisoner immediately mounting as before to fill up the number required without stopping the machine. The interval of rest may then be portioned to each man by regulating the number of those required to work the wheel with the whole number of the gang: thus, if twenty out of twenty four are obliged to be upon the wheel, it will give to each man intervals of rest amounting to twelve minutes in every hour of labor. Again, by varying the number of men upon the wheel, or the work inside the mill, so as to increase or diminish its velocity, the degree of hard labor or exercise to the prisoner may also be regulated. At Brixton the diameter of the wheel being five feet, and revolving twice a minute, the space stepped over by each man is 2,193 feet, or 751 yards per hour.

To provide regular and suitable employment for prisoners sentenced to hard labor, has been attended with considerable difficulty in many parts of the Kingdom: the invention of this discipline mill has

removed the difficulty, and it is confidently hoped that, as its advantages and effects become better known, the introduction of the mill will become universal in houses of correction. As a species of prison labor, it is remarkable for its simplicity. It requires no previous instruction; no task master is necessary to watch over the work of the prisoners; neither are materials or instruments put into their hands that are liable to waste or misapplication, or subject to wear and tear; the internal machinery of the mill being inaccessible to the prisoners, is placed under the management of skilful and proper persons, one or two at most being required to attend a process which keeps in steady, constant employment from ten to two hundred or more prisoners at one and the same time; which can be suspended and renewed as often as the regulations of the prison renders it necessary, and which imposes equality of labor on every individual employed, no one upon the wheel being able, in the least degree, to avoid his proportion.

The classification of the prisoners according to offences, &c. may be adhered to in the adoption of these discipline wheels; the same wheel or the same connected shafts can be easily made to pass into distinct apartments, in which the several classes may work in separate parties.

As the mechanism of these tread mills is not of a complicated nature, the regular employment they afford is not likely to be frequently suspended for want of repairs to the machinery; and should the supply of corn, &c. at any time fall off, it is not necessary that the labor of the prisoners should be suspended, nor can they be aware of the circumstance; the supply of hard labor may, therefore, be considered as almost unailing.

Old Times.

FROM THE NEWBURYPORT HERALD.

The subsequent extracts from Winthrop's Journal, a book which gives a minute account of the history of the first years of the colony of Massachusetts, may perhaps afford our readers as much amusement, and certainly as much instruction, as the ordinary chapter of accidents, with which we are too often compelled to supply our columns.

1631.—“At a court, one Josias Playstone and two of his servants were censured for stealing corn from Chickatabot, and two of his men, who were present; the master to restore two fold and to be degraded from the title of a gentleman and fined 5*l.* and his men to be whipp'd.”—p. 29.

1634. (Nov. 24).—“About the same time one _____ was 21 days upon Plumb (so spelt in the book) Island, and found by chance frozen in the snow, yet alive and did well. He had been missing 20 days; and himself said he had no food all that time.”—p. 77.

1655.—“At this court brass farthings were forbidden, and musket bullets made to pass for farthings.”—p. 30.

1637.—“Being about full moon, about 10 of the clock in the evening, in a clear sky, a perfect moon was seen about a slight shot northerly from the true moon. It was seen to about half an hour, and then vanished with dim flashings. It was more dim than the true moon.”—p. 124.

1637.—“There was an old woman, in Ipswich, who came out of England blind and deaf, yet her son could make her understand any thing and know any man's name by her sense of feeling. He could write upon her hand some letters of the name, and by other such motions would inform her. This the

*The wheels erected at the house of correction at Cold Bath Fields are each capable of containing forty or more prisoners, and the joint force of the prisoners is expended in giving motion to a regulating fly, which, by expanding of itself in proportion to the power, will keep any number of men, from twenty to three hundred and twenty, at the same degree of hard labor.

governor himself (*i. e.* the writer of this account) had tried often when he was at Ipswich."—p. 135.

1638.—"This was a very hard winter. The snow lay from November 4th to March 23d one and a half yard deep, about the Massachusetts, and a yard deep beyond Merrimack, and so the more northward, his day the deeper. (November 4th), it did not snow two hours together, after much rain from the north east, with flakes as big as a shilling."—p. 154.

1638.—"The court taking into consideration the great disorder proceeding through the country in costliness of apparel and following new fashions, sent for the elders of the churches, and conferred with them about it, and laid it upon them, as belonging to them, to redress it by urging it upon the conscience of the people, which they promised to do. But little was done about it, for divers of the elder's wives, &c. were in some measure partners in this general disorder."—p. 162.

1638.—"Those who were gone with Mrs. Hutchinson, fell into new errors daily. One Nic Eason, a tanner, taught that gifts and graces were that anti christ mentioned, Thess. ii. 2, that every one of the elect had the holy ghost and also the devil in dwelling. Another, one Herne, taught that women had no souls, and that Adam was not created in true holiness, for then he could not have lost it."—p. 166.

1638.—"The devil would never cease to disturb our peace and to raise up insurgents one after another. Amongst the rest there was a woman in Salem, one Oliver his wife, who had suffered somewhat in England for refusing to bow at the name of Jesus, though otherwise she was conformed to all their orders. She was for ability of speech and appearance of zeal and devotion, far before Mrs. Hutchinson, and so the fitter instrument to have done hurt, but that she was poor and had little acquaintances. She took offence at this, that she might not be admitted to the Lord's supper without giving public satisfaction to the church of her faith, &c. and covenanting or professing to walk with them according to the rule of the gospel, so as upon the sacrament day she openly called for it, and stood to plead her right, though she were denied, and would not forbear before the magistrate, Mr. Endicott, did threaten to send the constable to put her forth. This woman was brought to the court for disturbing the peace in the church, and there she gave such peremptory answers as she was committed till she should find sureties for her good behavior. After she had been in prison three or four days, she sent ——— to the governor and submitted herself, and acknowledged her fault in disturbing the church; whereupon he took her husband's bond for her good behavior, and discharged her out of prison; but he found after that she still held her former opinions, which were very dangerous—As 1. That the church is the head of the people, both magistrates and ministers met together, and that these have power to ordain ministers, &c. 2. That all who dwell in the same town, and will profess their faith in Christ Jesus, ought to be received to the sacrament there, and that she was persuaded that if Paul were at Salem he would call all the inhabitants their saints. 3. That excommunication is no other but where christians withdraw private communication from one that both hath offended.

"About five years after this woman was adjudged to be whipped for reproaching the magistrates.

She stood without tying, and bore her punishment with a masculine spirit, glorying in her suffering. But after, when she came to consider the reproach which would stick by her, &c. she was much dejected about it. She had a cleft stick on her tongue for half an hour, for reproaching the elders."—p. 166 and 167.

1639.—"At the general court, an order was made to abolish that vain custom of drinking one to another, and that upon these and other grounds:—1. It was a thing of no good use.—2. It was an inducement to drunkenness, and occasion of quarrelling and bloodshed. 3. It occasioned much waste of wine and beer. 4. It was very troublesome to many, especially the masters and mistresses of the feast, who were forced thereby to drink more often than they would. Yet divers, even godly persons, were loth to part with this idle ceremony."—p. 195.

1640.—"One of the ships which came this summer, struck upon a whale with a full gale, which put the ship a-stays. The whale struck the ship on her bow with her tail a little above water, and broke the planks and six timbers and the beam, and staved two bogsheads of vinegar."—p. 205.

1641.—"At the court of assistants one Hugh Bewett was banished for holding publicly and maintaining that he was free from original sin, and from actual also, for half a year before; and that all true christians after (regeneration) were enabled to live without committing sin."—p. 213.

CHRONICLE.

Baltimore. The electors of mayor met at the council chamber on Monday last, and, being organized according to law, they unanimously elected Edward Johnson, esq. mayor of this city for the ensuing two years.

Some nests of gamblers have been sorely disturbed since the new mayor came into office—they were punished to the very extent of the law, and have decamped for new quarters, after having ruined some promising young men.

Execution. Lechler was lately executed at Lancaster, Pennsylvania, pursuant to his sentence, for murder. Lancaster county contains a population of 68,000 souls; and it is *forty five years* since any other persons was executed in it.

Counterfeiters. We have heretofore noticed the capture of a horde of counterfeiters in Alabama, where they had established a *shop* in the wilderness. One of them, the famous Thomas Jones, alias Davis, was hung at Tuscaloosa on the 11th ult. and his lieutenant, John Reed, escaped the same fate, to which he was condemned, by dying in prison before the day.

New Jersey. Isaac H. Williamson is re-elected governor of this state for the ensuing year.

Vermont. It is officially announced that R. C. Mallary, S. Crafts, Charles Rich, D. A. A. Buck and William C. Bradley are elected members of the next congress from this state.

The auditor of the treasury department reported, that the receipts into the treasury for the year ending September, 1822, amounted to \$51,102 48. That the allowances, &c. for the same period, amounted to \$42,819: leaving in the treasury \$8,284 15. That, at the same time, there was due for arrearages of taxes, \$30,280 53. And that, since his last report, \$40 of the old Vermont state bank bills had been redeemed, leaving only five dollars now in circulation.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 11—Vol. XI.] BALTIMORE, NOV. 16, 1822. [No. 11—Vol. XXIII. WHOLE No. 585

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ The second session of the 17th congress approaches, and many highly important documents may be expected to be laid before it. To prepare for them, we have been diligent to relieve our files of stock-matter as much as possible, and now insert a correct copy of the new constitution of New York, as promised. The census of 1820, as designed to be published in detail, is yet on hand—the cause which delayed its insertion still exists; but we hope soon to give it a place in a satisfactory manner, convenient for general and comparative reference.

PRESIDENTIAL ELECTION. We stated in our last, some of the many important objections that might be offered to the selection of a president of the United States, by *states*, in the house of representatives. Since then we have noticed the following letter, as published in the Washington Gazette, the editor of which pledges himself for its authenticity—it was from the late *James A. Bayard*, esq. at that time the sole representative from Delaware, to one of his friends in Wilmington.

Washington, 17th February, 1801.

“DEAR SIR—Mr. Jefferson is our president—Our opposition was continued till it was demonstrated that Burr could not be brought in, and even if he could he meant to come in as a democrat.

“In such case, to evidence his sincerity, he must have swept every officer in the United States. I have direct information that Mr. Jefferson will not pursue that plan. *The New England gentlemen came out, and declared they meant to go without a constitution and take the risk of a civil war.* They agreed, that those who would not agree to incur such an extremity ought to recede without loss of time. We pressed them to go with us and preserve unity in our measures.

“After great agitation and much heat, all agreed but one. But in consequence of his standing out, the others refused to abandon their old ground. Mr. J. did not get a federal vote. Vermont gave a vote by means of Morris withdrawing. The same thing happened with Maryland. The votes of S. Carolina and Delaware were blank. Your obedient servant.

[Signed]

J. A. B.

☞ The authenticity of this letter is not doubted, though it is rather surprizing that a person of Mr. Bayard's great caution should have committed such things to paper. The editor of the Register, though he had no intimacy with Mr. Bayard, has oftentimes met him in companies in which there was much freedom of conversation, and heard him frankly express his utter detestation of the proceedings had at Washington during the contested election for president in 1801, regretting that the force of party feeling had led him to take some part therein. Mr. Bayard was a decided partizan (as almost every man was at that time), but he was also a true patriot, as was shewn on the great occasion above alluded to, but more clearly manifested just before the late war with Great Britain. The history of a certain meeting held at ———, is probably lost; but his firmness therein, and his devotion to his country rather than a love of power at that time clearly indicated, possibly preserved us from “an illiad of woes.”

Vol. XXIII.—11.

☞ The more I think on the subject, the more am I convinced of the propriety of the plan suggested in the last REGISTER, by an old member of congress, that that body should meet, pass such laws as may be necessary to keep the government a-going, and then adjourn until the Monday preceding the day on which the votes for a new president are to be counted! For, the fact is, that the business of *president-making*, like the curse of the frogs in Egypt, is, or is supposed to be, in every matter and thing of national policy. No general measure, if it has regard to whatever pertains to the affairs of three of the great departments of government, can be approved or disapproved,—nay, documents or authentic papers can hardly be called for in congress, or published in regular course in a newspaper, without rendering persons liable to the suspicion of having yoked themselves to the car of this man or that. This is a serious misfortune; and it seems that, for the period of two years, we may be essentially denied the benefits of free and liberal discussion, through partizan jealousies and personal feelings!

The REGISTER has been, at different times and by different persons, suspected of being devoted to the exaltation of at least *three* individuals, because that we thought it our duty *fully* to represent the character of certain transactions in which the people were interested. The proprietor has only to say that *when* he shall take a part, *as an editor*, nothing shall be left to inference—until *then*, and then also, all public papers and matters that are important to the public intelligence, shall be inserted just as they have been heretofore, without the least consideration whether they affect the pretensions of any one to the presidency or not.

A warmth of discussion has been already excited that is to be regretted; and the fact surely is, that at least two of those who are held up as candidates have suffered, and are suffering, in the public estimation, through the indiscretion of their “good natured friends.” The mind of the people is not yet prepared to act on the occasion, much less inclined to receive invective for argument, or fulsome praise for ability—and those interested will find, though they may *seem* to lead when public opinion is with them, that the people's good sense and sober judgment cannot be carried by storm. The selection of a president is a grave and solemn matter, and will not be hastily decided on.

ANTI-NATIONAL. It is a true saying that “straws shew which way the wind blows”—and we find “straws” flying in too many parts of our country that indicate a *foreign* wind. The following is “*ex pluribus unum*”—one of many: In a notice of the valuable line of packets that ply between New-York and Liverpool, but owned in the *first named city*, we see it mentioned that the price of the passage, in the cabin, is thirty-five guineas, for which money accommodations of the best quality are provided, &c.

Now, what do we, Americans, know of guineas? They are not money of account, and perhaps one person out of a thousand of us do * not see one in a twelve-month. The proprietors might as well have said so many livres, maravedies, rubles, guilders, rupees, craitzers, pistoles, pagodas, talas

or one dollar, in either case, the *American*, accused to dollars and cents, would have to take his pen and calculate what he should have to pay for his passage: thus saying, a guinea is twenty-one shillings sterling money of Great Britain, thirty five guineas are 735 shillings, which divided by 20, (for there are 20 shillings in a pound), give thirty six pounds fifteen shillings—the pound is four dollars and forty four cents, as established by law for the collection of duties, &c. and so 36l. 15s. are one hundred and sixty-three dollars and seventeen cts.

Now, I like that strange simplicity of heart and generous attachment to his nation, that is ascribed by Smollet to his com. Trumion; who directed that his own epitaph should be put down in plain *English*, for the reasons he stated, though we must smile at the notion conveyed—and, when an *American* speaks to me, I wish him to select terms that correspond with my ideas of things, as an *American*. Indeed, it is contrary to the rules of good breeding to use any other; and, as being at war with the progress of a national feeling, it ought to be deprecated. In England, and to Englishmen, the use of the term "guineas," is right and proper; but in America, and to Americans, it is as absurd as it is rude and self disrespectful.

ROTATION IN OFFICE. A late number of the *Richmond Enquirer* contains a sound article on "rotation in office," though the policy of it is so much opposed in the present day—for the reason that the possessors of office have so much controul over the press. A good and faithful public servant should not be heedlessly ejected—but there is right and reason in a practice which shall teach all such that they are only public servants, not possessors of the public revenue—as many seem to think that they are, because they have enjoyed a portion of it so long.

The writer says—"In the abstract it has not yet been denied, that a frequent recurrence to first principles, is the surest way to preserve uncorrupted and unchanged the government of a free people. Men are the elements or principles of which a people in the aggregate are composed—and if men were incorruptible in their nature—no matter how long or how remote their employment from the people; longer practice in their various posts would only improve their dexterity and usefulness in service. But alas! men in their course too nearly resemble the elements of those descending streams—which have flowed to too great a distance from their native fountains. They cease to partake of their original simplicity and purity—and become open to the influence of every new combination, pure or impure—which may assail them, through their various assailable points. The people are the sole accredited fountain of all power in America alone; and the will of the people must be to promote their own good. It would be a solecism in principles to suppose—in terms to assert, that a people could meditate their own injury. It is only where partial wills from partial views, are made to usurp the general will, that the councils of a popular government can err. Can any better plan be devised to prevent this, than a frequent recurrence of public servants to the nature and condition of their constituents?"

The rest of the article is pretty much in the same strain, and supports the old fashioned doctrine, that rotation in office is productive of public good.

The writer proceeds—"But new representatives are novices in business. Better so then—than the drilled instruments of a weak or a corrupt partial

influence. But are we to be cajoled and misled by the humiliating idea, that any congressional district in this or any other state, can afford but one competent representative at any one time—and this one too requiring an indefinite succession of re-elections, to have him properly schooled in congress? If this is the case, if this is the deplorable state of popular ignorance—it is high time that the fact should be clearly established, and the proper remedy applied. Let our members of congress be changed; let them be changed often; and if it becomes manifest that we have so few competent to represent us usefully and truly; let the people themselves provide the means of their improvement—let our future candidates be prepared at home, in the state legislature or otherwise—so that they shall take their mould from the states and their constituents. Congress is too dear and too dangerous a place, for our representatives to be sent to school to receive the first impressions to direct their future acts: or if it is not, change your scholars often, in times of peace and less difficulty, than an accidental death, or executive reward for representative compliance, may not suddenly leave you without all resource, in greater difficulties."

This remark about members of congress, brings to recollection an observation which a pure hearted, strong minded republican member of congress made to me, several years ago at Washington. He said—"I am entirely convinced that every member of congress ought to go out at the end of four years and be ineligible for two succeeding years—for the fact is, that, in spite of all that we can do, the very best men among us become more or less impressed with opinions not conformable to that of the people, and we act upon them as though the people were their own worst enemies, requiring our wisdom and grace to prevent them from harming themselves," or words to this effect, "so that the creature assumes the power of the creator." Now, this is as true as the gospel. Human nature is weak—the only corrective of human error, that we can rely on, is the good sense and sober discretion of the people at large. That they may be deceived and often do wrong, is admitted—but the deception or the wrong acts upon themselves, and they must suffer the penalty. Individuals may profit by their own wrongs; but the people cannot, except to avoid future wrongs. The interest of one man or a set of men may be easily opposed to the interests of a community; but the interests of a community must point to the good of the whole.

It has happened, and, I think, that I have seen more than one case of it, that a new member of congress, fresh from the sovereign power, and possessing much of its original purity and disinterestedness, has been looked down by old and hacknied members, if he proposed any thing in the way of retrenchment or reform—as if they had established a set of notions and manner of acting, superior to control and unchangeable, unless at their own motion. Now and then, a man, bold in his own virtues and strong in talent, breaks in upon the mill-horse routine of pleasing or displeasing persons in power; but this is not often the case, (though the right of it may be evident), from a sort of jealousy that is entertained in the human mind. If a wrong is designated by a new man in the usual proceedings of an old body of men, there are always some who feel their pride wounded, because that they themselves, or some of their colleagues, had not detected it. The results of experience are not to be disregarded; but all human things are suscepti-

ble of improvement—without it, we might yet have made horses draw by their tails. Old age too, is always to be honored and respected—but as good and capable men hold the plough as make the laws; and the spending of a winter in the pomp and parade of Washington, is no more needful to know what is right, than the sending of a youth on board a privateer to teach him morality. The fact is, that the mind gradually becomes callous of wrong—and persons act on the idea of the old fish woman, whose practice it was to skin eels alive; on being asked if it was not cruel do to so? said she "thought so at first, but *they had got used to it!*" Her feelings were lost in frequent repetitions of the act, and the convulsions of the poor animals may have been regarded as an exhibit of their delight in the operation! This is a homely metaphor, and some may not like it—but the fact is, the people, though frequently skinned, never "get used to it!"—yet they do not provide against such skinnings so well as they might if they would. My most earnest wish is, that every man in the republic should spend a few days at Washington during a session of congress, that he may be assured of the fact that the best of the members are only men, like unto himself; sometimes buying, sometimes selling—sometimes wise and sometimes foolish—silly, very silly, indeed.

And, though the abuses under our government are yet in their infancy, as regards the progress of corruption, we have not a few persons in office who esteem the emoluments as due to themselves for some bowings to the great, some lickings of the feet of the mighty. I know some such—some *civil* officers, who, by "candles ends and cheese pairings," receive, (and *nobly* spend), about 3,000 dollars per annum a-piece, on whom a person might call, on ordinary business, two or three hundred times in a year, hour after hour, week after week, and month after month, and not find them in the performance of any official duty, save the *drudgery* of signing their names, a few times in a quarter, or in a year, that their salaries and emoluments may be secured. There is a great deal of *deputy-business* going on—to the detriment of the public service, to the disgrace of our system of government, and the contempt and disgust of honorable men: but those persons, who do nothing but eat up their salaries, are enemies of *rotation in office*, as much as the priest of an *established* church would be at any result that should compel him to work for his own living like an honest man—and the misfortune is, that they have much controul over the press—and they can dance, fiddle and sing, and *afford* to give good dinners, by which they tickle the fancy and reach the *souls* of others. How can a person vote or act against another who feeds him on ortolans and drenches him with champagne? Impossible—it would be a breach of *hospitality!* But a pirate of Cuba might do all this, and more—and afford it much better. The principle of things with us is, that a man shall do what he is appointed to do; and large salaries or handsome allowances are made to guarantee the application of competent persons—not for their support in idleness.

☞ A writer in a western paper has violently thrown about a dozen columns of matter at me, and is not yet apparently half finished, because I ventured to recommend *home charities* instead of *foreign missions*, to the benevolence of the people. I anticipated something of the sort; though I expected more *fairness* and *charity* than this person has manifested: with whom, however, there shall not be any controversy, on my part.

I have only looked over a few of these columns, to catch the manner and get an idea of the matter of them. The author denies several things that are obvious truths on my mind—but I do not wish to judge for him, nor shall he judge for me. Yet this is very clear, and will not be denied, I apprehend, that he has furnished conclusive evidence of the justice of my remark, when I declared, that, though it was not allowable now to roast people to death to do "God's service," so called—yet a spirit was abroad "not less intollerant or unworthy of the Christian name, than that which prevailed when *fire was used to establish orthodoxy,*"—which I respectfully recommend to his serious consideration, after retiring to his own closet, in a sincere hope that he will profit thereby. It is the duty of every one to do all the good that he can—and I would rather *perform* a good thing than gain an *argument* about it.

CIRCULATING MEDIUM. Notwithstanding the depreciation of the bills of the bank of the commonwealth of Kentucky, there are complaints in that state of the want of a sufficient quantity of circulating medium; and the "Louisville Public Advertiser" makes out the case very clearly—in substance as follows: When the paper of the old bank of Kentucky was nearly as good as specie, it had bills in circulation to the amount of \$2,500,000, which was barely sufficient for the purposes of trade; and this bank now has in its vaults as large an amount in the bills of the bank of the Commonwealth as those of its own in circulation. The whole issues of the new bank amount to 2,300,000 dollars; but, as in the present rate of exchange and price of commodities, this amount only does the business of 1,150,000 dollars, the real circulating medium has been reduced nearly one half. This is at once a curious and highly interesting view of the subject, and presents an important fact that should not escape the attention of legislators.

NAVAL. A letter from Boston says—"The government have built here, and have now ready to launch a monstrous ship, with one hundred and two port holes; and to-morrow the stern post of another equally innocent vessel is to be erected. For the purpose of protecting the early infancy of this naval Hercules, an immense house, covering seven eighths of an acre, has been built, which entirely conceals the manufactory of death that progresses under its roof."

FOREIGN NEWS! The following may serve to shew us what degree of reliance should be put on foreign speculations, received through the newspapers—

Advices from Leghorn of the 7th September, state that "another American squadron is expected in the Mediterranean, to reinforce the one which is there already. The news is also *confirmed* of the American agents, who arrived some time ago in the Morea, having brought to a conclusion important negotiations with the Greek government!"

LIBERTY. On taking up a newspaper the other day, I noticed the famous saying of the late *Fisher Ames*, that "the immortal wood-nymph, Liberty, dwelt *only* in the British oak." A very pretty saying, but a very queer one.

A TRAVELLER! "I had no idea," said an English gentleman, who had travelled about twelve miles south of New Haven, Connecticut, "I had no idea that the country was settled so far in the interior!"

THE NEW MARRIAGE ACT in England has created much discussion in the papers. Its apparent design, or practical operation, is to prevent marriages.—Among other things, the parties are required to make certain affidavits before a magistrate, as to their age, &c. after which a notice of their intention must be published for three weeks, by being posted at the church door, &c. A widow woman, aged 46, lately appeared as a witness to swear that her *mother*, (about to become a bride), had, to the best of her knowledge and belief, attained the age of twenty-one years! In consequence of these things, great numbers of persons have proceeded to Ireland or Scotland, and been married there, to the severe loss of the English clergymen—whose influence, it is possible, will bring about a repeal of some of the objectionable parts of the act.

THE FUR TRADE. A St. Louis paper of the 12th ult. announces the first arrival of furs from the Rocky Mountains—the boat load valued at 14,000 dollars; another boat with 10,000 dollars worth, was daily expected. They descended the Yellow Stone, and the length of the voyage is estimated at about 3,000 miles.

BANKING. The Philadelphia Gazette, of Saturday evening last, says—"A minute and laborious examination has been had before his honor Judge Hallowell, relative to an alleged conspiracy to defraud the Bank of the Northern Liberties. It closed last evening, when the judge ordered the parties to enter bail, in the whole amounting to sixty thousand dollars."

The report, as given in another paper, is, that one of the clerks, by keeping false accounts, had permitted a friend to draw for large sums of money which he had never deposited.

POLITICAL PARTIES. Mr. Jefferson lately expressed himself as follows, in a letter to Mr. Samuel M. McKay—"That such do exist in every country, and that in every free country they will make themselves heard, is a truth at all times. I believe their existence to be salutary, inasmuch as they act as censors on each other, and keep the principles and practice of each constantly at the bar of public opinion. It is only when they give to party principles a predominance over the love of country, when they degenerate into personal antipathies, and affect the intercourse of society and friendship, or the justice due to honest opinion, that they become vicious and baneful to the general happiness and good. We have seen such days: may we hope never to see such again!"

A BARE DINNER PARTY. Sir Henry Blackman, of Lewes, (England), on being knighted in 1782, gave a dinner to sixteen friends, with an invitation to them to dine with him annually for forty years; four of them died during the first four years, but twenty eight years rolled round before another seat became vacant at the festive board. In 1814 two died, aged 80 and 90; so that ten remained of the original number at the thirty-third anniversary held in July 1815.

THE CURA PIRATES. A British frigate, the *Hypereion*, with a schooner in company, has arrived at Havana, and sailed thence in search of the pirates. It is stated that she would shortly be followed by six new schooners, built for the express purpose of cruising on this station. It is reported that the British commander had demanded payment for a car-

go of coffee, of which a vessel from Jamaica was robbed, and which he said was sold in Havana.

The city of Havana appears to be infested with land-pirates, or thieves, to an alarming extent.—Their depredations are extensive, and there seems to be also great personal fear of them. Not a family, it is said, can go to rest with a tranquil mind—even the police officers are alarmed.

The Congress frigate has sailed from Norfolk, for a cruise off the island of Cuba, &c.

LA FAYETTE. *Philadelphia, Nov. 7.* The following extracts from letters will be read with pleasure by all who take an interest in our revolutionary history, and in the character and feelings of such worthies of the revolution as gen. Bloomfield and col. Ogden. It may be well to mention, in order to illustrate the reverence in which the marquis La Fayette continues to hold the memory of Washington, that the impression upon the seal of the letters is a beautiful and correct likeness of the American hero, surrounded by a glory.

Extract of a letter from the marquis La Fayette, to Isaac Coxne Barnet, esq. of New-Jersey, consul general of the U. States at Paris, dated Le Grange, Aug. 28th, 1822.

"You have reminded me of times, circumstances and names, ever gratifying to my recollection. Col. Ogden and his regiment have been my beloved companions in war, particularly a picked company of light infantry, under captain Ogden, the colonel's brother, who have shared with me the most interesting toils of the revolutionary war. I enclose a letter to my old brother officer general Bloomfield."

Copy of a letter from the marquis La Fayette to gen. Joseph Bloomfield, of Burlington, New-Jersey.
LE GRANGE, 28th Aug. 1822.

My dear sir—I avail myself of the opportunity offered by Mr. Barnet, to remind you of an old brother soldier, who finds in his own heart a right of reciprocity upon your affectionate remembrance. Our patriotic toils and friendly union in the army, have been to me a happy time, the dear recollection of which fills me with sentiments of love and regret for our departed companions, and of the tenderest attachment for those who survive. I am sure, my dear general, you will, with affection, receive these lines, and sympathize in my feelings. Let me hear from you. Remember me to your comrades, and believe me forever your constant friend,
LA FAYETTE.

The captain Ogden spoken of is col. Aaron Ogden, of Elizabeth Town, New-Jersey, formerly governor of the state.

NAPOLEON BONAPARTE. Dr. O'Meara's book entitled "a voice from St. Helena," and containing his conversations with Napoleon, seems generally acknowledged as authentic, and, indeed, bears evidence in itself that it is so. When the feelings of the times have passed away, and the people are willing to hear and receive the truth, it will become important to history and rescue the memory of that much abused, though often faulty man, from the odium which prostituted writers have heaped on his character and conduct.

His opinion of his own imprisonment is thus stated—"He frequently, (says O'Meara), walked for hours in the shady paths and shrubberies of the Briars, where care was taken to prevent his being intruded upon. During one of these walks, he stopped and pointed out to me the frightful precipices

which environed us, and said, "Behold your country's generosity, *this* is their liberality to the unfortunate man, who, blindly relying on what he so falsely imagined to be their national character, in a evil hour, unsuspectingly confided himself to them. I once thought that you were free: I now see that your ministers laugh at your laws, which are, like those of other nations, formed only to oppress the defenceless, and screen the powerful, whenever your government has any object in view."

The terror that he had inspired, and a knowledge of the devotion of the people of France to his person and proceedings, may be judged of by the means that were adopted to prevent his escape: for what would he, *one man*, have done, if he had been the tyrant and wretch that he was called?

"A subaltern's guard was posted at the entrance of Longwood, about six hundred paces from the house, and a cordon of sentinels and picquets were placed round the limits. At nine o'clock, the sentinels were drawn in and stationed in communication with each other, surrounding the house in such positions, that no person could come in or go out without being seen and scrutinized by them. At the entrance of the house, double sentinels were placed, and patrols were continually passing backward and forward. After nine, Napoleon was not at liberty to leave the house, unless in company with a field officer; and no person whatever was allowed to pass without the countersign. This state of affairs continued until daylight in the morning. Every landing-place in the island, and, indeed, every place which presented the semblance of one, was furnished with a picquet, and sentinels were even placed upon every *goat-path* leading to the sea.

"From the various signal posts on the island, ships are frequently discovered at twenty-four leagues distance and always long before they can approach the shore. Two ships of war continually cruised, one to windward, the other to leeward, to whom signals were made as soon as a vessel was discovered from the posts on shore. Every ship, except a British man-of-war, was accompanied down to the road by one of the cruisers, who remained with her until she was either permitted to anchor, or was sent away. No foreign vessels were allowed to anchor unless under circumstances of great distress, in which case no person from them was permitted to land, and an officer and party from one of the ships of war was sent on board to take charge of them as long as they remained, as well as in order to prevent any improper communication.—Every fishing boat belonging to the island was numbered, and anchored every evening at sun-set under the superintendance of a lieutenant in the navy. No boats, excepting guard-boats from the ships of war, which pulled about the island all night, were allowed to be down after sun-set. The orderly officer was also instructed to ascertain the actual presence of Napoleon, twice in the twenty-four hours, which was done with as much delicacy as possible. In fact, every human precaution to prevent escape, short of actually incarcerating, or enchaining him, was adopted by sir George Cockburn."

Of the Algerines, &c. when the conversation turned upon them, Napoleon said—"It is a disgrace to the powers of Europe to allow so many nests of robbers to exist. Even the Neapolitans could put a stop to it, instead of allowing themselves to be robbed. They have upwards of 50,000 seamen in the kingdom of Naples and Sicily, and, with their navy, they might easily prevent a single barbary ship from stirring out."

politans were so great cowards at sea, that the Algerines had the utmost contempt for them. "They are cowards by land as well as by sea," replied the emperor, "but that might be remedied by proper officers and discipline. At Amiens, I proposed to your government to unite with me, either to entirely destroy those nests of pirates, or at least to destroy their ships, fortresses, and make them cultivate their country, and abandon piracy. But your ministers would not consent to it, owing to a mean jealousy of the Americans, with whom the barbarians were at war. I wanted to annihilate them, though it did not concern me much, as they generally respected my flag, and carried on a large trade with Marseilles."

FULLERS' EARTH. On the 29th of August last, we copied from the Hartford, (Connecticut) Mercury an article under this head, setting forth the inconveniences woollen manufacturers, in this country, labor under for want of Fullers' earth, and describing its properties. We have received, within a day or two, a piece of earth which answers all the tests there mentioned. It came from the plantation of Alexander Poe, esq. on the Chickasaha, Mississippi, about 80 miles from this city, where it extensively abounds. The surface is, to the touch, very much like that of castile soap, somewhat like the soapstone, though not as hard, and more glossy when cut. We took two pieces, from different parts, and put them in glasses of water, when they instantly began to crumble, each falling into a fine mass of a slippery, plastic nature, as perfectly free from grit as is dissolved soap. It has been tried in washing greasy woollens and was found to have the desired effect, leaving the cloth bright, soft and perfectly free from spots or stains. The gentleman to whom we are indebted for this specimen has promised to furnish us, shortly, with a small box of it, which we shall immediately forward to a friend in New-York, for the particular inspection of those who, from interest or curiosity, may be disposed to ascertain its properties, with a request that specimens be sent to Boston, Providence, Philadelphia and Baltimore.

This earth, of which there is supposed to be an extensive stratum, is found in large and almost detached blocks of various shades, from white to black; some in color resembling that of chocolate. Mr. P. tells our informant, (who is a connexion of his residing in this city), that, for many years, within his recollection, the Indians were in the habit of assembling in considerable numbers at the spot from whence it was taken, for the purpose of manufacturing their wares for domestic uses, some of which were very fine—but, until very lately, it was supposed to be of little if any more value than the common pipe clay, which is so abundant in many parts of the southern Atlantic, and, perhaps, other states—there is an earth very similar to this, though said to vary somewhat from it, to be found in various parts of this state, particularly at Florida, (Fort Stoddart), which has been used advantageously in white-washing—and we are inclined to suspect that some of the perpendicular banks of the Alabama river are composed of a material very much resembling, if not of this class, of which we have seen apparently very extensive ledges. We have been struck with the fineness of the material with which were made sundry pieces of earthen ware dug out of some of the large mounds, from 15 to 20 feet from the surface, where perhaps they had been concealed for hundreds of years—evidently having been deposited long before any of the mechanic

arts. (as now pursued), were known in this quarter of the world, unless by a race exterminated before the record of its discovery.

There are doubtless many hidden sources of wealth within the bowels of this section of our country, which are yet to be brought to light, besides those of a fertile soil, rendered valuably productive by a congenial climate, a valuable natural growth on the borders of navigable streams, iron, coal, copper, lead, and possibly, gold and silver mines, together with salt and mineral springs, furnishing a catalogue of benefits calculated strongly to impress upon our minds how greatly we are indebted to the bounteous hand of the God of nature.

Mobile Register.

"THE WALKING HORSE." The *Leeds Mercury* gives the following account of the application of steam power for propelling land carriages—It is many years since that this power was applied for such purposes in the United States, and we wish that the fact should be remembered. The idea suggested itself to the late Oliver Evans in 1772, and was actually put into operation in the year 1804, at Philadelphia—see Addenda to the REGISTER, vol. III.

"The engine which conveys coals from the Orrell pits, drags twenty wagons, each containing upwards of a ton. The people in the neighborhood emphatically call it the "walking horse;" and certainly, from the description of a friend, it bears no little resemblance to a living animal. The engine being on the high pressure principle, the superabundant steam is emitted at each stroke with a noise something similar to the hard breathing or snorting of a horse—the escaping steam representing the breath of his nostrils, and the deception is altogether aided by the regular motion of the engine beam, and the rapidity of motion, which precludes minute observation. In the ascent, the rate is about four miles an hour, and, on level ground, from five to six.

On Wednesday last, a highly interesting experiment was made with a machine, constructed by Messrs. Fenton, Murray and Wood, of this place, under the direction of Mr. John Blenkinsop, the patentee, for the purpose of substituting the agency of steam for the use of horses, in the conveyance of coals on the iron rail way, from the mines of J. C. Branding, esq. at Middleton, to Leeds. This machine is, in fact, a steam engine, of four horses' power, which, with the assistance of cranks turning a cog-wheel, and iron cogs placed at one side of the rail way, is capable of moving, when lightly loaded, at the speed of ten miles an hour. At four o'clock in the afternoon, the machine ran from the coal-staith to the top of Hunslet-moor, where six and afterwards eight wagons of coal, each weighing $3\frac{1}{2}$ tons, were hooked to the back part. With this immense weight, to which, as it approached this town, was superadded about fifty of the spectators mounted upon the wagons, it set off on its return to the coal-staith, and performed the journey, a distance of about a mile and a half, principally on a dead level, in twenty-three minutes, without the slightest accident. The experiment, which was witnessed by thousands of spectators, was crowned with complete success; and when it is considered that this invention is applicable to all rail roads, and that, upon the works of Mr. Branding alone, the use of fifty horses will be dispensed with, and the corn necessary for the consumption of at least two hundred men saved, we cannot forbear to hail the invention as of vast public utility, and to rank the inventor amongst the benefactors of his country."

FOREIGN NEWS.

From London papers of September 26.

Great Britain and Ireland. Vessels bound to Honduras &c. were arming to protect themselves against pirates. A governor general of India had not yet been appointed. Several nobleman of Ireland had offered to fill certain public offices to which large salaries are attached, without pay. On the 25th Sept. 3 per cent. consols were at 81 $\frac{1}{2}$. The Jews, at London, have celebrated what is called the "white fast," with great pomp—3000 of them were present, and a great deal of money was collected for charitable purposes.

France. Nothing important is stated as having occurred in this country, except the continued persecution of the press.

Spain. The constitutional system is gathering strength, and the disorders were subsiding pretty rapidly. The army of the "defenders of the faith," is chiefly made up of priests, smugglers and robbers, and others of desperate fortunes. The late proud and cruel *Elio*, has suffered death at Valencia, by the *garotte*. He was strangled on a scaffold erected close to a delightful garden that he had owned in the zenith of his power. He died with great apparent humility.

Denmark. A Danish paper remarking on the depreciation of landed property, mentions the sale of a fine estate for 29,000 rix dollars, on which there was a mortgage of 100,000 dollars.

Russia. Capt. Wassiliew had returned to St. Petersburg from a voyage of discovery. He had reached a higher latitude than Cook, and discovered a groupe of inhabited islands.

Turkey. Additional confirmation of the heretofore reported successes of the Greeks in the Morea, is received, and there seems now no manner of doubt that the Turks have been most completely defeated. A general sea fight was expected—the Greek fleet, of 90 sail, all told, was in sight of the collected force of the barbarians. An attack by the former was intended by fire ships, said to have been constructed by an *American*, who was also to conduct them.

It is now distinctly stated that it was not the Greeks who broke the capitulation Trippolizza, by which a great slaughter of the Turks ensued. It was the Turks themselves: when all appeared quiet, they suddenly commenced a terrible fire from the houses, and killed 600 Greeks; the survivors, naturally excited, took a severe vengeance therefor.

Wallachia and Moldavia have not been evacuated by the Turks—the emperor of Russia has still a great army on the frontier, and there seems to be some new mystery attached to his proceedings. Four Russian men of war were off Copenhagen on the 16th Sept. supposed to be bound for the Mediterranean.

Jassy is reported to be in a deplorable condition; out of the 8000 houses that it lately contained, only 2000 were standing.

China. A letter lately received from Canton says—"The emporor of this country having by some means discovered the disgraceful conduct of the Mandarins, at and about Canton, has just issued an impartial decree, (which, like that of the Medes and Persians, is irrevocable) to the high officers about the court to inquire into the conduct of these people, and to report correctly the nature of the transaction with the English at Lintin, as well as our own affair at Whampoa, and the measures which have been pursued with regard to the introduction of opium. Thirty mandarins are already imprison-

ed, and how many more will be, it is impossible to foresee.

"This examination, it is expected by every one here, will produce important results, and finally place the intercourse of foreigners upon a different footing from heretofore—perhaps, their expulsion and interdiction."

Brazil. The prince regent was to be crowned emperor of Brazil on the 12th of October—8,000 troops had been raised at and in the neighborhood of Rio Janeiro. The government possessed the confidence of the people, and had just effected a large loan. A national coat of arms, flag and cockade have been established by different decrees. The motto on the last is, "independence or death," which is also the burthen of their patriotic songs.

More recent intelligence from Pernambuco and St. Salvador, represent the people as being in a most agitated state. Indeed, there appears to have been some fighting, and a republican government is contended for instead of an imperial one. So, perhaps, the prince has not been crowned, according to appointment.

Colombia. Morales, as yet having the command of the sea, is carrying on an active predatory war.—There were some apprehensions, that, as there were no troops at hand to resist him, he might make a dash at and capture the city of Caraccas, which he could reach in twelve hours after landing. The people of Laguaira appear to have been considerably alarmed. The U. S. ship Cyane and brig Spark were lying there. The Colombian commodore, (Daniels), was expected, and then it was hoped that the patriot force might be able to meet the royal, at sea.

Letter—from London papers of the 29th September.

The fruits of the successes of the Greeks on the 15th, 16th and 17th of August, were 3000 prisoners, 2000 horses and 200 camels. The head of the pacha of Salonicha was presented to the senate at Argos, which has just renounced the charge of military affairs in favor of Calestroni, whom they have appointed dictator, for the time being. There was a naval fight off Zante—the Greeks took six or seven Turkish frigates or corvettes, and sunk several other vessels; the rest of the barbarian fleet sought protection under the British cannon at Zante, &c. Chourschid pacha had reached Larissa, with only 3000 men out of the 40,000 with which he had attacked the Greeks. These have now a seemingly good prospect of effecting their independence.—Their struggle begins to excite much attention in Europe, and they will get assistance from many individuals.

A London paper, of the 29th of September, says—A Lisbon mail arrived yesterday with papers to the 15th instant. On the 11th the committee of the constitution proposed to the cortes a decree to the following tenor:

1. That the decree of the 3d of June last, convoking an assembly of the constituent cortes in Brazil is null.

2. That the secretaries of state at Rio Janeiro are highly responsible for the illegality of so despotic a resolution, and shall be impeached.

3. That the government of Rio de Janeiro, disobeying the cortes and constituting itself independent, contrary to the wishes of the people of Brazil, who are represented in this assembly, is a government *de facto* and not *de jure*, and that the obedience of any authority will be criminal, unless when compelled by force.

4. That the delegated authority of the prince shall immediately cease, and that the king appoint

a regency to exercise that authority in the manner already sanctioned.

5. That the prince royal shall return to Portugal in the course of four months, reckoning from the day when the present decree had been notified to him; and if, contrary to the expectation, he should not obey, the proceedings fixed by the constitution shall be adopted.

6. That every commander of the land and sea forces shall be accounted a traitor, who shall obey the government at Rio de Janeiro, unless compelled by force.

7. That the government shall try all the means in its power to carry all these resolutions into effect.

It appears pretty evident that, before the self murder of lord Castlereagh, a proposition had been made, and partially adopted, to crush Spain, by an overwhelming allied army, while British fleets scoured the coasts, &c. and it seems as if that kingdom was to have been held as the property of the "Holy Allies." Whether the project is wholly abandoned or not, is unknown; but the great mischief has lost its head, by the act of justice which his lordship committed on himself.

Goubin, and three others, who were implicated with Berton, and condemned, were executed at Paris on the 23d September. Goubin's last words were "Vive la liberte!" The sympathy of an immense concourse of people was strongly excited.

Bank of Vincennes.

FROM THE BROOKVILLE ENQUIRER.

For the information of the public, in regard to the late arrangement made by our senator in congress, James Noble, in relation to the debt due to the United States from the state of Indiana, for moneys deposited in the bank of Vincennes, we are enabled to give the following statement, chiefly taken from papers on the subject in the hands of Mr. Noble, who has favored us with their perusal.

On the 7th September inst. Mr. Noble attended at Corydon, who had in his possession certain notes or engagements, executed by the governor of this state on behalf of the state, to the president, directors, & Co. of the bank of Vincennes, for the payment of \$30,800. On the 22d of September, 1821, the board of directors of said bank transferred to Thomas T. Tucker, esq. treasurer of the United States for the time being, and his successor in office, the notes or engagements of the governor aforesaid, for the purpose of paying a part of the deposits to the United States, which had been made by them in said bank. Near the time of the transfer, the state had in her treasury upwards of \$21,000, in notes of the said bank and branches.

During the last winter and spring, Mr. Crawford, the secretary of the treasury of the United States, being informed that the state objected to the transfer made by the bank, and the truth of the case being submitted to him, he, with an eye single to the interest of the United States and the interest of this state, and, to prevent any collision between the federal and state authority, proposed and determined that those notes or engagements of the governor should, under certain restrictions, be delivered to the board of directors of said bank. In pursuance of the restrictions and instructions of Mr. Crawford, on the 7th of Sept. inst. Mr. Noble, together with the treasurer of state, Daniel C. Lane, esq. liquidated and adjusted a part of the said notes or engagements, amounting to \$25,159. Two of the directors of the said bank, Dr. G. L. Murdock and

William H. Eads, were present, and received the said sum of \$25,159, in bank notes on the said bank and branches, from Mr. Lane; Mr. Noble delivered to him, as the treasurer of the state, so many of the notes or engagements aforesaid, as amounted to the sum last named; Mr. Noble having, previous to his setting out for Corydon for the purpose aforesaid, taken mortgages of the board of directors of said bank, through their attorney and agent, in favor of the United States, upon real estate, consisting of near twenty town lots, lying in Brookville and Connersville, upon which there are seven buildings and other improvements. The state debt, including interest, up to the 29th of December last, amounting to \$32,570 17, leaving a balance due by the state of \$7,411 17, which is payable in 1823, 1825 and 1826

The Indiana Republican of the 12th inst. states, "that general Noble was selected to arrange the matter, and he undertook it with the hope and expectation that he might prevent injury to the state, and for his services he is to receive no compensation," which statement we have no doubt contains the fact.

Protection against lightning.

FROM THE PLYMOUTH, (ENGLAND), TELEGRAPH.

We last week noticed an invention, by a gentleman of Plymouth, for conveying the electric fluid, by means of a copper conductor fixed in the masts, through the bottom of ships. Instead of being ascribed to Mr. T. Harris, jun. as then stated, it should have been Mr. W. S. Harris. The experiment took place on Monday last, on board the *Caledonia*, in the presence of the navy board, sir A. Cochrane, commissioner Shield, several captains in the navy, and the principal officers of the dock yard, in the following manner: The *Louisa* cutter, having had a temporary mast and topmast fitted with a copper conductor, according to Mr. Harris' plan, was moored astern of the *Caledonia*, and at the distance of eighty feet from the cutter a boat was stationed, with a small brass howitzer. On the tiller-head of the *Caledonia* were placed the electrical machine and an electrical jar, with the outer coating of which a line was connected, having a metallic wire woven in it; this line being carried out of the starboard window of the wardroom, terminated in an insulated pointed wire in the immediate vicinity of the touch-hole of the howitzer: a similar line was passed from the larboard window, which communicated with the mast-head of the cutter, and, at the termination of the bolt through the keel, a chain was attached, connected with another insulated pointed wire in the boat, placed in the vicinity of the touch hole—the space between the insulated points being the only interval, in a circuit of about 300 feet, from the positive to the negative side of the jar. Some gunpowder being placed in contact with the conductor in the cutter and the prising in the interval of the insulated points, the jar was charged, and the line attached to the mast head of the cutter being brought into contact with the positive or inside of the jar, a discharge of electric matter followed, which was passed by the line to the mast-head, and by the conductor through the powder to the chain in the water, by which it was conveyed to the interrupted communication in the boat, where it passed, in the form of a spark, and, discharging the howitzer, returned to the negative or outside of the jar, by the line leading into the starboard window, thereby demonstrating that a quantity of electric matter had been passed by the

conductor through the powder. (without igniting it), in contact with the mast of the cutter, sufficient to discharge the howitzer. Mr. Harris then detached the communication between the keel of the cutter and the positive wire in the boat, leaving that wire to communicate with the water only; but this interruption did not impede or divert the charge, as the discharge of the howitzer was effected with equal success as in the first instance, the water forming the only conductor from the cutter to the boat. In order to demonstrate that a trifling fracture or interruption in the conductor would not be important, it was cut through with a saw; but this produced no material injury to its conducting power.

These trials, carried on under the disadvantages of unfavorable weather, could not fail of convincing all present of its efficacy, and called forth the decided approbation of the navy board in particular, which was evinced by sir T. B. Martin requesting Mr. Harris to superintend the equipment of the masts of the *Mindin* 74, and *Java* frigate, preparatory to its general introduction into the navy.

Putnam's Rock.

FROM SILLIMAN'S JOURNAL.

Extract of a letter from professor Dana, of Dartmouth college, to the editor, dated February 5th, 1822.

I have received an account of "Putnam's Rock," which is in the river opposite West Point. It was given to me by my friend colonel Tucker, of Gloucester, (Mass.) and the history, as connected with the American revolution, cannot fail to be interesting; I will give it in his own words, as there is a naivette in his manner of relating it.

This famous rock, originally a native of the highlands above West Point, was situated on the extreme height of Butter Hill*; when the morning fog was descending from the hill, it had a very beautiful appearance, not much unlike a horseman's tent or hospitable marquee riding on the cloud. It was a common amusement for the officers when off duty to roll large rocks from the sides of those hills. These often set others going with them, to the great terror of those persons who were below. One day when this laborious amusement was over, colonel Rufus Putnam proposed going up to take a peep of this curiously situated rock; it was found situated on a flat rock of great extent, and near the brink of a considerable precipice, and hung very much over it. Colonel Putnam believed that it was moveable, and if once moved, that it would roll over; and falling from 20 to 50 feet, would commence its route to the river. A few days after, we formed a party of officers, with our servants, who took with them axes, drag-ropes, &c. in order to procure levers for the purpose of moving the rock, which we soon found was in our power. The levers being fixed with ropes to the end of them all, col. Putnam, who headed the party, ordered us to haul the ropes tight, and, at the word congress, to give a long pull, a strong pull, and a pull altogether.—This we did; the levers fell, the rock rolled over, tumbled from the precipice, and took up its line of march for the river! The party then had the satisfaction of seeing the most majestic oaks and loftiest pines bowing down in homage and obedience to this mighty traveller, which never stopped till it had reached the bed of the river, where it now lies on the edge of the flats, and far enough from

*This hill is 1520 feet above tide water, and 1332 above its base, according to capt. Partridge.

the shore for a coasting vessel to sail around it. The party followed after in its path, and were astonished to see that rocks of many tons weight, and trees of the largest size, were ground to powder; on arriving at the river the party embarked, and landed, to the number of sixty or seventy, on the rock, when colonel Putnam broke a bottle of whiskey and named it "Putnam's Rock." I may have forgotten some of the minutia of the transaction in the lapse of 43 years, but it is a fact that the rock now in the river was removed from the extreme top of Butter Hill by the officers of colonel Rufus Putnam's regiment, in the revolutionary war, in the service of the United States, sometime in the month of June, in the year 1778.

Naval Power.

From the work of Monsieur Du Pradt, 'upon' colonies.

[TRANSLATED FOR THE NATIONAL INTELLIGENCER.]

The sea is the element common to all people, the way open to all, for the relations of which all have need with all; the military marine, protectress of the mercantile marine, is the conservatory means of these relations; the sea, no more than the continent, cannot support one universal and exclusive empire; from thence alliances between maritime powers for the liberty of the seas, like continental alliances for the liberty of the continent. The same necessities have dictated the same measures. Under the reign of Louis the fourteenth, the epocha of the creation of military marines in Europe, there was counted four great marines; those of England, of France, of Spain, and of Holland; they were seen to struggle against each other, together or separately, and, as always happens in the commencement of establishments, with success balanced enough to maintain some equilibrium, and by that some liberty. Holland did not fear to measure herself alone with England and France united—since that epocha the maritime power of Europe was divided into two parts, England on one side, and France and Spain on the other; in the two wars of 1740 and 1756, the French marine, notwithstanding the co-operation of that of Spain, could not defend the colonial possessions of France. In the American war, the two marines, reinforced by that of Holland, did not fairly balance the English marine. They could not wipe out the affront of the 12th of April, nor shut the entrance of Gibraltar. * * * *

It may be said that, from this epocha, people have learnt to know all the value of the sea; before it was the secret of some, such as England and Holland: now it is that of all; but how much have things changed since those times? the revolution has delivered the ocean to England, and with it all the colonies, all the marines of Europe. Her position, in the centre of the European ocean, interdicts the communication of the north with the south. Where could they unite? All that would go out of the sound would be arrested at Heligoland, at Ferroe: it would have to pass under this long battery from Yarmouth to Plymouth. The channel is a sea shut by the ports of England, a real English roadstead, through which the squadrons of France and Holland would never dare to pass, to form a junction. At the first signal, Brest, Cadiz, and Foulon, would be blockaded; Gibraltar shuts the entrance of the Mediterranean; Malta occupies the centre of it; Corfu overawes the Adriatic. Where to pass or reunite? It is the same in the other parts of the world, where England has given herself positions desperate for all maritime people,

A coalition of all the marines of Europe against England, is then a thing to be of reason. But, some of the parts of this coalition are too much exposed in their commerce and their colonies, not to prefer their actual sufferings to their aggravation, which would be the inevitable consequence of a rupture with England. This latter has left them colonies and commerce, precisely what is enough to form a web woven by fear and by the discretions it always dictates. An eternal statu quo is the only calculation of these powers; provided it lasts, it is sufficient. There is but one power independent of England; it is Russia; and the first owes some regard to her for the sake of her commerce. But, there the power of Russia stops. At the Cape of Good Hope, at Ceylon, at Trinidad, at Barbadoes, at Halifax the English are, with respect to colonies, in the same position as they are at Heligoland, at Gibraltar, at Malta, with respect to Europe. Slavery is there, as well as here. In this condition, all military marine in Europe is a useless expense, a subject of triumph prepared for England, and, since it must be said, a real absurdity. In effect, what other name to give to an expense which returns nothing, which serves neither for attack or defence, and which definitively profits only the enemy? It is no longer within itself that Europe must seek its means of maritime enfranchisement; it is no longer upon itself that it can solidly support its lever to raise the burden which crushes it; *it is upon America.* Hereafter the principle of its liberation is there.— We have just seen the proof in the war of the United States against England; they have more tormented England than all the united marines of Europe have done. The reason is very simple; the remoteness from England. At this distance from the seat of her power, she loses a part of the advantages which render her so formidable in Europe; consequently, the more there shall be states like to the United States, the more will there be allies for Europe; for all these states, like the United States, are essentially navigating, possessing an infinite number of ports and rivers which invite navigation and commerce, will have the greatest interest in the liberty of the seas, in an alliance with the weak upon the sea, against the strong, the natural oppressors of the weak; consequently, every flag of liberty raised in America will cover the seas of Europe with a tutelary shade.

Suppose in America some free states, as Brazil, the United States, Mexico; and upon the other reverse of this country, Peru and Chili. In this state of liberty which cannot escape them sooner or later, do we not see raised with them as many rivals against England, as many ship-yards, and arsenals, as we count in the United States, and all at the service of Europe against the common enemy, the master of the sea, whatever name he bears? for as soon as he is master, he is the enemy of all that is weaker than him, and also all are enemies to him. Do we not see raised, with the means to support it, a general struggle for the independence of the seas—a struggle which, in this case, cannot fail of its effect, favored as it will be found to be by the position of the parties that will take part in it, whilst it is impossible for Europe alone to establish a like one, precisely by reason of its position and proximity with England. When England shall have to blockade at once all America and all Europe, her blockades, instead of being a chain of iron that cannot be broken, as we have seen in the last 20 years, will be no more than spider webs that can be pierced at will. When her vessels shall have to guard stations several thousand leagues distant, without as-

sured ports of refit; when her commerce, exiled from the two continents, pursued by swarms of privateers, shall extend its withered arms to the metropolis, suppliant for peace; then will be re-established a maritime liberty for Europe which she cannot obtain by her own proper means. Let us say it without balancing, without the independence of colonies, Europe has nothing better to do than to burn all her vessels; for there is not a single one which is not destined to be drawn in triumph to London in eight days after they shall dare to put to sea; without the independence of colonies, all the vessels of war of Europe will be taken, or will rot in the ports; such is the arrest of fate, of which England is the minister.

This was then the capital error of the politics of Napoleon; he wanted to enfranchise the seas by Europe! and it was only by America that could be done. He turned his back upon his aim by going to search for it in Russia, where surely it was not. Such is yet the error of Spain; she does not perceive that, in laboring to re-establish the dependence of America, in her own regard, she only confirms her own dependence upon England, who will be able to dispose of all the force of which she would have need against America. France does not act more wisely in not occupying herself to prepare a future, less servile than the condition to which she is descended.

A proposition so new as that which is just announced, cannot fail to excite much outcry; the thing is easy to foresee, and, above all, to explain, from the interests which it reaches. But what are outcries against the truth? It is precisely because this truth is new, that it ought to be published.—Let us then pursue our route, and make to France the application of these principles. Let us ask, for what purpose does her marine serve, in the actual condition? It has two objects—commerce and policy; that is to say, riches and power. We protect commerce with vessels of war; with them we fight, we drive off, or humiliate, the enemy. The question is, then, to judge of the interest France can have to preserve a military marine, to examine to what degree it can fulfil this double destination. The military marine of France cannot protect its mercantile navigation, &c. It follows, from this exposé, that the French marine is both useless and ruinous, which is too much, by half, &c. But we discover in this same French marine a certain and immense utility, in allying itself with the system of the independence of colonies, a system that will give to all the marines of Europe auxiliaries, which will enfranchise it from the supremacy of England, from which they are impotent, of themselves, to deliver it.

Legislature of Kentucky.

GOVERNOR'S MESSAGE.

Frankfort Oct. 22.—This day at twelve o'clock, his excellency, the governor, transmitted to both houses the following message:

Fellow citizens of the senate

And of the house of representatives:

Amid the rich and numerous blessings with which Providence has signalized our happy country, we have not been wholly exempted from some of its severest calamities. While peace, tranquility and order have reigned throughout the land; while the fruits of the earth have repaid the labors of the husbandmen with a bounteous profusion, and every species of industry and skill have been liberally encouraged by the rewards of reviving

commerce, while our people have witnessed with joy and thankfulness the masculine growth of their favorite institutions, and hailed, with sentiments of just and exalted pride, the glorious triumphs of that redeeming spirit, inspired by their own example, which, in distant regions of the world, impelled the votaries of republican freedom to plant her standard on the grave of departed despotism, the sudden incursions of sickness and death have cast an unexampled gloom over different portions of our healthful state. In common with her sister states, Kentucky, during the short periods of the summer and autumn, experienced an unusual visitation of disease. When we look back on the sufferings inflicted by the prevalence of a general malady and remember—who can forget it?—that we have been deprived of some of our most valuable and respected citizens, it is with hearts full of gratitude to a kind Providence that our minds are averted from the painful retrospect by the welcome and consolatory assurance that the evil has departed, and that returning health, with her long train of blessings, occupies again her accustomed abode!

The general assembly has legislated so fully on the great interests of education, that it only remains for them to give successful operation to their wise and liberal plans, by a patient and persevering application of the means which have been appropriated for the attainment of the most laudable and necessary objects. You will have before you, during the present session, the result of the diversified inquiries and united deliberations of the joint committee, heretofore appointed on the subject of free schools, and will not fail to avail yourselves of all the lights to be expected from the report of that committee, in any subsequent modifications which experience shall suggest, or a more minute knowledge of the subject may recommend, in the practical development of the system adopted. The state university continues to flourish. Its recent growth is unrivalled; and the benefits it dispenses are diffused far beyond the limits of our own state. When we consider how large a sum of money it retains among us, which would otherwise be expended abroad in educating our youth in habits and opinions, not the most happily adapted to render them useful at home; and that it attracts from other states a considerable amount that could not in a different mode be obtained, this institution might well be estimated, by avarice itself, as worth all the care and expense that it has cost. But when we regard it as a distinguished seat of science, affording all the means for the attainment of knowledge, which are common to any seminary of learning in the United States, the advantages of its rich and imperishable contributions to our moral strength and intellectual acquisitions, are not to be calculated by the standard of wealth, but of glory. We may be permitted to felicitate ourselves on the rapid and general dissemination of useful and liberal knowledge, through all classes of society, and to hail with sentiments of deep delight the auspicious era, at which philosophy and the muses claim a residence in the wilderness of the west.

Our colleges and schools, fostered by that nascent spirit of improvement which prevades the whole community, are daily multiplying the sources of instruction, and extending the sphere of their usefulness. In several of the former, although comparatively in their infancy, a complete course of academical learning is given; and in others is postponed only for the want of competent teachers; a defect soon to be remedied by the alumni of the university.

Your predecessors, duly impressed with the vital importance of education in a government like ours, have made it a subject of legislative concernment. Thus it becomes your duty to inspect the existing institutions of learning, to correct their errors, and supply their wants; and thus opportunity is afforded you of participating in the high honors which are due to those who enlighten and reform the public mind.

The digest of the statute laws now in force in this commonwealth, authorized by the act of December 6, 1821, has been executed and approved, and in the course of the next month will be ready for distribution. It is believed that the work will meet the expectations of the legislature and prove itself of immense utility to the community at large.

The subject of our currency will no doubt occupy a portion of your deliberations, and it may be expected that I will not remain wholly silent on so important a topic. Permit me to remark, that the great and complicated concerns of finance can receive but little advancement from the frequency of legislation. The constancy and patience of virtuous economy; the victorious energies of well directed industry; and the demands of foreign commerce, regulate the wants, acquisitions of every people.

It is true, that communities, like individuals, are sometimes doomed to endure the severities of unlooked for disease. Extraordinary emergencies, and inevitable calamities, impose the adoption of appropriate experiments to avert or mitigate the sufferings that attend them.

The safety of society becomes the ruling motive of the law; and every controlling power of the state must submit to the paramount law of necessity. But as such a condition of affairs is unnatural, its continuance must be destructive, and that people, the rigour of whose circumstances compels them often to depart from the established order of their legislations, and long to require extraneous aid of unusual remedies, must lose in time the graceful consistency of their national character, and weaken the salutary influence of those venerable usages, the sanctity of whose immemorial authority exerts so persuasive an influence over the affections of the heart. If the legislature of Kentucky has been compelled to yield for a season to the imperious nature of causes which it could not subdue, in devising measures requisite to insure the general welfare; has sanctioned means heretofore not usually employed, let it never be forgotten, that the measures adopted have completely realized their proposed ends; that an agitated and endangered population of a half a million of souls has been tranquilized and secured without the infliction of legal injustice or the example of violated morality. I rejoice that the hour is near at hand, when we may change, without fear or injury, our precautionary attitude, and mingling freely in the emulative pursuits of nations, with increased vigour urge onward our career of wealth, of power and of fame.

I respectfully suggest for your consideration the propriety for authorizing by law the Bank of Kentucky to pay, in a short period of time, into the Bank of the Commonwealth, in the notes of the latter, the whole amount of the capital stock owned by the state in the former. Such a measure, by withdrawing at once from circulation, at least one sixth part of the entire amount of the notes issued by the Bank of the Commonwealth, already considerably reduced by regular calls on the principal loaned and the payment of accruing interest, could not fail greatly to raise the credit of the paper. If to this a provision were added authorizing

the directors to make discretionary calls on her debtors, the legislature would have done all, in relation to that institution, which appears to me expedient at this time. The measures alluded to, would afford a satisfactory demonstration to the minds of all candid men, of your justice and fidelity. They would silence the clamors of those who have depreciated the credit of the paper by impeaching the integrity of the public faith, and inspire the community with increased confidence in the final redemption of the notes. The resources pledged for this purpose would remain undiminished, while the aggregate amount of the notes to be redeemed would be daily decreasing and their relative value correspondingly enhanced. That the state should receive in payment for her stock the notes of the Bank of the Commonwealth, is peculiarly proper, because she holds at her disposal the entire capital, on the faith of which those notes were issued. Every dollar that she receives exempts the general fund appropriated for redemption from its liability for an equal amount, and leaves the bank in possession of a valid claim on its debtors who borrowed the sum thus withdrawn from circulation.

When the interest now held by the state shall have been withdrawn from the Bank of Kentucky, her direct participation in the government of that institution, as contemplated by existing provisions, will cease. The design of those regulations, it is hoped, will not be changed. The divided government of the private stockholders and the state, established by the original charter of the corporation, was impolitic and unequal. It has been the origin of much evil, and no advantage can be fairly anticipated from its longer duration.

The resources of that institution may enable it, during the ensuing year, to resume specie payments. This is an event most earnestly to be desired; and one which ought not to be delayed a moment longer than the inability, to sustain such payments, exists. When we consider the almost entire reduction of our foreign debts, and the consequent indulgence and protection afforded to them; the vast returns of trade; the growth of economical habits; and the excitement to general industry produced by the pressure of the times; we cannot doubt the removal of numerous and formidable obstacles that have impeded the usual current of business, and diverted our resources into new and unproductive channels. The resumption of specie payment by the Bank of Kentucky would promote the rapid circulation, that is at present wholly unemployed, impart new life to commerce, add powerful incentives to industry, and restore public confidence in the moneyed institutions of the country. Nor could the payment of specie by the Bank of Kentucky be in any manner detrimental to the Bank of the Commonwealth. By gradual, but not oppressive calls and the operation of the resources before recommended, its notes in circulation must soon be diminished below the amount which, after discharging all the functions assigned them, will be adequate to meet the requisitions made at bank. These requisitions must therefore be met by payment in specie or the notes of the Bank of Kentucky, which, by this indiscriminate and inevitable application, will be rendered of equal value to the Bank of the Commonwealth. If the whole of the amount of the circulating medium of the state shall be diminished, the inconveniences of such diminution will be more than compensated by the freedom of its circulation, and the facilities gained by the re-establishment of credit. To produce these

important results it is true that time is required. But time, in its silent and powerful developments, is always in advance of man's anticipations.

I cannot close this communication without once more earnestly inviting the attention of the general assembly to the subject of the Lunatic Asylum, and the condition of the state penitentiary. To my previous communications I beg leave to refer for an exposition of my general views in relation to those important, but neglected institutions. An inspection of the accounts of the auditor, exhibiting the annual disbursements at the treasury, for the maintenance of persons of unsound mind, and a comparison of this rapidly increasing item of public expenditure, with the probable expense attending the support and recovery of these unfortunate beings, embraced in the proposals of the Fayette hospital, demonstrably establish the humiliating fact, that the present wretched and impracticable system, wholly inadequate as it is for every purpose of mental restoration, is supported at a charge more than sufficient to afford the afflicted sufferers every gentle and humane attention, and all the kindly aids of restoring skill, which form the constituent regulations of a well appointed asylum.

The penitentiary system has been adopted by most of the North American republics. This general sanction is honorable to our country, and worthy the imitation of all civilized nations. It is no longer a question whether the system is of practical utility, and its introduction a blessing to mankind. It is progressively and widely extending its triumphant march. The principles on which it rests find easy converts and zealous advocates in every clime, where generous feelings and enlightened sentiments prevail; and the only inquiry among the friends of human happiness, freedom and reform, is, how can his benign invention be improved and perfected? Kentucky was among the first of the states that established a penitentiary and her example has contributed to propitiate general approbation.

How strange, how lamentable an instance of the mutability of opinion, if she should be the first to abandon a system she has so successfully recommended! Yet the simple question which obtrudes itself is, will you have a penitentiary? It is nugatory to amuse ourselves with flattering hopes of salutary amendments when we are destitute of an adequate object to amend. I am not now urging upon your adoption a single improvement in the general system; but am driven to the melancholy supplication that you will not permit the system itself to perish. The existing establishment, in the best condition that the means afforded can place it, is merely a confined and ruinous work shop, necessarily deprived of every concomitant aid designed for the re-formation of the convict, and, furnishing, within its walls in spite of every available precaution, the opportunities and incentives to the most contaminating associations and the promulgation of the most depraved principles. From such a place repentant virtue never can return. With the present increase of our population and in the existing state of society, such an institution is a curse; and the general assembly, in obedience to the force of circumstances, must very soon adapt it to the wants of our actual condition or return to the bloody code of our fathers.

On a subject so momentous in its consequences to the most sacred rights of the community, I feel an extreme solicitude which I shall not pretend to disguise. But this solicitude does not arise in the slightest degree from a distrust of the justice and

magnanimity of my country. To estimate this matter correctly, it is only necessary to consider it. This is not a money-making, or a money saving project. It is a magnificent plan, devised by the spirit of philanthropy and approved by the profoundest wisdom, to accelerate the progress of civilization, to diminish the sufferings, and amend the morals of human kind. In the support of such a plan, on the successful termination of which is deeply staked the dignity of our race, no frigid speculations of abstract policy, no mercenary calculations of pecuniary profit, should retard the consummation of the noble design. The protection which every government owes to its citizens, includes every practicable amelioration of their condition, and whatever may be the practice in arbitrary dominions, this is not a soil, the blood of whose sons is to be weighed in the balance against gold.

In relation however to the cost of their support the convicts in your penitentiary, considered as mere laborers fed at the public expense, have not been unprofitable during the last year. The price of the manufactured articles during that period, ending with the month of September, exceeds the entire expenses of the institution. The whole of those articles cannot be vended at this place; and a large amount, including many articles manufactured during the several preceding years, remains unsold.

If the agent were authorized to distribute those for sale at the neighboring towns, or to dispose of them by auction at stated times and places, similar losses and inconveniences might, for the future, be obviated. It has been with regret that I have observed the prodigious increase of legislation on local and individual interests, abundantly provided for through the judicial organs of the government. When you consider how large a portion of each session is consumed in transacting this description of business, and consequently how greatly the public expenses are augmented, I am convinced that, apart from all other considerations, you will deem this a subject worthy of your attention on the score of economy, and particularly as the practice is more likely to grow, and is the more difficult to resist, by reason of the benevolence of the motives in which it originated.

JOHN ADAIR.

Frankfort, Oct. 22, 1822.

Constitution of New-York.

We, the people of the state of New-York, acknowledging with gratitude the grace and beneficence of God, in permitting us to make choice of our form of government, do establish this constitution.

ARTICLE FIRST.

Sec. 1. The legislative power of this state shall be vested in a senate and an assembly.

Sec. 2. The senate shall consist of thirty-two members. The senators shall be chosen for four years, and shall be freeholders. The assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

Sec. 3. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the qualifications of its own members. Each house shall choose its own officers; and the senate shall choose a temporary president, when the lieutenant governor shall not attend as president, or shall act as governor.

Sec. 4. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

Sec. 5. The state shall be divided into eight districts, to be called senate districts, each of which shall choose four senators.

The first district shall consist of the counties of Suffolk, Queens, Kings, Richmond, and New-York.

The second district shall consist of the counties of Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan.

The third district shall consist of the counties of Greene, Columbia, Albany, Rensselaer, Schoharie, and Schenectady.

The fourth district shall consist of the counties of Saratoga, Montgomery, Hamilton, Washington, Warren, Clinton, Essex, Franklin, and St. Lawrence.

The fifth district shall consist of the counties of Herkimer, Oneida, Madison, Oswego, Lewis, and Jefferson.

The sixth district shall consist of the counties of Delaware, Otsego, Chenango, Broome, Cortland, Tompkins, and Tioga.

The seventh district shall consist of the counties of Oneida, Cayuga, Seneca, and Ontario.

The eighth district shall consist of the counties of Steuben, Livingston, Monroe, Genesee, Niagara, Erie, Allegany, Cattaraugus, and Chautauque.

And as soon as the senate shall meet, after the first election to be held in pursuance of this constitution, they shall cause the senators to be divided by lot into four classes, of eight in each, so that every district shall have one senator of each class; the classes to be numbered one, two, three, and four. And the seats of the first class shall be vacated at the end of the first year; of the second class, at the end of the second year; of the third class, at the end of the third year; of the fourth class, at the end of the fourth year, in order that one senator be annually elected in each senate district.

Sec. 6. An enumeration of the inhabitants of the state shall be taken, under the direction of the legislature, in the year one thousand eight hundred and twenty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, paupers, and persons of color not taxed, and shall remain unaltered until the return of another enumeration, and shall, at all times, consist of contiguous territory; and no county shall be divided in the formation of a senate district.

Sec. 7. The members of the assembly shall be chosen by counties, and shall be apportioned among the several counties of the state, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, paupers, and persons of color not taxed. An apportionment of members of assembly shall be made by the legislature, at its first session after the return of every enumeration; and when made, shall remain unaltered until another enumeration shall have been taken. But an apportionment of members of the assembly shall be made by the present legislature, according to the last enumeration, taken under the authority of the United States, as nearly as may be. Every county heretofore established, and separately organized, shall always be entitled to one member of the assembly; and no new county shall hereafter be erected, unless its population shall entitle it to a member.

Sec. 8. Any bill may originate in either house of the legislature, and all bills passed by one house may be amended by the other.

Sec. 9. The members of the legislature shall receive for their services, a compensation to be ascertained by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the year in which it shall have been made. And no law shall be passed increasing the compensation of the members of the legislature, beyond the sum of three dollars a day.

Sec. 10. No member of the legislature shall receive any civil appointment from the governor and senate, or from the legislature, during the term for which he shall have been elected.

Sec. 11. No person, being a member of congress, or holding any judicial or military office under the United States, shall hold a seat in the legislature. And if any person shall, while a member of the legislature, be elected to congress, or appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

Sec. 12. Every bill which shall have passed the senate and assembly, shall, before it become a law, be presented to the governor: if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of the members present, it shall become a law. But in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

Sec. 13. All officers, holding their offices during good behavior, may be removed by joint resolution of the two houses of the legislature, if two thirds of all the members elected to the assembly, and a majority of all the members elected to the senate, concur therein.

Sec. 14. The political year shall begin on the first day of January; and the legislature shall, every year, assemble on the first Tuesday of January, unless a different day shall be appointed by law.

Sec. 15. The next election for governor, lieutenant governor, senators, and members of assembly, shall commence on the first Monday of November, one thousand eight hundred and twenty-two; and all subsequent elections shall be held at such time in the month of October or November as the legislature shall, by law, provide.

Sec. 16. The governor, lieutenant governor, senators, and members of assembly, first elected under this constitution, shall enter on the duties of their respective offices on the first day of January, one thousand eight hundred and twenty-three; and the governor, lieutenant governor, senators, and members of assembly, not so elected, shall continue to hold the same until the first day

of January, one thousand eight hundred and twenty-three, and no longer.

ARTICLE SECOND.

Sec. 1. Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this state one year preceding any election, and for the last six months a resident of the town or county where he may offer his vote; and shall have, within the year next preceding the election, paid a tax to the state or county, assessed upon his real or personal property; or shall, by law, be exempted from taxation; or being armed and equipped according to law, shall have performed, within that year, military duty in the militia of this state; or who shall be exempted from performing militia duty in consequence of being a fireman in any city, town, or village in this state: and, also, every male citizen of the age of twenty-one years, who shall have been, for three years next preceding such election, an inhabitant of this state, and for the last year, a resident in the town or county where he may offer his vote, and shall have been, within the last year, assessed to labor upon the public highways, and shall have performed the labor, or paid an equivalent thereof, according to law, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people. But no man of color, unless he shall have been, for three years, a citizen of this state, and for one year next preceding any election, shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon; or shall have been actually rated, and paid a tax thereon, shall be entitled to vote at any such election. And no person of color shall be subject to direct taxation, unless he shall be seized and possessed of such real estate as aforesaid.

Sec. 2. Laws may be passed, excluding from the right of suffrage persons who have been, or may be, convicted of infamous crimes.

Sec. 3. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

Sec. 4. All elections by the citizens shall be by ballot, except for such town officers, as may by law be directed to be otherwise chosen.

ARTICLE THIRD.

Sec. 1. The executive power shall be vested in a governor. He shall hold his office for two years; and a lieutenant governor shall be chosen at the same time, and for the same term.

Sec. 2. No person, except a native citizen of the United States, shall be eligible to the office of governor; nor shall any person be eligible to that office, who shall not be a freeholder, and shall not have attained the age of thirty years, and have been five years a resident within this state; unless he shall have been absent, during that time, on public business of the United States, or of this state.

Sec. 3. The governor and lieutenant governor shall be elected at the times and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor or for lieutenant governor, the respective offices of the legislature shall, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for governor or lieutenant governor.

Sec. 4. The governor shall be general and commander in chief of all the militia, and admiral of the navy of the state. He shall have power to convene the legislature, (or the senate only,) on extraordinary occasions. He shall communicate, by message, to the legislature, at every session, the condition of the state; and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall execute all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall, at stated times, receive for his services a compensation which shall not be increased nor diminished during the term for which he shall have been elected.

Sec. 5. The governor shall have power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment. Upon convictions for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature, at its next meeting; when the legislature shall either pardon or direct the execution of the criminal or grant a farther reprieve.

Sec. 6. In case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor, absent or impeached, shall return or be acquitted. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of a military force, thereof, he shall still continue commander in chief of all the military force of the state.

Sec. 7. The lieutenant governor shall be president of the senate but shall have only a casting vote therein. If, during a vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall act as governor, until the vacancy shall be filled, or the disability shall cease.

ARTICLE FOURTH.

Sec. 1. Militia officers shall be chosen, or appointed, as follows: captains, subalterns, and non-commissioned officers, shall be chosen by the written votes of the members of their respective companies. Field officers of regiments and separate battalions, by the written votes of the commissioned officers of the respective regiments and separate battalions. Brigadier generals, by the field officers of their respective brigades. Major general, brigadier

generals, and commanding officers of regiments or separate battalions, shall appoint the staff officers of their respective divisions, brigades, regiments or separate battalions.

Sec. 2. The governor shall nominate, and, with the consent of the senate, appoint all major generals, brigade inspectors, and chiefs of the staff departments, except the adjutant general and commissary general. The adjutant general shall be appointed by the governor.

Sec. 3. The legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the governor.

Sec. 4. The commissioned officers of the militia shall be commissioned by the governor; and no commissioned officer shall be removed from office, unless by the senate, on the recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court martial, pursuant to law. The present officers of the militia shall hold their commissions, subject to removal, as before provided.

Sec. 5. In case the mode of election and appointment of militia officers, hereby directed, shall not be found conducive to the improvement of the militia, the legislature may abolish the same, and provide by law for their appointment, and removal, if two thirds of the members present in each house shall concur therein.

Sec. 6. The secretary of state, comptroller, treasurer, attorney general, surveyor general, and commissary general, shall be appointed as follows: The senate and assembly shall each openly nominate one person for the said offices respectively; after which they shall meet together, and if they shall agree in their nominations, the person so nominated shall be appointed to the office for which he shall be nominated. If they shall disagree, the appointment shall be made by the joint ballot of the senators and members of assembly. The treasurer shall be chosen annually. The secretary of state, comptroller, attorney general, surveyor general, and commissary general, shall hold their offices for three years, unless sooner removed by concurrent resolution of the senate and assembly.

Sec. 7. The governor shall nominate, by message, in writing, and, with the consent of the senate, shall appoint all judicial officers, except justices of the peace, who shall be appointed in manner following, that is to say: The board of supervisors in every county in this state shall, at such times as the legislature may direct, meet together; and they, or a majority of them, so assembled, shall nominate so many persons as shall be equal to the number of justices of the peace to be appointed in the several towns in the respective counties. And the judges of the respective county courts, or a majority of them, shall also meet and nominate a like number of persons; and it shall be the duty of the said board of supervisors and judges of county courts to compare such nominations, at such time and place as the legislature may direct; and if, on such comparison, the said boards of supervisors and judges of county courts shall agree in their nominations, in all or in part, they shall file a certificate of the nominations in which they shall agree, in the office of the clerk of the county; and the person or persons named in such certificates shall be justices of the peace; and, in case of disagreement, in whole or in part, it shall be the farther duty of the said boards of supervisors and judges, respectively, to transmit their said nominations, so far as they disagree in the same, to the governor, who shall select from the said nominations, and appoint, so many justices of the peace as shall be requisite to fill the vacancies. Every person appointed a justice of the peace, shall hold his office for four years, unless removed by the county court, for causes particularly assigned by the judges of the said court. And no justice of the peace shall be removed, until he shall have notice of the charges made against him, and an opportunity of being heard in his defence.

Sec. 8. Sheriffs, and clerks of counties, including the register and clerk of the city and county of New-York, shall be chosen by the electors of the respective counties, once in every three years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time; and, in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff; and the governor may remove any such sheriff, clerk or register, at any time within the three years for which he shall be elected, giving to such sheriff, clerk or register, a copy of the charge against him, and an opportunity of being heard in his defence, before any removal shall be made.

Sec. 9. The clerks of courts, except those clerks whose appointment is provided for in the preceding section, shall be appointed by the courts of which they respectively are clerks; and district attorneys by the county courts. Clerks of courts and district attorneys shall hold their offices for three years, unless sooner removed by the courts appointing them.

Sec. 10. The mayors of all the cities in this state shall be appointed annually by the common councils of the respective cities.

Sec. 11. So many coroners as the legislature may direct, not exceeding four in each county, shall be elected in the same manner as sheriffs, and shall hold their offices for the same term, and be removable in like manner.

Sec. 12. The governor shall nominate, and, with the consent of the senate, appoint masters and examiners in chancery; who shall hold their offices for three years, unless sooner removed, by the senate, on the recommendation of the governor. The registers and assistant registers shall be appointed by the chancellor, and hold their offices during his pleasure.

Sec. 13. The clerk of the court of oyer and terminer, and general sessions of the peace, in and for the city and county of New-York, shall be appointed by the court of general sessions of the peace in said city, and hold his office during the pleasure of the said court; and such clerks and other officers of courts, whose ap-

pointment is not herein provided for, shall be appointed by the several courts, or by the governor, with the consent of the senate, as may be directed by law.

Sec. 14. The special justices, and the assistant justices, and their clerks in the city of New-York, shall be appointed by the common council of the said city; and shall hold their offices for the same term that the justices of the peace, in the other counties of this state, hold their offices, and shall be removable in like manner.

Sec. 15. All officers heretofore elective by the people, shall continue to be elected; and all other officers, whose appointment is not provided for by this constitution, and all officers, whose offices may be hereafter created by law, shall be elected by the people, or appointed, as may, by law, be directed.

Sec. 16. Where the duration of any office is not prescribed by this constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

ARTICLE FIFTH.

Sec. 1. The court for the trial of impeachments, and the correction of errors, shall consist of the president of the senate, the senators, the chancellor, and the justices of the supreme court, or the most part of them; but when an impeachment shall be prosecuted against the chancellor, or any justice of the supreme court, the person so impeached shall be suspended from exercising his office, until his acquittal; and when an appeal from a decree in chancery shall be heard, the chancellor shall inform the court of the reasons for his decree, but shall have no voice in the final sentence; and when a writ of error shall be brought, on a judgment of the supreme court, the justices of that court shall assign the reasons for their judgment, but shall not have a voice for its affirmance or reversal.

Sec. 2. The assembly shall have the power of impeaching all civil officers of this state for mal and corrupt conduct in office, and for high crimes and misdemeanors: But a majority of all the members elected shall concur in an impeachment. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try and determine the charge in question, according to evidence; and no person shall be convicted without the concurrence of two thirds of the members present. Judgment, in cases of impeachment, shall not extend farther than the removal from office, and disqualification to hold, and enjoy, any office of honor, trust, or profit, under this state; but, the party convicted, shall be liable to indictment and punishment, according to law.

Sec. 3. The chancellor and justices of the supreme court shall hold their offices, during good behavior, or until they shall attain the age of sixty years.

Sec. 4. The supreme court shall consist of a chief justice, and two justices, any of whom may hold the court.

Sec. 5. The state shall be divided, by law, into a convenient number of circuits, not less than four, nor exceeding eight, subject to alteration, by the legislature, from time to time; as the public good may require; for each of which a circuit judge shall be appointed in the same manner, and hold his office by the same tenure, as the justices of the supreme court; and who shall possess the powers of a justice of the supreme court and chambers, and in the trial of issues joined in the supreme court and in courts of oyer and terminer and goal delivery. And such equity powers may be vested in the said circuit judges, or in the county courts, or in such other subordinate courts, as the legislature may, by law direct, subject to the appellate jurisdiction of the chancellor.

Sec. 6. Judges of the county courts, and coroners of cities, shall hold their offices for five years, but may be removed by the senate, on the recommendation of the governor, for causes to be stated in such recommendation.

Sec. 7. Neither the chancellor, nor justices of the supreme court, nor any circuit judge, shall hold any other office or public trust. All votes for any elective office, given by the legislature or the people, for the chancellor, or a justice of the supreme court, or circuit judge, during his continuance in his judicial office, shall be void.

ARTICLE SIXTH.

Sec. 1. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may, by law, be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear, (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the state of New-York, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

ARTICLE SEVENTH.

Sec. 1. No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

Sec. 2. The trial by jury, in all cases in which it has been heretofore used, shall remain inviolate forever; and no law shall be enacted, but such as shall proceed according to the course of the common law; except such enactments of equity, as the legislature is herein authorized to establish.

Sec. 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state, to all mankind; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

Sec. 4. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God, and the cure of souls, and ought not to be diverted from the great duties of their faith,

tion; therefore, no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding, any civil or military office or place within this state.

Sec. 5. The militia of this state shall, at all times hereafter, be armed and disciplined, and in readiness for service; but all such inhabitants of this state, of any religious denomination whatever, as, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, by paying to the state an equivalent in money; and the legislature shall provide, by law, for the collection of such equivalent, to be estimated according to the expense, in time and money, of an ordinary able bodied militia man.

Sec. 6. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 7. No person shall be held to answer for a capital, or otherwise infamous crime, (except in cases of impeachment, and in cases of the militia, when in actual service, and the land and naval forces in time of war, or which this state may keep, with the consent of congress, in time of peace, and in cases of petit larceny, under the regulation of the legislature), unless on presentment, or indictment of a grand jury; and in every trial on impeachment or indictment, the party accused shall be allowed counsel as in civil actions. No person shall be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; Nor shall private property be taken for public use, without just compensation.

Sec. 8. Every citizen may freely speak, write and publish, his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain, or abridge, the liberty of speech, or of the press. In all prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 9. The assent of two thirds of the members elected to each branch of the legislature shall be requisite to every bill appropriating the public monies or property, for local or private purposes, or creating, continuing, altering, or renewing any body politic or corporate.

Sec. 10. The proceeds of all lands belonging to this state, except such parts thereof as may be reserved or appropriated to public use, or ceded to the United States, which shall hereafter be sold or disposed of, together with the fund denominated the common school fund, shall be and remain a perpetual fund; the interest of which shall be inviolably appropriated and applied to the support of common schools throughout this state. Rates of toll, not less than those agreed to by the canal commissioners, and set forth in their report to the legislature of the twelfth of March, one thousand eight hundred and twenty-one, shall be imposed on, and collected from, all parts of the navigable communications between the great western and northern lakes and the Atlantic ocean, which now are, or hereafter shall be made and completed; And the said tolls, together with the duties on the manufacture of all salt, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen; and the duties on goods sold at auction, excepting therefrom the sum of thirty-three thousand five hundred dollars, otherwise appropriated by the said act; and the amount of the revenue, established by the act of the legislature of the thirtieth of March, one thousand eight hundred and twenty, in lieu of the tax upon steam boat passengers, shall be and remain inviolably appropriated and applied to the completion of such navigable communications, and to the payment of the interest, and reimbursement of the capital, of the money already borrowed, or which hereafter shall be borrowed to make and complete the same. And neither the rates of toll on the said navigable communications; nor the duties on the manufacture of salt; nor the duties on goods sold at auction, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen; nor the amount of the revenue, established by the act of March the thirtieth, one thousand eight hundred and twenty, in lieu of the tax upon steam boat passengers; shall be reduced or diverted, at any time, before the full and complete payment of the principal and interest of the money borrowed, or to be borrowed, as aforesaid. And the legislature shall never sell, or dispose of the salt springs belonging to this state, nor the lands contiguous thereto, which may be necessary or convenient for their use; nor the said navigable communications, or any part or section thereof; but the same shall be, and remain the property of this state.

Sec. 11. No lottery shall hereafter be authorized in this state; and the legislature shall pass laws to prevent the sale of all lottery tickets within this state, except in lotteries already provided for by law.

Sec. 12. No purchase or contract for the sale of lands in this state, made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made, or of with the Indians in this state, shall be valid, unless made under the authority and with the consent of the legislature.

Sec. 13. Such parts of the common law, and of the acts of the legislature of the colony of New-York, as, together, do form the law of the said colony on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the state of New-York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning

the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated.

Sec. 14. All grants of land within this state, made by the King of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this constitution, shall affect any grants of land within this state, made by the authority of the said King or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this state, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the state, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

ARTICLE EIGHTH.

Sec. 1. Any amendment, or amendments, to this constitution, may be proposed in the senate or assembly, and, if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment, or amendments, shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen; and shall be published for three months previous to the time of making such choice; and if, in the legislature next chosen as aforesaid, such proposed amendment, or amendments, shall be agreed to, by two-thirds of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment, or amendments, to the people, in such manner and at such time as the legislature shall prescribe; and, if the people shall approve and ratify such amendment, or amendments, by a majority of the electors, qualified to vote for members of the legislature, voting thereon, such amendment, or amendments, shall become part of the constitution.

ARTICLE NINTH.

Sec. 1. This constitution shall be in force from the last day of December, in the year one thousand eight hundred and twenty-two. But all those parts of the same, which relate to the right of suffrage; the division of the state into senate districts; the number of members of the assembly to be elected in pursuance of this constitution; the apportionment of members of assembly; the elections hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two; the continuance of the members of the present legislature in office until the first day of January, in the year one thousand eight hundred and twenty-three; and the prohibition against authorizing lotteries; the prohibition against appropriating the public monies, or property, for local or private purposes, or creating, continuing, altering or renewing any body politic or corporate, without the assent of two-thirds of the members elected to each branch of the legislature, shall be in force and take effect from the last day of February next. The members of the present legislature shall, on the first Monday of March next, take and subscribe an oath, or affirmation, to support the constitution, so far as the same shall therein be in force. Sheriffs, clerks of counties, and coroners, shall be elected at the election hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two; but they shall not enter on the duties of their offices before the first day of January then next following. The commissions of all persons holding civil offices on the last day of December, one thousand eight hundred and twenty-two, shall expire on that day; but the officers then in commission may, respectively, continue to hold their said offices until new appointments or elections shall take place under this constitution.

Sec. 2. The existing laws, relative to the manner of notifying, holding and conducting elections, making returns and canvassing votes, shall be in force and observed, in respect to the elections hereby directed to commence on the first Monday of November in the year one thousand eight hundred and twenty-two, so far as the same are applicable. And the present legislature shall pass such other and further laws as may be requisite for the execution of the provisions of this constitution in respect to elections.

Done in convention, at the capital in the city of Albany, the fourth day of November, in the year one thousand eight hundred and twenty-two, and of the independence of the United States of America, the forty-sixth.

In witness whereof, we have hereunto subscribed our names,
DANIEL D. TOMPKINS, President,
and delegate from the county of Richmond.

John F. Bacon, }
Samuel S. Gardiner, } Secretaries.

DELEGATES.

- | | | |
|-------------------|--------------------|----------------------|
| Ezekiel Bacon | Jacobus Dyckman | Alexander Livingston |
| Jerah Baser | A. Eastwood | Petr R. Livingston |
| Elisa Berlew | Ogden Edwards | James McCall |
| Barak Beckwith | James Ehrle | Peter Milkinn |
| V. Birds-eye | Jason Feilston | Usher H. Moore |
| John Bowman | Augustus F. Ferris | Peter Jay Adams |
| Olney Briggs | Joel Frost | Samuel Nelsm |
| David Brinkerhoff | John Fullock, jun. | William Park |
| David Buel, jun. | James L. Hogeboom | Win. Panibing, jun. |
| David Burroughs, | Farley E. Howe | Jarvis K. Pike |
| Matthew Carpenter | Ransom Hunt | Nathaniel Pritchard |
| Nathan Carver | Isaac Hunning | Augustus Porter |
| Ameri Case | James Hunter | Charles Pumpelly |
| Salmon Child | H. Huntington | Jacob Radcliff |
| David Clark | Timothy Hord | John Reeve |
| Joseph Clyde | Rufus King | John Richards |
| Ela Collins | John Knowles | Jeremy Ruckwell |
| John Connor | Sanders Lansing | Edward Rogers |
| J. Dubois | John L. Lawrence | Erastus Root |
| John Duer | John Lefferts | Robert S. Itose |

John Z. Ross	Peter Stagg,	Samuel G. Verbruyk
James Rosebrugh	Asa Starkweather	Jonathan Ward
Samuel Russell	Hiram Steed	Elizur Webster
Ebenezer Sage	Jacob Sutherland	P. H. Wendover
Nathan Sanford	Phileas Swift	H. Wheaton
Reuben Sanford	Nathan Taylor	Melancton Wheeler
Abraham H. Schenck	Egbert Ten Eyck	N. Williams
Nath'l Seamen	Richard Townley	John W. Woods
Jonas Seely	Wm. Townsend	B. Woodward
Peter Sharpe	Jehiel Tuttle	Sherman Wooster
Alexander Sheldon	M. V. Buern	Henry Yates, jun.
Joshua Smith	Joslua Van Fleet	Samuel Young
Richard Smith		

State of New-York, secretary's office,
Albany, November 10, 1821.

I, John V. N. Yates, secretary of the state of New-York, do hereby certify, that the foregoing is a true copy of the engrossed constitution of the said state, as adopted in convention this day, and deposited of record in this office.

J. V. N. YATES, Secretary of state.

RESOLUTIONS.

In the convention of the people of the state of New-York, assembled at Albany, on the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and twenty-one, pursuant to an act of the legislature of the said state, entitled "an act recommending a convention of the people of this state," passed March 13th, 1821:

Resolved, That the preceding amended constitution of this state be submitted together, and not in distinct parts, to the decision of the citizens of this state; and if the said amended constitution be ratified by the citizens, in the manner hereinafter prescribed, the same shall become the constitution of this state.

Resolved, That an election be held in the several towns and wards in this state on the third Tuesday of January next, and be continued, by adjournment, from day to day, for three days successively, including the first; at which election, the citizens, qualified as voters by the act aforesaid, may vote, by ballot, for or against the said amended constitution. And on such of the said ballots as are for the said amended constitution, shall be written or printed the word "Yes," and on those which are against the said amended constitution, the word "No."

That the officers of the several towns in this state, authorized in act as inspectors of the election for senators, and the persons who may be appointed in the several cities in this state for the purpose, shall be the inspectors of the election hereby directed; and that the said election shall, in all things, be conducted in like manner, as nearly as may be, as is prescribed in and by the fourth, fifth and sixth sections of the act, entitled "an act for regulating elections," passed March 29, 1813; and in and by the second section of the act, entitled "an act recommending a convention of the people of this state," passed March 13th, 1821; and in and by the act, entitled "an act to amend an act, entitled 'an act for regulating elections,' passed March 29th, 1813," passed April 11th, 1815. And that the votes given at such election shall be canvassed by the inspectors of the several polls; and returns of the said votes shall be made, by the said inspectors, to the clerks of the respective towns and counties; and certificates of such returns shall be recorded by the said clerks, and transcripts of such certificates shall be certified and delivered to the secretary of state, in like manner, as nearly as may be, as is prescribed in and by the sixteenth section of the act entitled "an act for regulating elections," passed March 29, 1813, in relation to votes given for senators.

That the transcripts, last mentioned, having been received by the secretary of state from the clerks of the respective counties, shall remain in his office of record; and the said secretary, the surveyor-general, the attorney-general, the comptroller and treasurer of this state, or any three of them, shall, on the 15th day of February next, assemble at the office of the said secretary and proceed to calculate and ascertain the whole number of votes given at such election for and against the said amended constitution; and shall, thereupon, within six days thereafter, determine, conformably to such transcripts, the number of votes given for and against the amended constitution, respectively, and whether a majority of the said votes are for or against the said amended constitution. And they shall, without delay, make and subscribe, with their proper names, a certificate of such determination, and file the same in the office of the secretary of state, which shall remain therein of record; and shall, without delay, cause to be delivered a true copy thereof, so subscribed as aforesaid, to the president of this convention; to the person administering the government of this state; to the president of the senate, and to the speaker of the house of assembly; and shall also cause a copy of such certificate to be published in the newspaper printed by the printers to this state. And if it shall appear, by the said canvass last mentioned, that the majority of votes, given and returned as aforesaid, are against the amended constitution, then the said amended constitution shall be deemed to be rejected by the citizens of this state; but, if a majority of the said votes are for the amended constitution, then the same shall be deemed to be ratified and confirmed by the citizens of this state.

Resolved, That five thousand copies of these resolutions, with the amended constitution subjoined, be printed; and that the comptroller cause the same to be transmitted, without delay, at the expense of the state, to the county clerks; whose duty it shall be to distribute the same among the different towns.

Resolved, That five thousand copies of the address of the convention to their constituents, be printed and distributed in like manner; and that two copies of the amended constitution be transmit-

ted by the comptroller, by mail, to each of the delegates to the convention.

By order of the convention,
DANIEL D. TOMPKINS, President,
and delegate from Richmond county.

John F. Bacon, } Secretaries.
Samuel S. Gardiner, }

State of New-York, secretary's office,

Albany, November 10, 1821.

I certify the preceding to be a true copy of certain resolutions of the convention of this state, filed this day in this office.
J. V. N. YATES, Secretary of state.

CHRONICLE.

Gen. Jackson has been elected grand master of masons in Tennessee.

Mr. Randolph has arrived at New York from England.

Counterfeiters. A gang of counterfeiters, consisting of six men and two women, lately took up their abode in a retired house in Wilmington, Del. Their conduct excited suspicion—and finally, with great address, five of the men and one of the women were taken. They had the amount of 50,000 dollars in counterfeit and spurious notes, and an apparatus for the manufacture of half-dollars out of base metals. The notes were chiefly 20 dollar bills of the bank of Wilmington and Brandywine, 10's of the bank of New Brunswick, and 5's of the Franklin bank of Baltimore—all easy to be detected with care; but they had altered and circulated many three dollar notes of the Philadelphia bank as twenties, which are not easily guarded against. Those arrested were committed to jail, and the pursuit was hot after the man and woman who had escaped.

There are many counterfeits, 10's and 5's, of the Farmers bank of Alexandria, now afloat—3's on the Washington bank of Rhode Island, and 5's on the Suffolk bank, Massachusetts.

Massachusetts. Mr. Daniel Webster has been elected to the next congress from the Boston district, by a large majority, in opposition to Mr. Putman, supported by the "midding inte rest."

New York. After a most active contest, Mr. P. H. Wendover, late a member of congress, has been elected sheriff of the city and county of New York. He was opposed by Mr. Noah, late sheriff, and editor of the "Advocate." For Mr. W. 3826, for Mr. N. 2493—majority 1333.

Judge Yates is elected governor, without an opposition worth notice. Mr. Southwick received 25 votes in the city of New York—judge Yates nearly 5000. Gen. Root is, no doubt, elected lieutenant-governor by an exceedingly great majority; Mr. Huntington had 688 votes in the city—gen R. 4074.

South Carolina. Mr. Lowndes, on account of ill health, has resigned his seat in congress.

Georgia. The congressional election returns are all received. The representation to the 18th congress will be composed of Messrs. Forsyth, Tamm, Abbott, Cobb, Thompson, Carey and Culbert.

Kentucky. Col. R. M. Johnson has been re-elected a senator of the United States, for six years from the 4th March next, without opposition.

Ohio. Members elect of the 18th congress—James W. Gazlay, *Thomas R. Ross, William McLean, *Joseph Vance, *J. W. Campbell, Duncan McArthur, Mordecai Bartley, S. F. Vinton, William Wilson, Philemon Beecher, John Patterson, John C. Wright, Elisha Whittlesey, *John Sloane. This state, at present, has only six members; those marked with a star are re-elected.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ We are furnished with an article from an able pen, which we have placed under the head of "national affairs"—and we are glad to say, that we expect to receive several other essays from the same thinking writer.

CAPTAIN HULL. We publish the official abstract of the testimony, together with the opinion of the court of inquiry, which recently sat at Boston, for the purpose of investigating the conduct of captain Hull, as commandant of the navy yard at that place, &c. The court appears to have performed its duty with much patience and perseverance, and an earnest desire to arrive at truth—and the nation will rejoice at the release of the conqueror of the Guerriere from the suspicion of any intended violation of his duty as an officer, or of conduct as a gentleman: but—[to use a word *so much* used in the abstract and opinion], if we may take this investigation "all in all," we can sincerely say, that we hope never "to look upon its like again."

THE RACE—THE RACE! "All the world"—so far as 10,000 persons would go to make it, went out to the race-course at Washington city, on Wednesday last—some of whom were said to have made a journey from Boston for the purpose, to see a trial of speed between a N. York horse, called *Eclipse*, and a Virginia horse, dubbed *Sir Charles*, for a bet of 10,000 dollars; but, at about 1 o'clock, when impatience had nearly passed into a mania, it was announced that poor *Sir Charles* had somehow got lamed and would not run the match—so *Eclipse* walked over the course, and his owner received the forfeiture, 5,000 dollars.

But, after this, another match was made up—*Eclipse* against *Sir Charles*, to run four miles, for 1500 dollars—this was won by the former with great ease and without pushing; yet he went over the ground in eight minutes and four seconds.

So ends this important affair, and we are glad that the great race was not run; for many had betted large sums upon it who are *unable*, as they say, to pay their honest debts, to mechanics and grocers, &c. and even the washer-women of their families.

THE WEST! A party of traders, under the direction of a col. Cooper, have penetrated the country from Boon's Lick, in the state of Missouri, to Santa Fe, in the province of Texas, where they arrived with three wagons loaded with goods, to the great astonishment of the people. The country is open and level, and abounds with grass. In return for his goods, colonel Cooper brought back specie and mules. Another party, with 60 pack-horses, laden with merchandise, had started for Santa Fe. The eastern and western people are of the same stock: with the former, a voyage to the coast of Japan is a common affair; and to cross the Rocky Mountains will soon become as familiar to the other. It is very possible that the citizens of St. Louis, on the *Mississippi*, may eat fresh salmon from the waters of the *Columbia*!—for distance seems as if annihilated by science and the spirit of adventure. We have only to regret that our progress in science and extension of enterprize, so much tends to the sup-

port and encouragement of foreign industry. The specie brought by the wagons from Santa Fe to Boon's Lick, will descend the Missouri to the Atlantic, and find a *resting place* at Liverpool or Canton, and there add to the means of keeping us in a state of dependence and servitude. Such things are, that if capt. Symmes could get into the earth at the north pole, as he proposes, and there find gold growing on trees, it would all pass into England to check the progress of pauperism in that country and promote it in this. As the "True Briton" says, we [seem to] act as if we were of a "degraded stock"—[see a subsequent article], and it may be that it is right that we should pay the tribute of our sweat and blood to the land that honored our ancestors so far as to deny them the rights of conscience and to kick them out of the country, because they felt it a duty to worship the CREATOR of all things, according to the dictates of their own hearts! At least, it is thus that we do—but not with my consent—that's certain. Yet I say, "let us alone." Let others do unto us as we do unto them, and I am content to meet the hazard of profit and loss by industry and skill. But we stand now like a defenceless man before a bully armed with a cudgel. I would, that he might be compelled to lay down his cudgel, or that we should take one up; saying—*peace*, or "*the hardest fend off*"—just as you please to have it; let us alone, and we'll let you alone: "if not, not."

I wish that my good friends, the editors of the *Richmond Enquirer*, would speak to this "*let-us-alone*" proposition.

Mr. WELBY, one of the "British travellers in America," says, "the business of courts of justice, during the summer, is done in the evenings and nights; the great heat of the weather in the day absolutely preventing any number of people from collecting together without danger of fevers, particularly such persons as compose the witnesses, auditors and attendants in a law court!"

☞ What but the sheer spirit of falsehood could have tempted this traveller to have told such a story? Who, in America, ever heard of a court of justice being held in the evening or night, unless to terminate and conclude some business begun in the day? Evening sessions are never held, except for the especial purpose just named, and, even so, not often.

CANAL NAVIGATION. From the *Rochester (N. Y.) Telegraph*. Arrived at this village on Wednesday last, the canal boat Western Trader, capt. Garney, from Utica, with a full freight of emigrants, consisting of eight families, in all sixty persons, who have come the distance of 150 miles for the moderate sum of \$1.50 each; thus completely elucidating one of the many important benefits of the great western canal.

CANALS. The great "Union Canal," in Pennsylvania, goes on rapidly, and, so far, promises to fulfil the hopes of its projectors. It is stated that four hundred boats ply upon the New-York Erie canal, between Rochester and the Little Falls. Several lines of elegant packet-boats are established.

ANOTHER CANAL—projected in New York. Mr. B. Raymond, of Louisville, St. Lawrence county, New York, has addressed a circular letter to the land-holders adjacent to the proposed route, suggesting a pledge, on their part, to convey certain portions of land to the state of New York, on the condition that a navigable canal shall be made to unite the waters of lake Ontario and those of Champlain. He supposes that the length of the canal would be about 100 miles, and cost not more than 1,500,000 dollars, and says that no great obstructions exist, that the supply of water is abundant, &c. He estimates that 150,000 acres of land might be obtained for the purpose, as stated—which, after the canal should be completed, would be worth 750,000 dollars—and he thinks that the landholders might well afford to offer that quantity from the rise in value of what they would retain.

NAVAL. It is stated that our vessels cruising in the West India seas, have been ordered not to frequent sickly ports, except in case of necessity; and that captain Biddle, of the Congress frigate, has received instructions that may render our commerce less hazardous on account of the Porto Rico privateers.

SLAVES, &c. A writer in the Southern Patriot, says—"It is believed that the number of slaves in the United States amounts to about one million five hundred thousand. The late census shows it to be greater. These, estimated at \$300 per head, would amount to four hundred and fifty millions dollars!"

☞ This is a singular article, and might as well not have been written. The single state of Pennsylvania contains about 320,000 horses, not less than 100,000 working oxen—and millions on millions worth of other "working machines;" but also nearly a million of free persons, and how shall we value them?

FLORIDA TREATY. The National Intelligencer of the 20th inst. says—"The board of commissioners on Spanish claims is still sitting in this city, but is expected to adjourn in the course of this week. They have passed upon about an hundred and twenty cases, of which about seventy had been allowed. The claims in the cases already rejected at this session, amount, we believe, to more than a million of dollars."

JOHNSON'S LIFE OF GEN. GREENE. We see, by the Charleston City Gazette, that this work has passed through the hands of the gentlemen of Boston who conduct the 'North American Review,' an able work, but too much British, in some cases. It appears that they call judge Johnson 'an inhabitant of a very remote part of the nation'—he lives in Charleston, which, we rather suppose, is located about as near to the centre of the "nation" as the "good city of Boston"—surely, it is not so near to any foreign dominion!

From the notice of this review, (for I myself have not seen it), it appears that the reviewers object to certain historical facts relative to the character of Andre, as shewing he was not that exalted being which some have supposed that he was. They would have wished that the truth should not have been told! The mawkish sensibility about the fate of Andre, among those who do not recollect that HALE, their own countryman, met the same death for a lesser offence, though of the same nature as a spy, and under barbarous circumstances,

(being denied the consolations of his friends, or even the use of a bible), is completely disgusting. If ever a man died rightfully in war, it was Andre—he was engaged in an illegal, as well as a most dishonorable and dishonest business—a mean thing, such as no brave man should have taken a part in. I have myself some original notices of him—the recollections of an old officer in the revolutionary army, which long since satisfied me that his character had been outrageously extolled by the British and their adherents of his day, in order to divert public attention from the treachery of Arnold, and heap censure on the commander in chief, for ordering the execution of one who had been engaged in the dirty business of purchasing a man's oath and duty to his country, with money. *Let him rest in peace.* All the celebrity that can pertain to his memory is connected with and depends upon the infamy and crime of Arnold—Andre, of himself, has no rightful part in the history of the revolution more than tens of thousands who died in the war, without record—less than any one of those who were slain in their sleep at Paoli, or starved to death on board the Jersey prison ship.

A GREAT BRIDGE. Overhauling some old papers a few days ago, I met with an extract from the London Times, of the 24th of August, 1819, giving an account of a bridge then building to unite the island of Anglesea with the county of Carnarvon. It was to be on the suspension principle; the centre opening to be 560 feet between the points of suspension, and 500 feet at the level of high water line—the road was to be 100 feet above the highest spring tide, divided into carriage-ways of 12 feet each, and have a foot-way between them, of 4 feet. In addition, there were to be three stone arches, on the Carnarvon side, and four, of the same dimensions, on the Anglesea side, &c. We have not heard whether this stupendous work was completed, which it was expected that it would be in three years.

LOUISIANA. A very unpleasant contention still exists at New-Orleans, between those who are called the *American* and *French* parties, in common phrase: that is, those who speak the language of and assimilate their manners to those of the people of the United States in general, and such as still adhere to the language and manners of France.—We do not wish any overbearing conduct on either side; but it is clear and undoubted, that the former must prevail in point of numbers, as well as in moral strength; and it is the duty of the latter, if devoted to the government of the United States, as they warmly profess themselves to be, to give into and join with the greater interest to promote the common good—for they must see it impossible to support a "French party" in Louisiana—they must amalgamate with the citizens of the republic; and the sooner it is done the better for all "parties."

The following queer paragraph appears in one of the essays in the "Louisianian." We have before heard of the "nation of New-England," and laughed at the notion—this beats that notion "all hollow!"—but the saying has not the same "authority:"

If it is, "we citizens of Louisiana, a NATION brave and independent, should not consent to be subjugated by a league of the conquerors of the north. No! we are not Helots, we are free and independent. We will, as a NATION! that our officers shall fulfil their duties and obey the laws."

BANK OF THE UNITED STATES. At a meeting of the stockholders, held at Charleston on the 5th inst. among other proceedings, the following resolution was unanimously adopted—

Resolved, That the president and directors of the parent bank at Philadelphia, be requested to instruct the president and directors of the office of discount and deposit at Baltimore, to have published, (after the trial of the parties concerned), a full and authentic statement, from the documents in their possession, of the "stupendous frauds" committed at that office during the period when J. A. Buchanan was president, and J. W. McCulloch cashier—subject, nevertheless, previous to publication, to the inspection and revision of the parent board.

At a meeting of stockholders resident in Connecticut, held at Middletown, on the 18th inst. Samuel W. Dana was appointed to represent the trustees at the meeting to be held at Philadelphia, and it was resolved, "that whereas proxies have been given by some under misapprehensions, this meeting recommend that the same be revoked, and others be made out and given to persons *in whom they may have confidence.*" Signed Josiah Savage, chairman, John Alsop, secretary.

MAMMOTH FAMILY. A New London (Connecticut) paper says—We are informed that Mr. Joseph Mosely, of Chaplin, has eleven children, all now living, the youngest is about thirty years of age, and they average upwards of two hundred pounds each!

SINGULAR CONSANGUINITY. Two gentlemen of the county of Bucks, in England, lately deceased, married the other's daughter, and each of them left issue thereby.

ROBBERY. The printing-office of the New York *Commercial Advertiser* was lately visited by some fellows in the night, and some small damage done to the property. The editors say—"the thieves must certainly have come in search of something to eat, for no mortal would think of entering a printing office for obtaining cash!" The printers call their type, when broken down and in a confused state, by the name of *pi*.

THE GREEKS. The London Courier, in an article about the intended meeting of the "holy allies" at Verona, has the following paragraph:

"No enlightened statesman would put his hand to the document that should relegate the Turks to Asia, and elevate the Greeks to empire in Constantinople." **WHY NOT?**

DUELLING. Some persons in Connecticut have seriously offered a premium of fifty dollars for the best written farce on the late duel-meetings and proceedings between two citizens of the south. And, no doubt, some of our wits will attempt to fit the matter for the stage.

PORTO RICO. Several persons have been shot on this island as having had a part in the late expedition fitted out at St. Bartholemews, to revolutionize it. It seems now as if the government of Hayti had some concern in the matter—but, as yet, the whole affair is a mystery to us; though we have just received some particulars of the late design to capture the island, together with a copy of a proclamation that was to have been issued after its seizure, to establish some general regulations. It is signed "Louis Villaurie du Coudras, president and

commander in chief," and "B. Irvine, government secretary, pro tem"—the dominion was to be named the "republic of Bortguen." But it appears that the whole expedition has been wrecked to pieces, and the history of this desperate adventure does not seem worthy of record. It was about as wild a scheme as a few discontented individuals were ever engaged in. We shall, however, preserve the papers, in the possibility that they may be useful hereafter.

"THE TRUE BRITON," in a very conciliatory article about the progress of American manufactures, elegantly concludes it in these terms—

"If it be practicable, *we wish to suppress all heart-burnings* abroad as at home, and most especially with those who, notwithstanding some little rivalry, are still our brethren by birth, *though they may have emanated from a guilty and degraded stock!*"

PRESIDENTIAL ELECTION. The following letter was received from New-York after the last number of the "REGISTER" was in the press. In my opinion, it contains some sensible remarks on an interesting subject, which claims, (or is about to claim), much of the public attention. In joining in with the apprehensions of the writer in the "ESQUETREN," as to the choice of a president of the United States by the states as represented in congress, I had not the remotest idea of supporting "the congressional caucus system," though what *might be* the practice under the constitution was more to be "dreaded" than the usage of members of congress, in their individual capacities, to recommend persons for the most dignified offices known in our government.—The first is absolute, conclusive—unless without proceeding to the lengths that Mr. Bayard said "the New-England gentlemen" were willing to go: the other is conditional, and worth nothing at all, if not supported by public opinion, though time has been when the power of it was mighty: and the time may come, when it will be proper to exert a force of this kind, but not through such agents, except public opinion *leads the way* to individuals who shall be named. I speak without reference to either or any political party—for all have resorted to *caucusing* at different periods, as they found it expedient to set up persons as rallying points for their respective principles. The latter do not depend on the former—but doctrines must be carried into operation through persons. In the present state of things, when all the supposed candidates profess the same principles, I believe that a congressional nomination would be laughed into contempt; and, such is my opposition to it, that, as a citizen, I should be strongly tempted to oppose it, even if the men that I might happen to prefer were selected—for "a right thing may be brought about in a wrong way," and so become hurtful as a wrong on society. Every one who has been at the head of a family must be sensible of this. There is a time to exert and a time to refrain—and when, as is now the case, a caucus nomination by congress would amount only to an *opinion about individuals*, I should consider it the plenitude of impudence to make such nomination. It may have been contemplated; but, at the close of the last session, the project seemed to have been abandoned. If any thing that I said, went to recommend it, on the present occasion, I truly regret it—but I cannot believe that it did.

LETTER TO THE EDITOR OF THE REGISTER.

Is it possible that Mr. Niles can support the congressional caucus system? We were induced to ask

ourselves this question on reading his remarks on "presidential election," in his last No. (10.) Can he be alarmed by the specious imaginings of "Calculator" of the *Richmond Enquirer*, at the danger of a contingent "vote by states," in the event of no candidate having a majority of electoral votes? The purpose of this sound of alarm from Richmond, we took to be obvious—having the view which briefly follows of the arguments that accompany it upon this (as it supposes) pernicious error of our constitution. (We allude to no farther purpose of this alarm than the effect of a congressional nomination.)

It is clear, that if there be no choice by the electoral votes, there must necessarily be (except the accident of a tie), *three** candidates voted for. This, then, is secured to the people, that one of the three having the highest number of their electors' votes, shall be chosen by the house of representatives: and if, as is probable in such a case, the chief of the votes be shared, with no great inequality by those three, where would be the danger to the nation, even if one of the men thus designated should be fixed on by lottery? But, the choice is to be determined by the preference, as expressed by states, of our representatives in congress. Now, we would ask Mr. Niles, (but that he has already spoken of it), and of the "Calculator" of Virginia, where have been found *any considerable number* of men, of our country, filling a responsible station under the constitution, liable to corruption in the discharge of a duty, and, (to make it more applicable), of a specific duty, on the due execution of which the eyes of the nation are anxiously and watchfully bent?

But, may not the voices of congressmen, on the exercise of an unofficial, an assumed duty, one unknown to the constitution, and against which its spirit objects, be *more easily obtained*, in the manner suggested by Mr. Niles—courting, coaxing, &c? From this course there is only mischief to be expected, and, under present circumstances, no possible good: and the danger, from the last resort, of a decision by the vote of the representatives of states, is inexplicable and intangible. This imagined danger supposes, that the vote of a majority (thirteen) of the states are to be obtained incorrectly; and it gives a facility to this, by presuming the smallest states secured for such purpose—interspersed, as they actually are, (except three of the north western), among all their larger sisters of the union—from New-Hampshire to Mississippi, and from Delaware to Missouri. After all this, what does it require?—that the representatives of *six* of these states should be unanimous in this project, to effect so many votes; and that more than *two thirds* of the representatives of the whole number named, should concur in it. (See "Calculator" in the preceding number of your Register). At such a possibility "of an extremely small minority" of representatives being conclusive in this final determination, the alarmist "starts" with apprehension!

The necessity for caucus nominations, existed only when the support of important party principles exacted the united efforts of leading party men: then the people who constituted the party, required of their men of influence throughout the nation, a subservience to this discipline, in the pur-

*The house of representatives may elect any one out of the *three* highest of those voted for as president. We mention this, because a general idea is that *one* of the *two* highest must be elected.

suance of *their* interests, and for the success of their cause. But now, these principles having triumphed, why not leave the people to vote according to their judgment, or feeling of reverence for services rendered, in favor of any of the four or twelve supposed candidates? Will a caucus recommendation from *Washington* better enable them to judge "why this or that man should be preferred?" or to understand "the measures that either will pursue, if elected," as designated from those of his competitors? Our conclusions are, under present circumstances, if we are left without any farther nomination of any kind:

- 1st. That there will be very few votes thrown away;
- 2d. That it is probable *one* of the *two* highest in popular favor will be chosen by the representatives, in the event of their having to choose; and,
- 3d. That no danger need be apprehended, to the large states, or to the government, from the influence of the little ones, or the corruption of any of the agents of the result—even if three candidates should have so divided the public attention as to render the choice of the *lowest* practicable.

The fabric of our government has more stability in its construction.

TRIGINTY QUATOR, of N. Y.

NAVIGATION. The great improvements in the arts of ship-building and navigation, supported by an increased spirit of enterprize, prompted also by the increased necessity for exertion, have rendered the most distant voyages as things hardly worth mentioning—a cruise round the world is no more thought of by our eastern brethren than a steam boat excursion! No place is too distant for them to visit—no time too long to be employed—no danger sufficient to intimidate them, provided there is a reasonable prospect of profit held out.

A letter published sometime since from the captain of a Nantucket ship to his owner stated—that, after recruiting at the *Sandwich Islands*, he had proceeded to catch whales on the coast of *Japan*, where he obtained 1100 barrels of oil—he was about to run over to *California*, for winter quarters, from whence he would take a trip again to the *Sandwich Islands* for supplies, and thence to return to the neighborhood of *Japan* to complete his cargo. His ship was in fine order, and he had not lost a man since he left home!

It is now well known that some of these hardy people had visited what is regarded by the *English* as newly discovered land, and now called *New South Iceland*, as early as 1800—but the great profit which they made by catching seals, sea-elephants, sea-bears, &c. caused them to keep their voyages a secret. In the year just stated, nine vessels arrived with 151,000 fur-seal skins, giving it out that they had been obtained on the N. W. Coast. A British ship accidentally discovered this land in 1819, in lat. 60 deg. 30 min. south, and 60 deg. long W.—the fact was reported to the commander of the British frigate *Andromache* at Valparaiso, who despatched a vessel and made some survey of the coast. In the *Aurora*, of June 26, 1821, there is a very interesting paper concerning this southern continent, as it is supposed to be. It is said first to have been seen by a Dutch navigator, named Dirck Gherritz, in 1599; by a Spanish commander of a vessel of war, named *Torres*, in 1606, and fallen in with by several others afterwards, by chance, or from being driven out of their course. Though capt.

Cook reached a higher southern latitude he did not meet it, because of the longitude that he was in; and his biographer says that he had decided two great problems, namely, that there was no *antarctic land*, and no passage into the arctic polar sea—both of which have been negatived.

This land is not inhabited by human beings, nor habitable—it is a barren hideous waste, covered with snow and nearly destitute of any green thing—no vegetable, but a little stunted grass, having ever been seen upon it. All the animals that frequent it are aquatic, except a bird that resembles a pigeon.

KENTUCKY. We have an official statement of the condition of the bank of the commonwealth of Kentucky, signed O. G. Waggener, cashier, and dated the 26th October, 1822. The principal bank is at Frankfort, and there are branches at Harrodsburg, Lexington, Hartford, Greensburg, Princeton, Winchester, Mount Sterling, Falmouth, Bowling Green, Farmington, Louisville and Somerset. The following are the aggregates of the several items given, as relating to each—

Bills payable	\$2,792,063 87
Stock	72,644 00
Notes discounted	2,731,796 95
Specie :	2,633 25
Kentucky bank notes	98,089 50
Eastern notes	612 00
Notes on hand, (its own)	422,299 00
Other bank notes	2,374 12
Total cash	525,808 50
Net profits	180,565 65
Expenses	48,133 95

Another statement shews that "all the interest that has accrued since the commencement of the bank up to July 1, 1822, and its appropriation, as follows:

Total amount of interest or profits	\$140,638 66
Appropriation to Southern college	618 15
Do. Centre college	866 37
Do. Transylvania university	7,646 44
Do. Literary fund	70,319 32
Amount due the treasury	61,248 34

HOUSEHOLD MANUFACTURES. The real cause of the great rise of population and wealth in the western and northern parts of the state of New-York, late a mere wilderness, but now possessing counties out-numbering states, is in the industry of the people and the application of their own means for the supply of their own wants, by labor and attention to "small things"—though generous dispositions and honest-fronted hospitality are no more strangers to them than to others of much higher pretensions. To shew the extent to which household manufactures are carried, we have selected the following from one of the Canandigua newspapers:

At the late anniversary of the Ontario county Agricultural Society, four premiums were awarded to the families which had manufactured, in the past year, the greatest number of useful articles. The following is a list of the articles which received the several premiums:

In the family of Seth Jones, of Bristol.

319 yards of linen cloth, 25 yards of kersey, for bags, 42 yards of shirting, 35 yards of diaper, 52 yards of cotton and linen, 199 yards of woollen cloth, 16 yards of kersey, for blankets, 24 yards of plain flannel, for blankets, 28 yards of cotton and wool, 34 yards of cotton, 22 yards of worsted, 30 pairs of socks, 7 pairs of stockings, 3 pairs of mit-

tens, 5 bed quilts, 1 carpet, 27 pairs of pan taloons 23 frocks, 2 surtouts, 4 coats, 4 sailor do. 12 aprons, 1 bed tick, 7 blankets, 10 flannel sheets, 20 linen do. 30 shirts, 5 vests, 12 kersey bags.

In the family of Nathaniel Allen, of Richmond.

486½ yards of linen cloth, comprised of diaper, striped, checked and plain; 193 yards of woollen do. woollen yarn on hand sufficient to make 77 yds. when wove, 5 bed quilts, 4 feather bed ticks, 20 pairs of woollen socks, 14 do. of woollen stockings, 9 of mittens for men and boys, 29 do. of pantaloons for do. 9 coats and surtouts for do. 9 vests for do. 16 pairs of linen pillow cases, 21 linen sheets, 2 dozen of diaper towels, 3 diaper table cloths, 1 dozen kersey towels, 1 dozen of kersey bags, 20 frocks, for females, 1 mantle for do. 2 great coats for do. 15 runs of thread, 9 runs of worsted stocking yarn, 43 shirts.

In the family of William Otley, of Phelps.

201 yards of linen cloth, 8 yards of linen handkerchiefs, 69 yards of diaper, 30 yards of linen check, 112 yards of fulled cloth, 89 yards of flannel, 28 yards of pressed do. 1 pair of rose blankets, 11 yards of cotton and wool coverlets, 20 yards of double work blankets, 14 pairs of women's stockings, 10 pairs of socks, 3 pairs of mittens, 16 runs of worsted yarn for stockings, 6 runs of linen thread.

In the family of James Harland, of Manchester.

61½ yards of fulled cloth, 16 yards of pressed flannel, 20 yards of mixed do. 46½ yards of plain do. 2 coverlets, 16 yards of diaper, 5 towels, 5 pairs of pillow cases, 3 pairs of tow and linen sheets, 10½ yards of tow cloth, 3½ yards of kersey, 1 feather bed, 1 under bed tick, 1 pair of horse blankets, 3 pairs of socks, 5 pairs of women's stockings, 5 meal bags, 42 yards of worsted plaid, spun and partly wove, not having time to finish it.

THE MARIANA FLORA. In the circuit court of the United States, in this town yesterday, the honorable judge Story delivered the opinion of the court in the case of the United States and Robert F. Stockton, commander of the U. S. schooner Alligator, libellant, vs. the Portuguese ship Mariana Flora. An appeal had been entered by the libellant, from that part of the decree of the district court, which awarded damages against the captors. That part of the decree which ordered restitution of the vessel and cargo, was not appealed from. An agreement has been had at the present term of this court by Messrs. Webster and Blake, for the captors, and Prescott and J. Knapp, for the claimants. The hon. judge was of opinion that the conduct of the Mariana Flora, was such as to render the capture lawful, and that although, under the circumstances disclosed on examination after the capture, captain Stockton might have released her at sea, yet he was not bound so to do, but had a right to send her in for adjudication. He, therefore, reversed the decree of the district judge awarding damages, and ordered that each party should sustain his own costs. An appeal from this decision of the circuit court was claimed and granted to the supreme court of the United States.—*Boston Daily Advertiser.*

ALGIERS. We hope that the following affair, as related in a letter from on board the U.S. ship Ontario, will not cause any difference between us and the Algerines. If the case is reported truly, the dey did much less than what was right and justly due to his own people—

"We arrived at Gibraltar early in August, having stopped at Malta; hearing of a disturbance at Port Mahon, did not remain at the former place twelve

hours. After our return to Mahon, we learnt that a disagreeable affair had taken place at Algiers, of which I will now relate the particulars:

"Our consul, Mr. Shaler, being away, had left his nephew, the vice consul, to act in his place: when out hunting one day, he met some Turks, who told him he was on their fields, and must go off; he refused; they attempted to use force, when he presented his gun at them; they disarmed him and beat him severely; he complained to the dey, demanding satisfaction; the dey told him he could give him none; adding, I allow you a drogoman. This is a man sacred among the Turks; every consul being allowed one as a protection. If a Turk insults any one under their protection, he loses his head. Our young consul neglected to take his drogoman with him, therefore he was refused satisfaction. He told the dey that if he did not punish those men in twenty-four hours, he would cut down the American flag staff; the dey replied he could not help it. The flag staff was cut down, and a vessel chartered to bring the consul to Port Mahon, where we then were. We immediately made sail for this place for provisions, and in two or three days we sail for Algiers, thence to Leghorn to take our consul to Tunis, Dr. Swift having been left in his place, &c.

LAW CASE. *Important to men in trade.* We understand that it has been decided by the supreme court of this state now in session here, that the seller of goods is not liable for any damage for inferiority of quality which may be discovered by the buyer after delivery. This does not apply to frauds, for which the seller probably is liable, though this point came only incidentally into consideration in the case in which the above decision was made. It is understood that there is no warranty on the part of the seller that the goods sold are merchantable, but simply that the seller has a title to sell, and that the goods shall be what the bill of parcels declares them to be—if cotton, that the article sold is cotton, &c. This case, we hear, is soon to be published at length, for the information of all concerned.

[*Boston Palladium, Nov. 12.*]

JUST PAYMENT OF TYTHES! *From an English paper.* A clergyman espied, in a poor laborer's garden, ten bee hives; tenacious of his tythes, he exclaimed, "John, so you have got ten bee hives, one I claim as rector of the parish—see you bring it to my house." The man shortly after took it; and, on his arrival at the rector's, was ordered to carry it into the garden: "No," says he, "where's master?" On being shewn into the parlor, where the reverend divine sat, "Here," said he, "I've brought your bees, but the hive's mine; for d—n me, but I gave two pence for it." He then shook out the bees, combs, &c. from the hive, and carried it off with him; and left the parson to make the best he could of the industrious and enraged insects.

A WONDERFUL VILLAIN. *From a Paris paper.*—During the awful prevalence of the plague, on the north east of Spain, in the autumn of 1821, a foreigner, who was variously said to be a Jew, a Turk, an Armenian and a renegade, but whose acknowledged vocation was that of a merchant, in which capacity he had amassed a large property, visited the devoted city of Barcelona. A letter from thence gives the following account of this singular atrocious character. "This man, who, from his long white beard, might have been taken for a patriarch, had been an eye witness of all the plagues that had desolated, of late years, the Turkish em-

pire. As soon as he heard that a pestilence had broken out in any city, he immediately hastened to it. He used to account for these extraordinary journeys, by the advantage he found in such desolated countries in purchasing his goods, at a lower rate than usual; but still it seemed inexplicable how lust of gold could so far overcome the love of life, and how the old man, who was already so rich, should continually expose himself to almost inevitable death. Questions put to this traveller were never answered clearly.—When he arrived at such a theatre of death he wrapped himself from head to foot in tarred linen, covered his hands with black leather gloves, his face with a glass mask, and thus guarded against infection, and provided with a stick, which had an iron hook at the end, he entered the infected houses; there he possessed himself of whatever he found, seized on hidden treasures, and the most valuable utensils, and tore their jewels from the bodies of the dead. More than once he is said to have hastened the effects of the pestilence, and to have given the death blow to the victims whose cries would have interrupted him in perpetrating his robberies. If chance led him into a house which was still free from contagion, he announced himself as a physician, and woe to those who confided in his skill. Loaded with treasures, he always returned to Venice, where, admired by every body, on account of the success of his enterprise, he waited for the signal for fresh booty, like the carrion vulture.

"The news of the distress of Barcelona became glad tidings for this wretch, and he had already carried on his horrid trade among us for a fortnight, when he was detected in the very act of stabbing a patient who was quite delirious. This patient was a young French merchant, who was greatly beloved at Barcelona on account of his integrity. He had just lost his wife and two sons, and was himself struggling against the distemper, which had hitherto spared this courageous young man, who most tenderly devoted himself to his family. He was murdered almost in the arms of his countryman, captain R., who was near his friend in an adjoining room. Hearing the door opened, he hastened back to the patient; sees the villain stab his friend to the heart; rushes on him, seizes him, and throws him on the ground after a hard struggle, in which the old wretch shewed much more strength than could have been expected.—"Sir," cried the wretch, finding himself overpowered, "surely you will not kill me."—"Villain, what hast thou done?"—"But he was so ill!"—"And those things which you had already stolen?"—"I thought every body was dead; give me my life: I will make you a rich man."—"You dare to offer me your blood-stained gold?"—"Sir, be without fear; I possess several remedies against the plague; I will give you as many sequins as you can carry."—"And were you to offer me two arrobas?"—"You shall have ten," said the murderer, and received the captain's sword through his heart.

"The magistrate seized the body of the pretended Israelite, and had it hung at the corner of Regomin street. They also sent officers to the house in which he had lived, and ordered all they found there to be sold, for the benefit of the poor."

SPONTANEOUS COMBUSTION. Within a month past there have been three instances of spontaneous combustion in large masses of coal in our navy yards—at Washington, at New-York, and at Portsmouth, N. H. by which each has been in great danger of being destroyed. The coal was obtained from one

of the mines near Richmond; was found to contain an unusual quantity of sulphur; lay exposed to the air and rain; and became ignited near the centre of the heaps. It would be well for persons having large quantities of this coal on hand, to examine it frequently; and it would be a subject worthy the attention of the curious and philosophic to explain the cause of this ignition. [Nat. Intel.]

"THE HOLY INQUISITION." When general Lasalle entered Toledo, he immediately visited the palace of the inquisition. The great number of the instruments of torture, especially the instrument to stretch the limbs, the drop baths, already known, which cause a lingering death, excited horror even in the minds of the soldiers; hardened in the field of battle. Only one of these instruments, singular in its kind, for refined torture, disgraceful to reason and religion, in the choice of its object, seems to deserve particular attention. In a subterranean vault adjoining the secret audience chamber, stood, in a recess in the wall, a wooden statue, made by the hands of the monks, representing—who would believe it?—the Virgin Mary. A gilded glory beamed round her head, and she held a standard in her right hand. It immediately struck the spectator, notwithstanding the ample folds of the silk garment which fell from the shoulders on both sides, that she wore a breast plate. Upon a closer examination, it appeared that the whole front of the body was covered with extremely sharp nails, and small blades of knives, with the points projecting outwards. The arms and hands had joints, and their motion was directed by machinery placed behind the partition. One of the servants of the inquisition, who was present, was ordered by the general to make the machine manœuvre, as he expressed himself. As the statue extended its arms gradually, and then drew them back, as if she would affectionately press some body to her heart, the well filled knapsack of a Polish grenadier supplied, for this time, the poor victim. The statue pressed it closer and closer, and when, at the command of the general, the director of the machinery made it open its arms and return to its first position, the knapsack was pierced two or three inches deep, and remained hanging upon nails and knife blades. It is remarkable that the barbarians had the wickedness to call this instrument of torture *Madre Delorosa*—not the deeply afflicted, pain enduring, but a play on the words, the pain-giving, Mother of God.

ELECTIONEERING!—*law and lawyers.* The following strange speech is reported as having been delivered at a late Boston caucus, held to promote the election of Mr. Webster to congress, by a gentleman named Bartlett.

"I come here with my locks white, my head bald, and my jaws toothless, and what do I come here for? I come here to tell what I know of Daniel Webster. I shall not go to Greece or Rome, to tell what I know of him, I have practiced at the same bar with him for sixteen years, and I know him well, and this I can say of him—he has a *head* and he has a *heart*; two things which are seldom found united in the same person. * * * * I have heard a great deal said about the Middling Intergrest. I know nothing about it. But there is a Latin maxim, *In medio tutissimus ibis*, the safest place is in the middle. [*Here the clamour was so great that Mr. B's application of the maxim was lost.*] * * * * A circumstance occurred in this city, a few days ago, which will illustrate the character of

the man. A thief was brought before the court, charged with stealing two hundred dollars from one of his shipmates. Mr. Webster managed his defence, and got him clear. Next day he sent a constable after the man who had lost the money, and handed him fifty dollars, saying, "That was all he got of the money, and that he was sorry he could not give him the rest." Now, where will you find another lawyer that would have done this? Nowhere—you cannot find one. I have been a lawyer myself thirty-two years, and I know they will seize you by the collar with one hand, and thrust the other into your pocket, and while they strip your back of the one, they will empty the other of its contents."

GREAT DAMS. From the *Philadelphia Daily Advertiser*. That over the river Schuylkill, near Philadelphia, has an over fall of 1204 feet long, and is 1600 feet in length, from shore to shore, a part of the channel which it crosses is 36 feet in depth at high water, and the greatest volume of water that has at any time passed the over-fall, has been in depth on the top of it nine feet, and in velocity computed to be at the rate of 12 miles an hour.

This dam is 150 feet broad at its base, and 12 feet wide on the top, formed of solid stone and gravel—the whole height of it 36 feet, of which 44 feet under water, and 12 feet above the top of the over-fall: it is coated with a stone wall three feet thick, from the water's edge on its upper side, proceeding on an angle of 45 degrees to the top of it, then continued horizontally 12 feet, until it meets a perpendicular solid stone wall on the lower side, firmly laid in mortar, and six feet in thickness, thus compactly securing the whole work.

The purposes for which this great dam was constructed, are for the Schuylkill canal navigation, and for forming one of the greatest water powers known in the world, both of which objects it has effectually accomplished.

That styled the "great dam," over the Hudson near Fort Edward, is 900 feet in length, and 30 feet high, constructed of timber, after the manner called cobwork."

FOREIGN NEWS.

Great Britain and Ireland. A man, near Bristol, lately sold his wife for three pence, with an engagement to take her back again unless her new master was pleased with her. The man and wife were young, and had been married only a month.

The marchioness dowager of Hertford is supposed to be the richest widow in the kingdom. Her ladyship has four hundred thousand pounds in money, and one hundred thousand in land.

A report that a young lady is detained, by force, in a nunnery, in the west of England, has made a considerable stir in the neighborhood of the establishment.

The late census shews that there are almost half a million more of females than of males in Great Britain.

The famine having subsided in Ireland, the papers contain accounts of murders committed. Oppression hath made the people mad.

A person has lately been committed to prison, in London, for a deliberate attempt to hang his own son, a lad between ten and eleven years old. He had tied the child's hands behind his back, and actually suspended him, when a man rushed into the house and cut the rope!

The executor of the rev. Peter Beauvoir, late of Downham-hall, in the county of Essex, paid the sum

of £38,000 to the stamp office, being the duty on £720,000, payable to the residuary legatee, Richard Benyon, (now Richard Benyon de Beauvoir). This fortunate legatee was no relation to the testator. Above £50,000 were otherwise left in legacies. The immense property was bequeathed by the testator, independent of his freehold estates, which are of considerable value. In addition to this prodigious wealth, the testator possessed and retained, till the day of his death, a living of £300 a year!

It is stated, in a letter appearing in the London Statesman, signed William Cobbett, and addressed to the honorable Mr. Canning, that the wages of a laborer in England amounts to three shillings and six pence a week, while a private foot soldier receives seven shillings and seven pence a week, besides clothing, lodging, fire and candle.

On the subject of the piracies in the West-Indies, the London Traveller asks, "What is the reason that our naval force, which costs ten times as much as the navy of America, is so managed that our commercial ships have to thank the Americans for their only protection?"

France. The company of English players, it appears, are still at Paris, performing for the amusement of their numerous countrymen in that city. They had advertised the comedy of *John Bull*, which represents a plain honest mechanic firmly seeking and obtaining justice of a dignified knave. The prefect of the police "invited" the company not to perform it, and to substitute a less "indecent" piece—of course, it was not performed. A Paris correspondent of a London paper ascribes the proceeding to "alarm respecting the popular mind, and sensitiveness to any thing like ridicule of the aristocracy." "It was thought too scandalous that profligacy and knavery should be made the characteristics of the rich and great; virtue, honesty and independence those of the poor—on the stage."

The Charleston City Gazette gives us the following anecdote—"A little boy observing the duke d'Angouleme descending from his carriage and entering a house, asked his elder brother, a young man of twenty, "where the duke was going?" To which the other replied, "I suppose to take a drink!" An old crone who overheard him, in her zeal for loyalty, immediately communicated this seditious expression to the police. The young man, after a confinement of four months, was heard in his defence; and, as it appeared that the expression, though having a seditious tendency, was uttered with the most innocent intention—the criminal was only sentenced to banishment on the frontiers of this delivered, this mild, this happy kingdom!

Paris Sept. 9. "Day before yesterday in the morning a commissary of police, accompanied by agents and gens d'armes, went to No. 20 rue des Jeuneurs, to the dwelling of the venerable of a masonic lodge, and seized fifteen band-boxes filled with papers. A journal announces that these papers belong to a lodge of free masons. The *Quotidien* hopes that there will be found therein traces of the famous committee of directors which they had searched for throughout and of which they found no part."

If the preceding article is worth any thing, it only goes to shew the fears of the French government—and the spirit of the "holy alliance."

Spain. The following anecdote is given by an eye witness of the events of the 7th July at Madrid. It reminds one of the arrest of Andre. In the dispersion of one of the battalions of the insurgent guards, Mon, their commandant, was met and taken prisoner by a peasant. He offered six ounces

of gold and his gold repeater to let him escape; but the peasant, although he had scarcely a shoe to his foot, rejected the offer with scorn. Mon begged of him to spare his life. "I will not kill you," replied the peasant, "but with the sword of the law." He conducted him to the artillery quarters.

East Indies. The *Free Native Press* at Calcutta, it is said has nearly destroyed Juggernaut. At the last festival, no one would be persuaded to sacrifice himself, and the priests were exceedingly mortified, and talked of removing to the interior. Priestcraft is the same thing every where. The "*Madre Delorosa*," of the Spaniards in the holy inquisition at Toledo, (see a preceding article), was less excusable than the sacrifice of victims to Juggernaut. Nothing of the sort can exist where the press is free to discuss its merits.

The rain at Calcutta fell to the depth of twelve inches in three days!—A great amount of property has been lost or damaged by the inundation. Many lives have been lost, and it was feared that on the small "Churs," dependents on Dukhunshabzapore, the greatest part of the population had perished. Some took refuge in the trees, where they remained two days, feeding on the leaves. It is even estimated that the lives lost amount to 100,000.

Certain missionaries—two of the monks from the monasteries of St. Bernard and St. Gothard, are in the East Indies, collecting donations, and have been well received. If they are not what they pretend to be, their impositions on the charitable are to be greatly lamented, as well as their meeting with success instead of punishment.

It is possible, that these are the villains who filched the people of the United States some years ago—perhaps, the sturdy beggars who once asked alms of me, to whom I said "go to work;" at which they seemed much shocked!

A person in Calcutta it is said has been cured of the hydrophobia, by having four grains of the extract of Belladonna administered, and three pounds of blood taken from him.

China. A Junk, of 800 or 900 tons, from Amoy, China, for Batavia, with 1600 passengers, from the ages of 70 to 6, and a valuable cargo, and numerous crew, was wrecked, on the 6th of Feb. on Gaspar Island, and all but 190 perished. Those saved were taken up by the British ship *Indiana*, capt. Pearl, from the rocks, island, pieces of the wreck, &c. and treated with great humanity.

Brazil. It is stated that 45,507 slaves were shipped from Africa, for Rio Janeiro, alone, in the year 1821; of whom 38,102 arrived—seven thousand four hundred and five having been murdered, (or died), on the passage. This trade will, probably, be soon abolished.

Light proceeds in the midst of revolutionary confusion. The trial by jury is established in Brazil, and, though royalty may prevail, there must be a giving into the spirit of the times and the progress of reason. A printer was lately tried for a libel at Rio Janeiro—the government named twenty persons as a jury—he elected eight of those to act on his case, and was acquitted. It was a new thing, and the people marvelled thereat!

West Indies. The negroes rose near St. Pierres, Martinico, on the 13th ult. and killed several white people. The troops and the militia had subdued them. The plot appears to have been extensive, and to have had for its object a general massacre.

Latest Intelligence.

London papers of the 9th October, have been received by an arrival at New York—the following contains a brief notice of the chief things presented:

Ireland is greatly disturbed by burnings, burglaries and murders. The levying distress for rent, is openly resisted. The south is chiefly affected. Spain is still unsettled, but no important event is noticed. An invasion from France is expected, and preparations were making for it.

At Naples, the royal spirit is still kept up by executing and otherwise punishing those who took a part in the late revolutionary proceedings, under the dictation of Austria. Some, however, who were condemned to death, had their sentence mercifully commuted for *thirty years* imprisonment at hard labor.

There is but little news from *Greece*. The Persians are again said to have gained a great victory over the Turks in Asia.

The city of *Aleppo* has been much damaged by a succession of earthquakes, commencing on the 13th August, which was the severest. In an instant, thousands of persons were buried in the ruins of their spacious stone houses!—two thirds of this great city, which contained about 40,000 houses and 200,000 inhabitants, is in ruins!—the amount of lives lost is uncertain, but estimated at between 20 and 30,000

At the time of the most severe shock, two rocks rose out of the sea near Cyprus.

National Affairs.

[COMMUNICATED.]

EXPORT OF SPECIE—RATE OF EXCHANGE, IMPORTS AND EXPORTS

*Statement of the import and export of specie into and from the United States, for the three last quarters, as furnished through the kindness of the secretary of the treasury. [N. B. The returns of the imports for the second quarter of 1822, are deficient from Salem, Boston, and New-York—and of the exports for the same quarter, from Boston, Charleston, and New-Orleans. Boston and New-York, in both cases, I am enabled to supply by the politeness of the collectors respectively.]**

IMPORTS.

	Bullion.		Total.
	Dolls.	Dolls.	
1821. 4th quarter	117,125	708,290	
1822. 1st quarter	41,347	497,597	
2d quarter	63,522	353,656	
	221,994	1,559,543	1,781,537
N. York, 2d quarter			97,762
Boston, 2d quarter			34,116
Total imports,			1,913,415

EXPORTS.

	Bullion.		Total.
	Dolls.	Dolls.	
1821. 4th quarter	159	3,054,006	
1822. 1st quarter	28,089	2,460,873	
2d quarter		2,825,437	
	28,248	8,340,316	8,368,564
N. York, 2d quarter			841,211
Boston, 2d quarter			885,693
Total exported,			10,095,478
imported,			1,913,415
Balance of specie exported from the United States for nine months,			8,182,053

* Copied from Mr. Carey's late pamphlet.

As I think it best to reason entirely from facts, I will make no conjecture as to the result of the six months ending 30th September last; for conjecture may be answered by conjecture, as we well know that where suppositions are admitted as the basis of an argument any thing may be proved. Standing, then, on these facts, thus carefully ascertained, it may be permitted to inquire in what is this state of things to end? To me, it indicates the most gloomy prospects for the country—it effectually contradicts the assertion so often and pertinaciously made, that the commerce of the country is reviving and its prosperity returning. I hope that the draining the country of its specie, the diminution of its circulating medium, the almost total failure of its importation, will not be dignified by the name of commerce, or that these will be deemed the indications of its restoration. Certainly, none will be hardy enough to assert that the present rate of exchange, (say 13 per cent.), is beneficial to the nation, or that it can indicate any other than the most disastrous consequences. It seems to me, that this diminution of our currency, combined with the ruinous rate of exchange against us, presents an occasion for a serious appeal to good sense, the national feeling, as well as the patriotism of the mercantile class of the community. Their influence in society and over the government is very great, they have much in their power—if they choose to exert themselves, it rests with them to change or to continue our present policy. I cannot believe that any merchant seriously thinks that commerce or the country is now prosperous, or that both will not soon become less so, if their operations are carried on in future as they have been for the past. To my mind, and according to my simple mode of reasoning, there is no difficulty in understanding the course of trade—the sources of national profit as well as the true and substantial interests of the people. It has long been my anxious wish to draw from intelligent and candid merchants, their ideas on the important concerns of the country, to point out the connection of commerce with the other great interests of the nation, to explain to us the nature of the balance of trade, the causes of the rise and fall of exchange on Europe, to point out the true course of policy which a wise and paternal government ought to pursue to best promote and secure the general prosperity. Hitherto, merchants have contented themselves with opposing the plans and measures of others—they have objected thus far to any interference by the government in any matter to which their own petitions have not called attention. *Let it be remembered, that to their requests no counter petitions have ever been offered by any other class, while their opposition to the petitions of the manufacturers and farmers has been uniform, systematic and inveterate.* It is time that the nation should understand why this is so; and, as I know of no paper so proper through which to ask for information as yours, must take the liberty of requesting of some person who has the means and the will to do it, the favor of a solution of what appears to me a system of conduct little reconcilable with generous or liberal sentiments, national interest, or national honor.

In pursuing the subject with which this article begins, the exportation of specie and the rate of exchange—I must observe, that their effect upon the operations of commerce and the welfare of the nation, cannot be unimportant. It must be good or bad—it must be an indication of prosperity or embarrassment; and some opinion will be expected from those so competent to decide, whether the entry must be made on the debtor or creditor side

of the ledger—for these are fair as well as plain questions:

When a country exports more specie than it imports, is this no evidence of a favorable or unfavorable commerce?

Is a rate of exchange, thirteen per cent. above par, advantageous or otherwise to the operations of commerce?

Do these causes combined, or either of them separately, promote or retard the prosperity of the country?

If the answers to these questions should be favorable to the operation of these two causes, then let us make the most of them, increase the exportation of specie and raise the rate of exchange by every possible encouragement, which the government or people can give—let the country be drained of its last dollar of current coin, let the people pay for every 100 dollars worth of imported goods fifty dollars in exchange beyond the first cost. Let me repeat the injunction, if this will promote the general welfare, carry it to the utmost possible extent—for it cannot be beneficial on a small and injurious on a large scale. But if it portends ruin, then let it be stopped. I here offer a fair alternative to the merchants, that they may come out publicly and express their opinion with candor; they owe it to themselves, and cannot, in justice to their own character, decline doing it. Public opinion must not be forever divided on these all-important questions—to settle them at once, I do not throw down the gauntlet of defiance, but only seek to elicit truth from those best qualified to disclose it. It is an invitation, not a challenge—a request and not a threat. There is not any mystery in the subject matter; it will expose no secrets of trade, embarrass no commercial operation, interfere with no adventure or speculation. Every importing merchant is well informed about these matters, and Baltimore abounds with mercantile intelligence, and it must not be thought unfair or indecorous to ask, nay, to insist, on an answer to these questions—aye or no, with reasons for their opinion—short and pithy as may be pleasing to whoever will take the trouble; but so much at large, at least, as to enlighten public opinion and enable the people to judge and decide correctly.

I now leave the subject of the exportation of our coin and the rate of exchange, in the confident expectation of being speedily furnished with a satisfactory answer, or at least some information respecting these subjects.

There is another subject which deserves the very serious consideration of the American people—it is the credit on the duties. I have long been of opinion that they are not required for the accommodation of the American importer, that their tendency is to throw the commerce of the country into the hands of foreigners, to encourage the importation of goods beyond the wants of the people or their ability to pay; for that, owing principally to the facilities afforded by these credits, our government lends to foreigners a capital to trade upon, which is drawn from the people without any aid to our revenue—and that they are one great cause of the deep embarrassment which now threatens prostration to all the great interests of the country. On this subject I must also endeavor to elicit information from our merchants—they must not be backward in giving it; for, if I am not greatly mistaken, there is no class of men so deeply interested as themselves: and if they will but take a view of their operations, they must find this to be one of the greatest drawbacks on commerce. That, to the

country at large, these unreasonable credits are extremely injurious, has been long and deeply felt. If there is not in congress a perfect apathy—nay, if there is not a determination to see how far the interest of the nation may be depressed by their supineness and subserviency to foreign policy, they will look to the evils which afflict the nation, and administer the remedy, nauseous as it may be, to those who are preying on its vitals. T.

The Atmosphere.

From an article in the Encyclopædia Britannica,

BY MR. LESLIE.

The vault of heaven seems to darken by insensible transitions, from the western to the eastern horizon. It is most probable, therefore, that the diminution of light, after the close of evening, is owing to the prodigious rarefaction of much higher portions of the atmosphere, which still catch some faint rays of the sun, without being able, from excessive attenuation, to reflect them efficiently to the earth. But since, unless the sky be overcast, there is total darkness in no climate, even at midnight, we may, therefore, infer that the body of air extends to such an altitude as to receive the most dilute glimmer, after the sun has obtained his utmost obliquity, and sunk ninety degrees below the horizon. It would thence follow that the elevation of the atmosphere must be equal at least to 1658 miles, or the excess of the hypotenuse of an isosceles right angle triangle having 3955 miles, or the radius of the earth for its base.

This very great extension of a rare expansive atmosphere appears conformable to the general phenomena. But the thin investiture of our globe, at least near the equator, may stretch out much farther, and yet its elevation can never exceed a certain absolute limit. The highest portions of the atmosphere, which is carried round in 23 hours and 56 minutes, by the rotation of the earth about its axis, would be projected into space, if their centrifugal force at that distance were not less than their gravitation towards the centre. But the centrifugal force is directly as the distance while the power of gravity is at its square. Consequently, when the centrifugal force, at the distance of 6.6 radii of the earth, is augmented as many times, the corresponding gravitation is diminished by its square or 43.7 times, their relative proportion being thus changed, to 289. Now, the centrifugal force being only the 289th part of gravity at the surface of the equator, it will, therefore, just balance this power at the distance of 6.6 radii from the centre, or at the elevation of 22,200 miles.

Such is the extreme boundary of atmospheric expansion. Though it surpasses all our ordinary conceptions of the space occupied by that dilatible fluid, it yet scarcely exceeds the twentieth part of the distance of the moon, which was held by the ancients to communicate with our atmosphere. If it really spreads out to the limit now assigned, it must, in its remote verge, attain a degree of tenuity which would utterly baffle imagination to conceive. Perhaps the fluid itself may change in those lofty regions, and pass into a sort of ætherial essence, more analogous to diffuse light than to a mass of air.

Perhaps air, in its most concentrated state, occupies the bottom of the ocean, and forms a vast bed, over which the incumbent waters roll. Air has actually been condensed above a hundred times, and during this process it betrayed no deviation from the fundamental law, that its elasticity is di-

rectly proportional to its density. There seems no reason, therefore, to doubt that, if an adequate compressive force could be exerted, air might be reduced to the thousandth part of its ordinary volume. But this elastic fluid would then be denser than water, and, consequently, instead of rising would fall through the liquid. Suppose, for instance, a bladder filled with air, and having a small bullet attached to it, were thrown into the sea: in continuing to sink, it would reach a depth where the enormous weight of the column of water would compress it to the same density with the surrounding mass; and if the bullet were now disengaged, the bladder would remain suspended in that stratum, or if carried a little lower, it would precipitate itself to the bottom.

To form some estimate of this singular event, a simple calculation will be required. Air, of the ordinary temperature, is 840 times lighter than distilled water, and is, therefore, 865 times lighter than sea water, assuming the density of this to be 4.03. But the mean pressure of the atmosphere being equal to that of a column of 34 feet of distilled water, is, hence, equal to the weight of a column of 32½ feet of sea water. Wherefore, 32½ × 864, or 28,296 feet, is the depth of the ocean where the necessary compression would obtain.

This computation is to be considered as only a near approximation, yet sufficiently accurate for the object in view. It is enough to mark the conclusion, that any portion of air, carried five miles and a half below the surface of the sea, will never ascend again. Now, this limit is only half the depth which the theory of tides assigns to the waters of the ocean. There is more difficulty in conceiving by what process air can be conveyed to its abyss. Increase of pressure, however, enables water to hold a larger share of air; and the effect is, hence, the same as an augmented attraction. The minute globules of air may therefore be gradually drawn downwards, from stratum to stratum, till they are, at last, detached from the body of water by their own superior density. The precipitation and accumulation of concentrated air under the ocean, would thus be the result of some unceasing operation. Such a process may, perhaps, constitute a part of the great economy of nature. It seems probable that the existence of a subaqueous bed of air is necessary to feed the numerous fires which continually rage in the bowels of the earth, and occasionally burst forth on the surface in volcanic spiracles.

Naval Court of Inquiry.

Navy department, July 31st, 1822.

GENTLEMEN: You are hereby appointed a court of inquiry, and required to assemble on the 12th day of August next, at the United States' navy yard in Charlestown, in the state of Massachusetts, to examine, minutely, into the official conduct of captain ISAAC HULL, since his appointment as commandant of that yard: and you will report to me all the facts and circumstances which shall be disclosed by the inquiry, together with your opinion in relation to the same. You will please to appoint a gentleman possessing the requisite qualifications to officiate as judge advocate. I am, very respectfully, your obedient servant, SMITH THOMPSON.

To John Rodgers, Isaac Chauncey, and Charles Morris, captains of the U. States navy.

Navy department, Nov. 15, 1822.

I certify that the above is a true copy from the original. BENJAMIN HOMANS.

REPORT.

This court, in obedience to the warrant of the secretary of the navy, having examined into the official conduct of captain Isaac Hull, since his appointment as commandant of the navy yard at Charlestown, and having considered the testimony and the defence or statement of capt. Hull, report the following as all the material facts and circumstances disclosed by the inquiry:

It appears that capt. Hull was ordered to the navy yard at Charlestown the 1st day of July, 1815, took command there in the same month, and has continued in the command to the present time.

As no charges or specifications were exhibited against capt. Hull, the court was left, by the terms of the warrant, to discover, from a general investigation of his official conduct, if, in any respect, he had failed in the faithful performance of his duties. To this end, a series of general interrogatories were prepared, embracing the whole course of duties on this station; and these have been propounded to all such persons as were supposed to have opportunity of knowing any thing of his conduct, or to possess any means of information on the subject; and all the witnesses have been permitted to testify freely as to the reasons for their belief where it appeared they did believe that captain Hull had failed in the performance of any duty. The restriction of witnesses to their own knowledge, without permitting them to disclose what they had heard from others, would, it is obvious, have precluded the court from resort to many unknown sources of information, to which the court might and ought to resort, for evidence of those facts and circumstances which had given occasion for the ordering of this court, and which it was expected this court should report upon to the department.

Had charges and specifications been exhibited, these would have incidentally directed the court to witnesses connected with the transactions to be investigated. The duty of this court would have been less arduous, but the result of their inquiry might have been less satisfactory.

By the course they have pursued, which, however, they presume will not be cited as a precedent in any other than a perfectly similar case, no source of information has been left unexamined; and they confidently believe that every transaction which has given rise to any imputation against captain Hull, has been spread upon their record in such a manner that the government may be satisfied that the conduct of captain Hull, during his command, has been fully inquired into, and that no instance of misconduct has escaped the attention of the court.

In presenting their report or statement of all the facts and circumstances disclosed by the inquiry, the court will follow the analysis of captain Hull's official duties, which suggested the standing or general interrogatories propounded to the several witnesses.

In respect to the first branch of their inquiry—how far public property has been converted to the private use of captain Hull, or of any other person with his knowledge?—they find that some public property at first appeared to have been so converted, but, on investigation, it appears this was, in fact, applied to public use; some appears to have been borrowed for his use, and afterward returned; some appears to have been taken for his use by his orders, and some without his orders or knowledge; but an equal quantity of the same kind, or an equivalent of a different kind, has been returned. But, it does not appear to the court that any public pro-

perty, with captain Hull's knowledge, has been converted to his own use without his returning some equivalent: neither does it appear that any public property has been converted to the use of others with his knowledge or assent.

Pursuing this analysis of the evidence, the court, in obedience to the warrant, proceed to state the facts and circumstances respecting this branch of their inquiry in regard to property which at first appeared to have been converted to captain Hull's use, but, on investigation, appears to have been applied to public use. It was proved that several sticks of timber were taken by captain Hull's orders from the navy yard to remove certain buildings of captain Hull's. On investigation, it appears that these buildings were situate on the Woodward estate, purchased by captain Hull, on his own account, at the suggestion of Mr. Crowninshield, then secretary of the navy, upon an understanding that the government might subsequently purchase such portion thereof as might be deemed necessary for the convenient enlargement of this navy yard: that the government did take a portion of this estate on an appraisal fairly and satisfactorily made: that the department agreed to remove the buildings thereon to land of captain Hull at the public charge; and this timber was used to remove his buildings conformably to this agreement. It also appears that all this timber was subsequently and seasonably returned into the yard, and is now there in the use of the United States.

It was proved that some glass was taken from the store to be set in the buildings of captain Hull after they were removed from this estate. On investigation, it appears that the government engaged not only to remove captain Hull's buildings from that portion of the Woodward estate which government might take for its own use, but also to place the buildings, after removal, in as good order and condition as before, and that this glass was taken to replace that which was broken in the removal.

It was stated in evidence that a shovel, three pair of tongs, a pot-bale, and pot hooks and gridirons, were made at the smith's shop; but, on investigation, it appears that these were made for public use: the shovel and tongs for the fire places in the yard, and the residue of these articles for the quarters of an officer attached to, and residing in, the yard, and, after his decease, they were returned into the public stores.

It also appears that six small rakes, worth from 12 to 15 cents each, were made and used in capt. Hull's garden, but were used also in the yard.

To this class of cases may be referred the purchase of medicines at the public charge for the use of capt. Hull's family.

It appears that captain Hull did obtain of Dr. Elliot, an apothecary in Boston, a quantity of medicines to the amount of \$53 54 cents, for the use of his family; that these were paid for by the navy agent, were by him charged in account to the government, and was allowed by the department. It further appears, from the testimony of Mr. Crowninshield, late secretary of the navy, and several surgeons in the navy, that it had been the practice at the naval stations, in this place, at Portsmouth, New-York, Philadelphia, and Washington, and on the Lakes, of the surgeons of the navy, to supply medicines from the public stock for the use of the officers' and men's families. It appears that captain Hull had obtained this supply from Dr. Elliot, under full conviction that this was conformable to usage, and it fully appears to this court that captain Hull did not at the time doubt his right to

this as a customary allowance, but so insisted with Dr. Elliot, who, on receipt of the money, transferred the amount to the debit of the United States, and acknowledged receipt of his money as from the government.

In respect to public property, borrowed by captain Hull for his own use, it was proved, that four sticks of timber were taken by his orders and used to remove a small house of his in the vicinity of the yard; but these were returned without injury, and it does not appear that the U. States have suffered any inconvenience from this use of them.

In respect to public property taken by captain Hull's orders for his own use, it appears that 300 pound of nails were taken from the navy store by his orders, and were used in his buildings; for these he returned 320 pounds of a different kind, but of equal value and utility. It also appears that 23 pounds of spikes were taken for his use with his knowledge, at different times, in small parcels, and for these he returned a like quantity and of equal quality. It also appears that 1000 feet, in board measure, of sawn pine timber, were taken for his use, upon his order, and, subsequently, a quantity of the same kind was returned.

These are all the instances of the taking of public property for capt. Hull's use, by his orders or with his knowledge at the time, during his command on this station.

In respect to public property, taken for his use by mechanics in his employment, it appears that, at a time when he was confined to his house by indisposition, his carpenter obtained from the yard a quantity of clear pine plank of the value of 12 dollars, and, instead of this, returned, on the same day, a quantity of merchantable plank of the same value and of equal utility.

It also appears that a bar of iron, about two or three feet long, was taken by one of his mechanics from the smith's shop, and used in capt. Hull's buildings for the chimney bar, but another of equal value was returned.

It also appears that hoops were put on a wheel of captain Hull's travelling carriage, immediately after a journey by captain Hull with Mr. Barker, master builder, into New Hampshire, for the service of the United States, in quest of timber for the navy yard; but this was without his knowledge at the time.

It appears that two small pieces of yellow pine, and one of oak, were taken to make some cellar cills, of the estimated value of one dollar and a quarter; but this does not appear to have been known to captain Hull at the time.

In respect to public property converted to the use of others, it appears that an axe was made for lieutenant Ward and delivered to him on his engagement to return it; also that a gridiron was made and delivered to sailing master Waldo; also, that two garden rakes were made and delivered to James Bogman, gunner of the yard, for use in his garden within the limits of the yard.

It also appears that a small oven door, 14 by 9 inches, was made of a piece of sheet iron, and also a frame for this, by the blacksmith, for his own use; but it does not appear that captain Hull knew of either of these instances of the conversion of public property to the private use of others.

These are all the instances of the conversion of public property to private use, which were proved to the satisfaction of this court. Some witnesses did indeed mention other articles of very trifling value, as dog nails, old hinges, &c. but, on investigation, it fully appeared that the materials were

not public property, or that the witnesses who mentioned such articles, as appears by the record of evidence, were so fully discredited that their testimony could not justly have any weight with this court.

The next branch of the general analysis is the employment of mechanics or others for private use, while in the pay of the United States, for the same time they were so employed, and the employment of the navy yard teams for capt. Hull's or others' private benefit.

In respect to this branch of the inquiry, the court find that some men, and the oxen of the yard, had appeared to have been employed for private use, but, on investigation, it appears that they were engaged in public service; that sometimes the men and teams were employed for captain Hull's use, but he made an ample return for such service to the United States; and that some men have been employed for the use of others, but without his knowledge.

In respect to the employment of the men, apparently for his use, or the use of others, but in fact for the use of government, it was proved that men were employed in removing the buildings and fences from that part of the Woodward estate which was taken by government for the enlargement of the yard, and in re-setting broken glass, and otherwise re-fitting captain Hull's building thus removed. But, on investigation, it appears that these were so employed, conformably to the verbal agreement between captain Hull and the government before mentioned, for removing buildings from the ground taken by government, to other land of captain Hull, and putting them in the same good order and condition as before their removal, and in setting up the fences on the new boundary line of the yard.

It was also proved that men and teams were employed in transporting cord wood and chips to captain Hull's and other officers' quarters; but, on investigation, it appears that the cord wood was fuel which the government delivered agreeably to the regulated allowances to officers on this station at their quarters; and the chips were removed conformably to the regulations of the navy commissioners recorded in these proceedings.

It also appeared that a laborer was employed in sawing and piling capt. Hull's wood, and the wood of capt. Shubrick, attached to the yard; but it appears that this is not inconsistent with the regulations of the navy yard: the government customarily delivers allowance of fuel at officers' quarters in a fit state for use.

In respect to the employment of men and teams by capt. Hull, for his own use, it appears that one man was employed about half his time, in the spring and summer, in the cultivation of the commandant's garden within the yard. This was a laborer in the yard, who was regularly mustered there, paid by the United States, and labored the rest of his time in the public service: on investigation, it appears that capt. Hull is allowed 3 servants, at 8 dollars each a month, and one ration a day—that he has not drawn pay for more than two servants since April last, which is a saving to government of 15 dollars per month. Besides this, also, it appears to the court, that the labor of this man, in setting out valuable trees purchased by capt. Hull, and otherwise permanently improving this appendage to the yard, is a substantial benefit to the public property.

It also appears that capt. Hull has employed the government teams in carting earth from his land when digging a cellar, and in hauling stones to be

laid there. But, on investigation, it appears that this earth was hauled within the navy yard, to improve the passage or road from the gate by the stores, where it was useful and indeed necessary, and that, while the cart was loading with this earth, and without any interruption or delay of public work, the oxen were employed to haul a few large stones, not exceeding seven in number, for a short distance.

Although it would seem, from various witnesses, that there is much evidence of employment, by capt. Hull, of mechanics and laborers for his private use, while these were in pay of government, yet, on investigation, and very careful examination of the master mechanics and laborers themselves, it does not appear that any mechanic, laborer, or other person, has received pay of government for any portion of the time he was employed in captain Hull's service, except the instance of the gardener before mentioned; and, although two witnesses positively assert their belief that they have received pay of government for the time they were employed in capt. Hull's service, yet the testimony of these witnesses is so discredited by the direct contradiction of the master mechanics, who had better opportunities of knowing, and whose duty it was to know the fact, that this court cannot regard their testimony as worthy of credit.

In respect to employment of men of the yard for the use of others, without capt. Hull's knowledge, it appears that a laborer was employed the greater part of his time for the use of an officer in the yard: but this, though not purposely concealed, was unknown to capt. Hull. It also appears, that another laborer, acting as an under assistant to the store keeper, was occasionally employed by him in some domestic services. It does not, however, appear, that there was ever any occasion which called capt. Hull's attention to this practice, or that it ever came within his knowledge. It does not appear that the government's team had been otherwise employed for private use.

The next branch of the general analysis, is the neglect of any duty by capt. Hull, as commandant of this navy yard.

It appears to the court that capt. Hull has suffered a sailing master to attend to the mustering of the men in the yard, instead of a lieutenant, which the recent regulations for mustering the men prescribes, and that the check-roll has not been kept conformably to these regulations; some other person than the clerk of the yard having been allowed to call the men.

It also appears that capt. Hull has not always exacted of the purser of the yard strict compliance with his duties, according to the regulations now in force.

It also appears, that capt. Hull gave lieutenant Percival leave of absence from the United States, without first obtaining the assent or authorization of the navy department. But it appears, however, that there were more than a sufficient number of officers on the station at the time this leave was granted, and during the absence of lieutenant Percival, to perform all requisite duties.

It also appears, that lieutenant Percival received his full pay for the time he was so absent, that capt. Hull approved his account, but not until after the letter of the 4th auditor, under date of the 3rd September, 1818, recorded in these proceedings, had been exhibited to capt. Hull. It further appears, that the letter of lieutenant Percival to the 4th auditor, under date of the 27th August, 1818, also recorded in these proceedings, was not seen

or its contents known to capt. Hull, before it was sent to the department, or before he approved the account of lieutenant Percival, nor, indeed, until very recently. It further appears to this court, that the payment, by lieutenant Percival, of the sum of 126 dollars, through the hands of sailing master Waldo, was repayment to capt. Hull of money which lieutenant Percival held in his hands, and claimed in satisfaction of certain charges, and that, on the disallowance of these charges by capt. Hull, this money was repaid: That this repayment was not made with any reference to capt. Hull's approval of lieutenant Percival's public account for his own pay, but was entirely disconnected with that subject.

The next branch of analysis is, neglect of any proper measures for the detection of Fosdick's fraud, by capt. Hull, or his collusion with Fosdick in this speculation.

It appears to the court, that the fraud of Fosdick was effected by his procuring the men to sign their names to the pay rolls, in which either the time they had worked or the amount of their pay was not written, and that these blanks were filled up by Fosdick after the men were paid, with more time than they had worked, and larger sums than were due them; that he drew from the navy agent the whole amount, and kept the excess above the just sum due to the men, for his own use. On inspection of the pay rolls laid before the court, they appear to be fair, and to each is subjoined, in common form, a certificate by the person paying the men, that he has compared it with the muster roll, and found it correct, and below this is the approval of capt. Hull.

This is in the usual course, and no circumstance of any kind ever occurred to capt. Hull's knowledge, during Fosdick's service in the yard, to excite the least mistrust of his correctness, or doubt of his integrity. It appears that Fosdick had been highly recommended to capt. Hull's immediate predecessor, capt. William Bainbridge, and that persons of high standing warmly recommended him to capt. Hull. No officer in the yard sustained a fairer reputation for integrity or talents in his particular station than Fosdick. But it appears to this court that, on the first intimation of the fraud, capt. Hull instantly adopted, and constantly, zealously, and ably pursued at Charleston, Boston, New York, and New Orleans, all proper and requisite measures for the detection of this fraud, and the recovery of satisfaction for the U. States, and that, through his activity and zeal, in an eminent degree, a full and complete satisfaction was obtained from the property and effects of Fosdick.

It further appears, that capt. Hull, in negotiating with Fosdick for this satisfaction, was more rigorous and unyielding than the other commissioners appointed for this purpose; That Fosdick complained of this treatment of him by capt. Hull as harsh, and was greatly incensed against him at the time: That Fosdick then complained that the government would get from him more than he had taken from the United States: That in this state of Fosdick's affairs, it was represented to him by an intimate friend that some persons suspected capt. Hull of being concerned with him in the transaction, and advised him, upon motives of policy, to expose capt. Hull, if in fact he had been concerned. This Fosdick instantly denied, declaring in effect that the fraud could not have been conducted by more than one person, and that no person was concerned with him in the transaction. It also appears, from the testimony of the district attorney of this state, and

of the state of New York; also of an eminent counsellor of the city of New York, and of the hon. judge Livingston of the United States' supreme court, that the conduct of capt. Hull, throughout his pursuit of Fosdick, was that of a perfectly innocent man, and highly zealous officer. No fact or circumstance appeared in any manner tending to prove or to justify any suspicion that capt. Hull had ever been connected with Fosdick in this fraud, or ever knew of its existence, till discovered by examination of some pay rolls, with reference to the true time which certain men had labored. Of all the witnesses examined on this subject, none expressed a present belief of such connection or collusion, except lieut. Joel Abbot and Daniel Leman; but these were so utterly discredited, as appears on the face of the record, that they were deemed unworthy of any credit by this court.

The next branch of the analysis is oppression; and in respect to this branch, the court find no evidence tending to prove any oppression by capt. Hull of officers or men, except in respect to disallowances of chamber money, wood and servant money, and in respect to his refusal to lieut. Abbot of leave to visit Newburyport. It appears that lieut. Joel Abbot, who states that one of his reasons for procuring orders to this navy yard, was that he might receive chamber money, made application to capt. Hull for this allowance. Capt. Hull was in doubt if he might with propriety allow it, and corresponded, and suffered lieut. Abbot to correspond, with the department on the subject—the whole of which correspondences are annexed, in copies from the original record of the trial of lieut. Abbot by a court martial, and are as follows: The letter of lieutenants Abbot and Caldwell, and sailing master Ferguson, to the secretary of the navy, under date January 2d, 1821, and his answer of the 16th of the same month; a letter from Constant Freeman, accountant, to capt. Hull, dated 30th March, 1816; one from T. H. Gillis to the accountant, to same, dated 16th May, 1816; capt. Hull's letter to Constant Freeman, 4th auditor, dated 17th July, 1817—Constant Freeman's reply, dated 26th July, 1817—another letter to same, from capt. Hull, dated 30th of September, 1820—Constant Freeman's reply, dated 4th of October, 1820; capt. Hull's letter to the secretary, dated 9th of October, 1820, and the secretary's reply, dated 10th November, 1820.

It appears that lieut. Abbot was very importunate with capt. Hull on this subject, reiterating his solicitations for this allowance, in a manner not usual for officers, and not pursued by lieut. Caldwell and sailing master Ferguson.

It is represented by lieut. Abbot that capt. Hull repulsed him with harsh and profane language. On the other hand it appears that capt. Hull is not in the habit of using such language to officers. It appears, that capt. Hull gave much attention to this subject of chamber money, and to the particular application of lieut. Abbot and others.

In respect to the allowance of wood, it appears that there were two boatswains in the yard, one of whom was old and infirm, and only able to do light work, and as, by the regulations, there was an allowance of wood only for one, capt. Hull advised or directed, that this allowance of wood should be divided in some way between them. It does not appear that they or either of them objected or have complained.

In respect to the allowance of servant-money, it appears, that the gunner of the yard had received, through mistake, servant-money, as if entitled to

this allowance, and, on being directed, he refunded it without objection or complaint.

It appears that capt. Hull did refuse lieut. Abbot leave to visit Newburyport; but it does not appear to this court that capt. Hull was apprised by lieut. Abbot, on his first application, that Mrs. Abbot was dangerously, or otherwise, indisposed. But, it appears, that, although lieut. Abbot had been allowed leave of absence oftener and for longer periods than other officers on the station, at or about that time, yet leave was granted as soon as representation was made by lieut. Abbot that his wife was near confinement, and it was very desirable he should visit her, although, as it appears in evidence, this was an indulgence attended with inconvenience to the service.

It does not appear that Mrs. Abbot was dangerously sick at that time, although it appears in evidence, lieut. Abbot has made representations of her situation to this effect, which he does not confirm in giving his testimony.

It appears, that lieut. Abbot was at Newburyport from the 14th or 15th of February, 1821, to the 22d, when he returned to the yard, and that he did not, while at Newburyport, request an extension of his leave. He states, that he desired it, but refrained from asking it, because he knew capt. Hull would refuse it.

It appears, however, from the testimony of capt. Shubrick, that an extension of lieut. Abbot's leave would, no doubt, have been granted as soon as asked for.

It appears that he did renew his application for leave of absence on the 23th of the same month, representing Mrs. Abbot's recent confinement, and leave was immediately granted. It appears that this lady was alive till the 15th of April following, and that lieut. Abbot was absent on leave from the 23th or 29th of February, until after her decease, and never since has been on duty in the yard.

The court being required to state all the facts and circumstances disclosed by the inquiry, which are of moment, in connection with the object of this investigation, deem it their duty to state the following:

It appears in evidence, that captain Hull deposited his own paints in the public paint store; that this was a temporary deposite, and ceased as soon as another convenient place was in readiness, to receive it.

It also appears that some hinges, and chimney-bars and crane-eyes, taken from his, captain Hull's, houses, were deposited in the smiths'-shop, in the yard, and these deposites, probably, gave rise to rumors of improper use of public property.

It also appears that he employed mechanics and laborers on his private property, who had been or were subsequently mustered in the yard for the United States, and this under circumstances which might naturally lead persons, not acquainted with all the circumstances, to suspect that the government's time was appropriated to private benefit.

It appears also that he bought a quantity of lumber from a government contractor, who had landed this with government timber in the navy yard, and that this was transported from the navy yard to captain Hull's estate, near Chelsea bridge, by a team often employed there in the service of the United States, and that, although on the investigation it clearly appears that this timber never was the property of the United States, and that capt. Hull paid for the transportation, yet the purchase and transportation of it from the navy yard did excite the attention of respectable persons. It also appears

that captain Hull permitted the same persons to master and pay, at the same time and place, men employed for his private use and men in the employment of the United States.

It also appears that, when the buildings were removed from the Woodward estate, a barn of the estimated value of one hundred dollars, and a wood shed of the estimated value of twenty dollars, both belonging to captain Hull, were moved into the yard, and have ever since been used in the United States service, as their property, without any recompense therefor to captain Hull.

It also appears that, previous to the purchase, by captain Hull, of his real estate near the western entrance to the navy yard, the small buildings there had been occupied by disorderly persons, to whose shops the men of the navy yard resorted at night, and where articles of value, pilfered from the yard, were purchased: That captain Hull endeavored to get rid of these tenants, but was unable to do so without purchasing this property himself: That he did purchase it, and it is now occupied by decent and orderly tenants.

In conclusion, this court deem it their duty to state, that lieut. Joel Abbot, whose testimony covers more than fifty pages of the record, did not appear to have knowledge or information of any facts which, in the opinion of this court, authorized the general expressions or imputations against captain Hull, contained in his letter of the 11th January, 1822. And, on his examination, which was conducted, as the court believes, with the greatest indulgence and patience, he was constrained to admit, in respect to almost every such imputation, that he had no better authority for making them, than common reports, which he had never investigated or traced to their source.

And this court regret, for the honor of the service, to add, that very many of lieut. Abbot's declarations, under oath, in which it appears to this court that he could not have erred through mistake, are distinctly and directly contradicted by most respectable and disinterested witnesses.

No other facts or circumstances, tending to implicate captain Hull, in respect to his official conduct, could be collected from any source within the control of this court, and they have reason to believe that no others exist.

The preceding statement, therefore, embracing, in the opinion of this court, all the facts and circumstances disclosed by the inquiry, which the court is required to report, is respectfully submitted, with the following opinion in relation to the same:

OPINION.

This court is of opinion that the conversion of articles in this yard, belonging to the United States, to the private use of individuals, whether by loan, exchange or otherwise, is incorrect. But, as it appears, to the satisfaction of this court, that all the articles which have been so converted to private use, with the consent or knowledge of captain Hull, have also been replaced, by similar or other articles of equal or greater value, the court are, therefore, of opinion that no loss has, in fact, resulted to the United States; and that no fraud was practised, sanctioned or intended by captain Hull in these transactions.

The court are further of opinion, that the employment of persons, while in the pay of the U. States, for the private advantage of individuals, excepting such as are specially allowed by the regulations, is incorrect: But the court are further of opinion that, in the particular instances of this kind which were

sanctioned or known to captain Hull, the deviation from the regulations has not been the cause of loss to the United States.

The court are further of opinion, that the deviations in this yard, from the regulations prescribing particular forms to be observed, in mustering and paying persons employed in navy yards for the United States, was improper, inasmuch as such deviation was made without the previous sanction of the navy department. But it is also the opinion of this court, that no loss has resulted to the United States from this deviation.

The court are further of opinion, that the permission granted to lieut. Percival, to visit Europe, by captain Hull, without the previous sanction of the secretary of the navy, was incorrect. But the court are further of opinion, that no injury did, in fact, result to the United States from the permission thus granted.

This court are further of opinion, that captain Hull, in allowing articles, belonging to himself, to be placed in the public stores containing similar articles belonging to the United States, and in permitting the same persons to muster and pay, at the same time and place, within the navy yard, men employed for his private benefit, and other men who were employed for the United States, was indiscreet, inasmuch as such conduct, though in itself innocent, may, nevertheless, give rise, in the minds of persons not acquainted with the real nature and all the particulars of such transaction, to vague impressions of misconduct in public officers.

The court are further of opinion, that the charge made by captain Hull's orders, against the U. States, for the medicines furnished for the use of his family by Dr. Elliott, was allowed by the general usage of the service at that time.

The court are further of opinion, that, in withholding his sanction to allowances for chamber-money, fuel and candles to officers not permanently attached to the yard, captain Hull was justified by his instructions from the navy department.

The court are further of opinion, that, in his conduct towards the officers, mechanics and others, under his command, captain Hull has been guilty of no act of oppression or unjustifiable severity, but, on the contrary, he has, so far as was consistent with his duty to the United States, granted every proper indulgence.

The court are further of opinion, that the purchase of property, in the immediate vicinity of public stations, by officers attached to such stations, may excite surmises injurious to the reputation of such officers, and therefore is not discreet. Yet it is the opinion of the court, that the particular purchases of this kind made by captain Hull, were made with no improper view of private advantage to himself, but originated in solicitude for the public interest, and were prosecuted with expectations of public benefit, which the United States, in the opinion of the court, have realized in the removal of disorderly persons from the vicinity of this navy yard.

And finally, this court is of opinion, that, with the before mentioned exceptions, the conduct of capt. Hull, since his command of this yard, for strict personal attention to the preservation of the public property committed to his charge; for the judicious application of the means placed at his disposal for the public service; and for the faithful performance of all his other official duties, has been correct and meritorious. JOHN RODGERS, *President*.

GEORGE SULLIVAN, *Jude Advocate*.

The president of the court and the judge advocate having, respectively, set their hands to the above record, and this court having acted on all matters committed to them by the warrant of the secretary of the navy, ordering this court, the court was thereupon adjourned, without day.

Attest, GEORGE SULLIVAN,
Judge Advocate.

Navy department, Nov. 15, 1822.

I certify that the foregoing has been carefully examined and collated with the original, and is a true copy.

BENJAMIN HOMANS.

CHRONICLE.

Lithgow, at Richmond, famous about a certain check, was lately again on his trial—but the jury was “hung;” that is, divided on the verdict, and no other indictment was to be tried “during the present term of the court.”

Marble. It is stated that a quarry of marble has been lately discovered near Lancaster, Pen. that, for its delicate grain and other good qualities, is equal to that of Italy.

Lehigh coal is now much used in Philadelphia, and sold at 30 cents per bushel, or eight dollars and forty cents per ton. Those who have given it a fair trial consider it as superior to a wood fire, and at one third of the expense.

The Susquehanna. The citizens of Luzerne county, Pennsylvania, held a meeting at the court-house in Wilkesbarre, on the 4th inst. to take into consideration the propriety of adopting measures to facilitate the clearing of the Susquehanna. As we have already said much on this important subject, we shall simply mention just now, that the chief resolution adopted was for the purpose of bringing the case before the legislature of the state in such shape as should be thought best “to answer the passage of a law effecting that great object”—for which a committee of two from each township was appointed.

Philadelphia loan. The loan of \$25,000, advertised for by the mayor, has been taken at a premium of seven dollars in the hundred. Two hundred and ninety-six thousand dollars were offered.

Charleston. A gang of armed run-away negroes commit many depredations about a place called ‘New Bridge.’ Eleven of them have been seen together, armed with muskets, classes and hatchets.

New Orleans. As late as the 22d ult. the fever still raged with unabated violence. An impressive fact to show the desolation of the city, is, that the federal court there was opened, and neither parties, lawyers, jurors, nor witnesses, attended—and the court was closed without having acted on a single cause.

Massachusetts. Messrs. Nelson, Fuller, Allen, Lathrop, Dwight, Enstis, Baylies, Hobart and Reed, are re-elected members of the 18th congress, Mr. Webster has been chosen in the place of Mr. Gorham, who declined—and in three districts there was not any choice, a plurality of votes being required.

New Jersey. Mahlon Dickerson, esq. has been re-elected a senator of the United States for six years, from the 4th of March next.

The penitentiary of this state contains 99 convicts, and, as the cost of the establishment amounts to \$6,442, their average expense is \$64 each, per annum.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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THE WEST INDIES. We have accounts from the Cyane and brig Spark. They have lost a considerable number of their officers and crews, by the yellow fever.

SPANISH CLAIMS. Of the claims presented to the board of commissioners under the Florida treaty, (which seems likely to be a long job), 113 have been allowed as valid, and 79 rejected, for want of sufficient evidence. The nominal amount of claims received is about eighteen millions and a half. The board has lately adjourned to meet on the 18th of February, 1823.

LONGEVITY When we published an article, thus headed, in the REGISTER, of the 9th instant, we had some apprehension that there was a mistake as to the amount of centenarians in Great Britain—but the following specification of particulars goes to shew that the aggregate was correct—which is, surely, much below the relative proportion of such persons in the United States, as to an original stock to produce them, or a present population to possess them.

A London paper says—By the late population report, the following curious fact is elicited:

Men 100 yrs. & upwards,	Women 100 & upwards,
England, 57	England, 111
Wales, 5	Wales, 18
Scotland, 40	Scotland, 62
Total, 100	Total, 191

VERMONT. It was proposed on the 9th inst. that the legislature should make a presidential nomination. Mr. Adams was named in the resolution. But the resolution was, very properly, rejected on general grounds.

NEW-YORK. It is stated to be a common thing for the steam boats on the Hudson to bring to the city of New-York, from 200 to 250 passengers, each trip.

TENNESSEE. James Robinson, who nearly perished in Tennessee, then all a wilderness, lived to see the country populated and assume the rank of an independent state, of which he himself was the freely elected chief magistrate!

PIRATES. It is said these wretches, who frequent the coast of Cuba, have boasted of the murder of four hundred people near Cape Romaine. In this, perhaps, they include the persons killed by quarrels among themselves—which are stated to be numerous.

THE PRESIDENT. We see that an idea is advanced of re-electing a president of the United States "during good behaviour." This the people may do, if they please; but it seems established by practice and ratified by common sense, that no person shall serve more than two periods of four years each. It would be far better for the public interest, if a president were at once elected for six or eight years, and thereafter deemed ineligible, unless after an interval of a certain number of years.

VOL. XXIII. — 13.

JUSTICE. A broker of Virginia sued the North Carolina state bank for a large sum, about 60,000 dollars, after having protested the notes, in ample form, for non-payment. The case was lately decided, and he obtained judgment for principal, interest and costs, all which were paid.

MIDSHIPMEN. A list of those who passed examination at New-York, for promotion, in October and November, 1822:

Duncan N. Ingraham, South Carolina; John Maiston, jr. Massachusetts; Henry Bruce, do.; David Conyngham, Pennsylvania; Wm. D. Newman, New York; Robert Ritchie, New Jersey; David R. Stewart, Maryland; Thomas Hayes, Pennsylvania; Alexander B. Pinkham, Massachusetts; Wm. H. Homer, do.; James D. Knight, S. Carolina; Joseph Mattison, New Jersey; Wm. W. M'Kean, Pennsylvania; Wm. S. Walker, N. Hampshire; Alexander Slidell, N. York; James G. Boughan, Virginia; Benjamin Tallmadge, jr. Connecticut; Hubbard H. Hobbs, Virginia; Samuel Mercer, South Carolina; Franklin Buchanan, Pennsylvania; George F. Pearson, New Hampshire, Chas. Lowndes, Maryland.

FRANKLIN. It is rather a curious incident, that when the Americans sent Dr. Franklin, a printer, as minister to France, the court of Versailles sent M. Girard, a bookbinder, as minister to congress.—When Dr. Franklin was told of it, "Well," said he, "I'll print the independence of America, and M. Girard will bind it."

THE RACE. The things that were said and are yet running through the newspapers, about the race that was to have been run at Washington last week, are quite enough to make a sober-minded man laugh. The Philadelphia Democratic Press, published the day preceding that appointed for it, announced, that "there were only eight passengers in the steam-boat from Baltimore"—that the city of Baltimore was "nearly depopulated" by the departure of its inhabitants for the race"—that one person had offered to bet eight hundred human beings, valued at three hundred dollars each, on Sir Charles—that the amount of a million and a half of dollars was betted on the race.

I can speak only to one point—on the day of the race, I had a good deal of "out-door business" to do, and called upon and saw many persons, without hearing that any one had gone to the race—and really, the streets seemed to be quite as well filled as usual, so our city was not "nearly depopulated!"

The president and secretary of the "Jockey Club" have gravely given it forth, officially, that Sir Charles was accidentally lamed.

The day after the affair, a match was made up for twenty thousand dollars a side, the New-York horse Eclipse against any horse that might be produced at the starting post of the Long Island course, in May next—and the forfeit was fixed at \$3,000.

The following is given as an extract of a letter from the owner of Sir Charles to the owner of Eclipse, written in October last:

"I met the golden Sir William with Sir Charles, and they run single-handed, and, sir, I have to inform you that this golden horse, that commanded

the wind to stand still, and all creation to bend before him, last winter, in South Carolina, has now taken a western direction to seek his level with the depreciated currency of that part of the country!" Which, being published, brought out the owner of Sir William, (belonging to North Carolina), in pretty much the same strain, and inviting the owner of Sir Charles to a *fair* trial of speed, for the sum of 1,000 dollars, as "better suited" to the funds of the parties than 5,000. The epistle concludes with the famous saying of Macbeth—

And now, "come on MacDuff, and damned be he
Who first cries—hold, enough!"

About all which we say—

"Angels and ministers of grace defend us!"

TANNING. The story lately republished from the London Globe, respecting a great secret discovered in the art of tanning, for which the inventor had received a large sum of money, turns out to be fabulous.

LAW! About a year ago, Mr. Frederick A. Tracey, of New York, delivered to Mr. Joshua B. Wood, of Rhode Island, a quantity of doubloons, put up in two separate bags, to take to Providence. Mr. Wood took the valice in which the bags were deposited, on board the steam boat Connecticut, and left it in an open berth while the boat was lying at the wharf, at New York, all one afternoon and evening, sleeping on board the boat at night, in a different cabin from that in which the doubloons were left. In the morning he discovered that one bag of the doubloons was gone, and, after having made the discovery, he left the valice, with the remaining bag in it, lying on a table in the forward cabin, and went on deck for about five minutes.—When he returned, the valice and the other bag of gold were missing, and have not yet been found. Mr. Tracey, in consequence, brought a suit against Mr. Wood, on the ground that he has been guilty of *gross negligence*; and, after a hearing, which lasted two days, in the United States circuit court at Providence, the jury decided that the plaintiff was entitled to recover for the value of the bag that was first missed, (*five thousand seven hundred dols.*); but they did not consider the leaving of the other bag on the table for so short a period as five minutes, as amounting to gross negligence.

"INFIDELITY AND DISLOYALTY." The London Courier calls upon the congress of Verona to exert its power to uphold the monarchical principle, and says—"we must either fall before the desolating maxims of infidelity and disloyalty, or, when the danger is imminent, take *refuge in despotic power as the minor evil.*"

What terrible doctrine!—But what is meant by "infidelity and disloyalty?" What are the present legitimate meanings of the terms? When the "reformation," as it is called, took place in England, out of about *nine thousand* priests who lived on the people, less than *one hundred* refused to change their religion for the preservation of their fat things. Was this "infidelity." The priests of Spain, headed by three archbishops, are now carrying on a predatory desolating war on the body of the people of that kingdom, and deeply engaged in the business of murder—is this an evidence of their *fidelity*? At what is called the "revolution" in England, the king was expelled and a thick-headed tyrant imported to fill the throne: was this "disloyalty?" Events in France produced somewhat similar events—were the French *disloyal*? The Russian boor quietly submits to be kicked by his

lord—is this *loyalty*? The regenerated Spaniard will have his king to rule according to the law—and is this "disloyalty." I recollect somewhere to have seen an old saying, "that he who spoke against the Jesuits was an enemy of God"—of course, guilty of "infidelity." The Jesuits went down to the disgrace and contempt they merited, and he that would speak in favor of them in England, would now be charged with "infidelity."—For, "infidelity," *there*, is to oppose the present pampered priesthood, a more base body of men than the Jesuits ever were—less tolerant, less merciful, less Christian, than that once mighty tribe of depredators on the public labor. So that we see "infidelity and disloyalty" are terms that "conform" to the will of such villains as happen to possess power. It was *loyal* to murder Paul the father of Alexander; but, *as yet*, "disloyal" to imagine that the son should lose one hair of his head; yet it may become as loyal to put him out of the way as it was to assassinate Paul—to bring Charles the first to the block, or banish James II; proscribe his kindred as "pretenders," and punish his adherents with death as rebels and traitors.

THE AMERICAN NAVY, &c. The articles below, copied from British papers, have led to certain reflections and considerations, which I think it may be useful to present to the consideration of others. It is for this purpose that orators make speeches, statesmen compose arguments, and editors write paragraphs and other fugitive pieces.

Our little navy is now a great object of national pride; and it seems as if likely to remain a "political hobby" for a long time, if its affairs are carefully managed; though all men seem to form some limit to the extent of the establishment, most persons wish its perfection and preservation as a means of *defence*. And so it is, that, though influenced by different considerations and led on by different views, the American *people* may be said to be proud of the character, progress and prospects of their military marine. Its reputation warms the heart of every man—whether his feet are laved by the waters of the ocean, or have been wet only in the mountain stream. It cannot then be unprofitable to ascertain what has caused this naval power, and to make sure of what sustains it—in a firm belief that "like causes will produce like effects."

From the time when these states started into existence as 'free, sovereign and independent,' the commerce of the country, or, more strictly speaking, the SHIPPING INTEREST, has been most zealously protected, by bounties and premiums, and peculiar or exclusive privileges. This spirit was originally produced, no doubt, by the influence of the people of the eastern states, deeply concerned in the fisheries and powerfully directed to the business of trade and navigation. It was opposed by another in the south, which seemed to have no regard at all to the circumstance, whether the products of that section of the union were carried to market in a vessel belonging to New or Old England—and it was these counter spirits that rendered so many 'checks and balances' necessary in the constitution, that all might accept it. It was thus that the power to "regulate commerce" was given to congress, and thus that slaves were to be counted for representation in that body; and several other *comprises* made—the right of which we shall not call into question just now. But yet the shipping interest had a powerful hold on the national legislature; and, perhaps, the fact was, that our great divisions of party grew out of it, little as it seems they had to do with

the old denominations of *democrats* and *federalists*. The spirit of support and opposition still continues, though softened and modified by the progress of liberal ideas and a better acquaintance with the nature of things. It has been, that Massachusetts appeared prepared to oppose any measure suggested by Virginia, while Virginia was, in like manner, arrayed against Massachusetts. The spirit in favor of the shipping interest is now chiefly lost in a general feeling to support it, and hardly felt though existing in full force—but that of the opposition has shewn itself most strikingly on several occasions: the tariff bill, as reported by Mr. Baldwin, and the bill to establish an uniform system of bankruptcy, reported by Mr. Sergeant, had only four votes each (I believe), from all the members south of the Potomac, though one was carried in the house of representatives and the other nearly prevailed. The former would have succeeded by a much larger majority, and probably, also, have been so arranged that it would have passed the senate, if a part of the shipping interest had not joined itself to and acted with its old opponent, to defeat the *protection* asked for by a newly-interested class—the *GRAIN-GROWERS* of the United States, seeking a market for their surplus crops. A dissection of the vote on the tariff bill clearly proves this, and the exhibit will be useful:

	For the bill.	Against it.
1. New-Hampshire, Massachusetts, Rhode-Island, Connecticut* and Vermont.	19	14
2. New-York, New-Jersey, Pennsylvania, Delaware, Kentucky, Ohio, Indiana and Illinois.	67	4
3. Maryland, Virginia, North-Carolina, South-Carolina, Georgia, Tennessee, Louisiana, Mississippi and Alabama.	4	51

The first may be said to represent the shipping interest—the second the grain growers, and the third the planters of cotton and tobacco. Maryland and Tennessee, especially the former, however, grow large surplus crops of grain: but the tobacco interest was the most powerful in one, and the cotton interest predominated in the other.

Here we see that the eastern states were divided, the middle states almost unanimous for the bill, and the southern states nearly unanimous against it. I do not like these geographical divisions—but I dislike it worse that the members of congress should *demonstrate their existence and give THEM EFFECT*.

All that the ingenuity of the shipping interest could contrive for its own advancement, has been secured to it by statute, without opposition. It has become as a matter of course, that whatever the merchants unite in requiring of the government shall be granted—they even took out of the pockets of the people *fifteen millions* of dollars through the operation of their famous bonds, the penalty which was given up, though it had been realized to them. The tobacco and cotton interest have as good reasons to be content in the power of representation acquired by their slaves, and from the nature of their products. If the general amount of domestic articles exported from the United States shall be forty millions, those of cotton and tobacco may be put down as being thirty, or three fourths of the whole—though a twentieth part of the whole people may not be immediately interested in either of them. With such monopolies, these interests may say “let us alone,” because *you have done all that you can for us, all that we have asked of you*. But they should look-out for a re-action—93,000,000 lbs. of cotton brought one-third, or eleven millions of dollars, more, in 1818, than 135,000,000 lbs. pro-

duced in 1821—and the surplus quantity will yet further press down the price, unless it is supported by the home-market.

Here it may be asked what has all this, (and much more that might well be said on the subject), to do with “the American navy?” The application is at hand, and will soon be offered; but this digression seemed necessary to shew how strangely the old opposing spirits had united to defeat the interests of a new and much more numerous and important class, produced by the events of the times and the progress of things; whose interest is the greatest interest—and, from its own nature, cannot be opposed to any other rightful interest in the United States—because it is *that* interest which must mainly support the government in the time of its need. It is composed of the body of free laboring persons—who always have, in every country, in peace or in war, to “bear the burthen and the heat of the day,” as connected with *national* affairs.

To return to the navy—what built it, what sustained it in battle, what renders its present increase other than a prodigal waste of money? The answer is, the *shipping interest*, supported and protected, from the beginning of the government until this day, by *restriction on restriction, defence on defence*: even by *two wars*, at the cost of an hundred and fifty millions of dollars, a great loss of life, and the constant keeping up of fleets or cruising vessels in the Mediterranean, South Sea and West Indies, at the expense of more than a *million a year*. It was *this* interest that brought about our quarrel with France in 1779, and produced the war with Great Britain in 1812: it is *this* interest that keeps up a fleet in the Mediterranean, and sends ships to the coasts of the Pacific—and the people say it is well. To maintain *this* interest, statute has been heaped on statute—the volumes of the laws are filled with acts to *protect* it, and we are ready to fight whenever it is assailed! Why?—what difference, in point of *money-cost*, will it make to me, whether a pound of tea is brought to the United States in an English, Dutch or French ship, or in one owned by my next door neighbor, the great merchant, Mr. John Donnell? for he does not sail his ships *cheaper* than foreigners can sail theirs. But what amount of tea is imported in foreign ships? We may say none—the reason for it is that there is a *restriction* in the way. And why might not an English vessel bring me a cheese from Rhode Island or Connecticut, as well as some old friend who owns a “sloop” in one of these states—again, there is a *restriction* in the way. And so it was in *every* case, until the shipping interest felt strong enough to compete with the *same* interest in other countries—but it is still guarded “as the apple of our eye.” Did we not lately prohibit, *utterly prohibit*, the entry of a *British* vessel with cargo from the West-Indies, because *our own* with cargoes were forbidden an entry thereat? Were we not recently almost at an open quarrel with *France*, meeting her with *duty against duty*, because she would have encouraged *her* shipping interest to the injury of *our's*, in the transport of our commodities? Did we not, by restriction against restriction, duty opposed to duty, cause an opening of the ports of the British West Indies, and induce France to meet us on reciprocal and liberal terms? At these events, the people seemed to throw up their hats and make a great shout—huzzaing for *restriction*, though most of them did not know it. They had been so much accustomed to believe that the shipping interest must needs be *protected*, as to apprehend THAT THAT

*It is right to observe that Connecticut gave six votes for and only one against the tariff.

LITY WAS NO MORE THAN RIGHT!! It is this interest which has built up and must keep up the navy, by its production of SEAMEN—though it has not paid an hundredth part of its own cost to the support of the general government, as shall be shewn below. Ships, without seamen, are less useful than trees in the forest. During our late war with Great Britain, Napoleon had twelve or fourteen of the best and most powerful ships ever built, rotting at Antwerp. If we had had them, would a ruffian, like admiral Cockburne, have depredated on the hen-roosts and pig-styes located on the borders of the Chesapeake, in the manner that he did? Would he not have found it a different affair to have met RONGEONS on the sea, than to stamp on his portrait and insult his venerable mother, at the village of Havre de Grace? But Napoleon had not seamen—and those ships, that might have struck terror under a "bit of striped bunting," were as feeble for the purposes of war as the forests that furnished the timber for them, though they would have been so useful to us—because, by *restriction*, we had raised up a shipping interest which furnished the means to *man* them. It was by *restriction* that this interest rose to such power that we were content to say, even to England, "let us alone and we'll let you alone"—*we will receive your ships on the same terms that you receive ours*, and so *reciprocity*, at present, exists. The *commerce* of the country was not consulted in this arrangement—for we should not want ships to bring in bales of cloth or carry away others of cotton, if all those of the United States were destroyed—the British and Dutch would gladly become our carriers, pay all the *duties* just as honestly as our own people do, and perform the whole business for the same amount of *money* that we now pay to our own citizens—*or less*: but then what would become of the great ships that we have built? they would perish, and their heaps of rotten wood only remain for a while to mark where a "folly" had been located.

We regard the navy as a strong arm of the national defence—but it cannot so act unless it is supported by *money*, as well as men. The shipping interest furnishes the latter, but the other must be derived from the *people* at large—among whom are tens of thousands who never saw a ship. The shipping interest pays no more to the revenue than other persons not united to it. *Commerce* pays no taxes, except a little tonnage duty, hardly sufficient to keep up the light-houses erected for its benefit. The taxes fall on the *consumers* of the goods taxed—the wood-sawyer as much as the merchant; most heavily on the forner, according to his means to pay them. Every poor negro who carries home a pound of sugar, pays three cents on it for the support of government; and it matters not the value of a straw to him, whether it is brought hither in a foreign or domestic vessel—he is still a negro, and must pay the tax or refrain from the sugar. And so it is with us all—IF *domestic industry is to be gauged by a money-amount of value paid for goods imported and consumed*, we should be as indifferent about it as the negro would be in the case just stated. But we are not indifferent—it would destroy the shipping interest and ruin the navy, if we were so—if *we did not meet restriction with restriction*. Well—what is to become of the navy, even if we have sailors to man the ships, provided the people are not able to pay them—if the government pursues the policy of sending *four dollars* out of the country that it may receive *one dollar* in revenue?—a policy that would exhaust and beggar the richest nation in the world? It is only of late

years that this policy—this perpetual desire of the government to encourage the consumption of foreign goods for revenue, has borne with peculiar hardship on the grain-growing districts. While Europe was in commotion, they had a market for their surplus; Europe is at peace, and this surplus chiefly tends to diminish the value of their lands and labor. The freemen of the United States, who hold their own ploughs and cultivate their own soil, are severely oppressed—it is true, they *can* live among themselves; but old habits are not easily parted with, fashion is powerful, and the influence of government is great. We see that *restriction* has raised up and manned the navy, and compelled other nations to meet us on *reciprocal* terms, or else virtually *prohibits* an intercourse through their shipping interests. Our merchants have never been refused any thing that they desired to promote their views—embassies have been specially sent out, as it were, to collect their *debts* in foreign parts, and the *people* have paid the cost of them—indeed, the whole diplomatic corps of the United States is kept up exclusively for the benefit of the shipping interest, at the cost of about 100,000 dollars a year; for we *cannot* have any business with Europe, &c. unless on account of commerce; we have no affinity or alliance with any other nation or people, no influence over the "holy" conspirators against man, no power to "preserve the peace of the civilized world," further than our wishes may go.

The shipping interest has prospered and grown to what it is, through *restriction* producing *reciprocity*. We would not suffer the arrival of a British ship with cargo from the West Indies, when our own ships were excluded, notwithstanding the former might have been more moderate; on account of charges for freight, than the latter. Why, then, should we receive a yard of cloth from Great Britain, when she will not receive even a barrel of flour in payment for it? Should we not apply the rule which has been found advantageous to raising up a commercial marine, to the support of the great agricultural interest, in the establishment of a home market for its products, seeing that a foreign one is uncertain if not absolutely denied? Is it right that every thing should be done for one small class, and nothing done for the other, an exceedingly large and infinitely valuable one? May not the latter demand *equality of protection*—have they not the *power* to enforce that demand? They have both; and the time will come when the past and present state of things will be remembered with feelings that I have no wish to promote. The chief increase of representation is from the *grain-growing states*, and this rate of increase will continue. The people of these districts, through their representatives, have almost unanimously asked for *equality of protection*—that they might be put on the same footing as the other classes of their fellow citizens—see the preceding exhibit of the votes on the tariff. Is it possible they can *forget* the neglect they have met with, the supercilious scorn that they have encountered? When the states of New-York, New-Jersey, Pennsylvania, Delaware, Kentucky, Ohio, Indiana and Illinois shall, at the next congress, move in solid column to claim this equality, *as they surely will do*,—will they not obtain it? That congress will consist of 212 members—the states named will have *ninety-seven* of them, and, after the next census, possess a large, decisive majority, without counting, in either case, on the support to be derived from other states having a common interest with them. They will obtain equality of protection, or *cut loose* the protection

afforded to others; withdraw the diplomatic agents, by refusing appropriations, keep our ships in dock, instead of manning and sending them to the Mediterranean and South seas—saying, “let commerce alone, let it protect itself. It is all the same to us—it will not cost us any more, if foreign goods are brought hither in a foreign vessel than in an American one, and we shall get rid of an expenditure of more than a million and a half a year by suffering foreign and domestic trade to regulate itself. An English agent will give us just as much for our products as an American merchant will do. Britain will take the trouble of clearing the sea of pirates—give her the coasting trade and she will defend it, out of her great goodness to the United States!”

The grain-growers cannot desire a monopoly—“no man hateth his own flesh;” they do not wish to injure themselves. In being anxious that some support should be given to the manufacturing industry of the country, they seek only to bring about equality: excluded by foreign interests from the foreign market, they would create and support a market at home, as it is the policy of all nations to do. Even Great Britain, though the greatest commercial nation ever known, always keeps a steady eye on the home market. Of the 45 millions which she raises in taxes, a little more than an eighth part, only, is produced by the customs; these are used by her as they should be by all nations, merely to balance and protect the domestic labor, not for revenue purposes; and, notwithstanding the waste and prodigality of the government, its inordinate ambition and desperate tyranny, her march to power has been without a parallel. No branch of her industry is left to protect itself—yet her writers and people modestly tell us to let every thing alone: “throw your wheat to the hogs and buy our broad cloths!”

It is really strange that the shipping interest of the United States, built up and existing by restriction, should join in this clamor against restriction for the benefit of the growers of grain. But it is too much the practice of individuals and bodies of men, to “kick down the ladder”, by which they mounted to eminence. They have been protected, and are protected, to the extent of their wishes—they are satisfied; and those who are dissatisfied are “grumblers.” Is not this magnanimous? But what an uproar should we have, if an English vessel from Boston was permitted to an entry at Baltimore, with a cargo of cod-fish—or even allowed to transport British goods along the coast? Why, it would seem as if the world were coming to an end, so great would the outrage be considered, unless redress was promptly made!

There is one and one only item of manufacture what can be regarded as protected, that is of cotton. And what has been the consequence? As restriction built up the best ships in the world and manned them by the best people, so restriction has established the cotton manufacture and furnishes the citizens of the United States with cheaper and far better goods than they were accustomed to import. Is it possible to believe that this effect belongs exclusively to the manufacture of cotton? Surely not, or common sense is at fault. There are many others on which the same operation would take place, even if the present rate of exchange were assured. But who can rely upon that, and will invest his money on the hazard? No prudent man will do it, and so many of what ought to be the most productive branches of our manufacture, and profitably employ and give comfort to tens of thousands of persons, do not exist, and tens of thousands of industrious

people are put into difficulty to find themselves with bread—rather rendered consumers than producers of the national wealth. I can speak feelingly on this subject—accidental circumstances have placed me in a condition to know something of the state of the laboring classes, and it is with a mournful conviction of the truth, I must say, that the real distress now prevailing in Baltimore is without its parallel, at this season of the year. What will be the amount of it, before the ensuing winter is passed, God only knows! But the aggregate is looked to with fear and trembling. Hundreds—perhaps, I might say thousands, of the laboring classes have left us, seeking subsistence—but others have arrived on the same errand; every branch of business is reduced in its extent—the mechanics, in general, do not employ *one half* of the hands that they did, and the industrious poor are oppressed that revenue may be derived from the products of foreign labor. Our poor house is filled, the British poor houses may be kept empty. This is the plain practical effect of the operation, though the loudest cryer of “let us alone” will hardly avow it. And though what is said of my own knowledge, as to Baltimore, is general—and, though the American people, through real or acquired wants, are suffering more than they ever did since the years 1784 or 1785, we shall soon have a grand exhibit of the prosperity of the national treasury—be told, perhaps, that the general government can meet its obligations without any further borrowings of money to pay current expenses, which is desirable enough in itself, though objectionable as to the manner by which it has been accomplished. But it is useless to talk—it is probable, that, by the time when the importations of the present year are paid for, we shall feel sufficiently to “listen to reason.” “Issachar is a strong ass;” yet he may be over-burthened; and his back may be broken, if he does not kick off the oppression.

The following are the little articles that gave rise to the preceding remarks:

The *Liverpool Mercury* contains the following paragraph, copied from the *British Luminary*, on the American navy.

“There is at this moment a 74 gun ship, the Franklin, on the coast of Chili, in the Pacific Ocean, looking after the interests of the American merchants in Chili and Peru. Of this ship an intelligent friend of ours at Valparaiso writes thus:—“The Franklin is commanded by com. Stewart, who has his wife with him, a handsome and well educated accomplished woman; she plays on the harp, and speaks the French, Spanish and Italian languages, both fluently and correctly. The ship is in high order—has 700 men on board, who have a library for their use; consisting of about a thousand volumes. The captain has 700 volumes in his cabin, which is exquisitely fitted up and beautifully furnished. Here, then, we see sailors, who are freemen, submitting to the strictest discipline; here we see what was never before seen or heard of, and what will never be seen or heard of, except on board a ship manned by freemen—a library of books for the men; an arrangement in many respects utterly incompatible with a crew composed of pressed men, or men who have entered from fear of the pressgang; men who have had no hand in settling the terms on which they shall serve, and whose term of service depends wholly on the will and pleasure of those who compel them to serve.”

The following remark is added by the editors of the *Mercury*—

Our readers will recollect the jokes of Mr. Canning about this same American navy, and their "bits of striped bunting." We have a notion that we shall hear no more of such sneers from the right honorable gentleman, since it is a matter of public notoriety, that, whilst his "big red lion" has been asleep, British merchant ships have found protection from pirates under this identical "striped bunting."

RUSSIA AND BRITAIN. We see many extracts from the British papers, some even from the London "Courier," that abound with sullen or malignant remarks on the proceedings or supposed designs of the emperor Alexander, who is intimated to consider himself "the autocrat of Europe as well as of Russia." This is what every reflecting man has long been looking for—it is the natural course of things, that he should feel his importance and act on that feeling for his own aggrandizement. It is stated that, when Napoleon surrendered himself to the British in 1815, he said "you have been guilty of a great mistake—you affected to fight against my ambition, whilst you should have joined me in my endeavors to check the ambition of a power, which you will feel when you will be unable to remedy the evil." It is said also that the marquis Wellesley, from the same considerations, pronounced the victory at Waterloo "an unfortunate battle for England;" as having put down a power that she might have controlled, and set up a power that she would be unable to control." The British now appear to be somewhat sensible of the "mistake" that they made; but the proceeding was in exact conformity with their previous conduct. If they had "kept themselves snug," and not have interfered with the affairs of France and the continent generally, Napoleon would never have arrived at the dominion he attained; but, having raised him to the most elevated point, through a miserable policy, they ran to the other extreme to put him down by raising up Alexander, who is nearly untamable to them, let him do what he pleases, and capable of rendering them more harm than Napoleon was. He modified his tariff some time ago, to promote a home market and protect the domestic industry of his mighty empire—and, whether it is that the British are offended because he will not allow his people to be tributaries to them for threads and calicoes, or from a well founded jealousy at the march of his ambition, we cannot tell—for Britain is quite as sensitive about an affair of tapes and bobbins as of national honor, separated from a direct pecuniary profit. This may be thought a hard saying by some—but the justice of it is completely exemplified in the case of their conduct to Napoleon himself. Their government had made a treaty with him, and ratified it, as the first consul or ruler of France—by that of Chatillon, he had been acknowledged emperor; and France was established a strong nation, not only as a free and independent power, but as a chief power of the world—yet when Napoleon surrendered himself, as any one defeated by battle is presumed to have a right to do, to be received as a prisoner of war according to the usage of civilized nations, he was not permitted to touch British ground, but transferred to a rock, and there chained, as it were, with the manifest design of taking his life. The laws of Great Britain were trampled under foot, that that man might be oppressed—by these laws, a vessel of war, within the range of the civil jurisdiction of a county, is subject thereto: but such process was resisted by force, and every civil officer denied ad-

mittance to his prison, a 74 gun ship. The despicable ministry would not suffer him to land, because they feared that their utmost power would be insufficient to retain him as a captive, *under the laws and feelings of England*—and so they violated not only every accepted principle of honor and hospitality, but their own institutions, about the excellency of which they prate so much, and hold up for the example of nations. A more outrageous act of personal violence never was committed, and there is no Englishman that will approve it—no one has attempted to justify it, except on the plea of necessity, a plea of tyrants, that will justify any thing in those having power to enforce it. After his surrender, they called Napoleon "general"—as a general of France; they made peace with France, but gave not up the "general" to France, either as a felon or as a prisoner of war. If Louis had really been king of the French, he would have demanded him: this was due to himself as a sovereign prince, and the nation as an independent power. Suppose that, by any means, before the proclamation of peace with Great Britain, ANDREW JACKSON had fallen into the hands of the military force of that country, and had been retained a prisoner after the ratification of the treaty was known to the British authorities—what would have been our feelings on the subject? Who would have blamed one of his gallant Tennesseans for directing his unerring rifle at the "right eye" of even the "Lord's anointed" as he now is called, or of doing to Castlereagh that act of justice which he has rendered on himself? Two wrongs do not make a right—but, if war is allowable, it establishes the principle of retaliation and justifies a resistance of violence by violence—of force by force. If JACKSON had done wrong, it was our right to judge and punish him as a "general" in our service—but this is self-evident; and the treatment of Napoleon deserves and, I hope, will meet with its avenger, even through Alexander, who was the apparent tool, but the real master of British policy—whose character we now regard as one of the worst of the bad, as a conniver at the murder of his own father, whose death was foretold in London, as his own may surely be, unless he surmounts himself by the affections of his people as Napoleon did, who thereby avoided many deliberate plans to assassinate him.

The "holy alliance" which Alexander is now at the head of—(a conspiracy of villains against HEAVEN'S own ordinances, granting free will and imposing consequent responsibility on the human race), upholding the doctrine of legitimacy, cannot sanction the murder of Paul; nor is there any rule, divine or human, to palliate the conduct of the son, "the magnanimous Alexander," for aiding in, conniving at, or sanctioning the base assassination of his father. "Vengeance is mine, saith the Lord, I will repay it" and it will come in Its time and His way. This abominable band, for whom —

—"what wish can prosper or what prayer,

"For merchants rich in cargoes of despair;

"Who drive a loathsome traffic—gauge and span,

"And trade in muscles and the bones of man!"

will be dissolved; and the agents of it be con-

*There are not a few who believe that the conduct of this man to Napoleon, given to history by Dr. O'Meara's "Voice from St. Helena" was the real cause of his self execution—and of all the men at his command, Castlereagh could not have selected two persons better fitted for brutal force or the mean exercise of power, than admiral Cockburn and sir Hudson Lowe.

signed to the indignation and punishment of an outraged world—unpitted, unforgiven!

The following narrative of the murder of the emperor Paul is introduced, that some may better understand our allusions to that event—he was a bad man and a fool; but these are qualities most respected in the "holy alliance," and would have entitled him to the presidency of the board of conspirators, if he had lived, instead of his peace-loving, unambitious and religious son. [By the bye, I have much impatience to hear what certain persons in the United States will say of Alexander, if the English should quarrel with him.]

From the Baltimore Federal Gazette.

Lord Holland, in a late speech before the house of peers, makes some very severe remarks on the present emperor of Russia. After speaking of the violent death to which every Czar, since the death of Peter the great, seems to have been predestined, he observes, that Alexander himself sits on a throne weltering in the blood of his father; and insinuates that his present majesty's conduct towards the unfortunate Paul, was such as to give rise to the most unfavorable suspicions. As the circumstance of that emperor's tragical end are not generally known, I will present before the public some details collected from conversation and periodical works, particularly that valuable emporium of knowledge, the *Bibliothèque Historique*.

On the death of Catharine II. Paul gave reins to his wild and disorderly passions, which had been fettered down by his mother during her lifetime; but, even in the riot of his disorders, one could discern a mind which would have done honor to the throne, had it been more carefully cultivated. "At length, (says De Staël), his passions encompassed him on all sides, like the serpents of Laocoon"—like Nero, he finally threw off all restraint, and appeared in the nakedness of despotism, which is, at best, but an organized anarchy—it may, for a time, envelope anarchy in its hideous veil, but the latter will soon shew her face in "Gorgon horrors clad." Paul had by him a list of proscriptions; like Domitian, he resolved to let no one live near him, of whose fidelity he had the slightest suspicion;

"And where his frown of hate I hardly fell,
"Hope, withering fled, and mercy cried farewell!"

M de Pahlen was then prime minister of Russia; he was the servile instrument of this emperor's passions—but this modern Sejanus at length suspected that his own name was on the fatal proscription list. He conferred with the grand duke, Alexander, on the measures to be adopted, and he found him but too ready to listen to his overtures; a conspiracy was formed to dethrone the emperor, and the night of the 23d March, 1801, was fixed on for the accomplishment of their traitorous designs.

Paul had retired to his chamber in the Palais Miché, an impregnable fortress, flanked with bastions—none but Pahlen knew the outlets, trapdoors and "passages that lead to nothing"—by which human contrivance had secured his majesty from intrusion. The assassins collected by the traitorous minister, were about sixty in number, and had all been well plied with wine—Benixen and Subow, (the last a favorite of the voluptuous Catharine), commanded the horde. After some difficulty they made their way to the emperor's bed chamber; but, to the consternation of Subow, Paul had left his bed. He had concealed himself behind a screen, where he remained almost motionless with fear "Sire," exclaimed the traitor, "you are a prisoner, by order of the emperor Alexander—you had better make no resistance, as your life would

be endangered." "What have I done to deserve this treatment," said Paul. "You have been martyring us for the last four years," answered one of the ruffians.

During the scene, the grand dukes, with their wives, were in an apartment immediately below their father's, where they waited to learn the issue of the conspiracy. A party of desperadoes, headed by prince Tatchwill, (who was extremely intoxicated), now entered the imperial room; some of the conspirators, less ferocious than the rest, were for sparing their master; but Tatchwill's horde insisted on dispatching him:

"The longings of the Canibal arise,
"Although they spoke not, in their wolfish eyes."

The prince threw himself on the unfortunate monarch, and, in his fall with him, threw down and extinguished the lamp; the remaining scene of midnight horror was passed in the dark. Benixen left the room in search of a candle—when he came back, he found Paul lying dead on the floor. The ruffians had strangled him by means of a scarf. He made but a feeble resistance, being paralyzed with fear; he only passed his hand between his neck and the scarf, and cried out, "Gentlemen, for heaven's sake spare me! Give me but time to make my peace with God!" "Go make it with the devil!" exclaimed one of the inhuman monsters, as he stopped the breath of his victim.

Immediately after this murder, the empress and grand duke quarrelled about their respective rights, before death had spread its freezing coldness over the monarch's corpse! The empress wished to act the part of Catharine II. over again, and insisted that, since she had been crowned, allegiance was due to her alone. At length Pahlen hurried off Alexander to receive the oaths of fidelity from the grand dignitaries of the empire, and the empress mother was persuaded to give up her pretensions in favor of her son. In the interim, the report was circulated that Paul had suddenly died of an apoplexy. Even, (but this is "hypocrisy to the very devil"), even they caused his body to be opened, to ascertain the cause of his death! Paul was exposed fifteen days on a bed of state, and at length he was entombed with his fathers, with the "pomp and glorious circumstance" usual on such occasions. I have one fact to add to all these soul-harrowing details—not one of the emperor's assassins has suffered the punishment due to traitors; and the Sejanus, who instigated the murder, lives in ease and affluence!

If any one reflects on these speaking facts, and afterwards can envy "the boast of heraldry and the pomp of power," he little knows how happy is his lot compared to that of the fortunate wretch, whose situation he sighs after.

Tobacco. The following is given as the amount of Tobacco exported from the United States in the year ending 30th September, 1822:

Boston	4,409
New-York	7,581
Philadelphia	3,615
Baltimore	19,858
George Town	4,148
Alexandria	5,941
Petersburg	12,467
Richmond	12,131
New-Orleans	7,897
Other ports	4,729

82,778

THE BRITISH NAVY—*from late English papers.* According to the quarterly returns up to the 25th Sept. the total number of vessels of war is 609—included in that number are 84 ships, &c. now building in different dock-yards by order of government. The following is a classification of the 84 ships, &c. now building:

Ships of 120 guns, the Neptune, Prince Regent, Royal George and St. George	4
110 guns, the London and Princess Charlotte,	2
86 guns, the Formidable	1
84 guns	4
80 guns	6
74 guns	1
60 guns	4
46 guns	26
28 guns	11
18 guns	4
16 guns	1
10 guns	13
Yachts, Bombs, &c.	—

Total ships, &c. now building 84

Of these ships, there are 4 building at Bombay, and those are ships that are on a grand scale, namely, the Asia, 84 guns; the Bombay, 84 guns; the Madagascar, 64 guns, and the Manilla, 46 guns. The other ships and vessels are building in English dock yards, viz. Plymouth, Portsmouth, Woolwich, Chatham, Pembroke, Deptford, &c.

TURNPIKE ROADS. An English paper states that the annual income of all the turnpike roads in Scotland is 129,635*l.*; the total debt, 1,124,273*l.*; the annual expenditure, 152,820*l.*; the excess of expenditure, 6,671*l.*; the interest, 140,826*l.*; and the total number of miles of turnpike roads in Scotland, completed and not completed, 3,611.

The following roads in England afford a remarkable contrast:—

Glostershire—897 miles road; annual income, 51,581*l.*; income per mile, 572*l.*; amount of debt, 212,509*l.*; debt per mile, 236*l.*; annual expenditure, 31,494*l.*; expenditure per mile, 35*l.*; excess of income, 19,734*l.*; interest of debt, 4,346*l.*

Middlesex, which we believe includes London and its vicinity, north of the Thames, 157 miles road: annual income, 95,545*l.*; income per mile, 608*l.*; amount of debt, 185,475*l.*; debt per mile, 118*l.*; annual expenditure, 66,050*l.*; expenditure per mile, 548*l.*; excess of income, 9,495*l.*; interest of debt, 1,802*l.*

FOREIGN NEWS.

France. The National Gazette says—We were struck with the following article in the *Paris Journal des Debats*. It implies a complete vassalage of the business of bookselling to the ministry. "The bookstore of Mr. Correard, which was shut yesterday by order of police, by virtue of the ordinance of the king, withdrawing from him his privilege as bookseller, was opened again this morning. This afternoon, at four o'clock, the commissary of police, accompanied by several *gen d'armes*, presented himself anew, and, after having remained several hours preparing a process verbal, caused the store to be shut up a second time. Notwithstanding the great numbers of people always assembled at the Palais Royal, in the evening, every thing remained in perfect quiet."

Spain. Captain Alvey, an American, has reached London from Madrid, bearing despatches from Mr. Forsyth, our minister in Spain, though robbed of

some of his papers by the soldiers of the "army of the faith," and otherwise ill-used by them. He speaks of them as bands of smugglers, convicts and priests, who commit the most horrid and deliberate murders. He says that the apostolic troops, on a certain occasion, having made thirteen constitutionalists prisoners, commenced the work of death by putting out an eye of each, that they then took off one joint from each finger; after this they cut out the tongue, and, in mercy, closed their lives by beating out their brains with the but-end of a musket! He found at Bayonne three archbishops, each accompanied by a suit of friars, &c. buying up arms and seducing all they could to enter Spain and murder the people thereof—for the good of the faith! We trust that they will meet with a suitable reward for their zeal—the holy zeal of the "holy alliance."

The sitting of the extraordinary cortes commenced on the 8th of October. An official letter, from the war department, was read, stating the inadequacy of the military establishment of 51,000 infantry and 6,500 cavalry, and requesting that the cortes would decree an increase of 37,956 of the former, and 7,637 of the latter. This increase, it was contended, was necessary for the consolidation of the constitutional system. The letter was referred to the committee of war.

An official letter was read from the department of finance, stating that, in taking into consideration the arrears of the public funds, which caused a deficit of 352 millions, (£3,960,000 sterling), and that the government had to attend to highly important obligations, for which it would be necessary to add to the estimate the sum of 432 millions, (£4,860,000 sterling), the cortes ought to decree the necessary measures for collecting these sums, of which the government was in want, in order to carry on the public service.

Naples. Some of the persons lately executed for having taking a part in the revolutionary proceedings, were denied Christian burial, because they would not confess to, and have confidence in, the priests of the king who condemned them to death.

Greece. There are sundry rumors, (but as yet only rumors), that the Greeks are doing badly—that their cause is desperate. But particulars are not stated and we have hope that the rumors are not true.

Mexico appears distracted by an extensive civil war. The emperor is not seated on a bed of roses. If he maintains the throne, he must establish it by blood. Gen. Victoria, at Xalapa, and apparently at the head of a strong force, still upholds the banner of liberty—he contends for a republican government, and we must wish him success.

Gen. Darilla, having retired from the command of the castle at Vera Cruz, the new governor, seeking "reputation even at the cannon's mouth," resolved to attack the city. He did so, and was completely defeated, with the loss of 200 men. The battle was fought in the streets. Thus the *quasi* peace that prevailed between the royalists in the castle and the imperialists in the city, has been broken, and open war may be expected.

We have procured, (says the Charleston Courier), a translation of the following eloquent memorial, from the Havana Noticioso of the 28th ult. Memorial, addressed to Iturbide, by the chief of the province of New Santandeo, the council and people of Soto de la Marina, and the officers and troops composing the militia of said province.

Sire—The chief of the province of New Santandeo, the council and people of Soto de la Marina,

and the officers and troops, composing the militia of said province, assembled: Penetrated with the deepest regret at the measures so oppressive to the liberties of the nation, which the government of your imperial majesty has thought fit to execute in the most scandalous manner, and in direct violation of our most sacred rights; and the ministry besides, by their artifices and intrigues, proving clearly that they are sold to the partizans of the Spanish government, in order to dis-unite and destroy us—present to your imperial majesty, with all the dignity of freemen, this memorial of our complaints and grievances, and our astonishment at the imprisonment of the worthy deputies to the sovereign congress, by which act the national representation has been reduced to a mere nullity.

What, sire! does your imperial majesty so soon forget the sacred oath you took in congress? There your majesty protested, in the most solemn manner, before God and man, that, above all, you would inviolably respect the political liberties of the nation, and of each individual in particular. How, sire, does this accord with the annihilation of congress, the imprisonments effected in the capital and provinces, of men distinguished for their patriotism and love of liberty? These enormities are excused, it is true, under the specious veil of subversion of difference of opinion and overthrow of the state; but, sire, where is this subversion and difference of opinion truly to be found? It is in the ministry, whose interests are incompatible with those of the nation—'Tis the ministry, sire, who are ambitious of governing in your name, without submitting themselves to any rule or responsibility. Their object is to assume all the power in their own hands, and to exercise a tyrannical despotism. They wish, in short, to alienate your majesty from the people, demonstrating that your interests are different, when, in fact, they are perfectly identified with each other.

Sire, we do not pretend to establish new forms, nor of deviating, in the smallest degree, from those already sanctioned. We wish that the laws do govern, and not mere caprice; that government have our happiness for its end, not their own aggrandizement. We wish to impress upon your majesty, that we are not guided by a revolutionary and innovating spirit, but, on the contrary, by the most ardent desire for the welfare of our country. We have sworn to a limited monarchical constitutional government, and far from us the intention of altering or attacking it; but we are anxious that it may not degenerate into an absolute monarchy. We require that your majesty comply with your oath, and no more.

In conformity with this resolution, which we have adopted, and sworn to maintain, sacrificing, if necessary, our lives, our fortunes, and whatever we hold most dear upon earth, we therefore supplicate your majesty:—

1st. To be pleased to order the immediate release of the deputies to congress, arrested on the night of the 26th of August, and all those subsequent to that date.

2d. That congress meet at a place of their selecting, and where they may deliberate with absolute freedom.

3d. That the present ministry be deposed, and tried according to law.

4th. That all military tribunals of public safety be extinguished and suppressed, wherever they are already established.

5th. Also, that every individual, in Mexico and the provinces, imprisoned on suspicion, and in consequence of the circular of the first secretary of

state, dated on the 27th of the said month, of August, be liberated: those who may be convicted of any crime, to be tried according to law, and by the competent tribunals; and lastly, that the fundamental laws that we have adopted for the time being, be observed.

If, (which God forbid), your majesty should reject these just petitions, the demon of evil and discord will lower on the desolated empire of Anahuac, and we shall be plunged in a war, whose only object shall ever be for the sacred cause of our freedom. We, at least, and all this province of New Santandero, faithful to our oaths, and devoted to the cause of liberty, will sooner die a glorious death in the field of honor, than bow our necks to fierce despotism. We have taken up arms, not against your majesty, but against those who, abusing your name, wish to enslave us in irons still heavier than those we have just rent asunder; and we shall not lay them aside until we have seen our congress liberated, yourself freed from the insidious snares which the vile and designing are laying out to your majesty, to ruin both you and the nation; but, above all, to rescue the latter from the evils with which it is threatened. Sire, it is in your power to avoid it; let posterity say, that the great Augustine the first, twice saved the Mexican nation.

And, whilst your memorialists take into consideration what we have exposed, we shall not permit Don Pedro Jose Lanuza, who came for the purpose, to take the command of the province. We do not wish to be under his command, neither for the present nor for the future. We approve of the present chief; his virtues and patriotism entitle him to your confidence; and we shall suffer no other to command us, until we see our freedom secured. Neither shall we allow any foreign troops to enter the province. If any should attempt it, by force of arms, without listening to the voice of that reason and justice, which prompt us to apply to your majesty, as the father of his people, we shall oppose them with arms; whilst we, on our side, do not wish the effusion of blood, unless we be forced to repel force by force, state, we shall always observe the rights of war and men, regretting, eternally, the blood of our brethren, which we may be forced to shed.

May it please the Almighty to enlighten your majesty in the resolutions which you may adopt, and to carefully preserve, for many years, your precious life, for our own happiness.

Soto de la Marina, 26th Sept. 1822: second of the independence.

[Here follow the names.]

Russian State Paper.

The following *modest* exposition of the designs, &c. of the emperor of Russia, was published, by authority, at St. Petersburg, on the 28th Aug.

His majesty, the emperor, set out for Czarskjesela, on the 16th of this month, to go, first, to the capital of his kingdom of Poland, then to Vienna, and afterwards to Verona. This journey is to be considered as a sacrifice made by the emperor for the good of Europe. His great empire constantly needs him, and the (certainly not common) ties which, in Russia, attach the sovereign to the country and the people to the sovereign, would not allow of a long absence without grounds of this important kind; yet his majesty will be absent several months. Nay, his faithful people is prepared not to see him return till the manifold and complicated interests, which have been rendered important by

so many conflicting events, shall have been discussed and adjusted to the general satisfaction.

The emperor has a right to expect from the European public, that it shall sincerely acknowledge his upright endeavors to preserve the peace of our part of the world, consequently the undisturbed welfare of millions of families: for his majesty, ever since the commencement of his great political career, has shewn no other wishes, and followed no other system, than to secure peace to his contemporaries, and maintain the most complete possible harmony between the governments which can alone consolidate this peace. The emperor may expect, that his present absence, from his beloved subjects, will be seen in this point of view only, as he has just given the greatest personal proofs of a moderation seldom met with in history. Offended at a neighboring power, which seemed to have laid it down as a rule to depart from these principles, which, with all other deviations from ordinary forms, could alone place it in the rank of an European power, the great heart of the emperor preferred counting the drops of blood which the pursuance of his just claims to satisfaction must have caused to flow. *Elated above the sensations innate in the nature of men and of sovereigns, the ruler of the greatest empire on earth resolved to follow only his own feelings for the peace and happiness of nations, and to illustrate his name by the greatest example of moderation that so mighty a monarch could leave to posterity. Even the prospect of a great increase of power could not induce his majesty to sacrifice his pure principles to ordinary policy. The emperor needed it not to make Russia more happy; and that was sufficient for him not to expose the welfare of this quarter of the globe to new dangers.*

There needs but a short review of the history of our times to prove to the world, how the emperor himself is ready to open his heart to any newer views of national prosperity. The constitution given to the Polish nation must convince all Europe of this, for the emperor gave it freely from the impulse of his own paternal heart. But he did not let his work rest here. He proved in Warsaw that he was magnanimous enough to remain unchanged, even when the result of his generous resolution did not perfectly answer his expectation. It was impossible more clearly to manifest the implicit will, to gain the love of his people.

With all the feelings for the happiness of the world, the emperor cannot approve when individuals, or perhaps associations of individuals, throw obstacles in the way of such high purposes, through an unhappy love of disorder, or perhaps for a wish to promote their private interest, and thereby perhaps to endanger the tranquility and peace of nations. Ever since there have been governments and people, there have existed forms, the sacred inviolability of which ensured the peaceful existence of both. To destroy them with an inconsiderate hand is a crime committed against nations. What monarch, what reasonable man, what reflecting people could approve of it? The cosmopolite must dread its existence.

But who can deny that such a crime does exist? and what citizen, regardful of his domestic happiness, will not be alarmed at it?

If the emperor of Russia holds out his august hands, in conjunction with his most illustrious allies, to confine every storm that threatens danger to the happy citizen, he acquires a claim to his gratitude, and that of his posterity. Present and future governments pay him this tribute, and history will immortalize his memory like that of a Titus.

The object of the meeting of the august monarchs and their representatives at Vienna and Verona, after what has been said, cannot be a secret to the world, because the emperor Alexander has taken the resolution to attend it in person. Though the details of the negotiation may be reserved for a future period; though the means to attain the noble object may be subject to manifold discussions, the main point itself is indubitable, since Europe has seen that the founder of that holy alliance, which originated on the banks of the Seine, has exerted himself practically to confirm the principles laid down in it, and still farther to confirm them by his present journey.

The Russian nation blesses, therefore, the resolution of its generous sovereign, even though it must be for a time deprived of the benefits which it daily receives from the hands of its monarch. With high and well-founded pride, it will strew the way by which its beloved sovereign returns, with the flowers of its boundless gratitude.

AGRICULTURE.

[The following letter has been communicated to the president of the different agricultural societies in the state of Virginia]:

October 21st, 1822.

Sir,—The enclosed resolutions of the agricultural society of Albemarle, explain the wish of the society to provide for agriculture the advantage of a professorship, to be incorporated in the university of Virginia; the means proposed for making the provision, and the hope entertained of a general co-operation in the scheme.

The present seems to be an important crisis in the agriculture of Virginia. The portions of her soil first brought into cultivation, have, for the most part, been exhausted of its natural fertility, without being repaired by ameliorating systems of husbandry; and much of what remains in forest, and can be spared from the demands of fuel and other rural wants, will need improvement, on the first introduction of the plough.

These truths are now sufficiently impressed on the public attention, and have led to the establishment of the agricultural societies among us, which are so laudably promoting the work of reform.

As a further means of advancing the great object, it has occurred to the Albemarle society, that a distinct professorship in the university of the state, if sanctioned by the proper authority, might be advantageously appropriated to the instruction of such as might attend in the theory and practice of rural economy, in its several branches.

To the due success of agriculture, as of other arts, theory and practice are both requisite. They reflect light on each other. If the former, without the test of the latter, be a vain science, the latter, without the enlightening precepts of the former, is generally enslaved to ancient modes, however erroneous; or is, at best, but too tardy and partial in adopting salutary changes. In no instance, perhaps, is habit more unyielding, or irrational practice more prevalent, than among those who cultivate the earth. And this is the more to be lamented, as agriculture is still so far below the attainments to which it may fairly aspire.

A professorship of agriculture might derive special advantage from the lights thrown out from the chair of chemistry in that institution. This science is every day penetrating some of the hidden laws of nature, and tracing the useful purposes to which they may be made subservient. Agriculture is a

field on which it has already begun to shed its rays, and on which it promises to do much towards unveiling the processes of nature to which the principles of agriculture are related. The professional lectures on chemistry, which are to embrace those principles, could not fail to be auxiliary to a professorship having lessons on agriculture for its essential charge.

The fund contemplated for the support of such a professorship, is to consist of a sum drawn from unexpended subscriptions, from special donations, and from a diffusive contribution, not exceeding a dollar from an individual. It is hoped, that for a purpose of such general utility, the number of contributors will more than make up for the smallness of the respective sums; and that with the other resources, means may be gathered not only adequate to the immediate views entertained, but justifying an enlargement of them.

Should this prove to be the case, it will be an improvement of the plan of agricultural instruction, to provide and place under the superintendence of the professor, a small farm, in the vicinage, to be cultivated, partly as a pattern farm, illustrating practically a system at once profitable and improving; partly as an experimental farm, not only bringing to the test new modes of culture and management, but introducing new plants and animals deemed worthy of experiment. In obtaining these, aid might be found in the patriotic attention of the public and private naval commanders, in their visits to foreign countries; and it might well happen that occasional success, in rearing new species or varieties of peculiar value, would yield, in seeds and stocks, a profit defraying the expense incurred on this head.

A farm, exhibiting an instructive model, observed as it would be by occasional visitors, and understood as it would be in its principles and plans, by students returning to their dispersed homes, would tend to spread sound information on the subject of agriculture, and to cherish that spirit of imitation and emulation, which is the source of improvement in every art and enterprise.

You will oblige, sir, the society of Albemarle by laying this communication before that over which you preside, and by transmitting its sentiments thereon; which will afford particular pleasure, if they should accord with the views of this society, and promise so valuable a co-operation in carrying them into effect.

By order of the society,

JAMES MADISON,

President Agricultural Society Albemarle.

October 7th, 1822.

On the motion of general John H. Cooke, the following preamble and resolutions were adopted:—

Whereas, the establishment of a professorship of agriculture, in one of the principal seminaries of learning in this state, is a measure eminently calculated to hasten and perpetuate the march of agricultural improvement, already so happily commenced: And, whereas, there are grounds to believe that such an institution may be incorporated into the university of Virginia, a position at once the most advantageous and convenient to every part of the state: And, whereas, this society could not make an appropriation of its funds more conducive to the permanent attainment of the primary objects of its institution—and as it is reasonable to expect that all the agricultural societies, the farmers and planters generally, will cheerfully con-

tribute to an establishment of such universal interest—therefore,

Resolved, That one thousand dollars of the sum, now in the hands of the treasurer of this society, be appropriated to the establishment of a fund, the profits of which shall go to the support of a professorship of agriculture at the university of Virginia.

Resolved, For the furtherance of this design, that the president be requested to prepare an address to the other agricultural societies of this state, requesting their co-operation in this scheme—and further to promote the same object, and increase the said fund, that a committee be appointed to solicit donations, not to exceed one dollar, from individuals in every part of this commonwealth.

Resolved, That the aforesaid appropriation, together with all that may accrue under the foregoing resolutions, be loaned to individuals on good personal security, or to corporate bodies; and that, when the sum loaned to any one individual shall amount to one thousand dollars or upwards, landed security shall be required. That the interest shall be payable semi-annually, and shall be re-invested, until the yearly profits of the fund shall be sufficient to afford an income equal at least to a professorship in the university.

Resolved, That the funds above referred to, together with donations of books and property of any other description, be, with the permission of the legislature, transferred to the rector and visitors of the university in their corporate capacity.

(Extract from the minutes.)

P. MINOR, *Sec'y.*

Legislature of Georgia. GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT GEORGIA.

Milledgeville, 6th Nov. 1822.

*Fellow-citizens of the senate,
and house of representatives:*

As the representatives of the people permit me, on your annual assemblage, to congratulate you upon the happy condition of our common country, at peace with all the world, our agricultural pursuits furnishing ease and comfort, without the temptation to luxury, we find the nation rapidly advancing to a state of physical strength and importance which will enable the republic to defy every attempt to draw her into the vortex of European turmoil, or to corrupt or abolish the pure principles of our government. To the principles of the constitution of the union, so wisely framed and prudently administered, may be attributed this prosperity. But, in the enjoyment of these blessings, we should not be forgetful of the favor of an all-wise Providence, in allowing to us a country for a home, combining every advantage that could be asked for by man. Be it ours to improve, with a grateful heart, all those benefits, so signally conferred.

In the affairs of the general government, it is believed, but few changes have taken place, affecting its exterior relations, of immediate importance to this state. Among the most important of these may be considered the opening of many of the West India ports to the vessels of the United States. This was a measure anxiously looked for by a considerable portion of this state, and it is hoped that the anticipated benefits will be fully realized. With all the nations of the civilized world, a perfect harmony exists, which promises to our country a long and prosperous peace; and it is a circumstance

much to be deplored, that there should be found any thing in the internal condition of our country calculated, even remotely, to impair the full enjoyment of such a blessing. It cannot, however, have escaped you, that the second chief magistrate of the union, who united all hearts and all voices in his elevation, is destined to feel the weight of a restless and ambitious opposition. It would have been a source of proud exultation that the last of the patriots, whose principles have been purified in the crucible of the revolution, should have been supported in that policy which is derived from Washington, and which experience has established to be the best calculated to secure to the republic peace and prosperity. That political axiom which experience has demonstrated to be perfectly correct, "that a due preparation for war is a mean most to be relied on to prevent aggression," seems to have been forgotten by those who manifest a disposition to pull down and destroy those national defences which have been so wisely planned, and, as yet, but partially executed. Were other reasons wanting, it would be amply sufficient to establish the policy in question, to advert to the unprepared state of our country immediately preceding the late war; much blood and treasure would have been saved to the nation by a few additional frigates, a few thousand well disciplined troops and fortifications, located at the most exposed and probable points of attack. But it would seem that there are those who are deaf to the suggestions of experience, and whose political creed it is, for the pleasure of hoarding a dollar for the moment, to sacrifice thousands at a distant period. A steady adherence to a system of national defence, commensurate with the resources of the republic and situation of the country, is obviously a dictate of wisdom; for nothing short of the power of repelling injuries, will secure to the union a rational prospect of escaping the calamities of war or the degradation of insult. Such has been the enlightened and energetic course, throughout, of the present chief magistrate, and we may well hope that it may not be changed from light or transient motives, or obstructed from mistaken views of economy, or the restless aspirations of individual ambition.

[The governor next speaks of the increased population of the state, which entitles it to one more member in the national legislature—notices the territory newly acquired from the Creek Indians, as entitled to representation in the state legislature—recommends education and internal improvement, in a very handsome stile—refers to a treaty held with the Cherokees, with a prospect of a further acquisition of territory, and notices the proceedings had—details the progress made in adjusting the claims of Georgia against the United States, which had been adjusted at the war department and allowed to the amount of \$88,702 62, recommending the subject to the further attention of the legislature; and notices several other important local subjects, among the rest the case of Mr. Hammond, as follows]—

A statement of warrants drawn on the treasury during the political year eighteen hundred and twenty-two, and a list of executive appointments, are herewith transmitted. By the latter document it will be seen that, on the 12th day of August last, Simon Whitaker, esq. was appointed secretary of state, in the place of Abner Hammond, esq. The causes which led to this exercise, as it is conceived, of a constitutional right and political duty of the executive, I deem it not improper to submit to your consideration. About a month previous to the 12th

August last, Mr. Hammond, without the knowledge of this department, had absented himself from the seat of government, nor did he intimate to this department the length of time he intended to be absent, or the place whither he was going. A clerk, contrary to the express orders of the executive, persisted in the discharge of the duties of the office as deputy, acting solely under a letter of attorney from Mr. Hammond, and signing his individual name for that of the secretary—"Thos. H. Crawford, for Abner Hammond, secretary of state." The absolute uncertainty of the time at which the secretary would return, it depending upon contingencies which might protract his stay to an indefinite period—knowing that there existed no law of the legislature which would legalize the acts of his clerk, no matter under what authority from his principal he might have acted—and believing that the great seal of the state, which had been solemnly intrusted to me, and, according to the forms prescribed, solemnly committed to the safe keeping of the secretary, had been by him illegally and improperly transferred to a mere boy, acting under no oath or legal responsibility; in fine, knowing that the office for the time was vacant, and that it had been vacated to all legal intents by the act of Mr. Hammond himself, and that his long absence and the uncertainty of his speedy return, affording no sufficient ground for the exercise of executive forbearance in his favor, without a direct and palpable preference to individual convenience, at the expense of the public good and the rights of the community, I deemed it my imperious duty, under the 9th section of the 2d article of the constitution, to resume the great seal of the state, and confide it to the keeping of a more attentive officer. Mr. Whitaker was accordingly selected to fill that vacancy, and was the day thereafter regularly inducted into office. So far, however, as provision could be made to secure Mr. Hammond from all possible injury by this act, his feelings nor his rights were forgotten or neglected; for it was expressly mentioned to his successor, that it would be gratifying to the executive, in the event of his return, that he should resign the office, and that he should retain the clerks then in the office. All this was done with the view to the appointment of Mr. Hammond. The principal injury sustained by him, is attributable to his own indecorous, rude and vulgar conduct, on his return, at his first interview thereafter with the executive and the person appointed. From the document herewith transmitted, it will be seen that this solicitude for his welfare was, on his part, totally unmerited. For years he has been more inattentive to his duties than any officer attached to the state-house. He has often been unable, from various causes, to sign his name, and frequently got some one of the young men in the office to do it for him. If this is allowed of, he need never go into his office: it is, therefore, communicated for your consideration.

Upon a deliberate view of this act, with all the facts and arguments which have been arrayed for its support and opposition fresh in my recollection, I now assert that it was a measure which I then believed, and yet conceive, the interest of the state required and the provisions of the constitution demanded. That I may have erred from a defect of judgment is possible, for fallibility is the lot of all men. And there are no instruments more variously construed than the charters of our national and state rights. In the formation of my opinion upon the article in question, I sought neither to force a power by implication, or torture words to a mean-

ing not intended for them. It is a rule of construction, dictated by plain reason, as well as founded on legal axioms, "that every part of an expression ought, if possible, to be allowed some meaning, and made to conspire to some common end."

It never could have been intended by the wise framers of that instrument, which was made for the good of the whole community, that the operations of the government might be suspended by the capricious absence of an high officer of state, and that there should exist no redeeming power for such an evil, both speedy and efficient in its operation. Is it not more consistent with the principles which they had in view, to construe that power as a political one, specially granted and to be exercised at the discretion under the legal and constitutional responsibilities of the chief magistrate of the state? Such I conceive to have been the intention, such the specific grant, as applicable to the case in question, and such my responsibilities.

As to the question of vacancy or no vacancy, suffice it to say, that I conceive, had Mr. Hammond died or resigned on the 12th day of August, so far as it regarded the community, in the discharge of official duties, it would have had no more effect than did his absence. All these causes alike produce the same consequences to the people; and if, in the one, the protection of the rights of the community should be incompatible with those of an individual, the latter must yield. Although, as regards the powers of the executive, whilst acting under oath, I should not conceive precedent in any case as absolutely binding, yet I would be disposed to give to one the most mature consideration. I know of no precedent entirely analogous to the present case. In principle, however, the doctrine contended for is conformable to the views and practice of one of my most enlightened predecessors, as will appear by documents herewith transmitted. It is well known to those who were acquainted with the late governor Jackson, that he, having himself been one of the framers of the constitution, must have understood and regarded its true principles. Under his administration of the government, we find that he issued orders directing the state-house officers not to leave the seat of government without his consent, and dictated the hours they should attend at their respective offices for the despatch of business. None that knew him will believe that he would issue an order, a nullity in itself, and which he was not empowered virtually to enforce.

That this appointment of the executive has been, by a separate and distinct branch of the government, reviewed and pronounced illegal and unconstitutional, is fully known to you. Not arrogating to myself, as a co-ordinate branch of the government, the power to decide upon the constitutional rights of the judicial department, I claim to have exercised in this case, the powers properly belonging to, and expressly given to the executive.

The framers of our constitution undoubtedly supposed that, in that instrument, they had laid a solid foundation on which the wisdom of future legislatures might establish laws securing to their constituents the full and free enjoyment of all their just rights. It devolves upon you to inquire whether that end has been sufficiently attained—if it has not, to devise means by which it may be more effectually secured. Does the constitution itself require alteration or amendment? It is with you to propose such alterations or amendments as your wisdom may suggest. Are existing laws adequate to secure to the people the great object of all right legislation—the good order and harmonious ad-

ministration of the government, in all its departments, according to the true principles on which our republican institutions rest? If they are not, it is within the scope of your functions to apply the corrective, and, in the language of the constitution, to make all laws and ordinances which you shall deem necessary and proper for the good of the state, which shall not be repugnant to the constitution. With these objects steadily in view, regarding the constitution as the polar star by which you are to be guided, and believing, as you unquestionably do, that a portion of the rights of the people were delegated to you, to be used for their common good, your deliberations cannot fail to result in the adoption of measures best calculated for the advancement of the highest interests and happiness of the people.

Reports from the different banks in this state have been received, and, with matters of minor importance, reserved for future communications.

JOHN CLARK.

Naval Court of Inquiry.

Navy department, Aug. 29, 1822.

GENTLEMEN: By direction of the president of the United States, I enclose to you an extract of a letter from captain James Biddle, dated July 24, 1822, attributing, in a great degree, the late sickness and mortality on board the frigate *Macedonian*, under his command, to the negligence of the officers of the United States' navy yard at Charlestown, Massachusetts, in omitting to cleanse sufficiently the hold of that ship previously to the commencement of her last cruise; and I request that you will, when the inquiry in which you are at present engaged shall have been completed, proceed to investigate minutely the truth of the several allegations contained in the said extract, and report to the department all the facts and circumstances that shall be elicited by the inquiry, together with the opinion of the court in relation to the conduct of the officers of the navy yard; and also the cause to which the sickness and mortality that prevailed on board the frigate *Macedonian* may properly be ascribed.

Capt. Biddle and the persons named in the extract, have been ordered to report to you for examination.

I am, very respectfully, gentlemen, your obedient servant,

SMITH THOMPSON.

Capt. John Rodgers, Isaac Chauncey,

Charles Morris, Charlestown, Massachusetts.

Extract of a letter from capt. James Biddle to the secretary of the navy, dated

*U. S. frigate Macedonian,
off Havana, July 24, 1822.*

"It has become my painful duty to acquaint you that a malignant, infectious fever has prevailed extensively among the officers and crew of this ship; that already *forty-nine* deaths have occurred from it within the short period of our cruise in these seas, and that the whole number of sick to-day, by the surgeon's report, is *eighty-four*."

"This ship was fitted out from Boston, in the months of February and March, months in which a crew are peculiarly liable to sickness from the exposure and fatigue unavoidable in fitting out; accordingly, on the 2d April, the day on which the ship sailed, we had a sick list of *fifty-five*, nearly all of them colds; and experiencing immediately thereafter severe and blustering weather, the list was increased on the 5th April to *sixty-six*. A more

southern latitude and milder weather had their usual effects upon the sick, and on the 28th April, the day of arriving at Havana, the list was reduced to *twenty*, all of them convalescent. One only had died during the passage.

"Towards the end of May, the sickness incident to the climate made its appearance on board, and, presuming that it was occasioned by the climate, and becoming alarmed lest it might increase, I went to sea on the 4th June. During my stay at Havana, I had the misfortune to lose seven of my people by fever.

"It was of course a just expectation that, on quitting the port, the condition of the crew, in respect to health, would have become ameliorated. Yet, to my great distress, this was not the case; and, although the weather at sea was unusually fine, the people were taken down with fever in the most surprising manner.

"The crew of this ship have never been on an allowance of water; they have been carefully preserved from unnecessary exposure to the sun and the rain, and particular attention has been paid to cleanliness. I took down from the birth deck, two large state rooms, and a paint locker, and a close bulk head forward of the midshipmen's apartment, and, previously to arriving among the islands, I birthed 135 persons on the gun-deck. By these precautions I had a right to expect a healthy crew, notwithstanding the unhealthiness of the climate; but, owing to the neglect of duty on the part of the officers of the navy yard at Boston, it is now manifest that no precautions on our part could have prevented the introduction of sickness on board.

"When this ship was last commissioned, a part of the ballast was taken out and landed; and for the purpose of ascertaining if the keelson was cased, the ballast immediately on each side of it was moved; all the ballast was completely covered with black mud and dirt, and so hardened together that it was a work of much labor to separate the different pieces of iron. The quantity of mud taken from the ballast that was moved was so great, that midshipmen Gerry informed me he saw two cart loads of it carried from the wharf. Mr. Doggett, the gunner, acquaints me that the water casks on the ground tier were immersed in mud to about a fifth of their height—and this extraordinary accumulation of mud is to be explained by the extraordinary fact, that, on the return of this ship from the Pacific, the hold was not broken out; and that, as respects the hold, she was laid up in ordinary nearly in the condition in which she arrived from sea.—Midshipmen Turner acquaints me, that he was stationed within the Boston navy yard last winter; that the fire-wood he used was taken out of this ship, and that, when ignited, it became so offensive that he was unable to remain in the room.—Thomas Pewmont, a seaman on board, informs me that he was employed in the Boston navy yard last summer; that, in September last, some gang casks were taken from this ship, for the United States brig Spark; that this ship's hold was at that time extremely offensive, and that there were in it several casks of salt provisions, in a rotten and putrid condition. Pewmont also states, that this ship had not been pumped out for upwards of two months! That it then took half a day to pump her free, and that the water discharged from the ship was horridly offensive.

"A positive regulation of the service requires, that a ship, when put in commission, shall be perfectly cleansed; and so necessary is this precaution to the health of the ship's company, that it is dif-

ficult to believe it would be omitted, even in the absence of all regulation on the subject. Yet the great bulk of ballast in this ship, although covered with mud and dirt, was never moved, nor properly cleansed; and the hold was stowed with this horrid and offensive matter remaining in it. Offensive, indeed, it might not have been at Boston, in the winter season; but it is obvious that it would, and must have become highly so, after it had time to ferment within the tropic.

"Another regulation of the service requires, that the hold shall be whitewashed previously to receiving the provisions and stores on board; and this regulation was also neglected at Boston.

"The sickness and the mortality on board has been greatest among the persons employed in the hold, and among the carpenter's crew: who, by working the pumps, were most exposed to the offensive bilge water discharged from the ship.

"With all the means in our power, such as ventilation, whitewashing, fumigation, fires, and letting water into the ship, we have been able but partially to correct the impure and offensive air emitted from the hold. This can be effectually corrected only by breaking out the hold, and thoroughly cleansing it; but medical gentlemen whom I have consulted are of opinion it would be extremely imprudent to do this in the West Indies. As the cause of the sickness on board, therefore, must continue as long as we continue in this climate, I have felt it my imperative duty to those under my command to return home; and accordingly I got under weigh from Havana this morning, and I shall proceed to the Chesapeake.

"I need not say, sir, how deeply my feelings have been afflicted at this distressing mortality and sickness; and since so many deaths have unhappily taken place—since the safety of the ship has in some degree been hazarded, and the purpose defeated for which she was equipped, I hope you will order an investigation into the cause of the sickness on board."

REPORT.

In making this inquiry, the attention of the court was first directed, by the testimony of captain Biddle, to the state of the Macedonian's hold, and the circumstances connected with her fitting out from the navy yard; then to the treatment of the crew and the management of the ship in respect to measures of health on the passage out, to the Havana, during her cruise in the West Indies, and on her return to the United States.

It appears to the court, that, in June, 1821, on the third day after the Macedonian's return from the Pacific, the breaking out of her hold was commenced. This was finally completed in October and November, 1821, when all the water casks were broken out of the hold, and, before the 15th January, 1822, every thing except her ballast was taken out of the vessel. The spirit room was broken out soon after her arrival.

The hold was cleaned and the skin down to the ballast, and the ballast and the keelson were washed and scraped, and all the dirt taken up; then, about three feet of the ballast on each side of the keelson was taken up, in order to case the keelson. This ballast was square kentledge, was stowed very close, and, by the pressure of the ballast in the wings, was so compact and cemented by the corrosion of the iron, and frozen, that it was necessary to use wedges and mauls to separate the pieces. All the limber boards were taken up, except those under the shot locker, and the limbers were found

to be not more dirty than usual. The pumps were got up, and the pump well was cleared.

It also appears that nearly one half of the ballast was removed for the purpose before mentioned, and to give it a different shape, and but very little dirt was found under the ballast so removed. The old hoop-poles used for dunnage under the kentlege, which had been removed, was taken out, and the skin scraped and washed, and fresh hoop-poles substituted for the old before the kentlege was replaced. After the kentlege was put in place, the hold was swept and all the chips and dirt sent out of the hold, and every part was white-washed down to the ballast, and a part of this, as much as the state of the weather, it being very cold, would permit

It appears that the water casks used on the cruise to the Pacific, were not unusually decayed: of these only two or three were condemned; the rest were accordingly repaired and painted. In stowing these, care was taken by sweeping off the dirt from each before it was stowed to keep the hold clean. The wood for fuel was stripped of its bark, and the provision casks were carefully brushed off to prevent any snow or dirt from getting below with them. It also appears that the ballast in the spirit room was moved and cleaned, and that the spirit room and ballast in it were white-washed before the spirit casks were stowed. It also appears that the magazine was carefully and thoroughly repaired, and that all the store rooms were put in order and white washed. Here it may be proper to observe that Doggett, the only witness who asserts that the hold was not white washed before the water casks were stowed, had not much opportunity of knowledge, or was not observant, of what passed. He states that there was no superior officer in the hold, superintending the stowing of the hold. It, however, appears that lieutenant Percival was there from time to time, directing this operation; and this officer, and the men who were actually employed in the operation of white-washing the hold, have, on examination, distinctly and positively sworn that the hold was white-washed down to the ballast before the water casks were stowed. It also appears that many of the men were afflicted with colds about the time the ship sailed; that most of the men suffered from catarrh in consequence of bad weather at sea a few days after leaving the port of Boston; that they recovered generally from this before the ship arrived at the Havana, at which time there were from 18 to 20 on the sick list, and these generally convalescent, and the crew was apparently in a healthy state. It appears that the men were not as well clothed as usual on board public ships on the passage out and at the Havana. But, there was as much cleanliness among the crew as practicable under these circumstances. It also appears that, although captain Biddle manifested great anxiety for the health and comfort of his crew, yet the men were suffered to sleep in their watches on deck, on the passage out.

It appears that the birth deck was washed two or three times a week, on the passage out, and often during the first week, after the ship's arrival in the Havana, and the spar and gun deck every day. But the washing of the birth deck was discontinued after the second week in the Havana. It also appears that 135 men were birthed upon the gun-deck for the sake of the health of ail. But, on one occasion, these, as a punishment to them, were sent below to sleep, and all the crew slept two or three nights on the birth deck after the ship's arrival in the port of the Havana. It appears that no water

was let into the ship on her passage out, but during the first week after the ship arrived in the Havana, the water of the harbor was several times let into the hold, and pumped out; that this water was impure as appeared afterwards.

It appears that the hold was very warm, and the air very close, dense, and offensive; that a quantity of fresh water was, at one time, while in the Havana, brought off from the shore, and started into the hold and pumped out; that the ship was once, but for only two or three days warped broadside to the wind. But, while she lay at all other times with her head to the wind, the wind sails were kept constantly trimmed at proper times down every hatch. It appears that the awning was constantly spread while in the Havana, and that the men were very little exposed to wet or to the sun, or to duty in the boats, or to fatiguing duty on board, being excused from keeping watch at night. That the first case of malignant fever which occurred on board, was of an ordinary seaman belonging to one of the boats. He sickened the 8th May and died the 11th. It was a case of yellow fever, and it appeared that this man had, the day before, taken part in a boat race in the harbor of the Havana.—Another ordinary seaman died of the fever on the 19th; lieutenant Clements died on the 26th. He had been on shore the evening preceding his sickness for a short time: a marine died on the 28th May; several others sickened in this month.

The names of all who died of the fever, from the 11th of May to the 8th September, inclusive, being 100 cases of fever, are mentioned in the list communicated by Dr. Chase, and attested by him and lieutenant Simonds, hereunto annexed. From this it will appear that,

Of 10 commissioned officers on board, 4 died of fever;

Of 25 warrant officers on board, 7 died of fever;

Of 28 petty-officers on board, 5 died of fever;

Of 118 seamen on board, 19 died of fever;

Of 118 ordinary seamen on board, 37 died of fever;

Of 27 boys on board, 15 died of fever;

Of 50 marines on board, 14 died of fever;

That of these, 7 died in May and June, while at the Havana; that 50 in all had died by the 15th of July, when both the surgeon and surgeon's mate sickened, and were unable to do duty; that the surgeon, Dr. Cadle, died on the 29th July; and while Dr. Chase, surgeon's mate, was confined to his cot, 35 more died. It also appears, that a great despondency prevailed among the crew, from having been so informed, it was generally believed on board, that the cause of the sickness was owing to the foul state of the hold, and the men were under strong conviction that all who sickened would inevitably die; that, during this state of despondency and sickness, the crew were allowed to sleep any where about the ship--some slept in the chains, some in the tops, some in the boats, and on the booms, and but few in their hammocks.

It also appears, that, on the 4th of June, the ship sailed for Port au Prince, and on the passage, the number of new cases was less, and the sick appeared better while at sea. But at Haytien, and subsequently, the sickness and mortality continually increased, and the ship became so infected, that there was no reasonable ground for expectation, that the crew could be relieved but by change of situation or climate. It also appeared, at the Havana, after the ship's return to that port, a person recommended by a physician of that place, came on board to do the duty of a surgeon, and assist in

the care of the sick. It appears that an alarming state of sickness continued on board during the passage from the Havana to Norfolk, and that the men were allowed to sleep in any part of the ship, as before stated, during the passage home, and the sickness and mortality were not diminished till after the vessel's arrival in the U. States, and the landing of the crew.

The preceding report embraces all the facts and circumstances elicited by the inquiry which this court is required to report, and are respectfully submitted with the following

OPINION:

The court is of opinion that the conduct of the officers of the navy yard at Charlestown, manifested great zeal and attention to the fitting out of the Macedonian for her late cruise; and that the prevalence of sickness and mortality, on board the Macedonian, is not to be ascribed, in any degree, to any omission of duty on their part; on the contrary, it is the opinion of this court, that the hold of that ship was sufficiently cleansed.

The court is further of opinion, that the principal causes of sickness and mortality on board the Macedonian, during her late cruise, were the sudden transition from a northern climate, to the climate of the port of Havana, the continuance of the ship in that port for so long a period, as it appears she was there detained, and the want of proper medical aid, for a considerable period.

The court is further of opinion, that, beside these principal causes, the debilitated state of a large portion of the crew at the time of their arrival at the port of Havana, the admission of water at that place, into the hold of the ship, until its injurious effects were suspected, and the permission given the crew to sleep about the decks, may also be considered as additional causes for the sickness and mortality which prevailed on board the Macedonian during her late cruise.

The want of additional clothing, of tea and sugar, and the despondency of the crew, which have been enumerated by the medical officers, in the opinion of this court, have not produced in themselves very considerable injury to the health of the crew.

The court feel themselves incompetent to determine, whether the treatment to which the sick were subjected, was judicious or otherwise, and therefore refer, in that particular, to the opinions of the medical officers, which are annexed to these proceedings.

JOHN RODGERS,

President of the court.

GEORGE SULLIVAN, Judge Advocate.

Navy Department, Nov. 15, 1822.

I certify that the foregoing has been carefully examined, and collated with the original, and is a true copy.

BENJAMIN HOMANS.

CHRONICLE.

Mr. Jefferson lately broke one of the bones of his left arm by a fall—but we are really happy to learn that, though advanced in life as he is, every prospect is afforded of a speedy recovery from the injury.

Cotton. Eight cents have been offered for the new crop at Milledgeville, Geo. The product of the present year will be very large in the United States; and, it is thought, exceed the amount of the

last by 60 or 80,000 bales. The cultivation has been much extended in Alabama, as well as in South Carolina, &c.

New York. The revenue received on the Erie canal, for tolls, will exceed 60,000 dollars for the present year! When this great work, and others of the like nature, are finished and in complete operation, it is very possible that their profits may be equal to the whole ordinary expenditure of the government of the state.

The following are the names of the persons elected to the 18th congress from this state—S. Wood,* Jacob Tyson, John I. Morgan,* Churchill C. Cambreleng,* Peter Sharpe, Joel Frost, William Van Wyck,* Hector Craig, Lem'l Jenkins, John Strong, James L. Hogeboom, Stephen Van Rensselaer,* Charles A. Foote, Lewis Eaton, Isaac Williams, Henry R. Storrs, Jno. Herkimer, Jno. W. Cady, Jno. W. Taylor,* Henry C. Martindale, John Richards, Egbert Ten Eyck, Ela Collins, Lot Clark, Justin Dwinell, Elisha Litchfield,* Rowland Day, Samuel Lawrence, Dudley Marvin, Robert S. Rose, Moses Hayden, Wm. B. Rochester, Isaac Wilson, Albert H. Tracey.* Those marked thus * are members of the present congress.

They are thus politically classed in some of the New-York papers—republicans 27, federalists 4, "Clintonians" 3.

The state senate, just elected, is said to be unanimately republican; in the house of representatives there are only 4 federalists, and a few "Clintonians."

A republican governor and lieutenant governor have been elected without serious opposition.

A duel! Wesley Tapsico, a black man and native of Philadelphia, was lately killed in an affair of honor at Port au Prince; by another black named Kelly, who eluded the summary justice of the government of Hayti by concealment and escape from the island.

Longevity. The Indianapolis Gazette says—"There is now living at the Bluffs of White River, a Mr. Summers, aged 119 years—his eldest child is 93 years old, and his youngest 14. Mr. Summers enjoys good health, for a man of his age, and can read the smallest print without the aid of glasses."

Steam. In a conversation which a short time since took place upon the wonderful and various applications of steam, an Irish gentleman present, who had just arrived in England, suddenly exclaimed. "It is quite entirely past all belafe; by the powers! I'll be no way surprised to find myself going a hunting, some morning, on my own tay kettle!"

[London paper.

New Orleans. The following was published in the papers of this city on the 26th October:

"The board of health have seen, with regret, that several strangers have had the temerity to come into the city within the last week, and fallen victims to the fever, which, notwithstanding the cool weather, unhappily continues to prevail. The sudden decrease in the number of deaths, is believed to be owing more to the absence of proper subjects, than to any change in the character of the disease. Strangers are, therefore, admonished to avoid the city, until the board of health shall redeem the pledge made to the public, to give the earliest information when they may enter it with safety.

H. K. GORDON,

Secretary of the board of health.

October 25.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 14—VOL. XI.] BALTIMORE, DEC. 7, 1822. [No. 14—VOL. XXIII. WHOLE No. 586

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

THE MESSAGE. The usual communication of the president of the United States, at the commencement of a session of congress, will be found in the subsequent pages. It does not contain any thing new or important—nor was matter of either character to be expected. The receipts of the year have much exceeded the estimates; and we learn that the money borrowed in 1820, to help out with expenditures of that year, is now to be paid off, and something is said that is, in part, or partially, favorable to the support of manufacturing industry. The commercial interest appears to have been carefully protected—and restriction has produced reciprocity, in regard to it.

FROM MEXICO a minister arrived at Baltimore, the latter end of last week—don Jose Manuel de Zozaya, with a numerous suite of officers and attendants.

BANKS. The mania to make new banks, though the best managed of the old ones can hardly do business, and, in general, yield not more than 5 per cent. per ann. has broken out afresh. Some two or three have been made in New Jersey, and several are projected in New York, under different names and with various ostensible purposes. We apprehend that this is not the time to institute new banks—the specie capital of the country, rapidly decreasing, will not sustain those already established in doing one half of the business that they would do, under different circumstances; and any diversion of that capital will only add to the danger seriously apprehended by some, that many of our banks will either have to suspend specie payments, or support themselves by the ruin of their debtors. The former is an evil of great magnitude; for it will be immediately followed by associations of money-manufacturing swindlers, and render unavailing all that the people have suffered to bring about the restoration of a wholesome currency. It is complained that the banks do not accommodate those whom they ought—but the fact is that they cannot. Some of them, and especially the Mammoth, may be chiefly devoted to an accomplishment of the views of certain great traders in money and bills—speculators and shavers; but, by affording them more room for iniquity, we cannot expect to diminish it. It is the principle of monied institutions to grow into aristocracies, for they have no souls; and we are not disposed to increase their number.

While on this subject, we are pleased to notice the introduction of late resolutions into both branches of the legislature of Kentucky, which, if adopted and persevered in, will relieve the people of that state of their present rag system and its accompanying stay laws and stop laws, as rapidly, perhaps, as the condition of things will admit of. The sudden appreciation of the value of a currency has almost as severe an operation as a sudden depreciation. There is not, probably cannot be, any standard of value; but the best that can be devised is that which is most generally considered so—whether it be gold, silver, iron or leather, as used to measure the exchange of labor and commodities.

BANK OF THE UNITED STATES. A convention of delegates as from the stockholders in the states of

Massachusetts, Connecticut, New-York, Pennsylvania, Delaware, Maryland and South Carolina, and the District of Columbia, met at Philadelphia on the 25th ult. for the purpose of agreeing on some person to be supported as president of that institution, on the retirement of Mr. Cheves. After various preparatory proceedings, it was agreed that Nicholas Biddle, esq. should be recommended. On the final vote—the delegate from Massachusetts was absent, those from Pennsylvania declined voting, but all the rest were in the affirmative and without division, except Connecticut—two for and one against Mr. Biddle. This gentleman is highly commended by some and much objected to by others, and it is likely there will be some noise made in the papers about the matter. The “miser” is, that a few unknown, irresponsible individuals, have the power of an institution that grasps at a regulation of some of the dearest interests of the people of the United States, and can assess, as it were, the price of every man's farm, if to be brought into market for sale.

PORTO RICO EXPEDITION. It will be remembered that some of those, and, seemingly, nearly all the chiefs of the expedition fitted out at St. Bartholomew's for the conquest of Porto Rico, had arrived at Curracoa, where they were taken into custody by the Dutch authorities. Gen. De Coudras and Mr. Irvine, and others, were yet in prison at the beginning of last month. Captain Spence, of the U. S. ship Cyane, had requested the release of Mr. I. as an American citizen; but the governor, though he expressed great willingness to cultivate a good understanding with the United States, would not consider him in any other light than as “secretary of state of the island of Bouqua,” as declared by every paper relative to the affair. It was believed that captain Spence would not persist in his request.

It may be only necessary to add, that this wild, or worse than wild expedition, has completely failed, after the cost of some lives and much money and suffering; and we hope that it may do a little, in addition to many things of the kind that have happened, to teach caution and prevent others from engaging in such illegal, unwarrantable practices—the foundation of which is desperation and the desire of plunder, though some may embark in them with different views, and others are fairly kidnapped and reduced to a state of slavery, by sets of knaves, no punishment for whom is sufficient for the purposes of justice.

CORROX, of a good quality, has been experimentally raised in Connecticut, New York, New Jersey, Pennsylvania and Ohio, during the late season. We have a specimen of some that grew near Steubenville, which is said to be equal to the average quality of the Georgia upland. It is probable that some crops of the article may be attempted next year. If it will succeed in a thickly populated state like Connecticut, there is no doubt that it can be raised cheaper by the labor of free persons than by that of slaves. A late writer of a pamphlet at Charleston, estimates the average cost of slaves, including interest on capital, at 70 dollars per head—but, as not more than one half of the whole number on a plantation are effective workers, the cost

of the latter is supposed by him to be about 140 dollars per annum. For this sum, in many parts of our country, free white laborers of the first class, may be hired and supported with food. See an interesting article on this subject in the present sheet.

WORCESTER'S GEOGRAPHY. We have a copy of the second edition of Mr. Worcester's geography, as reduced for the use of schools or young persons: it is accompanied by an atlas of neatly drawn and seemingly correct maps. Having long felt anxious for a work of this sort that might be freely adopted for the instruction of children in *geography*, without the danger of leading them into errors or opinions on subjects not connected therewith, we regard this little work as a valuable acquisition.—Brought into a space of a moderate duodecimo, it must needs be supposed that the various subjects, belonging to all the known countries of the world, are briefly spoken of—but the great leading or remarkable things are distinctly mentioned, and the volume abounds with statistical information, by which a knowledge of the most important items is conveyed in the shortest and most intelligible manner. In our opinion, the compiler has completely succeeded in his purpose of forming a book for the use of schools.

MIDDLEBURY COLLEGE, and Vermont Academy of Medicine. The college faculty consists of a president, three professors, one lecturer and two tutors—the medical faculty of five professors, in the different departments. The senior sophisters are 18, the junior 31, the sophomores 18, and the freshmen 20—the medical students amount to 85. The cost for tuition, room rent, repairs and incidental charges in the college, are about thirty-two dollars per annum: the price of boarding from 100 to 150 cents per week, in private families. For all the medical courses, 40 dollars are charged; graduate fees 12; reading terms 8; board, washing and lodging, 150 cents per week. The medical lectures continue twelve weeks.

GEORGIA. Students in Franklin college, university of Georgia—Seniors 20; juniors 17; sophomores 42; freshmen 41—total 120. Nearly all the students belong to that state—but there are several from Alabama, &c.

PRESIDENTIAL ELECTION. The following is the reply of a writer in the Richmond "Enquirer," to an article published in this paper on the 23d ultimo:

To the "one word to Mr. Niles"—we are quite as much opposed to any collusion and corruption that may exist in opposition to the manifest intention of the constitution, as to injuries that may arise from the operation of its established provisions. We do dislike a caucus, and also the idea of a vote in the house of representatives—but it does not follow that, for disliking both, we must adopt either. There is time enough yet to act on the case—and, though at "present" so much diversity of opinion exists, no reason can be offered why the public intelligence shall not be prepared to act, in due season, on the momentous question submitted to the public will; for, no doubt, certain great principles will be brought to bear upon it. We are opposed to all attempts to forestall the opinion of the people, or put a president over them by intrigue or by storm. To the author of "*Triginti Quatuor, of New York.*"

Sir: I have seen your remarks, (in Mr. Niles' last Register)—and beg leave to offer a very short rejoinder.

You ask Mr. Niles how he can "be alarmed by the specious imaginings of "Calculator" of the Richmond Enquirer, at the danger of a contingent "vote by states," in the event of no candidate having a majority of electoral votes."—And you are charitable enough to add that "the purpose of this sound of alarm from Richmond, we took to be obvious. We allude to no further purpose of this alarm than the effect of a congressional nomination."

How do you discover that I prefer a congressional caucus? Do I avow such a preference? Surely not. All that I inferred, was, that we should "unite in some fair and constitutional mode in favor of one man, so as to secure him a majority of the electoral votes." Now, whether this is to be done by a caucus, a convention of state delegations proportioned to their electoral representation, or any other mode, I have not undertaken to say. All that I urged, was the concentration of votes—the mode was left to the good sense of the people. I am free to confess, however, that I would infinitely prefer a caucus, (provided it would have the desired effect) to an election by the H. of R. I have no interest to promote by a caucus. Richmond has none. The state at large has none. I dread the mischiefs of a vote by the H. of R.; and in my opinion, every Virginian, and every friend to his country, should view it with apprehension.

You make my only objection to consist in the members being "liable to corruption." You misrepresent me again. I did not dwell on this objection.—The one on which I principally relied was this: that the election *might possibly be made* by 31 representatives only! at all events, by "an extremely small minority"—a result which the people at large ought not to provoke.

Whether the vote of the 13 states which are represented by the 31 members, will be "obtained incorrectly," or not, is not the question.—The result in defeating the will of the majority is still the same. By fair means or by foul, a man may be imposed as a president upon the nation by an insignificant majority, when he had possibly received only a few of the electoral votes. It is a consequence of this sort which I would especially avoid.

Some of these representative votes may be incorrectly obtained. Bad men would bid high for the votes of the weak and the wicked—and I would not expose them to so great a temptation. I think my countrymen purer than any other people on the globe; but human nature may be corrupted, and suspicion is the very principle of a republic.

But, putting corruption aside, what do you say to *cabal*—to party views—to sectional feelings—to a variety of considerations, which may swerve men from the best interests of their country? what do you say to the only experiment we have already seen? to the election in 1801? Are you so ignorant as not to know that there was a design even then of appointing a president by law? Have you seen Bayard's letter, who states that the eastern federalists were determined to trample the constitution under foot, rather than elect Mr. Jefferson? Really, sir, if you wish to see another election by the H. of R. I do not. Deliver us from this evil, I beseech you.

I say, then, let us concentrate the votes of the electors. How is it best to be done? You do not like a caucus. Well, give us some better mode. If I like it, I will take it.—I wish with you to do away the caucus, if I could only find a better substitute; but to abolish it without any other plan, and leave the matter to such risks and perils as might arise in H. of R., requires more nerve than I possess.

One word to Mr. Niles—You dislike a caucus.— You think, 'in the present state of things,' it would be laughed into contempt.' Now, sir, I lay before you this obvious dilemma. If you dislike a caucus, and you also dislike the idea of a vote by the H. of R. what plan will you fall upon to avoid that vote? For, if I do not mistake "the present state of things," there is much cause to fear there will be no election without some means of concentrating the votes of the electors.

CALCULATOR.

THE PIRATES OF CUBA. The following extract of a letter from an officer on board the United States schooner Alligator, to a friend in Washington city, may be regarded as a semi-official account of a melancholy event:

Extract. "I will now give you a brief account, in detail, of the *pirate fight* of the 9th inst. The Alligator was coming to anchor the morning previous in the port of Matanzas, when information was brought on board that an American brig and schooner had been captured some days before, and were then at anchor and in possession of a large gang of pirates in a bay on the east side of Point Hycacos, about 15 leagues to the windward of Matanzas, and that the master of the brig and mate of the schooner had been sent in the preceding morning by the pirates to procure \$7000 for the ransom of the two vessels, with which sum they were to return in three days on pain of their vessels being destroyed, and the officers and crew, remaining on board, treated with every severity their avaricious revenge could inflict.

Having the master and mate on board, we immediately stood to sea, and proceeded to the release of their vessels. At day-light on the morning of the 9th inst. came to anchor off Point Hycacos and within one of the islands at the entrance of the bay, and about 10 or 12 miles distant from where the brig and schooner had been left at anchor, being hid from our view by intervening land. We then discovered, some little distance over a small island, a ship, a brig, and schooner, lying at anchor, and, a little further to the leeward, a small schooner under sail, her deck apparently filled with men, and boats communicating between her and the vessels at anchor, the two last of which, at the same time, getting under way. With the boats of the Alligator chase was immediately made after the schooner, and she with her sweeps endeavoring to escape by doubling an island nearest Point Hycacos, and steering up the bay. The wind being light, after rowing three or four leagues, we had gained within reach, when the chase rounded, hoisted a *red flag*, and commenced a heavy fire of round and grape upon us. We soon regained her wake, and when within reach of our muskets commenced our fire, the men at the oars at the same time giving way to lay alongside and board her quarter. At this time, a second schooner, armed and filled with men, had commenced firing upon us, and passing some distance ahead, brailed up her foresail on the starboard bow of the first, which we were now within pistol shot of, and had silenced her fire with our small arms, when her men took precipitately to their boats, four or five in number, to wing on the larboard side, to get on board their consort, when our two boats (launch, capt. Allen, and cutter, lieutenant Dale) pulled away to cut them off. Seeing our object, they returned on board their vessel. We immediately regained our position astern to pull up and board on her quarters, returning their fire of small arms; and they again took to their boats, now on the starboard side, and escaped on board the other

schr. Capt. Allen now directed a midshipman, with four men, in his gig, which was near us, to board and take possession of the first prize, and, with our two other large boats, rowed immediately after the second, now reinforced with from 30 to 40 men in addition to her own, (which we have since understood to be from 60 to 80), all well furnished with small arms and boarding pikes, &c. and had gained within twice our boat's length of her stern and larboard quarter, sustaining and returning their fire, when the cutter began to veer off, and was falling round on her starboard bow, from the obstruction of killed and wounded at her oars, and the launch unable to keep way with the chase, from like causes, (and capt. A. having previously been wounded by two musket balls, of one of which he died four hours after), both boats dropped along side the prize, and removed our killed (two) and wounded (five, two since dead) on board her. She was armed with one long 12 pounder, (on a pivot), two do. 6-pounders, two do. 3-pounders, carriage guns, and two swivels—her *red flag nailed to the mast*. In the cabin and run were a number of bottles filled with powder, and slow matches through the corks, some of which having been lighted and extinguished, it appeared evident that the pirates had set fire to them on first leaving her, expecting she would blow up soon after our boarding, but, returning so instantly on board, they extinguished the matches, and the last time they were too closely driven in abandoning her, to take time to re-fire them. The pirates now kept off, and in shore, where they were joined by another schooner, about three miles distance from us, of heavier armament than either of the others, and about thirty men on board, (according to our subsequent information), both, however, kept away under the land, and, with our prize, we stood out to the Alligator. Having buried our killed and taken the wounded on board, crews were sent to take possession of the brig and schooner in the bay, both of which had been cut adrift, and were found without any individual on board either. The next day, with those and the ship, brig and schooner we had first seen at anchor, all of which had been abandoned by the pirates on the Alligator's coming in the morning previous, leaving orders for the two last to follow them into the bay on *point of death*, we proceeded to Matanzas, where the remains of captain Allen were interred with military honors; an escort being furnished by the lieutenant-governor of the island and commander of Matanzas, who expressed much sympathy and regret for his death, and the deprecated, but increasing villainies that had caused it.

He had, the day previous to our first going in there, furnished arms, &c. to put on board a small American schooner, at the request of the Americans in that port, and gave her a commission to go out and re-capture the two merchant vessels. But I am digressing from my intended narrative, which, for the present, you must take as finished, only adding, that, while in Matanzas, we were informed that the pirates had lost in the action 14 killed, and that a great number were taken on shore the same afternoon wounded; among whom was the second in command, shot through the body, and since reported dead.

"I consider it the most hazardous and dangerous action in which I have been engaged. I cannot but deeply lament the fate of poor Allen, on whom a widowed mother and orphan sister were almost wholly dependent. Leaving them so, appeared to be his only regret in meeting his death; and his last wishes were, that the government, in whose

service he had fallen, should, in requital, give due credit to his name, and extend its protecting aid to them."

The ship re-captured was the William-Henry, of New-York, brigs Sarah Morrill, and Iris, of Boston, one schooner belonged to Rochester and the other to Salem—these have since arrived in the United States, together with the pirate schooner captured. She is called the Revenge, and is a fine vessel. It is believed that 14 of the pirates were killed—one of their captains among them. Much respect has been paid to the memory of lieut. com. Allen at the various navy stations and ports of the United States. He was a very valuable officer.

There is a rumor that the British sloop of war Tyne has had a severe fight with a large body of these villains, in which she lost 12 killed, besides wounded. But, it is said, that between 40 and 50 of the pirates were slain, and 29 of them taken prisoners.

We have not room to detail the acts of the pirates. The last week has furnished us with matter enough about their proceedings to fill a whole sheet! Their number is great, and success has stimulated them to commit the most daring atrocities. They make many captures, and murder and destroy at their own will, without mercy—beating and cruelly abusing those whom they spare. The whole trade of the gulf is subjected pretty much to their controul, and the time has arrived when something of a most decisive character must be done. The utmost power of the government should be exerted; the nest of villains must be destroyed, or they will destroy us. Our coasting trade must be protected, as our internal industry should be—they go hand in hand.

THE BENEFIT OF CLERGY. The Wilmington Watchman of November 29, details the following instance of a case in which this privilege was claimed at the late session of the court of oyer and terminer, held at Newcastle, Delaware.

Elizabeth Bachelor had been convicted of burning a stable with hay in it, belonging to Mr. John Rumford, and on Saturday, the 16th inst. the court had directed, or were about to direct, the sheriff to bring her to the bar for the purpose of passing sentence of death, when her counsel, Mr. Brinckle, suggested an opinion that the burning of a stable was a clergyable offence. After some conversation between the attorney general and Mr. Brinckle—the court adjourned until Monday for the purpose of hearing the point formally argued. The whole of Monday was occupied in a full and deliberate discussion of the point, and on Tuesday morning the court delivered their opinion in favor of the claim. The sentence upon Elizabeth Bachelor, therefore, instead of death, was to be branded on the hand, and to suffer one year's imprisonment. The branding was to have been inflicted forthwith, but was postponed, at the suggestion of the attorney general, who intimated his intention to carry the case up to the court of appeals. For the benefit of incendiaries, and others disposed to engage in that line, we have thought it right to state this case.—If any such should hereafter take it into their heads to burn a dwelling house or a barn with grain in it, he will surely be hung; if a stable, or out house, the benefit of clergy comes to his aid, and, for the first offence only, saves his neck from the gallows.

AMBASSADORS' PRIVILEGE. A French paper says, "a statement has been copied from the German papers by all the French journals, which requires explanation. It has been said that Hamet Effendi,

the grand signior's favorite, declared to lord Strangford, that if a new ambassador from Russia presented himself on board an armed frigate, the guns of the fort should fire upon the vessel. This declaration of Hamet Effendi, has been termed insolent, and yet it is very simple. The German papers, doubtless, were not aware that, when baron Strogonoff was appointed by the emperor Alexander his ambassador to Constantinople, after the treaty of Bucharest, in 1812, that minister attempted to establish an old claim of privilege, agreed to under the reign of Peter the Great, but which had after fallen into disuse; in effect, he entered the harbor on board of his frigate, notwithstanding the usage by which all foreign ships are prohibited from passing, armed, under the walls of the seraglio, and was received with a terrible broadside. The frigate, happily, sustained no damage, and did not return the fire, so that no notice was taken of the occurrence. On the present occasion, the expressions which Hamet Effendi made use of are to be attributed solely to his anxiety to prevent the repetition of a scene of such a description."

THE OYSTER BEDS, in Delaware bay, and the adjacent coves, within the limits of the jurisdiction of New-Jersey, afford employment and subsistence to fourteen hundred men.

The demand for these oysters being very great at New York and Philadelphia, fleets of boats from both cities have been annually employed in gathering them; and, of late years, the dredge has been generally used for this purpose; but, as this instrument is said to destroy more than it catches, and soon to break up the beds, the legislature of New Jersey, to preserve the oysters, and to secure them to its own constituents, passed an act in June, 1820, imposing penalties on all persons using dredges, and forfeiting the boats of citizens of other states found catching oysters in their waters.

Under the provisions of this act, the citizens of Maurice township seized and prosecuted to condemnation two boats owned in Philadelphia; but our oyster-merchants, nothing daunted, formed an association, and commenced prosecutions against every individual who had aided in enforcing the law and happened to be called by business to the city. Five suits, thus commenced, are still pending. In one, a verdict has been rendered for the defendant; but the plaintiff excepted to this decision, and has removed the cause into the supreme court of Pennsylvania, where it remains for final adjudication. Another of the cases has been removed by the defendant, at the request of the township, into the circuit court of the United States, considering it an appropriate tribunal for the enlightened and impartial decision of the question.

The legislature of New Jersey considers "the rights of sovereignty and the territory of the state at stake," but is fully disposed to defend those rights in a constitutional manner; and, therefore, contents itself with passing a law for the reimbursement of the reasonable expenses incurred, and to be incurred, by the township of Maurice river in defending the oyster beds in Delaware bay.

[Phil. Union.]

WESTWARD. The Pittsburg Mercury, of the 12th ult. says—There is now lying at the mouth of Wayne street, in this city, a shallop-rigged keel-boat, thirty five feet long, with several families on board, who embarked in this boat at the mouth of Wood creek, head of the Oneida lake, state of New-York. The course pursued to reach Pittsburg, was by passing

down the Oneida lake and through Oswego river into lake Ontario, thence up the Niagara to within five miles of the Falls. The vessel was then carried round the falls on wheels, and placed in the river two miles above the falls; she then pursued her course to Portland, on lake Erie, and was again placed on wheels, and carried seven miles along a good road to the Chataqua lake and creek into Conewango creek—entered the Alleghany river at Warren, Erie county, Pa. and arrived safe at Pittsburg. Facts like these are worth preserving, and their diffusion may be of ultimate utility. It is also a practical evidence, that a water communication between Pittsburg and New-York can be opened without difficulty.

Anecdote of lieut. Manning. Gen. Greene having expressed a desire to learn the strength and position of the British forces, who were encamped at no great distance from our army, lieut. Manning offered to undertake the hazardous service. He left the camp, and the next morning arrived at a poor farmer's house—he had been there before, the family knew him, and he readily obtained the loan of a shabby suit of clothes, and an old slouch hat of one of the sons, and borrowing an old gun, the barrel of which was tied on with cotton strings, he set out apparently a hunting, and in a few days came in sight of the British camp; the sentinel hailed, "who's there?" he answered, "me;" several questions and answers passed; the sentinel demanded what he was after? he replied, "why I am looking for a turkey—law, what pretty white linen houses you've got there;" coming toward the tents, the sentinel then stopped him and took his gun from him, when a disturbance arose between them; an officer came up, ordered the sentinel to take him to the general, where Manning sustained his assumed character stating that his daddy had gone off with the Tories, as our neighbors call them, and we had nothing to eat at home, so mammy had sent me out to shoot a wild turkey, but coming along here I was only looking at them little linen houses, when that fellow began to quarrel with me, and took my gun away and now mammy will scold like all the world because I staid so long, and hav'nt killed a turkey yet, so give me my gun and let me go, as I darsent go home without it;" then noticing the epaulette on the general's shoulder, he pointed at it, and said, "oh law, what a pretty thing you've got on your coat there, I guess it must have cost five shillings—if I only had some of them guns out there, may-be I could'nt shoot a whole site of them turkeys," with many other clownish expressions. The young officers were amused and all deceived too, while Manning's mind and eye were busy; the general ordered them to dismiss him—he is nothing but an ignorant country boy. Manning was soon back to the house, returned his disguise, and hastened to camp, with a full account to general Greene. [Dayton Watchman.]

FOREIGN NEWS.

Turkey. Many fugitive Greek families have located themselves at Marseilles. It is stated that the Turks have reduced the Suliot, by which they have acquired the release of 14,000 men to act against the Greeks in the Morea. The accounts, however, are very uncertain and obscure.

The island of Cyprus is in a state of desolation by the Turks. They have destroyed sixty villages. In some instances, they filled the houses with women and children, and consumed the whole with fire! Many of the monks have been put to death,

after the severest tortures. Cyprus has remained unaffected by the insurrection of the Greeks, and no reason is assigned for such barbarous acts.

The Greeks have obtained some further signal advantages at sea. The Turks had fitted out a great fleet for the purpose of conveying troops to the Morea, &c. Nearly the whole of the ships were captured or driven ashore, and about two thirds of the soldiers and sailors perished by the sword or the waves. Several persons were captured that were proceeding to the Morea for the purpose of purchasing slaves for the Asiatic market! The victory appears to have been a great one, but the particulars are not distinctly stated. The destruction seems to have been dreadful and as if the Turks lost several thousand lives; for it is said that they all perished "except two thousand." The affair took place in the straits of Bocca. It would appear that the naval power of the barbarians was nearly annihilated.

A Paris paper of the 12th Oct. has the following article—An account from Souli, dated the 13th August, inserted in the *Drapeau Blanc*, gives the particulars of further important successes of the Greeks. It appears that, shortly after a signal defeat of the Turks, they, (the Turks), suddenly re-appeared at the foot of the Souli mountains with 15,000 men. The situation of the Greeks was then very precarious, and it was resolved to destroy their wives and children to prevent them falling into the hands of the enemy, and afterwards to rush upon them, and sell their lives as dearly as possible. This resolution reached the ears of the Greek women, but they had influence sufficient to prevent its execution, and succeeded in restoring confidence amongst them. It was then resolved that the women, (who insisted upon it), should arm, and 800 were selected and armed. The women amounted to 3000. After invoking the Deity in their favor, they attacked the enemy, the women vieing with the men in feats of personal valor, and drove them far from Souli. The result of the action has been 1350 prisoners and four pieces of cannon. The loss of the Greeks was 167 men and seventeen women.

A letter from Constantinople, dated September 10, says—Since the last post, disagreeable news for the Porte has arrived from the Morea. The Greeks have destroyed there more than 20,000 Turks, in partial battles and ambuscades. The Turks possess nothing there but Corinth, which is destitute of every thing necessary for its defence; it is therefore probable, that the garrison will soon be obliged to surrender. Colocotroni is the commander in chief of the Greeks. All these particulars are said to be true, though the Porte studies to conceal them.

At Scio, several Turks have been executed, who persisted in massacring the sick Christians. On the 5th Sept. there were only 300 Christians remaining out of 160,000!

Political Curiosity.

The following was written by the late col. MATHEW LYON, for several years a member of congress from the state of Vermont, and afterwards from Kentucky—and who, at the time of his decease, held a respectable office under the government of the United States, in the territory of Arkansas. It was received several months since, but the publication of it was delayed, from the want of leisure just then to examine it, and it was forgotten until his death brought it to recollection. The

manner is, in some cases, rather rough, and a great latitude of expression is assumed—yet it contains a large portion of wholesome truth, and may be regarded as that which we have called it—a “political curiosity.”

MR. NILES—A quotation, from a Washington city paper, exulting in the continued carnival and the constant routine of dissipation kept up in that *Modern Venice*, has roused the dormant pen of a man of old times, and led him to request a place in your Register, for his lucubrations on the much agitated subject, the next presidential election. Nothing could more accord with the feelings and opinions of those I converse with, than your determined opposition to a congressional caucus on this subject. No place so improper for president-making as Washington, in which the most eminent sycophants of the nation are gathered together.

What habits of dissipation and extravagance have the rulers of this republican nation descended to since the declaration of our independence! In those days, we recollected with consolation and pleasure, what was said to their master by the Spanish envoys sent to treat with the revolted Netherlanders, whose negotiators furnished their frugal meals from their own wallets—“such men,” said the haughty Spaniards, “cannot be conquered, their frugality will save them.” In former times, we prided ourselves in the simplicity of our habits and the unostentatiousness of our rulers.

Luxury, dissipation, extravagance and effeminacy, their concomitants, have been the destruction of many ancient nations besides proud Rome; which, from being mistress of the world, has dwindled to the mere patrimony of a pontiff. Every person conversant with the history of the French revolution, knows that the dissipation, the luxury, the debauchery, effeminacy and the rapacity of the court, brought on the bloody scenes and the heart-rending miseries which that giddy nation has suffered.

We have before us the warning fate of the British nation, where the avails of the hard earnings and the life-labor of thousands and tens of thousands are screwed from them to glut the rapacity of an individual, who regards them less than he does his dogs. Time was, when the people of the British Isles would not have borne with this; but, with the people's money, the devouring government buys men and arms to enable it to wrest the means of defence from the oppressed, build prisons to incarcerate, and gallowses to hang those on who dare to murmur or complain. However distant from us this state of things may seem to be, dissipation, extravagance and luxury is the sure road that leads to it. Our civil list expenditure has increased within about 50 years, faster than ever did that of Great Britain: while our population has been increasing at the rate of from 4 to 10, the expenditure for support of our national government has more than ten folded; for the year 1790, \$141,492 73 cents was the appropriation; of late years, more than a million and a half has been appropriated for the support of the civil list. About two thirds of this sum, besides a considerable share of many other appropriations, is spent in our beggarly capital, too much of which is applied to purposes of corruption and political prostitution.—In 1790, when the necessaries of life were about the same price that they are now, \$16,750 paid the salaries of the secretaries, the comptroller, the auditor, the treasurer and the register, and \$800 each was appropriated for the salary of the first clerks. In 1821, there was appropriated for the salaries of

the officers of the same denomination \$51,500; and \$1800 were given to an inferior clerk.

It is not merely on account of the number of mendicants begging alms in the streets, that I call Washington our “beggarly capital.” They are much easier got rid of than the beggars to be met with in higher life.

While I sojourned in that city, I was almost daily assailed by a host of clerks complaining of the parsimony of congress, the scanty pittance allowed them, and the expense of living. I have often been tired with hearing one or other of them compare his salary and his duties with those of more favored clerks, always insisting that his duties were more important and more difficult than the other whose salary was higher. I recollect one of the clerks lamenting, that he had to give two dollars that morning for about a quart of green peas and a dollar for a pair of small chickens. This was so early in the season that I had not imagined that the peas were in bloom, and when, I thought, chickens of that year could not be fit to eat. I observed to him that flour was selling at six dollars a barrel, and bacon at eight cents a pound—and that the price of a few quarts of such peas would purchase a cow, which could get her living in the common while she gave milk for his children. As for his part, he replied, that he could not eat bacon, and did not like milk, and his children were not used to them.

The next class of beggars were the officers and their assistants in waiting about congress hall.—Those, by their civilities, their attentions, their gestures and their intimations, were constantly reminding the members of their wants and their wishes.

Whenever I fell in company with a number of the officers of the army, I was sure of being reminded of the parsimony of congress, and of being told how poorly they were paid.

The judges of the district of Columbia, (a district which ought to pay its own judges), were, one or other of them, ever complaining of the parsimony of congress, and begging for a larger salary.

The most important beggars of all were the higher officers. With those I have occasionally dined, and where the greatest profusion prevailed. There might be seen fresh beef, pork and butter from Maryland; mutton from Pennsylvania; hams from Burlington; turkeys and chickens from Virginia; pickled beef and codfish from Massachusetts; potatoes from Carolina and from Maine; wild fowl and fresh fish from the Potomac; salmon from Canada; oysters from New York; olives and spices from both the Indies; raisins and figs from the Mediterranean; nuts from Germany, Italy and the Mississippi; brandy from Nantz; rum from Jamaica; Gin from Holland; cheese from the Netherlands, from England and from Connecticut; wines from Spain, France, Germany, Portugal, Madeira, and the Cape of Good Hope; and porter from London.

While the cloth was removing and the glasses replacing, some sycophant, (perhaps a member of congress), was sure to commence a dissertation on the parsimony of our government, and the inadequate compensation given to our officers. The more frequently the glasses were emptied the more attention was paid to the orator, until his doctrine was echoed from side to side. Too often have the guests carried the infatuation away with them, and I have had occasion to intreat them to resume their reason and their common sense—referring them to what their eyes had seen and their lips had tasted, to convince them that, instead of being parsimonious the government gave too much to their officers, when they enabled them to feast their guests in a

style so far above the medium of good living. I reminded them that man was much the creature of fashion and imitation, and begged them to look around and consider what a number there was plunging themselves into ruin and misery, by their endeavors to furnish a table like that we had lately sat at; always insisting that it was impolitic, as well as immoral, to appropriate the hard earnings of the people for the encouragement and support of such voluptuousness.

I have been led to those recollections and reflections by the perusal of the before mentioned extract from a Washington city paper, which says, "This place can never be tedious. The pleasures of the day are succeeded by the pleasures of the night; for the president and his four secretaries, by means of drawing rooms and parties, have appropriated the nights to pleasure as well as the day. One would be led to believe that members of congress and strangers of distinction, would be surfeited by this continued succession of delights, and, 'like the bee, die on the rose in aromatic pain.' But no such thing-- their appetites are rather sharpened than blunted by perpetual indulgence, and the poor secretaries, who are all looking up to the presidency, are obliged to feed and plaister them on all occasions."

Is it for this that the people of the nation send representatives to Washington, and pay each of them \$56 a week? Is it to spend their nights in revelry and their days in slumber, that they have been sent there? Is it to enable the higher officers of the government "to feed and plaister," to corrupt and prostitute their representatives, that they have suffered the late great increase of their salaries to pass almost unnoticed? If this apathy is continued, they will only merit the political degradation and perdition which infallibly awaits them.

I, by no means, consider it amiss for the president to invite members of congress and strangers of distinction to call upon him and dine with him, or for a drawing room entertainment, once in a while, to be given at his house. At those convivial meetings, the president has an opportunity to become personally acquainted with his guests, and they with him and with one another. Their sentiments and opinions are frequently interchanged. This practice prevailed in the early stages of the government, and, for its support, a superb mansion, ready furnished, is provided, and \$25,000 salary for the president is appropriated. But, at the rate things seem to be going on, the poor secretaries are not to leave off feeding and plaistering, nor congress giving, until each of them have \$25,000 a year to support this magnificent "succession of delights;" those "pleasures by day" and "pleasures by night," so boastfully spoken of by the Washington editor—who tells us the secretaries are all looking up to the presidency: and it seems, by the run of the tale, that one or other of them is expected to be foisted into the presidential chair by this banqueting and revelry.

It has been too much the practice of the candidates for the electorship to pledge themselves to vote for this or that particular candidate. This practice, as well as the congressional caucus, ought to be discarded; and, by the legislature of every state naming the persons they wish to be the next president and vice-president, that the electors will be able to select men who will give satisfaction to the nation. Satisfaction to the nation is the main point—as the elements and principles of our government are so plain and simple, that there are more than one thousand honest, well-informed men

in the states who are as capable of administering the government for four or eight years, as any of the most celebrated candidates hitherto spoken of, while the number of exceptionable characters, who aspire to the station, is comparatively small.

Hoping and believing that the legislatures of the states will generally fall into the practice of nomination, I have amused myself with contemplating the extended field of choice which will be presented to the electors.

I hope the presidential chair will never be filled by a man under sixty years of age, until there shall be a constitutional bar against electing the same person oftener than once or twice. A president of the United States possesses such vast powers and prerogatives, and such immense patronage—has so many offices and favors to bestow, and so much public money to disburse, that it is next to impossible to oust one who shall act with a common share of prudence and foresight. Had gen. Washington chosen to accept a third election, although not without objection, he would have obtained it by seven eighths of the electoral votes. So with Mr. Jefferson—he had early to announce his solemn determination not to accept a third election, in order to avoid solicitation—and to him we owe the rule which forbids any person to look for a third election to the presidency. It is but a rule however. I have never been better pleased with the political course of a president than that of Mr. Monroe—yet I have trembled for fear that he would be induced, by the sycophancy which surrounds him, to agree to accept a third election.

[The writer then proceeds to mention several persons who, he supposed, might be nominated by the several states, and gives his remarks freely on their claims and competency, &c. all which we think it best to omit. He concludes with these words, "such are the opinions of a man of old times, written on the Mississippi, in April, 1822."

Grecian Emancipation.

The following resolutions were passed at a very numerous meeting of the citizens of Albany, convened, by public notice, at the capital in Albany, on Tuesday evening last. John Savage, esqr. comptroller of the state, presided as chairman, and col. James McKown, as secretary. The object of the meeting was explained by Isaac Hamilton, esqr. in a very interesting address. S. S. Lush, esqr. followed Mr. Hamilton in a speech of much feeling in behalf of the suffering Greeks, the land of Demosthenes, of Plato, Pericles, Alcibiades and Leonidas, where "now the shouts of Allah are resounding from christian temples, formerly dedicated to the living God, and the turbaned Turk tramples upon the cross of the Saviour." These gentlemen were followed by John Van Ness Yates, and D. L. Vander Heyden, esqrs. in strains of patriotic eloquence. The speeches were received with reiterated bursts of applause. The resolutions were all carried unanimously. [N. Y. Daily Adv.

Resolved, That, in the opinion of this meeting, it is consistent with the peace, neutrality, and honor of our government, for the people to assemble together and express their sentiments upon the subject of the emancipation of Greece—that such an expression not only comports with the magnanimity and feelings of a christian people, but is more particularly honorable to the character of a nation, who were the first to declare and establish the principles of freedom.

Resolved, That the interesting appeal by the patriots of Greece, to the American people, is worthy the cause in which they are engaged, and demands our most respectful attention—that when we consider that Greece has been alike distinguished as the seat of science and the arts—that to her, sculpture is indebted for its best models, poetry its greatest master, and our seminaries of learning for much of their classic lore—that she has given birth to the most illustrious philosophers, statesmen, and heroes, we cannot be indifferent to the relentless tyranny now exercised over them by their savage and ferocious masters.

Resolved, That we view, with extreme mortification and regret, the policy of the potentates of Europe, especially those claiming to belong to the "holy alliance," in remaining passive spectators of the great scene now acting before them in Turkey, instead of affording the suffering Greeks that countenance and aid, which all christendom had a right to expect—more particularly we cannot but express the painful disappointment of all our hopes in the policy pursued by the emperor Alexander, from whose large armies, and vast preparations, the most prompt and decisive measures were fondly anticipated by the American people.

Resolved, That the cause of religion and the rights of humanity are intimately connected with the result of the conflict between the Greeks and the Turks—and should that conflict prove unsuccessful to the Greeks, (which Heaven forbid), that then it is our duty, as christians, and as men, to offer them an asylum from oppression in this happy country.

Resolved, That J. V. N. Yates, S. A. Tallcott, J. Hamilton, S. S. Lush, and P. Gansevoort, be a committee to correspond with such other committees as may be appointed throughout the union, for affording relief to the suffering Greeks, and that they have power to call any future meetings of the citizens, and to co-operate with other committees, by raising subscriptions or otherwise, in aid of the Greeks, as in their judgment shall be deemed most advisable.

Resolved, That D. L. Vander Heyden, John Stillwell, Wm. Maywell, John Koon, and James McKown, be a committee to prepare and publish an address, in the name of this meeting, to the citizens of the United States, upon the subject of the foregoing resolutions.

Cultivation of Cotton.

The following, though a mercantile "circular," contains many things worthy of observation and exposes some facts of much interest to American statesmen and political economists. The writers, however, are greatly mistaken as to the amount of labor transferred to the cultivation of the cane, for sugar—and many other of their own calculations, and conclusions on them, are evidently wrong. The cultivation of cotton is increasing, though the price of the article is diminishing—and it will increase until it yields to the planter less than ten cents per pound. The capital invested must be employed; and cannot be suddenly and generally changed. Nothing but the success of the cotton manufacture in the U. S. can prevent it from becoming a truly bad business, in consequence of its greater extent of cultivation, which has advanced more rapidly than the increased demand. But at ten cents *per lb.* it appears to be unworthy of this attention of a capitalist, if he has the power to turn his capital to

almost any thing else—supposing that the estimates are to be relied on—the product being only about three and a half *per cent.*

The following extract from a circular from the house of Cropper, Benson and Co. under date of the 27th September, contains some views and estimates in relation to the culture and sale of cotton, which may be very interesting to the planter and merchant
[Savannah paper.]

Annexed, we give two estimates, drawn up by two different planters, neither knowing any thing of each other's statement, nor we of their's, and though there is some trifling difference in the mode of estimate, yet it will be seen that they exhibit almost exactly the same result.

This is the present mode of management, with which the planters must be content, if they can do no better. But sugar on the banks of the Mississippi is paying a much greater profit, and though the land fit for its growth is more limited than that fit for cotton, yet it is estimated that there is enough within the proper latitude, to produce more, by at least 150,000 hogshheads, than is yet grown there.—The estimates which we have seen from thence, make the cost of lb. of cotton very nearly the same as that of 4lb. of sugar; and yet, if our present prices of cotton remain, it will yield only 7 cents, whilst sugar, by the last advices from New Orleans, is quoted 9 to 11 cents, or 8 cents, on the plantation. Estimating the profit of the one culture with the other, upon this scale of prices, whilst the one only pays $2\frac{1}{2}$ per cent. the other would pay about 23 per cent. per annum. Estimates are not always to be depended upon, but we have some thing more than estimate in this case. We know that in Barbadoes the culture of cotton is nearly given up, and in Demerara, though sugar has very much increased, yet there has been a decrease in cotton. Now, whilst these changes are taking place, it is a fact which any one, knowing the prices of the two articles, can ascertain for himself, that cotton has sold on the average at three or four times, at least, the prices of sugar; and yet sugar, under these circumstances, has been preferred. Will not the change be very rapid where sugar is even higher than cotton?

Next as to manufacturing; the planters are giving in some cases, 40 cents per yard for cotton bagging. This they might make themselves from cotton, as is done in the Brazils, with great advantage. They might also make their own clothing, especially that of the negroes. If they changed their system in this respect, and grew and made every thing they wanted, they might certainly sell their surplus cotton at any price; but it must be borne in mind, that they would have much less to sell. They have the spinning jenny, in some parts of North Carolina, amongst the farmers; weaving is carried on in almost every part of the world; and a little consideration will show what great advantages they would have in manufacturing.

The bale of cotton which the planter can only sell for 4l. 10s. cannot be delivered to the British manufacturer for less than 9l.; and when to this the expense of manufacturing is added, the whole cannot be conveyed back to the planter without an addition of fully 50 per cent. in duty and profit.—Then we may fairly say, that, in exporting cotton and importing manufactured goods, the planter pays 100 per cent. on the wages paid in England, and he would gain an advantage to this extent if he manufactured them at home. Perhaps it will be said that wages are higher; let us examine this. The average produce of a slave's labor is 1½ bags

of cotton, or 6l. 15s being about 5d per working day. Now we think we do not over rate the earnings of a whole family in our cotton manufacturing districts, if we take them at 5s. per week, reckoning the whole population, whether able to work or not. Five shillings per week is 10d. per day; yet the planter now gives 100 per cent, which makes 20d.

That low prices will make the planters turn to something else is not mere conjecture; we can refer to the years of the embargo and the war.— Before the commencement of that period, viz. in 1807, the export of cotton, from America to this country, was 171,000 bags; there was no year from that to 1816, when the imports were the whole of one crop, and then our imports were 166,000, and in 1817, 197,000. The crop of 1807 was a great one, and, therefore, it would not be fair to take that singly; putting the crop of 1805 to it, which was 124,000, it will make an average of 148,000 bags; whilst 1816 and 1817, put together, will make 182,000 bags, an increase of only 20 per cent. whilst the population had increased about 30 per cent. This, too, comprises three years, when the inducement to plant extensively would be great; so that there is a strong probability that, for a part of the time of the embargo and war, the cultivation of cotton must rather have receded than gone forward; and yet at that time they knew little of the growth of sugar. They could, during these periods, sell cotton, if they chose, and they would naturally look forward to a better market for their produce at the termination of their disputes with this country.

A part of the extension of the cultivation of cotton arises from the purchase of slaves, which they would have the power, as well as the inducement, to do, while cotton sold above 15 cents; but when it has fallen to half that price, they will have neither. This will at once take off 7 of the 10 per cent. increase, for their natural increase is only about 3 per cent. We may also suppose a transfer to sugar of, perhaps, one-eighth, or 12 1-2 per cent; for the Americans move about rapidly to what pays them best; and, surely, for both time and cotton consumed in manufacturing cotton bagging, and their own clothes, we may put 10 per cent. more: these together will make 29 1/2 per cent. We will call it 30 per cent, which would reduce the crop, to arrive in 1824, from 645,000 bags to 452,000 bags, reducing the stock at the end of that year 193,000; but that would be impossible, for it was only estimated in the other case at 149,000 bags.

It is quite evident then, if it were possible that our present prices should continue, we should have such a decrease in the growth, and such an increase in the consumption, as would, at a very early period, leave us without a bag of cotton on hand.

The apathy which has allowed the prices of cotton to fall to their present rates, pervades other branches of commerce; for though it is reasonably estimated, that, at the present rate of consumption, all the sugar in the country will be exhausted before the new will arrive, yet the holders are selling at the lowest price ever known, and look on these facts, with which they are perfectly acquainted, as though it could never rise again. Last year's crop of corn is generally estimated not to have supplied the country more than 11 months; and though the present crop was less than the preceding and the consumption going on at a greater rate than ever known, still the price is lower than ever remembered. If the present un-mercantile feeling

of holding no stocks is to continue to prevail, we may be quite run out of all these important articles before any one is aware.

CROPPER, BENSON, & CO.

ESTIMATES.

South Carolina contains 502,741 inhabitants, of which 258,475 are slaves. Georgia contains 340,989 inhabitants, of which 143,432 are slaves. Alabama contains 127,901 inhabitants, of which 41,000 are slaves. Mississippi contains 75,448 inhabitants, of which 32,814 are slaves. Louisiana contains 153,407 inhabitants, of which 68,500 are slaves. Tennessee contains 422,613 inhabitants, of which 80,000 are slaves. Total, 1,623,099 inhabitants, of which 629,271 are slaves.

Total population as above	1,623,099
Deduct slaves	629,271

Leaving a population of free persons of	993,828
Deduct for free colored persons	20,828

Leaving a population of white persons of	973,000
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It is commonly estimated that one slave to every ten white persons, is employed for domestic purposes, which will give

	97,300
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Estimated number of slaves on sugar and tobacco plantations	40,000
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Do on rice	do	40,000
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Do mechanics	do	20,000
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Total	197,500
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Total slave population	629,271
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Effective and non-effective hands employed otherwise than on cotton plantations as above	197,300
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Leaving effective and non-effective slaves on the cotton plantations	431,971
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First estimate of cost of cotton plantations.

Food, 13 bushels of corn, or 1 peck per week, at 70 cts. per bushel	\$9 10
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1 hat, \$1 50; 2 pair shoes, \$2 50; 1 blanket, \$3	7 00
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6 yards plains, at 75 cts. 4 50; doctor and physic, \$1	5 50
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One suit of osnaburgs	1 50
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Tools, vehicles, and horses	1 00
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Tax	1 50
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25 60

100 negroes are equal to 60 good working hands:

100 average negroes worth now perhaps \$350 each	\$35,000
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100 average negroes, or 60 working hands, will cultivate each 3 1/2 acres, or 210 acres, worth per acre 50 dollars	10,500
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Planter's capital	\$45,500
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If one working hand cultivates 3 1/2 acres, which give 900lbs of clean cotton, 60 working hands, or 100 average hands, will cultivate 210 acres, which yield 54,000 lbs. clean cotton, which, at 11 cts. per lb. is gross

	\$5,940
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Deduct the expense of keeping 100 hands at \$24, in lieu of 25 60, the estimate	2,400
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Factorage, 2 1/2 per cent on \$5,940	148
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Carriage, rent, drayage, and labor on 185 bags or 54,000lb weight, at \$2 50	712	
Bagging, at 90 cents per bale	256	
		5,316

Leaves net profit of 100 negroes, or 60 working hands, at 11 cents 2,324

Then it appears, that a capital of 45,500 dollars in land and negroes, yields, if the cotton sell at 11 cents per lb, 2,324 dollars, or 5 1 10 per cent.

Second estimate of cost of cotton plantations.

Cost of keeping one negro a year on a cotton plantation:

Food, 13 bushels of corn, or 1 peck per week, at 70 cents per bushel \$9 10

Touching this item, this planter says that he appoints a certain portion of his negroes to cultivate bread stuff for those employed in his plantations, and that whether he cultivate it or buy it, it will cost as above.

A pair of shoes \$1 28; 1 blanket in 3 years, at 3 dollars, is 1 dollar 2 25

Or yards of plains, at 75 cents, 4 50; doctor and physic, 1 dollar 5 50

Suit osnaburgs for summer 1 50

Tools, vehicles, and horses 1 50

Tax 1 00

20 85

This planter says, that, on an average, 20 dollars will defray the expense per head, and these items come near it. The negro, out of his own earnings, buys a hat and any more shoes he may require.

But, out of 100 average hands, 50 only are workers, the other fifty being rendered non-effective by infancy, infirmity, or from being used for domestic purposes.

100 average negroes, worth 400 dollars each 40,000

100 average negroes, or 50 working hands, will cultivate each $3\frac{1}{2}$ acres or 175 acres, worth per acre \$80 14,000

Amount of capital in negroes and land \$54,000

The land is only worth \$20 an acre; but a planter must have at least four times the quantity that is actually employed for cotton, seeing that it soon gets exhausted. It is too expensive to restore it by manure and it lies in fallow until the remainder of the estate has undergone exhaustion; so that \$80 is really the cost of an acre of the land actually in use.

Average gangs of negroes would, not long ago, have commanded \$425 each, so that the above is a low estimate.

If one working hand cultivates $3\frac{1}{2}$ acres, which will yield 900lbs of clean cotton, 50 working hands will cultivate 175 acres, which will yield 45,000lbs of clean cotton, and which, at 10 cents per lb. is 4,500 00

Deduct expense of keeping 100 hands at \$20 2,000 00

Factorage on \$4,500 at $2\frac{1}{2}$ per cent 112 50

Carriage, rent, drayage and labor on 150 bags, or 45,000lb weight, \$2 50 each 375 00

Bagging, at 90 cents per bale 135 00

2,622 50

Nett profit of 100 average or 50 working hands, at 10 cents \$1,877 50

So that on a capital of negroes and land, amounting to \$54,000 there is a profit of \$ 238 540 per cent, at 10 cents per pound.

Seventeenth Congress—2nd session.

IN THE SENATE.

December 2, 1822. At 12 o'clock the president of the senate pro tempore, Mr. GAILLARD, took the chair of the senate, and the following members appeared in their seats, viz:

From *New Hampshire*. Mr. Morrill and Mr. Parrott.

From *Massachusetts*. Mr. James Lloyd, (in the place of Mr. Otis, resigned).

From *Rhode Island*. Mr. Knight.

From *Connecticut*. Mr. Boardman and Mr. Landon.

From *Vermont*. Mr. Palmer and Mr. Seymour.

From *New York*. Mr. King and Mr. Van Buren.

From *New Jersey*. Mr. Dickerson.

From *Pennsylvania*. Mr. Findlay and Mr. Lowrie.

From *Delaware*. Mr. Van Dyke and Mr. Rodney.

From *Virginia*. Mr. Barbour and Mr. Pleasants.

From *North Carolina*. Mr. Macon.

From *South Carolina*. Mr. Gaillard and Mr. Smith.

From *Kentucky*. Mr. Johnson and Mr. Talbot.

From *Tennessee*. Mr. Eaton and Mr. Williams.

From *Ohio*. Mr. Brown and Mr. Ruggles.

From *Louisiana*. Mr. Brown and Mr. Johnson.

From *Indiana*. Mr. Noble and Mr. Taylor.

From *Mississippi*. Mr. Holmes and Mr. Williams.

From *Illinois*. Mr. Edwards.

From *Maine*. Mr. Chandler and Mr. Holmes.

From *Missouri*. Mr. Barton.

A quorum of the members being present,

A message was, on motion of Mr. Barbour, sent to the house of representatives, announcing that fact, and the readiness of the senate to proceed to business.

On motion of Mr. Barbour, a committee was appointed to join the committee of the house of representatives to wait on the president of the United States, and inform him that the two houses were ready to receive any communication from him; and Mr. King, of New York, and Mr. Macon were appointed; and

The senate then adjourned.

December 3. The vice president took his seat this day as president of the senate.

The president's message was received, (as given in the proceedings of the house), read and ordered to be printed, &c.

A letter was received from the secretary of war, transmitting, in pursuance of an order passed at the last session, a report of the number of persons placed upon the pension list, up to the 4th Sept. 1822, by virtue of the acts of the 18th March, 1818, and 1st of May, 1820. [The total number of officers, non-commissioned officers, and privates, placed on the revolutionary pension list, up to the 4th Sept. 1822, appears to be 12,331].

After adopting several orders connected with the despatch of business—

The senate adjourned.

December 4. Mr. Ware, of Georgia, appeared and took his seat. No matter of importance transacted.

HOUSE OF REPRESENTATIVES.

December 2, 1822. At 12 o'clock precisely, the speaker, (Mr. P. P. BARBOUR, of Virginia), took the chair, and Mr. Samuel Burch, principal clerk in the

office of clerk of the house of representatives, called over the roll of members, when it appeared that the following members were present, viz:

Maine. Joshua Cushman, Joseph Dane, Mark Harris, Ebenezer Herrick, Mark L. Hill, Enoch Lincoln, William D. Williamson.

New Hampshire. Josiah Butler, Matthew Harvey, Aaron Matson, William Plumer, jr. Nathaniel Upham, Thomas Whipple, jr.

Massachusetts. Samuel C. Allen, Francis Baylies, Lewis Bigelow, Henry W. Dwight, William Eastis, Timothy Fuller, Benjamin Gorham, Aaron Hobart, Jeremiah Nelson, John Reed, Jonathan Russell.

Rhode Island. Job Darfee, Samuel Eddy.

Connecticut. Noyes Barber, Henry W. Edwards, John Russ, Ansel Sterling, Ebenezer Stoddard, Gideon Tomlinson.

Vermont. Samuel C. Crafts, Elias Keyes, Rollin C. Mallary, John Mattocks, Phineas White.

New York. Churchill C. Cambreleng, Alfred Conckling, John D. Dickinson, John Gebhard, Jas. Hawks, Thomas H. Hubbard, Joseph Kirkland, Elsha Litchfield, Richard McCarty, Walter Patterson, Jeremiah H. Pierson, Nathaniel Pitcher, William B. Rochester, Charles H. Ruggles, C. D. Golden, Micah Sterling, John W. Taylor, Albert H. Tracey, Stephen Van Rensselaer, William W. Van Wyck, Reuben H. Walworth, Silas Wood, David Woodcock.

New Jersey. Ephraim Bateman, George Cassidy, Lewis Condict, George Holcombe, Samuel Swan.

Pennsylvania. John Brown, William Darlington, George Denison, Samuel Edwards, Patrick Farrelly, Walter Forward, John Findlay, Samuel Gross, Joseph Hemphill, James McSherry, Thomas Forrest, James S. Mitchel, Samuel D. Ingham, Thomas Murray, jr. Thomas Patterson, Jno. Phillips, George Plumer, Thomas J. Rodgers, John Tod.

Delaware. Louis McLane, Daniel Rodney.

Maryland. Joseph Kent, Peter Little, John Nelson, Philip Reed, Samuel Smith, Henry R. Warfield, Robert Wright.

Virginia. Mark Alexander, William S. Archer, Philip P. Barbour, (*speaker*), Burwell Bassett, Robert S. Garnett, Edward B. Jackson, James Jones, William McCoy, Charles F. Mercer, Hugh Nelson, Thomas Newton, John Randolph, Arthur Smith, Alexander Smyth, Andrew Stevenson, James Stephenson, George Tucker, Jared Williams.

North Carolina. William S. Blackledge, Hutchins G. Burton, Henry Connor, Weldon N. Edwards, Thomas H. Hall, Charles Hooks, John Long, Archibald McNeil, Romulus Sanders, Felix Walker, Lewis Williams.

South Carolina. John Carter, Joseph Gist, Thos. R. Mitchell, Sterling Tucker, John Wison.

Georgia. Joel Abbot, George R. Gilmer, Edw'd F. Tattell, Wiley Thompson.

Kentucky. James D. Breckenridge, Benjamin Hardin, Francis Johnson, John T. Johnson, Thos. Metcalf, Thos. Montgomery, Anthony New, David Trimble, Samuel H. Woodson.

Tennessee. Robert Allen, Newton Cannon, John Cocks, Francis Jones, John Rhea.

Ohio. Levi Barber, David Chambers, Thomas R. Ross, John Sloan, Joseph Vance.

Louisiana. Josiah Stoddard Johnson.

Indiana. Jonathan Jennings.

Mississippi. Christopher Rankin.

Illinois. Daniel P. Cook.

Alabama. Gabriel Moore.

Missouri. John Scott.

The following gentlemen, elected during the recess to fill vacancies which have occurred in this body, made their appearance, and were qualified by taking the oath to support the constitution of the United States, viz:

From Maine. Mark Harris.

Pennsylvania. Walter Forward and Thos. Forrest.

Delaware. Daniel Rodney.

Virginia. James Stephenson.

South Carolina. John Carter.

Indiana. Jonathan Jennings.

On motion of Mr. Taylor, of N. Y. a message was ordered to be sent to the senate, informing that body that a quorum of this house was formed, and was ready to proceed to business.

On motion of Mr. Taylor, it was ordered, that a committee be appointed, to act jointly with such committee as may be appointed by the senate, to wait on the president of the United States, and inform him that the two houses were in session, and ready to receive any communication which he might have to make to them.

After receiving a message from the senate, by their secretary, that they had formed a quorum—

On motion of Mr. Taylor, it was ordered, that the house do now proceed to the election of a clerk, to fill the vacancy occasioned by the death of Thomas Dougherty, esq. late clerk of this house.

This being an office to which persons other than members of the house may be elected, nominations of candidates are, by the rules of the house, required previous to election; and twenty persons were nominated as candidates for the office.

The balloting took place.

[Six ballots were taken—the following shews the several results at one view:

	1st.	2d.	3d.	4th.	5th.	6th
William Milnor :	14	12	9	7	—	—
Samuel Burch :	10	6	—	—	—	—
Levi H. Clark :	19	22	24	26	21	12
B. S. Chambers :	17	20	20	25	28	29
S. D. Franks :	15	13	13	8	10	9
Tobias Watkins :	12	10	12	6	—	—
Robert Temple :	13	15	23	28	46	54
E. W. Du Val :	5	—	—	—	—	—
S. A. Foot :	9	9	8	6	—	—
James H. Pleasants :	13	13	15	17	8	17
Mr. Briggs :	5	—	—	—	—	—
J. S. Williams :	4	—	—	—	—	—
M. St. C. Clarke :	9	12	14	17	21	24
Mr. Goldsborough :	—	4	—	7	—	—

There were, on the different ballots, a few scattering votes, that are not put down in the preceding exhibit.]

Between the first and second ballots—Mr. Taylor, from the committee appointed to wait on the president of the United States, reported that the committee had performed that duty, and had received for answer that the president would to-morrow, at 12 o'clock, make a communication to the house in writing.

Tuesday, December 3.—This day the president of the United States transmitted to both houses of congress the following

MESSAGE.

Fellow citizens of the senate, and house of representatives:

Many causes unite to make your present meeting peculiarly interesting to our constituents. The operation of our laws, on the various subjects, to which they apply, with the amendments which they occasionally require, imposes, annually, an important duty on the representatives of a free people.

Our system has happily advanced to such maturity, that I am not aware that your cares, in that respect, will be augmented. Other causes exist which are highly interesting to the whole civilized world, and to no portion of it more so, in certain views, than to the United States. Of these causes, and of their bearing on the interests of our union, I shall communicate the sentiments which I have formed with that freedom which a sense of duty dictates. It is proper, however, to invite your attention, in the first instance, to those concerns respecting which legislative provision is thought to be particularly urgent.

On the 24th of June last, a convention of navigation and commerce was concluded, in this city, between the United States and France, by ministers duly authorized for the purpose. The sanction of the executive having been given to this convention, under a conviction that, taking all its stipulations into view, it rested, essentially, on a basis of reciprocal and equal advantage, I deemed it my duty, in compliance with the authority vested in the executive, by the second section of the act of the last session, of the sixth of May, concerning navigation, to suspend, by proclamation, until the end of the next session of congress, the operation of the act, entitled "an act to impose a new tonnage duty on French ships and vessels, and for other purposes," and to suspend, likewise, all other duties on French vessels, or the goods imported in them, which exceeded the duties on American vessels, and on similar goods imported in them. I shall submit this convention, forthwith, to the senate, for its advice and consent as to the ratification.

Since your last session, the prohibition which had been imposed on the commerce between the United States and the British colonies, in the West Indies and on this continent, has likewise been removed. Satisfactory evidence having been adduced that the ports of those colonies had been opened to the vessels of the United States by an act of the British parliament, bearing date on the 24th of June last; on the conditions specified therein, I deemed it proper, in compliance with the provision of the first section of the act of the last session, above recited, to declare, by proclamation, bearing date on the 24th of August last, that the ports of the United States should thenceforward, and until the end of the next session of congress, be open to the vessels of Great Britain, employed in that trade, under the limitation specified in that proclamation.

A doubt was entertained whether the act of congress applied to the British colonies on this continent, as well as to those in the West Indies; but, as the act of parliament opened the intercourse equally with both, and it was the manifest intention of congress, as well as the obvious policy of the United States, that the provisions of the act of parliament should be met, in equal extent, on the part of the United States, and as, also, the act of congress was supposed to vest in the president some discretion in the execution of it, I thought it advisable to give it a corresponding construction.

Should the constitutional sanction of the senate be given to the ratification of the convention with France, legislative provisions will be necessary to carry it fully into effect, as it likewise will be to continue in force, on such conditions as may be deemed just and proper, the intercourse which has been opened between the United States and the British colonies. Every light in the possession

of the executive will, in due time, be communicated on both subjects.

Resting essentially on a basis of reciprocal and equal advantage, it has been the object of the executive, in transactions with other powers, to meet the propositions of each with a liberal spirit, believing that, thereby, the interest of our country would be most effectually promoted. This course has been systematically pursued in the late occurrences with France and Great Britain, and in strict accord with the views of the legislature. A confident hope is entertained that, by the arrangement thus commenced with each, all differences respecting navigation and commerce with the dominions in question, will be adjusted, and a solid foundation be laid for an active and permanent intercourse, which will prove equally advantageous to both parties.

The decision of his imperial majesty the emperor of Russia, on the question submitted to him by the United States and Great Britain, concerning the construction of the first article of the treaty of Ghent, has been received. A convention has since been concluded between the parties, under the mediation of his imperial majesty, to prescribe the mode by which that article shall be carried into effect, in conformity with that decision. I shall submit this convention to the senate for its advice and consent, as to the ratification, and, if obtained, shall immediately bring the subject before congress, for such provisions as may require the interposition of the legislature.

In compliance with an act of the last session, a territorial government has been established in Florida, on the principles of our system. By this act, the inhabitants are secured in the full enjoyment of their rights and liberties, and to admission into the union, with equal participation in the government, with the original states, on the conditions heretofore prescribed to other territories.—By a clause in the ninth article of the treaty with Spain, by which that territory was ceded to the United States, it is stipulated, that satisfaction shall be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of our troops in Florida. No provision having yet been made to carry that stipulation into effect, it is submitted to the consideration of congress, whether it will not be proper to vest the competent power in the district court at Pensacola, or in some tribunal to be specially organized for that purpose.

The fiscal operations of the year have been more successful than had been anticipated at the commencement of the last session of congress.

The receipts into the treasury during the three first quarters of the year, have exceeded the sum of fourteen millions seven hundred and forty-five thousand dollars. The payments made at the treasury during the same period have exceeded twelve millions two hundred and seventy-nine thousand dollars; leaving in the treasury on the 30th day of September last (including one million one hundred and sixty eight thousand five hundred and ninety-two dollars and twenty-four cents, which were in the treasury on the first day of January last) a sum exceeding four millions one hundred and twenty-eight thousand dollars.

Besides discharging all demands for the current service of the year, including the interest and reimbursement of the public debt, the six per cent. stock of 1796, amounting to eighty thousand dollars, has been redeemed. It is estimated that,

after defraying the current expenses of the present quarter, and redeeming the two millions of six per cent. stock of 1820, there will remain in the treasury, on the first day of January next, nearly three millions of dollars. It is estimated that the gross amount of duties which have been secured, from the first of January to the 30th September last, has exceeded nineteen millions five hundred thousand dollars, and the amount for the whole year will probably not fall short of twenty-three millions of dollars.

Of the actual force in service under the present military establishment, the posts at which it is stationed, and the condition of each post, a report from the secretary of war, which is now communicated, will give a distinct idea. By like reports, the state of the academy at West Point will be seen, as will be the progress which has been made on the fortifications along the coast, and at the public armories and arsenals.

The position on the Red river, and that at the Sault of St. Marie, are the only new posts that have been taken. These posts, with those already occupied in the interior, are thought to be well adapted to the protection of our frontiers. All the force, not placed in the garrisons along the coast, and in the ordnance depots, and indispensably necessary there, is placed on the frontiers.

The organization of the several corps composing the army, is such as to admit its expansion to a great extent, in case of emergency, the officers carrying with them all the light which they possess to the new corps, to which they might be appointed.

With the organization of the staff there is equal cause to be satisfied. By the concentration of every branch, with its chief, in this city, in the presence of the department, and with a grade in the chief military station to keep alive and cherish a military spirit, the greatest promptitude in the execution of orders, with the greatest economy and efficiency, are secured. The same view is taken of the military academy. Good order is preserved in it, and the youth are well instructed in every science connected with the great objects of the institution. They are also well trained and disciplined in the practical parts of the profession. It has always been found difficult to control the ardor inseparable from that early age, in such manner as to give it a proper direction. The rights of manhood are too often claimed prematurely; in pressing which too far, the respect which is due to age, and the obedience necessary to a course of study and instruction, in every such institution, are sometimes lost sight of. The great object to be accomplished is the restraint of that ardor, by such wise regulations and government, as, by directing all the energies of the youthful mind to the attainment of useful knowledge, will keep it within a just subordination, and at the same time elevate it to the highest purposes. This object seems to be essentially obtained in this institution, and with great advantage to the union.

The military academy forms the basis, in regard to science, on which the military establishment rests. It furnishes, annually, after due examination, and on the report of the academic staff, many well informed youths, to fill the vacancies which occur in the several corps of the army, while others, who retire to private life, carry with them such attainments, as, under the right reserved to the several states to appoint the officers and to train the militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in congress, of providing for the

organizing, arming and disciplining the militia. Thus, by the mutual and harmonious co-operation of the two governments in the execution of a power divided between them, an object always to be cherished, the attainment of a great result, on which our liberties may depend, cannot fail to be secured. I have to add, that, in proportion as our regular force is small, should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

A report from the secretary of the navy will communicate the progress which has been made in the construction of vessels of war, with other interesting details, respecting the actual state of the affairs of that department. It has been found necessary, for the protection of our commerce, to maintain the usual squadrons on the Mediterranean, the Pacific, and along the Atlantic coast, extending the cruises of the latter into the West Indies, where piracy, organized into a system, has preyed on the commerce of every country trading thither. A cruise has also been maintained on the coast of Africa, when the season would permit, for the suppression of the slave trade; and orders have been given to the commanders of all our public ships to seize our own vessels, should they find any engaged in that trade, and to bring them in for adjudication.

In the West Indies piracy is of recent date, which may explain the cause why other powers have not combined against it. By the documents communicated, it will be seen that the efforts of the United States to suppress it, have had a very salutary effect. The benevolent provision of the act, under which the protection has been extended alike to the commerce of other nations, cannot fail to be duly appreciated by them.

In compliance with the act of last session, entitled "an act to abolish the United States' trading establishments," agents were immediately appointed and instructed, under the direction of the secretary of the treasury, to close the business of the trading-houses among the Indian tribes, and to settle the accounts of the factors and sub-factors engaged in that trade, and to execute, in all other respects, the injunctions of that act, in the mode prescribed therein. A final report of their proceedings shall be communicated to congress as soon as it is received.

It is with great regret I have to state that a serious malady has deprived us of many valuable citizens at Pensacola, and checked the progress of some of those arrangements which are important to the territory. This effect has been sensibly felt in respect to the Indians who inhabit that territory, consisting of the remnants of several tribes who occupy the middle ground between St. Augustine and Pensacola, with extensive claims, but undefined boundaries. Although peace is preserved with those Indians, yet their position and claims tend essentially to interrupt the intercourse between the eastern and western parts of the territory, on which our inhabitants are principally settled. It is essential to the growth and prosperity of the territory, as well as to the interest of the union, that these Indians should be removed, by special compact with them, to some other position, or concentrated within narrower limits where they are. With the limited means in the power of the executive, instructions were given to the governor to accomplish this object, so far as it might be practicable, which was prevented by the distressing malady referred to. To carry it fully into effect in either mode, additional funds will be necessary, to the provision of which

the powers of congress alone are competent. With a view to such provisions as may be deemed proper, the subject is submitted to your consideration, and in the interim, further proceedings are suspended.

It appearing that so much of the act, entitled "an act regulating the staff of the army," which passed on the 14th April, 1818, as relates to the commissariat, will expire in April next, and the practical operation of that department having evinced its great utility, the propriety of its renewal is submitted to your consideration.

The view which has been taken of the probable productiveness of the lead mines, connected with the importance of the material to the public defence, makes it expedient that they should be managed with peculiar care. It is, therefore, suggested whether it will not comport with the public interest to provide, by law, for the appointment of an agent skilled in mineralogy, to superintend them, under the direction of the proper department.

It is understood that the Cumberland road, which was constructed at a great expense, has already suffered from the want of that regular superintendance, and of those repairs, which are indispensable to the preservation of such a work. This road is of incalculable advantage in facilitating the intercourse between the western and the Atlantic states. Through it the whole country, from the northern extremity of lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the seat of government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the post office department, cannot be estimated too highly. This great work is, likewise, an ornament, and an honor to the nation. Believing that a competent power to adopt and execute a system of internal improvement has not been granted to congress, but that such a power, confined to great national purposes, and with proper limitations, would be productive of eminent advantage to our union, I have thought it advisable that an amendment of the constitution, to that effect, should be recommended to the several states. A bill which assumed the right to adopt and execute such a system, having been presented for my signature, at the last session, I was compelled, from the view which I had taken of the powers of the general government, to negative it, on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that communication, in all the views in which the great interest to which it relates, may be supposed to merit your attention, I have now to refer. Should congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, the right to keep the road in repair, by providing for the superintendance of it, and appropriating the money necessary for repairs. Surely, if they had a right to appropriate money to make the road, they have the right to appropriate it to preserve the road from ruin. From the exercise of this power no danger is to be apprehended. Under our happy system, the people are the sole and exclusive fountain of power. Each government originates from them, and to them alone, each to its proper constituents, are they respectively and solely responsible for the faithful discharge of their duties, within their constitutional limits. And that the people will confine their public agents, of every station, to the strict line of their constitutional duties, there is no cause to doubt. Having, however, communicated

my sentiments to congress, at the last session, fully, in the document to which I have referred, respecting the right of appropriation, as distinct from the right of jurisdiction and sovereignty over the territory in question, I deem it improper to enlarge on the subject here.

From the best information that I have been able to obtain, it appears that our manufactures, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1815, and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would concur in it, and it was not liable to be interrupted by war, which has never occurred, and cannot be expected, that there are other strong reasons applicable to our situation, and relations with other countries, which impose on us the obligation to cherish and sustain our manufactures. Satisfied, however, I likewise am, that the interest of every part of our union, even of those most benefitted by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject, in all its relations, I am persuaded, that a further augmentation may now be made of the duties on certain foreign articles in favor of our own, and without affecting, injuriously, any other interest. For more precise details, I refer you to the communications which were made to congress during the last session.

So great was the amount of accounts for money advanced during the late war, in addition to others of a previous date, which, in the regular operations of the government, necessarily remained unsettled, that it required a considerable length of time for their adjustment. By a report from the first comptroller of the treasury, it appears, that, on the 4th of March, 1817, the accounts then unsettled amounted to one hundred and three millions six hundred and eighty thousand eight hundred and seventy six dollars and forty one cents, of which, on the 30th of September of the present year, ninety three millions one hundred and seventy five thousand three hundred and ninety six dollars and fifty six cents had been settled; leaving on that day a balance unsettled of nine millions eight hundred and ninety three thousand four hundred and seventy nine dollars and eighty five cents. That there have been drawn from the treasury, in paying the public debt, and sustaining the government in all its operations and disbursements, since the 4th of March, 1817, one hundred and fifty seven millions one hundred and ninety nine thousand three hundred and eighty dollars and ninety six cents, the accounts for which have been settled to the amount of one hundred and thirty seven millions five hundred and one thousand four hundred and fifty one dollars and twelve cents; leaving a balance unsettled of nineteen millions six hundred and ninety seven thousand nine hundred and twenty nine dollars and eighty four cents. For precise details respecting each of these balances, I refer to the report of the comptroller, and the documents which accompany it.

From this view, it appears that our commercial differences with France and Great Britain have been placed in a train of amicable arrangement, on conditions fair and honorable, in both instances, to each party; that our finances are in a very productive state, our revenue being at present fully competent to all the demands upon it; that our military force is well organized in all its branches, and capable of rendering the most important ser-

vice, in case of emergency, that its number will admit of; that due progress has been made, under existing appropriations, in the construction of fortifications, and in the operations of the ordnance department; that due progress has, in like manner, been made in the construction of ships of war; that our navy is in the best condition, felt and respected in every sea in which it is employed for the protection of our commerce; that our manufactures have augmented in amount, and improved in quality, that great progress has been made in the settlement of accounts, and in the recovery of the balances due by individuals; and, that the utmost economy is secured and observed in every department of the administration.

Other objects will likewise claim your attention; because, from the station which the United States hold, as a member of the great community of nations, they have rights to maintain, duties to perform, and dangers to encounter.

A strong hope was entertained that peace would, ere this, have been concluded, between Spain and the independent governments south of the United States in this hemisphere. Long experience having evinced the competency of those governments to maintain the independence which they had declared, it was presumed that the considerations which induced their recognition by the U. States, would have had equal weight with other powers, and that Spain herself, yielding to those magnanimous feelings of which her history furnishes so many examples, would have terminated, on that basis, a controversy so unavailing, and at the same time so destructive. We still cherish the hope, that this result will not long be postponed.

Sustaining our neutral position, and allowing to each party, while the war continue, equal rights, it is incumbent on the United States to claim of each, with equal rigor, the faithful observance of our rights, according to the well known law of nations. From each, therefore, a like co-operation is expected in the suppression of the piratical practice which has grown out of this war, and of blockades of extensive coasts on both seas, which, considering the small force employed to sustain them, have not the slightest foundation to rest on.

Europe is still unsettled, and although the war long menaced between Russia and Turkey, has not broken out, there is no certainty that the differences between those powers will be amicably adjusted. It is impossible to look to the oppressions of the country, respecting which those differences arose, without being deeply affected. The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinements in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and personal liberty, are associated with our recollections of ancient Greece. That such a country should have been overwhelmed, and so long hidden, as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the re-appearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor, which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth.

A great effort has been made in Spain and Portugal to improve the condition of the people, and it most be very consoling, to all benevolent minds, to see the extraordinary moderation with which it has been conducted. That it may promote the happiness of both nations, is the ardent wish of this whole people, to the expression of which we confine ourselves; for, whatever may be the feelings or sentiments which every individual under our government has a right to indulge and express, it is, nevertheless, a sacred maxim, equally with the government and people, that the destiny of every independent nation, in what relates to such improvements, of right belongs, and ought to be left, exclusively to themselves.

Whether we reason from the late wars, or from those menacing symptoms which now appear in Europe, it is manifest, that, if a convulsion should take place in any of those countries, it will proceed from causes which have no existence, and are utterly unknown in these states, in which there is but one order, that of the people, to whom the sovereignty exclusively belongs. Should war break out in any of those countries, who can foretell the extent to which it may be carried, or the desolation which it may spread? Exempt as we are from these causes, our internal tranquility is secure; and, distant as we are from the troubled scene, and faithful to first principle, in regard to other powers, we might reasonably presume, that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation, might, with some, be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration, that no system of conduct, however correct in principle, can protect neutral powers from injury, from any party; that a defenceless position, and distinguished love of peace, are the surest invitations to war; and that there is no way to avoid it, other than by being always prepared, and willing, for just cause, to meet it. If there be a people on earth whose more especial duty is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burthens, and in submitting to sacrifices, to make such preparation, it is undoubtedly the people of these states.

When we see that a civil war, of the most frightful character, rages from the Adriatic to the Black Sea; that strong symptoms of war appear in other parts, proceeding from causes, which, should it break out, may become general, and be of long duration; that the war still continues between Spain and the independent governments, her late provinces, in this hemisphere; that it is likewise menaced between Portugal and Brazil, in consequence of the attempt of the latter to dismember itself from the former; and that a system of piracy, of great extent, is maintained in the neighboring seas, which will require equal vigilance and decision to suppress it, the reasons for sustaining the attitude which we now hold, and for pushing forward all our measures of defence with the utmost vigor, appear to me to acquire new force.

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity, a generous support. They have so far succeeded to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt, that their whole movement will be regulated by a sacred regard to principle, all our institutions being founded on that basis. The ability

to support our own cause, under any trial to which it may be exposed, is the great point on which the public solicitude rests. It has been often charged against free governments, that they have neither the foresight, nor the virtue to provide, at the proper season, for great emergencies; that their course is imprudent and expensive; that war will always find them unprepared, and whatever may be its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge, so far as relates to the United States, will be shown to be utterly destitute of truth. JAMES MONROE.

Washington, December 3, 1822.

The Speaker laid before the house letters from the secretaries of the state, treasury, war and navy departments, and from the postmaster general, each transmitting a report of the number of officers and messengers retained in their respective departments, which were severally ordered to lie on the table.

The house then proceeded to ballot, (the seventh time), for a person to fill the vacancy of clerk of the house, in the place of the late Thos. Dougherty, esq.; and the votes were as follow:

	7th.	8th.	9th.	10th.	11th
Mr. Temple	46	47	50	55	48
Chambers	26	25	23	7	—
L. H. Clark	19	5	—	—	—
Franks	16	20	15	2	—
Foot	13	16	16	13	—
Pleasants	12	3	—	—	—
Milnor	11	9	—	—	—
M. St. C. Clarke	5*	29	45	71	98
Watkins	3	—	—	—	—

So Matthew St. Clair Clarke, of Penn. was duly elected clerk of the house of representatives of the United States, and, being in attendance, was sworn into office.

Wednesday, Dec. 4. Messrs. Burrows, of Connecticut; Borland, Litchfield and Morgan, of New York; Neal, of Maryland; J. S. Smith, of Kentucky; Floyd, W. Smith and T. L. Moore, of Virginia; Campbell, of Ohio; and Crudup, of N. Carolina, appeared and took their seats: also, Mr. Andrew R. Govan, elected in the place of Mr. Overstreet, of S. Carolina, deceased.

On motion of Mr. Cocks, of Tenn. it was

Resolved, That the committee of ways and means be instructed to inquire into the expediency of prescribing, by law, a mode by which the senators, and representatives, and delegates in congress, shall receive their compensation; and, also, a mode by which the contingent expenses of the senate and house of representatives shall be liquidated and paid.

On motion of Mr. Moore, of Alab. it was

Resolved, That the judiciary committee be instructed to inquire into the expediency of allowing the state of Alabama three representatives, in conformity with the 2d section of the act for the apportionment of representatives among the several states, according to the fourth census.

Sundry resolutions, referring the president's message to different committees, as is customary, were introduced by Mr. Taylor, of New York, and agreed to without debate, in a committee of the

* On this occasion it appeared that the votes placed to the name of Mr. L. H. Clark were chiefly intended for Mr. St. Clair Clarke—but no choice having been made, it was suffered to be corrected by the next ballot.

whole—they were concurred in by the house, after an amendment of Mr Wright, which has a more special view to the entire suppression of the slave trade, and it was acquiesced in by Mr. Taylor. It was referred to a special committee.

The following standing committees have been appointed by the speaker of the house:

On the committee of elections. Mr Sloane, Mr. Edwards, of N. C. Mr. Kirkland, Mr. Moore, of Va. Mr. Rodgers, Mr. Mallary, and Mr. Tucker, of S. C.

On the committee of ways and means. Mr. Smith, of Maryland, Mr. McLane, Mr. Mitchell, of South Carolina, Mr. Jones, of Tennessee, Mr. Thompson, Mr. Andrew Stevenson, and Mr. Cambreleng.

On the committee of claims. Mr. Williams, of N. C. Mr. McCoy, Mr. Edwards, of Conn. Mr. Litchfield, Mr. Forrest, Mr. Matson, and Mr. Reed, of Md.

On the committee of commerce. Mr. Newton, Mr. Tomlinson, Mr. Hill, Mr. Abbot, Mr. Morgan, Mr. Hardin, and Mr. Durfee.

On the committee of public lands. Mr. Rankin, Mr. Scott, Mr. Cook, Mr. Cannon, Mr. Sterling, of New York, Mr. Bassett, and Mr. Jennings.

On the committee on the post office and post roads. Mr. Francis Johnson, Mr. Hooks, Mr. Gross, Mr. Stoddart, Mr. Campbell, of New York, Mr. Bateman, and Mr. Wilson.

On the committee for the district of Columbia. Mr. Kent, Mr. Mercer, Mr. Neale, Mr. Matlack, Mr. Patterson, of Pennsylvania, Mr. Rochester, and Mr. James Stephenson.

On the committee on the judiciary. Mr. Nelson, of Virginia, Mr. Plumer, of N. Hampshire, Mr. Dickinson, Mr. Burton, Mr. Sanders, Mr. Johnston, of Louisiana, and Mr. Hemphill.

On the committee on pensions and revolutionary claims. Mr. Rhea, Mr. Luttle, Mr. Eddy, Mr. Allen, of Tennessee, Mr. Wm. Smith, Mr. Hubbard, and Mr. Barber, of Ohio.

On the committee on public expenditures. Mr. Montgomery, Mr. Dwight, Mr. Crafts, Mr. Gebhard, Mr. Gist, Mr. Tatnall, and Mr. Harris.

On the committee on private land claims. Mr. Campbell, of Ohio, Mr. Conckling, Mr. Moore, of Alabama, Mr. Upham, Mr. Sterling, of Connecticut, Mr. Crudup, and Mr. Van Rensselaer.

On the committee on manufactures. Mr. Tod, Mr. Woodson, Mr. Floyd, Mr. Conner, Mr. Nelson, of Maryland, Mr. Condict, and Mr. Forward.

On the committee on agriculture. Mr. Butler, Mr. Baylies, Mr. Garnett, Mr. McNeil, Mr. Vance, Mr. Findlay, and Mr. New.

On the committee on Indian affairs. Mr. Metcalfe, Mr. Bigelow, Mr. Mitchell, of Pennsylvania, Mr. Mercer, Mr. McCarty, Mr. Williamson, and Mr. Williams, of Virginia.

On the committee on foreign affairs. Mr. Russell, Mr. Wright, Mr. Trimble, Mr. Taylor, Mr. Archer, Mr. Farrelly, and Mr. Rodney.

On the committee on military affairs. Mr. Eustis, Mr. Cocks, Mr. Walworth, Mr. Darlington, Mr. Smith, of Ken. Mr. McCoy, and Mr. Mattocks.

On the committee on naval affairs. Mr. Fuller, Mr. Randolph, Mr. Gilmer, Mr. Colden, Mr. Warfield, Mr. Plumer, of Pennsylvania, and Mr. Harvey.

On the committee on revision and unfinished business. Mr. Riss, Mr. Hawks, and Mr. Brown, of Penn.

On the committee on accounts. Mr. Allen, of Massachusetts, Mr. Swan, and Mr. Ruggles.

Thursday's proceedings are unimportant, and we have not room for them. What is necessary, shall be preserved in our next.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 15—Vol. XI.] BALTIMORE, DEC. 14, 1822. [No. 15—Vol. XXIII. WHOLE No. 587

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ We have a copy of the volume of documents that accompanied the president's message—out of which we shall make some liberal extracts and abstracts of what we suppose most interesting to our readers. Without the tables, it makes 91 pages.

☞ There is a report that com. PORTER is to take command on the West India station, with discretionary powers to suppress piracy, if it be possible—“peaceably if he can, forcibly if he must.” This matter could not be confided to a better man, and we say, *let commerce be protected*—about which we shall, probably, offer some further remarks in our next.

The British now have six or eight vessels cruising on the coast of Cuba, for the suppression of piracy, and they appear to be active. One of them has captured a piratical schooner off Matanzas, and killed or secured the whole of the crew—15 of them have been sent to Nassau.

THE GREEKS. A vessel has arrived at New York, in 45 days from Leghorn, bringing intelligence that peace had been concluded between the Turks and the Greeks, through the mediation of the emperor of Russia.

“The news was brought to Leghorn on the 22d Oct by a vessel from Constantinople, and captain Ashford states that the fact was generally believed at Leghorn, whence he sailed on the 25th. He also says, that the treaty leaves the Greeks in the same state of slavery they were in before the war.”

☞ We do not believe this—no former account has intimated that the subject was suggested, and it would require some time to settle the principles and obtain the assent of the parties.

CHURCH AFFAIRS. The differences among the congregation of St. Mary's church, Philadelphia, appear to be widened by a late rescript of the pope, which it was thought would heal them. The trustees and a few pew-holders, had a meeting to take the subject into consideration—“the result was, (says a communication in the Centinel), that the gentlemen present voluntarily subscribed five thousand dollars, to be appropriated to resist this foreign monster.”

DIPLOMATIC AGENTS. We have envoys extraordinary and ministers plenipotentiary, at London, Paris, St. Petersburg, Madrid and Lisbon, at 9000 dollars a year, with outfits and *infits*, and secretaries of legation at 2000 each. There are charges des affaires at Amsterdam and Stockholm, at 4,500 dollars, and sundry consul-generals, agents, &c. all for the protection of commerce. We hope to see the time when we shall not have one minister plenipotentiary, resident abroad. We have nothing to do with the *politics* of the old world, and special missions, to accomplish special purposes, would better suit the genius of our government and the state of our means to pay for them. We are, and ought to be, a separate people. No favors are ever granted to us; and we would do unto other nations just as they do unto us, provided they refused to meet us in commerce and navigation on reciprocal principles.—And it is only in respect to these, that we have any rightful business with any of them.

Vol. XXIII.—15.

VERMONT. We have often wondered at the shortness of the sessions of the legislature of this state, which appears to be as well governed as any other in the union: but the following classification of the members recently elected, shows a reason for the despatch of business: Farmers 157, manufacturers and mechanics 22, lawyers 20, merchants 12, printer 1—total 212.

Virginia. The report of the treasurer to the legislature of this state, shews, that on the first day of October, 1821, there was in the Treasury \$140,729 32 cents; that during the last fiscal year, the receipts at the Treasury, amount to \$739,699 78 cts. and disbursements during the same period to \$770,955 63 cents; leaving a balance in the Treasury on the 30th day of September last, of \$100,473 47 cents” It also appears, that “of the balance, the sum of \$25,464 89 cents, was at the credit of the Literary Fund—and the sum of \$22,584 77 cents to the credit of the board of public works. Of the balance, the sum of \$13,963 10 cents had been paid into the Treasury, at different periods, by the subscribers to the erection of a Monument, to the memory of Gen. George Washington.

NORTH CAROLINA. The annual report of the treasurer of the state, exhibits the following particulars:

Receipts for the past fiscal year	127,064 24
Balance in hand at the commencement of it,	114,099 44
	<hr/>
	241,163 68
Expenditures for the same term, including treasury notes, &c. burnt	126,701 69
Balance in the treasury, Nov. 1,	114,461 69

SOUTH CAROLINA. Col. Hayne has been elected a senator of the United States for six years, in the place of judge Smith, by a majority of 18—whole number of votes 154. It seems that col. H. was thought friendly to Mr. Calhoun, and Mr. Smith to Mr. Crawford, as president of the U. States. Why should the election of a senator have anything to do with the election of a president.

GEORGIA. An attempt to change the constitution of the state, so as to give the people the election of their chief magistrate, has failed in the senate: for the bill 30, against it 17—two thirds of the votes being required, the proposed amendment was, consequently, lost.

KENTUCKY. The auditor reports, that the receipts of the present year, ending Oct. 10, amount to

	232,446 60
In the treasury, 10th Oct. 1821	73,810 78
	<hr/>
	306,257 44
Various payments during the year,	251,411 22
	<hr/>
In treasury, 10th Oct. 1822	54,846 22

Some of the chief items of expenditure are— for the executive and judicial departments, \$28,990; attorneys 5,272; legislature 26,793, two sessions; stock subscribed to the bank of the com-

monwealth \$75,715; support of lunatics \$15,490; loans to the penitentiary 21,352 dollars; slaves executed 1,600 dollars; criminal prosecutions 10,439 dollars, &c. cents omitted.

The expenditures the next year are estimated at 183,600 dollars;—viz. salaries 35,000 dollars; legislative and contingent 40,000 dollars; criminal prosecutions 12,000 dollars; slaves [to be] executed 2,000 dollars; lunatics 18,000 dollars, &c. The receipts are estimated at 176,329 dollars, viz. taxes 69,483; from clerks on law processes 10,000 dollars; tax on bank of Kentucky 7,500 dollars; dividends on stock in ditto 27,000 dollars; on ditto in the bank of the commonwealth 54,000 dollars, &c.

It appears that the present balance against the penitentiary establishment amounts to 61,369 dollars, but there are credits in the sum of 31,344 dollars; and the nominal worth of the claims is 31,344 dollars.

REVOLUTIONARY PENSIONERS. A letter from a soldier in the war of independence is published in the National Intelligencer, shewing that revolutionary pensioners in the west are paid their pittance in the depreciated currency of that district of our country. We do not believe that this practice could be known at Washington;—but if the fact is so, some persons have been playing a game for which they should be rendered infamous, in making a profit of from 20 to 50 per cent. on their disbursements, at the cost of the poor and needy, the few yet remaining of those who fought in the revolution. The truth should be known—if it is so, that the amount due is drawn from the United States treasury in "good money," as we suppose that it is, and paid to the pensioners in the wretched currency of Kentucky, it is about one of the most rascally things that we have heard of, and the names of the actors in it should be given up to public execration. We are afraid the fact is as presumed.

LONGEVITY. By a paragraph in a late *New Hampshire Patriot*, it appears, that no less than seventy-five persons have died within that state since 1732, who had attained the remarkable age of 100 years and upwards; of these one reached 120, another 116, and a third 115 years.

It mentions the following persons yet living; Mrs. Tryphena Stiles, of *Somersworth*; Mrs. Mary Bar-ward, of *Amherst*; Mrs. Bailey, of *Chesterfield*, each aged 101; Mrs. Sarah Kelly, of *New-Hampton*, 103; and the venerable Mr. Samuel Welsh, of *Bow*, in his 113th year.

FLORIDA. We have always supported the project of annexing the strip of land, west of the Apalachicola, to the state of Alabama, to which it seems naturally to belong; and, surely, its junction, for the purposes of government, with the peninsula of East Florida, is exceedingly inconvenient, if not absurd—provided it is designed to continue it. Speaking of the late wreck of the United States schooner Alligator, on Craysford Reef, the National Intelligencer observes—The navigation along the coast of Florida is said to be the most dangerous in the world. The distance between Pensacola and St. Augustine is, by water, two thousand miles, of this dangerous navigation; and vessels are frequently lost in attempting the passage. Seven vessels were lost in that sea and on that shore in one storm in May or June last, some of which were never after heard of—particularly one with several passengers, (among whom was Mr. LITTLE, of Baltimore, one of the executive coun-

oil of Florida.) Whilst on the subject, it may be remarked, that the distance between St. Augustine and Florida, even by land, is twenty days journey on horseback, which renders it impracticable that the two Floridas should long remain under one government.

DETROIT. The people of this city, about the 15th of November, were apprised, by newspapers from the eastward, that they were very sickly! It seems that they had not known any thing of a "terrible" disease that prevailed among them, until they were thus informed of it! To be serious, Detroit has not been sickly during the late season—the whole number of deaths thereat, from the 1st of May, to the 1st of November, was less than twenty.

"LET US ALONE." A friend (says the Chronicle) has mentioned an anecdote which transpired on the arrival of the regular packet ship Franklin, that plies between Baltimore and Liverpool, which we think worthy of being recorded. On the last voyage, an American citizen and a native of this city, took passage on board, for the recovery of his health, with no other books than a bible, a common prayer book, and a volume of Silliman's travels. These books were pronounced at the custom house at Liverpool, liable to a duty. Astonished at such intelligence, the passenger waited upon the collector of the port, and represented himself as an American travelling for his health, and remonstrated on the absurdity and injustice of this demand for custom house duty on a bible and prayer book, in a nation where so many charitable, human and religious societies were formed for the dispensation of these very volumes. No apology, no excuse would answer—the custom house duties were paid.

FAMILY OF NAPOLÉON. It is said that Lucien Bonaparte and his family, and Achille Murat, oldest son of the ex-king of Naples, have received liberty to depart for the United States. If they are willing to work to get an honest living, we shall be glad of their arrival—but we have consumers enough already.

THE DROPSY—CURED. Two persons of Louisiana lately fought a duel in Texas. One of them had been labouring under an abdominal dropsy. He was shot through the belly. The dropsical matter was discharged; and the bowels, from the inflammation excited by the wound, adhering to the peritoneum, a permanent cure was accomplished, and the man is now hale and hearty.

LAWYERS. The Philadelphia Union states, that Mr. Griffith, of Burlington, has ascertained that the practising members of the bar in the United States, exceed in number 6000, of which New-York furnishes the disproportionate amount of 1391. Mr. Griffith has the names and places of residence of those who were practising in 1821, in fifteen states: Maine had then 217, Massachusetts 521, New Hampshire 204, Vermont 220, Connecticut 273, New York 1391, New Jersey 134, Pennsylvania 417, Delaware 32, Maryland 175, Virginia 483, Kentucky 307, Ohio 204, Georgia 157, Louisiana 106,—whole number in these, 4841. In the other nine states, namely, Rhode Island, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Indiana, Illinois and Missouri, the number is supposed to be at least 1000.

Mr. CLAY. After an adjournment of the senate and house of representatives of Kentucky, on the 18th ult., the members met in the hall of the latter, and, having appointed William T. Barry, chairman, and Thomas Speer, secretary, a resolution was unanimously passed, recommending HENRY CLAY as a suitable person to succeed Mr. Monroe, as president of the United States. To this resolution is attached an address. It is probable that we shall publish the proceedings at full length in our next.

SPONTANEOUS COMBUSTION. The following singular incident lately happened at Taunton, Massachusetts—About two tons of refuse iron, consisting of filings and shavings, were deposited in a wooden store near this village. By accident, a few quarts of linseed oil were spilt on the heap. In about three weeks after this occurred, a person walking over the mound, perceived it to be very sensibly warm. In opening it, a great part of the interior was discovered to be heated to redness!

N. B. The iron was free from sulphur, (which is known to inflame spontaneously with iron.)

SILVER MINES. It is believed that there is no truth in a late report of the discovery of certain silver mines in North Carolina.

THE PORTO RICO EXPEDITION. Though this matter is of very little importance, it may be, perhaps, useful to record some further account of it.

By an arrival at Charleston from Havana, the editors of the *City Gazette* have received many papers from the latter—from their notices of those papers we extract the following:

The 'Noticioso' of the 19th Nov. contains the proclamation of the governor of Porto Rico, dated 13th October, 1822, giving his reasons for the capital punishment imposed upon Pedro Dubois, and many others, for having attempted, in conjunction with outlaws and foreigners, to revolutionize the island, and take possession of the same. It appears that the insurgents calculated on external assistance, and that a servile war was to have been raised. The governor, however, says, that he had, from time to time, received information of their intentions. He states the focus of this incendiary attempt was in the United States, and sustained and animated by individuals, through error or through ambition. The governor proceeds to give an account of the expedition and of the progress of the adventurers—the places they touched at—their rendezvous at the east end of Porto Rico—their extravagant proclamations—offering to all, equality of rights, an asylum, happiness and protection." These proclamations are signed from Head Quarters, Mayquez, Sept. 1822, by "Louis Villanne Ducondray Holstein"—no fictitious name, but belonging to a Swedish adventurer, who had formerly been governor of the castles of Boccachica, and afterwards earned his living in the honest calling of a music and French master. His excellency appears to have been very happy in tracing the steps of this man, who, he says, fled to New York, and there organized, with some Americans, the plan of attacking a neutral government.

But a much more significant signature appears to these proclamations: "B. Irvine, government secretary pro tem." This Irvine was formerly editor of a paper, called the 'Columbian,' in New York; and afterwards of the 'Washington City Gazette.' The good people at St. Bartholemews thought Mr. Irvine a 'great writer,' and that, with

his pen, he could conquer empires; but the governor of Porto Rico, (and we doubt not he is a good judge of style), calls Irvine's proclamation "*un exordio extravagante y concebido en un language barbaro*"—The "government" of which Irvine is, or was secretary, he calls the "Republic of Bericua." We suspect this republic has disappeared.

There is something wrong in this business—something apparently disgraceful to our country, and on which it would be well to excite attention and inquiry at Washington. The piracies abroad give us trouble enough; let us have no domestic expeditions that have any resemblance to piracy.

A letter from St. Jago de Cuba, dated Oct. 31, and printed in the Havana papers, says—"The frigate Ligera, with her worthy commander, Laborde, is in port at Curracoa, where came in sight five schooners, directing their course to that point. This brave commander presented himself immediately to the governor, and asked permission to set sail to reconnoitre, but was positively refused; but as he made the most energetic protestation in the name of the Spanish nation, he was at last permitted to sail, which was immediately effected, and coming up with the 5 schooners, he beat them completely, took 3 out of the 5, and conducted them in triumph to Porto Cabello.

"He found on board of them 4000 muskets, and a large quantity of ammunition, with some gentry, calling themselves governors, intendants, &c. It is ascertained that this expedition sailed from Philadelphia for Curracoa, with the intent to invade the Island of Porto Rico.

"But I think they were from the province of Caraccas or Cartliagena. The two schooners which escaped, entered Curracoa; the governor of the Island had them scrupulously searched, and there being found many instruments of war, ammunition, and a quantity of papers, he arrested the people and sequestered the ships until further orders from government. We owe the security of this Isle to Morales, Laborde, and Calzada, who are indefatigable to protect us in our tranquility.

"The governor of Porto Rico, Sr. Latorre, has just discovered a conspiracy, set on foot by some individuals in the interior of the island, in communication with some malevolent strangers. But Latorre one morning, with a company of 100 strong, issued from the city with secrecy, and surprised the conspirators, and a large deposit of arms, &c; they were all brought to town to be judged, except one Frenchman (Dubois) who has already been executed in this city a few days ago.

"On account of these transactions, measures have been taken, which rendered it utterly impossible, either to sail from or enter the Island, unless strictly examined."

NAVAL COURT OF INQUIRY. Having published the analysis of the late naval court of enquiry, instituted at the request of captain Hull*—referred to in the following communication, we feel bound, in obedience to the common principles of justice and the right of reply, to give place to the subsequent article—

Charlestown, Dec. 3, 1822.

To John Rodgers, esqr.

President of the late court of inquiry.

SIR—In looking over the report of the court of inquiry on captain Isaac Hull, of the United States navy, I find my name introduced in the following quotation. "Of all the witnesses examined on this

* See page 190, present volume.

subject, [the fraud of Fosdick], none expressed a present belief of such a connexion or collusion, except lieut. Joel Abbot and Daniel Leman; but these were so utterly discredited, as appears on the face of the record, that they were deemed unworthy of any credit by this court." I will now ask the gentlemen of that court the favor, which I think I have the right to expect, what evidence there is on the face of their record, or in my written testimony, or in my character as a good citizen, and as a man of honor and integrity, that gives them the right to publish me to the world, as a person utterly unworthy of credit. Now, if these gentlemen will publish the whole of my written testimony as given to them, I am willing to stand or fall by the judgment of my fellow citizens. I ask this as a duty the gentlemen of that court owe me, from whom they seem to wish to take that which an honest man holds dearer than life—that is, his character for truth.—Take this away, and I acknowledge that I am poor indeed. Who is there so poor in spirit, as to suffer his good name to be taken from him, and be told that he dare not vindicate himself? Duty to myself and children, demand that you do me justice. This I have a right to claim: and shall claim, till the laws of my country take it away.

Your humble servant, DANIEL LEMAN.

The following certificate of the selectmen of Charlestown, is given to show what my reputation is among my fellow citizens, who have known me more than thirty years. D. L.

[COPY.]

To all whom it may concern: Whereas, Daniel Leman, of Charlestown, in the commonwealth of Massachusetts, has made application to the selectmen of said town for a certificate of his general character—This is to certify that we, the undersigned, know the said Daniel Leman as a native inhabitant, a mechanic, who ranks high in his occupation, and a peaceable good citizen, and that we believe him to be an honest man, and worthy of confidence.

Richard Devens,
Thomas Harris,
Isaac Tufts,
James K. Prothingham,
Samuel Gardner,
Simeon Copps,
Isaac Mead,

of Charlestown,
Selectmen

Charlestown, Dec. 2, 1822.

MEXICAN MINES. The silver mine of Valenciana has produced the most uniform profit to its owners; but that of Sombrete, in the intendancy of Zacatecas, has produced the largest profit in a short period. A portion of this mine, called, (*Cveta negra*), the black vein, yielded to its proprietors, the family of the marquis del Apartado, upwards of 800,000 sterling, within six months; and though nothing approaching to that profit has since been gained, it still holds its rank among mines of the first class.—The mines of Catorce have been begun, but recently, to be excavated. This district was first explored by an accurate and adventurous miner, in 1778. He was fortunate enough, at first trial, to hit on what is called the great vein, (*Cveta grande*), and in a very short time gained more than half a million of dollars by it. The great riches of the vein, however, were not developed till it had been carried 550 feet down, whence, to the depth of 550 feet, they found the metals called *colorados*, a mixture of silver and gold, and abundance of native silver. At that period, the expense of working scarcely exceeded 80,000 dollars, whilst the value

of the metals amounted to 1,200,000 dollars. This vein is of the extraordinary breadth of 130 feet.—It continued highly productive till 1798, when it had reached a depth of 1574 feet; since that time the mineral has become less valuable, the *metales colorados* have disappeared, and pyritous and coppery, minerals are found with the silver. It is, however, still worked to considerable profit, but not to the extraordinary advantage which was yielded between 1778 and 1798.

[These things sound "large," as the cant saying is—yet the fact exists, that mining, in Mexico, is considered pretty much like dealing in a lottery; and persons engaged in it must be possessed of much solid capital, or be regarded as unworthy of credit—so uncertain is the result of their speculations.]

FROM A NEW JERSEY CORRESPONDENT.

Permit me, sir, through the medium of your useful and widely circulating Register, to inquire:

1st. Will our southern and West India commerce be permitted to be depredated upon and destroyed by pirates? 2d. Will our national industry be suffered to languish and decline for the want of adequate protection?

If so, other men must govern our republic. We shall not merely say "*principles, not men,*" but shall say "*MEASURES.*" "No idle professions of principles; no empty parade of the names of parties or of individuals;" measures, efficient and powerful, adapted to the exigencies of our country, must be adopted, or the men now in power will soon pass into the obscurity of private life.

As early as 1816, the attention of more than one distinguished member of congress was called to the subject of piracy. It was distinctly foreseen and foretold, that after the cessation of a maritime warfare of so long continuance and so widely extended, piracies would be frequent; that many men, long accustomed to plunder on the ocean for others, and "above the dull pursuits of civil life," would, on the return of a general peace, set up plundering for themselves; and it was urged, with the earnestness of sincere patriotism, to prepare and guard against a danger so obvious. My dear sir, we wanted just about the cost of a single 74, laid out in vessels of 16 to 24 guns.—But no, "the pomp, the pride, the circumstance of glorious warfare" forbade this, and commerce suffers.

On the protection of national industry, what can be said that has not been said? Can any new views be taken of the subject? Must we become a bankrupt, impoverished and ruined people, in order to learn that our true wisdom consists in protecting the industry of our own citizens? This is the course, I fear, we shall pursue; and, when we find the wealth of the nation exhausted, learn, too late, that, by due protection, our ample capital might have been saved and used as a means and a stimulus to national industry, which then will be stimulated only by poverty and want.

The *relationships*, the order and course of all things, may, by means of our copious language, be accurately described. I pretend not to any peculiar felicity of expression, but will essay.

A *relationship* subsists between the beaver catcher, who lives at the foot of the Rocky Mountain, and the Londoner, who wears the hat made of the beaver.

A nation merely occupied in hunting for the furs, skins and flesh of wild animals, must occupy a vast extent of country, however fertile, or be few in number. If they exchange for the agricultural and

manufactured products of other countries, they must receive but little, for they can pay for but little, and *must live miserably poor.*

A very small district of this buffaloe and beaver hunting ground, would afford subsistence to an agricultural and manufacturing population, equal to supply the hunters with all they could pay for, or would subsist a population equal to the whole hunter population.

Another view:—This agricultural and manufacturing population, sufficient to supply the wants of the hunter population, would not sensibly lessen the hunter population, so small would be the space they occupied.

A nation agricultural only, must exchange to a disadvantage with a manufacturing nation, (admitting that the exchange is permitted in any case). It must lose by all the expense of transporting its bulky commodities to the manufacturing nation, and by all the expense of transporting the manufactured goods back, and by transporting both, to and from, within its own territory. It can use no more of manufactured goods than the sale of its bulky commodities, charged with a heavy transportation, will pay for, and this amount limited again perhaps by heavy import and export duties on the manufactured goods. The cost of distant transportation of bulky commodities, and the small returns they yield, prevents their being produced; for who will work where their labor yields little or no return? All the natural products of the soil, and its mines, too bulky to transport, are left unused, and are without value. The non-encouragement of industry produces idleness, want, misery and crimes.

A country can feed, while residing within its own territory, just as many laborers or manufacturers, as it can feed or pay if they reside in distant lands. It can feed and pay more if they reside at home, than if they reside abroad, by all the difference of the cost and waste of transportation both ways.

A country which manufactures, as well as agriculture for itself, will have all the advantages of an infinitely increased agriculture, by reason of the infinitely increased stimulus and support given to agriculture by the vicinity of manufactures.

A country which has its manufacturers within its own bosom, has all their additional numbers to contribute to its defence.

A country which manufactures for itself, has not only the increased wealth which a vastly increased agriculture brings, but it has all the additional wealth of its whole body of manufacturers, their vast and costly buildings and machinery, their immense capitals, and personal property.

And last, though not least, a country which manufactures for itself, will be exempted from those great vicissitudes and changes in its trade and commerce, to which all nations are subjected whose commerce depends on other people.

It must always be for the advantage of every nation to have all, or as many as possible, of its own citizens residing within its own dominions, and spending their income and paying taxes there. Those who manufacture for us are as much a part of our population as those who agriculture. If they build their workshops in a distant island, spend their income and pay taxes there, we loose all these advantages: we ought to say to them, "come home."

But they answer "no; we cannot remove our families, work shops and machinery; and if you attempt to set up others, we will, at their very commencement, undersell them and put them down. We can do this, because we have our costly work-

shops and machinery erected; we have vast capitals and ages of experience; you are young, you are poor, and we will keep you forever so."

All those arguments which apply with force in favor of having our manufacturing citizens reside at home, when imports and exports are, in a measure, unrestricted, apply with greatly increased force when the importation of our most valuable commodities into the nation which manufactures for us, is either chiefly restricted, or prohibited altogether. We are then required to buy, without being permitted to sell, or without being able to furnish ourselves with the means of paying.

I am prepared to hear, and fully prepared to answer, (if the limits of a letter permitted), the objection, that if we have no foreign sale for produce, it will decline in price; that with its decline of price, wages will decline; that with the decline of wages, manufactures will rise up or be established. This is, no doubt, the theoretical order in which these things will be expected to progress; but to arrive at the desired point, may be the painful labor of ages of want, and misery, and suffering.

FRANKLIN.

FROM A WASHINGTON CORRESPONDENT.

The following article was not written for publication—but it bears so powerfully on subjects of great interest, that I feel myself justified in presenting it to the readers of the Register. En.

Mr. Niles—The piece in your last Register upon "the American navy, &c." is excellent, and I am sure that it, and similar suggestions, will, sooner or later, do much good. How strange it is, that the *merchant proper*, i. e. the exporter, does not see that he cannot live on cotton and tobacco; and the planter of those staples ought to know that he would furnish on *tonnage*. Our system of navigation is nothing but a system of restriction—sometimes of prohibition. We exult, as we ought to do, at the effect of our commercial policy, but we forget that the effect is produced entirely by restriction and prohibition. Our tonnage is second only to that of England—but did it grow up in spite of foreign competition? or, has not the fostering care of government preserved it from utter ruin? The act of 1792 is the basis of our system of navigation, and the "wisdom of congress" has been called upon year after year, ever since, to make the system more and more efficient; and, after all, it is nothing but a system of restriction. The nation has made extraordinary efforts to increase our tonnage, protect our commerce, and form a nursery for seamen—and all that has been effected, (in peace), was done by bounties and premiums, restriction and prohibition. Our navy, like our tonnage and commerce, is second only to that of England, and this also is effected by discriminations and restrictions. A tariff upon foreign tonnage gives encouragement to the domestic shipper, and a tariff upon foreign goods will stimulate domestic manufactures. One is cheerfully granted and the other most obstinately refused. Cotton and commerce are in league—let corn and manufactures, food and raiment, look to themselves for self protection. Man has but three wants—food, raiment, and protection: why not rely upon foreigners for food and protection as well as raiment? Let cotton and commerce fraternize, let them "rejoice and be exceedingly glad" in the day of their prosperity, let their joy will be turned to sorrow and their gladness into mourning, ere the present generation shall have passed away. Nothing can save them but a war in Europe, or a change in our own policy." *Washington, Dec. 3.*

FROM A MASSACHUSETTS CORRESPONDENT.
RIGHTS OF THE CLERGY.

Mr. Niles. The following remarks upon a provision in the constitution of New York, are offered with a desire to promote inquiry into the principles of our government, to guard against error, and to provide for the stability of a system we wish to see worthy of the admiration and imitation of the world.

Constitution of New York, art. 7, sec. 4. "And whereas the ministers of the gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel, or priest of any denomination whatsoever, shall at any time hereafter, under any pretence or description, be eligible to, or capable of holding, any civil or military office or place within this state."

By this section in the constitution of a state that has often manifested a generous devotion to the cause of our country and to the maintenance of her liberties, probably not less than ONE THOUSAND OF HER CITIZENS are doomed to a civil proscription: with slaves and outlaws, they are stripped of the rights of FREEMEN! This is done from motives ostensibly good; but the principle of such proscription is fraught with absurdity and danger. It is a proscription tending in its very nature to convert the clergy into a stupid race of sullen monks. The clergy are either *men*, or *demons*, or *gods*, or a class of beings superhuman. Admit them to be gods or superhuman, and their claims to *exclusive privileges* and *prerogatives* is established at once. But such claim is both anti-republican and anti-christian. If they are demons, the provision goes not far enough. It should authorise them to be swept from the face of the earth to the regions of darkness. If they are *criminal*, punish them, by a due process of law, like other criminals. If they are *unfaithful* in their callings, their employers have the power to *dismiss* them. If they are men, can any principle of republican government justify the decree that sets upon them the ignominious seal of slavery? It was the pride of even a primitive apostle of Jesus to boast, that "he was free." He firmly resisted the least encroachment upon his rights as a citizen.

Why did our fathers contend for the right of representation in the British parliament? Undoubtedly, that their own personal rights and interests might be duly regarded.

To be under laws which they had no participation in making, they scorned as the condition of slaves. Suppose the British government had said to them, every citizen of the colonies shall be disqualified for holding any civil or military office or place, but may elect a representative who is an inhabitant of Great Britain. Would not the colonists have spurned the proposal as an insult added to injury? The constitution of New York allows, indeed, the clergy to vote for their rulers, provided they will elect any other than those of their own class! This is humiliating, indeed, to a class of men who have the sweet recollection that they were born free.

I assert that the section in question is a violation in principle of the constitution of the United States. The articles of confederation, adopted at the origin of this government, lay down this great and essential principle as the corner stone of the republic. "The free inhabitants of each of these states, (paupers, vagabonds and fugitives from justice excepted), shall be entitled to all privileges and immunities of free citizens in the several states." In the constitution, subsequently adopted, it is declared,

(art. 4, sec. 2), "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." Now, if the citizens of each state have a right to equal privileges and immunities with the citizens of the several states, on the same principle is every class of citizens, other things being equal, entitled to equal privileges and immunities with the several classes. Take but this equalizing principle from our government, and it becomes a mere mockery of the spirit of our ancestors and of the name of a republic. It was one of the great maxims asserted by the founders of our government, that "no association of men have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public." It is equally unjust and oppressive when the many assume exclusive privileges over the few, as when the reverse takes place.

I know not that a single minister in New York regards this feature of their constitution as I do. I have no personal acquaintance with one gentleman of this profession in that state. It is the bold innovation upon the essential principles of free government, sanctioned by the name and power of a great state, menacing danger to all classes, against which I solemnly protest. Some specious pretext may be found for proscribing another class and another, till the rights of all are frittered away. The injury of one class in a community produces reaction, and strife between the several classes, and, like a violent palpitation of the heart, threatens fatal disease and dissolution.

The cure of soul and body, too, are often in the hands of physicians; why should not they be proscribed? The cure of souls is more in the power of parents and of instructors of youth, than of any other classes that can be named. Therefore, they "ought not to be diverted from the great duties of their functions."

A present I forbear to add only one observation which, at this moment, occurs, that the section in view originated, probably, in a mistaken notion of the nature of religion and of the ministerial office. On this subject I propose to offer a few remarks, with permission, in another number.

EQUAL RIGHTS.

FOREIGN NEWS.

Great Britain and Ireland. Lord Amherst is appointed governor general of India. Numerous outrages are committed in Ireland. The wool manufactory is remarkably prosperous. Forty new cutters are fitting out to prevent smuggling. The distress of the emigrants to the Cape of Good Hope is called to the public attention. Mr. Hunt, the period of his imprisonment being about to expire, was to make a public entry into London. It is proposed to reduce the 4 per cents. to 3½. A repeal of the act of union between Great Britain and Ireland, is loudly spoken of in the Irish papers. The famous Mr. Kean has been playing at Aberdeen to beggarly houses of 35 or 40 pounds each; and at his benefit, there was not 50 pounds in the house. On one occasion, the audience was so thin that he would not play—on another, by free admissions, a tolerable company was collected, though at a late hour, so that Mr. Kean deigned to exhibit himself.

A London paper says, that Mr. Colburn has just obtained the journal of Count de Las Casas, in which are recorded the whole of Napoleon's conversations with him during his residence at St.

Helena. This journal, it will be recollected, was seized with the other papers of the count, and has lately been restored by the British government. It will be published in a few weeks.

France. There is a great bustle of military preparation—Louis perhaps, is getting in readiness to obey the orders of the "holy alliance" in respect to Spain.

It is said that, "to the consternation of all France," Talma has resolved to retire from the stage!

It seems that Sir Robert Wilson has been ordered to quit Paris in 24 hours, and France as fast as he could travel, on the idea that he designed to assist in the liberation of some state prisoners.

Spain. The soldiers "of the faith" are still performing the office of bandits in many parts of this kingdom—in some, they are in great force. Mina has however captured several of their priestly leaders, and punished them as foul murderers, by hanging them.

A great national festival was to be held at Madrid, in honor of the national militia, by putting down the rebel guards on the 7th of July!

The death of lord Castlereagh it is said, will leave the "defenders of the faith" to their fate. It is intimated that they will not now be supported by the holy allies. The constitutionalists call these deluded persons "*defenders of the bellies*" of their reverences, the priests.

Morillo seems to have suddenly disappeared—the cause not stated.

A Spanish paper says—We are assured that the government has accepted the proposition made by the Portuguese government; and consequently we may expect every moment to see in this kingdom 16,000 infantry and 2000 cavalry, who will be sent to the frontier of France.

On the 17th of Oct. the extraordinary cortes held their first session. The king and queen were received by large separate deputations from the representatives of the nation, and the king opened the session, by a speech from the throne, replete with patriotic declarations and assurances of fidelity to the constitution. H. M. was replied to, by the president, Senr. Salvato, in terms truly energetic and patriotic.

Portugal. The Brazilian declaration of independence had reached Lisbon and been communicated to the cortes. A member pronounced it an open declaration of war against the cortes. The aged king displays great zeal in favor of the constitution and cortes. Many of the Brazilian deputies, who refused to sign the constitution, had gone to England. The Portuguese appear to wish to conciliate the British, and it is said they will not exact the 15 per cts. duty on woollens.

Sardinia. The king is fitting out a squadron of 2 ships of the line, 2 frigates and two small vessels, ostensibly to protect the commerce of his states against the Barbary powers—but the Spanish politicians aver that his real design corresponds with that of France, in keeping up her armament on their frontier and a squadron on their coast.

Russia. There was a report in London of a serious insurrection at Moscow. We shall be glad to hear that the slaves of Russia have resolved to become freemen.

A Russian frigate has arrived at England on her way to the N. W. coast, to land stores at the Russian settlements, &c. Perhaps, to enforce the reasonable boundaries established by the ukase of the "magnanimous Alexander."

Turkey. Our advices are favorable to the Greeks. Prince Mavrocordato has lately been elected presi-

dent of the congress, and put himself at the head of a body of Suliotes. Preparations seem as if making for some great efforts on both sides.

There is a hope that the British and their dear allies, the barbarians, may quarrel. The captain pacha seized an Ionian vessel and hung the captain, on the pretence that he was transporting provisions to the Greeks. Captain Hope, of the Rhine frigate, sent his first lieutenant on board to demand satisfaction—he was rudely dismissed, with an intimation that he was in some risk of being hanged for meddling in the business—after this, capt. Hope went on board, and was treated in the same way. The fact being stated, several other British vessels of war had entered the Archipelago, and were in the neighborhood of the Turkish fleet.

The Turks were preparing to attack the people of the island of Samos. After what has happened at Scio, it is believed that they will defend themselves bravely. To kill or be killed, is the only choice left them. It is also reported that an attack had actually been made on *Hydra*, the chief place of resort of the Greek ships—the Turks were seen proceeding towards the island with 106 vessels, including transports.

The Turks have refused to send an agent to the congress at Verona—and protested against any interference between them and the Greeks. The sultan intimates that he will manage his own affairs.

West Indies. A general insurrection of the blacks was designed at Martinico, if we may judge from the fact stated that *two hundred have been condemned to be burnt!* But only the slaves of three plantations had actually revolted, and these committed many outrageous acts before they were subdued. When we look at the probable fate of the West India islands, generally, we are filled with horror.

Colombia. Com. Daniels having arrived with a sloop of war, carrying twenty-two 32-pounders and three 12's, and well manned, had proceeded in search of the Spanish frigate *Ligera*, whose force had hitherto given the royalists the command of the sea.

The notices of events on the Main are various and contradictory. Morales still held Maracaibo, and was projecting some new expeditions. On the 15th of September, he had issued a decree which directs that all foreigners found in the ranks of the patriots—in any branch of the administration—with printing presses, or acting as editors of papers, or works encouraging the rebellion against Spain or the Roman catholic religion, shall be tried by a military court and *suffer death, and their properties forfeited to the public chest.* Foreigners not engaged in the service of the patriots, but who introduced themselves into the country while it was under their government, were doomed to serve in the public works, and their properties confiscated. Foreigners who were accidentally in the place, were ordered to quit all Spanish territory within the exact period of eight days, and never to return again, under pain of death.

Another decree, dated Oct. 22d, declares the treaty of the 20th Nov. 1820, for regulating the war on the Main, null and void—And directs that all spies, conspirators, and auxiliaries of the patriots, of both sexes, whatever they may be, shall be tried and punished agreeably to military law.

It is not, however, believed that Morales can accomplish any thing of a decisive character against the republic. Indeed, his late movements appear to be without object, except out of the mere spirit of opposition, or for the sake of plunder.

It is understood that a *confederation* has been formed between Colombia, Peru, Chili and Buenos Ayres, through the agency of Bolivar.

Our agent, col. Todd, has been received in the highest stile and most respectful manner possible, at Laguiria and Caraccas. Indeed, his arrival seemed to inspire the people with a sort of enthusiasm. He was escorted from Laguiria to Caraccas by many of the most respectable citizens on horseback, and there received by the battalion of *Carabobo*. Feasts and balls, and other entertainments followed in rapid succession, and the colonel, by his amiable manners (and he has also a most prepossessing person,) endeared himself to all. At some of the dinners given to him, the following toasts were offered and drank:

By colonel Todd, at the residence of Mr. Taggart. "The memory of *Manuel Torres*, late charge des affaires of Colombia, in the United States, the Franklin of South America."

By the same, at the dinner given by the governor of Laguiria.—"Health, prosperity, and perpetual independence to the hospitable authorities and gallant people of Laguiria."

By the same, at the entertainment given by gen. Soublette.—"President BOLIVAR. The people of the United States rejoice to see the exact imitation which his conduct affords to that of the example furnished by their beloved WASHINGTON."

By the same.—"The spirit of liberty in the republics of the United States and of Colombia—may its march be as irresistible as the streams of the Mississippi and Oronoco; and the hearts of the people present barriers as formidable against invasion as the Andes and Alleghanies."

Peru. San Martin, having had an interview with Bolivar, at Guayaquil, was on his return to Callao. It appears as if the former had obtained 2000 auxiliaries from the latter.

The state of the country is by no means settled. There had been some disturbances at Lima. The minister of state, Monte Agudo, was arrested for endeavouring to procure signatures to support either his own coronation or that of San Martin.—They accuse him of embezzling two millions of dollars, and it is said he has declared Peru a confederate Republic with Colombia. This great occurrence was preceded by the conflagration of the palace; and all the papers of the ministers of war, revenue and state, with only a few exceptions of the latter, were consumed.

The people of Lima appear weary of the heavy requisitions that have been made upon them. The royal army under Cantarac, is reported at 2000 men, in good condition. He was so sanguine of the success of his cause, from having so much weakened the power of Lima, that he had issued proclamations, offering pardon to the people, if they availed themselves of his mercy in time.

Mexico. We have miserable accounts from Mexico—the passes of the mountains between the capital and Vera Cruz are held by powerful bands of robbers, who have captured several convoys with specie. But the strangest part of what is stated is, a supposition that these bands act under the secret orders of the *emperor himself*, though they sometimes kill the whole of the troops employed to escort money, leave having been granted to export it!

Report on Pensioners.

WAR DEPARTMENT, December 2, 1822.

SIR: In obedience to a resolution of the senate,

of the 29th of April last, requiring from this department, at the present session of congress, a report of the number of persons placed upon the pension list, up to the 4th of September, 1822, by virtue of the acts of the 18th of March, 1818, and 1st of May, 1820, I have the honor to transmit, herewith, a statement containing the number aforesaid, distinguishing between those who enlisted to serve during the war, and those for different periods, stating the number of each, and the time served, and the number of the officers who receive twenty dollars per month.

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

J. C. CALHOUN.

To the hon. the president of the senate of the United States.

The following is the number of officers, non-commissioned officers, musicians, privates, petty officers, seamen, and marines, on the United States' pension list, on the 4th September, 1822, under the laws of the 18th of March, 1818, and 1st of May, 1820, who enlisted to serve to the end of the war, with the length of their service.

Officers who served 7 years, at \$20 per month,	57
Do. do. 6 do.	66
Do. do. 5 do.	15
Do. do. 4 do.	8
Do. do. 3 do.	5
Do. do. 2 do.	5
Do. do. 1 do.	9
Do. do. nine months,	1

Total number of officers, 166

Non-commissioned officers, &c. &c.

Who served 7 years,	536
Do. 6 do.	1,302
Do. 5 do.	380
Do. 4 do.	145
Do. 3 do.	584
Do. 2 do.	291
Do. 1 do.	102
Do. nine months,	22

Total number of non-com. officers, &c. 3,362

The following is the number of officers, non-commissioned officers, musicians, privates, petty officers, seamen, and marines, on the United States' pension list, on the 4th of September, 1822, under the laws of the 18th of March, 1818, and 1st May, 1820, who did not enlist to serve to the end of the war, with the length of their service.

Officers who served 6 years at \$20 per month,	3
Do. do. 5 do.	13
Do. do. 4 do.	26
Do. do. 3 do.	79
Do. do. 2 do.	88
Do. do. 1 do.	138
Do. do. nine months,	23

Total number of officers, 400

Non-commissioned officers, &c. &c.

Who served 6 years	4
Do. 5 do.	85
Do. 4 do.	509
Do. 3 do.	3,513
Do. 2 do.	928
Do. 1 do.	2,750
Do. nine months,	314

Total number of non-com. officers, &c. 8,403

RECAPITULATION.

Number of officers who served to the end of the war	166
Number of officers who did not serve to the end of the war	400
Number of non-commissioned officers, &c. who served to the end of the war	3,362
Number of non-commissioned officers, &c. who did not serve to the end of the war	8,493
Total number	12,331

Finances of Pennsylvania.

Statement of receipts and expenditures, at the treasury of Pennsylvania, from the 1st December, 1821, to the 30th November, 1822.

RECEIPTS.

Land and land office fees,	\$70,604 51½
Auction commissions,	15,200 00
Auction duties,	73,289 73
Dividends on bank stock,	121,289 00
Tax on bank dividends,	22,670 44
Dividends on bridge and turnpike stock,	7,170 00
Tavern licences,	31,729 12
Duties on retailers of foreign merchandise,	35,653 22½
Tax on offices,	6,000 32
Militia and exempt fines,	5,297 65
Fees of secretary of the commonwealth,	1,193 94½
Old debts and miscellaneous,	4,667 66
First instalment on account of purchase money of the Arch street prison,	18,666 67
	<hr/>
	\$411,432 27½
Balance in the treasury on the 1st December, 1821,	493,649 42½
	<hr/>
Total,	\$905,081 70½

EXPENDITURES.

Internal improvements,	\$173,851 18½
Expenses of government ordinary and contingent,	166,320 13½
Militia expenses,	25,837 68
Removal of convicts,	7,180 48
Pensions and gratuities,	20,051 17½
Interest on loans,	80,300 00
State capitol,	11,500 00
Pennsylvania claimants,	2,760 87
Education, deaf and dumb institution, &c.	15,951 95
Penitentiary at Philadelphia,	45,000 00
Ditto near Pittsburg,	16,404 82
Expenses consequent to the late war,	331 67
Miscellaneous,	5,552 89½
	<hr/>
	\$571,042 86¼
Balance in the treasury, 1st December, 1822,	334,038 84
	<hr/>
Total,	\$905,081 70½

New Jersey Legislature.

Mr. Elmer, from the committee to whom was referred a communication from his excellency the governor, covering a correspondence with the secretary of war, respecting the island in the Delaware bay, called the Pea-Patch, reported, That it appears, by the documents submitted to them and from other information upon which your committee rely, that, in the year one thousand eight hundred and thirteen, the United States hav-

ing determined to erect fortifications for the defence of the Delaware bay and river, selected the Pea Patch as a position suitable for that purpose. This island lies within the jurisdictional limits of New Jersey, and was, at that time, in the peaceable occupation of one of our citizens claiming under a grant of the West Jersey proprietors, made in one thousand seven hundred and eighty four. No application, however, was made on the subject to the authorities of the state, but military possession was taken by the United States officers, and the occupant dispossessed. The district attorney of Delaware, and other legal characters in that state and Pennsylvania, it seems, were consulted, who, being of opinion that the title to the soil and territory was, in the state, of Delaware, the legislature of the latter state made a cession, and under that title the United States took possession, and commenced constructing a fort. The individual dispossessed instituted a suit against the engineer, which is now pending before the circuit court of the United States.

A difference unhappily exists between New Jersey and Delaware relative to their boundary, and their respective rights in the river and bay of Delaware; and this difference is not limited to the Pea-Patch, but embraces other subjects of dispute. In the year one thousand eight hundred and twenty, the legislature of this state, having been made acquainted with the facts above-mentioned, and with the circumstance that a suit was pending, actuated by a desire to effect a speedy and amicable settlement of the controversy, as well in relation to this particular subject, as to all other questions growing out of the disputed boundary, passed an act for the appointment of commissioners to meet commissioners to be appointed on the part of Delaware, with full power to make and conclude an agreement between the two states; defining their respective boundaries, jurisdiction, rights to islands, &c. in the river and bay of Delaware. To this overture the state of Delaware did not think proper to accede; nor was any answer returned to the proposal.

In the year one thousand eight hundred and twenty-one, the legislature of this state passed an act (among other things) to authorize and empower the governor to appropriate a certain sum of money, at his discretion, to prosecute and defend to final issue or judgment, any suit or suits which he might deem necessary, for trying or finally determining the jurisdictional line between the two states. The attempt to effect an amicable settlement having failed, it was believed that the pending suit afforded a favorable opportunity of obtaining the decision of an impartial and enlightened judicial tribunal.

The United States, claiming under Delaware, and the former occupant under this state, the jurisdictional line will fairly come in question. This must inevitably happen, unless the plaintiff should fail on account of some technical defect in his title. It would, therefore, be manifestly unsafe, to leave this question of jurisdiction to be tried and determined in an action brought solely by an individual, free from all control or interference of the state.— Though the state would not be concluded by such a trial and decision, yet its rights might be greatly prejudiced by the action being brought to trial without all the advantage which might arise from a direct interference, by employing counsel and taking the management and control of this suit.

The secretary at war, under the direction of the president, now asks for a cession from this state,

for the purpose of furthering and strengthening the title of the United States, and of enabling them the better to resist the claim of our citizen.

Your committee are decidedly of opinion that were the subject freed from the danger of affecting, as well the rights of our citizen, who has been deprived in the manner stated of his possession, as the question of boundary between this state and Delaware, the required cession ought to be unhesitatingly made. The position is deemed by the secretary at war a very valuable one, not only as it regards the defence of the state of New-Jersey, but the country bordering on the Delaware. Whatever opinion we might be disposed to entertain on this point, as individuals, it would certainly be yielded to the decision of the distinguished officers composing the board of engineers, approved as that has been by the able and enlightened head of the war department. New Jersey has, at all times, evinced a sincere desire to afford every facility to the measures of the general government, and your committee are well aware, that the present is a time when we are particularly called on to encourage, by all proper means, the laudable effort to arrange and complete a well digested system of defence. Your committee however are of opinion, that, taking into view all the circumstances, it will be most prudent, and consist better with the dignity and interest of the state, to delay a cession of the island in question.

No injury can result from such a course. The works commenced will not be interrupted in their progress, and, in the meantime, the controversy existing between this state and Delaware may be settled by a judicial decision, and the claim of our citizen decided in the same manner. The general government will duly appreciate the motive by which we have been governed, and cannot impute to this state any desire to obstruct or delay the completion of the fort now erecting.

In the event of a determination adverse to our claims, no cession will be necessary, and should the contrary, as we confidently believe, be the result, we can then, with more propriety, transfer our right in the manner requested, and at the same time protect the interests of the individual claimant.—Your committee, therefore, respectfully propose, that the documents referred to them be recommended to the consideration of the next legislature.

Which report was read and agreed to by the house.

Legislature of Kentucky.

The committee to whom was referred that part of the governor's message which relates to the currency of the country, have had the same under consideration, and respectfully report:

That they, in common with their fellow citizens, feel a deep interest in the restoration of a sound circulating medium to the country as soon as practicable; and your committee rejoice to have it in their power to say, that the abundant productions of our soil, together with our increasing exports, are fast hastening this desirable event. But, while we anticipate the most favorable results, and from our calculations on our future prospects, we ought not to forget the many difficulties which have heretofore embarrassed the wisdom and energies of the legislature to select the appropriate remedies; and if, in any degree, these difficulties have been more or less removed, it is to be hoped that the advocates as well as the opponents of the several measures brought forward to *relieve the coun-*

try, were governed by the purest motives; and when we thus take a retrospect of our situation for the last three or four years, we feel confident that an ample justification will be found for many of the leading measures, which were forced on the country by necessity and adopted with reluctance. Owing to a variety of unforeseen events, previous to the year 1819, the metallic currency of the state was greatly exhausted, indeed far below what was absolutely required for the payment of existing debts. The bank of Kentucky, (from causes which will be hereafter noticed), was compelled during that year to reduce her notes in circulation, to about one third of the amount usually kept out by that institution; a vast amount of eastern debt has been created soon after the close of the late war, by extraordinary importations of merchandise, which placed our infant manufacturing establishments in the back ground, and at once destroyed all the capital vested therein, which ruined some of our most enterprising citizens. This, when connected with the spirit of emigration to the territories and states, drained the country of its specie, while an accumulating debt still existed at home. About the first day of January, 1817, the bank of the U. States went into operation, and, in the course of that year, two branches were established in this state. These powerful institutions immediately opened the arteries of the country through which our precious metals flowed in an unremitting stream. To counteract their operations, and, if possible, to keep up a sufficient *quantum* of currency of our own, which had been for several years supplied by the Ohio banks, the independent banks were established the ensuing year. These banks, instead of curing the evil, only opened so many new avenues through which the United States' bank, and the purchasers of public lands, could more easily procure the specie, which, in a short time, prostrated that overweening confidence that many entertained, that the golden age had arrived. The balance of trade being against us to a great amount, when the year 1819 commenced, many began to see and feel that they had been deluded by appearances; and such was the universal pressure over the whole United States, that even the bank of the United States, with all its power and influence, was almost driven to the brink of ruin, and was only saved by the fortunate arrival of two hundred and fifty thousand dollars in specie from the states of Kentucky and Ohio, at a moment when every other resource had failed, as acknowledged by the president of that bank, in his last report. In this state the pressure was unprecedented in every quarter of the country; alarm and distrust pervaded every class of our citizens, and it was evident to every reflecting and humane mind, that wide spread ruin and desolation would soon overwhelm thousands of our best citizens, unless some expedient could be resorted to, for the purpose of saving the country. A twelve months' replevin law was resorted to, in the first instance, which only dammed up the current for a time to again break loose with redoubled fury. As the hopes and expectations for that year were cut off for the want of a market, because it cannot be forgotten, that in the spring and summer of the year 1820, the products of the country had fallen to prices far below what was ever known before, and although abundance and plenty smiled around the husbandman, his debts were increasing, and a fearful looking-out for the day of execution and ruin, met the unfortunate in every direction. These are stubborn facts which cannot be denied, and are now

fresh in the recollection of all. Under these circumstances the legislature of 1820 assembled.—What can be done to save the country? was the universal inquiry. The resources and funds of the state were known to be ample and it was determined to draw upon her as the safest expedient.

Thus, the *bank of the Commonwealth of Kentucky* was established, with a view of aiding our citizens to extricate themselves from misfortune and approaching ruin, which had been cast upon them by a train of events beyond their power or control. Our people had a right to expect relief, and to effect which, they commenced a system of economy and retrenchment; but this alone was too slow for those who were already struggling with the storm, and we are happy in the belief that this bank saved many worthy citizens at an important crisis.—The commonwealth, like a wise and beneficent parent, gave to her children bread in a time of need. To conduct prudently, and not abuse this institution, ought to be the object of all.

Your committee have always believed that republican governments were instituted for the happiness and safety of their people, and, although the bank of the commonwealth has been deprecated by many as unconstitutional, which cannot be admitted according to a just construction of that instrument, but which we consider as founded upon sound wisdom; yet the better feelings of the human heart cannot avoid responding with a noble pride, that it has been able to carry joy and gladness to the homes of the distressed, the unfortunate and enterprising mechanic, farmer and merchant, whose all would have been sacrificed perhaps at one tenth of its value. Your committee believe that *moral principle* would as much oppose one citizen taking the property of another for one tenth or twentieth part of its value, under *sanction of law*, as if it was taken *without law*. The bold and intrepid robber, who takes our property by violence, cannot have a worse conscience than the man who coolly and deliberately deprives his neighbor of his home, without *any consideration*, under *pretext of justice*. Moral principle and honest feeling equally forbid both.

The creditor has at all times a right to demand of his debtor what is justly due him, but at no time has he any right, according to any principle found in ethics, or in the great and fundamental laws of God and nature, to take advantage of adventitious circumstances, to demand from him and coerce ten times the amount; and whenever such a state of things exists, from *unavoidable necessity*, the government is bound to interfere to protect the citizen, or it proves unfaithful to its obligation. And while no law should ever "impair the obligation of contracts or make any thing else but gold and silver a legal tender in payment of debts," yet it must be left to the legislature to provide the modes of remedy, as expediency or the peculiar situation of the country may demand; and, although it is to be regretted, that, in the division of the *loss and gains* of the remedies afforded, the creditor portion of the community have come in for their share, yet it is much below what would have been the loss on the *other side*, if *specie* had been rigidly coerced for the last two or three years. Hence all the measures in relation to the currency were the least of two *inevitable evils*, and your committee are of opinion, that the legislature of Kentucky have wisely pursued a policy, which, in its nature, was least calculated to do injury, and which was due to the people, on the great principle of doing *justice in mercy*, at a moment when the trade of the

world had been converted into new channels, contrary to the expectation of the wisest politicians. And notwithstanding some unavoidable injury has been inflicted on a portion of our citizens, yet it is far less than the injury which would have been felt, if the hand of relief had been withheld; and when, at the close of the year 1819, the bank of Kentucky had been driven to the wall by the United States' bank, and had to stop specie payments under the sanction of her stockholders, and with the implied consent of the Legislature, it would have been an act of *cruel injustice* to our citizens to have extorted gold and silver from them. It would have been like demanding "*the pound of flesh nearest the heart*," at a time when the withering blasts of misfortune had left none to give.

Upon the whole, your committee seriously regret, that the notes of the state bank, and the notes of the bank of the Commonwealth, have depreciated during the present year, and it can only be accounted for, on the ground of a redundancy of the paper of these banks, because it must be acknowledged by all, that the resources of the state are ample for the redemption of all the paper of both institutions, and it cannot be doubted, that the legislature intend to faithfully apply them. Yet, even this evil has not been permitted to prevail, without its concomitant good. The high rate of exchange has had a tendency to increase the quantity of gold and silver, as these articles naturally flow to the *highest market*, as every other species of property, which is *fully demonstrated by all writers on political economy*. Hence a new spring has been given to enterprise by enabling our exporters to carry to other states and countries our flour, tobacco, horses, hogs, beef, cattle, and, in return, to bring back a sound circulating medium, which is fast supplying the place of the paper of both banks, which, at this time, is rapidly diminishing. So far as relates to the policy of permitting the state bank to pay over the whole of the state's stock to this bank of the commonwealth, at this time, your committee believe, that it would be injurious to both institutions to disconnect them too suddenly, at a time when their true interest does not require it; but said institution should be permitted to wind up its concerns in connection with the state, until a just and equitable division be made, so as complete justice may be done to all the stockholders as well as the state, according to the provisions of its charter. Your committee would therefore recommend, that the state bank continue to be united with the state for the present, and that a rigid and faithful adherence to the views and intentions of the founders of the Commonwealth's bank be maintained, by strictly and honorably fulfilling the provisions of the charter, in sustaining the directory in their regular calls, and in all other measures calculated to promote the public good, and we may then justly expect to see confidence soon restored, and the currency of the country once more assume a value which will enable the bank to provide the means for the payment of gold and silver for its notes.

Your committee therefore beg leave to recommend the following resolutions as the outlines of their policy.

1. *Resolved*, That a sum, not exceeding one million of dollars each, of the notes of the bank of the Commonwealth, and the notes of the State bank be burnt, one half as soon as the same can be effected, and the balance in six and twelve months.

2. That a replevin of twelve months only be given on all contracts entered into after the first day of March next, in case the plaintiff does not choose to avail himself of the endorsement law.

3. That all original contracts specially made for the payment of specie, after the first day of March next, be replevin, after judgment, for three months only.

4. That this general assembly have full confidence in the notes of the bank of the Commonwealth, and that the means provided by the original charter will be faithfully applied.

ROBT. B. MAFFEE, Chm.

P. BARRETT,

CHAS. MOREHEAD,

TH. D. CARNEAL.

Seventeenth Congress--2nd session.

IN THE SENATE.

December 5. Mr. Thomas, of Illinois, appeared to day and took his seat.

Mr. Johnson, of Kentucky, gave notice that he should, on Monday next, ask leave to introduce a bill to abolish imprisonment for debt.

Mr. Burton gave notice, that he should, on Monday next, ask leave to bring in a bill, concerning the lands to be granted to the state of Missouri for the purposes of education, and other public uses.

The senate then adjourned to Monday next.

December 9. Mr. Southard, of New Jersey, (who arrived on the 6th instant), took his seat.

The senate then, according to the order of the day, proceeded to the appointment, (by ballot, agreeably to the practice of the senate), of the standing committees; and they were successively appointed, as follows:

On foreign relations—Messrs. Barbour, Brown of Louisiana, Macon, King of New York, Elliott.

On finance. Messrs. Lowrie, Holmes of Maine, Van Buren, Eaton, Macon.

On commerce and manufactures. Messrs. Dickerson, Ruggles, D'Wolf, Findlay, Lanman.

On military affairs. Messrs. Williams, of Tenn. Chandler, Taylor, Johnson of Ky. Elliott.

On the militia. Messrs. Noble, Seymour, Stokes, Lanman, Chandler.

On naval affairs. Messrs. Pleasants, Williams of Miss. Parrott, Ware, Lloyd of Mass.

On the public lands. Messrs. Van Dyke, Thomas, Lowrie, Eaton, Benton.

On Indian affairs. Messrs. Johnson of Lou. Johnson of Ken. Holmes of Miss. King of Alab. Benton.

On claims. Messrs. Ruggles, Van Dyke, Boardman, Barton, Morrill.

On the judiciary. Messrs. Smith, Southard, Van Buren, Holmes of Maine, Brown of Ohio.

On the post office and post roads. Messrs. Stokes, Palmer, Barton, Chandler, King of Alab.

On pensions. Messrs. Noble, Eaton, Seymour, Ware, Elliott.

On the District of Columbia. Messrs. Barbour, Lloyd, of Md. D'Wolf, Lanman, Southard.

On the contingent expenses of the senate. Messrs. Macon, Lowrie, Lanman.

The following message was received from the president of the United States, by Mr. BENTON, of the department of state:

To the senate of the United States:

In compliance with the resolution of the senate of the 8th of May last, requesting "information relative to the copper mines on the southern shore of

Lake Superior, their number, value and position; the names of the Indian tribes who claim them, the practicability of extinguishing their titles, and the probable advantage which may result to the republic, from the acquisition and working these mines," I herewith transmit a report from the secretary of war, which comprises the information desired, in the resolution referred to. JAMES MONROE.

Washington, Dec. 9.

Mr. BARBOUR presented a petition from a large number of the merchants and owners of vessels, of the city of Richmond, in Virginia, praying for the establishment there, out of the fund raised by the tax on seamen, of a hospital, for the relief of distressed and disabled seamen; which petition was referred to the committee on commerce.

The rev. James Melvain was elected chaplain. The senate then adjourned.

December 10. Mr. Mills, of Massachusetts, and Mr. Benton, of Missouri, appeared to-day and took their seats.

Agreeably to notice, Mr. Johnson, of Kentucky, having obtained leave, introduced a bill to abolish imprisonment for debt, by the courts of the United States; and the bill was twice read by general consent, and referred to the committee on the judiciary.

In introducing this bill, Mr. J. made a few general remarks, explanatory of the justice and expediency of such an act; intimating that he should go more fully into the merits of the measure, when the bill should come up for consideration.

The following message, from the president of the United States, received yesterday, was read.

To the senate of the United States:

Recent information of the multiplied outrages and depredations, which have been committed on our seamen and commerce, by the pirates in the West Indies and Gulf of Mexico, exemplified by the death of a very meritorious officer, seems to call for some prompt and decisive measures on the part of the government. All the public vessels adapted to that service, which can be spared from other indispensable duties, are already employed in it; but, from the knowledge which has been acquired of the places from whence these outlaws issue, and to which they escape from danger, it appears that it will require a particular kind of force, capable of pursuing them into the shallow waters to which they retire, effectually to suppress them. I submit to the consideration of congress the propriety of organizing such a force for that important object. JAMES MONROE.

Washington, 6th Dec. 1822.

The message was referred to the committee on naval affairs, to consider and report.

The following message from the president of the United States, also received yesterday, was read:

To the senate of the United States:

In compliance with a resolution of the senate, of the 22d February last, requesting the president of the United States to cause to be collected and communicated to the senate, at the commencement of the next session of congress, the best information which he may be able to obtain relative to certain Christian Indians, and the lands intended for their benefit on the Muskingum, in the state of Ohio, granted under an act of congress of June 1st, 1796, to the society of United Brethren, for propagating the gospel among the heathen, shewing, as correctly as possible, the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the lands have enured to their sole benefit, and, if not, to whom, in whole or in part, have

such benefits accrued, I transmit a report from the secretary of war, with the accompanying documents.

JAMES MONROE.

Washington, Dec. 9.

The message and accompanying papers were ordered to be printed.

A message was received from the president of the United States, transmitting a report of the commissioner of the public buildings, stating the progress made thereon, the disbursement of the appropriations, &c. which were read and referred to the committee on the District of Columbia.

Mr. Barton submitted the following resolution for consideration:

Resolved, That the committee on public lands be instructed to inquire into the expediency of making further provisions by law for regulating the leasing and working of the lead mines of the United States.

Mr. Barton, agreeably to notice given, having obtained leave, introduced a bill concerning the lands to be granted to the state of Missouri, for the purposes of education and other public uses; which bill was read.

December 11. Mr. D'Wolf, from Rhode-Island, appeared to-day, and took his seat.

Mr. Talbot submitted for consideration the following resolutions:

Resolved, That so much of the president's message as relates to the repairs, preservation, and superintendance of the national road from Cumberland to Wheeling, be referred to a select committee, with leave to report by bill or otherwise.

Resolved, That that part of the president's message which recommends the adoption of an amendment to the constitution of the U. States, which shall vest in the congress thereof power adequate to the adoption and carrying into effect a system of internal improvements throughout the whole union, be referred to a select committee, to consider and report thereon.

On motion of Mr. Lowrie, the message of the president of the United States of the 9th instant, relative to the copper mines on the shore of Lake Superior, together with the accompanying documents, were referred to the committee on the public lands.

Mr. Lloyd, of Massachusetts, laid on the table the following resolution:

Resolved, That the secretary of the treasury be requested to lay before the senate, a statement, exhibiting the amount, in the aggregate, of the goods, wares, and merchandise, exported from the U. States to France, and imported from thence, in each year, from and after the year 1814, to the year 1820, discriminating in the exports, between articles of the growth, produce, or manufacture of the U. States, and those of foreign countries; and also stating the national character of the vessels in which such exports and imports have been made.

The senate then adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, December 5. Mr. Stewart of Tenn. attended to-day.

On motion of Mr. Hall, it was

Resolved, That the committee on the post-office and post roads be instructed to inquire into the expediency of establishing a post route from Fayetteville, North Carolina, to Norfolk, Virginia, and from thence up the bay, by steam boat carriage, to Baltimore, or such other place, as will be most convenient, at all seasons of the year, to form a junction with the main stage road.

Mr. A. Stevenson, of Va. called the attention of the house to a communication made, at a late period of the last session of congress, by the president of the United States, transmitting to the house the correspondence which had taken place between the French government and the United States relative to the claim of the heirs of Beaumarchais. The subject had then been referred to a select committee, which did not report upon it.—He now moved that the subject be again referred to a select committee.

After some remarks, the claim was referred as suggested by Mr. S.

On motion of Mr. Smith, of Md. the bill reported at the last session, proposing a revision of the

tariff of duties on imports, was re-committed to the committee of ways and means.

After five ballots, the rev. Mr. Breckenridge, of Ken. was elected chaplain of the house.

Friday, Dec. 6. Mr. Lefrwich, from Virginia, and Mr. Sibley, delegate from Michigan, appeared and took their seats.

Mr. Ingham, of Penn. elected in the place of Mr. S. Moore, resigned, appeared, was qualified, and took his seat.

On motion of Mr. Cocke, of Tenn. it was

Resolved, That the subject of revolutionary pensions be referred to a select committee.

On motion of Mr. Newton, of Va. the committee of the whole house were discharged from the further consideration of the bill, reported at the last session, for the relief of sick and disabled seamen, and it was re-committed to the committee on commerce.

On motion of Mr. Stevenson, of Va. it was

Resolved, That the committee on the public lands be instructed to inquire into the expediency of continuing, for a further time, the act, entitled "an act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the general land office," and that they have leave to report by bill or otherwise.

It was ordered, that, when this house adjourns, it stand adjourned to 12 o'clock on Monday next.

And then the house adjourned.

The following committees have been appointed by the speaker of the house of representatives in addition to those already published:

On the suppression of the slave trade. Mr. Gorham, Mr. Phillips, Mr. Govan, Mr. Borland, Mr. Jones, of Virginia, Mr. Hall, and Mr. Herrick.

On the militia. Mr. Cannon, Mr. McCarty, Mr. Findlay, Mr. A. Smyth, Mr. J. T. Johnson, Mr. Sanders, and Mr. Reed, of Massachusetts.

On the Cumberland road. Mr. Hemphill, Mr. Pitcher, Mr. Russ, Mr. Jackson, Mr. Long, Mr. Cushman, Mr. Stewart.

On Beaumarchais' claim. Mr. A. Stevenson, Mr. Cambreleng, Mr. F. Johnson, Mr. Dwight, and Mr. Holcomb.

Monday, Dec. 9. Various resolutions, in the form of inquiries, were submitted.

On motion of Mr. Smith, of Md. the bill, reported by the committee of ways and means at the last session, entitled "an act supplementary to, and to amend an act, entitled 'an act to regulate the collection of duties on imports and tonnage,' passed March 2, 1799, and to repeal an act supplementary thereto, passed April 20, 1818, and for other purposes," was re-committed to the committee of ways and means.

A letter was laid before the house, from the first comptroller of the treasury, transmitting a list of balances on the books of receipts and expenditures, which have been due more than three years, prior to 50th September last; also, a list of balances standing on the books of the revenue, unsettled by the collectors of the customs, during the period before mentioned.

On motion of Mr. Johnston, of Louisiana,

Ordered, That the petitions of sundry inhabitants of the parish of Ouachita, in the state of Louisiana, owners of a tract of land, called Bastrop's Grant, and others on their behalf, heretofore presented on the 9th and 30th of January, 1822, be referred to a select committee.

And Mr. McLane, Mr. Ingham, Mr. Tattнал, Mr. Jones, of Tennessee, and Mr. Blackledge, were appointed the committee.

On motion of Mr. Trimble, the calendar (or roll) of orders of the day, as it stood at the close of the last session, and of course at the commencement of this, was ordered to be re-printed for the use of the house.

On motion of Mr. *Bassett*, the house then resolved itself into a committee of the whole, Mr. *Taylor*, of New York, being called to the chair, on the bill, reported at the last session, "concerning the disbursement of public moneys."

The bill having been read—

Mr. *Bassett*, as a member of the committee which prepared this bill, stated the general views on which it was founded. This bill, he said, had been drawn with a great degree of caution, so as, by embracing all cases in which advances could be necessary, to take away any possible objection which could be made against it; and it had afterwards been submitted to the treasury department to undergo any alterations which it might appear to require. The jeopardising of the public money was of that character, Mr. B. said, and the consequent waste of it so enormous, that it was time for this house to look into it. At the last session of congress, a catalogue of defalcations had been presented, which astonished every body, embracing a range, the extent of which could hardly have been conceived. Mr. B. recalled the attention of the house also to one or two facts stated in the president's message. The fact was there disclosed, that, at one time, accounts for one hundred millions of dollars advanced for different objects, remained unsettled. Such an amount, dependent on the personal responsibility of individuals, at once tells us how careful congress ought to be in trusting so great an interest in the hands of public agents. If it had been found that this great trust had been confided to them without injury to the public interest, legislation on the subject might be less necessary: but such was not the fact. At the last session, the house was presented with a large amount of balances due by individuals, and supposed to be lost; and the message of the president spoke of several millions of suspended accounts. Mr. B. said he had been told that, since the last session of congress, public officers had gone off the stage of life considerably indebted to the government—officers, too, in whom the greatest confidence had been placed. This shewed, he said, that it was time to change the present system. It was most obvious, if we took the reason of the thing, the history of other countries, or the experience of this, that it was necessary to exercise a more rigorous control over the disbursements of public moneys. It was more than probable, Mr. B. continued, that, on the first establishment of this government, the different state institutions having little connection or sympathy with one another, it was not very easy to transact the fiscal business of the nation, or to carry money from one part of it to the other, &c.—but the government had been now established for 40 years, and every difficulty of that sort had ceased. Could it be right, on the plea of enabling the poor man to be employed in public service, that the public money should be put in jeopardy? It was not necessary, he said, that it should be so; for, the moment the government makes a contract, the contractor has credit to the amount of his contract, and can borrow or buy upon that credit. It was not true in fact, that advances were necessary, and it could not, therefore, be right to make them. These, Mr. B. said, were some of the general views which led the committee to prepare the bill now under consideration, and present it to the house. If the bill were to go through the committee without amendment, he should then, to afford to gentlemen all proper time to consider the subject, move to lay it on the table.

Mr. *Smith*, of Md. suggested that few of the members had preserved the printed copies of the bill from the last session; and, as the subject was of some magnitude, he thought the members ought to have an opportunity to examine it. He, therefore, with this view, moved that the committee should rise.

The committee rose accordingly, and the bill was ordered to be printed.

Some time was spent on the bill for disciplining the militia of the United States—and it was recommitted.

The next bill in order was the bill reported at the last session, supplementary to the act for the relief of American captives during the late war; and, on motion of Mr. *Sibley*, the house resolved itself into a committee of the whole on the subject, Mr. *McCoy* in the chair.

The bill was read through.

Mr. *Sibley* briefly stated the object of the bill. After the surrender of Detroit during the late war, and subsequent to the defeat afterwards sustained, in 1813, many persons taken under our standard were brought captive by the Indians to and through Detroit. The citizens of Detroit, moved at the spectacle, though themselves at the time in a state of vassalage, exerted themselves to relieve the sufferers, and employed in that manner all the money they could raise. These facts were made known to congress, and an act was passed to reimburse to them the money thus advanced. But the act was of that narrow construction, that it was not at all calculated to give the relief contemplated by it. It required, in the first place, that the persons relieved from captivity should be American citizens; which, in the first place, was hardly susceptible of proof, and, if it were, was not material, where the individuals were taken under the American flag. Another requisition of that law was, that written evidence of the amount paid, or a receipt for the ransom money, should be produced, to entitle to relief. Now, Mr. S. said, the money was paid to Indians; and every one must know that they give no receipts for ransoms, and that such a receipt, if given, would be good for nothing, inasmuch as an Indian would as readily give a receipt for ten thousand dollars as for ten. In the agitation, alarm, and hurry of the times, the people did not calculate where or how they were to get their money again, and thought of nothing less than the taking receipts for it, &c. Besides, Mr. S. said, clothing was furnished to the captives, the season being inclement, and they literally naked. For this, also, the citizens of Detroit ought to be remunerated. The claims embraced in this bill, he said, were altogether bottomed on humanity, and he trusted that the patriotic exertions made by the people of Detroit, whilst they themselves were oppressed by the presence of an enemy, would not be disregarded, but that they would at length be repaid the money which they had advanced almost ten years ago.

No other remarks being made on the bill, the committee rose and reported it to the house, and it was ordered to be engrossed and read a third time to-morrow.

The following gentlemen compose the new committee on revolutionary pensions: Mr. *Cocke*, Mr. *Hobart*, Mr. *Cassedy*, Mr. *Burrows*, Mr. *Van Wyck*, Mr. *McSherry*, and Mr. *Walker*.

Adjourned.

Tuesday, Dec. 10. On motion of Mr. *Walworth*, it was

Resolved, That the committee on military affairs be instructed to inquire into the expediency of authorizing the president of the United States to cause to be delivered to captain Aikin's volun-

teers, certain rifles, promised them by major general Macomb, for their gallantry and patriotic services during the siege of Plattsburg in September, 1814.

On motion of Mr. *Williamson*, it was

Resolved, That the committee on military affairs be instructed to inquire into the expediency of erecting a battery or other fortification on the west side of Penobscot river, in the town of Prospect, and state of Maine, near the head of Orphan Island, and opposite the Narrows, so called, in said river.

On motion of Mr. *Cook*, of Illinois, it was

Resolved, That so much of the several acts of congress passed for the admission of Louisiana, Illinois, and Missouri, into the union, as sets apart a portion of the money arising from the sale of the public lands in those states, for the purpose of constructing roads and canals leading to those states, respectively, be referred to a select committee.

Mr. *Cannon* submitted the following resolutions for consideration:

Resolved, That it is expedient to provide for the national defence by improving the militia of the U. States.

Resolved, That the committee on military affairs be instructed to inquire whether it is most expedient to improve the militia throughout the United States, by means of the military academy, or that of the encampment of the officers, by brigades or otherwise, under proper regulations.

Resolved, That the committee on military affairs be instructed to inquire into the expediency of continuing the preference given to the cadets educated at the public expense, in the military academy at West Point, in entering the public service, over others of equal qualifications and merit, who are, or may be, educated at their own expense, or that of their parents or friends, at the school under the superintendance of capt. Partridge, in the state of Vermont, or at any other place in the U. States.

Resolved, That the committee on military affairs be instructed to inquire into the expediency of employing the regular army, or a part thereof, in the erection of fortifications during a state of peace, instead of having them built by contract in the way heretofore pursued.

Resolved, That the secretary of the navy be directed to make a statement to this house containing the names and grade of the officers belonging to the naval establishment of the United States, and the duties each officer is performing, also, the number of officers of each different grade necessary to command in active service the vessels of war, at this time belonging to the navy.

Mr. *C.* said he did not mean to press these resolutions to an immediate decision. Being of much importance in his view, he wished them to lie on the table and be printed, with the expression of a determination on his part to call them up on an early day.

The resolutions were ordered to lie upon the table accordingly.

Mr. *Candlish*, of New Jersey, rose to make a motion. In the message of the president to both houses of congress, at the opening of the session, he said, a very brief allusion was made to piracies, committed in the West Indies. All that was said on that subject, is comprised in a short paragraph, which Mr. *C.* read. Intelligence has been recently received, and probably since that part of the message was penned, of transactions, so flagrant and outrageous in their character, as to call, imperiously, for the early and efficient interposition of this house. The premature death of the gallant and lamented *Allen* has excited a spirit of indignation throughout our country, unequalled since the late war. It calls loudly for retributive justice, from those lawless barbarians, and I hope to see, with as little delay as practicable, a competent force, at the disposal of the executive, under some one of our most experienced naval officers, with ample powers and instructions to ferret them out of their lurking holes, and drag them to a condign and speedy punishment. A speedy punishment, because I have no idea of incurring the delay, or the hazard, of transporting them here, or of extending to them a trial by jury, with all the delays incident to our courts of justice. They have placed themselves beyond the protection of the laws of civilized society; they have set at open defiance the laws of God and man; their hand is against every man, and every man's hand should combine against them. And the most effectual restraint which you can impose upon their barbarities, is to furnish to them the spectacle of a

few dozen of their leaders suspended by the halter, from the yard-arms of some of our public ships. Deeming it expedient that congress should, at an early period, adopt some decisive measures on this subject, I submit the following resolution:

Resolved, That the committee on naval affairs be instructed to inquire, and report as early as may be, what further measures are necessary, not only for the more efficient protection of our commerce in the West India seas from piracy, but for the entire extirpation of those freebooters, and the punishment of those who may be found to aid and abet them.

[Laid on the table, to give place to the president's message, (see proceedings in the senate), on the same subject.]

On motion of Mr. *Johnson*, of Kentucky, it was

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of allowing to the widowed mother of lieut. W. H. Allen, of the United States' navy, a half pay pension for five years.

The speaker laid before the house a message from the president of the United States, transmitting a plan for the peace establishment of the navy of the United States, and also of the marine corps, which has been prepared in obedience to a resolution of the house of representatives, of the 7th May last. [Referred to the naval committee.]

The engrossed bill, supplementary to the act relating to the ransom of American captives in the late war, was read the third time, passed, and sent to the senate for concurrence.

[Of this act the National Intelligencer observes—The first bill which has passed either house of congress at this session, is an act of justice too long withheld. We speak of the bill which yesterday passed the house of representatives, for indemnifying our citizens who, when Michigan was held by the British during the late war, advanced their all to ransom the captives brought in by the Indians in the British service. It would be a reproach to the nation, had the delay been deliberate and intentional, that indemnity for an expenditure of this sort should have been so long delayed.]

Sometime was spent on the bill to provide for clothing the militia of the United States, when in actual service. It was ordered to lie on the table and be printed.

The house was resolved into a committee of the whole, on the bill to grant pre-emption rights to certain parcels of land, at or near the centre of the counties to be laid off, &c. in Alabama and Arkansas, for the accommodation of seats of justice. Much diversity of opinion was expressed—if granted as proposed, it would be claimed by other and older states, &c. But finally, the bill, being amended to give it a general effect, was agreed to by the committee, who reported it to the house, &c. The question of passing it to a third reading was debated, and the bill lost—for it 61, against 64.

After which the house adjourned.

Wednesday, Dec. 11. Mr. *John Carter*, elected in the place of Mr. *Blair*, of South Carolina, resigned, appeared, was qualified, and took his seat.

Mr. *Spencer*, of New York, Mr. *Ball*, of Virginia, Mr. *Reich*, of Georgia, and Mr. *Cuthbert*, of the same state, also appeared.

Mr. *Lathrop*, from Massachusetts, whose arrival we omitted noticing on Monday last, on that day took his seat.

The resolution yesterday laid upon the table by Mr. *Woodcock*, calling for information from the president of the United States, respecting advances of money to public agents, was considered, modified, and adopted by the house.

[In support of this motion, Mr. *W.* made some observations, which our reporter had not the op-

portunity of hearing. The purport of them was, that, in the statements received from the several departments, of the accounts of public officers, no account was given of moneys advanced to sub-agents and sub-contractors, &c. without security, &c. so that this class of defaulters often escape without observation. His object was, if practicable, to supply this deficiency.]

M. Colden, of New York, submitted for consideration the following resolution, which lies on the table one day of course:

Resolved, That the president of the United States be requested to lay before this house, such information as he may possess, which regard to any hostile expedition, which may have been prepared in the United States, and sailed from thence, within the present year, against the territory or dependency of any power in amity with the United States, and to inform this house, whether any measures have been taken to bring to condign punishment persons who may have been concerned in such expedition, contrary to the laws of the United States.

Mr. Condict, of New Jersey, offered the following resolutions:

Resolved, By the senate and house of representatives of the United States in congress assembled, That it shall be the duty of the secretary and clerk of the respective houses, to lay before congress, at the commencement of every session, a detailed statement of the expenditure of the contingent fund of each house during the preceding session, stating the items, quantity, prices, and to whom payment is made.

This resolution was read, and by the rules lies on the table one day.

On motion of *Mr. Condict*, of New Jersey it was

Resolved, That the committee of accounts be instructed to inquire and report whether any, and what, part of the contingent expenses of this house can be curtailed, without detriment to the public service: And, that said committee revise the system pursued by the officers of this house in disbursing the contingent fund, and report whether any further restrictions, responsibilities or checks, are necessary for its disbursement.

The bill of the last session, providing for the occupation of the mouth of the Columbia river, being next in order—

Mr. Floyd said he was not, at the moment, ready to present the information on the subject, which he was prepared, at any time during the last session, to have laid before the house; but, not wishing the consideration of the subject to be long deferred on his account, he moved to go into committee with a view to retaining for the bill its present place in the orders of the day.

The house accordingly went in and out of committee upon it, leave was given to sit again, and the bill was ordered to be re-printed.

A similar course being proposed on another bill—

Mr. Campbell, of Ohio, said he had no idea of sitting here, to receive motions to go in and out of committee, and to re-print bills; and suggested the propriety of some step to put an end to this, (as it appeared to him), wasteful consumption of time.

No specific proposition, however, being made by *Mr. Campbell*, the speaker proceeded in calling over the bills.

A bill respecting registers of wills in the district of Columbia was passed through a committee of the whole, &c. as was also a bill fixing the compensation of receivers of the public moneys; a bill for the relief of registers and receivers in the land offices; and a bill to enable the proprietors of lands, held by titles derived from the United States, to obtain copies of their papers.

Adjourned.

THURSDAY'S PROCEEDINGS—DEC. 12.

In the senate. *Mr. Rodney* laid the following resolution on the table for consideration:

Resolved, That the committee on the judiciary be directed to inquire into the expediency of continuing in force the act, entitled "an act to protect the commerce of the United States, and to punish the crime of piracy," and also of making such further provi-

sions on the subject as may be deemed proper for the security of our citizens, the safety of our commerce, and the punishment of the offence.

Mr. Pleasants, from the committee on naval affairs, reported the following bill, which was twice read by general consent:

Be it enacted, &c. That, for the purpose of enabling the president of the United States to afford more efficient protection to the commerce of the United States, from the depredations of pirates in the Gulf of Mexico and the West India seas, the sum of — dollars is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated; which sum shall be used by the president in providing such an additional force as in his judgment shall be best calculated to answer the end aforesaid.

[Accompanying this bill, *Mr. Pleasants* laid before the senate a communication from the secretary of the navy to the chairman of the naval committee, furnishing estimates of the additional force deemed necessary for the suppression of piracy, and the expense thereof. The secretary, having the concurring opinion of the navy board in its favor, recommends an additional force of

First, 1 steam boat of 90 to 120 tons, to carry two 18-pounders, and two 12 pounders, upon travelling carriages, so as to fire from any part of the vessel.

Second, 10 fast sailing schooners, of 45 to 60 tons burthen, to draw not more than 5 to 7 feet water; each to be armed with one long 12 or 18 pounder, mounted on a circle, with two 12-pou nd carronades; with the necessary number of small arms, to row from 20 to 24 sweeps; and

Third, 5 light double bank cutters, each to row 20 oars, and adapted to carry 40 men, well armed with muskets, pistols, boarding pikes, cutlasses, &c.

The whole cost of procuring these additional vessels and of equipping and fitting them for service, is estimated at 44,000 dollars.]

House of Representatives. This was a busy day in the house, in the preparation of business, &c. Some time was spent on a call made for inquiry into the "Porto Rico expedition," and the call was made for information, if any there was, in the possession of the executive. We shall notice the proceedings more at length in our next.

CHRONICLE.

Don Jose Manuel Zozaya was presented on Thursday last, by the secretary of state, to the president of the United States, as envoy extraordinary and minister plenipotentiary from Mexico. He was accompanied by colonel *Don Jose Anastasio Torrens*, secretary of the legation, who was also presented to the president by the secretary of state.

The United States schooner Aligator, late under the command of lieutenant com. Allen, but, since his decease, under charge of lieutenant Dale, was wrecked on *Craysford Reef*, about thirty miles to the southward of Cape Florida, on the night of the 9th ult. Every attempt to get her off having proved unavailing, she was fired and blown up. All of the officers and crew were saved, and arrived safely at Charleston.

New York. At the late election, the first under the new constitution, Joseph C. Yates, esq. received 128,393 votes for governor; and Solomon Southwick, esq. 2,913. Prastus Root, esq. received for lieutenant governor 82,450; and Henry Huntingdon, esq. 50,052.

Maryland. Samuel Stevens, esq. of Talbot county, has been elected governor of Maryland, for the ensuing year; and Thos. Enory, Joshua Pridcaux, Israel D. Malsby, Philemon Chew and Nicholas Brewer, esqs. appointed his council. Gen. Samuel Smith, has been elected a senator of the United States, to supply the vacancy occasioned by the decease of Mr. Pinkney.

North Carolina. Gabriel Holmes has been re-elected governor of this state, without opposition.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

“A Subscriber” will see that, in the reply of a Merchant” to our correspondent ‘T,’ his wishes are partly complied with. The article referred to shall be examined, and, most probably, have an early insertion.

THE PRESIDENT’S MESSAGE was copied into the “Register” from the “National Intelligencer”; which has corrected a clerical error in one of the paragraphs that throws confusion into the sense of it. It is in that which speaks of the state of the finances, in which the sum of 1,168,592 is printed instead of 1,681,592. See page 220.

In our brief notice of the message we observed that manufactures were *indefinitely* encouraged in it. The Richmond “Enquirer,” in passing through its various topics, says—

“Manufactures—where the president is far from being precise; though he cautiously recommends an augmentation of duties on certain foreign articles, leaving these *certain* articles in a state of the most profound *uncertainty*.”

THE CORRESPONDENCE between Messrs. Jefferson and Adams, inserted in the present sheet, will produce singular sensations of combined pleasure and regret in many who read it. But it is delightful to see these old political veterans so calmly preparing to retire to the tomb, at perfect peace with one another, and possessed of the gratitude and respect of millions of freemen—willing to forget any error that either may have committed, in the great public services that both have rendered to their country.

PIRACY. It will be seen in the proceedings of congress, that a law has already passed both houses, appropriating money to fit out an expedition for the suppression of piracy—com. Porter is appointed to command it.

The U. S. schooner Shark, just arrived at Norfolk, convoyed two British ships from Jamaica until she saw them clear of Cape Antonio, and out of the range of the pirates.

The British under capt. Godfrey of the ship Tyne with the Speedwell schooner, have made a splendid dash at these fellows, near St. Juan de los Remedios. They took four vessels and 17 prisoners, it was believed that about forty more had been killed or wounded. The governor of St. Juan went on board to congratulate them on their success, and informed them that he had arrested 22 others on shore. Two more pirate vessels were captured a few days afterwards, and some of their crews killed—the rest escaped on land. A Spanish brig of war has also seized more of their vessels, and it is thought that the coast is nearly cleared of them for the present.

COST OF BANKS. It is stated that the annual cost of the Farmers bank of Virginia and its branches, amounts to \$48,486—of which 40,290 are paid for salaries. Those the bank of Virginia are nearly the same.

The capital of the Farmer’s bank is \$2,000,000—the cost of keeping it a-going being 48,486, is equal to nearly *two and a half per cent.* on the whole capital. No wonder that the dividends for the benefit

of the *stockholders* have, for the last two years, hardly yielded three per cent: too much is given to presidents, cashiers and clerks.

PUNISHMENT. It very often seems as if the law was chiefly administered for the punishment of little knaves—the great ones generally break through its meshes. Many poor wretches have been sent from three to ten years to our penitentiaries, for thefts or frauds of a less amount than one hundred dollars—but Hollingshead and Scull, (who were lately convicted of a conspiracy to defraud the underwriters of the sloop Norfolk, about which so much was said some time ago), have been sentenced to only one year’s imprisonment at hard labor, and to pay a fine of 100 dollars each, by judge Tilghman, at Philadelphia.

SINECURE OFFICES. The design of every government, in affording liberal salaries to its officers, is to secure the application of personal talent to a discharge of the duties that belong to them. In the old and corrupted governments, however, it is well known that persons are appointed to office without even the expectation that they will personally discharge the duties thereof—these being performed by deputy. Thus, the *pious* duke of York is bishop of Osnaburg—and one of his brothers is, or was, governor of Gibraltar—and so on from the highest to the lowest, if the latter is worth making a sinecure of. This practice begins to prevail pretty extensively in our country—we have many officers that we may expect to find any where but in their offices—who eat, drink and riot upon the profits derived from journeymen; persons, of real merit, perhaps, but irresponsible and unknown to the government: hired at 5 or 600 dollars a year to do *all* the business for which the principal receives 2 or 3000. Assistants are doubtless indispensable in many of the offices—perhaps in every important office save that of a judge; but when a principal leaves every thing to an assistant, it is high time that he should be discharged—nay “kicked out” of his office, as a *fraudulent and unfaithful* person.

We thank Mr. Cocks for his notice of the case of a register of wills in the district of Columbia. A bill was under consideration, last week, to raise the fees of those officers—but Mr. Cocks said that no register had resigned on account of the lowness of the fees; and he had been told that the late Dr. Blake had *leased* out the office for five hundred dollars per annum, and had not the least trouble with it. I suppose this is what some call “*radicalism*”—but, if to keep people to the honest discharge of their duties and prevent such speculations is to be “*radical*,” one would suspect that all men would deserve to be called so, the *official leeches* excepted—of whom there are too many just now.

It is due to the case to say that an anonymous communication in the National Intelligencer, represents it as though Dr. Blake had not leased out the office, or derived other than a very small profit therefrom.

HARTFORD CONVENTION. Several of the Eastern papers, according to usage, have noticed the anniversary of the meeting of this convention, the 15th

Dec. 1814, and given a list of the names of the members—surmounted with a *crown* and suitable inscriptions.

The famous political preacher of the days of the convention, Dr. Osgood, departed this life a few days ago, in the 75th year of this age.

"NAPOLEON THE YOUNGER" begins to excite much attention in Europe, and the idea seems pretty generally entertained that, on the decease of the present king of France, a vigorous attempt will be made to place him on the throne. It appears as if agreed upon, that the Bourbon dynasty must soon have an end in France, as sovereign over that country.

DREAD OF SLAVERY. Mr. Moncy, a member of the British house of commons, in a speech delivered in the house in July last, on the subject of preventing the extension of slavery at the Cape of Good Hope, gave the following as a fact of which he was personally acquainted, having resided himself at the Cape.

"In the year 1819, a female slave, belonging to a Dutch gentleman at the Cape, had been treated with harshness, and, at last, her mistress threatened that she would take her children from her and sell them to the Boors in the interior. The dread of that worst of all evils, which, in her estimation, could be inflicted on her offspring, so worked upon her mind, that, to save them from this fate, she took them, four in number, down to the sea, early in the morning, where she succeeded in drowning three of them, and was in the act of destroying herself and the remaining child, when she was discovered; and, the alarm being given, she was rescued from her watery grave in a state of insensibility. She was carried to the gaol, where medicines were applied to restore her, and a court of criminal justice was immediately summoned to try her. Scarcely able to stand, she was brought before this tribunal. When asked what she had to say for herself, she stared wildly, and made no answer; and in this state of apparent unconsciousness as to every thing around her, she was convicted and sentenced to death by being strangled at a stake. The following morning this sentence was carried into execution, a party of the military attending, under the command of a British officer.

DIFFERENT VIEWS. We have been much interested by the following statistical notices of "the resources of Madison county," in the state of Alabama, in a Huntsville paper—and not a little amused at the *turn* given to the facts by our friends, the editors of the "National Intelligencer."

From the Huntsville paper—The assessor and tax collector of Madison county, (James Bibb, esq.) while performing his official duties, took the trouble to ascertain the number of gins, the quantity of cotton, (the growth of 1821), ginned and packed at each. The result of his inquiries is, that there are 149 gins, at which were cleaned and packed 6,026,667 lbs. making 20,088 bales,* averaging 300 pounds each.

That quantity of cotton at 12½ cents per lb. the average price of last year's crop, amounts to the comfortable sum of \$753,333. While this year's crop, if it should prove equally abundant, at the present price of 8 cents, will only bring \$482,133, leaving a deficit in the value of our exports of \$271,200.

How forcibly do these facts shew the necessity of economy and retrenchment! What a commen-

tary on the fluctuation of affairs do such comparisons afford! And how satisfactorily do those authentic statements account for the stagnation of business and the general depression of property!"

[To prevent a break in the subject matter, we shall here insert the Huntsville editor's note, referred to by the asterisk in the preceding].

* While on this subject we cannot refrain from inquiring into the expense of baling and preparing for market such an immense quantity of cotton, and suggesting to our planters, in these times of universal pressure on the agricultural community, the possibility of lessening that expense, or of saving it to the country. We are told it will take something like 100,000 yards of bagging to put up 20,000 bales of cotton—this year the estimate is made at \$3 per bale, which will amount to \$60,000, including rope and twine. The present price of bagging is 50 cents per yard, and, at this estimate, that article, alone, will cost the county \$50,000, which is wholly paid to foreigners. It is probable the whole valley of the Tennessee river will, in a short time, consume three or four times the quantity of Madison county. If cotton bagging cannot be advantageously manufactured in private families, would it not be an object worthy the attention of an association of gentlemen to establish a manufactory of so indispensable an article? The demand of such goods will be extensive and regular, and they could be made of refuse cotton, the last picking, and such as will scarcely defray the expense of carrying to a foreign market.

From the National Intelligencer. We learn from the Huntsville paper, that, by an accurate investigation, it has been ascertained that the quantity of cotton grown, cleaned, and packed for market, in the county of Madison, in the state of Alabama, was, in the year 1821, upwards of six millions of pounds, amounting, at the then market price of 12 1-2 cents per pound, to 753,333. This year's crop, if equally abundant, will bring, at the present price of 8 cents per pound, 482,133 dollars. The population of that county, by the last census, (taken late in 1821), was 17,481. The product for exportation, in 1821, was, therefore, within a fraction of forty-five dollars per soul, or, on a fair estimate, one hundred dollars for each working hand. The same rate would give to the union a production beyond the consumption, of more than four hundred millions of dollars.

Now, though the latter article was derived from the former, the general idea conveyed is exactly opposed to that which the other most pointedly and properly presents. The Huntsville paper brings forward the case to shew the necessity of economy, the means of the county being reduced one third—the Intelligencer offers its abstract to shew the profit of production, in furnishing an article for export. The first tells us that the bagging alone for the crop, which is imported and its cost wholly paid to foreigners, will consume more than a ninth part of the value of the cotton—the other regards export only, and tells us what it was, and what the export might be, if all the people of the U. States could produce for export, at the same rate. In short, the original article affords probable grounds to expect a great deal of private distress in Madison county, in consequence of the diminution of the means of the people, at the enormous ratio of thirty-three per cent. in one year—the abstract would make us believe them to be wonderfully prosperous and as abounding in means.

But, if all the people of the United States could produce cotton to an amount beyond the consump-

tion equal to those of Madison county, what would they do with it—where find a market for it? It would not sell for more than one or two cents per pound. The "four hundred millions" that the Intelligencer speaks of, is a greater amount of value perhaps, than that of all the raw agricultural products of all the nations in the world, exported or transported to or from one another! The calculation, therefore, as applied to the *United States*, must be regarded as a very moderate one, indeed!

The product of "100 dollars for each working hand," is not extraordinary, seeing that they are so much assisted by labor-saving machinery in picking and cleaning the cotton, for the gins do about one half of the whole work that belongs to the crop; and this product of value could not be exchanged with the spinners of the cotton. It is estimated that 240,000 persons in Great Britain, three fourths at least of whom are children, assisted by machinery, perform a quantity of labor that would employ twenty-eight millions of persons without the aid of machinery—so that one child stands as one hundred and ten persons, and must be supposed the agent of creating as great a value as they could unitedly create; and, admitting their labor to be worth only ten cents per day, the child would have eleven dollars worth of products per day to oppose to the products of the 110 persons—a rate of exchange and condition of things that cannot exist.

It is computed, that the labor saving machinery of Great Britain, applied to the manufacture of goods, is equal to the labor of four hundred millions of hands. These may give direct employment or agency to about one million of persons—then, one person in Great Britain, assisted by machinery, stands opposed to 400 laboring persons in another country which has not such machinery. No exchange of labor can take place between them, unless sustained by the utmost degree of human misery.

"One hundred dollars per working hand," if reference is had to the mechanic arts and manufactures, is a very moderate production. The most common country blacksmith, if he has a family, must produce more than this by the mere labor of his hands, or his family will starve; and there are few agriculturalists that do not create more—though they may not furnish that amount for exportation: but the grain-grower does not import bags to hold his grain, to the amount of a ninth part of the value of his whole product of grain.

The fact is, that Madison county, producing an article for export—that is cotton, to the value estimated in the present year, and importing every thing save food and some coarse raiment, must be doing a bad business, if we take into the account the value of capital invested. From the credit sum, \$482,153, is to be deducted the interest on all the capital in LANDS and SLAVES, nearly 9000 of the latter, at 300 dollars each, are worth an annual interest of 162,000, as laboring machines—the bagging and ropes, to fit the cotton for transport, cost 60,000; the ginning a large sum; and, what balance can there really be left to pay for the articles of food and raiment imported for the supply of 17,481 souls? The fact is easily supposed that the entire product does not yield five per cent. on the capital actually expended—out of which the people are to be supplied with the tens of thousands of imported articles that they want, and will obtain, if they can get them.

FROM A BOSTON CORRESPONDENT.

Mr. Niles—I notice in your Register, of the 23d ultimo, a statement of the quantity of specie im-

ported and exported for nine months, ending 30th June last, as taken from the custom-house returns—by which it appears that the export of specie, during that period, has exceeded the import something over eight millions of dollars. This statement is followed by a communication, with the signature "T," in which the writer appears to consider this fact as conclusive evidence that the trade of the country, and the country with it, are on the road to ruin—and in which he triumphantly calls on the merchants to answer the following questions:

"When a country exports more specie than it imports, is this no evidence of a favorable or unfavorable commerce?"

"Is a rate of exchange, 13 per cent. above par, advantageous, or otherwise, to the operations of commerce?"

"Do these causes, combined, or either of them, separately, promote or retard the prosperity of the country?"

His appeal is so urgent, and seems the result of a belief in his own views so sincere, that I cannot, in charity, refuse him—and, in accepting his "invitation," shall not desire so much to be "pithy," as to the purpose.

To the first question, then, I answer, that the fact of an exportation of specie greater than the importation, is not, in itself, a decisive criterion by which to determine whether the trade of a country is prosperous or otherwise, as it may take place during either: but I have no hesitation in saying, that, as it respects this country, it is *presumptive* evidence of a prosperous commerce—that is to say, though a bad trade checks exportation, a prosperous trade promotes it.

By the official treasury report of exports for the year ending 30th September, 1821, it appears that 10,477,000 dollars, in specie, were exported during the year—of which 7,900,000, (upwards of three-fourths), were to ports beyond the Cape of Good Hope. Now, as it is perfectly notorious that no credit is given in any part of that trade, this whole export must have been made on new adventures, for the purchase of commodities—a part for our own consumption, but the greater part to be sold in Europe. The whole motive to these adventures was profit—the returns come into the trade of the present year. The greater part of these voyages have been profitable, a part have been otherwise—it is the course of trade; but, as I said before, it is strong *presumptive* evidence of the general success of this trade—at any rate, it is *absolute* evidence that the *present prospect* is considered good, that so much has gone into it the present year; for it will be found that the greater part of this eight millions is on the same track. I have taken the example of this trade as placing the subject in a strong light. But I contend that the same reasoning will apply to the exportation of specie generally.

A certain quantity of specie is necessary to supply the circulating medium—or, rather, to support the credit and serve as the standard of value of our bank notes: all beyond that is useless surplussage. It will be found, on examination, that the accumulation of specie in this country, has always followed a stagnation of trade; and that the revival of trade has always been the signal to set this accumulation afloat, in search of profitable employment. As evidence of this, I give the following statements from the official returns of the banks in Boston, made up on the first of January of the respective years, and exhibiting the aggregate amount of specie in their vaults at that time in each year, viz.

January, 1814,	4,898,000 dollars.
1818,	630,000
1819,	541,000
1820,	978,000
1821,	2,434,000
1822,	937,000

There can be no doubt an examination of the situation of the banks in the commercial cities, at the same periods, would give nearly similar results, with the exception of the first, in 1814—in reference to which they were affected by large loans to government. I quote that period to shew the natural effect of an *annihilation of trade*; for, at that period, the grass was literally growing on our wharves. A prosperous trade, after the peace, soon dispersed this unprofitable hoard. But mark the effect of the disastrous year 1819—early in this year, owing to causes which it is not necessary now to consider, and about which there is a great diversity of opinion, a commercial convulsion paralyzed the commerce of Europe, and eventually affected the trade of every part of the world. The average reduction in the value of commercial products that year, has been estimated in Europe at 40 per cent. The effect on the trade of this country was severe—and, when to this effect was added that produced by the bursting of the bubble of a paper currency, dreadfully so. From this paralysis the commerce of Europe is now slowly recovering—its effects are still visible. Our commerce is more elastic, and has recovered more rapidly. The home trade may now be considered sound and prosperous—that connected with European markets is somewhat cramped by their inactivity. It will be seen, by the foregoing statement, that the first effect of this revulsion of 1819, was to withdraw our funds from the unprofitable field of commerce—to lock them up in the vaults of our banks, where they continued to accumulate, during the year 1820, in unprofitable idleness; in 1821 our merchants again ventured cautiously abroad, and the fact, that they have this year put in motion our whole surplus specie capital, is evidence that they find the field of commerce profitable and tempting. It is certainly true that this temptation may be so great as to cause exportation to a degree inconvenient to the mercantile community, in consequence of a sudden reduction in the circulating medium. Thus the specie in our banks was reduced, on the first June last, to 430,000 dollars. A severe pressure for money was the consequence, but it continued scarcely a month. The effect of these occasional periods of pressure is salutary—they keep the currency sound, and purify the commercial atmosphere.

I come now to the second inquiry of your correspondent—whether a rate of exchange, 13 per cent. above par, is advantageous or otherwise? As it is utterly impossible, in a time of peace, when insurance on specie can be effected at one per cent. premium, that such a rate of exchange, with England, can exist, I can answer the question in no other way than by shewing the actual state of our exchange with that country, and making such remarks as the subject suggests. The par of exchange between two countries can only be ascertained by ascertaining the quantity of the precious metals represented by their respective currencies. The currency of Great Britain is gold only—silver is there mere merchandise, fluctuating in value: our currency is, *nominally*, either gold or silver—but, *in fact*, at the present time, silver only: there is, therefore, no absolute par between two currencies, one consisting of gold the other of silver, inasmuch as there is no fixed proportion between the two me-

als. The only mode of ascertaining the real par of exchange, in such circumstances, is to take a given quantity of the metal represented in the currency of one country and compare it with the par of the same quantity of the same metal in the other. Thus, by our standard, silver is current at the rate of 117 cents per ounce—whether our own coinage, Spanish or French. The present price of silver, (Spanish dollars), in England, is and has long been 4s. 9d. sterling per ounce.

100 oz. of silver, with us, are worth 117 dollars.
100 oz. do. in London, at 4s. 9d. per oz. L.23 15 0 sterl.
£23 15s. at \$4.93 per pound sterling, amounts to \$116.97—of course, \$4.93, or, as near as may be, 11 per cent. above nominal par, is the true par of exchange on London. As Spanish dollars, the species of silver quoted in London, bear a premium here over other silver, it is proper to add that premium in this comparison. I have 100 oz. of Spanish dollars, worth 117 dollars—add premium, 1½ per cent. or \$1.75, is \$118.75: I go into the market with this money and buy a bill of exchange, at the present price, \$5 per pound sterling, or 12½ per cent. advance; it will buy me a bill for £23 15s. sterling, which will buy me in London precisely the 100 oz. of Spanish dollars with which I began the operation. This shews conclusively that bills on London are not, at the present moment, above the true par of exchange. The price of silver, (Spanish dollars), has fluctuated in England, for the last six or nine months, from 4s. 9d. to 4s. 9½d. per oz.: the rate of exchange, during the same period, has fluctuated, in the United States, from 9 to 13 per cent. The probability is, that the average has been rather below than above the real par.* It is true, the comparative value of gold and silver is unusual—it has usually been as 15 or 15½ to 1; it is now, in England, as 16½ to 1. This is sufficiently accounted for by the circumstance of the bank of England preparing to resume specie payments—it became necessary to attract gold to England. She has done it, and partly, by giving an unusual proportion of silver in exchange for it. She has thus got possession of all our gold, which was necessary to her, and given us, in exchange, an extra quantity of silver, which is equally useful to us. The bank of England having now got her full supply of gold, it is probable that the price of silver will gradually rise in England; in which case bills on England will fall here, *pari passu*—we shall get back our gold for less silver than we have received for it. In fact, if your correspondent will leave the merchants to manage their affairs in their own way, he need feel very little apprehension for the community—ruin cannot approach the community from without, but by first ruining the merchants; and they will look out pretty well for themselves. It is true, they make mistakes now and then—as this year, in giving the planters so much more for their cotton and tobacco than they proved to be worth—but this was no fault of our present system of free trade. It would be amusing, to be sure, if we should abandon the system at the very moment that our success is making converts to it in every part of the world, and when the rapid extension of our manufactures proves it to be equally favorable to them as to commerce.

*Since making this calculation, I find that, although French crowns are current, by law, at 117 cents per ounce, Spanish dollars and our own silver coins are worth a fraction less than 116 cents per ounce—this will vary this calculation about one per cent.—of course, the present rate of exchange on England may be considered one per cent. above par.

Your correspondent is desirous to discontinue the credits given on the duties on goods imported; the policy of giving credit on the duties rests on the same principle which induces the individual merchants to give credit on their merchandize; arousing competition and the equalization of profits. By making duties payable in cash, you confine importation to a smaller number—the rich merchants; by doing so, it is not probable you will increase the revenue or reduce the price of commodities. On the whole, I apprehend your correspondent may venture to bear things as they are another year.

A MERCHANT.

Boston, December 9, 1822.

PRESIDENTIAL NOMINATION. The following is an account of the proceedings had in Kentucky, alluded to in the last REGISTER.

Frankfort, Nov. 18, 1822. At a meeting of the members of the senate and of the house of representatives, composing the general assembly of the state of Ky. convened after the adjournment of the respective houses in the hall of the house of representatives, agreeably to a previous notice, for the purpose of taking into consideration the propriety of recommending to the people of the United States some suitable person to fill the office of the president of the United States, after the expiration of the present presidential term, *William T. Barry* was called to the chair, and *Thomas Speed* appointed secretary to the meeting, when the following resolution and address were offered for consideration by *George Robertson*:

Resolved, That *HENRY CLAY*, late speaker of the house of representatives of the United States, be recommended as a suitable person to succeed *James Monroe* as president thereof.

In respectfully inviting the attention of the people of the United States to a citizen of Kentucky, as a fit person to fill the highest office in their gift, that portion of the citizens of Kentucky now assembled, will not conceal that they entertain a warm affection for, and a strong confidence in, their distinguished fellow-citizen whom they have ventured to propose; nor deny that they think the time has arrived, when the people of the west may, with some confidence, appeal to the magnanimity of the whole union, for a favorable consideration of their equal and just claim to a fair participation in the executive government of these states. Sectional motives they are ready freely to admit, ought not to have a predominant influence in the choice of a chief magistrate: But it cannot be disguised that they ever must have some weight, until that sentiment shall be eradicated from the human breast, which attaches man most to those whom he knows best, and to the objects which are nearest and dearest to him. It is not, however, alone, nor principally, upon considerations merely local or personal, but on those of a much more liberal and elevated character, that they rest the pretensions of the individual whom they now recommend: For they believe, without disparaging, in the smallest degree, the very great and acknowledged merits of the other illustrious men, to whom public attention has lately been directed, that, throughout his whole public career, no American statesman has been less actuated by narrow or selfish impulses, and that he yields to none in eminent services, in distinguished ability, in political rectitude and virtue, nor in liberal and enlarged views of national policy.

In presenting him, therefore, to the consideration of their fellow-citizens, they think they are authorized to believe, that they have consulted the best

interests of the whole union, as well as the feelings and interests of the west, and that they may be allowed to hope that his strong claims to the confidence and approbation of his country, will be properly appreciated, and his talents and public services justly rewarded.

And, on the question being put thereon, the said resolution and address were unanimately adopted.

W. T. BARRY, chairman.

Attest, *Thomas Speed*, Secretary.

☞ A meeting of the legislature of Missouri has been held in like manner, at which it was, also, agreed to recommend Mr. Clay.

LAW CASES. During the late term of the district court of the U. States, held at Corydon, Indiana, judgment was rendered in favor of the government against *Nathaniel Ewing*, pension agent, for 11,318 dollars. Judgments were also obtained against the following individuals, at the instance of the post master general, viz: *Ansel Wood* and others, \$172 22—*John Roads* and others, \$ 88—*William Williams* and others, \$80 60—*Joshua Harlan* and others, \$416 62—*David F. Sacket* and others, \$282 06—*James Lemon* and others, \$400 19—*John D. Hay* and others, \$42 22—*William Boon* and others, \$53 08—*William Williams* and others \$22 55.

[*Kentucky Reporter*.

The federal court of Frankfort, Kentucky, was engaged, for two or three days, in the second week of November, in trying a cause between the United States and the col. Johnsons. The government claimed \$260,000, for which they instituted suit. The col. Johnsons produced set offs until they liquidated the claim and brought the government \$13,000 in debt, which the jury allowed. These are the claims for supplies and steam-boats for the Missouri expedition, which were refused by the war department and rejected by congress.—*Nat. Gaz.*

STATE OF SPAIN. From the *National Intelligencer*. Mr. *Samuel Alvey*, of Baltimore, has recently arrived in this country from Spain, and is at present in this city. He is the gentleman who was severely wounded by the insurgents at Madrid, on the 7th July last, and the same who was robbed of despatches from Mr. Forsyth, to this government, by a guerilla party, when on his way from Madrid to Bayonne.

From our conversation with him, we learn that our accounts of the intestine wars of Spain, give us wrong impressions of its actual situation. The constitutional government is strongly established, nothing seriously moved by the predatory excursions of guerilla bands, which, it is said, often retire within the French boundary, and are suffered to go and come without molestation by the French troops, which line that border. At Bayonne, it was known that, notwithstanding the rigid quarantine observed at the lazarettos, on the frontiers, by the French government, and that the violation of the sanitary laws was subject to the heaviest punishment, even that of death, the *cordón sanitaire* admitted the insurgents of the army *de se*, anti constitutional, without performing any quarantine whatever. They were provided with particular passports that enabled them to proceed to any part of France they chose, for the purpose of purchasing arms and equipage for their treasonable projects. Three bishops were in Bayonne, with their secretaries, and surrounded by priests and friars, admitted without being detained a single moment in quarantine. These members of the apostolic army, were publicly purchasing arms and ammuni-

tion, and sending them both by water and land to the peninsula.

We learn from the same gentleman, that Mr. *Obadiah Rich*, consul of the United States at Valencia, has got possession of the original manuscript of Columbus's account of his first voyage to America. It is to be translated and published in English and in Spanish; after which, it is expected the original will be transmitted for deposit in the capitol, or among the archives of the United States.

FOREIGN NEWS.

Spain. It is now stated that France has given notice to the two emperors that she cannot participate in a war against Spain, nor suffer the passage of troops through her territory—and it is strongly reported that England has declared a determination to resist any attempt to invade the peninsula! If these things are true, the 'holy alliance' will hardly meddle with the affairs of Spain and Portugal; yet these are making all possible preparation for the preservation of their liberties. The French corps on the frontier is now called the "army of observation," and a Barcelona paper, of October 13, noticing the arrival of a French frigate, demands—"What does this French ship want with us? We cannot tell. We only know that her commander took the liberty to ask several untimely, as well as impertinent questions. What would the French ultras say, if one of our vessels should arrive to-morrow at Toulon, inquiring 'Who commands here? Louis XVIII, Napoleon II, or the republicans?'"

Colombia. The Sapphire sloop of 28 guns, now called the New Orleans, and the Musquito brig of war, both purchased by the Colombian minister in England, have arrived at Laguaira—these, with the Bolivar, commanded by com. Daniels, must secure to the patriots a naval superiority. The Spanish frigate *Ligera* and brig *Hercules* were at Carracoa, repairing.

In the *Pacific* the American flag is much respected; owing, perhaps, very much to the presence of the Franklin and the good conduct of com. Stewart. He has built two small schooners and armed and manned them, to assist in his operations.

The Chilian congress was in session early in Sept. last. O'Higgins had resigned the directorship, but was re-elected for 5 years.

It is reported that *La Serna*, at the head of the royalists in Peru, has declared himself independent of Spain; and it was thought that he would drive San Martin from Lima, and possess himself of Peru, being very popular. Flour at Lima was \$50 per barrel—at Guayaquil the price was *sixty-five dollars!*

The city of Cartagena, that contained 12,000 inhabitants, has been destroyed by an earthquake—not a house was left standing, but not one life was lost! It is said that a vast quantity of gold and silver, brought to view by the earthquake, has been discovered by the people.

Ghent Negotiators.

TO THE EDITORS OF THE NATIONAL INTELLIGENCER.
LEXINGTON, 16th Nov. 1822.

Gentlemen: I have witnessed, with very great regret, the unhappy controversy which has arisen between two of my late colleagues at Ghent. In the course of the several publications, of which it has been the occasion, and particularly in the appendix to a pamphlet which has been recently published by the honorable John Q. Adams, I think there are some errors, (no doubt unintentional), both as to matters of fact and matters of opinion,

in regard to the transactions of Ghent, relating to the navigation of the Mississippi, and certain liberties claimed by the United States in the fisheries, and to the part which I bore in those transactions. These important interests are now well secured; and, as it respects that of the navigation of the Mississippi, left, as it ought to be, on the same firm footing with the navigation of all the other rivers of the confederacy, the hope may be confidently cherished, that it will never hereafter be deemed even a fit subject of negotiation with any foreign power. An account, therefore, of what occurred in the negotiations at Ghent, on these two subjects, is not, perhaps, necessary to the present or future security of any of the rights of the nation, and is only interesting as appertaining to its past history. With these impressions, and being extremely unwilling to present myself, at any time, before the public, I had almost resolved to remain silent, and thus expose myself to the inference of an acquiescence in the correctness of all the statements made by both my colleagues; but I have, on more reflection, thought that it may be expected of me, and be considered as a duty on my part, to contribute all in my power towards a full and faithful understanding of the transactions referred to. Under this conviction, I will, at some time more propitious than the present to calm and dispassionate consideration, and when there can be no misinterpretation of motives, lay before the public a narrative of those transactions as I understood them. I will not, at this time, be even provoked, (it would, at any time, be inexpressibly painful to me, to find it necessary), to enter the field of disputation, with either of my late colleagues.

As to that part of the official correspondence at Ghent, which had not been communicated to the public, by the president of the United States, prior to the last session of congress, I certainly knew of no public considerations requiring it to be withheld from general inspection. But I had no knowledge of the intention of the honorable Mr. Floyd to call for it, nor of the call itself, through the house of representatives, until I saw it announced in the public prints. Nor had I any knowledge of the subsequent call which was made for the letter of the honorable Mr. Russell, or the intention to make it, until I derived it through the same channel.

I will thank you to publish this note in the National Intelligencer, and to accept assurances of the high respect of your obedient servant,

H. CLAY.

TO THE EDITORS OF THE NATIONAL INTELLIGENCER.

Gentlemen:—In your paper of yesterday I have observed a note from Mr. Henry Clay, which requires some notice from me.

After expressing the regret of the writer at the unhappy controversy which has arisen between two of his late colleagues at Ghent, it proceeds to say, that, in the course of the several publications, of which it has been the occasion, and particularly in the appendix to the pamphlet recently published by me, "he thinks there are some errors, (no doubt unintentional), both as to matters of fact and matters of opinion, in regard to the transactions at Ghent, relating to the navigation of the Mississippi, and certain liberties claimed by the United States in the fisheries, and to the part which he bore in those transactions."

Concurring with Mr. Clay in the regret that the controversy should ever have arisen, I have only to find consolation in the reflection that, from the seed

time of 1814 to the harvest of 1822, the contest was never of my seeking, and that, since I have been drawn into it, whatever I have said, written or done in it, has been in the face of day, and under the responsibility of my name.

Had Mr. Clay thought it advisable now to specify any error of fact or of imputed opinion which he thinks is contained in the appendix to my pamphlet, or in any other part of my share in the publication, it would have given me great pleasure to rectify, by candid acknowledgment, any such error, of which, by the light that he would have shed on the subject, I should have been convinced. At whatever period hereafter he shall deem the accepted time has come, to publish his promised narrative, I shall, if yet living, be ready, with equal cheerfulness, to acknowledge indicated error, and to vindicate contested truth.

But as, by the adjournment of that publication to a period "more propitious than the present to calm and dispassionate consideration, and when there can be no misinterpretation of motives," it may chance to be postponed until both of us shall have been summoned to account for all our errors before a higher tribunal than that of our country, I feel myself now called upon to say, that, let the appropriate dispositions, when and how they will, expose the open day and secret night of the transactions at Ghent, the statements, both of fact and opinion, in the papers which I have written and published, in relation to this controversy, will, in every particular, essential or important to the interest of the nation, or to the character of Mr. Clay, be found to abide unshaken the test of human scrutiny, of talents, and of time.

JOHN QUINCY ADAMS.

Washington, 18th Dec. 1822.

Interesting Correspondence.

FROM THE CHRISTIAN REGISTER.

The following letters have been obtained by solicitation; and are sent to the press by the permission of their venerable authors. The character, standing, and age of the writers, the one in his eightieth, the other in his eighty-seventh year, give them peculiar interest, and they cannot fail to be read with great pleasure. It is delightful to witness this kind of correspondence between these two distinguished men, the asperities of party by which they were at one time separated, worn down, and nothing remaining but the interchange of sentiments of unfeigned kindness and respect. It is charming to see an old age like this, retaining, even under its decays and infirmities, the intellectual vigor unimpaired; and displaying, amidst its snows, the greenness and freshness of the summer of life. It is an enviable and privileged height to which these great men have attained; from which they are permitted to look down upon an extensive and eminently happy country, enjoying the fruit of their labors and sacrifices, more than realizing their boldest anticipations; and regarding them with that gratitude and respect to which their magnanimity and distinguished patriotism so emphatically entitle them.

The letter of Mr. Jefferson was written soon after an attack upon him by the "Native of Virginia;" and when there was a strong expectation of a war between Russia and Turkey: this will explain some allusions in them.

FROM MR. JEFFERSON TO MR. ADAMS.

Monticello, June 1, 1822.

It is very long, my dear sir, since I have written

to you. My dislocated wrist is now become so stiff that I write slowly, and with pain; and, therefore, write as little as I can. Yet it is due to mutual friendship to ask once in a while how we do? The papers tell us that general Starke is off at the age of ninety-three—* * * * still lives, at about the same age, cheerful, slender as a grasshopper, and so much without memory that he scarcely recognises the members of his household. An intimate friend of his called on him not long since. It was difficult to make him recollect who he was, and sitting one hour, he told him the same story four times over. Is this life?—with laboring step

To tread our former footsteps? pace the round
Eternal?—to beat and beat
The beaten track—to see what we have seen—
To taste the tasted—o'er our palates to decant
Another vintage?

It is, at most, but the life of a cabbage, surely not worth a wish. When all our faculties have left, or are leaving us, one by one, sight, hearing, memory, every avenue of pleasing sensation is closed, and atrophy, debility, and mal-aise left in their places, when the friends of our youth are all gone, and a generation is risen around us whom we know not, is death an evil?

When one by one our ties are torn,
And friend from friend is snatch'd forlorn;
When man is left alone to mourn,
Oh, then, how sweet it is to die!

When trembling limbs refuse their weight,
And films slow gathering dim the sight;
When clouds obscure the mental light,
'Tis nature's kindest boon to die!

I really think so. I have ever dreaded a dotting old age; and my health has been generally so good, and is now so good, that I dread it still. The rapid decline of my strength during the last winter has made me hope sometimes that I see land.—During summer, I enjoy its temperature, but I shudder at the approach of winter, and wish I could sleep through it with the dormouse, and only wake with him in spring, if ever.—They say that Starke could walk about his room. I am told you walk well and firmly. I can only reach my garden, and that with sensible fatigue. I ride, however, daily, but reading is my delight. I should wish never to put pen to paper; and the more because of the treacherous practice some people have of publishing one's letters without leave. Lord Mansfield declared it a breach of trust, and punishable at law. I think it should be a penitentiary felony; yet you will have seen that they have drawn me out into the arena of the newspapers. Although I know it is too late for me to buckle on the armour of youth, yet my indignation would not permit me passively to receive the kick of an ass.

To turn to the news of the day, it seems that the cannibals of Europe are going to eating one another again. A war between Russia and Turkey is like the battle of the kite and snake; which ever destroys the other, leaves a destroyer the less for the world. This pugnacious humor of mankind seems to be the law of his nature, one of the obstacles to too great multiplication provided in the mechanism of the universe. The cocks of the hen yard kill one another; bears, bulls, rams, do the same, and the horse, in his wild state, kills all the young males, until, worn down with age and war, some vigorous youth kills him. * * * * I hope we shall prove how much happier for man the Quaker policy is, and that the life of the feeder is better than that of the fighter: and it is some consolation that the desolation by these maniacs of one part of the earth, is the means of improving it in other parts. Let the latter be our office; and let us milk

the cow, while the Russian holds her by the horns and the Turk by the tail—God bless you and give you health, strength, good spirits, and as much of life as you think worth having.

THOMAS JEFFERSON.

MR. ADAMS' REPLY.

Montezillo, June 11, 1822.

DEAR SIR—Half an hour ago I received, and this moment have heard read, for the third or fourth time, the best letter that ever was written by an Octogenarian, dated June 1st.

I have not sprained my wrist; but both my arms and hands are so overstrained that I cannot write a line—Poor Starke remembered nothing and could talk of nothing but the battle of Bennington. **** is not quite so reduced.—I cannot mount my horse, but I can walk three miles over a rugged rocky mountain, and have done it within a month; yet I feel, when sitting in my chair, as if I could not rise out of it; and when risen, as if I could not walk across the room; my sight is very dim, hearing pretty good, memory poor enough.

I answer your question—Is death an evil?—It is not an evil. It is a blessing to the individual, and to the world; yet we ought not to wish for it till life becomes insupportable. We must wait the pleasure and convenience of the "Great Teacher." Winter is as terrible to me as to you. I am almost reduced in it to the life of a bear or a torpid swallow. I cannot read, but my delight is to hear others read; and I tax all my friends most unmercifully and tyrannically against their consent.

The ass has kicked in vain; all men say the dull animal has missed the mark.

This globe is a theatre of war; its inhabitants are all heroes. The little eels in vinegar, and the animalcules in pepper water, I believe, are quarrelsome. The bees are as warlike as the Romans, Russians, Britons, or Frenchmen. Ants, caterpillars and cankerworms, are the only tribes among whom I have not seen battles; and Heaven itself, if we believe Hindoos, Jews, Christians, and Mahometans, has not always been at peace. We need not trouble ourselves about these things, nor fret ourselves, because of evil doers; but safely trust the Ruler with his skies' Nor need we dread the approach of dotage; let it come, if it must. ****, it seems, still delights in his four stories; and Starke remembered to the last, his Bennington, and exulted in his glory; the worst of the evil is, that our friends will suffer more by our imbecility than we ourselves.

In wishing for your health and happiness, I am very selfish; for I hope for more letters; this is worth more than five hundred dollars to me, for it has already given me, and will continue to give me, more pleasure than a thousand. Mr. Jay, who is about your age, I am told, experiences more decay than you do. I am, your old friend,

JOHN ADAMS.

President Jefferson.

Northern Canal.

FROM THE NEW YORK STATESMAN.

Waterford, 28th Nov. 1822. On this day the last stone of the Northern or Champlain Canal was laid by governor Clinton, president of the board of canal commissioners, in the presence of a great assemblage of people. The ceremony was solemn and impressive. Before the laying of the stone the pre-

sident delivered a short address, which stated, in substance, that he proceeded, with great pleasure, in the presence of his assembled fellow-citizens, to consummate a great work devoted to the interests of agriculture, manufactures and commerce, and connecting the waters of the gulf of St. Lawrence with the bay of New York. He invoked the smiles of the Almighty Father of the universe on the work and the occasion, and supplicated the realization of all the blessing anticipated from this undertaking. The stone was then laid amidst the acclamations of the people, and a most eloquent prayer was offered to the throne of grace by the rev. Dr. Blatchford. The company passed in two boats, drawn by five elegant horses, from the river through a tier of three locks of white marble and excellent workmanship, into the canal. The marble was procured from West Chester county, and is firmly cemented by hydraulic mortar, made of northern lime stone. The locks are of 11 feet lift each, and are almost perfect water tight. Between the locks there are two spacious circular basins for the accommodations of boats passing out and into the river. Waterford is the head of sloop and boat navigation of the Hudson, and the northern canal is now finished to it; indeed it has already been navigated by boats of transportation. One has just arrived from Lake Ontario by the St. Lawrence and Sorel rivers and Lake Champlain; and I saw, with great pleasure, packages and boxes, stowed on the banks of the canal, destined for Whitehall and Peru in Clinton county.

As the importance of this canal is not sufficiently appreciated, nor its character extensively known, it may not be amiss to subjoin a few remarks, which I have derived principally from the enlightened acting commissioner.

From Whitehall, where it unites with Lake Champlain, to Waterford, where it finally enters the Hudson river, the distance is about 61 1-2 miles. From Whitehall to fort Edward, there are 19 miles of canal, and about 5 miles of the waters of Wood Creek. In this space there are 10 locks; 3 at Whitehall to let boats down into the lake; 3 at Fort Edward for the same purpose as to the Hudson river; about half way between fort Edward and Whitehall, to wit, at fort Ann there are 3 locks, which descend to the level of Wood Creek and Halfway Brook. These streams unite below the village, and feed this lower level of the canal. Some short distance below this junction there is a lock recently located and made of wood. The upper level of the canal from fort Edward to fort Ann is supplied by the Hudson—the water is impelled into a feeder by a most stupendous dam of 30 feet altitude, erected across that river, and there is now another feeder preparing to run from above Glen's falls, and to pass into the canal north of Sandy Hill, which will also serve us as an auxiliary canal, to convey lumber and other commodities from an extensive range of country in that direction.

There is a striking feature in the geology of this route, which deserves a scrutinizing examination—it appears that the Hudson river, at fort Edward, which, you know, is below Glen's and Baker's falls, is 22 feet higher than lake Champlain. There is a descent of 5 feet from the summit level at fort Ann, to the lake at Whitehall, and 28 feet to the river at fort Edward. Forty or fifty feet high, in the primitive rocks, at a place called the Narrows, in Wood creek, there are great cavities or pots, produced by the action of rotary stones under the power of water falling perpendicularly; a critical inspection of these lapideous excavations might determine

whether the Hudson river did not, previous to its rupture of the great barrier at the highlands, diverge to the north in this direction. From the canal at fort Edward to fort Miller falls, 8 miles, the river is used in lieu of the canal, and is kept up to the requisite altitude by a dam. Round those falls there is a short canal of half a mile, which unites again with the river by two locks; the river is again used for about two and a half miles, and then by a dam it is forced into a canal, on the west side, which extends about 26½ miles, to Waterford. This part contains six locks, and at Waterford there are three more, making in the whole extent 21 locks; 45 miles of artificial navigation, and 15½ of improved natural navigation, to wit, five miles of Wood creek, and 10 1-2 of the Hudson river. From Waterford the canal proceeds 2½ miles further south, where it unites its waters with the western or Erie canal, after crossing the Mohawk river by a dam, and which river is thereby put into requisition as a feeder for the northern canal, in both a northern and southern direction, and also before and after its junction with the western. This latter portion is nearly completed.

The whole extent is 64 miles. This work was commenced on the 10th of June, 1818, and has been finished in somewhat more than four years.—When compared with similar works in the old world, the execution may be pronounced a rapid one, and has never been exceeded, in that respect, except by its relative, the western canal. The celebrated canal of Languedoc is only 148 miles long, and it took 14 years to finish it, and it employed always the labor of 8,000, and sometimes 12,000 men.—The Forth and Clyde canal is 35 miles long. It was commenced in 1768, and not completed until 1790.

The canals of China have been the subject of unbounded panegyric. The distance from Peking to Canton, by canals and rivers, is 920 miles, and the voyage takes about three months. On our canals the same extent could be passed in one month. The truth is, that the Chinese canals are very inferior to the European. Instead of locks, the boats are drawn up and let down inclined planes by human power, at vast expense and trouble. A lock appears to be a very simple invention. It is but a sluice with two double gates, and yet it never occurred to that ingenious people. The first lock was constructed by the Venetians in 1481.

The influence of these works is already felt, not only in different parts of the United States, but has extended to Europe. The transportation of merchandise from Philadelphia to Pittsburg, has fallen from 120 dollars to 40 dollars a ton. When the western canal is finished, goods can be transported from New York to Pittsburg for 30 dollars a ton. They formerly cost 100 dollars from New York to Buffalo. It will now be done for less than 15 dollars. The receipts of the Holland land company have this year been immense, because the western settlers have found a market; and the share-holders of our *farther land* will be astonished at the unexpected increase of their profits.

In their report of 1817, the canal board estimated that the country, within the reach of the northern canal, would furnish, annually, two millions of boards and planks; one million feet of square timber, and immense quantities of dock logs, scantling, masts and spars. Besides, those northern regions are the sites appropriated by nature for her mineral productions; and it is well known that they contain iron ore unsurpassed for quantity and quality—marbles of various kinds and colors—lime-stone,

from the primitive to the secondary, and the materials of the best hydraulic cement—bark for tanning and other manufacturing process—inexhaustible stores of pot and pearl ashes, wheat, flour, butter, cheese, beef, pork and maple sugar; the best of cattle for the butcher, dairyman and grazier, and the finest sheep, hogs and poultry, besides the fruits of autumn. In going to the New York market, the proprietors of these articles follow the current of interest, and the direction of political affinity, and their preference is enforced by the act of the British parliament, fettering our commerce with the Canadas, and thereby imposing the necessity of a limited or partial trade with those countries.

We cannot form any definite opinion of the value or the amount of the commodities that will be conveyed down the canal; nor of the merchandise that will be returned, because it has not been in operation until this day. So far back as July last, it was estimated such was the immense amount of timber in the canal and in the lake waiting for the advent of the waters, that it would take twenty days for that in the lake to pass into the canal, and forty days for that in the lower level to pass into the upper—and the waters of the Hudson are, even at this advanced period of the season, covered with rafts, making their way to our great commercial emporium.

G. W.

Opium Trade with China.

A Chinese edict was, some time since, published, announcing the seizure of the cargoes of one American and three English vessels at Canton, for introducing opium, in violation of the law, and the confiscation of half the cargoes. By a subsequent edict this forfeiture was remitted, the viceroy finding that the merchants concerned were greatly afflicted, and that they "roar out, as under the agonies of a head ache, their supplications;" but they were forbidden to sell their cargoes, to carry away any tea or rhubarb, and the hong merchants were ordered to make a memorandum of the names of these ships and their merchants, and forever to prohibit their coming to Canton to trade. The following is the concluding part of the edict [Fed. Gaz.]

"As to one of the four ships, viz. *Coupland and Emily*, of Baltimore, she containing nearly a thousand cattie of foreign gin, worth scarcely any thing, and it paid for the port charges upwards of 1400 taels, from which it appears that the said ship came for no other purpose but to sell opium. Infinitely detestable! Rightly did Heaven send down punishment, and cause Francis Terra-orea to commit a crime for which he was strangled. The ship should be punished more severely, only as the three ships, *Hogg* and the others, have had clemency extended to them, I shall remit the sentence on all equally, and shall, with her as with the others, inflict a little punishment.

"In a word, as before said, the celestial empire permits tea, rhubarb, &c. to be sold, to keep alive the people of the said nations. Those persons who are annually kept alive thereby are more than 10,000 times 10,000. How substantial a favor is this! Yet these foreigners feel no gratitude nor wish to render a recompence, but smuggle in opium, which poisons the empire. When this conduct is referred to the heart, it must be disquieted—when referred to reason, it is contrary to it. In broad day, on earth, there is the royal law—in the shades, after death, are gods and demons. These foreign ships pass an immense ocean; they, likewise, go

through gales of wind, boisterous seas and unknown dangers, entirely preserved by the condescending protection of the celestial Gods; and, therefore, they should, hereafter, rouse themselves to zealous reflection, to bitter repentance and to reformation, and alter their inhuman,—unreasonable conduct. Then will the winds be fair and waves stilled; and they will, forever, receive the gracious bounty of the celestial empire.

"Let the hong merchants, in obedience to this edict, carefully and minutely inculcate its contents to all foreign ships going away to their own country, and to all supercargoes—requiring them to know and understand it.

"I, the Poohong Sye, having received from the governor the above quoted document, transfer it to the local magistrate to carry it into effect. Disobedience will involve great and heavy consequences.

"Haste on, haste on. TAOU KWANG.

"2d year, 1st moon, 8th day."

Spanish Cortes.

KING'S SPEECH.

The following speech was read by H. C. M. on the opening of the cortes, on the 7th Oct. last:

Gentlemen members: The most weighty circumstances call me among the representatives of the nation, who have so many claims to its confidence. Mine is revived at seeing them again in this sanctuary of the laws, for the urgent necessities of the state will now be remedied.

The enemies of the constitution not having sight of any method their folly or barbarity might suggest, have succeeded in dragging into the career of crime a considerable number of Spaniards. The calamities which these disorders produce in Catalonia, Aragon, and other frontier provinces, are as afflicting to my heart as to yours. To you it belongs to employ the most efficacious remedy to such lamentable irregularities. The nation requires a numerous force to curb at once the audacity of its rebellious sons; and the faithful and brave soldiers, who serve her in the field of honor, require powerful and abundant assistance to secure a happy completion of the duties to which they have been called.

Nations are mutually respected by their power, and the energy which they know how to exhibit in certain situations. Spain, by her position, her coasts, her productions, and the virtue of her inhabitants, merits a distinguished place in the political map of Europe. Every thing induces her to take that imposing and vigorous attitude which will draw from the others the consideration of which she is worthy. It appears necessary to make new relations with the states who know how to value our real riches.

It is useless to offer to your consideration the glory and merit of the Spanish army, a model of disinterestedness and patriotism. Its heroic sacrifices for the national independence are well known. It is evident to all Europe the service it is rendering to the cause of liberty and its country. These citizens warriors require statutes and regulations conformable to the established laws, and the improvement in the art of war. The cortes was occupied in its former sessions in this interesting work; its continuation is one of the objects which ought to fix its attention.

As we now possess a criminal code, and as the promulgation of so necessary a work relieves those who administer justice from the immense fatigue of referring to it in so voluminous a shape, it is ab-

solutely necessary that such a part of it relative to proceedings should be immediately finished.

These, gentlemen, are the important subjects to which you are called. Others of equal moment will be committed to your determination in the course of this session. If all these are arduous and difficult, they will be surmounted by your wisdom, decision and patriotism. The unanimity among all lovers of liberty, will add a new lustre to these eminent qualities, which are a sure guarantee to Spain and to me of your judgment. The good will rejoice to see you occupied a second time for their happiness, and the wicked will find, in the national congress, an impenetrable barrier to their criminal projects.

Portuguese Cortes.

On the 1st of October, on the occasion of taking the oath to the new Portuguese constitution, the king of Portugal read the following speech to the cortes at Lisbon.

"*Gentlemen,*—I have examined with attention the political constitution of the monarchy, which, in the name of all the inhabitants of the united kingdoms of Portugal, Brazil, and Algarve, was offered to me by its legitimate representatives, united in those general extraordinary and constitutional cortes of the Portuguese nation, and I have considered, with scrupulous attention, the conditions of this new social compact.

"Placed by Providence at the head of a valiant and magnanimous nation, and convinced that the general will is the fountain and the medium of all political power, it is my duty to identify my will with the general wish, as I was always sensible that my own happiness is essentially connected with the prosperity of the Portuguese people.

"Faithful to my principles, I flatter myself with having offered to the nation, even in the most difficult circumstances, decisive proofs of the love I bear it, and of the uprightness which becomes my own dignity. The Portuguese acknowledge it, and this is a recompense the most worthy of my labors as well as the sole object of my ambition.

"The new social compact being, therefore, the expression of the general will, and the fruit of your wise meditations, conformable to the enlightened age, and founded on a reciprocity of interests and sentiments, which make my cause inseparable from the cause of the nation, I come to day, in the midst of the national representation, to accept the constitution which you have just made: and to confirm, by the most solemn oath, the inviolable promise to keep it, and cause it to be kept.

"Yes! Representatives of the heroic Portuguese nation! your magnificent work, the fruit of so many enlightened and patriotic labors, will be respected and maintained. I swear it by the probity and firmness which you know me to possess. This sacred promise, as spontaneous as the resolution which brought me from the new world to the cradle of the monarchy, to co-operate in this your glorious enterprise, cannot have a surer guarantee than this same firmness with which I have maintained the basis to which I swore, and which appears in all the acts which characterise my promises as sincere, and my intentions as pure.

"I congratulate myself both on meriting the confidence and love of the nation, and on the arrival of this happy day, twice celebrated in the annals of Portugal. It will shew to posterity, the, perhaps, unparalleled example of a nation, regenerated without disturbing the public tranquility; one

that the first constitutional king of the Portuguese, knowing how to make himself worthy of the confidence of the people, knows also how sweet it is to reign over their hearts. Such, gentlemen, is the glory to which I aspire, and such are the sincere motives which induced me to accept, and to swear to the political constitution of monarchy.

Legislature of Maryland.

IN THE HOUSE OF DELEGATES.

Mr. T. Kennedy, of Washington county, submitted the following resolutions—

Whereas, the great national road leading from Cumberland to Wheeling, which is of such incalculable advantage in facilitating the intercourse between the Atlantic and the western states, and which was constructed at a great expense, has already suffered from the want of that regular superintendence, and of those repairs which are necessary to the preservation of such a work, therefore,

Resolved, by the general assembly of Maryland, That the senators and representatives of this state in congress, be requested to use their best exertions to procure the immediate passage of a law by congress, making a sufficient appropriation to repair the great national road, leading from Cumberland to Wheeling.

Resolved, That the governor be, and he is hereby, requested to cause a copy of this resolution to be transmitted to the senators and representatives of this state in congress.

The following resolution has also been brought into the house of delegates, by the same member:

Whereas, a system of internal improvement, confined to great national purposes, with proper limitations, would be productive of eminent advantage to the people of the United States, and would promote the general welfare, and tend to secure a more perfect union; and, whereas, doubts may and do exist, whether the congress of the United States have the power to adopt such a system: therefore,

Resolved, by the general assembly of Maryland, That the senators and representatives of this state, in the congress of the United States, be requested to use their best exertions to procure such an amendment to the constitution of the United States, as will give congress power to adopt and execute a system of internal improvement, to be confined to great national purposes with proper limitations.

Resolved, That the governor be, and he is hereby, requested to cause a copy of this resolution to be transmitted to each of the senators and representatives of this state in congress.

Mr. John P. Kennedy, of Baltimore, offered the following—

Resolved, That the governor and council be directed to select, as soon after the passage of these resolutions as it can conveniently be done, nine of the most discreet and intelligent citizens of this state, as a committee for the purpose of reporting to the executive, either collectively or individually, as their convenience may allow, upon the most efficient, useful and practical plans of internal improvement, in relation either to the whole of the state, or such parts thereof as they may think proper respectively to select; and that the executive be authorized to supply any vacancy in said committee which may occur during the term of their appointment.

Further resolved, That to each person selected as aforesaid, the governor and council be directed to transmit a copy of the reports on internal im-

provement by the committees of the senate and house of delegates respectively, and also a copy of the following instructions: "You are requested to communicate to the executive of this state, as soon as it may suit your convenience, not delaying longer than the period of commencement of the next general assembly, such information as you may have in your power to afford in relation to the subjects of internal improvement within this state, more especially confining your attention to the general face and character of the country; the elevation of the most remarkable hills and mountains, the nature of their minerals, soil and vegetable productions, the courses of the rivers and creeks, the nature of the country through which they pass, and the produce in which it abounds; the means of connection between important rivers—the facilities afforded to the construction of canals, roads or railways—the prices of labor—the respective average charges per mile in making roads or canal—the probable advantages to the internal trade and commerce of each district by making such improvements—and all such other information upon these questions as you may consider useful."

Further resolved, That the governor and council be authorized to procure such general surveys of the rivers, water courses or districts of country, as they shall in their judgment, deem, necessary to the illustration of the subjects of internal improvement, and that, for the expenses of the same, they be authorized to draw on the treasurer of the western shore.

Imprisonment for Debt.

Remarks of Mr. R. M. JOHNSON, of Kentucky, in the senate, December 14th, on introducing his bill to abolish imprisonment for debt.

Mr. Johnson, of Ky. said, that, in pursuance of notice given on a former occasion, he would now ask leave to introduce a bill to abolish imprisonment for debt. He was prepared to have presented it yesterday but he did not wish to interrupt the course of business then before the senate. He did not intend, now, to make many remarks on this motion, reserving to himself the privilege of investigating the subject more fully, when its merits should be more properly before the senate. He was happy to learn, he said, that he should have assistance in his exertions from some honorable members whilst he expected opposition from others. The subject had been before congress two or three sessions previous, and the uniform result had been favorable reports from select committees, to whom it had been referred, without any final decision, for the want of time. He hoped at the present session, the measure would be adopted or decisively rejected. Mr. J. said, he was actuated by several considerations in making this motion. The most important was a thorough conviction of the propriety of the measure. Another inducement was, that it accorded with the sentiments of the state which he had the honor in part to represent. The Kentucky legislature had already adopted the measure; and though her relief measures had produced some discontent with distant journals, still this part of her system had met with something like general approbation, so far as he could ascertain public sentiment. He had no doubt time would prove the justice and wisdom of her whole system, but, in relation to this particular branch of it, (he meant the abolishing of imprisonment for debt), it gave her claims to as much honor and glory as any one act of her administration since her ad-

mission into the union. Mr. J. said he was anxious to see the system adopted by congress, and extended to every branch of the federal judiciary, that the liberty of the citizen might be secure and the public confidence increased in that branch of the general government. He believed that the right of the states to exercise such a power had not been questioned. In fact, it had been decided by the supreme court of the United States, in the case of *Sturgis vs. Crowninshield*, that a state had the right to pass laws releasing the body of the debtor from imprisonment.

Mr. King, of New York, here suggested whether it was in order to enter into a discussion of the merits of the bill in this stage of its progress.

Mr. Johnson replied that he had intended merely to submit a few introductory general views of the subject. If, however, his remarks were unacceptable to the senate, or uninteresting to the gentleman from New York, he would give way to any other business—he would give way to the gentleman from New York.

Mr. King felt certainly no indisposition to hear the remarks of Mr. J. but he thought them not strictly in order.

Mr. Johnson said he would proceed, as nothing else appeared to claim the attention of the senate. He was about to remark upon the operation of the system in Kentucky, and the difficulties that had arisen there from the emanation of the ca. sa. from the federal judiciary, the law of that state to the contrary notwithstanding. Very early after the organization of the federal government, congress had adopted the execution laws of each state, to be the rule of government for its courts located in the several states. The execution laws of the several states were widely different. During the late troubles in Kentucky it was made a question, what was the intention of congress in relation to this subject? Whether it was intended to recognize the execution laws then in force, and make them, like the laws of the Medes and Persians, irrevocable; or to recognize and conform to the systems of the different states, as they should be modified. Although a diversity of opinion existed among the most eminent counsel of the state, the federal court in Kentucky decided that the execution laws of the state, as modified, were to control federal court process. He believed this a correct decision. Since the passage of the law abolishing imprisonment for debt, application had been made to the federal court in Kentucky for the ca. sa.—The court refused to grant it, and an appeal had been taken to the supreme court. After this decision of the court, that the body of the debtor could not be taken, he was surprised to find that instances had occurred in which the clerk of the court had issued the ca. sa. and it had been executed by the deputy marshal. Mr. J. was convinced, from the information he had received, that this procedure had taken place in consequence of some misunderstanding as to the extent of the opinion of the court; and he hoped the practice would conform to the statutes of the states, until the ultimate decision of the supreme court, or until it could be ascertained whether congress would expressly, by law, abolish imprisonment for debt; or whether they would modify the law and make it more definite and precise. He was happy to believe that public sentiment was in favor of this measure; and he conceived this sentiment to be something like an instruction to congress. He was happy to find that the governor of South Carolina, in his excellent message, had recommended this

subject to the consideration of the legislature of that state.

Mr. J. concluded, by expressing a hope that, in offering these brief views, he had not trespassed on the rules of the senate. The remarks he had offered were not for the pleasure of talking; but were drawn from him by a sense of duty—believing that the importance of the subject demanded the early attention of congress.

Seventeenth Congress—2nd session.

IN THE SENATE.

December 13. The senate did not sit this day, nor the following.

December 16. Mr. Pleasants, (elected governor of Virginia), resigned his seat in the senate this day.

Agreeably to the notice which he had given, Mr. D'Wolf, having obtained leave, introduced a bill allowing a drawback on the exportation of cordage manufactured in the United States, from foreign hemp; and the bill was read.

The resolution submitted on the 12th instant, by Mr. Rodney, was taken up and agreed to.

The senate laid their own bill about piracy on the table, to take up that which had passed the house of representatives; and, being read, it was, after some debate, &c. ordered to a third reading and PASSEN, *nem. con.*

The senate spent some time on executive business and then adjourned.

December 17. Mr. Samuel Smith, a senator from the state of Maryland, in the place of William Pinkney, deceased, appeared to-day, was qualified and took his seat.

Mr. Stokes, of North Carolina, and Mr. King, of Alabama, also appeared to day, and took their seats.

Sundry resolutions to refer the president's message to different committees were considered and agreed to.

December 18. The senate was occupied this day chiefly on local matters.

HOUSE OF REPRESENTATIVES.

Thursday, Dec. 12. The house resumed the consideration of the following resolution, yesterday submitted by Mr. Colden:

Resolved, That the president of the United States be requested to lay before this house such information as he may possess, with regard to any hostile expedition which may have been prepared in the United States, and sailed from thence, within the present year, against the territory or dependency of any power in amity with the United States, and to inform this house whether any measures have been taken to bring to condign punishment persons who may have been concerned in such expedition, contrary to the laws of the United States.

Mr. Little moved to strike out all that part of the resolution which follows the word "States," in the 6th line, and in lieu thereof insert the following:

"And inform this house what amendments to the existing laws are necessary to punish persons who may have been concerned in any such expedition."

Mr. Colden explained at some length—he alluded to the Porto Rico expedition. There were various reports about it—but it was agreed that persons engaged in it had departed from this country. He noticed the occupation of Amelia Island, by the United States, and had reference to Mr. Irvine, (secretary *pro tem.*) of the intended republic, who had held the place of a diplomatic agent from this government—but he wished to censure no one—he desired to investigate the transaction, &c. He declined an assent to the proposition of Mr. Little.

Mr. Little explained his views. His object was to devise laws to punish offences of this description that may be hereafter committed, if such laws

do not now exist. But finally withdrew his proposed amendment.

Further debate took place, and the resolution was agreed to, as originally offered, by a large majority.

On motion of Mr. Campbell, of Ohio, it was resolved, That all the bills, resolutions and reports, committed to a committee of the whole house, on the state of the union, and to committees of the whole house, not already printed, be ordered to be printed.

Mr. Condict's resolution about the contingent expenses of congress, was laid on the table, as being under charge of the committee of ways and means.

The Speaker laid before the house the following letter:

Boston, July 4, 1822.

To the speaker of the house of representatives.

Sir: The letter which I had the honor to address to you on the 4th of July, 1819, and which Mr. Lowndes was so obliging as to take charge of and deliver, was intended to have been accompanied by the collection of medals therein referred to; but this was unfortunately lost on board the ship "Factor," bound to New-York, of which accident it appears that the house was duly informed by its committee. As soon as I heard of it, I endeavored to procure a duplicate of the collection, and succeeded, a few days before I left Paris, in April last. This, together with the medals which have been struck at Paris, to commemorate some principal events of, and men distinguished in, our revolution, I take the liberty, through you, sir, of herewith sending and offering to congress, for the use of the national library.

With sentiments of the highest respect, sir, your most obedient servant, GEORGE W. ERVING.

P. S. A printed catalogue of the French medals proper is enclosed in the case which contains them.

The American medals are but five proper, viz:

One of general Washington, at the siege of Boston; one of doctor Franklin; one of Paul Jones, and two of the battle of the Cowpens.

To these I have thought it well to add Columbus and Kosciusko, taken from the collection of illustrious men, deceased, now publishing in the French mint.

The letter was, on motion of Mr. Plumer, of N. H. referred to the library committee.

The Speaker also presented a memorial from T. McCormick, senior, proposing an improvement of the navigation of the falls of the Ohio, by cutting a canal around the same; which, on suggestion of the speaker, was referred to the committee of the whole on the state of the union, to whom was referred the bill for providing for surveys of certain canals, &c.

The bill respecting registers of wills in the district of Columbia was recommitted—apparently on the suggestion of Mr. Cocke that the fees were high enough, because Dr. Blake had leased out the office for five hundred dollars a year, and had not the least trouble with it.

The bill for the relief of registers and receivers of the public money of the several land offices was read a third time—and was laid on the table; which was also the fate of the bill "fixing the compensation of receivers of the public moneys for their services in transmitting public moneys to safe places of deposit."

On motion of Mr. Bassett the house again resolved itself into a committee of the whole, Mr. Condict in the chair, on the bill for imposing more rigorous checks on the disbursement of public money.

On motion of Mr. Bassett, the bill was amended by adding to it the following, as a new section:

"Sec. 4. Be it further enacted, That no security given to, or obligation entered into with, the government, shall be, in any wise, impaired by the dismissing any officer, or from failure of the president to dismiss any officer, coming under the provisions of this act."

Another slight amendment being made—

The committee rose and reported the bill; and, on motion of Mr. Bassett, who did not wish to precipitate the bill through the house, the consideration of the report was for the present deferred. And

The house adjourned.

Friday Dec. 13. After some minor business—

Mr. Newton, from the committee of commerce, reported a bill to repeal the third section of the act, entitled "an act supplementary to an act, entitled "an act concerning navigation" [This bill provides, "That the third section of the act entitled "an act, supplementary to an act, entitled "an act concerning navigation," passed 15th of May, 1820, be, and the same is hereby, repealed.]"

The bill was read the first and second time, and ordered to be engrossed and read a third time to day; and was subsequently read a third time, passed and sent to the senate for concurrence.

Mr. Smith, of Maryland, from the committee of ways and means, to which was recommitted the bill supplementary to and to amend an act, entitled "an act to regulate the collection of duties on imports and tonnage," passed 2d of March, 1799, and to repeal an act supplementary thereto, passed 10th April, 1818, and for other purposes, reported a new bill of the same title; which was read the first and second times, and committed to a committee of the whole house on the state of the union.

Mr. Fuller, from the committee on naval affairs, to which was referred the message of the president, upon the subject of piracy, reported "A bill authorizing an additional naval force for the suppression of piracy;" which bill was read the first and second time, and committed to the committee of the whole house on the state of the union.

Mr. Hemphill, from the committee appointed on that part of the president's message which relates to the Cumberland road, reported a bill for the preservation and repair of the Cumberland road; which bill was read the first and second time, and committed to a committee of the whole house to-morrow.

Mr. Hemphill, from the same committee, also reported a bill making appropriations for the Cumberland road; which was read the first and second time, and committed to a committee of the whole house to-morrow.

On motion of Mr. Tomlinson, it was

Resolved, That the committee of commerce be instructed to inquire into the expediency of repealing the act passed April 26th, 1816, by which was allowed an additional compensation of fifty per cent. to the compensations of certain officers of the customs therein named.

Mr. Chambers submitted for consideration the following resolution:

Resolved, That the committee on public lands be instructed to inquire into the expediency of extending the time allowed by law, for issuing and locating military land warrants, to officers and soldiers of the revolutionary army, with leave to report by bill or otherwise. [Agreed to.]

The house then resolved itself into a committee of the whole on the state of the union, Mr. Lathrop in the chair, and took up the following bill, being that reported this day by the committee on naval affairs.

An act authorizing an additional naval force for the suppression of piracy.

Sec. 1. Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the president of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels, in addition to those now employed, of such burthen and construction as he may deem necessary, and to fit, equip, and man the same for im-

mediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and territories of the U. S. States in the Gulf of Mexico, and the seas and territories adjacent.

Sec. 2. *And be it further enacted*, That the sum of — dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the treasury not otherwise appropriated.

Mr. Fuller presented a letter from the secretary of the navy, embracing the details of force necessary to be provided, and an estimate of the cost thereof, which was read. In conformity to the suggestions contained in that document, and to the opinion of the naval committee, Mr. F. moved to fill the blank in the bill with the sum of 160,000 dollars—declining to urge any arguments in support of the measure itself, as not considering them necessary.

The motion to fill the blank was agreed to.

Mr. Floyd, of Va. then rose, and moved to strike out of the bill the words "purchase or," so as to require the vessels therein mentioned to be built, and not purchased. If we are to embark in schemes for spending the three or four millions in the treasury, Mr. F. said he should prefer that the objects of the expenditure should be such as were worthy of it. He was opposed to making this appropriation for purchasing the refuse commodities of unprofitable traders—these schooners and steam-boats, referred to in the letter of the secretary just read. The mania for steam-boats prevailed for a while, but the paper mania had ruined that, and there were abundance of steam-boats now to sell. If any vessels were to be procured, he wished they might be such as should be permanently useful, and not such as, according to the suggestion in the secretary's letter, might be sold after the cut throats of Matanzas were disposed of. Mr. F. assigned some grounds on which he placed little faith in estimates of the description now presented to the house. We have had an estimate of a building for a naval seminary, to cost ten thousand dollars, which is to be as large as one of the public offices, which cost the United States a hundred thousand dollars. Further, said he, we authorized at a former session an expenditure of ninety thousand dollars under an act for the suppression of the slave trade. It was distinctly understood in that committee that the object of this appropriation was that the vessels of the United States should be employed on the coast of Africa, and that the necessary expenditure caused by this employment should be defrayed out of this fund. And yet the chairman of the committee of ways and means, at the following session, wondered at the oversight of congress in not having appropriated money for this very purpose, and the executive gravely recommended to them to make an appropriation for it. Perhaps, after these vessels were done with that are now to be procured, they might be sold, for their having seen service, at an advantage, and put money into the treasury! He wished it might be so; for he said he was radically fond of money, and wished to keep these three millions in the treasury for this year, and for the next year, and for the next—and perhaps we might redeem our credit by the year 1825. He was not disposed to refuse any measure which might be necessary to put down the pirates. They ought to be destroyed, and he hoped they would. But, he said, we ought to build for ourselves, and not provide the requisite force by buying old steam-boats and unserviceable schooners.

Mr. Fuller said, if the question was between purchasing and building vessels, and the one could be done in any thing like the same time as the other, he should agree with the gentleman in preferring the construction to the purchase of them. Vessels constructed for the purpose might, however, be as

indifferent as any that could be purchased, and it was quite likely to be the case if they should be constructed in haste. If the gentleman meant to give six or eight or ten months' time to their construction, and, in the mean time, let the pirates have their way, (and such must be the consequence of the success of this motion), Mr. F. was wholly averse to it. If the vessels were to be built suddenly, of green timber, they would be worse than any that were likely to be purchased. The service for which they were intended would be a short one; and, if the vessels escaped out of it, they would be so little deteriorated as to sell for nearly or quite as much as they will have cost; and it might be an argument in favor of this plan, at least with the gentlemen who are very fond of economy, that no great loss would be sustained by the employment of this additional force. Mr. F. did not believe with Mr. Floyd in the existence, now or heretofore, of a steam boat mania. They were almost the only objects presenting an opportunity for the exercise of the spirit of speculation, on which there had not been a mania. He was convinced that, on this subject, not only this house, but the whole nation, was in possession of its sober senses, and that a beneficial use would be made of the agency of steam under this bill, which, however, would be passed to little purpose, if, before pursuing the pirates, time were taken to build vessels for the purpose.

Mr. Cooke thought a steam-boat unnecessary—three of them had already been purchased on the western waters, and these might be used, &c. A long and desultory debate followed, in which the speakers were Mr. Tomlinson, Mr. Smith of Md. Mr. Taylor of N. Y. Mr. Eustis, Mr. Fuller, Mr. Wright, Mr. Smyth, Mr. McLane, Mr. Cook, Mr. Cambreleng, Mr. Barbour, (speaker), Mr. Archer, Mr. Colden, Mr. Trimble, and Mr. Mallary—Mr. Floyd withdrew his original objection, being friendly to the design to suppress these piracies, but several other propositions were started; these all failed, and the bill, as originally introduced, was at last passed and ordered to be sent to the senate for concurrence. [Here is an evidence of the despatch of business not often met with in congress—a bill was introduced, amply discussed and passed the same day].

Monday, Dec. 16. Mr. Buchanan, of Pa. appeared and took his seat.

Mr. Colden presented a memorial of the chamber of commerce of the city of New York, praying that the bill now pending before this house, supplementary to, and to amend an act passed 20th April, 1818, entitled "an act supplementary to an act entitled 'an act to regulate the collection of duties on imports and tonnage, passed 2d March, 1799,'" and for other purposes," may be passed into a law during the present session of congress, which was referred to the committee of the whole on the state of the union.

Mr. C. also presented a petition of Stephen Rudd, of the city of New York, stating that he is the inventor of a machine for propelling vessels at sea in calms; which has been adopted for the service of the navy of the United States, and praying compensation for the use of his said invention; which petition was referred to the committee on naval affairs.

Mr. Johnson of Ky. presented a petition of John W. Simonton, on behalf of himself and others, of Thompson's island, in Florida, praying that the port of Key West may be placed on an equal footing with the ports in the United States, by being allowed the privilege of exporting foreign goods from that port for the benefit of drawback, whether

imported there directly, or from ports in the United States; which was referred to the committee of commerce.

Mr. Farrelly submitted the following motion for consideration:

Resolved, That the committee on naval affairs be instructed to inquire into the propriety of making some provision for the support of the widow and child of lieut. George Pierce, of the United States' navy, who lately died of the yellow fever, contracted on board of the frigate *Macedonian*, when in the service of his country.

Mr. Farrelly stated that he thought the case analogous to that of lieut. Allen. Lieut. Pierce did not die in battle, but lost his life in the same service, by the disease to which that service was liable, &c. The resolution was agreed to—57 to 54.

Mr. Cocke moved the following resolve:

Resolved, That the president of the United States be requested to cause to be laid before this house a statement shewing the amount expended for the current expenses of the ordnance department during the years 1817, 1818, 1819, 1820 and 1821, and as much as can be shewn, of said expenditures, for the year 1822; with the particular items for which the money was expended, the place where, and the persons to whom paid, what quantity of timber has been procured for gun carriages and caissons, its cost annually, and where deposited; the quantity of ordnance of every kind that has been procured during those years, or paid for; the sums expended in the purchase of sites for arsenals since the peace, the cost of the buildings erected thereon, and whether all those arsenals are necessary for the service of the United States.

The resolve, according to rule, lies on the table one day, before being acted upon.

On motion of Mr. Stewart, the subject of roads and canals was referred to a special committee.

A good deal of time was spent on the bill to provide for clothing the militia—at last, it was ordered to be engrossed for a third reading.

Mr. Bassett's bill concerning the disbursement of public money, after some amendments, was ordered to be engrossed and read a third time to-morrow. Adjourned.

Tuesday, Dec. 17. Mr. Colden presented a memorial of Lawrence Kearney, commander of the U. S. brig of war *Enterprise*, on behalf of himself, the officers and crew of said brig, stating that, in execution of the orders of the navy department, he captured, in the month of October, 1821, five piratical vessels, with two of their prizes; that he destroyed two of the piratical vessels, and, with the remaining three and the two prizes, arrived in the port of Charleston, in South Carolina, where the former were libelled for condemnation, and the latter for salvage; that the condemnation took place, and the claim for salvage was allowed; but that the costs of prosecution were so enormous as to amount to upwards of 700 dollars more than was received for the sale of the prizes; which deficiency he has been compelled to pay; and that the costs of prosecuting the claim for salvage amount to almost as much as the proceeds of said claim, leaving but a small balance to be distributed among his crew as prize money; that the merchandize libelled for salvage paid upwards of nine thousand dollars duties into the treasury, and praying that such part of said duties may be refunded as will make a reasonable compensation to himself, his officers and crew, for the risk and trouble they have had in the capture aforesaid.

Mr. Eustis, from the committee on military affairs, reported a bill to continue the present mode of supplying the army of the United States, (that is, the commissariat system)—which was twice read and committed.

The resolution submitted yesterday, by Mr. Cocke, about the ordnance expenditures, &c. after some remarks from him, was agreed to.

The bill to provide for clothing the militia of the United States when in actual service, was read a

third time, *passed*, and sent to the senate for concurrence.

The engrossed bill "concerning the disbursement of public moneys," (forbidding advances on contracts), was read a third time; and the question being "shall the bill pass?"

After some debate and opposition, the bill was *passed* by a large majority and sent to the senate.

Considerable time was spent, in committee of the whole, on the resolutions respecting the articles of cession and agreement between the United States and the state of Georgia, as affected by the Creek and Cherokee treaties—

Leave was granted to sit again.

The next bill in order was the bill to provide for the occupation of the mouth of the Columbia river, and the house went into committee of the whole on the subject, Mr. Campbell, of Ohio, in the chair.

The bill passed through—the blank for the number of miles square of land to be obtained of the Indians was fixed at 30—each actual settler at the head of a family, was to have 320 acres—the territory to be called "Oregon," was to be occupied by military force—the governor to receive 3000 dollars a year, &c. The bill being thus prepared, Mr. Floyd made a speech, abounding with facts, in favor of it—after which the committee rose and had leave to sit again, &c.

Wednesday, Dec. 18. Mr. Tattall presented the petition of John Miller, late a captain in the second regiment of U. S. Infantry, praying to be allowed, in the settlement of his accounts, for a large sum of money, of which he was robbed while in the discharge of his duties as district paymaster: which was also referred to the committee of ways and means.

Mr. Cook, from the select committee on the subject, reported, in part, a bill to authorize the laying out and opening a road from Wheeling, in the state of Virginia, to St. Louis, in the state of Missouri. [The bill proposes to appoint commissioners, &c. One of the provisions of it is, that the road shall pass by the seats of government of the states of Ohio, Indiana, and Illinois]. The bill was twice read and committed.

On motion of Mr. Hardin, of Ky, it was

Resolved, That a committee be appointed to inquire what further retrenchment can be made in the expenditures of government, without detriment to the public service.

Mr. J. S. Johnston, of Louisiana, offered the following resolution.

Resolved, That the secretary of state be requested to lay before this house so much of the letter of Mr. Prevost as relates to the establishment at the mouth of the Columbia river, and such information as he may have in his possession in relation to the arrangements made about the year 1814, by the north west company with the proprietors of a settlement made by citizens of the United States, at the mouth of Columbia river, by which that company became possessed of that settlement.

This resolution, from its nature, lies on the table one day of course.

After a variety of minor business which will sufficiently appear hereafter, the house, in committee of the whole, further considered the bill about the occupation of the mouth of the Columbia river—

After some debate, the bill was, on the motion of Mr. Floyd, postponed to the second Monday of next month.

Adjourned.

THURSDAY'S PROCEEDINGS—DEC. 19.

The senate was chiefly occupied this day in the consideration of private bills.

In the house of representatives. Mr. Alex. Smyth, from the joint library committee, made the following report:

The committee of the library, to whom was referred the letter of George W. Erving, esqr. accom-

panying a collection of medals, have had the same under consideration, and submit the following report:

Resolved, That the speaker be directed to express to George W. Erving, esqr. the thanks of this house, for the liberal donation of French and American medals, made by him to congress, for the use of the national library.

Unanimously agreed to.

The resolution offered yesterday by Mr. Johnston, of Lou. was taken up, amended and agreed to—as were several others.

The following resolution was offered by Mr. Little, and agreed to—

Resolved, That the committee on commerce be instructed to inquire into the expediency of so amending the laws as will more effectually afford relief to sick and disabled seamen.

The resolution was agreed to.

Mr. Trimble submitted for consideration the following resolution:

Resolved, That the president of the United States be requested to inform this house what appropriations will be required to enable him to fortify Thompson's island, usually called Key West; and whether a naval depot established at that island, protected by fortifications, will not afford facilities in defending the commerce of the States, and in clearing the Gulf of Mexico and the adjacent seas of pirates.

This resolution lies on the table one day, according to the rules.

Several bills, &c. passed through different stages, to be noticed hereafter.

CHRONICLE.

The U. S. schooner Spark, lieu. com. Perry, has arrived at Norfolk, from a cruise on the coast of Africa and in the West India seas, &c. She has been under sail 236 days, boarded 166 vessels, convoyed 30, and gave relief to 5 in actual distress, as well as captured several pirates—officers and crew in fine health.

New York. On the 1st of Dec. inst. there were 681 vessels in the port of New York—viz: 95 ships, 3 barques, 91 brigs, 166 schooners, 295 sloops, 17 fishing smacks, 7 steam boats, 3 ditto ferry boats, 8 horse ditto. Seven ships, one brig and several smaller vessels were building.

Considerable efforts are making in this city to raise 50,000 dollars to erect and complete a statue of Washington, worthy, in some degree, of the dignity and fame of the beloved of his country.

Virginia. James Pleasants, then being a senator of the United States, was lately elected governor of Virginia. For Mr. Pleasants 151; Mr. George Hay 37; and Mr. Linn Banks 18. Mr. Pleasants has accepted the appointment, and the national legislature loses one of the most amiable men that ever belonged to it.

Virginia and Kentucky. The convention entered into by Henry Clay, on the part of Kentucky, and Benjamin W. Leigh, on the part of Virginia, having been unconditionally ratified by the general assembly of Kentucky, an election was held on the 9th ult. for two commissioners to constitute a part of the board to be organized under the compact between the two states, and for two attorneys to represent the interests of that state before that tribunal.

Hugh L. White, of Tennessee, and Jacob Burnett, of Ohio, were unanimously elected commissioners.

Henry Clay and John Rowan were duly elected counsel for the state of Kentucky.

The board of commissioners is to meet at Washington city in the course of next month.

South Carolina. John L. Wilson has been elected governor of this state—for Mr. Wilson 83, Mr. Huger 73—blank votes 3. Gen. Bradley is elected lieutenant governor by a large majority.

Finances of Georgia.—On the 20th ult. the treasurer, Mr. Clayton, submitted his annual statement, from which it appears that there has been received from various sources, from the 4th of November, 1821, to the 31st of October, 1822, \$306,256 03½ Balance in the treasury, 4th Nov. 1821,

145,116 60½

\$451,572 63

168,097 13

Expenditures in the same time

Balance in treasury, 31st of Oct. 1822, 283,475 50

Book Luxuries.—An edition of the "British gallery of pictures," &c. has been published—price, in Russia binding, and colored in imitation of the originals, 151l. [over 671 dollars per volume.] A volume of the engravings of the collection of the marquis of Stafford, with remarks—price 178l 10s, finely colored, [nearly 800 dollars.]

Fisheries of lake Superior. The Detroit Gazette says, that fishing, upon an extensive scale, has been commenced on lake Superior. One man has already caught two hundred barrels. The editor of the Gazette proposes making oil from the sturgeon, which are found in immense numbers in those waters.

Penitentiaries. A statement of the affairs of the Georgia penitentiary, for the year ending 31st Oct. 1822, shews the receipts, stock on hand, &c. to amount to \$25,092 25—and the expenses and debts to the sum of 22,671 39; leaving a balance in favor of the institution of \$2,420 86.

The convicts received since the establishment of this institution, (1st Nov. 1817), to the 1st of Nov. 1822, was 207; out of this number during the same period, 39 were pardoned; 18 escaped; 12 died, and 48 discharged, making 117, leaving in the penitentiary, on the 1st day of November, 1822, 90 convicts. Of the 207 who were received in the institution, 36 were from Georgia; 37 from South Carolina; 37 from North Carolina; 25 from Virginia; 9 from New York; 8 from Pennsylvania; 6 from Maryland; 5 from New Jersey; 1 from Rhode Island; 3 from Connecticut; 4 from Massachusetts; 3 from the Canadas; 2 from Tennessee; 1 from New Hampshire; 18 from Ireland and Scotland; 4 from England; 2 from the West Indies; 1 from Holland; 3 from Spain; 1 from France, and 1 from New Orleans.

The penitentiary of Ohio, at a late date, contained 103 white male, nine colored do. and one white female—total 113. Of these, 26 were convicts for horse stealing; 25 for larceny; 16 for passing counterfeit money, 7 for counterfeiting notes; 7 for burglary; 5 for murder in the second degree; 6 for forgery; 4 for arson; 3 for rape; 3 for perjury; 2 for stabbing; 2 for incest—the rest for different crimes. The original states from whence they were from, were—25 from Pennsylvania; 1 from South Carolina; 23 from Virginia; 10 from New Jersey; 6 from Maryland; 1 from Ohio; 8 from New York; 4 from Massachusetts; 1 from Maine; 3 from Kentucky; 2 from Vermont; 7 from Connecticut; 2 from North Carolina; 1 from Tennessee; 1 from Delaware; 3 from England; 1 from France; 1 from Germany; 6 from Ireland; 1 from Scotland, and 2 from Canada. 4 not known.—113.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ We are of those who believe it wrong to commence the discussion of a subject, unless a disposition is manifested to regard what may be temperately urged on either side or party at issue—hence we have several times inserted addresses and essays in direct opposition to our own opinions about national industry, well knowing that those opinions do not constitute facts; and, being requested, we now publish the political part of Dr. Jones' address to the Nottoway Agricultural society: on which we may, respectfully, offer some remarks hereafter.

It is by this practice that, as we believe, the public reason is best consulted, and the people most powerfully induced to act on important subjects and occasions—hearing the argument and knowing the intent of both parties to any matter, they feel an interest in it which they could not otherwise have.

☞ An article in reply to one of the points assumed by the Boston "Merchant," in the last REGISTER, has been received—but too late for insertion in the present sheet.

THE DOCUMENTS. We commence a publication of the documents which accompanied the president's message, and shall select out of the volume such as we believe to be most needful to the public intelligence, it not being in our power to give the whole *in extenso*. In this proceeding, the president appears to have adopted a new plan, and one, (we think), that will prevent many calls for information on subjects of interest to the nation and its representatives, and save a great deal of time and trouble.

TREASURY REPORT. We present the annual treasury report—a paper which, after the message of the president, always claims the first attention of the nation. Its length has materially interfered with the proposed contents of this sheet and excluded many small articles.

THE PIRATES. Com. Porter is already in motion—he arrived in Baltimore on Thursday evening last week, and, as it were before any one knew that he was here, he had purchased and sent off to Norfolk, all the light vessels designed to act against the pirates—they sailed in less than 48 hours after he reached this city. The next day he proceeded to the north in search of a steam-boat.

UNITED STATES' BANK. Nicholas Biddle and John Connolly, of Philadelphia, H. Eckford, of New York, E. I. Dupont, of Delaware, and John McKim, of Baltimore, have been appointed directors of this bank, on the part of the government.

NEXT PRESIDENT. An unsuccessful attempt has been made, at a meeting of the legislature of Ohio, to nominate a person to be supported for the next presidency. It was decided by a majority of three votes, that it was inexpedient to go into any nomination, at that time.

NORTH CAROLINA. John Branch has been elected a senator of the United States, for six years from the 4th of March next, by a small majority, over

Montford Stokes, the present member. Six or seven ballots were had before a choice was made.

It is strangely intimated that the presidential election had something to do with this contest—perhaps not; for it has been said that the late election of a senator from Maryland had a relation to the presidency, which we do not believe—never having heard the fact suggested until we saw it in print in the Washington Gazette. But the truth is, that the presidential election is running into things that have no rightful connection with it, out of which much evil will probably be produced.

SILK GOODS. A writer in a Boston paper, urging the levy of a tax or duty of 25 per cent. *ad valorem* on silk goods, instead of the present rate of 15 per cent. says that such goods to the value of \$1,318,237, have been imported at that place alone, in the three first quarters of the present year. The duty thereon at 15 per cent. is 231,441 dollars—at 25, it would amount to 385,736; difference 154,295. It is not probable that this advance on the duty would affect the consumption at all; and it would have some little tendency to equalize the amount of the taxes paid by the rich and the poor, many articles that have become necessities through custom, are taxed at the rate of *fifty per cent. ad. val.*

COUNTERFEIT MARKS. The Delaware Watchman has an article which notices the importation of a quantity of goods ticketed thus—"Indigo blues, manufactured by J. Steele & Co. Philadelphia." But the colors are fugitive, and the goods of an inferior quality. The name of J. G. Oliver, of Philadelphia, is given in the importer. This is right—public opinion will do all else that is necessary. A record should be kept of all persons who thus injure the reputation of our manufacturers to defend the people—and the list should be repeatedly published, that their names may become as familiar to every one, as that of Arnold was in the revolution.

CIDER. The Portsmouth Journal states that the society of Shakers in Canterbury, N. H. have, within three weeks, sold ten barrels of cider in Boston, for which they received one hundred dollars in cash. Good common cider has been selling in the same town for one dollar a barrel. Such is the difference between good and very good!

☞ Here is shewn the difference between *production* and *perfection*. The expense of carrying the indifferent cider to market is as great as that of the good—if that cost is 25 cents per barrel, it acts upon the value of the former so as to reduce it one fourth; but the reduction of the value of the latter is only a fortieth part. It is thus that thousands of articles, the produce of our country, are of little value for the want of a home market, or such a degree of improvement as will support the cost of transport to a distant one.

COMMITTEES. The Albany Daily Advertiser remarks, that though the state of New York has thirty members in congress, not one of them is a presiding member of a standing committee in either branch of the national legislature.

VIRGINIA. Able writers in the Richmond "Enquirer," are calling the attention of the people to the question "what shall be done for the university?" and inviting the legislature to place its hopes in the western counties. These are matters of great interest to the people of that state. They are drained of many tens of thousands of dollars every year for the education of their youth, yet they have a "literary fund" that might, and ought, to raise up every useful establishment within themselves. They have a back country equal to any in the world—but that country has always been neglected, and the freemen who inhabit it are denied an equality of rights with those of the eastern section of the commonwealth.

The reason of these things I attempted to shew in the 21st volume of this work, page 201. My remarks on that occasion, I know, offended the *pride* of many Virginians, though they acknowledged the *justice* of all that I said—and *so pride acted against truth*. The fact is, as I then said, that, "unhappily, the splendid talents of the accomplished and learned men which she abounds, have been more applied to discuss and settle abstract questions of right, than to accomplish positive benefits." An able and eloquent report about the university or concerning the literary fund, has been more regarded than the *practical operation* of the university or *careful application* of that fund. It is just exactly the difference between *talking* and *acting*. How are the resources of the small state of Connecticut to be compared with those of Virginia?—yet Yale college has 400 students, and the youths of Virginia are sent from home to be educated! The capital of her literary fund is not less than 1,250,000 dollars—what might not be done with this if her legislators and people were resolved to *do*? Her fund for internal improvements amounts to more than a million and a half—but what internal improvement has been made?—though year after year they have been *surveying* and *reporting*. They have been longer engaged in those things than New York will require to mix the waters of the *Lake of the Woods* with those of the *Atlantic*, and cast those of the *Hudson* into the *St. Lawrence*. Is not this true?—and yet look at the present state of the literary institutions of New York; they are, in every way, of a superior character, from horn-book learning to the most exalted branches of science, all raised up and supported by *practical* legislation. And, if we compare Virginia with the eastern states, how stands the case in respect to those matters? How vast the difference between application and exposition—practice and theory!

If the western parts of Virginia had been regarded as they ought; if they had received *common justice* from the hands of the legislature of the state, we agree with the writer in the "Enquirer," that she might have had "thirty representatives in congress instead of her present humble number of twenty-two." The table published in the last volume of this work, page 346, should rouse the exertion and provoke the liberality of the legislators of Virginia. Let us make an abstract of that table as applicable to the case:

	Representatives in congress,				
	1790	1800	1810	1820	1830
Virginia	19	22	23	22	19
New York	10	17	27	34	40
Pennsylvania	13	18	23	26	26
Ohio	0	1	6	14	19

What a decline of power!—One great cause of this, (though there is a far greater cause), is the

jealousy of the little barren eastern countries at the progress of the large and luxuriant west—this jealousy has effect through the operation of the wretched provision in the constitution of the state, which may be said to give legislative representation to a second growth of dwarf *pine trees* in one section as to a growth of *freemen* in the other, adopting the British *Old Sarum* principle and abusing every rule of equity and honesty known amongst men. All attempts to raise up the west, by giving to the people those rights which our fathers took up the sword to obtain in 1776, have been resisted by the little eastern counties, feeling power and forgetting right, though one in the west, in regard to population, wealth and physical force, ought to have the weight of half a score of them. Some of these almost deserted counties have hardly 200 free white males in them above the age of 26 years—yet they send *two* members to the legislature—how prolific must they be in *statesmen*! The greatest county in the state has no more than two delegates. Now look again at New York—her back counties, that were a wilderness a little while ago, now contain almost as many people as the whole state of Virginia, her slaves included! But New York has legislated as well for the western as for the southern counties, and the whole have prospered under the *equal* care of a liberal and enlightened policy. Virginia must look to the west—she must do *justice* to the west, and release the people thereof from their political bondage, by which she will obtain *practical* men in her councils—or be content to take a very inferior rank in the grade of the states, *in every respect*.

The people of Virginia are proud—but their pride *does* nothing. It is *mere pride*—that will acknowledge the truth of the preceding remarks, and yet be displeased because they are made—though it is evident that a desire for the prosperity of the state, (and nothing else), could have produced them. It is our wish, for the good of the whole, that every state may be the rival of its neighbor in the performance of whatever tends to ameliorate or improve the condition of society—and we have been so long accustomed to regard the *whole* republic, that no possible advancement in these things in any part of it, can excite our jealousy or fail to meet with our approbation, such as it is, to the full extent of its worth.

As has before been observed, much that applies to Virginia in her fraud on the representative principle, applies to Maryland—the city of Baltimore, that pays at least *one fourth* of the taxes and contains a fourth of all the efficient population of the state, has a *fortieth* part of the legislative power of the state of Maryland. How can we laugh, that, because Old Sarum, which is now without a house or a resident inhabitant, sends two members to the British parliament, while London with more than a million of people sends only four, or Manchester, with 120,000, sends none? The consequence is, that every census shews a reduction of political power in Maryland. Freemen will seek the place where liberty has her home and *equality* prevails.

FROM A KENTUCKY CORRESPONDENT.

"The meaning of words" and "application of principles" begin to be understood. When I commenced my profession of the law in this country in 1813, with an extensive circuit, almost every man who was able to buy for money or on credit, was clothed with European fabrics: now scarcely one in an hundred of the most respectable citizens wears an imported coat. Sheep are in high de-

mand, and weavers' shuttles and reeds are to be seen in the streets of all our towns, in the hands of farmers and others that have purchased them for their own use. Several factories for carding and spinning cotton are building. The people begin to think seriously on the subject of domestic manufactures, and have a great disposition to encourage them. [Here a compliment is paid to the Register which we shall not repeat]. The young Pennsylvanian, (see page 118), shews correct thinking—such pens ought not to remain unemployed. The blessings of thousands of intelligent and thinking freemen accompany you and your correspondents in your labors. European notions, as given in their books on political economy, must be corrected and the public mind set right, before our workshops can be brought across the Atlantic. The great reform is going on—we look to you as an instrument to keep it in progression. What has become of our old friend, the author of the "meaning of words," &c. He was doing much good—and, for the sake of his country, I hope that he will resume his pen. I cannot see how any reasonable and unbiased mind can resist his evidences and arguments," &c.

ANOTHER KENTUCKY CORRESPONDENT

writes as follows—which, as the subject-matter is so great a rarity, we cannot refuse to lay it before our readers, for their consideration. This gentleman thinks justly and has acted nobly. Would that all else might believe that money was necessary to the carrying on of our business!

Mr. Niles. I enclose you a \$5 note of the Valley bank of Virginia, in advance for my next year's Register. Times are getting a little better with us. This note only cost me \$10 of our currency, and there is a probability that exchange will be much lower. It would be to my interest to wait and buy at a lower rate to send to you; but I know you must have cash or quit your business, and it is better for each customer to lose a little than for you to lose thousands."

SOUTH CAROLINA. The following petition, of one of the Catawba tribe of Indians, was lately presented to the legislature of this state.

"To the councils of South Carolina.

I am one of the lingering embers of an almost extinguished race—our graves will soon be our habitations. I am one of the few stalks that still remain in the field, when the tempest of the revolution is past. I fought against the British for your sake—the British have disappeared, and you are free: yet, from me, the British took nothing—nor have I gained any thing by their defeat. I pursue the deer for my subsistence—the deer are disappearing, and I must starve. God ordained me for the forest, and my habitation is the shade—but the strength of my arm decays, and my feet fail in the chase. The hand which fought for your liberty, is now open for your relief. In my youth, I bled in battle that you might be independent—let not my heart, in my old age, bleed for the want of your commiseration.

(Signed)

PETER HARRIS."

KENTUCKY. *Richmond, Nov. 22.* The letter we published to-day, from our correspondent on the state road, is quite gratifying to all who feel a deep interest in the prosperity and credit of Kentucky. The best law-givers we have ever had to relieve the country of the heavy debt she has been long groaning under, are those whose industry rears our stock and carries it to market. There is no mis-

take in this kind of relief—it requires no Commonwealth's bank as its handmaid. It's all a real transaction.—*Chronicle.*

TO THE EDITOR.

Cumberland Ford, Ky. Nov. 14, 1822.

SIR: At this time, there have passed this place, 45,421 live hogs for market—say they are worth 7 dollars each, which, in my opinion, is a moderate calculation, amounts to 317,947 dollars. 5,446 horses and mules, at an average of 80 dollars each, makes 435,680 dollars. Only 236 stall fed steers, as yet, say worth 40 dollars each, makes 9,440. Two or three thousand hogs, I hear, are on the road to be added to the above list; which, when arrived, you shall have the correct amount at the year's end. If only 2,000 comes, they will add to the amount 14,000 dollars more, making in all, (at the lowest calculation of mine), 777,067 in good money. I trust the time is not very distant, when Kentucky will restore her credit, and there will be no more relief measures prayed for, nor stop laws passed; which have so much disgraced one of the most prolific and rich states in the union, whose sons are bold and enterprising, beyond any, I believe, in the world.

FOREIGN NEWS. We had a number of items prepared for this paper, but must omit all except those inserted below:

Turkey. The Turks are again driven out of the Morea, after a series of engagements in which they lost great numbers of men. In one of those battles, near Corinth, they left 3,000 men on the field, among whom was Ali Pacha, formerly grand vizier—the pacha of Thessaly was made prisoner. After this the Turks separated, and several of their corps were destroyed—all killed or made prisoners. In Candia, also, the barbarians have been defeated, and were shut up in the fortresses. Another naval victory, gained by the Greeks, is mentioned.

A French paper reports that Alexander had declared his intention of changing his system in regard to the Turks, and of employing "force to compel the barbarous government of Constantinople to make concessions."

The war with Persia still goes on—a Turkish army, of 50,000 men, had been defeated near Treblison, which had been entered by the Persians, who are also said to be in possession of Mesopotamia, Armenia, &c. It was reported that they were advancing on Anatolia, and that many Turkish towns on the Black sea had revolted. Other places in Syria, as well as Aleppo, have greatly suffered by earthquakes—in that unfortunate city only one habitable house is said to be left standing!—20,000 persons were killed and an "immense number wounded." Two thousand houses, generally small, were lately destroyed by fire at Constantinople. The plague has appeared in many parts of the empire. The Russian army, that was falling back from the Turkish frontier, had received orders to maintain its position. An extraordinary divan was lately held at Constantinople, at which notes were agreed upon to the ministers of Austria, France and Prussia, explaining the reasons of the sultan for refusing a renewal of the ancient relations of the Porte with Russia. The Wechabites are again in arms, and lately destroyed and carried off a whole caravan, proceeding from Mecca to Medina, killing from 5 to 10,000 Turks. "In the midst of the disasters," says a letter from Constantinople, the Turks crowd their mosques and predict the dissolution of their empire." May their predictions be realized!

Colombia. A despatch from Morales, dated the 4th Nov. states that, on the preceding day, near

Garabuya, he had had a battle with a body of the enemy, consisting of 1200 infantry and 100 cavalry; and that, after a hard fight, the "rebels" were surrounded and completely defeated, leaving 1,000 muskets, 800 prisoners with 36 officers, 100 dead and 160 wounded, two colors and all their stores in his hands.

Agricultural Societies of Virginia.

The following is an extract from one of the papers directed to be published by the delegation of the United Agricultural societies of Virginia, at the meeting held at Petersburg, on the 7th instant. It is from an address delivered to the Nottoway society, by its president, *Dr. James Jones*, on the 20th November, 1822.

It has fallen to my lot, (and I deem it a fortunate incident in my life), to present to the national legislature one of the first memorials which that body has ever received in defence of the rights of agriculture, in opposition to the monopolizing claims and pretensions of the manufacturing interest of the United States. The firm and dignified tone of remonstrance, with the forcible appeal to the good sense and justice of congress, contained in those memorials, I doubt not, had the effect, in a great degree, to arrest that body in one of the most baneful systems of policy that ever disgraced any nation, professing to be governed by impartial laws, based upon the principle of equal rights; a system of policy which would lay prostrate at the feet of the most insignificant and inconsiderable interest in this nation, the whole of that course of administration by which we have grown to renown, to wealth, to prosperity, and to a dignified rank among the nations of the earth; a policy which would drive this nation from a course of measures pointed out to her by the unerring hand of nature, which has stamped upon our geographical chart, in indelible characters, "that agriculture and commerce should be the principal occupations of our people." This foul spirit of monopoly, of local and partial legislation, so frequently and so fatally insinuating itself into our legislatures, whether in the form of protecting duties, to encourage domestic manufactures, or of privileged chartered incorporations, of whatever description, remains yet to be exercised from its unhallowed hold upon our institutions, by the all-pervading and all controuling influence of public opinion. This influence, embodied in a new form, and derived from a source hitherto silent and overlooked, has already begun the work of reformation in this behalf. The agricultural interest, throughout the United States, have, at length, discovered in what way it has happened that all other interests have mounted over their heads into the favor and patronage of government; to their manifest injury and gross injustice. They too have indulged the feelings and obeyed the impulses of the "*Esprit de Corps*:"—They have followed the example set them by the commercial and manufacturing interest, by embodying themselves, and, as a distinct separate interest, have addressed the government in language manly, independent, and disinterested. "We ask you, 'say they' "for no favor, no exclusive privilege, no charter of incorporation. We call to your recollection the instruments by which our independence was achieved. It was the yeomanry of the country, nurtured and cherished in the lap of rural occupation: From their bosoms the republican spirit was transfused into our political institutions. Monopoly, privileged orders, chartered rights were the bane of that

government from which we seceded. We threw it off on account of the mischiefs produced by that course of policy in the mother country.—Our government was made *by the whole for the whole*, and no exclusive privilege can be conferred, but as a reward of services rendered to the public. *Let us all alone.* We demand only protection in our persons and in our property—leave private individual enterprise to its own guidance and direction, equally untrammelled by the officious interference of government in the form of restriction or of a pretended fostering care. Pursue your legislative career under the constitutional prescriptions of a definite and specified power, not by the unwarranted inferences of a loose construction of general phrases. Give to all an equal participation in the blessings of free government, by adopting a system of general policy; not by *local*, partial legislation, for a particular interest, with the false insidious pretence that *all may* indirectly come in for a share of the benefit. It is to this latter principle we trace that policy which, in all ages, has led to the establishment of despotic governments, and, from the practical operations of which, particularly in the hierarchical institutions of England, we were driven into successful opposition to that power."

With sentiments like these, addressed to the understandings and justice of congress, we will not doubt of success in reclaiming that body to a course of correct and legitimate and constitutional policy, at least so long as that body shall be composed of a majority of those who represent the laboring and productive interest of the country, in contradistinction from speculative interest.

The great mischiefs attendant upon all the governments that have ever existed, have arisen from an officious, meddling, disposition, in those who govern, to regulate every thing in society. This, however, should not be considered extraordinary in those governments which were made exclusively for the benefit of the few privileged orders; because without such universal and constant superintendance and regulation, they could not wield and manage the machinery to the purposes intended by its formation. Hence has originated in despotisms the bold assumption of a power, not only to regulate the high and important concerns of conscience, in the form of establishments of religion and test acts, but, also, the more insignificant and petty concerns of private domestic economy. But, in the United States, where we have proceeded upon a belief that man is competent to self government, it would be natural to suppose that political power should abstain from all interference with the affairs of society, except so far as to exercise a salutary parental power of protecting the weak against the strong, and restraining and coercing the vicious, the refractory and the violent, at the same time allowing all to pursue their own happiness in their own way, strictly regarding the rights of their neighbors. Whatever political measure shall detract either from the profits or the respectability of any avocation in society, must necessarily do it an injury; nor is it less true that, whenever government shall lend its fostering aid to any particular branch of industry, it will, therefore, give it an impulse which may force it ahead of others, not so favored. For many centuries preceding the revolution in France, the royal favour and patronage were exclusively bestowed upon the church and the army; and, by amalgamating these two interests with the hereditary nobility of the country, it was not surprising that all honor, as well as emolument, attached exclusively to them. The consequence

was that agriculture, commerce and manufactures, being viewed and treated merely as subservient and auxiliary to the promotion and aggrandizement of these other leading interests, became disreputable and unprofitable, and were pursued exclusively by those only, who, in the fashionable slang of the times, were termed the *ignoble*, the *vulgar*, the *rabble*, &c.

The history of other governments in Europe, which, like France, have had a feudal origin, would furnish instances equally apposite to our purpose, which is to shew the all pervading influence of political power in directing the destinies of man in this world. Nor is it important, as to results, whether such power is exercised under the title of a republic, or of an aristocracy, or of a monarchy. The effects will always be the same, if the causes are of the same nature. It matters not, as to results, whether the great laboring interest is ground to dust by the operation of a tythe to the churchmen, under the specious and imposing pretext of supporting the hallowed institutions of religion, or whether it be done by the operation of chartered privileges, in the more dangerous, (because less intelligible and more insidious,) form of protecting duties for the support of manufactures, and charters to banking institutions. He must, indeed, be a short-sighted politician, and unacquainted with the plainest and most obvious principles of political economy, who does not perceive that all such monopolies derive their support from the class of productive labor. Equivalents, it is true, are promised: It is said that labor shall find in those chartered bodies a surer and more convenient market for its productions; but, with these false pretences in their mouths, the politicians of Great Britain have gone on, for more than a century, in the practice of a system whose monstrous effects begin now to develop themselves in the bankruptcy and ruin of nearly a moiety of their laboring population.

Whilst, then, gentlemen, as a society, we keep steadily in view the important subject of agricultural improvements, by communicating the results of experiments and of practice, and by a mutual interchange of opinions, let us equally guard and protect the rights of agriculture, by joining with our brethren throughout the United States whenever the occasion shall call for it, in a mild, but firm and manly, tone of remonstrance against every branch of our government policy, which shall be found to operate injuriously to agriculture, and, of course, ought to be considered as partial, unjust and oppressive.

Religious Liberty.

LEGISLATURE OF MARYLAND.

House of Delegates, Dec. 18, 1822.

Mr. Thomas Kennedy delivered the following report:

The committee appointed to bring in a bill entitled, an act to extend to the citizens of Maryland, the same civil rights and religious privileges that are enjoyed under "the constitution of the United States," respectfully ask leave to report,

That they have taken the subject into their serious consideration, and it is a subject of far greater importance than may at the first glance be imagined; it is a subject in which the honor, the character,

the interest and the future prosperity of the state, are all deeply interested.

Religious liberty does not exist in Maryland; for religious liberty cannot be said to exist under any government, where men are not permitted to worship God in the manner most agreeable to the dictates of their own consciences, or what is the same thing, denied the enjoyment of civil rights, and rendered incapable of holding any office civil, military or judicial, except they acknowledge their belief in a particular system of religion.

The constitution of Maryland was framed at an early period of the revolution—when ancient prejudices had a strong influence over the mind, when it was considered as going far in the work of reformation, to declare that there should be no established church in the state, and it certainly required great exertions to effectuate that object, for in Maryland as well as in other states, even the christian sects, Catholics particularly, had formerly been proscribed, and we may at once see how strongly these prejudices influenced the minds of the wise and worthy framers of our constitution, when in one breath they declare, "that it is the duty of every man to worship God in such a manner as he thinks most acceptable to him." And in the next, that it was only professing christians who were entitled to protection in their religious liberty.*

When the revolutionary war was at an end, and the people of the United States had time to give the principles of government, and of civil and religious liberty a fair and a full examination; when the immortal Washington and his illustrious coepeers, selected from every state in the union, met in convention to frame a constitution, which was ratified by the people of the United States, they unanimously declared, that "no religious test shall ever be required as a qualification of any office or public trust, under the United States." Such a declaration, at such a time, and from such an assemblage, comprising a greater share of talents, virtue, and patriotism, than our own, or perhaps any other country will ever again exhibit, calls loudly for our admiration. They broke the last link of religious tyranny, and put an end to the dominion of superstition—the free, sovereign and independent people of the United States, echoed and re-echoed the noble sentiment—"No religious test shall ever be required"—even Maryland joined in the general acclamations, and hailed the glad tidings with joy; and we find the names of a McHenry, a Jenifer, and a Carroll, attached to that instrument under which the United States have risen to glory and greatness.

The only state constitution which imposes a restriction in any degree similar to that of Maryland, is that of Massachusetts, which was also adopted during the revolutionary war, and even that is only applicable to a few offices. The state of Maine, which formed part of Massachusetts, and was received into the union a few years past, has made it a part of her constitution, that no religious test shall be required as a qualification for office. The adjoining state of Delaware was the first to follow the footsteps of Washington in this respect, and to use the same words in her constitution as in that of the United States. Tennessee, Ohio, Illinois and Alabama have all incorporated the same declaration in theirs—and all the other states have recognized religious liberty as a "natural unalienable

*Declaration of rights, article 33.

right" (1)—"as an inestimable privilege" (2)—as a right to be enjoyed "without discrimination or preference" (3)—"to cause no abridgment of civil rights" (4)—that "no human authority can in any case whatever, control or interfere with the rights of conscience" (5)—"that no person shall be denied the enjoyment of any civil right merely on account of his religion" (7)—and wherever they have not recognized the most perfect freedom in religious matters, they do not require as a qualification for office any other test than a simple oath.

Maryland, therefore, stands alone in this respect; and your committee ask—and may ask with confidence, why should Maryland continue to retain this feature in her constitution, since it has been virtually abolished by the constitution of the United States, and is at once inconsistent with the dictates of wisdom and common sense, and is not sanctioned by any authority either human or divine.—We have no right to interfere with the religious opinions of others—we have no right to prescribe those who differ from us on religious subjects—we are answerable in this respect, to our great creator, to God, not to man.

Shall that religion which was announced to humble shepherds on the plains of Bethlehem as the "glad tidings of great joy"—as proclaiming "on earth peace, good will towards men"—that religion which commands us to "love our neighbors as ourselves"—shall that religion be used any longer in Maryland as a political instrument to deprive worthy and virtuous citizens of their just rights. (3) Principles are eternal, and whether we prescribe from office ten, or ten thousand citizens, it amounts to the same thing, and is equally contrary to the law of God which is written in every heart, and directly at variance with that precept which proceeded from the lips of our divine Master "whatsoever ye would that men should do unto you, do ye even so to them;" and who so contravenes this sacred command, may call himself a christian, may be a recorded christian, but he is not a christian indeed and in truth; he is not a real disciple of the meek and lowly Jesus who declared that his "kingdom was not of this world."

Situated as Maryland is, in the midst of large and powerful states, who have universally thrown open the doors of office and honor to all whose talents and merit entitle them to the confidence of the people; it becomes our interest, as well as our duty, to let the world know that in Maryland as well as in the other states, civil and religious liberty is enjoyed in its fullest extent. Nor can we hope for prosperity as a state, until we do justice to all men.

Your committee, will only further call the attention of the house to the inconsistency of retaining in the constitution a provision which is at war with the principles of civil and religious liberty, and remark that the same citizens whom the people cannot chose to represent them in the state legislature may be by the same people elected to congress, and may also be elected to the presidential chair; that he who cannot be a justice of the peace in Maryland, may be chief justice of the U. States;

(1) Constitutions of North Carolina and New Hampshire.

(2) New Jersey.

(3) New York and South Carolina.

(4) Vermont.

(5) Constitution of Pennsylvania.

(6) Georgia.

(7) Kentucky and Mississippi.

and he who cannot be an ensign in the militia may command the army of the nation; such inconsistency is too glaring—too ridiculous to be longer tolerated by a free people.

This question has been presented to the consideration of former legislatures in another form—It is now presented to your consideration on what your committee think is the true ground; on the ground of extending to all the citizens of Maryland without distinction of sect or name, the same civil rights and religious privileges that are enjoyed within the constitution of the United States, and surely no danger can arise from our following the example of our sister states—or from incorporating into the constitution of Maryland the language used in the constitution of the United States, we, therefore, ask leave to report a bill to that effect. All which is respectfully submitted.

JOSHUA COCKEY, jr. clerk.

AN ACT

To extend to the citizens of Maryland the same civil rights and religious privileges that are enjoyed under the constitution of the U. States.

Whereas, By the declaration of rights of this state, it is declared "that it is the duty of every man to worship God in such manner as he thinks most acceptable to him."

And Whereas, By the constitution of the United States, which is the supreme law of the land, it is declared that, "no religious test shall be required as a qualification to any office or public trust under the U. States."

And whereas, certain citizens of Maryland are deprived of civil rights, and rendered incapable of holding offices on account of their religious principles; *therefore,*

Section 1. *Be it enacted by the general assembly of Maryland,* That no religious test shall ever be required as a qualification to any office or public trust under this state of Maryland.

Sec. 2. *And be it enacted,* That all such parts of the declaration of rights and constitution and form of government of this state as are inconsistent with the provisions of this act, be, and the same are hereby abrogated, annulled and made void.

Sec. 3. *And be it enacted,* That if this act shall be confirmed by the general assembly of Maryland, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, in such case, this act, and the alterations of the constitution therein contained, shall constitute and be valid as a part of the said constitution and form of government, to all intents and purposes, any thing therein contained, to the contrary notwithstanding.

The following resolutions were introduced into the senate of Maryland, by Mr. Chambers, and have since passed both branches of the legislature *unanimously.*

Resolutions approving the measures of the general government.

Whereas, the state of Maryland is in a peculiar degree dependent on that aid and protection, to secure which, was the great object of the confederation of these United States, and especially is exposed from its vast extent of navigable waters, and the geographical position of the city of Baltimore, to the attacks of a maritime enemy, who, as has been demonstrated by the events of the late war can harass our citizens, plunder and destroy our property, pos-

ness themselves of our territory, prevent our necessary transactions, so far as a large proportion of our citizens are affected. And whereas, exemption from such danger to the lives and exposure of the fortunes of our citizens, can only be secured to us, by the liberal application of those means which the good people of these United States, have placed at the disposal of the government of the union, for the common defence and general welfare; and it is not only the soundest policy, but the best dictate of prudent economy, to use the period when a general peace and the ordinary resources of our country afford opportunity to the government to provide for the defects in our system, which a state of war has disclosed, and to be prepared against a recurrence of injuries, which may be repeated at a moment, impossible by any political calculation to be anticipated.

And whereas, it is at all times the duty of the citizens of a free government, to deliberate on the policy and measures of those to whom they have confided the administration of their political concerns, and on occasions when contrariety of opinion is entertained on matters vitally affecting their best interests with candor and firmness.

We the members of the senate, and house of delegates, acting as the representatives of the people of Maryland, and influenced by a belief, that it is highly expedient in the present situation of our political concerns to announce the opinions and wishes of the people of this state, in relation to such measures of the government of the United States, as have in view the better security of our country against the approaches of a hostile maritime force do therefore

Resolve, That we cordially approve the efforts of the general government, to foster our navy and to cause a progressive increase of this means of defence, which experience has taught us to regard as necessary to our protection and to the maintenance of that high and dignified character which has exalted our country amongst the nations of the earth.—That we cordially approve of every effort of the general government to extend and perfect a system of defence by fortifications highly useful in other places, and essentially necessary to the waters of the Chesapeake and its tributary rivers.

And whereas, from the relative position of this state, and those vast sources of successful enterprise and wealth, the rivers Potomac and Susquehanna, as well as from the relation of our largest city, to an extensive district of inland country. It is of the utmost importance to our citizens that a system of internal improvement shall be vigorously pursued: Therefore, we do further resolve, That we will highly approve and zealously co operate with the general government in the adoption of such measures as will afford to our country the facilities and advantages which nature has placed in our control, and which a wise policy should induce us to improve.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded by the executive to each of our senators and representatives in congress, with a request that they will co-operate in the promotion of the measures which in the sense of the legislature are best calculated for the interests of the union at large, and especially of this state.

Decree of Morales.

We have already noticed the following decree of the royal commander in Colombia, but shall repeat its insertion to give a nearer view of the

subject—It is dated at Maracaybo, Sept. 15, 1822, and signed *Francisco Tomas Morales*.

DECREE.

Art. 1. All foreigners taken or found in the ranks—in any branch of administration of the enemy—with printing presses, or acting as editors of newspapers, of works relative to the present war, to the scenes of action in rebellious America, or the Roman Catholic religion, or in any manner offensive to the nation, its government or subjects, shall suffer death, after a short military trial, and their properties forfeited to the public chest.

Art. 2. Foreigners who may be found, although not in the exercise or under the circumstances aforesaid, but having introduced themselves into the country during its occupation by the enemy, shall be doomed to serve in the public works for three years, and their properties forfeited to the national treasury.

Art. 3. Those foreigners, who have been found in this capital and its environs, who, by an effect of national forbearance, have been exempted from the fate they deserved, both as regards their persons and properties, owing to their political and religious conduct having been hitherto unknown, shall quit all Spanish territory in the precise period of eight days, with their baggage, and other property which may have been given over to them; and they are warned not to return again, under pain of death, unless it be under the conditions and circumstances prescribed for the carrying on a legitimate commerce in the ports of Venezuela.

PROTEST OF CAPT. SPENCE, U. S. NAVY.

From the commander of the United States ship *Cyane*, and senior naval officer in the West Indies, to his excellency *Francis Tomas Morales*, general in chief of the Spanish royal forces on the Main.

SIR—I have been presented with your excellency's public decree of the 15th Sept. last—a declaration of the most despotic and sanguinary nature, against all foreigners, whose love of glory, commercial pursuit, and lawful occupations, may enlist them in the service, or detain them in the territories possessed by the enemies of Spain recognized by the United States as independent governments.

A manifesto so extraordinary, so hostile to the rights of nations, so disparaging and prejudicial to the character of the era in which we live, cannot fail to excite astonishment, and to attract the attention of all who wish to preserve civilization from the encroachments of barbarism, or have rights to protect from military misrule and invasion.

As commander in chief of the royal forces, ineffectually employed in Venezuela, you are accountable to your king only for your proceedings against his subjects. But, for acts of rapacity, cruelty and oppression exercised against foreigners—for their illegal imprisonment—for their seizure and the confiscation of their property—for their degradation under the aforesaid proclamation, you are answerable to the world, because, by such acts of hostility, you wage an indiscriminate war against all governments, and, by trampling on the sacred rights of man, place at defiance nations who hold the laws and humane usages of civilized society as rules of action.

War, under the mildest aspect, is a calamity to be deplored; but when to its inseparable horrors are superadded cruelties, perpetrated without necessity, and men, pursuing peaceable avocations,

are included in the most sanguinary proscriptions, without reference or respect to the nation which owes them protection, it becomes a demoniac scourge, a hydra curse, which policy and humanity are equally interested in arresting.

Against such a course of violence as you have proclaimed to the world, in behalf of my countrymen, I protest, and do hereby premonish your excellency, that to enforce the penalty, punishment and ignominy, threatened in your manifesto, against the citizens of the United States, who are at present, or who may hereafter be found by your excellency in the independent territories to which you refer, prosecuting their commercial concerns under the guarantee of laws and usages, which no christian soldier, fighting either for glory, his monarch, or his country, can violate with impunity.—The soldier, whose sword is stained with the blood of unoffending men, superfluously shed, wins not the wreath of the warrior, but the reputation of a recreant.

The blockade declared by general Morillo, to which your excellency alludes, exists not, neither has it, at any anterior period, been enforced in conformity to rules prescribed by the accepted decisions of the highest authorities, rendered valid by time and general acquiescence. It, therefore, has hitherto been a mere pretext for the interception of our lawful trade—for the seizure and detention of our property—for the abuse and maltreatment of our mariners—for purposes of plunder and outrage—all of which evils it has produced.

For spoiliations committed on the commerce of the United States, under the sanction of that paper interdiction, restitution will be required—and to the dignity which characterizes the government of the republic is Spain indebted for that magnanimous forbearance from reprisal, justifiable on every principle of self-preservation and defence.

The citizens of the U. States, from the peaceful and neutral course prescribed by their government, are justly entitled to the respect of the belligerent parties, and if their enterprize induces them to reap the advantages of a lawful trade within territories alternately in the occupancy of either, they are there as citizens of a truly neutral power—a power that has at no time afforded aid, or exercised influence of any kind, in the present unhappy contest.

Between the United States and the sovereign of Spain there exists a treaty, recently made, and consecrated by the most formal observances, the acknowledged basis of which is good will and a cordial spirit of conciliation. How, then, in the face of this pledge of concord, do you, sir, undertake to threaten with forfeitures and ignominious penalties—with slavery and death—the citizens of a republic, who have a right to expect, under this token of friendship, safety and exemption from molestation.

Wrongs and injuries that may accrue to citizens of the union from your unlawful decrees, whether visited on their persons or property, will be numbered with the catalogue of outrages already sustained, and for which Spain must be answerable. Against all such wrongs and injuries I protest, and do hereby solemnly call upon your excellency to abstain from the adoption of measures fraught with most evil consequences—measures coercing a spirit of retaliation and reaction, the end and issue of which may be conceived, foreseen and prevented by your excellency. And I invite your excellency, as a lover of the character and honor of Spain, of

the amity and good faith so happily preserved between her and the republic, to annul all such restrictions as lead to a violation of the laws of nations—as infringe the just rights of citizens of the United States—as deprive them of the benefits of peace, and tend to augment to an alarming amount the account which hereafter must inevitably be balanced between the two nations.

I have the honor to be, &c.

ROBERT TREAT SPENCE,

Senior naval officer of the United States
in the West Indies.

Curacao, 15th Nov. 1822.

PROTEST OF THE GOVERNOR OF CURRACOA.

The rear admiral, governor of Curacao and its dependencies, to his excellency the general in chief of the Spanish army on the Main.

I had the honor, on the 4th inst. to receive your excellency's letter of the 18th October, together with an authentic copy of your excellency's decree, dated 15th September, ult. relative to the treatment which foreigners have to expect from your excellency, as expressed in the said decree, if they are found in the service or in the territories in possession of the enemies of the Spanish nation on the Main.

I will not enter into the measures of policy and safety which your excellency may think proper to adopt, wherever you have lawful authority, with regard to the rights of nations and warfare. I feel myself, however, in consequence of your excellency's said decree, obliged to oppose those measures which may be made applicable to, or exercised on Dutch subjects, who may be found engaged in lawful trade, or in the peaceable prosecution of their profession.

I refer myself to what I have already stated with regard to the blockade, namely: I will not acknowledge any other than such as is declared in conformity to the laws of nations, and duly enforced.

With respect to the threatened proceedings, I most solemnly deny the right your excellency presumes to have, of putting them in force against peaceable Dutchmen, subjects of the kingdom of the Netherlands, who may be found trafficking, or in the prosecution of their business or interests, which are not prohibited by laws and customs generally admitted and acknowledged by subjects of neutral powers, who do not interfere in the disputes or wars of others.

I thus protest against all and every act of violence or ill treatment, and against all injustice exercised by your excellency on Dutch subjects, either in their persons or property, for which, and for the consequences thereof, I hold your excellency responsible, whilst I reserve to myself all such measures and steps, which your excellency's proceedings may render necessary for the maintenance of the dignity and rights of the Dutch nation, and for the protection of the persons and properties of her subjects.

I remain, with all consideration.

2. To make known the above-mentioned letter, with its annexed document, and our answer thereto, as given in the foregoing article, by publication in the usual manner, and through the medium of the Curacao Gazette, in order that the said decree of the general in chief of the Spanish army on the Main, and our answer thereto, may come to the knowledge of all Dutch subjects.

The said governor,

GANTZ'LAAR.

Curacao, 5th November, 1822.

Annual Treasury Report.

In obedience to the direction of the "act supplementary to the act to establish the treasury department," the secretary of the treasury respectfully submits the following report:

1. Of the public revenue and expenditure, of the years 1821 and 1822.

The nett revenue which accrued from duties on imports and tonnage, during the year 1821, amounted to **Dolls. 15,898,434 42**

The actual receipts in the treasury, during the year 1821, including the loan of 5,000,000 dollars, amounted to **Dolls. 19,573,703 72**

Viz.	
Customs	13,004,447 15
Public lands, exclusive of Mississippi stock	1,212,966 40
Arrears of internal duties and direct tax	356,290 11
Dividend on stock in the Bank of the United States, and other incidental receipts	
Loan authorized by act of the 3d March, 1821, including a premium of 264,763 70 dolls, gained on the same	5,000,000 00
Making, with the balances in the treasury, on the 1st of January, 1821, of	Dolls. 1,198,461 21

An aggregate of **Dolls. 20,772,164 93**
The expenditures during the year 1821 amounted to **Dolls. 19,090,572 69**

to	
Civil, diplomatic and miscellaneous	2,241,871 54
Military service, including fortifications, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrearages prior to the 1st January, 1817	5,162,364 47
Naval service, including the gradual increase of the navy	3,319,243 06
Public debt	8,367,093 62

Leaving a balance in the treasury, on the 1st of Jan. 1822, of **Dolls. 1,661,592 24**

The actual receipts in the treasury, during the three first quarters of the year 1822, are estimated to have amounted to **Dolls. 14,745,408 75.**

Viz.	
Customs	12,648,933 15
Public lands, exclusive of Mississippi stock	1,298,484 56
Arrears of internal duties and direct tax, dividend on stock in the bank, & other incidental receipts	391,871 76
Balances of appropriations for the war and navy departments, returned to the treasury and carried to the surplus fund	406,119 28

The actual receipts into the treasury, during the 4th quarter, are estimated at **5,000,000 00**

Making the total estimated receipts into the treasury, during the year 1822 **19,745,408 75**

And, with the balance in the treasury on the 1st of January, 1822, forming an aggregate of **Dolls. 21,427,000 99**

The expenditures during the three first quarters of the year 1822, are estimated to have amounted to **12,278,653 32**

Viz.	
Civil, diplomatic and miscellaneous	1,536,434 24
Military service, including fortifications, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrearages prior to 1st January, 1817	4,930,210 63
Naval service, including the gradual increase of the navy	1,538,952 88
Public debt	4,273,055 52

The expenditures during the fourth quarter, including the redemption of 2,600,000 dollars of six per cent. stock of 1820, are estimated at **Dolls. 6,000,000 00**

Making the total estimated expenditure for the year 1822 **Dolls. 18,278,653 32**

And leaving in the treasury on the 1st of January, 1823, an estimated balance of **Dolls. 3,148,347 67**

After deducting from this sum certain balances of appropriations, amounting to \$1,232,212 11, which are necessary to effect the objects for which they were severally made, or have been deducted from the estimates, for the service of the ensuing year, a balance of \$1,916,135 56, remains; which, with the receipts into the treasury during the year 1823, constitutes the means for defraying the current service of that year.

2. Of the public debt.

The funded debt which was contracted before the year 1812, and which was unredeemed on the 1st October, 1821, amounted to **Dolls. 17,833,746 84**

And that which was contracted subsequently to the 1st of January, 1812, and was unredeemed on the 1st of October, 1821, amounted to **75,852,458 18**

Making the total amount of funded debt unredeemed on the 1st of October, 1821, **93,686,205 02**

In the fourth quarter of that year there was issued treasury note six per cent. stock, to the amount of **390 43**

Making an aggregate of	93,686,595 42
Viz.—Reimbursements of six per cent. deferred stock,	Dolls. 257,180 60
Redemption of Louisiana stock	8,588 15

Reducing the funded debt, on the 1st Jan. 1822, to **93,423,830 67**
From that day to the 1st of October last, there was issued three per cent. stock to the amount of **143 02**

Making an aggregate of **93,423,999 69**
Viz.—Reimbursement of six per cent.

deferred stock	300,980 02
Redemption of six per cent stock of 1796,	80,000 00

Reducing the funded debt, on 1st. Oct. 1822, to **93,043,019 67**
It is estimated that, in the 4th quarter of the present year there will be paid **2,265,588 07**

Viz.—Reimbursement of six per cent. deferred stock	265,588 07
Redemption of six per cent. st'k of 1820,	2,000,000 00

Which will reduce the funded debt, unredeemed on the 1st of January, 1823, to **90,777,431 60**

The amount of Treasury notes outstanding on the 1st of October, 1822, is estimated at **27,437 00**
And the amount of Mississippi stock, unredeemed on that day at **26,735 94**

3. Of the estimate of the public revenue and expenditure for the year 1823.

The gross amount of duties on imports and tonnage which accrued from the 1st of January, to the 30th of September last, both days included, is estimated at \$19,500,000 00, and that of the whole year at \$23,000,000 00.

It is estimated that the amount of debentures, issued during the same period, exceeds the amount issued during the corresponding period of the year 1821, by \$86,000, and that the amount of debentures outstanding, on the 30th of September last, chargeable upon the revenue of 1823 is \$234,000 more than was, on the same day in 1821, chargeable upon the revenue of 1822.

It is estimated the value of domestic articles exported from the United States in the year ending on the 30th of September last, has amounted to 49,874,079 00 dollars, and that foreign articles, exported during the same period, have amounted to \$22,286,292.

As the receipts from the customs in the year 1823 depend, 1st, upon the amount of duty bonds which become due within that year, after deducting the expenses of collection, and the amount of debentures chargeable upon them: and, 2d, upon such portion of the duties secured in the 1st and 2d quarters of that year as are payable within the year, it is manifest that an increase in the amount of debentures chargeable upon the revenue of the year 1823, or a diminution of the importations of foreign merchandise during the two first quarters of that year, must necessarily diminish the receipts into the treasury. As debentures can be issued at

any time within twelve months after importation, chargeable upon bonds given for the duties upon such importation, it is impossible to foresee the amount which may be chargeable upon the bonds that are payable during the year 1823. The facts, however, which have been stated, justify the conclusion, that the amount of debentures which will be issued and charged upon the revenue of 1823, will considerably exceed the amount which was chargeable upon that of 1822. From the same facts, it is also presumed that the importations of the two first quarters of the year 1823 will be less than the corresponding quarters of the present year.

Giving weight to all the facts connected with the subject, the receipts for the year 1823 may be estimated at

Viz.			\$21,100,000
Customs	Dolls.	12,000,000	00
Public lands		1,600,000	00
Bank dividends		350,000	00
Arrears of internal duties and direct tax, and incidental receipts		150,000	00
To which is to be added the sum of			1,916,135 56

Remaining in the treasury after satisfying the balances of appropriations chargeable upon the revenue of 1822, which makes the entire means of the year 1823 amount to

The expenditure of the year 1823, is estimated at

Viz.			23,016,135 56
Civil, diplomatic and miscellaneous		1,599,317	35
Military service, including fortifications, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrangements prior to the 1st of January, 1817		5,134,292	75
Naval service, including the gradual increase of the navy		2,723,937	12
Public debt		5,602,000	00

Which, being deducted from the above sum, will leave in the treasury, on the 1st day of January, 1824, after satisfying the current demands of the year 1823, a sum estimated at

Dolls. 7,956,538 34

Although the facts already disclosed justify the conclusion that the importations of the present year exceed the value of domestic articles exported during the year, yet there are no means of ascertaining the extent of that excess. If the custom house documents were to be considered conclusive evidence upon this subject, it would be apparent that the nation has, through the whole period of its existence, imported more in value than it has exported. But the fact is incontestable that the United States have enjoyed a more uninterrupted prosperity, and have increased their capital to a greater relative extent, than any of the nations with whom they have maintained commercial intercourse.

To shew that the custom-house documents cannot be considered conclusive evidence in this case, it is proper to observe—1st, That the value of articles paying duties ad valorem, imported into the United States, is ascertained by adding to the invoice value 20 per cent. if from beyond the Cape of Good Hope, and 10 per cent. from all other places; whilst the value of domestic articles exported is ascertained at the port of shipment without any such addition. 2d. The greatest portion of the importations and exportations are made in vessels of the United States. 3d. The capital employed in the trade of the North West Coast and the Pacific Ocean consists almost exclusively of the labor and enterprize of those engaged in it. Foreign articles, the proceeds of those enterprizes, imported into the United States, are, therefore, only equivalent to the labor and enterprize by which they were procured. 4th. The value of domestic articles exported is more imperfectly ascertained than of foreign articles imported; because it has not been considered necessary to resort to the

same sanctions to enforce a compliance with the regulations which have been prescribed for that purpose. To ascertain the relative value of imports and exports, it is necessary—1st. That the same additions should be made to the invoice value of the latter as are required by law to be made to the former. 2d. The freight of domestic articles exported in American vessels should be added to their value, after deducting from it the freight of foreign articles imported in foreign vessels. 3d. The value of foreign articles imported in vessels engaged in the trade of the North West Coast and Pacific Ocean, the proceeds of the labor and enterprize of those by whom they are navigated, should be added to the domestic exports. 4th. It is impossible to ascertain what addition should be made to the value of the domestic exports, on account of the omission of the exporters to state correctly the value of articles exported by them; but, after making a liberal allowance for foreign articles illicitly introduced, or inaccurately invoiced, it is believed that a considerable addition should be made.

If, then, to the amount of domestic articles exported during the year ending on the 30th of September last, already estimated at 49,874,079, dolls. the additions should be made which the preceding facts and considerations appear to authorize, the value of our domestic exports during that period may be estimated at nearly \$60,000,000.

Although no calculation has been completed, shewing the average rate of duty upon the value of foreign articles imported into the U. States, it is presumed that an importation of 60,000,000 dolls. of foreign merchandise will not produce a less revenue than \$17,000,000. As the receipts from the customs during the year 1823 have been estimated at \$19,000,000, it is probable that the receipts from the same source, in 1824, which will depend upon the importations of 1823, will not exceed 15,000,000. Under the most unfavorable circumstances, it is believed that the receipts of that year will be sufficient to discharge all demands upon the treasury which may be authorized by law.

If the current appropriations for the year 1825 shall be equal to those required by the estimates for the ensuing year, the expenditure of that year may be estimated at

Dolls. 28,253,997 22	
Viz.—current appropriations	Dolls. 8,578,722 22
Permanent appropriations for arming the militia, and Indian annuities	373,875 00
Gradual increase of the navy	500,000 00
Public debt, including balances unapplied in 1823 and 1824, amounting to	Dolls. 18,796,000 00

The means of the treasury to meet this extraordinary expenditure, consist,

1st. Of the balance which may be in the treasury on the 1st of January of that year, estimated at

Dolls. 8,000,000

And, 2d. Of the receipts of that year,

19,000,000	
Viz.—Customs	Dolls. 17,000,000
Public lands	1,500,000
Bank dividends	350,000
Incidental receipts	50,000
Making together, an aggregate of	27,000,000 00

And leaving a deficit of about

Dolls 1,253,997 00

In the estimate, the receipts and expenditures of the year 1824 are estimated to be nearly equal. It is probable however, that the receipts may exceed, to a small extent, the expenditures; but there it at least an equal probability that the receipts for the year 1825 are estimated too high. In the year 1826, the expenditure, assuming the current appropriations to be the same as in the year 1823, may be estimated at 19,457,000 dollars, and the receipts at 19,000,000. As the appropriation of 500,000 dollars for the gradual increase of the navy expires

in that year, the annual expenditure may, for subsequent years, be estimated at 10,000,000 dollars, unless it shall be considered expedient to make further provision for the increase of that essential means of national defence.

It is probable that the annual revenue will be equal to that sum. To provide for the estimated deficit of the years 1825 and 1826, as well as to meet any extraordinary demands upon the treasury, which unforeseen exigencies may require, it is believed to be expedient that the revenue should be increased. This may be conveniently effected by a judicious revision of the tariff; which, while it will not prove onerous to the consumer, will simplify the labors of the officers of the revenue. At present, articles composed of wool, cotton, flax, and hemp, pay different rates of duty. Difficulties frequently occur in determining the duties to which such articles are subject. The provision in the tariff, that the duty upon articles composed of various materials shall be regulated by the material of chief value of which it is composed, is productive of frequent embarrassment and much inconvenience. It is, therefore, respectfully submitted, that all articles composed of wool, cotton, flax, hemp, or silk, or of which any of these materials is a component part, be subject to a duty of twenty-five per cent ad valorem.

The duties upon glass and paper, upon iron and lead, and upon all articles composed of the two latter materials, may also be increased with a view to the augmentation of the revenue. In all these cases, except articles composed of silk, it is probable that the effect of the proposed augmentation of duties, will gradually lead to an ample supply of those articles from our domestic manufactories. It is, however, presumed, that the revenue will continue to be augmented by the proposed alterations in the tariff until the public debt shall have been redeemed; after which the public expenditure, in time of peace, will be diminished to the extent of the sinking fund, which is, at present, 10,000,000 dollars. But if, contrary to present anticipations, the proposed augmentation of duties should, before the public debt be redeemed, produce a diminution of the revenue arising from the importation of those articles, a corresponding, if not a greater, augmentation may be confidently expected upon other articles imported into the United States. This supposition rests upon the two-fold conviction, that foreign articles, nearly equal to the value of the domestic exports, will be imported and consumed, and that the substitution of particular classes of domestic articles for those of foreign nations not only does not necessarily diminish the value of domestic exports, but usually tends to increase that value.

The duties upon various other articles, not in any degree connected with our domestic industry, may, likewise, be increased with a view to the augmentation of the public revenue. If the existing tariff shall, during the present session of congress, be judiciously revised for the purpose of augmenting the revenue, it is confidently believed that it will not only be amply sufficient to defray all the demands upon the treasury at present authorized by law, but that there will remain an annual surplus, subject to such disposition, for the promotion of the public welfare, as the wisdom of congress may direct.

Under the act of the 20th April last, authorizing the exchange of certain portions of the public debt for five per cent. stock, 56,704 77 dollars only have been exchanged. The increased demand for ca-

pital, for the prosecution of commercial enterprizes during the present year, and rise in the rate of interest, consequent upon that demand, which were not anticipated at the time that the measure was proposed, have prevented its execution.—Existing circumstances do not authorize the conclusion, that a measure of this nature will be more successful during the next year. If the price of the public debt, in 1825, should be as high as it is at present, any portion of it, redeemable at the pleasure of the government, which should be undervalued in that and subsequent years, after the application of the sinking fund, to that object, may be advantageously exchanged for stock redeemable at such periods as to give full operation to the sinking fund. This may be effected, either directly by an exchange of stock, or indirectly by authorizing a loan to the amount of stock annually redeemable beyond the amount of the sinking fund applicable to that object.

All which is respectfully submitted.

WILLIAM H. CRAWFORD.

Treasury department, }
December 23, 1822. }

Public Documents

Accompanying the message of the president of the United States to congress, December 3, 1822.

THE ARMY.

Department of war, November 27, 1822.

SIR: In compliance with your directions, I herewith transmit statements from the major general of the army, and the several subordinate branches of this department, which give in detail the information requested.

In order to render the military organization more complete, the major general, after the late reduction of the army, under the act of 2d March, 1821, was stationed at the seat of government, thus bringing the military administration of the army, as well as its pecuniary, through the several subordinate branches, under the immediate inspection and control of the government. There is reason to believe that the arrangement will be highly useful.

The report of the major general, herewith transmitted, marked A, exhibits the present organization, strength, and distribution of the army. In the distribution, both in relation to the positions occupied, and the number at each post, regard has been had to the protection of important points, and the discipline of the troops. The artillery, with the exception of four companies on the lakes, and the one at West Point, has been assigned to the garrisoning of the various fortresses along the line of the sea coast, and the important ordnance depots in the interior; while the infantry, with the exception of a regiment at Pensola, has been stationed at the important points in the interior, principally on the upper lakes, and the western frontier.

No change has been made in the course of the year in the distribution of troops, with the exception of transferring one company of artillery from Ferdinandina to Charleston harbor, one battalion of the 2d regiment of infantry from Sackett's Harbor to the Sault of St. Marie, at the outlet of lake Superior, and the whole of the 7th regiment from fort Scott and bay of St. Louis to the Arkansas and Red rivers, to each of which one battalion has been assigned.

The inspector generals, (one of whom has been assigned to the artillery and the other to the infantry) have, in the performance of their duty, visited all of the posts and military depots in the course

of the year, with the exception of the posts on the Arkansaw and Red rivers, the inspection of which was prevented by the inspector being severely attacked by a fever while on his tour of inspection. In addition to the inspection by the inspector general, the generals commanding the departments have inspected, or are in the course of inspection, of the whole of their respective commands.

The various articles which constitute the supplies of the army, have been, during the year, regularly issued, and of a good quality.

The report of the chief of engineers, marked B, exhibits the progress which has been made in the course of the year in the erection of fortifications, also the operation of the board of engineers, and the corps of topographical engineers, and the present condition of the military academy; by reference to which it will appear that the important duties assigned to that department have been performed in a very satisfactory manner.

The report of the colonel of ordnance, marked C, contains an exhibit of the operations in that branch of service during the last year, comprising the operations of the armories, the ordnance depots, and the measures which have been taken in relation to the lead mines, the superintendance of which has recently been annexed to the ordnance department. The report satisfactorily shows, that this important department is gradually attaining a state of high perfection. The rigid inspection of the various ordnance depots, which has lately been made the duty of the inspector of artillery, will, it is believed, greatly contribute to improve this important branch of service.

The reports of the quartermaster general, paymaster general, surgeon general, and the commissary generals of provision and of purchases, herewith transmitted, marked D, E, F, G, and H, exhibit a very satisfactory view of the condition of their respective departments. On the 4th of March, 1817, there remained unsettled on the books of the 2d and 5d auditors, of the sums disbursed through this department previous to that date, \$45,111,123 01, which, on the 30th of September last, was reduced to \$4,689,292 95. Since the former period, there has been disbursed, through this department, \$40,837,772, 85, of which, on the 30th of September last, there remained to be settled 6,290,110 60, dollars, the greater part of which consist of accounts in the ordinary and due course of settlement. Of the sums advanced in the year ending the 30th of September, 1821, to the officers under the control of this department, but \$30,657 48 remained to be accounted for at the commencement of this quarter.

By reference to the statements in the reports of the subordinate branches of this department, already referred to, it will appear that there was drawn from the treasury, in the three first quarters of this year, on account of the army, military academy, fortifications and ordnance, 1,930,464 59, dolls. and that accounts, amounting to 1,737,072 30 dollars, have been rendered for settlement, leaving but \$193,392 29 to be rendered, all, or nearly all, of which, it is believed, will be accounted for before the termination of the quarter; and there are reasonable grounds to believe that the disbursements of the year will be made without any loss to the government. Nearly the whole amount which is outstanding of the disbursements of the three first quarters of the year has been prevented from being accounted for, either by the sickness of the disbursing agents, or the very great dis-

ance of the posts at which the disbursements have been made.

Great reductions have been made in the amount of expenditures in every branch of service, as will appear by reference to the reports already referred to, which contain comparative statements of the present and former rates of expenditure.

All which is respectfully submitted.

J. C. CALHOUN.

HEAD-QUARTERS OF THE ARMY,
Washington, 25th Nov. 1822.

SIR: In compliance with your instructions of the 6th instant, I have the honor to enclose the returns and statements following, viz:

- A. A statement of the organization of the army, agreeably to the act of congress of the 2d March, 1821.
- B. A return of the strength of the army, from the last regimental and other returns received at head quarters.
- C. A statement of the distribution of the troops in the eastern department.
- D. A similar statement of the troops in the western department.
- E. A statement showing the number of men enlisted since the first of January last, the amount of moneys advanced since that date for the purposes of recruiting, and the amount to which recruiting accounts have been rendered for settlement.

In connection with the document last mentioned, I have the honor to state that, of \$12,256 35 advanced for the recruiting service, the sum of 3,500 dollars was remitted, on the 22d of May last, to the most remote posts on the lakes, the upper Mississippi, Missouri, &c. for the re-enlistment of men whose terms of service were expiring, and sufficient time has not yet elapsed for the receipt of accounts of disbursements. The remainder of the advance has been made, since the date above mentioned, to commanding officers of regiments and to the superintendents of rendezvous, and from the promptitude with which these officers have rendered their accounts, there is every reason to believe that nearly the whole amount advanced will be accounted for by the 31st of December next.

In reply to that part of your communication directing a report of the inspections which have been made since the first of January, I have the honor to state that brevet major general Scott inspected in person, in the months of January, February, March, and April, all the posts on the Atlantic frontier south of New-York.

Brevet Major General Gaines, during about the same time, inspected the posts of St. Marks and Pensacola, and Baton Rouge, with those on the Red River and Arkansaw, and was, at the date of the last advices from him, on a tour of inspection embracing the posts on the Missouri and the upper Mississippi.

Colonel Wool commenced a tour of inspection in June last, to embrace the troops and posts upon the northern, western, and southern lines of frontier. After passing from Green Bay, on lake Michigan, to the falls of St. Anthony, on the upper Mississippi, and from thence to Council Bluffs, he descended the Missouri, on his way to the Red River, and was left by the last advices convalescent of a dangerous illness, contracted by exposure in his efforts to accomplish the laborious services which had been assigned to him.

Colonel Archer has been engaged, since the 1st of January, in an inspection of the posts of Baton

Rouge, Pensacola, Mobile, and all the posts within the eastern department, garrisoned by the artillery. This inspection has also embraced the ordnance, ordnance stores, &c. at those posts, as well as at the different arsenals.

In this branch of service, so vital to the mechanical discipline and moral efficiency of the army, I owe it, in justice to those concerned in its performance, to say, that every possible exertion has been made to accomplish it effectually.

The commanding officers of the regiments of artillery within the eastern department, were directed, by major general Scott, in the month of August, to inspect their respective regiments; but no report has yet been received as to the execution of the order.

I have the honor to be, sir, very respectfully, your obedient servant, JACOB BROWN.

Hon. J. C. Calhoun, secretary of war.

[Here follows document A, as above described: the aggregates are,

Commissioned officers,	541
Non commissioned officers and privates	5642

Grand aggregate, 6183

B exhibits the latest return of the actual force; the aggregate of which is 5211.

C and D exhibit the distribution of force in the eastern and western departments, under the command of major general Winfield Scott and major general E. P. Gaines.

E. shews the enlistments made in the army since January 1, 1822—total 641.

Next come the following letters:

WAR DEPARTMENT, PENSION OFFICE,

November 3, 1822.

Sir: In conformity with your order of yesterday I have the honor of informing you, that the following sums have been transmitted to the agents for paying the United States' pensioners during the present year:

Revolutionary pensioners	\$1,353,308 58
Invalid pensioners	303,094 24
Half pay, or commutation	12,689 30

I have the honor to be, very respectfully, your obedient servant, J. L. EDWARDS.

Hon. J. C. Calhoun, secretary of war.

B.

ENGINEER DEPARTMENT, November 14, 1822.

Sir: I have the honor to submit the following report in compliance with your order of the 6th inst. viz: "You will report, as early as practicable, the application of the appropriation of last session for fortifications to the several works, and the expenditure necessary for their completion. The works remaining to be commenced according to the plans of the board of engineers; the estimate of the board for those works; the progress of the board of engineers in its labors; comprehending the operations of the topographical engineers, from the commencement of this year; the condition of the military academy, including its present number, and the number which graduated last year; the amount drawn for the three first quarters of this year, under the several heads of appropriation; and the amount of accounts rendered and settled in the same period."

So much of the information above required, as can be exhibited in tables, will be found in those accompanying, marked A, B, and C; and the residue, relating to the board of engineers, the topographical engineers, and the military academy, is stated herewith.

Table A exhibits the sums appropriated at the last session, and their application to the several fortifications; and, also, those necessary for their completion. Of those appropriated, amounting to 350 000 dollars, the proportion applied in the three first quarters of the year is shewn to have been 221,154 dollars and 23 cents, and that applicable to the fourth quarter to be 128,845 dollars and 67 cents. These amounts indicate that the appropriations have been in a regular course of application.

Table B exhibits the works remaining to be commenced, according to the plans of the board of engineers, and the estimates of the board for them arranged into three classes, in the order of their efficiency to meet the earliest probable emergency.

Table C exhibits 274,665 dollars and 43 cents, as the aggregate of amounts drawn for the three first quarters of this year, under the several heads of appropriation; deducting from which 62,484 dollars and 84 cents, the amount unexpended in the hands of agents, at the expiration of the third quarter, there will remain to be accounted for, \$212,180 and 59 cents. The accounts rendered for settlement, as shewn in the table, amount to \$190,477 and 50 cents, which, being deducted from the last stated sum, will reduce the amount to be accounted for to 21,703 dollars and 5 cents, and this sum, with the exception of a trivial amount for contingent disbursements, not yet completed, will be covered by the accounts of captain De Russy for disbursements at Mobile Point, the rendition of which has been delayed in consequence of the sickness of captain De Russy.

The labors of the board of engineers commenced this year on the Gulf of Mexico, where, at the close of last year, they had arrived, on the completion of an examination of the Ohio and Mississippi rivers, with a view to the improvement of their navigation, from the Falls of Ohio to the Balize. Having inspected and reported upon the condition of the Rigolets; re-examined the localities of Mobile Bay, and reported the result, which confirmed and strengthened their previous reports on the propriety of fortifying the east end of Dauphine Island, and reconnoitered Pensacola and its vicinity, they returned to New York, and shortly after repaired to this place. On their return to New York, they commenced immediately their report on the improvement of the navigation of the Ohio and Mississippi rivers, and, at the same time, resumed the prosecution of their projects for the defence of Narraganset and Boston Bays. In June, besides the foregoing, they inspected and reported on the condition of Fort Diamond, and attended the examination at the military academy. In July, they commenced the projects for the defence of Salem and Marblehead; in August completed those for Narraganset roads, and in September completed their report, &c. respecting the Ohio and Mississippi rivers: The projects for Boston, Salem, and Marblehead, being still under prosecution at the close of the month.

The operations of the topographical engineers embraced surveys at Mobile and Pensacola Bays, and the contiguous coast; at Savannah river and at the coast adjoining; at Fort Royal and St. Helena sounds, Charleston, Georgetown, and their vicinities, in South Carolina; at Ocracoke inlet, harbor and bar, in North Carolina; at Marblehead and Salem, in Massachusetts; at Kennebeck and Sheepscut rivers, and Mount Desart Bay and Island, in Maine; also, roads in Michigan, and the lead mines on the Upper Mississippi; besides plotting and drawings relating to the surveys just mentioned.

and others previously made, and the preparation for publication of an account of an expedition on the western waters.

The number of cadets belonging to the military academy amounted, on the 31st ult. to 248, and the number which graduated last year to 40. The condition of that institution is now, in every respect, more flourishing than it has been at any other period heretofore. This is manifest, equally, in the extent and value of attainment, as in subordination and cheerful observance of police regulations, and may be attributed, in a great measure, to the operation of the excellent rules and regulations adopted last year and now in force, together with the zeal and ability with which the duties of the superintendent and officers of the academy have been performed. The additional studies in the higher branches of mathematics and philosophy, although not long since introduced, have now become familiar, and are prosecuted with a zeal worthy of their importance.

Respectfully submitted,

ALEXANDER MACOMB,
Major gen. brv. chief engineer.

Hon. J. C. Calhoun, Secretary of War.

The tables A. B. & C.

A.—[ABSTRACT.]

The appropriations were—

Fort Delaware	:	:	:	:	:	20,000
Washington	:	:	:	:	:	25,000
Monroe	:	:	:	:	:	75,000
Calhoun	:	:	:	:	:	50,000
At Mobile Point, (collecting materials)						50,000
Rigolets and Chef Menteur	:	:	:	:	:	100,000
Opposite St. Philip, on the Mississippi, (collecting materials)						30,000
						<hr/> 350,000

On these works \$221,154 53 cents, had been expended in the three first quarters of the year, leaving \$128,845 67, for those of the last quarter. In no case had the appropriation been exceeded, and, as to two or three items, the balance in hand was large, for the reason that the appropriation could not be profitably expended, on account of the season, &c. as is set forth.

The following shews the balance of the appropriations remaining on hand and the amount estimated as necessary to complete the works—that on hand to be deducted from the whole sum given—

	On hand.	To complete the works.		
Fort Delaware	:	:	6,600 00	57,899 80
Washington	:	:	6,181 14	46,077 98
Monroe	:	:	14,821 37	175,560 86
Calhoun	:	:	12,600 00	530,554 32
At Mobile Point	:	:	30,000 00	547,065 94
Rigolets, &c.	:	:	29,443 16	362,189 53
Opposite St. Philip	:	:	29,200 00	392,127 40
			<hr/> 128,845 67	<hr/> 2,111,475 83

Table B.—[given in full.]

Exhibiting the works remaining to be commenced, according to the plan of the board of engineers, and the estimates of the board for those works:

First class, to be commenced as soon as possible.

Designation of the works.	Estimate of the Board.		
Fort St. Philip, Louisiana	:	:	77,810 79
Battery at Bayou Bienvenue	:	:	94,582 30
Fort at Soller's point flats, (Patapsco river)	:	:	673,205 44
Fort at New Utrecht Point Narrows, New-York harbor	:	:	371,970 60

Redoubt in advance of ditto	:	:	53,024 72
Fort Tompkins, New-York	:	:	420,826 14
Redoubt in advance of ditto	:	:	65,162 44
Fort at Wilkin's point, New-York			456,845 51
Fort at Throg's point, New York			471,181 53
Fort at Brenton's point, Rhode Island			575,514 10
Redoubt in advance of ditto			154,652 42
Fort at Dumping's point, Rhode Island			579,946 56
Fort at Rose Island, Rhode Island			82,411 74
Dyke across west passage Narraganset Roads			<hr/> 205,000 00

Dolls. 4,282,134 30

Second class, to be commenced at a later period.

Designation of the works.	Estimate of the Board.
Fort at Grand Terre, Louisiana,	264,517 52
Tower at Pass au Heron, Mobile bay	16,677 41
Tower at Bayou Dupre	16,677 41
Fort at Hawkins' point, Patapsco river	244,337 14
Fort at St. Mary's, Potomac river	205,602 33
Fort opposite Pea Patch, Del. river,	347,257 71
Fort at Middle Ground, outer harbor, New York	1,681,411 66
Fort at East Bank, do.	1,681,411 66
Fort Hale, Connecticut,	31,815 83
Fort Wooster, do.	27,793 34
Fort Trumbull, do.	77,445 21
Fort Griswold, do.	132,230 41

Dolls. 4,727,177 63

Third class, to be commenced at a remote period.

Designation of the works.	Estimate of the Board.
The rafts to obstruct the channel between forts Monroe and Calhoun	240,568 00
Fort on Craney Island flats	258,465 00
do. New Port News	244,337 14
do. Naseway shoal	673,205 44

Dolls. 1,416,575 58

RECAPITULATION.

First class, 14 works	:	:	4,282,134 30
Second class, 12 works	:	:	4,727,177 63
Third class, 4 works	:	:	1,416,575 58

Dolls. 10,425,887 51

Remarks. The classification in this table, distinguishing three periods, exhibits the works enumerated in the order of their efficiency to meet the earliest possible emergency.

C.—[Noticed.]

This table gives only the amounts drawn and accounts rendered, and is not important except to shew a careful disbursement—unless on account of those on the southern coast, the one agrees with the other with remarkable accuracy; the accounts of the disbursements at the Rigolets, Chef Menteur, Mobile, &c. have not been rendered as yet, in consequence of the sickness with which the officer, charged with them, had been and yet was afflicted, at the date of his last report.

[Next follows a letter, signed 'Geo. Bomford, lieutenant on ordnance duty,' offering certain suggestions for the better management of the lead mines belonging to the United States.

[Another letter, from the same officer, shews that, from the 1st January to 30th October, 1822, 16,800 muskets had been manufactured at the armories at Springfield and Harper's Ferry; 25,792 ditto cleaned and repaired at different arsenals, and gives a detail of all other minor things done at the various stations.

[He next gives a statement of the funds remitted during the same period—they amount to \$311,347

15 cents; for which accounts are rendered to the amount of \$297,852 16—leaving only \$13,494 99 cents to be accounted for by the disbursing officers, who, it is estimated, have not really more than \$2,000 in their hands.

[The comparative cost of muskets in 1817 and 1821, is then shewn. The average cost in 1817 was \$13 90½; in 1821, \$12 51½—difference \$1 39. It is expected that the cost of making a musket will not exceed twelve dollars in the present year.

[Then follows a report from the quarter-master general's office, going to shew certain great savings made by the present system under which it is managed. The accounts appear well kept up, and the difference in the expenditures in this department is thus exhibited:

Expenditures in 1817,	\$460,000 00
1822,	\$351,825 41
	108,674 59

This results from a comparison of the items common to both years.

[After which comes a letter from the paymaster general, detailing his affairs. The whole amount remitted in the three past quarters of the year was \$693,925 47, of which \$2,073 62 is to be accounted for hereafter. The debits and credits seem to be carefully attended to.

[The surgeon-general also makes an interesting report—in 1806 and 1807, the appropriation to the medical department amounted to 4 dolls. per man; in 1810 and 1811, to 5 dolls.; in 1816, '17 and '18, to 7 dollars; in 1819 and '20, after the organization of the present system, to 3 dolls.; but, in 1822, the cost will only be at the rate of 2½ dolls. per man.

[The commissary general of subsistence shews a saving of one-third in favor of the present commissariat system, and yet the troops appear to be much better provided than they were. Only 10,729 dolls. are represented as being in the hands of the contractors and assistant commissaries, yet to be accounted for.

[The commissary-general of purchases gives a statement of his accounts—he reports a balance of cash in hand, amounting to \$10,491, after all the purchases of clothing, &c. required for the service of the present year, are paid for. There has been a general saving in the cost of articles within this branch of the department. The expense of every item is minutely stated.]

Here ends the documents belonging to the department of war.

Seventeenth Congress—2nd session.
IN THE SENATE.

December 20. A bill concerning the lands to be granted to the state of Missouri for the purposes of education, and other public uses, and two private bills, were passed.

The senate then proceeded to the appointment of a committee on the subject of roads and canals, in pursuance of the resolution adopted yesterday, and Messrs. *Bronson*, of Ohio, *King*, of New York, *Smith*, of Md. *Johnson*, of Ky. and *Rodney*, were appointed.

Mr. *Talbot*, from the select committee appointed on that subject, reported a bill making an appropriation (in blank) for repairing the national road from Cumberland to Wheeling; the bill was read.

Mr. *Johnson*, of Ky. in submitting the following resolution, observed that the information it proposed to call for was necessary to enable the committee on military affairs to proceed understandingly in the inquiry which they were instructed to make

into the expediency of establishing an armory on the western waters; and, as it was desirable to enable the committee to commence that inquiry as early as practicable, he deemed it proper to submit the resolution, which he now laid on the table:

Resolved, That the president of the United States be requested to cause to be laid before the senate the number of arms required annually to supply the militia of the west, according to the acts of congress; the probable number necessary to be placed in the military depositories located, or to be located on the western waters; the cost of transportation of arms to the western states and depositories; the probable cost of manufacturing arms in the west; the probable cost of erecting, at this time, on the western waters, such an armory as that at Harper's ferry or at Springfield; and such other information as he may deem important to establish the expediency or inexpediency of erecting on the western waters a national armory.

The senate then went into the consideration of executive business, after which they Adjourned to Monday.

December 23. Mr. *Noble* submitted the following for consideration:

Resolved, That the select committee on roads and canals be instructed to inquire into the expediency of modifying the act of congress, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned," in such manner that the road named in the said act, shall be laid out through Columbus, Indianapolis, and Vandalia, the seats of government of the states of Ohio, Indiana, and Illinois; and to inquire also into the expediency of making a further appropriation for the purpose of completing the location of the said road.

The resolution submitted by Mr. *Johnson*, of Ken. on Friday, calling on the executive for information relative to the manufacture of arms, &c. was taken up and agreed to.

After attending to some minor affairs, the senate went into the consideration of executive business, and then adjourned.

December 24. Mr. *Homes*, of Maine, submitted the following resolution for consideration:

Resolved, That the president of the United States be requested to communicate to the senate such information as he may possess, of the commercial relations which now exist between the United States and the present government of St. Domingo; what is the political condition of the island; whether any European nation pretends to claim the government of the island; and whether any further commercial relations with the existing government would be consistent with the interest and safety of the United States.

The other business transacted this day will sufficiently appear in the future details of proceedings.

HOUSE OF REPRESENTATIVES.

Friday, Dec. 20. Mr. *Nelson*, of Virginia, from the committee on the judiciary, to which the subject had been committed, reported a bill concerning the apportionment of representatives in the state of Alabama, which received its first and second reading, and was committed to the committee of the whole house.

The resolution yesterday moved by Mr. *Trimble*, requesting from the president of the United States information and estimates of the expense of fortifying Thompson's Island, commonly called Key West, on the coast of Florida, was then taken up; and the question being stated on agreeing thereto,

Some debate took place—the policy of establishing a naval depot on an island, was questioned by Mr. *Floyd*. Mr. *Trimble* was not sure that he should finally vote to establish a depot at Key West, but he thought the information that he sought was important. and he briefly stated the following facts— "From Cape Florida to West Key is 70 miles; from West Key to Havana is 75 miles—and the island lies about 35 miles west of a direct line drawn from Cape Florida to Havana. It commands the commerce of the gulf stream better than Havana itself. Its harbor is sufficiently capacious for the whole navy of the United States to lie in, supposing it to consist of fifteen ships of the line, and a due proportion of vessels of a smaller class."

At last, the resolution was agreed to. Mr. *Fuller* offered the following:

Resolved, That the secretary of the navy department be directed to inform this house what rules and regulations have been proposed by the board of commissioners and approved by the president, for the government of the navy of the United States, and how far a revision of the same may be necessary.

This resolve lies over for one day.

Mr. *Wright* submitted the following:

Resolved, That the committee on the militia be instructed to inquire into the expediency of arming the militia with rifles, except those residing in cities, towns, and villages, and report thereon by bill or otherwise.

Mr. *W.* supported his resolution by a speech of considerable length. He noticed the carnage at New Orleans, and said he had been told that, after the battle, a bet of a supper was made between the officers of two rifle corps from Georgia and Tennessee, of six shots aside, an hundred yards; that they shot at a paper on the mouth of a musket; that the Tennesseans shot their six balls into the musket, on which the Georgians gave up the bet.

The resolution was ordered to lie on the table.

The house then, on motion of Mr. *Fuller*, took up the bill, lying on the table from the last session, for incorporating the United States' naval fraternal association for the relief of the families of deceased officers; and the question being on ordering the bill to a third reading—

Mr. *Colden*, though entirely favorable to the object, asked if congress was competent to incorporate such an association? Mr. *Fuller* stated that the power of the corporation was limited by the bill to the district of Columbia, &c. The bill was recommended, that it might be so amended as to remove some objections to it.

The engrossed bill to make perpetual the act of March 3, 1815, to regulate the collection of duties on imports and tonnage, was read a third time, *passé*, and sent to the senate for concurrence.

The following committees have been recently appointed by the speaker, in pursuance of the orders of the house of representatives:

On retrenchment. Messrs. Hardin, Whipple, Tracy, Holcombe, Ross, Williams, of N. C. Wm. Smith. *On the sales of city lots, &c.* Messrs. Cocke, Woodcock, Warfield, Floyd, Lincoln.

On the bill to abolish imprisonment for debt. Messrs. Speed Smith, Nelson, of Va. and Cuthbert.

Adjourned to Monday.

Monday Dec. 23. Mr. *Udree*, of Penn. elected in the place of Mr. *Worman*, deceased, appeared, was qualified and took his seat.

Mr. *Barstow*, of Massachusetts, also took his seat.

A memorial was presented by Mr. *Gorham*, of the merchants and others, inhabitants of Boston, interested in commerce, representing many defects in the present system for the collection of duties on imports and tonnage, and praying for a revision of said system, and that certain alterations specified in the memorial may be made in the said system, which memorial was referred to the committee of the whole house on the state of the union, and ordered to be printed.

Mr. *Little* presented a petition of sundry merchants of the city of Baltimore, praying for further compensation for damage sustained by their vessels, in consequence of their being sunk in the entrance of the harbor of Baltimore to prevent the entrance of the British shipping into that harbor in the month of Sept. 1814; which petition was referred to the committee of claims.

The house then, on motion of Mr. *Tattnall*, resolved itself into a committee of the whole, Mr. *Tomlinson* in the chair, on the report of a committee of the last session, condemning so much of cer-

tain treaties with the Cherokee and Creek Indians, as grants to those Indians the fee simple to certain lands in the state of Georgia.

[This appears to be a matter of great interest to the state of Georgia, and the object is to obtain an appropriation of money to extinguish the Indian title to certain "reserves" embraced in different treaties. As the house did not seem prepared to act on the case, the report was laid on the table for the present.]

The bill to make a road through the Black Swamp, in Ohio—that is, from the lower rapid of the Miami of lake Erie, to the western boundary of the Connecticut Western Reserve, agreeably to the provisions of the treaty of Brownstown, was next taken up and considered. Mr. *Vance*, of Ohio, gave a brief statement of the importance of such a road, not as being of much benefit to Ohio, but as of great benefit to the United States; saying that if this road had been constructed before the late war, millions of dollars would have been saved. The bill contemplates the grant of certain parcels of land bordering on the road, to enable the state of Ohio to make it. Ordered to lie on the table, that time might be allowed to consider it.

The bill to allow three representatives to the state of Alabama, was read a third time and passed. It appears that the federal number in this state, is returned at 125,401, though the returns of two counties had not yet been received.—So she has a population of 5,401 over the requisite amount to entitle her to three representatives without those counties.

On motion of Mr. *Gorham*, of Massachusetts, the house resolved itself into a committee of the whole Mr. *Campbell*, of Ohio, in the chair, on the bill in addition to an act to continue in force the act to protect the commerce of the United States against pirates, and to punish the crime of piracy.

The object of this bill is to make certain classes in the act perpetual—no opposition was made thereto, and it was ordered to be engrossed and read a third time to-morrow.

The house, in a committee of the whole, spent much time on the bill providing for the examination of certain land titles in Louisiana. The committee rose at sun-set, and had leave to sit again.

Tuesday, Dec. 24. Mr. *Dwight* presented a memorial, (which was read), signed by 138 citizens of Washington and Georgetown, praying congress to appropriate two or three millions of dollars for the assistance of the Greeks—Mr. *D.* preceded the presentation by a speech of some length, which we shall insert hereafter. The memorial was laid on the table.

On motion of Mr. *Ingham*, it was

Resolved, That the committee on roads and canals be instructed to inquire into the expediency of appropriating money for the purpose of aiding in the completion of a canal from the waters of the Chesapeake to those of the Delaware.

The bill to amend the act regulating the collection of duties on goods imported from adjacent states and territories; and the bill to make perpetual the provisions of the act for the punishment of piracy, &c. were severally read a third time, *passé*, and sent to the senate for concurrence.

The rest of the day was spent on the bill for examining titles to land in Louisiana—it was ordered to lie on the table for the present.

The speaker presented the annual report of the secretary of the treasury, of which 5,000 copies were ordered to be printed.

The house adjourned until Friday.

NILES' WEEKLY REGISTER.

NEW SERIES. No. 18—Vol. XI.] BALTIMORE, JAN. 4, 1823. [No. 18—Vol. XXIII. WHOLE No. 590

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$3 PER ANNUM, PAYABLE IN ADVANCE.

"THE HOLY ALLIANCE." The latest London paper received at New York—from the Courier of France, Nov. 7 at 3 o'clock, P. M. mentions a strong report that the congress of Verona had suddenly broken up. No official information of the fact had been received—but the report is corroborated by a notice in the French papers of the return of the minister of that court from Verona. No cause is assigned for this unexpected affair.

THE GERMAN SOCIETY, of Maryland, lately held their annual meeting at Baltimore, and, after the transaction of the usual business, partook of a dinner. The cloth being removed, the following neat toasts were among those that were drank.

The land of our fathers—The country of thought.
The land we live in—"The home of the free."

The German universities—The majestic march of mind is about to lay the foundation of the independence of all nations.

WHEAT. The N. Y. Commercial Advertiser says—It is a singular fact, that more than two thousand bushels of wheat have recently been imported from London to this city, and we are told that five thousand bushels are now on the way hither, from Liverpool. We have seen a calculation, by which it appears that, after deducting the freight, insurance, and other charges, this wheat will yield a profit of 25 per cent.

MARYLAND. A report and estimate on the financial affairs of this state, gives us the following results:

What is called the "states capital" amounts to \$1,183,926 13—of which \$133,717 is in U. S. 6 per cent. stock, and \$335,104 in the 3 per cents. The stock held in different banks and companies amounts to \$619,944, of which 170,444 is at this time unproductive, being chiefly in the Potomac company.

The receipts into the treasury for the year ending Dec. 1, 1822 amounted to \$237,858 86
In the treasury Dec. 1, 1821 76,675 74

Expenditures of the year 227,900 52
Appropriations yet unpaid 37,535 04
Journal of accounts, present session 35,000 00 300,435 56

Balance 14,100 04
The deficit of the next year is estimated at \$26,410; the probable receipts being put down at 119,259, and the expenditures at 145,669.

Some of the chief items of expenditure are as follows:

The governor 2,666 67; 5 councillors at 500 each 19 judges 32,400; the chancellor 3,400; half-pay list 19,822; donations to colleges and schools 12,200; the penitentiary 9,800; interest on loans 6,500; journal of accounts of the session of the legislature 35,000.

NAVY OF THE U. S. According to the letter, or report, of the secretary of the navy, (see page 282), Vol. XXIII.—18.

the present condition of the navy of the United States is as follows:

Ships of the line. In commission 1—in ordinary 6—building 5, of which two are nearly finished—total 12

Frigates of 44 guns. In commission 1—in ordinary 4—building 4—total 9.

Frigates of 36 guns. In commission 1—in ordinary 3—total 4.

Steam frigate of 30 guns. The *Fulton*, in ordinary.

Ships of 24 guns. In commission 2—total 2.

Sloops of war, of 18 guns. In commission 3—in ordinary 1—total 4

Brigs of 12 guns. In commission 2—total 2.

Schooners of 12 guns. In commission 6—total 6. (One lost since the return, but not included in this amount.

RECAPITULATION.

Admitting that all the ships now building were, (as they might speedily be in case of necessity), prepared for action, the naval force would rate as follows:

	guns	guns.
12 ships of 74	.	888
9 do. of 44.	.	396
4 do. of 36	.	144
1 do. of 50	.	30
2 do. of 24	.	48
4 do. of 18	.	72
2 brigs of 12	.	24
6 schooners of 12	.	72

40 vessels 1674 guns

Besides these vessels, (which are all of the first character in their several classes), some light vessels are attached to the navy, as for the time being.

The amount of guns shews what the regular navy will carry at the respective rates of the vessels; but it is known that each of them carries a considerable number more than the amount of their rate.

COTTON GOODS. The Boston Statesman gives the following as the aggregate value of the colored and white cotton goods imported at Boston, in the three first quarters of the present year.

Colored cottons	\$890,911
White do.	373,403

\$1,264,314

During the same time the value of 4,841 dollars in bullion, and 166,484 in coin, was received at the same port.

THE CALEDONIAN CANAL. This great work, which opens a communication from sea to sea through Scotland, is just completed, and was opened a short time ago, after twenty years labor and the cost of about 900,000, or 4,000,000 dollars.

"PUNISHMENT."—In an article under this head, in the Register of the 21st ult. we noticed the degree of punishment that had been inflicted on Hollingshead and Scull, at Philadelphia, for being engaged in a most detestable attempt to defraud certain underwriters. As it regards Scull, that punishment seems to have been severe enough.

He had before maintained a respectable standing, and the ignominy he had brought on himself has caused his death, through a deep sensibility of his miserable condition.

CITY OF NEW-YORK. The progress of the population of this city is given as below. Since the year 1790 it has increased nearly 400 per cent. Who can calculate its advance, when fully aided by its intercourse with the "vast" west and north, by means of canals?

Census	Inhabitants
1756	10,881
1771	21,863
1786	23,614
1790	33,131
1800	60,489
1805	75,770
1810	93,914
1820	123,000

FROM A PENNSYLVANIA CORRESPONDENT.

Mr. Niles,

SIR—I have read in your last number, with the attention to which the subject is justly entitled, the essay signed "A Merchant," on which I request your permission to offer a few remarks.

I pass over the very profound and judicious observations on the reduction of the rate of exchange to one or two per cent. above par, and the equally profound and judicious observations on the novel discovery, that the excess of the exportation of specie over the importation, may be a proof of a favorable state of the commerce of a nation. These views I leave to your criticism, being so far more capable than I am of doing justice to the subject. I shall confine myself to two points—the "success of our present system of free trade," and the position that this success "is making converts to our system in every part of the world"—that is to say, I presume, in Asia, Africa, and South America, as well as in Europe—for certainly, those regions are embraced in the comprehensive terms, "every part of the world."

The idea of the success of "our system of free trade," which means simply the "freedom" to import every thing our merchants choose, how pernicious soever to the country, from "every part of the world," is almost too ludicrous for serious argument, if the "Merchant" really means good "success." If he means ill "success," then he is perfectly correct.

In place of a long abstract discussion, which would perplex a common reader, I shall state a few notorious facts, which will shed strong light on the subject, and prove that the "Merchant" must have had sinister "success" in his mind's eye, when he penned his essay.

"Our freedom of trade" deluged the country in 1815 and 1816, with foreign merchandise to the amount of \$179,000,000, (exclusive of re-exportations,) affording a revenue, in the first year, of \$36,300,000—and in the second, of \$27,480,000. Whereas, in the two years, our exports amounted to only \$110,700,000. These enormous importations, the successful result of our "freedom of trade," produced a most ruinous system of over-trading—raised the price of bills on England exorbitantly—drained the country of its specie—forced many of the banks, which were wholly unprepared for such a pressure, to stop payment—obliged all of them to curtail their discounts, and to press on their debtors—whereby bankruptcy, ruin and destruction, overspread the face of the land in 1817,

1818, and 1819, producing more distress and suffering than a war of equal duration would have done.

These are the "successful" exploits of "our freedom of commerce," for the first five years of peace. How far the "Merchant" can find any rational ground of congratulation for the remaining three years, remains to be ascertained.

In 1820 and 1821, a state of convalescence proceeded. We recovered gradually, and were felicitating ourselves on the favourable prospect of our affairs—when, lo! this eulogized "freedom of commerce" once more comes into operation, and dashes the cup from our lips. In the year 1822, it renews the scenes of 1815 and 1816—deluges the country with merchandise to the amount of \$58,000,000 in nine months—whereas, our exports for the same space of time were but \$41,000,000, on which we have lost at least \$3,000,000, thus leaving a balance against us of \$20,000,000. So much for "freedom of trade."

The other point, on which I wish to offer a few comments, is embraced in the assertion, that "our system is making converts to it in EVERY PART OF THE WORLD."

This is a sweeping, unqualified assertion, which, if true, ought to have weight with congress and our citizens at large—if unfounded, it ought not to have been hazarded by a man of honor, as being liable to mislead our citizens, and the government, on a subject of vital importance—a subject in which errors are pregnant with the most serious consequences. My convictions, but they may be erroneous, are, that the assertion is wholly without foundation. I therefore call on the "Merchant," as he values his character for veracity, to produce any substantial evidence—I will not say "in every part of the world," (which would embrace Asia, Africa, and South America,) but in Great Britain, France, Russia, Austria, Prussia, Denmark, or Sweden, within the last ten years. Should he fail in this, I trust he will come forward, as a gentleman ought to do, and acknowledge he was in error.

Let it be observed, however, that I enter my protest against two things—first, against the citation of the relaxation of the colonial system of Great Britain, and the navigation laws of France, adopted in both cases with a very ill grace—with great reluctance, and after a long and arduous struggle, and in which there is no "imitation" of "our system"—no proof of its "making converts." These were victories obtained by our "restrictive system" over the "restrictive system" of Europe.

My other protest is against any reference to theorists, in "every" or any "part of the world," who are probably paid to spread false doctrines to deceive us as to our true interests. I insist on solid facts. But if recourse is had to theory, Ferria, a recent French author, will outweigh all the modern disciples of the new school. NECKER.

December 25, 1822.

DICKINSON COLLEGE—Carlisle, Pa. The college faculty consists of Dr. J. M. Mason, D. D. principal; H. Vethake, esq. of New Jersey, Rev. A. McClelland of New York, and rev. J. Spencer, of Maryland, professors in the different departments. The faculty were inaugurated and the college opened on the 15th January last, and there are now 19 senior sophisters, 25 juniors, 21 sophomores and 11 freshmen—making 76 students. In the grammar school attached to the college, there are 24 scholars. About one half of the students are from Penn-

the remainder from Kentucky, Tennessee, Ohio, Virginia, Maryland, New Jersey and New York. The increase of students has been so rapid as to induce the trustees to apply to the legislature for aid in the erection of additional buildings, and a bill has been reported in the senate of Pennsylvania for the building of an edifice to accommodate 200 students, and granting \$3,000 for the purchase of philosophical apparatus and to complete the laboratory. It is expected that this bill will pass, for Pennsylvania omits no opportunity to encourage education, internal improvement, and domestic industry.

STEAM BOATS ON THE MISSISSIPPI, &c. *From the Louisiana Advertiser of the 25th November.* The first steam boat employed in trade, on the Mississippi, was called the New Orleans, of New Orleans, built at Pittsburgh in 1812, and enrolled and licensed for the coasting trade, at the port of New Orleans, in 1813, nine years ago; since which period, up to the present time, there has been eighty nine different boats enrolled at the port of New Orleans.

Of this number, several have been built at New Orleans, but they have been principally built on the waters of the Ohio—forming, in the aggregate, a tonnage exceeding *eighteen thousand tons*.

This first boat was lost in 1814, and up to the present time there have been twenty-three other boats lost, either being sunk, destroyed by fire, decayed or laid up, and out of use—forming, in the aggregate, about four thousand tons—and leaving a balance, say in round numbers, fourteen thousand tons of this description of vessels now employed, or which may be employed, in trade on the Mississippi and its tributary waters, with the port of New Orleans.

This 14,000 tons does not probably employ more than 1000 hands, and can do more in a given time than 50,000 tons could have done in barges, keel boats, or any other kind of vessels employed ten years ago, with 20,000 hands. The rapid increase of steam boats, had very soon the natural tendency of reducing freights, and although the owners suffered severely from this cause and the consequent diminution in the value of the vessels, yet the country, at large, has been greatly benefited by their introduction; and it is to be hoped, the number in existence can now be beneficially employed.

The Jews are building a new synagogue at Philadelphia—it is now under roof. In the south east corner stone, was deposited the coins of the country, and a plate with the following inscription.

"The corner stone of a house consecrated to the worship of Almighty God Jehovah, by the congregation Kal Kadosh Miekve Israel, is placed in its bed by John Moss, on the eleventh day of Tisri, Anno Mundi 5588, corresponding to the 26th day of September in the 47th year of the independence of the United States of America—"

James Monroe being president, and Daniel D. Tompkins vice-president of the United States of America, and Joseph Hiester governor of the commonwealth of Pennsylvania. This happy country in which religious and civil liberty is secured to its inhabitants, is now at peace with the whole world; may that enjoyment long endure, and the integrity of this government, and the reign of "virtue, liberty and independence" be triumphant until "the wreck of matter and the crush of worlds."

After this follows the names of the building committee, &c.

ESTABLISHED CHURCH.—*The blessing of one.* There are about 13,000 clergymen of the established church in England and Wales. They are evidently divided into two parties; one denominated—but why I have yet to learn—*Orthodox*; the other, generally, *evangelical*, frequently, *methodical*, and sometimes, *puritanical*. The former which is by far the more numerous, may comprise about 10,000; the latter, which appears to be annually increasing, and to be chiefly composed of pious, zealous clergymen, sound expert theologians, exemplary in their conduct, very useful members of the community, and conscientiously attached to the established church, but as ardently solicitous for its reformation, may comprise about 3000. Of the *orthodox* clergy, it has been fairly computed that at least three fourths are attached to the established church, *merely under the influence of pecuniary considerations*. These, together with their families, dependents, patrons, &c. may amount to about 40 000; and in each parish, one with another, there are probably about twenty individuals *habitually*, or *hereditarily*, but inconsiderately attached to the established church, *without any regard to its reformation*; making altogether about 250,000.—*Lon. pap.*

HUMAN BONES. *From a late London paper.* It is estimated that more than a million of bushels of human and inhuman bones were imported last year from the continent of Europe into the port of Hull. The neighborhood of Leipsic, Austerlitz, and Waterloo, and of all the places where, during the late bloody war, the principal battles were fought, have been swept alike on the bones of the hero and the horse which he rode. Thus collected from every quarter they have been shipped to the port of Hull, and thence forwarded to the Yorkshire bone grinders, who have erected steam-engines and powerful machinery, for the purpose of reducing them to a granular state. In this condition they are sent chiefly to Doncaster, one of the largest agricultural markets in that part of the country, and are there sold to the farmers to manure their lands. The oily substance of the bone gradually evolving as the bone calcines, makes a more permanent and substantial manure than almost any other substance—particularly human bones. It is now ascertained beyond a doubt, by actual experiment, upon an extensive scale, that a dead soldier is a most valuable article of commerce, and for ought we know to the contrary, the good farmers of Yorkshire are indebted to the bones of their children for their daily bread. It is certainly a singular fact, that Great Britain should have sent out such multitudes of soldiers to fight the battles of the country upon the continent of Europe, and should then import their bones as an article of commerce to fatten her soil.

FOREIGN NEWS.

From London Papers to Nov. 27.

Great Britain and Ireland. The counties of Cork, Limerick, Carlow, Westmeath and Antrim, in Ireland are in a dreadful condition.—The peasantry are in arms, committing all sorts of outrages, and persons of wealth are abandoning their homes for safety in the towns. It seems as if this miserable people had been rendered savage by suffering.

We learn that las Casas, (says a London paper,) eldest son of the count, lately gave sir Hudson Lowe a sound horse-whipping in London—in the street, and opposite the house of the latter.

France. There has been a sudden fall in the French funds—which is ascribed to the illness of

the king, whose death would be attended with serious embarrassments.

It is believed a most extensive conspiracy exists in France—it is avowed that more than a million of men were affiliated. What their design is no one knows—possibly it is to act together on the decease of the king, who cannot be expected to live much longer.

Several lecturers on history in the different colleges, have been ordered to suspend their lectures. Any thing that touches the revolution of France, is deemed seditious.

Spain. It was thought that the constitutional army in Catalonia would amount to 30,000 men before the end of October. Great efforts were making to put down the seditious priests and their adherents, who, it seems, find a refuge in France, when hard pressed. But it appears that the "army of the faith," 20,000 strong, has lately defeated a constitutional army under general Torrijos, who lost 600 men and was himself killed. The "army of the faith" is commanded by M. d'Eroles, lieutenant general.

A French paper reports that the allied sovereigns have resolved to re-establish the former constitution of Spain, and "restore the king to his liberty."

Portugal. A splendid reward, "of 30,000 golden crusades, payable in 20 years, and 600,000 reas of annual revenue to be applied to the purpose, with a medal of the value of 50,000 reas," is offered by a Portuguese decree for the best project of a civil code for that kingdom—the award to be made by five persons, and subject to a revision of the cortes.

Prussia. The priests of this kingdom are ordered to make the following addition to the formal prayers used on the national holidays. It looks more like blasphemy than religion—but the priests will be obedient to the king, though they offend the OMNIPOTENT!

"Bless and protect, in a peculiar manner, the Holy Alliance, and the Monarchs who formed it, in order that they may govern their people, and render them happy in the faith of Thee and Thy Son, Saviour of the world. Cause their holy work to succeed for the glory of thy name, and the assurance of the general welfare: to the end that peace, order, and justice, may reign every where; and that our most remote posterity may with gratitude partake of thy benedictions and benefits."

Cuba. About the 7th ult. certain proceedings at Havana seemed to threaten complete destruction. The natives and the European Spaniards have always been jealous of one another, and, at the late election of delegates to the cortes, they nearly came to a general battle. The old Spaniards, fearing the success of the ticket supported by the natives, attempted to influence the choice by the presence of the troops—on which the other party collected a superior force, and sent word to the governor that they were prepared to maintain their rights by arms. The military were withdrawn, the ticket supported by the natives succeeded, and the quiet of the city was restored after being disturbed for some days.

It is expected that examples will be made of some of the ringleaders of this plot against the rights of the people. Eighteen persons, most of them officers in the army, are to be tried, and capital punishment of some of them is spoken of.

Colombia. The latest accounts notice two battles between generals Montilla and Morales, in both which the Colombians were victorious. They were fought on the 22nd and 23d of November, near Salina Rica; and, by the result, the royal forces were reduced to about 600 men, with whom Morales fled

to Mitari, where general Torrelles was making every preparation to attack his shattered forces. The Spanish frigate *Ligera*, brig *Hercules* and schooner *Constitution*, that sailed from Curracoa on the 24th November anchored at Las Tacques on the 25th, and were still lying there on the 27th. Commodores Daniels and Beluch were cruising in the Gulf of Maracaybo with a view of intercepting the Spanish fleet. The following vessels compose the Colombian squadron:

Corvette Bolivar	25 guns—	250 men
Ship Lady Barrington,	28	200
Brig Independencia	18	150
Brig Vencedor	18	150
Brig Mosqueto	20	100 fr. Engl'd
Schr. Independencia	10	80
Ketch brig	8	50
Total	127	980

The Spanish squadron consists of

<i>Ligera</i> frigate	44 guns—	300 men
<i>Hercules</i> brig	20	140
<i>Constitution</i> schr.	5	50
Total	69	490

Canova, the Sculptor.

The most important intelligence derived from Europe, is the death of the celebrated sculptor CANOVA. The following extracts relating to him, taken from English papers, will be read with interest:

FROM A GENTLEMAN AT VENICE.

Oct. 12, 8 o'clock.—Sent my servant to inquire for Canova's health. Half past eight, or before nine, he returned; I was in hopes with Canova's thanks, that he was better; but no—that he was dead!—Canova died about ten minutes before 8 o'clock.

"Sic transit gloria mundi!"

Ten o'clock.—Went to Canova's house. The professors, they said, were come. I was ushered into the chamber of death. Canova's body was covered, except his head, and at the head was a professor; my feelings sicken; covering the mortal part of Canova with plaister of paris to take a cast! In two seconds I repressed my indignation, recovered my senses, and forced myself, with foreigners, to assume a tone, or rather manner, which ill accorded with the genuine and native feelings of my heart. Coffee was handed to me, and different statues were discussed, as if Canova himself had been sleeping. Approaching nearer the bed, I saw, and seeing, took hold of his right hand. Death had not yet stiffened the nerves, nor had the blood become entirely colorless. His thumb lay concealed by the position of the hand. I was touching it, but could only see that part of it which had wrought such miracles. After this, I was ill prepared to re-discuss any of this great man's works, and slid gently out of the room. For a few seconds, I set down in the anti-room, next to Canova's bed room, till the entrance of different persons roused me to a different scene.—An inspector of the police entered, with an air which said, "I am here of right and of consequence, and as a matter of business." Sitting down, with pen and ink, and taking out a printed form, not forgetting his snuff box, which seemed more necessary than either, he began a number of polite questions. No one of feeling could detail the hard, dry skeleton of this form. One coincidence struck me; a door opened: a servant passed across the room with downcast and blood-shot eyes. It was Canova's own body servant. When, tapping his box, I heard the police

officer repeat, "thirteen different orders, I think, you said?" This question was put to the bystanders. I know not their names; they were people of the house; no connexions, but of locality alone. The poor servant had passed on, thinking little and caring less about all the decorations this world could bestow. People began to enter the anti-room. The questions of curiosity ill suited the scene, and I left it as quietly as I had entered. The feeling which led me there was to know the certainty. Canova is to be opened to-morrow. My servant says that the dust from the chisel was the primary, I mean distant, cause of his death; but on this point I am not informed.

The ensuing scanty particulars of his biography, are given in a work by a lady, entitled "Rome in the nineteenth century."

Canova was born at Passagno, a small village in the Venetian territory, of parents whose poverty disabled them from giving to the genius his earliest youth displayed, the usual cultivation or encouragement. But he resolutely struggled with every difficulty, and finally triumphed over his fate.

At the age of fourteen, having obtained the long wished for boon of a small piece of marble, he sculptured out of it two baskets of fruit, which are now on the staircase of the Palazzo Faresetti, at Venice.

The next year, when only fifteen, he executed Eurydice, his first statue, in a species of soft stone, called Pietro Dolce, found in the vicinity of Vicenza; and, three years after, Orpheus, both of which are in the Villa Falier, near Asolo, a town about fifteen miles from Treviso.

His first groupe in marble, that of Dædalus and Icarus, he finished at the age of twenty, and brought with him to Rome, where he vainly solicited the patronage of the Venetian ambassador, and of many of the great; but when almost reduced to despair, without money or friends, he became known to sir William Hamilton, whose discernment immediately saw the genius of the young artist, and whose liberality furnished him with the means of prosecuting his studies, and of establishing himself as an artist in Rome. To this, his first patron, and to all his family, Canova has through life manifested the warmest gratitude.

Through sir William Hamilton, his merit became known to others; even the Venetian ambassador was shamed into some encouragement of his young countryman, and ordered the groupe of Theseus and Minotaur. A few years after, Canova was employed to execute the tomb of Ganganelli, in the church of the SS. Apostoli, at Rome. With these exceptions, all his early patrons were Englishmen. Amongst these were lord Cawdor, Mr. Latouche, and sir Henry Blundell, for the latter of whom the Psyche, of the earliest and most beautiful of his works, was executed.

The most beautiful of all his works, the Venus and Adonis, was finished at the age of six and thirty.

Many are the delightful hours I have spent with Canova, both when he has been employed in modelling and chiselling; and few are the companions whose society will be enjoyed with such interest or remembered with such regret.

The warmth and kindness of his disposition, the noble principles and generous feelings of his mind, and the unpretending simplicity of his manners, give the highest charm to his exalted genius. By the friends that know him best, he will be the most beloved.

Canova has the avarice of fame, not of money. He devotes a great part of his fortune to the purposes of benevolence.—With the title of Marchese, the pope conferred upon Canova three thousand piastres of rent, the whole of which he dedicates to the support and encouragement of poor and deserving artists. But I should never be done, were I to recount one half of the noble actions, the generous exertions, and the extensive charities of his life, which are as secretly and unostentatiously performed, as judiciously applied. He is now building a church in his native village, and has alienated the greatest part of his own fortune for the support of charitable institutions.

It is not, I believe, generally known that Canova is a painter as well as a sculptor. He has pursued the sister art occasionally, for the amusement of his leisure hours, and many of his designs are truly beautiful.

Political History.

PRESIDENTIAL ELECTION OF 1801.

Having republished, from the Washington City Gazette, the letter of the late James A. Bayard, (see the REGISTER of the 16th Nov. ult.), we feel it due to the subject and as a matter of right to copy the following articles from the "National Gazette." The public mind is much directed to the election of president, and an account of the past may be useful for the future. That the whole subject may be presented together, we have prefixed Mr. Bayard's letter, agreeing with general Harper that "it was not designed by the writer for publication," and believing that he thought it had been destroyed. Why it has been brought forward at this late day we cannot imagine, except to effect a caucus nomination by congress.

"Washington, 17th February, 1801.

"DEAR SIR—Mr. Jefferson is our president—Our opposition was continued till it was demonstrated that Burr could not be brought in, and even if he could, he meant to come in as a democrat.

"In such case, to evidence his sincerity, he must have swept every officer in the United States. I have direct information that Mr. Jefferson will not pursue that plan. *The New England gentleman came out, and declared they meant to go without a constitution and take the risk of a civil war.* They agreed that those who would not agree to incur such an extremity, ought to recede without loss of time. We pressed them to go with us and preserve unity in our measures.

"After great agitation and much heat, all agreed but one. But, in consequence of his standing out, the others refused to abandon their old ground. Mr. J. did not get a federal vote. Vermont gave a vote by means of Morris withdrawing. The same thing happened with Maryland. The votes of S. Carolina and Delaware were blank. Your obedient servant, [Signed] J. A. B."

The very harsh allusions which were indulged in congress during the agitation of the Missouri question, to the conduct of the federalists in that body, when the choice between Thomas Jefferson and Aaron Burr, for the office of president, devolved upon the house of representatives, led us to ask the true history of this affair from a gentleman, general R. G. Harper, whom we knew to have been, at the time, one of the most conspicuous of the federal members. General Harper referred us to statements which he had made, on oath, in answer to formal interrogatories administered to him

many years before, in a libel cause, then depending in the supreme court of judicature of the state of New York, against Aaron Burr, as plaintiff, and James Cheatham, as defendant. Not long after he kindly placed in our hands an authentic copy of the interrogatories and the answers, which, as the subject forms an interesting and important part of the political history of the union and was not properly understood by the country, we resolved to publish at the first good opportunity.

The appearance of a letter of a most invidious cast, relating to the temper of the New England delegation, on the occasion, and ascribed to the lamented Mr. Bayard, drew our attention again to the matter, and induced us to apply to general Harper for his opinion concerning the real purport and the general correctness of that letter. No one alive seemed to us more able to determine these points, to the satisfaction of every dispassionate and intelligent reader in the nation. He possessed, at least, as much influence as Mr. Bayard himself, with the federalists in congress; he enjoyed their confidence fully, and was intimately acquainted with all that passed among them with respect to the struggle in the house of representatives. At this day, when party heats and prejudices have subsided in the breasts of the great majority of the survivors of the ardent politicians of that period, credit will be almost universally given to the positive testimony of general Harper. He has no superior in the qualities of honorable spirit and manly candor; his sentiments are as elevated as his views are liberal and comprehensive; and his memory is not less retentive and exact, than his understanding is vigorous and richly mature.

In writing thus of one of the most able, patriotic and enlightened of the representatives, who have, at any time, led and adorned either branch of the national legislature, we are not merely gratifying a lively personal affection and esteem, founded on a long and close observation of his character, but contributing, as far as we can, to secure due attention and weight to a record, which we deem of much consequence, as it regards the national annals. We insert this morning the interrogatories and replies above mentioned, and subjoin to these remarks a communication which we have received from general Harper, touching the letter imputed to Mr. Bayard. We would, in addition, premise this observation, that our object is not immediately to clear the federalists as a party, or the federal members of congress in question, from any charges or suspicions, however unjust; but to establish interesting facts, and vindicate the truth of history,

Baltimore, Dec. 1822.

My dear sir: In answer to that part of your letter which asks my opinion respecting the determination supposed to be imputed to the federal members of congress from New England, in 1801, by the late Mr. Bayard, in the letter published in a late number of Niles' Weekly Register, I must remark, in the first place, that I saw the letter with very great regret. Certainly, it was not intended by the writer for publication: and what good could have been expected from its publication, at this late period, I am unable to conjecture. Surely it cannot be desirable to revive old party heats and prejudices, which, it is to be hoped, that every good man, of every party, has long since wished to forget. The federal party having had nothing but the public good in view, and content with seeing their system substantially adopted by their former opposers, as they know that it must be, sooner or later, by whomsoever may be called to the administration

of the federal government, had willingly and even gladly retired from the contest, which they had firmly maintained as long as a course, essentially opposed to their principles, was pursued by the men in power. In some places a struggle of state parties, under the old names, but solely with a view to state or local politics, was still maintained: but to the administration of the national government, nothing like a systematic or united opposition, on the part of the federalists, has any where appeared, since the present chief magistrate received the reins; nor indeed since the general peace in Europe, and the termination of the war between us and Great Britain.

On the contrary, the federalists, almost universally, declared their approbation of the leading measures of the government, and gave it their cordial support. The national government indeed destroyed the federal party, in the only way it could be destroyed, by adopting substantially its principles. Numbers of those who had acted with it most zealously, and perhaps most efficiently, while its fundamental principles were still denied in practice, now regretted and endeavored to prevent the local and sectional opposition, which, under its name, was still made for merely local objects. They saw and lamented, as there is reason to believe that almost ever good and reflecting men of every party did, that such an opposition must tend to prolong and confirm the influence of those, whose claims to public consideration and confidence were felt to require the aid of party spirit and popular prejudice. I very much regret the publication of Mr. Bayard's letter, at this late day, after a lapse of twenty-two years, believing that it may have this effect, in some degree, and can have no other.

That part of the letter in which Mr. Bayard affirms, in relation to the contest in the house of representatives between Mr. Jefferson and col. Burr, that "the New England gentlemen came out and declared they meant to go without a constitution, and take the risk of a civil war," requires some particular notice. It is certain that Mr. Bayard did not mean to say, that such a determination was declared or formed, by the New England members of the federal party in a body, or in any public, open and direct manner. He must have meant merely to say, that such he understood to be their determination; and this conclusion, which I know and pronounce positively to be erroneous, he must have drawn from some angry and ill judged expressions, hazarded by individuals, in a moment of excitement.

We all know, or at least I know, that declarations, of a similar import, were made then, and at other times, by angry men on the other side, in relation to the failure of their favorite candidate, and to other subjects of contest: and yet it would have been extremely erroneous to conclude, that the supporters of Mr. Jefferson had determined "to go without a constitution, and to take the risk of a civil war," rather than see col. Burr made president. Such intemperate expressions, in times of party heat and violent agitation, merely shew that their authors are much excited. I was present at all the general deliberations of the federal members, on this momentous subject, which were frequent and very anxious. I may, I think, safely say, that I was as much in the confidence of those gentlemen, and as well acquainted with their private and individual views, as any other person. I had a great deal of full and free communication with them, individually and privately, which I have every reason to believe was frank and confidential.

And I declare that, on no occasion, did I hear from them or any of them, a hint of such a determination as Mr. Bayard, at the time of writing the letter in question, supposed them to have formed. It is very improbable; and I cannot believe that so momentous a resolution would or could have been concealed from me, and from those of my colleagues, with whom I agreed in opinion, and acted throughout the whole scene.

The subsequent parts of this letter, prove, incontestably, that Mr. Bayard is not, in the passage in question, to be understood literally or positively; but merely as speaking of hasty expressions, and resolutions that were talked of by some, but not definitively formed. He goes on to say, "they, (that is the New England gentlemen), agreed that those who would not agree to incur such an extremity, ought to recede without loss of time. We pressed them to go with us, and preserve unity in our measures."

"After great agitation and much heat, all agreed but one. But, in consequence of his standing out, the others refused to abandon their old grounds."

That is, all of these federal members from New England, who had "come out and declared that they meant to go without a constitution, and take the risk of a civil war," finally agreed, with the exception of one only, to vote for Mr. Jefferson; not merely to acquiesce in his becoming president, which was the certain consequence of the withdrawal of one of them, (gen. Morris, of Vermont, who did in fact withdraw), but actually to vote for him. This was their final determination, and the only one which they took; for whatever passionate expressions may have been thrown out by individuals, in the preceding conferences, or in separate consultations, and in whatever light they may have appeared to Mr. Bayard, it is certain that no such resolution as his words, taken separately, would import, was ever formed by the federal members from New England. I most firmly believe that there was not a man among them, who would not have voted for Mr. Jefferson, had his vote been necessary to prevent such a catastrophe. It appears, from Mr. Bayard's own statement, that there was but one who ultimately refused to give such a vote, for the incomparably less important purpose, of producing unanimity in their own proceedings.

The details given by Mr. Bayard, concerning the form of relinquishing the contest are not important; but I believe them to be correct. I say, "the form of relinquishing," because the substance, the relinquishment itself, appears, by his statement, to have been, and in fact was, done by general consent. It had been resolved on some time before it was done: as soon, indeed, as it was ascertained that col. Burr could get no votes from his own party, to give him an opportunity of doing which was the sole motive for making the stand, Mr. Bayard would have given the decisive vote alone for Mr. Jefferson, had it been necessary. This I know. He could have done it, because he alone held the vote of Delaware, and Mr. Jefferson, from the first, wanted but one vote. He would have done it, because he had resolved, from the first, that there should be a president. I also know, and he knew, that there were other individuals who, by reason of the division of votes in the representations of their respective states, had the same power, and were equally resolved to exercise it in the same manner, in case of need; and for the same reason.

This, I believe, was known to all from the beginning; consequently it was known to all, from the beginning, that there would be a president cho-

sen; and that no set of men had it in their power, if it had been in their will, "to go without a constitution, and take the risk of a civil war." Whatever vain and idle discourse of this kind, produced by the effervescence of the moment, Mr. Bayard may have heard, could have amounted to no more than crude and hasty expressions of individual passion. It is wonderful that a man, of his understanding and discernment, should have mistaken them, if he did indeed mistake them, (which his letter, taken altogether, and correctly understood, does not import), for a determination of any body of men acting in concert, or indeed of any individual.

I have entered into this tedious detail, my dear sir, in compliance with what I understood to be your wish, and with the hope that it may assist in protecting a most honorable and patriotic body of men, from the obloquy to which they may be exposed, in consequence of the publication and misconstruction of Mr. Bayard's letter. For such further information as I possess, respecting the conduct and views of the federal party, in relation to the contest between Mr. Jefferson and col. Burr, I refer you, as I have done before, to the depositions in an action, brought soon after the event, by colonel Burr against James Cheetham; in which several members of congress, of whom I was one, were examined on interrogatories.

Election of Jefferson and Burr, 1801.

Interrogatories to be administered to Robert Goodloe Harper, counsellor at law, esqr. of Baltimore, in the state of Maryland, a witness to be produced, sworn and examined in a cause now depending in the supreme court of judicature of the state of New York, between Aaron Burr, plaintiff, and James Cheetham, defendant, on the part of the defendant.

1st. Do you know the parties, plaintiff and defendant, or either, and which of them, and how long have you known them respectively?

To the first interrogatory, this deponent answereth and saith, that he doth know the plaintiff, and hath been acquainted with him, as far as this deponent can now recollect, from some time in the month of February, in the year one thousand seven hundred and ninetyfive: and that he does not know the defendant personally.

2d. Was you a member of the house of representatives in congress of the United States from the state of Maryland, in the session holden in the months of Jan. and Feb. in the year one thousand eight hundred and one?

To the second interrogatory this deponent answereth and saith, that he hath never been a member of the house of representatives in congress, from the state of Maryland; but was in the session of congress holden in the months of January and February, in the year one thousand eight hundred and one, a member of the said house, from the state of South Carolina.

3d. Was there not an equal number of votes for Thomas Jefferson and Aaron Burr, as president and vice-president of the United States, at the election for those offices in the December preceding, and did not the choice of a president, consequently, devolve on the said house of representatives?

To the third interrogatory, this deponent answereth and saith, that, to the best of his information and belief, there was an equal number of votes for Thomas Jefferson and Aaron Burr, as president and vice-president of the United States, at the election mentioned in this interrogatory; which equality was a matter of general notoriety: and

that, to his certain knowledge, the choice of a president from those two persons was declared, by the then vice president of the United States, after counting the said votes in the senate of the U. States, to devolve on the said house of representatives; which did accordingly proceed to make the said choice by ballot, as prescribed by the constitution of the U. States.

4th. Did not the said house ballot for the president several times before a choice was made; if so, how many times? Was not the frequency of balloting occasioned by an attempt, on the part of several members of congress, to elect the said plaintiff, Aaron Burr, as president? Do you know who such members were? If so, what are their names?

To the fourth interrogatory this deponent answereth and saith, that the said house did ballot several times before a choice was made. He doth not recollect now the number of times, but believes it was more than thirty. The frequency of balloting was occasioned by an attempt, on the part of several members of congress, to elect the said plaintiff, Aaron Burr, president, in preference to the said Thomas Jefferson. This deponent doth not now recollect the names of all the members who were understood and believed by him to ballot for the said plaintiff. He, this deponent, was of that number himself; as were also, to the best of his knowledge and belief, Thomas Pinckney, John Rutledge and Abraham Nott, three of his then colleagues; William Barry Grove, William Hill, ———— Dickson, and Archibald Henderson, from North Carolina, Josiah Parker, Thomas Evans, Samuel Goode, and Robert Page, from Virginia, William Craick, George Baer, junr. John Dennis, and John Chew Thomas, from Maryland, James A. Bayard, from Delaware, Robert Wain, Henry Woods, and John Wilks Kittera, from Pennsylvania; James H. Inlay, and Thomas Sinickson, from New Jersey, John Bird, Jonas Platt, and Thomas Morris, from the state of New York, one other member from that state whose name this deponent cannot certainly recollect, Theodore Sedgwick, Harrison Gray Otis, and Lemuel Williams, from the state of Massachusetts, with several other members from that state, whose names this deponent doth not now recollect; Roger Griswold, from the state of Connecticut, with all the other members from that state, whose names this deponent doth not recollect. Lewis R. Morris, from the state of Vermont, John Brown, and Christopher G. Champlin, from the state of Rhode Island, and all the members from the state of New Hampshire, whose names this deponent doth not recollect, except that of Samuel Terry, whom he believes to have been then a member. All the members belonging to the federal party united in supporting the said Burr, except Benjamin Huger, from South Carolina, who, as well as this deponent now recollects, voted uniformly for the said Thomas Jefferson: and the result was that, on all the ballotings, except the last, the states of South Carolina, Delaware, Connecticut, Massachusetts, Rhode Island and New Hampshire, voted for the said Aaron Burr, and that the states of Maryland and Vermont, were divided equally, and their votes lost.

5th. Do you know that any measures were suggested or presented, by any person or persons, to secure the election of Aaron Burr to the presidency? If so, who were such person or persons? Did he, the said Aaron Burr, know thereof? Was any letter or letters written, communicating such an intention? If so, were such letter or letters forwarded to him through the post-office, and by whom?

Has he not inform'd you, or have you not understood, and if so how, that he was apprised that an attempt would be made to secure his election?

To the fifth interrogation, this deponent answereth and saith, that no measures, to his knowledge, were suggested or presented by any person whatever to secure the election of Aaron Burr to the presidency, other than the resolution of the aforementioned members to vote for him in preference to the said Thomas Jefferson, as the constitution authorized, and their duty, in their opinion, required. This deponent doth not know or believe, that the said Aaron Burr was informed of this resolution, until it was declared by the votes themselves. He might have been informed that several members had declared it publicly, as far as it respected themselves; which was certainly the case; but he could not have known before the balloting began, that it would be adhered to by a sufficient number to prevent the election of Thomas Jefferson; because some members, whose votes were necessary for that purpose, either had not formed the resolution, or had not communicated it to those with whom they generally acted, till the day when the balloting commenced. And this deponent hath no knowledge of any letter or letters being written to the said Aaron Burr, or any other person, on the subject of this election, except a letter written to him by this deponent, bearing date on the 24th day of December, 1800; of which a true copy is hereunto subjoined. This letter was transmitted by post, in the usual manner, and this deponent supposes that it was received; but he does not know the fact, and has never heard a word from the said Aaron Burr, or spoken one to him, on the subject, since the said letter was written. This letter was never communicated to any person whatever, except Abraham Mott, one of this deponent's colleagues. The said Aaron Burr has never informed this deponent, nor has this deponent understood from any other person, that he, the said Aaron Burr, was apprised, that an attempt would be made to secure his election further than he might have inferred it from the above mentioned letter.

6th. Did he or any other person, (and if so, who) ever communicate to you, in writing or otherwise, or to any other person or persons to your knowledge, that any measures had been suggested, or would be pursued to insure his election? When were these communications made?

To the sixth interrogatory, this deponent answereth and saith, that no person ever did communicate to him, in writing or otherwise, or to any other person or persons, to his knowledge, that any measures had been suggested or would be pursued to secure the election of the said Aaron Burr, other than the resolution to vote for him, as above mentioned, in the answer of this deponent to the fifth interrogatory.

7th. Had not some of the federal members of congress a meeting at Washington, in the month of December, one thousand eight hundred, at which it was determined to support Aaron Burr for the presidency? Or if there was any meeting or meetings, to your knowledge, in respect to the ensuing election for a president of the United States, in the said house of representatives, what was advised or concluded upon to the best of your belief? Was not David A. Ogden, of the city of New York, attorney at law, authorized or requested by you, or some other member or members of congress, or some other person, and who, in particular, to call upon the plaintiff and enquire of him?

1. What conduct he would pursue in respect to certain cardinal points of federal policy?

2. What co-operation or aid the plaintiff would or would not afford towards securing his own election to the presidency. Or if you, or some other person, did not authorize, or request the said David A. Ogden, to make such communication to the plaintiff in exact terms, what, in substance, was such authority or request? Do you know, or was you informed, by the said David A. Ogden, or otherwise, that he, or any other person, had made the said communication to the plaintiff, or the same in substance? Do you know, or have you been informed, and if so, how? that the plaintiff declared, that, as to the first question, it would not be expedient to enter into any explanations, or words to that effect? That, as to the second question, New York, and Tennessee would vote for him, on a second ballot; and New Jersey might be induced to do the same, or words to that effect. Did you ever communicate with the plaintiff, or he with you, on the subject? Do you know any person who did communicate with him, and if so, what did he say? Did you not receive a letter, or letters, from Alexander Hamilton, of the city of New York, and the late secretary of the treasury of the United States, now deceased, in the months of January or February, one thousand eight hundred and one, or at some other time, and when, respecting the election of a president of the United States? Did he not communicate to you that the said David A. Ogden had been authorized or requested to see the plaintiff, for the purposes aforesaid? And what, in particular, were the contents of such letter or letters or communication? Do you know that any, and what measures were suggested or pursued to secure the election of the said plaintiff as president? And did the plaintiff know, or was he informed thereof, or what did he know, or of what was he informed? Had you any reason or reasons to believe that any of the states would relinquish Thomas Jefferson and vote for Aaron Burr, as president, in the said election in the said house of representatives, or that the said Aaron Burr calculated on such relinquishment; if so, which state, or states, and what was the reason, or reasons, of that belief.

To the seventh interrogatory this deponent answereth and saith, that there was a meeting of the members of the house of representatives, belonging to the federal party, at Washington, during the session of congress in which the above mentioned election took place, and before the balloting commenced; but, precisely at what time this deponent doth not recollect. At this meeting, all or nearly all the members of that description attended; and the objects of the meeting were to compare sentiments, and, if possible, to settle a plan as to the approaching election in the house of representatives. There were probably more meetings than one of this kind; and certainly were many conferences between some members. But at none of these meetings or conferences, as far as this deponent knows and believes, was any general determination made or expressed to support Aaron Burr for president. Far the greatest part of those who attended, and among the rest, this deponent and his colleagues, Pinckney, Rutledge and Nott, declared themselves in favor of that measure—but some refused to do so; and, in meetings of that kind by the federal party, the idea of binding the minority by the opinion of the majority, was always disclaimed, as far as this deponent knows or believes. This deponent has no knowledge that David A. Ogden, of

the city of New York, was authorized or requested, by any person whatever, to make any enquiries from the plaintiff. This deponent never spoke to him or had any intercourse or communication with him, on the subject of the election: and he, this deponent, is firmly persuaded that no person, who had authority to speak in the name of the federal party, or of any considerable number of individuals belonging to it, ever authorized or requested the said David A. Ogden or any other person, to make any inquiries whatever from the plaintiff, on the subjects mentioned in this interrogatory or any of them.

At one of the meetings above mentioned, it was indeed suggested by a member, that some steps ought to be taken, before Aaron Burr was supported, to ascertain what would probably be his conduct if elected, on some great leading points of policy; and that it would be proper to obtain some stipulations from him, which might bind him to pursue such a course of conduct as was deemed correct, but his suggestion received no support or countenance whatever: on the contrary, most of all those who were considered as men of influence in the federal party declared themselves decidedly against it; and insisted that it was wholly inconsistent with their principles, and with those principles by which the federal party professed to be governed, to enter into any bargain whatever respecting their votes, or to support any candidate on any other ground, than a conviction that, of those from whom the choice was to be made, he was the fittest person for the office. That they declared that, on this ground, and on this alone, they would give their votes for the said Aaron Burr; whom, moreover, they would deem wholly unworthy of their support and of the office, if they supposed him capable of entering into any previous stipulations for the purpose of securing his election. They further declared that they neither intended to render themselves in any degree responsible for the conduct of the said Aaron Burr, in case he should be elected; nor thought it consistent with their own dignity or with the honor of the federal party, to take any part in his administration, or in any manner to connect themselves with it, until it should have taken a settled course, substantially conformable to those principles by which their public conduct had always been governed: an event on which they did not rely, but which they considered as much more probable under him, than under the said Thomas Jefferson; and this greater probability was the sole ground on which they felt it their duty to vote for him in preference to the said Thomas Jefferson.

Among those who urged these principles the most warmly, were Thomas Pinckney, John Rutledge, Roger Griswold, and James A. Bayard. They were also supported on that and on every other occasion by this deponent, and appeared to be universally adopted. The idea of any intercourse, communication or stipulations with the said Aaron Burr, was, as this deponent then supposed, and now believes, wholly abandoned. This happened, as well as this deponent now recollects, while the said David A. Ogden was at Washington. This deponent saw that gentleman there, and sometimes conversed with him on indifferent subjects; but knew nothing of his business, and never spoke to him respecting the election of president; except perhaps to make to him, in the course of conversation, some of those general observations to which such an event always gives rise, and which were then in every person's mouth.

This deponent doth not know, and hath not

been informed that the plaintiff made any declaration whatever concerning the election of president, further than is contained in a letter, said to have been written by him to Samuel Smith, then a representative from the state of Maryland, which appeared in the public prints: neither had this deponent any communication with the plaintiff, nor the plaintiff with him, on the subject of that election, further than as stated above: nor does he know that any other person had such communication with the plaintiff, further than having seen, about that time, in the hands of Josiah Parker, then a representative from Virginia, a letter to him, said to be from the plaintiff, and containing, as far as this deponent recollects, some general observations respecting the election, by way of answer to some letter from the said Parker on that subject: but what those observations were, or what was their substance or general import, this deponent does not recollect; from which circumstance he believes that they were not very particular or important.

This deponent never did receive any letter from the late general Hamilton, respecting the election spoken of in this interrogatory, nor doth he know that any measures, other than he hath already stated, were suggested or pursued to secure the election of the plaintiff; or that the plaintiff had any information on that subject, further than this deponent has already stated.

This deponent had reason to believe that the state of New-Jersey, and probably those of Tennessee and New-York also, would probably relinquish Thomas Jefferson and vote for Aaron Burr as president in the said election; and that the state of Vermont and perhaps that of Maryland, would at length cease to be divided, and would vote likewise for the said Aaron Burr. Whether the said Aaron Burr calculated on such relinquishment of votes or not, is a point on which this deponent hath no means of forming a decided opinion, nor any reasons for entertaining a belief. He thinks it probable, from his general view of the subject, but not from any particular fact, that the said Aaron Burr had some expectation of such relinquishment on the part of a sufficient number of states to give him the election: and he, this deponent, is perfectly confident, from his knowledge of the transactions at that moment, and of the persons concerned in them, as well as from events of a public nature which took place immediately after the election, that it depended on the said Aaron Burr himself to secure those votes; and that had he used, with vigour and address, the means which were certainly in his power, and which this deponent is firmly persuaded were used against him, he would have obtained the votes of three more states, at least, and, consequently, would have been president.

As to this deponent's reasons for believing that some states would relinquish Thomas Jefferson, and vote for Aaron Burr, as president, in the said election, which he, this deponent, is called on by this interrogatory to state; they were founded on general calculations about the views, characters, principles, and probable conduct of certain individuals, and on general reports concerning their intentions and arrangements; calculations and reports which have been fully confirmed by subsequent and public events; but not on any facts proper to be given in evidence.

8th. Do you know any other matter, circumstance, or thing, which can be material to the defendant in this cause, if yea, set the same forth fully and particularly.

To the 8th interrogatory this deponent answereth and saith, that he doth not know any other matter, circumstance, or thing, which can be material to the defendant in this cause, further than he has stated in his answers to the foregoing interrogatories.

Interrogatory on the part of the Plaintiff.

Do you know any matter or thing that may be beneficial to the plaintiff on the trial of this cause? if so, declare the same fully and at length, in the same manner as if you had been particularly interrogated thereto.

To the interrogatory on the part of the plaintiff, this deponent answereth and saith, that he doth not know any matter or thing that may be beneficial to the plaintiff, further than is stated by him, this deponent, in his answers to the foregoing interrogatories on the part and behalf of the defendant.

Copy of the letter alluded to in the foregoing answers.
WASHINGTON, Dec. 24, 1800.

My Dear Colonel—The votes of Tennessee are come in, and decide the tie. The language of the democrats is, that you will yield your pretensions to their favourite; and it is whispered that overtures to this end are to be, or are made to you. I advise you to take no step whatever, by which the choice of the house of representatives can be impeded or embarrassed. Keep the game perfectly in your own hands, but do not answer this letter, or any other that may be written to you by a federal man, nor write to any of that party.

Your friend, sincerely,

(Signed)

ROBT. G. HARPER.

Public Documents

Accompanying the message of the president of the United States to congress, December 3, 1822.

THE NAVY.

Navy department, Nov. 30th, 1822.

The president of the United States:

Sir: In compliance with your request, I have the honor to transmit to you, herewith, sundry papers, numbered 1 to 5, inclusively, which contain the information desired.

No 1. List of piratical vessels, &c. captured by vessels of the navy of the United States.

No. 2 List of vessels of the navy of the United States, in actual service.

No 3. List of vessels of the navy of the United States in ordinary.

No. 4. List of vessels built and building, under the act for the "gradual increase of the navy;" and, also, a general view of improvements at the several building yards.

No. 5. Copies of correspondence between the commanders of our cruising vessels, and the Spanish authorities. All which is respectfully submitted.

SMITH THOMPSON.

No. 1. Statement of captures of piratical vessels, and boats made by vessels of the United States' navy in the West Indies.

Four piratical schooners, of about 40 tons each, and one sloop of 25 tons, in all carrying about 100 men, captured by lieut. com't. L. Kearney, in the United States brig Enterprise, at Cape Antonio, Island of Cuba, October 16th, 1821, in the act of robbing the American ship Lucies, American brig Aristides, and English brig Larch; burnt two of the piratical schooners; the other two, and the sloop, were sent into Charleston, S C. and condemned.

Schooner Moscow, captured by captain Robert Hently, in the sloop of war Hornet, Oct. 29th, 1821, sent into Norfolk.

A boat laden with goods, captured by lieutenant commandant Ramage, off Cape Antonio, Nov. 8th, 1821; took out the goods, and destroyed the boat; crew escaped.

A schooner of about 35 tons, captured by lieutenant commandant Kearney, 21st December, 1821; crew, about 25, escaped.

Six piratical vessels captured by lieutenant commandant Ramage, Jan. 7th, 1822; burnt 5 of them, and manned one, took three prisoners, and destroyed their depot, &c. on the coast of Cuba.

A large barge taken by gun vessel Revenge, 7th March, 1822; she was deserted by her crew, and evidently fitted for piratical purposes.

Three piratical launches and four barges, captured by lieutenant commandant Kearney, in the United States' brig Enterprize, at Cape Antonio, on the 8th March, 1822, destroyed.

Two piratical schooners, captured by lieutenants commandants Perry and Gregory, in June, 1822, three pirates prisoners.

Spanish privateer Palmira, alias Pancheta, captured by lieutenant commandant Gregory, Aug. 16th, 1822, sent into Charleston, S. C.

Five piratical vessels captured by captain S. Cassin, commanding the United States' ship Peacock, on the 28th and 30th Sept. 1822, burnt two; found 89 bags coffee concealed in the woods by the pirates: two of the vessels sent to New Orleans.

A Dutch sloop was re-captured from pirates by captain John H. Elton, commanding United States' brig Spark, in January, 1822, and the prize crew, seven men, were sent into Charleston, S. C.

Portuguese ship Mariano Faliero, captured by lieutenant commandant R. F. Stockton, in the United States' schooner Alligator, sent into Boston.

No. 2.—List of vessels of the United States' navy, now in service.

In the Pacific Ocean.

Ship Franklin, 74 guns,
Schooner Dolphin, 12 "

In the Mediterranean.

Frigate Constitution, 44 guns,
Sloop of war Ontario, 18 "
Schooner Nonsuch, 12 "

On the coast of Africa.

Corvette Cyane, 24 guns,

In the West-Indies.

Frigate Congress, 36 guns,
Corvette John Adams, 24 "
Sloop of war Peacock, 18 "
Brig Spark, 12 "
Schooner Alligator, 12 "
" Grampus, 12 "
" Shark, 12 "
" Porpoise,* 12 "
Gun boat No. 158, 1 "

Sloop of war Hornet, 18 guns, preparing for a cruise in the West Indies, at Norfolk, Va.

Brig Enterprize, repairing at New-York, for a cruise in the West Indies.

*And on survey coast Florida.

No. 3.—List of vessels of the United States' navy, in ordinary, exclusive of ships on the list of the navy commissioners; exclusive of list numbered 4.

Ship Independence, 74 guns,
Ship Washington, 74 "
Frigate United States, 44 "
" Guerriere, 44 "
" Java, 44 "
" Constellation, 36 "
" Macedonian, 36 "
Steam frigate Fulton, 30 "
Sloop of war Erie, 18 "

No. 4.—Vessels built and building under the law for the gradual increase of the navy; with a general view of improvements completed at the several building yards.

Columbus	74	} Launched in ordinary at Boston, with a roof over her, to protect her from the rain, sun, &c. } Launched, in ordinary at N. York, with a roof over her to protect her from the rain, sun, &c. } Launched, in ordinary, at Norfolk, and now covering with roofs, to protect them. } At Boston, nearly finished; house over her, and perfectly protected. } At Boston; frame raised; under a house, perfectly protected. } At Portsmouth, N. H. nearly finished; under a house, perfectly protected. } At Norfolk, Va. about half finished; house over her; perfectly protected. } At Philadelphia; keel laid; frame nearly out; house now building over, and probably raised by this time. } Launched, and hauled up on the inclined plane at Washington, where she now lies, under a house perfectly protected from the sun, rain &c. } At Washington, about half finished. } At Philadelphia, nearly finished, house over her; perfectly protected. } At New York; frame getting out, and nearly ready to raise. } At Portsmouth, N. H. in forwardness; house over her, perfectly protected.
Ohio	74	
North Carolina	74	
Delaware	74	
One	74	
One	74	
One	74	
One	74	
One	74	
One	74	
Potomac	44	
One	44	
One	44	
One	44	

The frames of the other frigates authorized to be built, excepting a few pieces yet to be delivered by the contractors, and nearly all the other materials, excepting the iron, are procured, and placed in situations where they will probably not sustain any immediate material injury.

Two steam battery frames are securely deposited under cover at Washington navy yard.

One steam battery frame is securely deposited under cover at New York.

The engines are put up, and in a state of preservation, at New York.

The building yards are in as good a state as the means placed at the disposal of the department would allow; but to erect the necessary ware-houses, repair wharves, cover some of the vessels now building, and to erect suitable sheds over the timber, for its preservation, there will be required for the year 1823, the sum of 150,000 dollars.

General view of improvements completed at the several building yards in 1821 and 1822.

At Norfolk—timber dock filled up, and house built over a new ship of the line.

At Washington—Inclined plane, with a house over it; large warehouse; sail loft and rigging loft.

At Philadelphia—Foundation of a new ship laid; house built over a frigate, and house now raising over a ship of the line.

At New York—Foundation of a new ship laid; house built over a frigate; low ground filled up to an extent to afford sufficient room to work on.

At Boston—Foundation of a new ship laid; a house built over a ship of the line; a blacksmith's shop erected; the timber dock piled and improved; cover placed over the frame of a 44; about two acres of ground levelled.

At Portsmouth, N. H.—Foundation of a new frigate laid, and a house erected over it.

[No. 5, embraces a correspondence of some length between captain *Biddle* and *general Mahy*, and between captain *Spence* and the governor of Porto Rico, and a few letters from our naval commanders to the navy department, giving an account of things which are already pretty generally known to the public.]

COMPTROLLER'S STATEMENT.

TREASURY DEPARTMENT,

Comptroller's Office, 26th Nov. 1822.

The president of the United States:

Sir: I had heretofore the honor to inform you that your letter, dated the 20th of Sept. last, addressed to the secretary of the treasury, had been referred to me.

In your letter, you request "that the proper officers might be directed to prepare and furnish a statement of the accounts unsettled on the 4th of March, 1817, the amount since settled, and the amount then remaining unsettled: distinguishing the several departments, civil, military, and naval, &c. from each other, with the proper classification in reference to the several appropriations."

In order to carry into effect the object contemplated in your letter, I addressed letters to the register of the treasury, and to the second, third, and fourth auditors, being the officers from whom the information you requested, was to be obtained; and have recently received reports from each of them, which I herewith transmit, together with a general or consolidated statement of the whole of the accounts contained in the several reports; which you will perceive comprehends not only the accounts unsettled on the 4th of March, 1817, the amount since settled, and the amount now remaining unsettled, but also the amount of moneys drawn from the treasury between the 4th of March 1817, and the 30th of September, 1822; the amount of those moneys settled for between those days, and the amount remaining unsettled on the last mentioned day; and I have annexed to the general report explanatory remarks.

I have the honor to be, with the highest respect, your most obedient servant,

JOS. ANDERSON, Comptroller.

STATEMENT, exhibiting the amount of accounts in the several departments, say treasury, war and navy, arising out of appropriations made by acts of congress, unsettled on the 3d of March, 1817; the amount of those accounts settled between the 4th of March, 1817, and the 30th of September, 1822; the amount of the unsettled accounts on the 3d March, 1817, remaining unsettled on the 30th September, 1822; the amount of moneys drawn from the treasury, between the 4th March, 1817, and the 30th September, 1822; the amount of those moneys accounted for or settled between those days; the amount of those moneys remaining unaccounted for, or unsettled, on the 30th September, 1822; the total amount of accounts unsettled on the last mentioned day.

		ON WHAT BOOKS	
Treasury War Navy	2d auditor 3d auditor	\$43,549,950 90	Amount of accounts unsettled on the 3d of March, 1817.
		5,228,478 39	Amount of unsettled accounts on the 3d March, 1817, settled between that day and the 30th of Sept. 1822.
	(a)	4,906,879 65	Amount of unsettled accounts on the 3d March, 1817, remaining unsettled on the 30th September, 1822.
		40,079,927 62	Amount of moneys drawn from the treasury, between the 4th of March, 1817, and the 30th September, 1822.
	(b)	836,917 80	Amount of moneys drawn from the treasury, between the 4th March 1817, and the 30th September, 1822; accounted for or settled between those days.
		321,998 74	Amount of moneys drawn from the treasury between the 4th March, 1817, and the 30th September, 1822; the amount of those moneys settled for between those days, and the amount remaining unsettled on the last mentioned day.
	(c)	4,367,694 21	Total amount of accounts unsettled on the 30th of September, 1822.
		14,210,519 50	
		9,843,230 40	
		93,175,396 56	
		9,893,479 85	
		157,199,380 96	
		137,501,451 12	
		19,697,929 84	
		29,591,409 69	

(a) This includes the sum of \$197,283, transferred from the books of the register of the treasury.

(b) This includes the sum of \$411,129 69, transferred from the books of the register of the treasury.

(c) This includes nearly \$200,000 transferred from the books of the register of the treasury.

These balances were originally brought on the books of the register of the treasury, from the books of the war and navy departments, for the purpose of instituting suit, at a time when, by law, only the certificate of the register, verified by the secretary of the treasury, could be received in court as evidence of the debt; but as the act of 3d March, 1817, for the prompt settlement of public accounts, made the certificate of the several auditors of the same validity with those of the register, it was concluded to re-transfer those balances to the departments, respectively, from which they were originally transferred; more particularly as some of the parties were still in service, and had farther accounts to settle in those departments.

Explanatory remarks respecting the situation of the accounts unsettled on the 30th September, 1822; of the balance which remained unsettled on the 3d of March, 1817.

(1) *Register of the treasury, \$836,917 80.* This consists of nearly three hundred personal accounts, which have been accumulating since the commencement of the government; partly of advances, in relation to which no accounts and vouchers have been rendered; and partly of balances, found due on settlements; authenticated transcripts of which advances and balances have, in nearly all those cases, been furnished, and suits instituted. The particular situation of each of those accounts, composing the above sum, will appear in the list which is in a state of preparation for the purpose of being laid before congress at the approaching session, conformably to law; except in those cases where the parties have been heretofore reported as insolvent, so as no longer to be required to be reported in those lists.

(2) *Second auditor, \$321,598 74.* This arises from advances made to officers and contractors, between the 8th May, 1816, and 3d of March, 1817, nearly all whose accounts have been reported to the agent of the treasury for suit. The particular state of each case will appear in the list required by law to be laid before congress annually, which list is in a state of preparation.

(3) *Third Auditor, \$4,367,694 21.* This sum is composed of more than two thousand personal accounts, and includes charges on the books of the late accountant of the war department, from the time of its establishment in 1792. The principal part of it, however, consists of advances made during, and shortly antecedent to, the late war, which are generally of the following description, viz:

1st. Of accounts settled, on which balances appear to be due to the United States.

2d. Of debits for money advanced, for which no accounts or vouchers have been rendered.

3d. Of debits for moneys advanced for which irregular accounts, or accounts only in part, have been exhibited, in some cases requiring legislative interference, and in others additional vouchers and explanations.

As to the two first mentioned cases, it is to be stated, that suits generally have been instituted; and, as to the last, that every exertion has been made, and is making, to effect settlements. The list of accounts unsettled more than three years, required by law to be laid before congress annually, and which is in a state of preparation, will shew the particulars in each individual case.

(4) *Fourth Auditor, \$4,367,269 10.* This consists of balances which have been accumulating since the first establishment of the navy department, in 1798, and which are due from persons not now in service, and of whose place of residence,

or of whose solvency or insolvency, nothing is known. In some cases, confused and informal accounts have been rendered by persons indebted, to a very large amount; in others the parties have been either lost at sea, or killed in action, and no accounts whatever rendered. A considerable part, also, consists of sums advanced to prize agents who have rendered no accounts for settlement. Transcripts to a large amount have been made out, and placed in the hands of the agent of the treasury, for the purpose of instituting suits; and further transcripts, in those cases requiring suits to be instituted, will be made out as early as practicable, and continued until the whole be completed.

Explanatory remarks respecting the situation of accounts remaining unsettled to the 30th of September, 1822, of the moneys drawn from the treasury between the 4th of March, 1817, and the said 30th of September, 1822.

(5) *Register of the Treasury, \$8,809,186 76.* This is composed of advances on account of appropriations drawn out of the treasury, under requisitions of the department of state; and of advances to the several officers and agents of the government, whose accounts, generally, are settled quarter yearly, and includes the advances to the presidents of banks, acting as commissioners of loans, on account of the principal and interest of the public debt, which advances alone constitute about \$6,100,000 of the above sum.

Of this sum of \$6,100,000, it has been ascertained that payments were actually made on account of the public debt, (exclusive of the payments made at the branch bank of the U. States at Washington,) anterior to the 30th of September, 1822, to the amount of the dividends for the quarters ending the 31st December, 1821, 31st March, and 30th June, 1822, to the amount of the following sum; credits for which could not, according to the regular course of settlements, be given until after the 30th September, 1822,

\$4,441,499 35
That it includes advances to the branch bank of the U. States at Washington, for paying treasury dividends; and the dividends returned to the treasury as unclaimed, by the several loan officers, to the amount of

120,789 13

That it includes advances to the several loan officers in the month of September, to meet the dividends for the quarter ending on that day; the payments on which commenced on the 1st of October, and will continue at the loan offices until the 30th of June, 1823, to the amount of

1,389,320 19

And that the balance consists of moneys in the hands of the different loan officers to meet the dividends for the quarters ending the 31st March and 30th of June, 1822, remaining unpaid, and still demandable at their offices,

148,491 33

\$6,100,000 00

(6) *Second Auditor, \$2,169,877 69.* The greater part of this consists of accounts in regular course of settlement, and of advances made to paymasters, and others, of the army. The residue consists of balances found due on settlements, for the recovery of which, suits have been ordered, and other measures taken.

(7) *Third Auditor*, \$4,120,232 91. The greater part of this is composed of accounts in regular course of settlement, and which may be classed under the following heads, viz:

1st. Accounts for advances to regular disbursing officers of the war department, (including those to the agents for paying pensions, which alone constitute more than two millions of this balance,) whose vouchers are rendered quarter yearly.

2d. Accounts for advances to states on account of disbursements during the late war, the vouchers for which have generally been rendered and examined; but the final settlements have been delayed for the production of further documents and explanations.

3d. Balances ascertained on actual settlements, and advances for which no accounts have been rendered; for the recovery of which balances and advances, suits have generally been instituted, or measures taken.

(8) *Fourth Auditor*, \$4,598,632 48. For the greater part of this, accounts and vouchers have been rendered, and are in a train of settlement. A part of it consists of advances on account of contracts for supplies, which contracts are not yet completed, and of advances to pursers, and other officers, who are now, and have been, at sea, for several years; and, consequently, have not rendered their accounts for settlement.

Seventeenth Congress—2nd session.

IN THE SENATE.

December 27. No matter of importance was decided this day—the bill to allow a draw-back on the exportation of cordage manufactured from foreign hemp, was, after some debate, laid on the table.

December 30. Mr. *Lloyd*, of Maryland, appeared to day and took his seat.

Mr. *John Taylor*, a senator from Virginia, in the place of Mr. *Pleasants*, resigned, also appeared, was qualified, and took his seat.

Among the petitions presented to day and referred, was one by Mr. *Rodney*, from the Delaware and Chesapeake canal company, praying the aid of the general government.

Mr. *Johnson*, of Kentucky, submitted the following resolution for consideration:

Resolved, That the committee on roads and canals be instructed to inquire into the expediency of authorizing the subscription on behalf of the government of the United States, of a certain portion of the stock of the Ohio, as well as of the Delaware and Chesapeake canal companies, or of any other company which has been incorporated within the United States for the improvement of internal commerce and navigation.

A bill was reported to abolish imprisonment for debt, and made the order of the day for Monday next.

Considerable time was spent, in a committee of the whole, on the bill to allow a draw back on the exportation of cordage, manufactured from imported hemp, which subject was introduced by Mr. *D'Wolf*. A debate of three hours took place.—Mr. *Talbot* proposed to extend a like drawback, or bounty, on cordage made of domestic hemp—but his proposition was not accepted—for it 15, against it 28. The senate adjourned without coming to any thing decisive on this subject.

December 31. After disposing of the usual minor business, the senate took up the bill making an appropriation for the repairs of the Cumberland road. Much variety of opinion existed as to the amount with which the blank should be filled—and the bill was postponed until Tuesday, to which day the senate adjourned.

HOUSE OF REPRESENTATIVES.

Tuesday, Dec. 24. When petitions were called for—

Mr. *Dwight* said he was requested to present the memorial of William Thornton, Walter Jones, and one hundred and fifty other respectable citizens of the district of Columbia, in behalf of the Greeks. Whatever doubts this house might entertain in regard to the specific appropriation prayed for by the memorial in behalf of this interesting and unfortunate people—doubts which he felt himself constrained to say he entertained not less sparingly than any gentleman upon the floor; he felt assured that they would all concur in the opinion that the sentiments of the memorialists were not less honorable to them than accordant to the spirit of this nation. Indeed, he was quite sure he did not exaggerate, when he asserted that there was a sympathy, deep and universal, throughout the country, in behalf of this oppressed and injured nation. The memorialists, in reply to the charge of enthusiasm in relation to a remote and feeble people struggling for liberty against the power of the Ottoman empire, would have a right to call upon the house to recollect, that not half a century had elapsed since a less numerous, though more enlightened people, had successfully made war upon the most powerful nation on earth; and that too, for evils, which, compared to the massacre of Chios and the tyranny of those inhuman masters, were easily to be borne. Nor, sir, will the house need to be reminded, that not half a dozen years have elapsed since the intrepid and eloquent advocate of South American independence, stood in a small minority upon this floor, and upon a question too, which, at the last session, was carried in this house by acclamation. Indeed, but yesterday we were told that the recognition of South American independence was no longer opposed by the British government, because it can no longer be resisted.—Regard to the just interests of our own country, perhaps, ought to prevent our making the appropriation prayed for, but no considerations of delicacy or propriety could deter the memorialists from the expressions of feeling in behalf of the Greeks against a nation with whom we have never had negotiation, or truce, or treaty. The house would view, with an interest proportioned to the importance of the question, that, should liberty be now unable to maintain herself in Greece, the country of her earliest temples and longest worship, she would cease to have a footing on either of the three continents, or an existence in the governments of six hundred millions of people. He did not mean, by the remarks he had made, to commit himself to any ulterior measures upon the subject; but he thought it his duty not to refuse an application from so respectable a source, and particularly from a portion of our citizens who are unrepresented upon this floor. For the purpose of obtaining the opinion of the house as to the destination of the memorial, he would now move that it be read, and he hoped that some gentleman of more experience than himself would move for it such reference as the house might think proper to give it.

[The memorial which Mr. D. here presented is signed by one hundred and thirty-eight citizens of Washington and Georgetown, praying of congress "to appropriate two or three millions, in provisions, and whatever may be necessary to the Greeks, as an easy and honorable mode of acknowledging the aid, bounty, and obligation received from France in like circumstances."]

The memorial was read; when.

After some remarks from several members, the memorial was laid on the table, as mentioned in our last—and, at the close of this day's sitting, the house adjourned to Friday.

Friday, Dec. 27. Mr. *McLane*, from the committee of ways and means, reported a bill for the relief of John Babbet, proposing to release the duties on certain goods destroyed by a violent storm at Providence, in 1815. After some debate, the bill was referred to a committee of the whole—

On motion of Mr. *Williams*, of N. C. it was

Resolved, That the committee on military affairs be instructed to inquire into the expediency of allowing to the officers of the army a salary, or stated sum of money, per year, instead of pay and emoluments, as now allowed by law.

On motion of Mr. *McCoy*, it was

Resolved, That the committee of claims be instructed to report a bill, in addition to the act for the prompt settlement of public accounts, and for the punishment of the crime of perjury.

[Mr. *McCoy* stated his object to be, to get before the house again a bill which was before congress at a former session, but was not acted upon for want of time.]

Mr. *Watworth* submitted for consideration the following resolution:

Resolved, That the committee on revisal and unfinished business, be instructed to inquire into the expediency of reviving and continuing in force, for a further time, the acts of the 7th of April, 1798, and of the 24th of February, 1810, which provide for the relief of the refugees from the British provinces of Canada and Nova Scotia, agreeably to the resolutions of congress, of the 23rd of April, 1783, and the 13th of April, 1785.

After some remarks, the house refused to consider the resolution—59 to 45.

Mr. *Nelson*, of Maryland, presented the following resolutions of the legislature of Maryland:

By the house of delegates, December 13th, 1822

Whereas, the great national road leading from Cumberland to Wheeling, which is of such incalculable advantage in facilitating the intercourse between the Atlantic and western states, and which was constructed at a great expense, has already suffered from the want of that regular superintendence, and of those repairs, which are necessary to the preservation of such a work; therefore,

Resolved, by the general assembly of Maryland, That the senators and representatives of this state, in congress, be requested to use their best exertions to procure the immediate passage of a law, by congress, making a sufficient appropriation to repair the great national road leading from Cumberland to Wheeling.

Resolved, That the governor be, and he is, here by, requested to cause a copy of this resolution to be transmitted to each of the senators and representatives of this state in congress. By order:

JOHN BREWER, Clerk.

The *Speaker* presented a letter addressed to him by Edwin Lewis, of the State of Alabama, making certain charges against the hon. Charles Tait, judge of the United States for that district.

Mr. *Moore*, of Alabama, moved to refer the letter and documents to the judiciary committee.

On this motion, a desultory but not long debate ensued, which ended in the papers being sent to the judiciary committee, with instruction to examine them, and report their opinion on them.

The following is the letter of Mr. Lewis above referred to—

Mobile, Nov 26, 1822.

The hon. the speaker of the house of representatives.

Sir—I enclose several charges against judge Tait, which I wish you to lay before congress, together with the enclosed documents. If judge Tait is sustained in his tyrannical conduct towards me, as an American citizen, and in his mock proceedings in the African slave cases, I shall no longer boast of being a free citizen of a free country;

and I believe, from a fair impartial view of the proceedings in the case of the United States vs. English, for importing slaves contrary to the laws of congress, as well as in the cases of three vessels captured with African slaves, that no one will likely again attempt to prosecute, under the laws of the United States, made with a view to prohibit the slave trade; as the parties who have heretofore approached the court have had no success, but have been subject to every obstacle, vexation, delay, and disgusting mockery. And the secret reason that judge Tait refused me to be sworn in as an attorney was, no doubt, owing to my having expressed opinions opposed to the proceedings of the attorney for the United States. In fact, sir, what apology is there for all this delay, when the records prove, by the very claims of the parties filed, that the most aggravated cases of violations had actually been committed? Do not the claimants, Messrs. —, of Havana, whose names are made use of,* assert that they did ship, in and upon the American schooner Constitution, eighty-four African slaves, &c.? Is not this, sir, equal to a plea of guilty of the facts alleged? Why postpone the case at all, in the first instance? And why now stay the execution on the judgment, and order of condemnation on bonds, for \$150; in each case? The appeal to the supreme court was not carried up to the last term: whether it will be carried up to next term, or ever, is a very doubtful case with me. Thus, we see property, worth more than \$100,000, at the time of capture, yet unsettled, and a great part of it totally lost. And, in the prosecution of English, the proof was most positive. But what can justify the keeping the witnesses tending court, riding hundreds of miles, court after court, at the expense of government? Why not discharge the witnesses? I acknowledge the insulting indignity offered to me by judge Tait is irreconcilable to my feelings, and highly aggravated, when I am so well convinced it was to favor the importers of slaves, in violation of the laws of congress, as I defy judge Tait, and all the world, to bring any charge against me to be tried by a tribunal that would disqualify me. This, judge Tait was well aware of; or he would never have ventured this act of tyranny at the hazard of his reputation, if any other means had existed. I will add, sir, that, if judge Tait is to be sustained in this conduct, I have no hesitation in asking, what avail are all the laws of congress against the slave trade, without an efficient judiciary, without a judge, and officers of the court, who will execute the laws?

With great regard, &c. your very obed't servant,
F. LEWIS.

After the house had agreed to refer the matter to the committee on the judiciary—

The *Speaker* rose and said, that, in regard to these papers, whatever might be his personal feeling, he did not think that he had a right to forbear laying them before the house. He had sometimes felt hesitation in laying before this house papers forwarded to him as speaker; and in cases where the matter contained in them was obviously libellous, he had forborne. But a charge of the nature of this, though it may, as he trusted it would, turn out to be utterly libellous, might be otherwise, and the speaker thought he had not the right to withhold the papers from the house.

Monday, Dec. 30. Among the petitions presented this day—

* The slaves actually belonged to American citizens, several of whom I could name.

Mr. *Forward* and Mr. *Stewart* presented two from sundry inhabitants of the state of Pennsylvania, praying for the aid of congress in opening a water communication between the head waters of the rivers Potomac and Ohio.

After some debate on the subject generally, the following resolution, offered by Mr. *Rankin*, was agreed to—

Resolved, That the committee of ways and means be instructed to inquire into the expediency of making an appropriation adequate to the purchase of the reservations made in favor of the Creek and Cherokee Indians within the territory ceded to Georgia.

The resolutions submitted by Mr. *Cannon*, on the 11th ult. (see page 239), were all agreed to.

The *Speaker* laid before the house the following documents:

A letter from the comptroller of the treasury, transmitting a list of accounts, which have remained unsettled for three years prior to the 30th of September, 1822; a list of such officers as have failed to settle their accounts within the year, or have balances unaccounted for, advanced one year prior to the 30th of September, 1822; and an abstract of moneys prior to the 3d of March, 1809 on the books of the late accountant of the war department, and which have remained to be accounted for on the books of the 3d auditor of the treasury, on the 30th of September, 1822.

After considerable debate, the bill to confirm certain claims to lots in the village of Peoria, in the state of Illinois, was lost. This bill was resisted on general principles, and finally rejected by striking out the first section—59 to 57, being all the members present.

Mr. *Ingham*, of Pennsylvania, is appointed by the *Speaker*, a member of the committee of ways and means, in place of Mr. *S. Smith*, resigned.

Tuesday, Dec. 31. Mr. *Fuller*, from the naval committee, reported a bill allowing \$150 per annum, each, for five years, to the mother and sister of the late Wm. H. Allen, deceased; which was twice read and committed.

Mr. *Fuller*, from the same committee, to whom was recommitted the bill to incorporate the United States' Naval Fraternal association, reported the same with sundry amendments.

Mr. *Mitchell*, of S. C. after speaking of the mortality that had lately prevailed on board of several vessels of the United States, offered the following resolution—

Resolved, That the secretary of the navy be directed to inform this house, how many surgeons and surgeon's mates are on duty, and where: what are the annual receipts of each, and, when additional pay is received for extra service, what is the nature and extent of such service.

The resolution was agreed to.

Mr. *Hill* submitted for consideration the following resolution:

Resolved, That the committee on commerce be instructed to inquire into the present state of the trade and intercourse between the United States and the island of Hayti, and report what measures would be necessary to improve the commerce between those countries.

Mr. *H.* having made a few observations, the resolution was agreed to without debate.

Several other resolutions were submitted, which will be sufficiently noticed hereafter.

A motion prevailed to *re consider* the bill relating to the claims to certain lots in the village of Peoria; and, after much debate, the bill was ordered to a third reading. The house then adjourned to Thursday.

THURSDAY'S PROCEEDINGS—JAN. 2, 1825.

The senate did not sit this day.

In the house of representatives, the bill to continue the present mode of supplying the army of the United States, was passed. Sundry propositions were submitted, among them one by Mr. *Woodson*, embracing an extensive system of internal improvement by canals, which shall be noticed in our next.

CHRONICLE.

The U. S. ship *John Adams* had left Vera Cruz for Tampico, for the purpose of taking Mr. *Poinsett* on board. She had on board 400,000 dollars, and expected to receive 300,000 more at Tampico.

Baltimore. On Wednesday last an election was held in the city and county of Baltimore to supply the place of general S. Smith, in the 17th and 18th congresses of the United States. The result was as follows:

	City.	County.	Total.
For major Isaac McKim,	2067	588	2655
gen. Wm. H. Winder	2400	176	2576
John Barney, esq.	1430	588	1818

Majority for Mr. M. Kim 79. In one of the wards, however, the U. S. garrison at Fort McHenry gave 49 votes for Mr. Winder and 6 for Mr. Barney. A special return was made of these, and they are not included in the above; but, if included, Mr. McKim would still have a majority of 30.

Virginia. John Taylor, (of Caroline), is elected a senator of the United States, from this state, in the place of Mr. Pleasants, appointed governor and resigned. The votes were—for Mr. Taylor 111; H. St. Geo. Tucker 81; John Tyier 22.

Died, lately at Philadelphia, Dr. *Michael Leib*, for many years a leading political character in Pennsylvania; and on the 30th inst. Mr. *John Melish*, the celebrated geographer, in the 56th year of his age.

Genessee flour, brought to New York by the Erie canal, bears a price of 37½ cents per barrel above any other kind quoted, because of its superior whiteness.

A great dealer. According to the confession of Thomas Davis, who was lately executed in Alabama for counterfeiting, he had been 38 years engaged in that business, during which time he had made 600,000 to 1,000,000 of dollars.

Paupers. It is stated in the Philadelphia papers, that there are about fourteen hundred persons in the Philadelphia alms house. A proposal to introduce the discipline mill into that establishment, is said to be under consideration.

A live hog was lately received at New York from Troy, that weighed 1465lbs.

Wolves. Three of those animals were lately killed by a hunting party near Wilksbarre, Pen.

Massachusetts clergy. In the year 1773, there were 57 settled ministers in the county of Essex, three of whom are now living, viz: Joseph Dana, D. D. of Ispwich, Manasseh Cutter, L. L. D. of Hanilton, and rev. Daniel Fuller, of Gloucester.—The number is now 67, an increase of only 10 in 49 years. In Suffolk and Norfolk, not one now remains who was in the ministry at the first mentioned time. In Middlesex, Henry Cummins, D. D. of Billerica. In Worcester, Joseph Sumner, D. D. of Shrewsbury, and rev. John Cushing of Ashburnham. In the whole state of Maine but one—rev. Samuel Eaton, of Harpswell. Of nearly 400 settled ministers in Massachusetts and Maine, in the year 1773, but seven remain as settled ministers of the same churches of which they were the pastors at that time.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM. PAYABLE IN ADVANCE.

☞ The agents and friends of the REGISTER, are earnestly requested to do all that they rightfully and reasonably can, to have the old accounts settled up. There is an imperious—absolute necessity, that these little matters should be attended to. The rule to cook a *beef steak* is exactly applicable to our collections—

“To be well done—twere well, twere well done—quickly.”

FOREIGN NEWS. Nothing important has reached us from Europe since our last—except that the congress of Verona had not broken up, as was rumored, though the rumor had severely affected the British and French funds.

“POLITICAL HISTORY.” General Harper has sent us a corrected copy of his letter to col. Burr, which was inserted in our last, page 282, notifying us that “in the National Gazette, which the Register has followed, the word *decide*, in the second line, is changed to ‘divide,’ which obscures or rather wholly destroys the sense of the first sentence.” The error was corrected in the chief part of our last impression.

IMPORTANT DISCUSSION. In the REGISTER of the 23d Nov. last, there was published a valuable article on the export of specie, rate of exchange, &c. in which certain queries were put forth, with an earnest request that some one would answer them. A Boston “Merchant” did so, in a very ingenious essay, which we published in our paper of the 21st ult. Some of the remarks of the “Merchant” were noticed by “Necker” in the last “Register,” and we have now the pleasure to present an essay on exchange from the correspondent who originally sought the discussion, in which he attempts to overthrow the conclusion of the “Merchant.” The subject is one of great interest to political economists and statesmen—and, as the people seem more inclined just now to *think* than they were formerly, we have no doubt that these essays have been and will be extensively read.

An article on revenue and *ad valorem* goods, by our correspondent T. shall appear in our next.

CONGRESS. No important business has yet been transacted in congress, unless in relation to acts for the suppression of piracy. The session can only last seven weeks longer, and it is not likely that any matter of great interest will be decided upon. An important report, however, may be expected from the committee of ways and means, for amending the tariff with a view to revenue—and we learn also, that the committee on manufactures made a report on the subject with which they were charged, on Thursday last.

We are informed that the electioneering fever was rather on the decline—it seems that an attempt was made by some to get up a caucus to nominate a president, but it was abortive; and it is now thought that the members of congress will kindly give leave to the people to think a little on the subject, at least until the next session, before they will impose such a nomination on them—for which respite we are very thankful!

COM. PORTER. It is stated that this enterprising officer, having obtained a steam boat suited to his purpose at New York, and collected his little fleet at Norfolk, will soon be prepared to act against the Cuba pirates. He will have with him, in all, ten or twelve small vessels of easy draught of water, so fitted as to enjoy every advantage of rapid movements by sailing, rowing, &c. A full company of marines will be attached to the expedition—and all that can be done, will be done, and with all possible promptitude.

In resigning his seat at the navy board to take charge of this matter, the gallant commodore has given an instance of his devotion to the service that ought not be passed over lightly. He has surrendered a place of honorable ease, the duties of which were chiefly to be performed at the seat of government where his family is settled, to encounter the uncertainty that must belong to all military expeditions, as well as the hazard of battle, with bands of outlaws whose force is not known and whose resistance must be desperate, if escape is impracticable. For this, he deserves the thanks of his country; and if the measure of his success equals that of his zeal, we shall soon have such an account of his proceedings as will do honor to the American name.

☞ The pirates are still busy—they have lately plundered several vessels, after using the officers and crews with great barbarity. They were even so impudent as to attempt to cut out a schooner in the harbor of Havana—but they were defeated with the loss of several lives: yet it seems that the British have suddenly withdrawn the force they have had in those seas for the protection of their commerce! The frigate *Seringapatam* and brig *Redwing* have sailed direct for England, the other vessels have gone to Jamaica. Much surprize is expressed at the procedure.

GEN. SMYTH AND MR. ADAMS. Some time ago, gen. Smyth, one of the representatives in congress from the state of Virginia, put forth a long address to his immediate constituents, giving his reasons why he should vote against the elevation of Mr. secretary Adams to the presidency, if the choice should happen to fall on the house of representatives. To this address, Mr. Adams has made an able reply, through the Richmond “Enquirer” of the 4th inst. Many things stated by this gentleman are of deep public interest—and we would gladly give a place to the papers on both sides, if we could regard them in any other light than as an affair between two private persons. If we had published gen. Smyth’s address, the reply would have appeared in course. We shall wait until gen. Smyth makes a replication, as he probably will do, and then, having a view of the whole ground, may feel disposed to record the articles.

THE COUNTERFEITERS, arrested some time ago at Wilmington Del. have been tried, and four men and one woman found guilty of conspiracy, &c. They were sentenced to pay a fine of five hundred dollars each, to suffer one year’s imprisonment, and to stand in the pillory half an hour on a Friday in each and every month. The ring-leader of this

gang was recently pardoned and discharged from the Pennsylvania penitentiary. The woman is handsome, and about twenty years of age.

MONEY. The late canal loan of New-York, of 300,000 dollars, bearing an interest of 5 per cent. was taken by the Farmers' and Mechanics' bank of Albany, at \$99 in cash for 100 in stock.

PUBLIC BUILDINGS. We have the annual report of the commissioner of the public buildings at Washington. From the 8th of May to the 7th of Dec. 1822, the following sums were expended—

On the centre of the capitol	113,040 74
president's house and culvert	2,974 73
capitol square	780 25
	116,795 72

A letter from the architect of the capitol details the progress made in the centre building. The dome has been raised, and the ranges of committee rooms nearly finished—the western projection completed, &c. It is a mighty edifice, and the great rotunda will, probably, be one of the most magnificent rooms in the world, appropriated to public purposes. Much money, however, will yet be required to complete the design, for it is "vasty."

BANK OF THE U. S. On the 6th inst. the directors declared a dividend of 2 1/2 per cent, for the last six months. The stock is quoted at 102 3/4 to 1 1/3, dividend off.

The following persons were appointed directors, at Philadelphia, without opposition:

James C. Fisher, Thomas P. Cope, Henry Pratt, John Culter, Robert Flemming, Joshua Lippincott, John Bohlen, Daniel W. Coxe, R. M. Whitney, *Thomas Cadwallader, *Richard Willing, *Alexander Henry, Joseph Hemphill, all of Philadelphia; Simon Magwood, of S. Carolina; William Patterson, of Maryland; Robert Gilmor, do; *Thomas Knox, of New York; *Walter Browne, do; *Jas. Lloyd, Massachusetts; *Jonathan Mason, do;

The following, as has already been announced, have been appointed by the government.

*Nicholas Biddle, Philadelphia; John Connelly, do; *E. I. Dupont, Delaware; *J. M'Kin, Baltimore; *Henry Eckford, New York.

Those marked [*] are new directors.

At a meeting of the new board, Nicholas Biddle, esq. was elected president, in the place of Mr. Clieves, resigned.

"EQUALIZATION OF THE EXCHANGE!" When we recollect the *professions* of those who got up the bank of the United States, and the *practice* of the officers and agents of that institution, on various occasions since its establishment—how great is the amount of promises violated and of hopes disappointed, that presents itself to our view! Instead of being a *national* institution conducted on liberal principles, and with a regard to the public convenience, it became a mighty broker's office, and dealt, as it were, in "the bones and sinews of men," that it might be made profitable to a contemptible and profligate few. But, it is probable that we shall have more to say about these things hereafter. Our present design is only to mention an occurrence that recently took place in Baltimore.

Some days, or weeks since, one of our most wealthy and respectable merchants, paid certain of his bonds, due to the United States on account of duties, at the office of the bank of the United States

in this city. On Saturday last, (as is the custom of the merchant about once a month), he directed his clerk to gather up his debentures, and obtain the collector's check for their aggregate due. The collector drew his check on the office, which check was deposited, as usual, in one of the state banks in which the merchant keeps his account, as money. On Monday, when the customary exchanges took place, the cashier of the office refused to pass said check to the credit of the local bank, or pay it otherwise than in *foreign* notes—that is, notes of the bank of the United States or its branches, not payable in Baltimore,—on the supposition, or the fact, that the merchant had paid his bonds in such paper. In this condition, the check was returned to the merchant, and he presented it to the collector—the latter said he had no money to meet it except such as was deposited in the office, and that he could not pay it: it was then placed in the hands of a notary, who, in ample form, *protested the office and the collector for the non payment of the check*, and so the affair rests at present.

To explain this matter more clearly, it may be needful to say, that the bills or notes of the bank of the United States, unless payable in Baltimore, are not regarded as *bank money*, though all, or nearly all, the state banks receive small parcels of them on deposit from their customers, by way of accommodation, in which great facilities are afforded to men in business. Of these notes thus accepted they must be relieved, or be compelled to cease the receipt of them; and hence those more immediately interested in the local banks, pretty generally, perhaps, make it a rule to pay their bonds in such notes, if to be had in those banks, it being provided by law that said notes shall be received in the payment of debts due to the United States: and this is the *condition*, one of the little inconveniences that the bank of the U. S. is subjected to, in consideration of the many advantages which it enjoys. The government may agree to receive what it pleases, (as any individual may), into its treasury as money; but has no power to impose any thing but specie on private persons as money—else the operation would at once be to make the bills of the bank of the United States, though payable on the summit of the Rocky Mountains, a **LEGAL TENDER**. The people are not prepared for this—the collector's check was payable to bearer, and debentures also are transferable property; so either of them represents current money, and should so be paid.

We regard this proceeding as a violation of the understanding on which the mammoth bank was instituted. What we can say on the subject may have but little effect, such is its present mastery over the country; but still, we apprehend that it is measurably responsible to public opinion and the eternal fitness of things. It is rightful that all its steps should be closely watched—and much caution should be observed that the few advantages secured to the people to balance to the great advantages conferred on the corporation, are strictly maintained. More hereafter.

AMERICAN MANUFACTURES. The Providence Journal of the 30th December, has the following gratifying paragraph:

We learn that the orders now in this place, for the purchase of brown cotton cloths, for exportation to foreign markets, anticipate the actual manufacture of those cloths. The steady prices maintained, notwithstanding the additional machinery which has lately been put into operation, form a

pretty convincing proof that our information is correct. It could not be otherwise, when single invoices are called for, of from one hundred to one hundred and fifty bales each. It is now almost a year since the first considerable shipments of domestic cotton cloths were made to South America. The increased and increasing calls for such goods, at the present moment, when the results of first adventures are ascertained, justify the conclusion, that those shipments were profitable.

If the ample protection afforded to the manufacture of cotton goods, has accomplished so great a purpose as to render them articles of export; by what sort of reasoning is it that we should suppose a like degree of protection, afforded to other manufactures, would not operate in a manner equally advantageous?

PENNSYLVANIA. The present house of representatives of this commonwealth is composed of

Lawyers	12
Merchants	10
Physicians	3
Farmers	52
Manufacturers and mechanics	10
Surveyors	2
Tavernkeepers	4
Without any profession	7
	--- 106

Among this number are 17 bachelors.

SOUTH CAROLINA. The legislature of this state has adjourned. Among the laws passed, were the following—New charters for the bank of South Carolina and state bank, have been granted upon the payment of the sum of 20,000 dollars each. A bank is chartered at Hamburg, with a capital of 500,000 dollars, and appropriations have been made for opening the navigation of Wappon, Bull and Wall's Cuts. A law has passed allowing the enlistment of 150 men, to serve as a standing body for the protection of Charleston, the suburbs and Charleston neck. A state loan is to be opened for 200,000 dollars, at 5 per cent. interest. The owners of slaves executed for the late negro plot, are to receive the usual compensation for such losses under the law, \$122. The owners of slaves condemned to transportation out of the United States, are left to carry the sentence into execution at their own expense. Pinceel is to receive \$1000 and to be exempt from taxation, and Scott is to receive 500 with a like exemption. Col. Prioleau's and major Wilson's slaves are to be freed with the consent of their masters, and to receive \$50 per annum for their lives.

ALABAMA. Limestone county, in this state, contained at the last census, 9871 inhabitants, of whom 2919 were slaves. The cotton crop of 1821 amounted to 2,100,000lbs. ginned cotton, or 6,000 bales of 350lbs. each.

The land in cultivation this year, (1822—

In cotton	11,385 acres:
corn	14,982
small grain	1,291

Total 27,678

There are in this county 2204 horses and mules, 7667 neat cattle, 2282 sheep; 1594 spinning wheels and 469 looms; and the cloth manufactured last year was 112,445 yards. These facts are derived from the Huntsville Republican.

William R. King has been re-elected and William Kelly elected, senators of the U. States from this state. The presidential election seems to have thrust itself into this matter. Mr. King was opposed by William Crawford and, after seven ballots, was elected 38 to 35, and Mr. Kelly had a majority of only one vote over John McKinley.

NEWS PAPERS taken by the Indians. Among the letters lately received on a certain day at the office of the "National Intelligencer," was one from a person who says that he is "what the vulgar term a full-blooded, Cherokee;" and from his name and residence we have no reason to doubt him. His letter is well and correctly written, enclosing money to constitute him a subscriber to this paper.—He concludes his letter as follows: "The improvement of the Cherokees in civilization is such as to warrant the anticipation that you may have "more subscribers from this quarter." *Nat. Int.*

A NEW LOCK has been invented by Samuel Goodwin, of Philadelphia. It has received the most decided approbation. The inventor calls it a "trap lock." It is thus spoken of in the Democratic Press: "There is a singular advantage in this lock; it is so contrived that any key but its own, being introduced into the lock, is made fast and cannot be removed by the knave, who for dishonest purposes had introduced it—Notwithstanding its simplicity, it is so constructed that if five hundred locks and keys were made, no key would open any one but the one for which it was originally made—It is a perfect safeguard against pick-locks."

BRITISH REVENUE, from the year ending 10th of October 1822.

Customs	£ 9,470 709
Excise	25,846,322
Stamps	6,245 693
Post Office	1,343,000
Assessed Taxes	5,971,129
Land Taxes	1,263 959
Miscellaneous	300,998
	--- 50,549,900.

FROM A MASSACHUSETTS CORRESPONDENT.

RIGHTS OF CLERGY.

MR. NILES—In a preceding essay under this head, I proved, as I think candid men will admit, that the new constitution of the state of New York, by excluding the clergy from all offices, civil and military, violates the spirit of the constitution of the United States, and a vital principle of republican government; that is, the principle of equal rights. Eligibility to any office of honor, trust or emolument, I hold to be a right belonging to every free male citizen, "paupers, vagabonds and fugitives from justice, excepted." These only are excepted by the constitution of the union, and this exception is grounded on correct moral principles. The exception at once provides for the common safety, and fixes an ignominy on the character of bad citizens. The section of the New York constitution in question, under a plausible pretext, dooms the clergy to the grade of outlaws and vagabonds. This is a blot on the fair fame of the republic, at which tyrants may point with scorn of our pretensions.

But the New York constitution plasters over the proscription of the clergy with a few smooth words. It says "the ministers are, by their profession, dedicated to God and the care of souls, and ought not to

be diverted from the great duties of their functions." Specious pretext, indeed! What a wonderful and gracious concern for the care of souls? If all the lawyers in the state had put their heads together, a more crafty plan could not be devised to monopolize all offices of honor and emolument among themselves. The pretext, probably, satisfied many honest unsuspecting minds.

We will examine the pretended reasons for this bold proscription. Is "dedication to the service of God," a reason to justify a state for stripping more than a *thousand citizens* of the privileges and immunities of citizens? Is not every Christian, by his profession, dedicated to the service of God. Is the service of God incompatible with the duties of all civil and military offices? This is a new discovery, that may well astonish every understanding republican and every Christian in the union.

The *care of souls* comes last, as the great reason for proscription. The phraseology of this reason is quite sanctimonious, indicating a deep concern for souls. What, in plain English, is the care of souls other than to instruct and persuade men to their duty as members of society, that thus they may serve God and find the way to heaven? I had hoped that the old superstitious notion of the Romish church, that the clergy were to be used as 'scape goats, to bear off the sins of the people, had not prevailed to such extent in this enlightened land. I had hoped that the absurd pretence, that religion is a concern distinct from the common duties of life, had been exploded. There never was a policy adopted so dangerous to liberty, both civil and religious, as that which sets apart the clergy as an order of men distinct from the community. It is the most direct way to secure to them an undue and dangerous influence. A perfect level with their fellow citizens, is the only ground consistent with the christian system or with the principles of republican government. The duties of ministers are the duties of men, having the same objects in their ultimate view as the duties of instructors of youth, lawyers, civilians, physicians, rulers and men of various callings. When any man, in any office or station, ceases to act under the impression of future accountability, the trust reposed in him is in dangerous hands. The clergy would have an equal right with that asserted in the constitution of New York, were their power sufficient to adopt a constitution, declaring that the other classes *ought not to be diverted from their callings*. The physician has the lives of the people in his hands; and on life depends all the vast concerns of this and the coming world. The cause of the poor, the persecuted, the afflicted and oppressed, the widow and fatherless, is often committed to the lawyer, and his responsibility is solemn, therefore he ought not to be diverted from the functions of his office. The ruler has the concerns of a state, on which are pending the causes of life and death, entrusted to his care; therefore he ought not to be diverted to pursuits of trade, of common business or speculation. Thus the clergy might find some smooth pretext to proscribe the various classes.

Government is a common concern of all classes in a community; the interests of religion are actually under the controul of civil government. All religious institutions are continually aided or opposed by the operation of the laws of the state.—The great characteristic of our Saviour's example was, that "he went about *doing good*" His ministry was not confined to any set forms or functions—He gave an example in the character of a dutiful child, of an industrious and useful citizen during

the greatest part of his life, and afterwards of a great variety of benevolent actions. And, if the government under which he lived, had not been corrupt and tyrannical, I see no reason why he might not have left to the world an admirable example as a legislator or a judge, in civil affairs—Although he declared his kingdom was not of this world, it evidently had regard to all that relates to the welfare of man in the present state. The great business of ministers is to do good, and I deny that any power on earth has a shadow of right to limit their sphere of doing good. They may promote the interests of religion as extensively and as surely, by imparting a salutary influence through the medium of civil office as in any other way for the benefit of society. I hold that the clergy ought in all respects to be amenable to the laws like other men. But I must abandon this position, if I admit a power to abridge their rights and privileges. The danger arising to any state by creating distinct classes of citizens with privileges, either diminished or increased beyond the measure common in the community, must be manifest. If the clergy are robbed of their rights, their professional duties will be affected by their sense of injury. And indeed, they may now with propriety say to the people of New York—If you are so unwilling that we should be diverted from the functions of our profession, you will double your contributions for our support, that we may not be diverted to *secular* concerns. God has formed every creature with a nature to resist encroachment and wrong. The mild and merciful spirit of the gospel remonstrates against being "beaten openly uncondemned."

The clergy have been much stigmatized as a class of men whose influence is dangerous to the welfare of states. Their power to do evil has always been in proportion to the prevalence of superstition, that attaches to their character a false sanctity as a distinct class of beings. And it has ever been found in the character of all classes of men, that the possession of an unequal portion of power, would produce a disposition to try the operation of that power.

The evils that have arisen in the governments of the old world, have been owing to that policy that vested the church, in matters of religion and conscience, with distinct and sovereign prerogatives, thus giving the clergy an opportunity to do toward the laity much the same as the laity of New York have done toward their clergy. If the laity say to the clergy, your calling forbids that you should be entrusted with *civil* power, the clergy may, with equal propriety, say to the laity, your calling forbids that you should be entrusted with any *ecclesiastical* power. A hierarchy is established of course, and the rights of common christians are compromised. Religion herself receives a wound and civil liberty languishes in a decline.

Public bodies, as truly as individuals, when they have power do strange things. This fact appeared in the proceedings of the late convention in Massachusetts, many of which were rejected by the people. And, thanks to heaven, remedy is found against unequal and unjust measures, by a frequent recurrence of political power into the hands of the people. If not deceived by designing men, their decisions are almost universally in favor of liberty and equal rights.

With sincere regret have I felt constrained to protest against one instance of example in a great state, whose public spirit and high-minded patriotism have so often merited the applause of the union.

EQUAL RIGHTS

The rate of Exchange.

MR. NILES—I beg leave, through you, to offer to the Boston "Merchant" my thanks, for his answers to my questions. It is a pleasing omen that merchants are willing to give information, to meet us with facts and reasons—instead of mere assertions and general declamation. Fully confiding in the candor of the Boston "Merchant," I will question none of his facts or statements, and proceed to the discussion of the question, with the high gratification arising from the belief that my opponent has stated facts with as much truth as he has reasoned on them with ability. I shall question nothing but his conclusions.

The "Merchant" says—1. That the fact of the exportation of specie, greater than the importation, is presumptive evidence of a prosperous commerce—that is to say, as a bad trade checks exportation, a prosperous trade promotes it.

2. That it is absolute evidence that the prospect was considered good.

3. That the accumulation of specie has always followed the stagnation of trade, and the revival of trade has always been the signal to set this accumulation afloat, in search of profitable employment.

Adopting his statement of the specie in the Boston banks as correct, and likewise as indicating the state of other banks throughout the union, I would ask the "Merchant" what he means by what he calls "the disastrous year 1819." On the 1st of January of that year, the specie in the Boston banks was only 541,000 dollars, nearly 100,000 less than in any year mentioned in his table. On his own principles, it was "presumptive evidence of a prosperous commerce," and "absolute evidence that the prospect was considered good"—yet he admits there was a paralysis in commerce in that year. These admissions at once overthrow his whole theory. In June last, he states the specie to have been \$430,000, and we all know that the numerous bankruptcies in Boston, at that time, indicated any thing but a flourishing commerce. He states that there was a severe pressure for money—that pressure must have been on the merchants. He says the pressure continued scarcely a month—will he inform me whether that pressure was removed by draining still further, or by replenishing the vaults of the banks? He says "the effect of these occasional periods of pressure is salutary; they keep the currency sound and purify the commercial atmosphere"—what does the "Merchant" mean? he seems, to me, to have forgotten himself: the excessive embarrassment felt in the commercial atmosphere of Boston amounted almost to suffocation—even respiration was difficult for the want of specie; and the "Merchant" well knows that life and action was infused into the system by its importation and not its exportation. Their commerce had been, as in 1819, paralysed by exhausting the country of the precious metals, and, for the same reasons, the European market had become glutted with our produce—the demand and price had both been diminished; commerce no longer consisted in the exchange of equivalent articles—it was carried on, on our part, by the export of specie, and, by other nations, by the export of merchandise: our merchants were obliged to procure their dollars at great expense—goods were plenty, dollars were scarce; they were obliged to make sacrifices on their goods to procure money, and, as these goods were bought in countries where money was plenty and goods in demand, the merchants had the double disadvantage

of purchasing specie where it was scarce and dear, and of sending it to a market where it was plenty and depreciated—of buying their goods where they were in demand, and bringing them to an overstocked market. This was the true cause of that disastrous paralysis in commerce in 1819, and will be found to have the same effects in the still more disastrous year of 1823. I will ask the "Merchant" if, in June last, a dollar would not have commanded as many yards of cotton in Boston as in Liverpool? and, if so, where was the merchant's profit? With one more question I will close this part of the subject—What does the "Merchant" mean by "purifying the commercial atmosphere?" Had it become so corrupt or infected in Boston, as to require the dreadful pressure of June last to purify it? He ought to inform us of the nature of the infection, its causes and remedy—so that others may avoid it. I had always thought the commercial atmosphere of Boston was pure; that it did not require the healing process of bankruptcy to make it salutary; but, when a Boston "Merchant" avows the contrary, it is time for the nation to be on its guard against the causes of its pollution, as well as to prevent its becoming contagious.

I am pleased with the ingenuity of the "Merchant" in replying to my question on the subject of exchange. It was this—"Is a rate of exchange, 13 per cent. above par, advantageous, or otherwise, to the operations of commerce?" He denies the fact, saying that it is utterly impossible that such a rate of exchange with England can exist; and attempts to shew the actual state of exchange with that country. He says, "the par of exchange between two countries can only be ascertained by ascertaining the quantity of the precious metals represented by their respective currencies." By this rule, if the coin of both countries represented the same quantity of silver—that is, if a dollar in each represented an oz. of silver, the difference of exchange would be only the freight and insurance on the transportation from one country to the other—and thus the "Merchant" concludes the present rate of exchange is at par, because 100 ounces of silver will produce in Boston a bill on London, which will produce the 100 ounces of silver. This would always limit the rate of exchange; for an ounce of silver is worth as much in Boston as in London, deducting the expense of transportation to convey it to London, and exchange would never fluctuate beyond the fluctuations of freight and insurance. There would be the same results, let the currencies of the two countries represent different quantities of silver—for ounce will buy ounce, less the transportation. The "Merchant" must be mistaken in his definition of exchange. I will not contend with him about technical phrases; if he puts the question on that, I yield to him that exchange is now at par, and can never, in the nature of things, be otherwise. I take the meaning of exchange to be its common acceptance in the commercial world, at the coffee house, at the brokers, in prices current, and in common parlance. A merchant asks another, what is exchange on London to day?—the answer is 12½. This does not mean that it costs so much to carry gold and silver to London. If we look at a price current to know the rate of exchange with any country, and we find bills on London 12½—Amsterdam 41 cents per guilder—Hamburg 85 cents mark banco. It does not mean what is called the real par of gold against gold, or silver against silver—the custom house par is settled by law; but it means the actual exchange resulting from a variety of causes which are mentioned by Mr. Adams, in his most admirable

report on weights and measures, page 145:—"The actual exchange is never regulated by the medium, or any other par, but by the relative value of bullion in the two countries at the time of the transportation; by the relative proportions between the value of gold and silver established by their respective laws; by the prohibitions of exportation of bullion sometimes existing, and the duties upon its exportation levied at others; by the laws which, in some countries, make gold alone, in others, silver alone, in others again, both silver and gold, legal tenders for the payment of debts; by the existing condition of the commerce of the two countries, and of each of them with all the rest of the world; and last, and most of all, by the substitution of paper currency instead of the precious metals, in one or both of the countries, and the existing depreciation of the paper." Exchange between two countries is the result of the operation of these causes. This is the kind of exchange of which common people speak, and which is its accepted meaning in all commercial language—and to this kind of exchange every one refers when he says exchange on London is 12½ advance. Advance above what, let me ask the 'Merchant'?—From his calculations, he must mean the custom house par—but, be that as it may, his answer does not meet my question. I agree with him fully, that real par cannot amount to 13 per cent.; for silver or gold can be transported at less expense—nor custom house par, for that is regulated by law; nor intrinsic par, because that depends on the purity of the metals. I mean the actual, commercial, practical par, which the 'Merchant' has not thought proper to notice. My question alluded to one kind, his answer to another; with the adroitness of a veteran, he avoids the point of attack. But, as we both write for the public, they must understand this subject as well as the 'Merchant,' and me understand each other. The fallacy of his remarks consists in this—he refers to a par of exchange which does not exist in practice, and thus artfully draws the public attention from the actual par of exchange, to one existing in his own fancy merely. To meet his views, the materials of exchange must be the same—silver for silver, gold for gold, ounce for ounce; but, between this country and England, these are not the materials for exchange. In England, debts are payable in bank paper; in the United States they are payable only in gold or silver; the pound sterling represents a determinate quantity of gold or silver, and it represents a one pound note; in America a dollar represents a given quantity of silver or gold only: thus—a debt due to an American in England, can be paid in paper: a debt due to an Englishman in America, can only be paid in specie. "So that, at this time, the materials of exchange between the United States and England, are, on the side of the United States, gold or silver, on the side of Great Britain, bank paper"—(Mr. Adams' report, page 144.) No one knows this better than the Boston 'Merchant,' and yet he has dwelt entirely on that par of exchange which can only exist where the materials are the same. In illustrating his position, he assumes the remittance of 100 ounces of silver to London, when no such thing exists in practice. Debts are contracted, bills are payable in pounds sterling, which means in gold, silver or bank paper—but, in buying a bill or remitting the money, we can use only gold or silver; thus all the various causes enumerated by Mr. Adams, have their operation to keep exchange in a constant fluctuation; and, at the present time, to bring it against this

country 12½ per cent. It is not necessary to make calculations between the real, the custom house, and the intrinsic par of exchange. I will adopt the custom house, that being fixed by law—by that standard, a pound sterling is fixed at \$4.44 4-10. This is the legal par—thus, an invoice of goods of £1000 sterling, pays duties, at our custom house, on \$4,444 44—so, a man, sued in the United States for £1000, must pay \$4,444 44. Now, it is easy to ascertain the actual exchange between the United States and England—a Boston merchant owes in London £1000; he provides the money in Boston to pay it by a bill to that amount—the merchant says he must pay \$5 for the pound sterling; to pay the £1000 it will then cost him \$5,000, instead of \$4,444 44, being a difference of \$555.56 between the legal and the actual par of exchange. And it must be remembered too, that the \$5,000, in Boston, must be paid in gold or silver, the £1,000, in London, may be paid in bank paper—dollars for paper. Again, a merchant, in London, owes in Boston, £1000 sterling; he can pay it with \$4,444 and 44 cts: this shews the actual exchange against this country. If it was at par, then \$4.44, in Boston, would be worth a pound sterling in London, for he could purchase a bill for £1000 on London; and by so much more as he is obliged to pay for it, so much is the rate of exchange against Boston. This solves, at once, all the mystery of exchange, and it now becomes an easy thing to ascertain whether the present rate of exchange is favorable to commerce or the country. No ingenuity can evade the conclusion, founded on the fact which the 'Merchant' himself admits, that, to pay a pound sterling in England, costs \$5—to pay it in Boston costs only \$4.44—a loss of 12½ per cent.: in other words, it costs us \$112.50 to pay one \$100 in England. A familiar case will place this subject in a plain matter-of-fact point of view: A, in London, owes B, in Boston, £1000—B owes C, in London, £1000; if exchange was at par, B would draw on A to pay C in London. In the present state of exchange, he cannot do it. A pays B, in Boston, \$4,444.44, in full of the debt; but, in order to pay C, in London, B must pay the additional sum of \$555.56. Thus two debts, equal in amount, both for the same number of pounds sterling, become unequal by the existing rate of exchange—£1000 will not pay £1000. The Bostonian receives his £1000, and is still £125 in debt. Every £1000 worth of English goods we import, costs £1.125. Now I call on the 'Merchant' to answer my question—Is such a rate of exchange beneficial to commerce, or otherwise? He must, likewise, permit me to remind him that he has attempted no answer to my third question—which is, whether, "the exportation of specie, more than we import, combined with the present rate of exchange, promotes or retards the prosperity of the country?" An answer will be expected to this question—for, though these two causes may, in the opinion of the 'Merchant,' benefit commerce, they may ruin the country.

Having brought the 'Merchant' on paper, we must be better acquainted before we part; the subject of exchange has been thought a complicated one, and my endeavors to simplify it may have led me to prolixity—but it seemed necessary to amplify on the subject so as to make it familiar to every one. I hope to hear again from the 'Merchant'—we can employ our winter evenings, and, perhaps, instruct the people; at any rate, our discussions will tend to elicit truth and diffuse information.

Important Law Case.

Yesterday the chief justice delivered the opinion of the court in the case of Wain against Thomson. That cause has been the subject of much conversation, and various opinions have been entertained as to the final result. We, therefore, believe a publication of it will be both useful and acceptable to the public.

[*Phil. Gazette.*]

William Wain }
vs. } In the Supreme Court,
Edward Thomson. } Eastern District, Penn.

This is an action on a policy of insurance "on supposed profits on a cargo of goods, in the ship Bengal, on a voyage from Canton, in China, to Philadelphia, warranted free from average, and without benefit of salvage. Amount valued at \$20,000.

The ship sailed from Canton on the 25th December, 1815, with a cargo of teas, cassia, china, &c. On the 29th January, 1816, she met with a gale of wind, by which she suffered considerable damage: in consequence of which she put into the Isle of France for repairs. On a survey, the whole cargo being unloaded, part of the tea was found so much damaged, that it was ordered to be thrown into the sea. Another part being damaged and in a perishable state, was sold for the benefit of the concerned, and the proceeds vested in other goods, which, with the saved part of the cargo, were shipped on board of the Bengal, who, after receiving the necessary repairs, resumed her voyage to Philadelphia on the 9th April, 1816, and arrived there the 1st July following. At Philadelphia, it was found that part of the teas taken on board at the Isle of France, as sound, were, in fact, damaged at that time. The sound teas were sold at Philadelphia at a very considerable profit; but, upon the whole cargo, there was no profit: and there was a loss of more than 50 per cent. on the whole amount of the goods shipped at Canton. The plaintiff abandoned, and claims for a total loss.

On this state of facts, the plaintiff contended—

1. That there was a total loss of the voyage by the very great interruption and delay which took place, in consequence of the damage at sea, which obliged the ship to put into the Isle of France.

The court decided that this argument is not sustainable. The insurers engage that the voyage shall be accomplished, but not in any particular time. The ship is to be repaired at their expense, and then to prosecute her voyage. She did so in this case, and arrived at her port of destination.

2. The plaintiff contended that the loss was total, because it exceeded 50 per cent.

The court agreed this was, in general, the rule—but this is an insurance on profits, and, by the express agreement, the defendant is to be free from all average loss, and to have no benefit of salvage.

The court here considered the nature of losses, whether total or partial—every loss, less than total, is, in fact, a partial loss; that kind of total loss which arises from damage greater than 50 per cent. is merely technical. The question then is, whether, if the assured discharges the insurer from all average loss, he does not discharge him from loss which may be properly called average without regard to its amount. The insurance on profits partakes of the nature of an insurance on the goods from which the profits are to arise.

The court then considered the meaning of the words "free from average," as it has been used and adjudged in relation to insurances on goods. The leading cases were examined particularly; and concluded that, under this warranty, in the case

of goods, if "free from warranty," no recovery could be had on the ground of a technical loss; and the law is the same as to an insurance on profits.

3. Another question was made by the plaintiff: that, as some of the tea was totally lost, he was entitled to recover for loss or profits on them. The court decided against the plaintiff on this point also, on the authority, *Beays, vs. Ches. Ins. Comp.*—decided by the supreme court of the United States. Judgment for the defendant.

Legislature of Pennsylvania.

Report of Mr. STEVENSON, chairman of the committee on domestic manufactures—Read Thursday, Dec. 24, 1822, in the house of representatives of the state of Pennsylvania.

The committee on domestic manufactures, to whom was referred, as unfinished business of the last session, bill-No. 363, entitled "an act for the protection and promotion of the commerce, internal trade, and manufactures of the state of Pennsylvania," have had said bill under consideration, and report:

That the bill of last session, entitled as above, proposes an arrangement with the several turnpike companies on what are usually termed the northern and southern routes, from Harrisburg to the waters of the Ohio river; by which arrangement, wagons, having wheel tire of at least four inches in width, engaged in the transportation of merchandise, and of our agricultural and manufactured products, may pass to a market toll free; and, in order to effect this, it is proposed that an additional subscription to the stock of the several companies shall be made by the state.

The several turnpike companies mentioned in the bill No. 363, it appears are still deeply in debt to workmen, contractors, and others, who have done the labor on the several sections of road, and it is ascertained that the managers are willing, at this time, to concede to the state the privilege desired, at an immense sacrifice of their private interests, with a view to the general advantage, and to enable them to do justice to their suffering creditors.

The debts of these companies are, at this time, about two hundred and fifty thousand dollars; and, from communications with some of the managers, it is believed, that, if the state will subscribe about one hundred and ninety-eight thousand dollars, to aid in the liquidation of these debts, payable in six annual instalments of thirty three thousand dollars; or that if the state will allow certificates of the debts due by the companies to the above amount, to be received in payment at the land offices, the managers will agree to grant to the state, subject to such regulations as the state may make, from time to time, the privilege of suffering all broad-wheeled wagons to pass toll free, on their respective sections of road forever.

The whole cost of the road from Harrisburg, by Chambersburg, to Pittsburg, in round numbers, has been eleven hundred and fifty thousand dollars.—The cost of the road, by way of Huntingdon, now nearly completed, it is ascertained, will be five hundred and seventy thousand dollars; the total cost of the two routes seventeen hundred and twenty thousand dollars.

The state holds stock in the companies on these routes to the amount of nine hundred and twenty thousand dollars; individuals hold four hundred and seventy thousand dollars.

There have been debts of the companies extinguished by the application of tolls received, to the amount of eighty thousand dollars; and the debts still existing amount to about two hundred and fifty thousand dollars. The whole extent of road under consideration is four hundred and twelve miles.

It is well known, to all persons acquainted with the settlement and improvement of the country lying beyond the Appalachian mountains, that the first line of communication with it passed through Pennsylvania; and that, from the doubtful and devious footpath, through each successive stage of improvement, up to the regular and costly turnpike, Pennsylvania, to the year 1820, possessed the best and most attractive road.

The legislature, convinced, at an early period, of the advantages to be derived from the settlement of the west; and desirous of facilitating and securing to her citizens the highly productive and valuable carrying trade between the Atlantic and the waters of the Ohio, and of fixing the points of exchange, between the east and west, within her limits; and actuated by the most honorable and enlightened views of state policy, did, at successive periods, make large appropriations for encouraging objects of such unquestionable advantage to the commonwealth.

The fostering care of the legislature, and public spirit of our citizens, induced a vast portion of the emigration and property destined to the west, to pass through our state. To such an extent had the carrying trade arrived, in consequence of the demands of the increasing population of the western country, that the average annual amount of carriage money, paid to wagoners at Pittsburg alone, in the years 1816, 1817, 1818, and 1819, exceeded a million of dollars; almost every dollar of which was drawn from the western states, and retained in Pennsylvania. An immense amount of property from the extensive west, accumulated at Pittsburg; and from thence found its way to Philadelphia in the returning wagons; these, taking back loading at very low rate, in fact so low as to be an inducement to the citizens of Kentucky, Ohio, &c. to send their products to Pittsburg, to be conveyed over land to Philadelphia, rather than to send them to a New Orleans market by water carriage.

The weight of articles conveyed from our Atlantic cities to the waters of the west, at points within the limits of our state, for an average of several years, exceeded that returned by about one half; the first being about twenty-one millions of pounds weight, and that returned about ten millions. The carriage of the outer loading, at this period, costs about six hundred thousand dollars, and that inward about one hundred thousand, the price of carriage being very low at this time. About five millions of pounds are also taken up by the return wagons at intermediate points, between the western waters and the Susquehanna river, and are conveyed to Philadelphia or Baltimore.

The attention of the legislature has been urged by a large body of the citizens of the state, to circumstances deeply and permanently important to them; and memorials, signed by great numbers, were last year presented to the house of representatives, praying the legislature to devise measures to retain this carrying trade in its old and accustomed channel; these petitions were, at the last session, referred to a special committee, and the bill, No. 363, now under consideration, grew out of the examinations made by that committee upon the subject. The bill was introduced into the house late in the session, was debated in the committee

of the whole, and the first section agreed to, at which stage the debate closed; and, with a view to give time to the citizens of the state to inform themselves fully on the subject, the bill was not again called up.

The anxiety of our citizens, on the subject of rendering the turnpike roads alluded to free, arises from the effects produced by the completion of the national turnpike road, commencing at Cumberland, in the state of Maryland, and terminating at Wheeling, on the Ohio, in the state of Virginia. This road was finished in the year 1820, at an expense to the nation of one million eight hundred thousand dollars, and declared free.

The consequences of this expenditure of the national funds, in local improvements, must be to rapidly divert the carrying trade from its accustomed channel, and to render valueless the large amount of stock which the state holds in her western roads, and also that held by her citizens, many of whom placed great, and, it now appears, lasting embarrassments on their property, to raise the means of meeting their subscriptions. The cheaper rate at which wagons can pass by the national free road, from Baltimore to Wheeling, must, undoubtedly, unless counteracted by suitable measures on the part of Pennsylvania, draw many of our citizens and much wealth, in wagons, horses, &c. from our state, and lose, to the commonwealth, the commercial and other profits on the amount of produce and purchases diverted from Philadelphia and Pittsburg, to Baltimore and Wheeling, and must create a distressing evil to the farmers and manufacturers of the western and middle counties, by depriving them of the advantage of sending their products to market, as heretofore, by the returning wagons.

As an evidence of the evil which the loss of this trade would inflict on our western citizens, your committee will only state, that, as yet, a barrel of flour is carried from Pittsburg to Philadelphia, a distance of three hundred and one miles, for two dollars. Yet, if the farmer was compelled to send his own wagon, his team of five horses could only convey fifteen barrels, would be from home 35 days, and if his flour produced him six dollars per barrel at Philadelphia, would, after spending the whole proceeds of his load, leave him twenty dollars in debt. At present, however, large quantities of flour, whiskey, pork, hemp, tobacco, &c. the produce of the west, and the manufactured articles of window and other glass, paper, linen, spun yarn, cordage, &c. are daily loaded at Pittsburg, destined eastward.

The loss of the carrying trade, must, by rendering it impossible for the western agriculturalist to get his produce to a market, force a part of the population of Pennsylvania to abandon it, in order to approximate toward one; and a depreciation in the value of land, arising from a diminution of inhabitants, and a removal of personal property, must ensue.

It is, therefore, especially recommended by your committee to the legislative body, to adopt prompt and efficient measures to secure to our citizens the benefits of the carrying trade: the advantages to many of them are now immense, and the moment the roads from Harrisburg, by Lewistown, to Pittsburg, are completed, will prove, also, of primary consequence to the inhabitants of all that section of the state through which those roads pass. The wagons, returning from Pittsburg, will divide on the several routes, and will take up the surplus agricultural and manufactured products on each; the barrel of flour will be conveyed from Huntingdon

to Philadelphia, for less than one dollar and a half by a prompt and sure conveyance, without the hazard and delay of water carriage. The iron manufacturers of Huntingdon, Centre, Mifflin and other counties, will be able to meet the foreign product to advantage, and, if similar advantages could be more general, the national legislature might, in a considerable degree, avoid the odium of giving encouragement to manufacturers by raising the price upon the consumer, through the medium of a tariff, which too large a portion of our citizens are unwilling to adopt. A ton of iron can be taken from Huntingdon to Philadelphia, for fifteen dollars; such will be the benefits of internal trade, of good and free roads.

Had it not been that the turnpike road from Huntingdon to Pittsburg, was finished about the time foreign iron fell to ninety dollars per ton, all the manufactories in the middle counties must have inevitably closed, as it would have continued to cost them sixty dollars per ton to reach their market; whereas, they now reach Pittsburg at an expense of thirty dollars per ton, by taking twice the former load, and making the trip in less time. It may be objected, that, although the making the leading western roads free, may be of great moment to a large portion of the state, it is not so to it all; that every part has a claim to equal nurture, and that it is not in the power of the state, at this time, to render the whole free. To this it may justly be replied, that all improvement must be progressive, and that the measure now proposed is of primary importance. That the state, many years since, contributed effectively towards the making of these roads, and that they were amongst the first to which the state gave assistance; that the appropriations were long contested, and were obtained after great difficulty. Yet, the making of these led to further improvements in every section of the state; turnpike roads having multiplied, until there is no part of the state but what offers to the farmer great facilities in getting his produce to market, at half the expense he could have formerly done.

It may be proper to state, that the amount of toll which must be paid at this time, on the trip from Pittsburg to Philadelphia and back, on a six horse team and broad wheeled wagon, by the cheapest route, is nineteen dollars and twenty cents; and that the toll upon a narrow wheeled wagon, and six horses, for the same trip, is twenty-nine dollars and thirty cents: which is an average of about twenty-four dollars on each load; and at the present price of carriage, is upwards of twenty-one per cent of the wagoner's whole receipts, on his outward and inward load.

The effect of this upon the interests of Pennsylvania, must be too clear to every mind to make it necessary for your committee to enlarge upon the subject. The national road runs from Baltimore to Wheeling on a line nearly parallel with our principal road, and but about thirty miles south of it; and being a good road and toll free, must gradually draw away our trade, and, in fact, has already drawn away a considerable part of it: and although some impediments are still in the way of its total loss, occasioned by the reluctance to quit an accustomed channel of trade, and to dissolve commercial and other long established connections; yet interest must eventually prevail, and when the trade is once diverted to its new channel, we can never hope for its return. If we will not know the ways of wisdom in the days of our prosperity, she will leave us to our own in the days of our adversity.

The provisions of the bill which your committee have had under consideration, will place the trade on the great leading western turnpike roads, both state and national, on an equality, as regards toll; and should this be effected, the industry of Pennsylvania, the economical habits of her citizens, her fine breed of draft horses, and the low price of provender in our state, will give such advantages as will secure to the citizens of this commonwealth the almost entire benefits of the carrying trade.

Your committee, therefore, after mature consideration, report the bill of last session, with some slight alteration in its details, and cannot forbear to earnestly urge upon the legislature, the utility of adopting the provision, which it contains.

In the language of the report of the committee of the last session, "it has been deemed advisable to limit the provisions of the bill, to terminate at the Susquehanna; knowing that if the road is thus far made free, the produce of the west will find its way to Philadelphia, by some one of the various channels leading to that place, and which can be designated, and incorporated in the bill, when under consideration before the house." This channel may be the union canal, or some one of the turnpike roads leading from Harrisburg to Philadelphia, or the Susquehanna river, as it is highly probable, that the removal of the obstructions in that noble stream, will be a special object of legislative attention; being so deeply important to a large portion of the state.

Your committee sincerely hope, that, in considering the subject here offered to the attention of the members of the legislature, they will each view themselves as representing the state at large, instead of particular districts: surely, as each of us may justly be prouder to view ourselves as citizens of the United States, whose name is respected in every land, and whose flag is honored in every sea, rather than as citizens of any particular state: so we ought to feel more pride as representatives of the whole state, than as those of particular counties. Let us then, divesting ourselves of all local feelings, give the necessary support to what is now the weaker part of the commonwealth; it may yet become the stronger and return the favor.

Finances of the United States.

Several tables and statements accompanied the annual report of the secretary of the treasury on the state of the finances, which contain useful information. Not having room for the whole, we offer such a selection from them as includes whatever is interesting among them to readers in general.

REVENUE FROM IMPORTS IN 1821.

A statement, exhibiting the value and quantities, respectively, of merchandise on which duties accrued during the year 1821, (consisting of the difference between articles paying duty imported, and those entitled to drawback, re-exported); and, also, of the nett revenue which accrued that year from duties on merchandise, tonnage, passports, and clearances.

<i>Merchandise paying duties ad valorem.</i>		
340,613	dolls. at 7½ per cent.	\$63,045 98
13,036,191	at 15	1,955,428 65
4,473,993	at 20	894,798 60
16,605,525	at 25	4,151,381 25
1,604,358	at 30	481,310 40
36,560,690		\$7,545,964 88

1. Wines	3,154 111 galls. at 24.86 cents average	784,126 65
2. Spirits	3,847,003 galls. at 43.65 cents average	1,679,919 43
Molasses	9,459,898 galls. at 5 cts. average	472,994 50
3. Teas	4,603,855 lbs. at 31.45 cents average	1,447,921 09
4. Coffee	15,965,237 lbs. at 5 cts. average	798,446 90
5. Sugar	43,084,819 lbs. at 3.05 cents average	1,315,143 40
6. Salt	3,121,847 bushels at 20 cents	624,369 40
7. Other articles		1,690,385 62
		<u>8,712,707 45</u>
		\$16,258,672 33

To which add, duties collected on merchandise, the particulars of which were not rendered by the collectors, after deducting therefrom duties refunded, and difference in calculation

		113,483 02
		<u>\$16,374,155 35</u>
2½ per cent. retained on drawback		61,674 69
Extra duty on merchandise imported in foreign vessels		21,010 70
Interest and storage		26,725 21
		<u>109,410 60</u>

Duties on merchandise	\$16,483,565 95
Duties on tonnage	89,848 61
Light money	8,328 99
	<u>93,177 60</u>
Passports and clearances	9,858 00
	<u>\$16,591,601 55</u>
Deduct expenses of collection	693,167 13
Nett revenue	<u>\$15,898,434 42</u>

MISCELLANEOUS REVENUE FOR 1821.

Statement of moneys received into the treasury from all sources, other than customs and public lands, during the year 1821.

From arrears of old internal revenue,	
Direct tax of 1798	3,661 25
New internal revenue	69,027 63
New direct tax	25,687 80
dividend on stock in the bank of the United States	105,000 00
fees on letters patent	4,770 00
postage of letters	516 91
cents coined at the mint	14,440 00
prizes captured by public armed vessels	634 20
sales of public lots in the city of Washington	9,372 75
return passage money of an American seaman	10 00
damages recovered in an action of ejectment in the district court of Vermont	233 33
vessels, &c. condemned under the acts prohibiting the slave trade	8,923 28
interest on balances due by banks to the United States	\$10 35

From moneys previously advanced on account of the 3d census	231 18
do. building custom houses	716 62
do. balances of advances made to the war department	112,430 81
	<u>113,378 61</u>
from small treasury notes, for which certificates of 7 per cent. stock have been issued	324 00
loan authorized by act of 3d March, 1821	4,735,296 30
premium on the same	264,703 70
	<u>5,000 00 00</u>
	\$5,336,290 11

Treasury department, register's office, Dec. 12, 1822.
JOSEPH NOURSE, Register.

EXPENDITURE FOR 1821.

Statement of expenditures of the United States for the year 1821.

Civil, Miscellaneous, and diplomatic, viz:

Legislature	\$359,900 04
Executive departments	506,024 19
Officers of the mint	9,600 00
Surveying department	16,837 32
Commissioner public buildings	1,000 00
Governments in the territories of the United States	14 101 68
Judiciary	204,829 41
	<u>\$1,112,292 64</u>

Annuities and grants	1,300 00
Mint establishment	45,850 00
Unclaimed merchandise	3,736 92
Light house establishment	146,584 84
Surveys of public lands	173,941 95
Privateer pension fund	1,961 54
Trading houses with the Indians	18,750 00
Roads within the state of Ohio	9,802 85
Roads within the state of Alabama	950 00
Road from Cumberland to Ohio	65,320 11
Road from Wheeling, Va. to the Mississippi river	5,000 00
Marine hospital establishment	66 845 48
Public buildings in Washington	110,136 00
Florida claims	413 60
Payment of claims for property lost, &c.	134 50
Payment of balances to collectors of new internal revenue	2,567 05
Payment of balances to certain collectors of old internal revenue	266 98
Payment of outstanding debentures for internal duties	7,074 16
Prohibition of the slave trade	7,502 67
Prisoners of war	2,684 57
Fourth census	212,000 00
Refunding surplus proceeds of property sold for payment of direct tax	134 58
Votes for president and vice-president of the United States	3,195 50
Miscellaneous claims	33,314 85
Surveying certain parts of coast North Carolina	3,000 00
	<u>\$922,468 15</u>

Diplomatic department	45,524 91
Contingent expenses of foreign intercourse	21,662 77

Relief and protection of Am. seamen	33,504 23
Treaty of Ghent	29,522 66
Treaties with Mediterranean powers	13,896 15
Treaty with Spain	63,000 00
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	\$207,110 75

Military department, viz:

Pay of the army	1,154,555 86
Subsistence	354,654 67
Forage	31,540 00
Clothing	276,565 25
Medical and hospital department	12,505 00
Contingent expenses	40,000 00
Ordnance	805,250 00
Fortifications	602,000 00
Quartermaster's department	456,330 50
Military academy at West Point	59,286 79
Arrearages of outstanding claims	30,000 00
Survey of the water courses west of the Mississippi	4,500 00
Survey of the Ohio and Mississippi rivers, &c.	5,000 00
Pay of disbanded officers and soldiers	60,000 00
Balances due to certain states	350,000 00
Boundary line of Indian cessions	15,000 00
Indian department	330,205 44
Civilization of Indian tribes	10,000 00
Road through the Creek nation between Georgia and Alabama	3,300 00
Relief of John Harding and others	180 00
Joseph Bruce	65 00
Thomas C. Withers	370 00
Dan. Converse & George Miller	35 00
Military pensions	212,817 25
Half pay pensions to widows and orphans	30,000 00
Arming and equipping the militia	200,000 00
Treaties with Indian tribes	118,050 00
Survey of the coast of the U. States	103 71
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	\$5,162,364 47

Naval department, viz:

Pay and subsistence of officers and pay of seamen	983,325 25
Provisions	337,831 00
Medicines	32,000 00
Repairs of vessels	475,000 00
Ordnance	25,000 00
Contingent expenses	200,000 00
Pay and subsistence of marine corps	169,393 00
Clothing do	30,636 31
Fuel do	6,857 50
Quartermaster's and contingencies marine corps	14,000 00
Gradual increase of the navy	950,000 00
Navy yards	85,000 00
Building small vessels of war	10,000 00
Removing obstructions in river Thames	150 00
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	\$3,319,243 06

Public debt, viz:

Interest and reimbursement of domestic debt	5,623,321 38
Interest on Louisiana stock	36,560 88
Redemption of Louisiana stock	2,071,360 00
Payment of certain parts of domestic debt	54 45
Reimbursement of Mississippi stock	634,022 53
Principal and interest of treasury notes	1,774 38
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	8,367,093 62

\$19,090,572 69

Treasury department, Register's office, Dec. 14, 1822.
JOSEPH NOURSE, Register.

EXPENDITURE FOR 1822.

Statement of expenditures of the United States, from the 1st January, to the 30th September, 1822.

<i>Civil, miscellaneous and diplomatic, viz:</i>	
Legislature	369,790 51
Executive departments	346,390 94
Officers of the mint	7,200 00
Commissioner of the public buildings	1,178 08
Surveying department	6,882 50
Governments in the territories of the United States	9,200 00
Judiciary	160,143 69
Annuities and grants	1,657 13
Mint establishment	8,000 00
Unclaimed merchandise	598 49
Light house establishment	128,197 27
Surveys of public lands	66,735 00
Privateer pension fund	1,221 62
Appropriation of prize money	634 20
Trading houses with the Indians	9,570 60
Roads within the state of Ohio	3,257 54
Roads within the state of Alabama	800 00
Roads within the state of Indiana	32,629 46
Marine hospital establishment	33,959 21
Public buildings in Washington	97,751 53
Building custom houses	1,319 26
Florida claims	141 17
Payment of balances to collectors of new internal revenue	517 93
Payment of balances to officers of old internal revenue and direct tax	3,234 82
Prohibition of the slave trade	22,820 42
Prisoners of war	2,089 87
Payment of certain certificates	2,029 43
Printing the journal of the convention	542 56
Payment of claims for property lost	55 00
Survey of the coast of Florida	150 00
Refunding duties on distilled spirits	95 62
Miscellaneous expenses	87,210 60
Diplomatic department	86,023 30
Contingent expenses of foreign intercourse	7,250 00
Relief and protection of Am. Seamen	7,543 39
Treaty of Ghent	13,492 24
Treaty with Spain	14,277 86
Treaties with Mediterranean powers	1,843 00
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	130,429 79

Military department, viz:

Pay of the army,	865,050 68
Subsistence	183,275 61
Forage	12,633 96
Clothing	131,435 33
Medical and hospital department	13,409 83
Contingent expenses of the war department	4,017 33
Ordnance department	263,539 28
Fortifications	111,108 87
Quartermaster's department	318,201 98
Military academy at West Point	2,492 43
Brigade of militia	10,693 28
Surveys of ports and harbors	3 50
Medals for officers of the army	4,080 00
New roofs for the Barracks at Carlisle	3,500 00
Arrearages of outstanding claims	108,652 10
Maps, plans &c. war office	140 22
Completing the road through Georgia	321 01
Relief of gen. James Wilkinson	2,926 59
Joshua Newsom and others	647 80
Elias Parks	2,284 00
John Anderson	1,300 00
William Gwynn	47 50
William E. Meek	1,279 87
Cornelius Huson	250 00

Belief of William Henderson	2,765 00	Boundary line between the United States and the Creeks	865 38
James Pierce	430 00	Do. of several cessions	15,000 00
Greenberry H. Murphey	1,490 30	Claims against the Osages	3,592 50
Militia courts martial, col. Wood, Prest.	762 84	Arsenal at Watervliet	324 69
Do. Thomas C. Miller, do.	1,494 65	Treaty with the Indians in Mississippi	3,610 92
Do. T. More & D. Fore, do.	606 59		
Do. Gen. Steedford, do.	17,839 24		
Repairs and contingencies of fortifications	3,192 32		
Fort Delaware	8,400 00		
Monroe	27,592 32		
Washington	12,585 56		
Calhoun	17,400 00		
The Rigolets	48,006 84		
Barracks at Baton Rouge	8,108 16		
Mobile Point	1,993 16		
Survey of the Ohio and Mississippi rivers	276 00		
Arsenal at Baton Rouge	3,000 00		
Materials for a fort opposite fort St. Phillip	800 00		
Balance due to state of Maryland	527 00		
Relief of William Dooley	305 80		
Relief of the Planter's bank, N. Orleans	8,495 70		
Bounties and premiums	3,718 90		
Preservation of arms	2,200 00		
Army supplies	820 00		
Expenses of arsenals	585 50		
Repairing arms	2,841 05		
Repairs of arsenals	89 81		
Preservation of ammunition	1,550 00		
Arming and equipping the militia	332,466 44		
Gratuities, &c.	392 28		
Armories	94,000 00		
Cannon, shot, &c.	1,000 00		
Expenses of recruiting	21 33		
Revolutionary pensions	1,642,590 94		
Military and half-pay pensions	300,935 90		
Indian department	152,984 67		
Civilization of the Indians	1,373 80		
Annuities to Indians, per act 6 May, 1796	14,505 54		
Do. 25 Feb. 1799	15,322 19		
Do. 3 March, 1805	1,000 00		
Do. 21 April, 1806	31,167 17		
Do. 3 March, 1807	661 11		
Do. 19 Feb. 1808	10,000 00		
Do. 1 May, 1810	4,200 00		
Do. 3 March, 1811	2,235 07		
Do. 26 April, 1816	50 00		
Do. 3 March, 1817	38,716 44		
Do. 3 March, 1821	29,454 01		
Do. 3 Mar. 1819	117,050 00		
Do. 3 Jan. 1821	60,760 47		
Do. 15 May, 1820	6,000 00		
Do. 7 May, 1822	15,100 00		
Do. 7 May, 1822	18,107 10		
Treaties with the Creeks and Cherokees	25,010 43		
Do. with the Creeks	8,331 27		
Pay of Indian agents	7,000 00		
Do. sub-agents	3,750 00		
Presents to Indians	4,935 59		
	5,158,289 66		
		Naval department, viz:	228,078 98
		Pay of the navy	533,071 56
		Provisions	113,649 99
		Medicines	10,476 42
		Repairs of vessels	217,279 59
		Ordnance	822 81
		Freight and contingent expenses	141,062 34
		Navy yards	34,663 75
		Superintendents, &c.	19,325 71
		Laborers, &c.	9 81
		Gradual increase	425,445 00
		Pay and subsistence of the marine corps	48 19 43
		Clothing do. do.	26,277 50
		Fuel do. do.	724 95
		Quartermaster's stores and contingencies do. do.	13,990 10
			1,598,623 64
		From which deduct the following repayments, viz:	
		Heads to which they apply—	
		Purchase of timber	11,584 67
		Repairs of vessels damaged in action	984 40
		Shot, shells, and military stores	23,910 70
		Repairs of the Constellation	430 00
		Seventy-fours and frigates	4 50
		Survey coast of North Carolina	400 30
		Widows and orphans of persons on board	
		Epervier	7 481 70
		Military stores, marine corps	10,825 15
			57,670 60
		Public debt, viz:	
		Interest, &c. domestic debt	4,163,636 47
		Redemption of Louisiana stock	5,294 11
		Reimbursement of Mississippi stock	23,383 94
		Certain parts domestic debt	438 99
		Redemption of 6 per cent. stock of 1796	80,000 00
		Principal and interest of treasury notes	277 00
			4,273,055 51
		Total of payments, after deducting repayments, viz:	
		Civil, miscellaneous and diplomatic	\$1,536,434 24
		Military department	4,930,210 68
		Naval department	1,538,932 88
		Public debt	4,273,055 51
			12,279,653 32
		Treasury department, register's office, Dec 14, 1822.	
		JOSEPH NOURSE, Register.	

From which deduct the following repayments, viz:

Expenses of recruiting	\$12,246 69
Balances due to certain states	120,433 26
Bounties and premiums	29,006 58
Mobile point	12,550 00
Gratuities	15,469 15
Cannon, shells, &c.	8,478 95
Arsenal at Baton Rouge	4,690 29
Powder magazine at Frankfort, Penn.	17 50
Survey of the Ohio and Mississippi rivers	1,251 60
Survey of water courses, Mississippi	184 46
Relief of T. C. Withers	187 00
Do. J. Harding	180 00

Seventeenth Congress—2nd session.

IN THE SENATE.

January 5. The senate was chiefly occupied this day with executive business—as is, probably, explained by the following paragraph from the National Intelligencer of the 4th inst.

“We understand that the senate yesterday, by a unanimous vote, advised and consented to the ratification of the convention concluded during the last year, between the United States and Great Britain, under the mediation of the emperor of Russia, to prescribe the mode by which the first article of the treaty of Ghent shall be carried into effect, in conformity with the decision of his imperial majesty.”

The following written message was received from the president of the United States by the hands of Mr. Everett, his private secretary:

To the senate and house of representatives.

In compliance with the three resolutions of the senate of the 5th April, 1822, requesting the president of the United States to communicate in detail the expenses of building each vessel of war, authorized by the act of the 2d of January, 1813, and its supplements: and also the names, number, grade, &c. of the officers and men employed at each navy yard and naval station, during the two years immediately preceding the 1st January, 1822, I herewith transmit a report from the secretary of the navy, with the accompanying documents, which contain the desired information.

JAMES MONROE.

Washington, Jan. 3, 1823.

January 6. After some other business—Mr. Rodney rose and said, that, in the war which we are now waging against the pirates in the West India seas, it was proper, he thought, to give some stimulus to our seamen engaged in it. Our gallant tars, he said, were not likely to gain, in such a war, the honor they acquired in the late war, and, as there was but little of that to be got, he wished to supply the deficiency by providing a stimulus of another kind. He therefore asked leave to offer the following resolution:

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of allowing a bounty to the officers and crews of the public armed vessels of the United States; and in the owners, officers, and crews of the private armed vessels of the United States, for the prisoners captured, and the guns taken by them, in any piratical vessel.

Among the petitions presented and referred this day, was one by Mr. Lowrie, from the board of manufactures of the Pennsylvania society, for the encouragement of American manufactures, praying a revision of the tariff, with a view to the further protection and encouragement of domestic manufactures.

Several bills were passed to a second reading, and others were taken up and partially acted upon. Some time was spent in executive business.

The blank in the bill to repair the Cumberland road, was filled with 25,000 dollars—ayes 19, noes 11, and three dollars per diem allowed to the superintendent of said repairs. In this state it was ordered to be engrossed and read a third time.

January 7. Mr. Williams, of Tenn. from the committee on military affairs, to which was referred the resolution relative to the Georgia claims for militia services rendered in 1792, 3, and 4, made a report accompanied by the following resolution:

Resolved, That the committee on military affairs be instructed to report a bill appropriating 129,375 dollars and 65 cents, in full discharge of the militia claims of Georgia.

The engrossed bill making an appropriation for repairing the national road from Cumberland to the Ohio river, was also read the third time, and the question whether it should pass, being about to be put,

Mr. Taylor, of Virginia, then rose, and in an argument of about an hour, submitted his views of the inexpediency and unconstitutionality, not only of this bill, but also of the exercise by the general government of the power to make internal improvements at all in the states; of the impolicy and unconstitutionality of departing from the exercise of express and rightful powers, to exercise concurrent powers; the advantage and necessity of adhering to the true line of demarcation between the powers of the federal and state governments; his opinions as to the manner by which that line was to be ascertained, and where it exists, &c. &c.

Mr. Talbot, of Kentucky, replied to Mr. Taylor, at considerable length—controversing and arguing against all his leading opinions; defending the constitutionality of the power to make, and the public advantages of, internal improvements; urging the particular value and utility, to the union at large, of the road in question, the necessity of preserving it, &c.

After some remarks from Mr. Smith, of Maryland, Mr. Macon and Mr. Van Buren—the question was taken by yeas and nays and decided as follows:

YEAS—Messrs. Barton, Benton, Boardman, Brown, of Lou. Brown, of Ohio, D'Wolf, Dickerson, Edwards, Holmes, of Me. Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. Knight, Lannan, Parrott, Ruggles, Seymour, Smith, of Md. Stokes, Talbot, Taylor, of Indiana, Thomas, Van Buren, Van Dyke, Williams, of Miss. Williams, of Tenn.—26.

NAYS—Messrs. Chandler, Findlay, Gaillard, Lloyd, of Mass. Lowrie, Macon, Mills, Smith, of S. C. Taylor, of Va.—9.

The bill was then ordered to be sent to the house of representatives for concurrence, and The senate adjourned.

January 8. Mr. Elliott, of Geo. appeared this day, and took his seat.

The resolution offered by Mr. Rodney, on Monday, instructing the committee on naval affairs to inquire into the expediency of allowing a bounty to the public armed vessels and private armed vessels of the United States, for prisoners captured and the guns taken by them in any piratical vessel, was read for consideration.

Mr. R. supported his proposition in a speech of some length, and the resolution was agreed to.

The bill to allow a drawback on cordage manufactured from foreign hemp, was again taken up—after much debate,

The question was taken, by yeas and nays, on engrossing the bill and reading it a third time, and was negative, by the following vote:

YEAS—Messrs. Boardman, Chandler, D'Wolf, Holmes, of Maine, Knight, Lannan, Lloyd, of Mass. Mills, Murril, Palmer, Parrott, Ruggles, Seymour, Smith, of Md. Van Buren, Van Dyke,—16.

NAYS—Messrs. Barton, Benton, Brown, of Ohio, Dickerson, Edwards, Findlay, Gaillard, Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. King, of Ala. Lowrie, Macon, Rodney, Smith, of S. C. Southern, Stokes, Talbot, Taylor, of Indiana, Taylor, of Va. Thomas, Ware, Williams, of Miss. Williams, of Tenn.—24.

So the bill was rejected; and

The senate adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, Jan. 2. The following resolution, offered by Mr. Woodson, of Ky. was, on motion, ordered to be laid upon the table, and be printed:

Whereas it is the duty of the representatives of this nation, to promote, to the extent of their zeal and abilities, the best interests, the highest destinies of their country; and it is believed that nothing would contribute more essentially to the accomplishment of those great objects, than internal improvements, by means of artificial roads and canals, which, when completed, would serve as a bond of union, keep the chain of confederacy forever bright, enhance our internal and external commerce, by affording increased facilities to transportation, and a consequent reduction in the price of foreign articles; give a new impulse to industry in our customary pursuits, and multiply and present additional objects for the useful and productive employment of our citizens; increase their ability to consume, and, with the progressive value of our public domains, produce a corresponding accession to our revenue, operate as a powerful auxiliary to the full development of our dormant resources, by extending the means of internal intercourse, and exchange of the productions, raw materials, and manufactured articles of the different sections of the union; tend to assimilate our habits, diffuse our knowledge, multiply kindred ties of the dearest nature, drawing around our hearts more closely the chord of sympathy and national feeling; promote true economy by the most advantageous investment of the public funds, leaving eternal traces of their expenditure; adding to the strength and durability of the government, by enabling it to concentrate, with certainty, economy, and dispatch, its forces, either to chastise a daring invader, or quell misguided civil tumult; and, co-operating with a judicious system for the encouragement and protection of the skill and industry of our citizens, from the counteracting and destructive policy of foreign governments, render us completely independent, prosperous, and happy: Therefore,

Resolved, That it is expedient and proper that the general government should interpose in the accomplishment, or at least render its aid in promoting the whole, or some portion of the following

great objects of internal improvement: A canal, or canals, through the isthmus of Barnstable; that part of New Jersey which extends from the Baritan to the Delaware; the Peninsula between the Delaware and the Chesapeake and the tract of country which divides the Chesapeake from Albermarle sound. Also, a canal from lake Erie, or its waters, to the Ohio river, or some one of its tributary streams, and around the falls of Ohio; together with artificial roads, from three of the great western rivers, the Alleghany, Kenhawa, and Tennessee, to the nearest corresponding Atlantic rivers, the Susquehanna, or Juniata, James river, and either the Santee or Savannah.

And that the committee on roads and canals be instructed to report a bill, or bills, in conformity to the foregoing resolution; embracing the whole, or any portion of the specified objects, as to them may seem most expedient.

Friday, Jan. 5. Mr. *Williams*, from the committee of claims, reported a bill in addition to the act for the prompt settlement of accounts.

Mr. *Hernandez*, a delegate from Florida, appeared and took his seat.

Mr. *Kent* reported a bill for the divorcement of a certain man and his wife, in the district of Columbia.

Mr. *Kent* presented the following resolutions of the legislature of the state of Maryland:

Whereas, the state of Maryland is, in a peculiar degree, dependent on that aid and protection, to secure which was the great object of the confederation of these United States, and especially is exposed, from its vast extent of navigable waters, and the geographical position of the city of Baltimore, to the attacks of a maritime enemy, who, as has been demonstrated by the events of the late war, can harass our citizens, plunder and destroy our property, possess themselves of our territory, and prevent our necessary transactions, as far as a large proportion of our citizens are affected: And whereas exemption from such danger, to the lives and exposure of the fortunes of our citizens, can only be secured to us by the liberal application of those means which the good people of the United States have placed at the disposal of the government of the union, for the common defence and the general welfare, and it is not only the soundest policy, but the best dictate of prudent economy, to use the period when a general peace and the ordinary resources of our country afford opportunity to the government to provide for the defects in our system, which a state of war has disclosed, and to be prepared against a recurrence of injuries which may be repeated at a moment, impossible, by any political calculation, to be anticipated:

And whereas it is, at all times, the duty of the citizens of a free government to deliberate on the policy and measures of those to whom they have confided the administration of their political concerns; and on occasions when contrariety of opinion is entertained on matters vitally affecting their best interests, to express their sentiments with candor and firmness:

We, the members of the senate and house of delegates, acting as the representatives of the people of Maryland, and influenced by a belief that it is highly expedient, in the present situation of our political concerns, to announce the opinions and wishes of the people of this state, in relation to such measures of the government of the United States, as have in view the better security of our country against the approaches of a hostile maritime force; do, therefore,

Resolve, That we cordially approve the efforts of the general government to foster our navy, and cause a progressive increase of this means of defence, which experience has taught us to regard as necessary to our protection, and to the maintenance of that high and dignified character which has exalted our country amongst the nations of the earth; that we cordially approve of every effort of the ge-

neral government to extend and perfect a system of defence by fortifications, highly useful in other places, and essentially necessary to the waters of the Chesapeake and its tributary rivers.

And, whereas, from the relative position of this state, and those vast sources of successful enterprise and wealth, the rivers Potomac and Susquehanna, as well as from the relation of our largest city to an extensive district of inland country, it is of the utmost importance to our citizens that a system of internal improvement shall be vigorously pursued: Therefore, we do further

Resolve, That we will highly approve, and zealously co-operate with the general government, in the adoption of such measures as will afford our country the facilities and advantages which nature has placed in our control, and which a wise policy should induce us to improve.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded by the executive to each of our senators and representatives in congress, with a request that they will co-operate in the promotion of the measures which, in the sense of the legislature, are best calculated for the interest of the union at large, and especially of the state.

By order:

WILLIAM KILTY, Clerk.

The resolutions were read, laid on the table, and ordered to be printed—not without objection, however, on the ground of the informality of the manner in which the resolves were brought before the house, being abstract resolutions, not addressed to this house.

Mr. *Campbell* offered a resolution, which was agreed to, to institute an inquiry, by the committee of accounts, about the state of the contingent funds of the house.

On motion of Mr. *Barstow*, it was

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of modifying or repealing the law, providing for the allowance of salvage on all vessels and goods belonging to citizens of the United States, when re-captured by our public ships in time of peace.

The bill to confirm the title to certain lots in the village of Peoria, was put on its passage—and, after debate, *recommitted*.

After attending to some other minor matters, the house adjourned.

[It is stated that the whole value of the lots in the village of Peoria, (about which so much time has been occupied), is less than 1000 dollars—the time consumed in debate concerning them, has already lost the people several thousands. Such is the nature of the organization of congress in the decision of questions of equity, between individuals and the government].

Monday, Jan. 6. Messrs. *Rich*, of Vermont, and *Hamilton* of South Carolina, appeared this day

Mr. *Hemphill* presented a petition from the board of manufactures of Pennsylvania similar to that noticed in the proceedings of the senate.

Mr. *McLane* reported a bill for the extinguishment of the Indian title to certain reserves of land within the state of Georgia. It appropriates 50,000 dollars for the purpose.

The resolution laid on the table by Mr. *Rankin*, on the 3d instant, calling on the president of the United States, for information in relation to the number and locality of the salt springs, lead and copper mines, in any of the states or territories of the United States, the exclusive property of the government, the quantity, and the terms on which they are leased or rented out, with the amount received for the same, was taken up and agreed to.

Mr. A. Smyth, of Va. offered the following joint resolution:

Resolved by the senate and house of representatives of the United States of America in congress assembled, two thirds of both houses concurring, That the following amendment to the constitution of the United States be proposed to the legislatures of the several states, which, when ratified by the legislatures of three-fourths of the states, shall be valid, to all intents and purposes, as part of the said constitution:

No elector of president and vice president shall be nominated or appointed by the president elected, to any office, appointment, or place, whatsoever:

When the house of representatives shall choose a president, no person who shall have been a member at the time of making the choice shall be nominated or appointed, by the president so chosen, to any office, appointment, or place, whatsoever:

When the senate shall choose the vice president, no person who shall have been a member of the senate at the time of making the choice, shall be nominated or appointed, by the vice president acting as president, to any office, appointment or place, whatsoever:

This resolution was read and ordered to lie on the table.

Mr. Allen, of Tennessee, offered the following resolution, which, by the rules of the house, of course, lies one day:

Resolved, That the secretary of the treasury be directed to communicate to this house such information as the department over which he presides affords relative to a loan of one hundred thousand dollars made to Scott, Thornton, and White, late city commissioners, particularly the time when, and the authority under which said loan was made, the conditions that were to have been performed, and the accountability secured; how far the same has been complied with, and the difficulties (if any) that exist in a settlement of the transaction with the accounting officers of the treasury.

The house then, on motion of Mr. Fuller, took up the bill to incorporate the United States' naval fraternal association.

The remainder of the day's sitting was spent in debate upon this bill.

[Speaking of this debate, the National Intelligencer observes—The house of representatives found itself yesterday unexpectedly engaged in a discussion of the nature, limits, and extent of the authority of congress to create corporations. The debate grew out of the bill to incorporate the United States naval fraternal association.

It will be readily believed, by our readers, that the bill was not objected to because of any demerit in the association proposed to be incorporated, whose object is to establish a fund, from periodical contributions of the officers, for the benefit of the widows and orphans of such as die in the service. On the contrary, the object of the bill is calculated to win the favor of all men, and almost to lead the judgment captive to the senses.

The bill was opposed, however, on two grounds: first, as proposing an exercise of power beyond the authority conferred on congress by the constitution—and, secondly, as inexpedient, for reasons apart from its present and ostensible object.

The constitutional views of the question embraced several points of considerable importance, which one would hardly have expected to be accidentally touched upon in the debate on this bill: such, for example, as the constitutionality of the bank of the U. States, and the merit of the decision by the supreme court in the case of *Cohens vs. the state of Virginia*.

The power of congress, it was argued, to establish corporations, was either incidental to an express power, as in the case of the charter of the bank of the United States, or it was local, derived from the power of exclusive legislation over the District of Columbia. Under the former power, this bill could not be passed, it not being contended that it was necessary, or essential, to the exercise of any of the powers expressly delegated to congress. The power of local legislation in this district, on the other hand, it was argued, did not authorize congress to legislate unless upon subjects peculiar to the district, and in no manner operat-

ing beyond its limits. This bill proposes to establish a corporation here, it was said, but it is to have effect on the naval officers and on the courts of law every where, and, it was argued, is not therefore constitutional. These arguments were repelled by opposite suggestions, urged with a confidence and zeal equal to that of the opponents of the bill.

Our object being only to give to our readers some idea of the tendency of the questions brought into discussion, we do not pretend to exactness in stating the argument.

The arguments against the bill, on the ground of expediency, were, the general danger of monopolies or privileged classes; the particular danger of incorporating the navy or any class of it; or the army or any class of it; and the probability that this association would injuriously affect the discipline of the navy, by the election of subordinate officers to the higher offices of the association. These objections were met with the same decision with which they were advanced, and

The question remains in suspense.

Of several questions of constitutional and common law, raised in the course of the discussion, we do not pretend here to give any account.]

A message was received from the president communicating information requested by sundry resolutions of the house—which shall be inserted as thought necessary, and at length.

Tuesday, Jan. 7. Mr. Sawyer, of N. C. appeared this day.

The rule of the house this day took effect, which limits the presentation of petitions, after thirty days from the commencement of the session, to Mondays. No petition of course was presented this day.

A great deal of local business was attended to, and Mr. Allen's resolution, submitted yesterday, was agreed to.

The joint resolution of Mr. A. Smyth, of Va. proposing several amendments to the constitution, to disqualify for holding office all persons who shall be members of the house of representatives, at the time of an election of president of the United States, &c. was read a second time.

After a speech of some length from Mr. Smyth, the resolution was committed to a committee of the whole on the state of the union.

The speaker then laid before the house the following letter from the post-master general.

General post-office, Jan. 7th, 1823.

SIR: In obedience to a resolution of the house of representatives, passed the 31st of December, relating to the state and condition of the Cumberland road, the obstacles, (existing), to the safe and speedy transportation of the United States' mail on said road, and what effect they may have, (if not removed), on the expenditure of the post office department; I have the honor to communicate, that, in the month of November last, I passed over the whole of that road, and, travelling only by day light, was enabled to observe its state and condition, which I attentively did.

The western, (being the newest), part of the road, is in a ruinous state, and becoming rapidly impaired.

In some places the bed of the road is cut through by wheels, making cavities which continually increase and retain water, which, by softening the road, contribute to the enlargement of the cavities. In others, the road is much injured, by the sliding down of earth and rocks from the elevated hills, and by the falling off of parts of the road down

steep and precipitous declivities of several hundred feet; so much abridging the width of the road, that two carriages cannot pass each other.

Obstacles do really exist to the safe and speedy transportation of the United States' mail upon that road. The mail contractors have sometimes been necessitated to remove them, before the mail could pass on; and such delay produced, that the mail stages have, in some instances, been unable to reach their point of arrival in due season, to deliver over the mail, and consequently producing failures.

If these obstacles are suffered to exist and increase, the great western mail must be transported on lengthier, oblique, and circuitous roads, which will retard the expedition of the mail, and considerably enhance the expenditure of the post office department.

The Cumberland road, so interesting to the nation, will, (in my opinion, formed by observations when upon it), cease to be useful, unless repaired. The part of the road contiguous to Cumberland, and the oldest, is in a tolerably good condition, because, it has been seasonably and judiciously repaired; which repair was true economy in the preservation of the road.

I enclose a letter from J. L. Skinner, esq. an intelligent and practical gentleman, on the subject of that road; also, another from George Dowson, esq. a gentleman of much respectability. I have the honor to be, very respectfully, Your most obedient servant,

RETURN J. MEIGS, Jr.

Hon. Philip P. Barbour,

Speaker of the house of representatives.

The letter was read, and, with the enclosures, ordered to lie on the table.

Mr. Mitchell's resolution, about surgeons in the navy, was agreed to.

Certain reports being received—

The house resolved itself into a committee of the whole on the bill making a partial appropriation for the support of government, and, no objection being made to it, the bill was ordered to be engrossed and read a third time. [Afterwards read a third time and passed.]

The house then resumed the consideration of the bill to incorporate the United States naval fraternal association.

The debate on this subject occupied the remainder of the day—the speakers were, for the bill, Messrs. Wright and Reed—against it, Messrs. Archer, Wood, and Colden.

Wednesday, Jan. 8. Mr. McKim, elected in the place of Mr. S. Smith, of Md. appeared, was qualified and took his seat.

A great many propositions were submitted, not necessary to be noticed by us just now. The bill to appoint an additional judge in the territory of Michigan was passed.

The rest of the day was spent in a debate on the bill concerning the "Naval Fraternal Association." Messrs. McLane, Hemphill and Fuller supported, and Messrs. Williams, of N. C. Forward, and Wood, spoke against it, on constitutional grounds. At last,

The question recurring on the engrossment of the bill for a third reading, the yeas and nays were taken as follows:

YEAS.—Messrs. Allen, of Mas. Barstow, Baylies, Bayly, Bigelow, Brown, Burrows, Cambreleng, Carter, Cassidy, Condict, Cook, Cushman, Cuthbert, Dane, Darlington, Dickinson, Durfee, Dwight, Eddy, Edwards, of Con. Edwards, of Penn. Farrelly, Findlay, Fuller, Gorham, Hamilton, Hemphill, Herriek, Hill, Hobart, Holcombe, Ingham, J. S. Johnson, Keyes, Lathrop, Little, McCar-

ty, McKim, McSherry, Mattocks, Mercer, Moore, of Va. Neale, Nelson, of Mass. Picher, Plumer, of N. H. Plumer, of Pen. Reed, of Mass. Reid, of Geo. Rogers, Ruggles, Russ, Sterling, of N. Y. J. Stephenson, Swan, Tattnell, Taylor, Tod, Van Rensselaer, Warfield, White, Williamson.—69

NAYS.—Messrs. Abbot, Alexander, Allen, Ten. Archer, Barber, of Con. Barber, of O. Bassett, Bteman, Blackledge, Borland, Buchanan, Burton, Butler, Campbell, N. Y. Campbell, of O. Cannon, Chambers, Coeks, Conkling, Crafts, Crudup, Denison, Edwards, of N. C. Eustis, Floyd, Forrest, Forward, Garnett, Gebhard Gilmer, Govan, Gross, Hardin, Harvey, Harris, Hawks, Hubbard, Jackson, Jennings, F. Johnson, J. T. Johnson, Jones, Va. Kent, Kirkland, Litchfield, Lincoln, Litchfield, McCoy, McNell, Matlack, Matson Metcalf, Mitchell, of Pa. Morgan, Murray, Nelson, of Va. Patterson, of N. Y. Patterson, of Pen. Phillips, Pierson, Randolph, Reed, of Md. Rhea, Rich, Rochester, Rodney, Ross, Russell, Sanders, Sloane, Arthur Smith, Alexander Smyth, W. Smith, A. Stevenson, Stoddard, Thompson, Tomlinson, Tracy, Trimble, Tucker, of Va. Tucker, of S. C. Udree, Upham, Vance, Van Wyck, Walworth, Whipple, Williams, of Va. Williams, of N. C. Wilson, Wood, Woodson.—92.

So the bill was rejected. After which the house adjourned.

THURSDAY'S PROCEEDINGS—JAN. 9, 1825.

The senate was chiefly employed this day on the bill to abolish imprisonment for debt. Various amendments were submitted, which were ordered to be printed, &c.

In the house of representatives, a petition for the relief of Mrs. Denny, widow of Jas. Denny, late gunner of the Alligator, and killed when lieutenant Allen fell, was referred to the naval committee.

On motion of Mr. Eustis, it was

Resolved, That a select committee be appointed to inquire whether any legislative provision is necessary to effect a final adjustment of the accounts of Daniel D. Tompkins, esq. relative to advances made to, and disbursements made by, him during the late war.

Mr. Tod, from the committee on manufactures, reported "A bill for the more effectual encouragement and protection of certain domestic manufactures;" which was twice read and committed. [Particulars in our next.]

Much time was spent on the bill to appropriate a certain quantity of land to defray the charge of laying out and making a road from the Miami of lake Erie, to the Connecticut Reserve.

After debate, it was ordered to be engrossed and read a third time to-morrow, by yeas and nays: yeas 130, nays 21.

Several reports were received, which shall be noticed hereafter.

The engrossed bill "to confirm certain claims to lots in the village of Peoria, in the state of Illinois," was read a third time, passed, and sent to the senate for concurrence.

A bill from the senate, "appropriating money for the purpose of repairing the national road, from Cumberland to Wheeling," was twice read and committed.

The rest of the day was spent on the bill to provide for disciplining the militia. Nothing decided.

CHRONICLE.

Died, at Canandaigua, N. Y. on the 31st ult. Gideon Granger, esq. formerly postmaster general of the United States.

New-York. Stephen Allen, esq. has been elected mayor of the city of New-York.

THE MAILS from Tennessee, have been oftentimes pilfered of late. A gentleman of that state writing to the editor, endorsed his letter with these words—"No money in this, and need not be opened."

Brazil. Five American seamen have been released at Rio Janeiro, through the exertions of C. Ragnet, esq. our consul there, after having been confined twenty two months in a prison ship.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

It is not often that we have the pleasure to present an essay so important as that of our correspondent "T," in this paper, on "revenue and ad valorem goods." It will claim the attention and, perhaps, surprise many thinking persons.

The bill reported by the committee on manufacturers, with a view to the encouragement of domestic industry, is given in the present sheet. We shall offer some general remarks on the subject in our next.

The latest intelligence from Europe, noticed below, gives us reason to expect that a war will break out between France and Spain, though the facts that belong to the affair are not spread before us in an authentic form. It is stated that letters have been received from Paris asserting that, in the event supposed, Great Britain has agreed to supply Spain with money, for which she is to receive a sort of a mortgage on Cuba. It is rumored that there are certain persons from that island now in the United States, to sound our government as to the course which it would pursue, provided that Cuba should be declared independent. We give these things as mere rumors. The independence of the island has long been a favorite project with many of its inhabitants.

CONSTITUTION OF THE U. S. The proposition submitted by the senate to amend the constitution of the United States, as to the election of president, which has for its purpose to lessen the chance of a selection by the house of representatives, appears to be worthy of great consideration. See page 317.

IMMIGRATION. We have several times endeavored to impress it on the minds of our readers, that the amount of foreigners arriving in the United States was greatly over-rated. It appears from an official statement, laid before congress, that the whole amount of passengers who arrived in the United States, from foreign places, during the year that ended on the 30th Sept. last, was only 8482—of whom 5241 were males and 1136 females, the sex of the remainder not being reported to the department of state. This total includes all the citizens of the U. S. returning from visits to foreign countries. A good many foreigners, however, reach our country via the St. Lawrence, who do not come into this aggregate.

THE WESTERN WATERS. No less than seven steam boats are prepared, or preparing, to start from Pittsburg, early in the spring, to ply between that place and St. Louis, Nashville, New Orleans, &c. regularly. They are amply fitted for the transportation of passengers and merchandise or goods, of all sorts, and will depart and arrive in succession, so as to afford the greatest possible facility to transportation, wherever the river will admit of it. The land carriage to Pittsburg is now very moderate.

THE NAVY LIST. It is said that one hundred officers, one eighth of the list, have resigned or died during the last year,
Vol. XXIII.—20.

THE NAVY. An able writer in the Richmond "Enquirer," deprecates the practice of the commanders of our ships in receiving freights for the transportation of money—and says, "To pass over other instances, I have it from good authority, that captain Downes, whilst he commanded the Macedonian in the Pacific ocean, realized, by this means, upwards of fifty five thousand dollars; and by the report of persons who have lately left our squadron in that sea, captain Stewart is in a fair way of pocketing a still larger sum."

He thinks, and we believe justly, that the public service may be neglected when such temptations are held out; observing that an officer "may go to Valparaiso when it would be better to be at Callao, or he may be coasting the gulf of Guayaquil, when the protection of our trade or some other great public interest, requires him to be in the bay of Panama," &c. and, after making some remarks on the practice of British officers in this respect, he refers to certain law decisions to shew that such proceedings are illegal. Indeed, it seems undoubtedly right that public ships should not be used for private purposes.

NOMINATIONS. It is stated that the members of the legislature of Illinois, have accorded with those of Kentucky and Missouri, in nominating Mr. Clay, as a suitable person to succeed Mr. Monroe in the presidency of the United States.

P. S. And so has the legislature of Ohio—50 votes to 7. Mr. Clinton had 5, Mr. Adams 1, and Mr. Calhoun 1.

ILLIBERALITY. The following speech has been extensively published in the papers as something to be laughed at—and is said to have been delivered in the house of representatives of Pennsylvania:

"Mr. Speaker—My Kolleck's* come, and I drink
"he ought to be schwoore."

Now—what of all this? Suppose the most flip-pant county-court lawyer in congress, (who had not regularly learned the German language), were required to address Mr. Speaker in that language—what sort of stuff would he make of it? The tables would be turned, and the Germans have the laugh on their side.

PROTECTION OF COMMERCE. The audacity of the pirates of Cuba has raised the almost universal indignation of the American people. The citizens of the town of Franklin, on the Missouri, and those located on the shores of the bay of Massachusetts, have a similar feeling on the subject—FOR COMMERCE MUST BE PROTECTED. The service on the West India station for the suppression of piracy, has already cost us at least two hundred lives and a million of dollars; and all are prepared to support the commerce of the country at every hazard and at any expense—to employ the whole military means of the United States for the purpose, if necessary—and some even dream of a conquest of the island of Cuba, that our ships may navigate the Gulf in safety! And the fact is, so great is the public feeling on this matter, that there is no measure too remote to be entertained to accomplish the ob-

*Colleague.

ject. A war with Spain—a war with all the world, would be popular, if the cause of it could be laid in these depredations on our ships and property *at sea*; and, with all the feeble aid that I could give, such a war should be supported, *that our commerce might be protected.*

But why should not persons and property *on land* be also supported?—the agriculturalists and manufacturers, the free laborers of the nation, many times more numerous than those interested in shipping and ships? The pirates of Cuba may have plundered us to the amount of a million or two—but other nations are depredating on us to the amount of many millions, without observation: what difference is it to any one whether he loses property on land or at sea? Do not all men know that certain persons associated in England, and subscribed large sums of money, to put down the rising manufactories of the United States—and how, in reality, was their conduct different from that of the *pirates*, save that they did not commit cold actual murder, which the latter have been guilty of in some few cases? By this British conspiracy, the property of the citizens of the United States was depreciated more in value than the captures by the pirates would amount to in many years. Factories and improvements, that cost from 150 to 200,000 dollars, were sold, by forced sales, for from 30 to 50,000 dollars; the proprietors were beggared, and tens of thousands of persons cast out of their usual means of subsistence. Yet this horrible piracy—this war against property, waged by foreigners, was submitted to without any act of resistance on our part.—Was this equitable? Where was the paternal care of the government and the deep sympathy of the nation, when destruction walked forth and penetrated all parts of the country, reducing the wealthy to poverty, those that were happy to misery? What act was passed to *protect* the American people from this *land piracy*? There was none. We were left to do as well as we could—matters would “regulate themselves,” it was said, and the cry of distress was not heeded. Suppose I should now say, let the ship owners regulate themselves, and make the best bargain with the pirates of Cuba that they can—what would the let-us-alone-men say of me? They would say that I was destitute of a national feeling, that I had not one spark of national honor, &c. Yet, why is a conspiracy to rob at sea, worse than a conspiracy to rob on land?

Military glory, as the phrase is, is not to be disregarded. It enters into the moral force, if it does not even increase the physical power of a nation, and it is valuable as a preventive of wanton attack: but the glory of that sort of legislation which makes a weak people a strong one, or a miserable population a happy one, as much transcends the glory of the other, as the light of the sun does that of a candle. The one is solid,—lasting,—every where felt; the other is artificial, evanescent and partial. Soldiers may easily be made when the *materiel* exists; but to produce the *materiel* is a work of application and time: it rests upon a prosperous industry. Wretchedness may drag persons into an army, but *labor* must support them when there, or they will certainly perish of their own wants.

I happen to recollect the substance of what is called an eastern apologue, which seems applicable to the present occasion—it is after this manner: A sultan, the son of a mighty warrior, was one evening riding out with his vizier, when he observed a couple of owls seated on the walls of a decayed house, who appeared as if deeply engaged in conversation. The prince, jocularly, expressed a de-

sire to know what they were talking about—and the vizier, affecting a knowledge of their language, promised to gratify him. So he quietly approached the owls, and reported to his master that they had been engaged in discussing the condition of a treaty of marriage between the son of one of them and the daughter of the other. The father of the young male owl was an owl of much consequence—a sort of owl-king, and would not agree to the match without a handsome dowry—demanding the property of an hundred ruined villages. But to this the other objected—it was true, he possessed, in his own right, several hundred ruined villages, but he had many children, and wished to portion them all alike, &c. and hence it resulted that they broke off the match, and left each other dissatisfied. The young sultan pondered deeply on these things—he had seen the exhausted and ruined state of his kingdom, but never thought of its cause or attempted to do away the effect. He resolved to attend to business—he promoted agriculture, encouraged the arts, patronized learning—and the face of the country soon assumed a different appearance, under a wise administration of its affairs. In about twenty years after his ascent to the throne, he happened again to be riding out with the vizier above alluded to, who yet maintained his post, when he saw another pair of owls. This called to his mind, most forcibly, the former occurrence, and, for the joke's sake, he again directed his minister to ascertain what subject the owls were discussing. The old statesman yielded to the direction, and reported to his sovereign, that the matter which engaged the attention of the owls was, whether the whole race ought not to leave the kingdom immediately, seeing that there was not one ruined village remaining for a habitation, in consequence of the encouragement given to industry and the desire that existed in the sultan for the preservation of peace.

There is a sort of “*slip shod common sense*” (as a friend in New York would say), in this little story, that is worth a volume of speculation: more valuable than a thousand “state papers” each of forty times its length. To *talk* is one thing—to *do* is another. A man might talk to a field for a whole generation, without reaping a good crop of wheat from it, unless he manured and ploughed the land, and planted the seed, and guarded its progress to maturity.

Perhaps, as I have before observed, there is no one who has been more jealous of the honor, and more zealous to promote the enlargement of the navy, (to a certain extent), than myself. I have ever done all that I could to make it a favorite with the people, as a powerful means of the general defence—seeing that what is called “the world” is constituted as it is; but my homely opinion is, that the erection of a new iron manufactory, that affords employment to one hundred men, by which they earn a subsistence for their families, or the establishment of a new cotton or woulen factory that renders five or six hundred unproductive persons productive, is infinitely more advantageous to the U. States, than the fitting out and manning of a ship of the line: and for this simple reason—the one converts a body of consumers into a body of producers; the other makes a body of consumers out of what should be a body of producers. An hundred men engaged in a manufactory may easily *create*, (including the value of the capital employed), one dollar each per day, or, in all, 30,000 dollars a year—but an hundred men, employed in a ship of the line, will cost the people as much; and so the dif-

ferent modes of employment amount to 60,000 dollars a year: for, in the one case, we have saved that which would be spent in the other, according to Franklin, who said—

"A penny saved is two pence clear."

Government, however, may be called a compound. It necessarily involves expenses for the general welfare: but its continual object should be to enable the people to bear these expenses, by the support and encouragement of whatever may profit them most. The man who raises an extra quantity of provisions equal to the support of a soldier, and pays that amount into the public treasury, cannot be less regarded as a benefactor of his country than the soldier himself—because, without that support, the soldier would soon be a non-combatant.

RELIGIOUS LIBERTY. The senate of Maryland have rejected a bill to repeal the *test act* required by the constitution of the state. This was not expected. There is, however, a bill before the house of delegates that has special regard to the *emanipation* of the Jews—which, it is thought, will pass both branches of the legislature.

We are advised that the report delivered to the house of delegates of Maryland, on the 18th ult. (see page 261), contains an error of some consequence, in saying that the "only constitution which imposes a restriction in any degree similar to that of Maryland, is that of *Massachusetts*." It was so in Massachusetts; but, by the late alteration of the constitution, it was abolished. No declaration in any system of religion is now required in that state. So Maryland has the *honor* of standing alone.

A bill is before the house of representatives of Pennsylvania that involves some very important principles. It is an application from the trustees of St. Mary's church, in Philadelphia, for an alteration in the charter, so as to give them the *right of electing their own pastor*: it seems as this power is now claimed by the bishop, and that it virtually rests in the pope at Rome! The charter was framed under the British provincial government; Britain had long before renounced the authority or influence of the pope, and we, by our revolution, shook off that of Britain—yet we should apprehend that, if a certain decision of the supreme court is correct, the charter may be held superior to the British constitution and that of the U States! The Philadelphia papers teem with essays, communications and correspondence in relation to the dispute about the property of this church, and the rights of its members, &c.

An article in the Delaware "Watchman" says—"In a trial, in the court of oyer and terminer, held at New Castle, in November last, of a man indicted for rape, one of the jury empanelled, was, on his being called, challenged by the attorney general, who proceeded to show cause for the challenge, by propounding to him, under the direction of the court, the following questions, and requiring his answers thereto:

Q. 1. Do you believe in the obligation of an oath?

A. 1. An honest man, to speak the truth, requires not an oath to bind him; and a dishonest one will not be bound by an oath.

Q. 2. Do you believe in the existence of a God?

A. 2. It appears reasonable to believe, that all things are governed by a Superior Intelligence, rather than by a blind fatality.

The same question being repeated and a more direct answer required, juror replied,

2. I do believe in the existence of a God.

Q. 3. Do you believe in a future state of rewards and punishments?

A. 3. I am ignorant of them. The subject is beyond my comprehension.

The court, on hearing the answer of the juror to the questions proposed, decided that he was incompetent to serve as one of the jury."

After which follows a long essay to shew that the decision of the court was inconsistent with the constitution of the state, and at variance with religious liberty.

Mr. MATHEWS, a *legitimate* son of Momus, from the London stage, but as different in his conduct from the puffed-up Kean as any man can easily be, has performed in several of our great cities with uncommon applause—pleasing as the actor, and interesting as the gentleman. He is now at Boston—where, to prevent the great press to obtain boxes, they are sold by auction, and have several times brought a premium over the price of the seats that they contained, of more than \$300 a-night.

CASTLEREAGH. The following "hard lines" are from lord Byron's late poem, entitled the "Liberal:"

"Oh, Castlereagh! thou art a patriot now;
"Cato died for his country, so didst thou;
"He—perish'd! rather than see Rome enslav'd;
"Thou cut'st thy throat, that Britain may be sav'd.
"So Castlereagh has cut his throat! The worst
"Of this is—that his own was not the first."

THE U. S. SHIP CYANE, AT LAGUIRA. The Philadelphia Gazette gives us copies of a number of letters that passed between capt Spence and the American merchants at Laguirra, while the Cyane and Spark were lying in that port.

No. 1, is a letter signed by twelve merchants, among them our consul, Mr. Lowry, dated Oct. 7, stating that the recent capture of Maracaibo by the Spaniards, caused them to entertain some fears for Caraccas; in which case they, at Laguirra, might suffer by pillage, &c. and requesting that capt. Spence would remain to protect their persons and property, if necessary.

No. 2, is the reply of capt. Spence, in which he handsomely yields to the request of the merchants—"while there was aught to fear," he would remain with them, though anxious to sail for the coast of Africa.

No. 3, is as follows—

To R. K. Lowry, esq. American consul at Laguirra, and other American citizens at Laguirra and Caraccas.

Gentlemen—The time is come when I propose to leave you. The force concentrating near Caraccas, renders it improbable that gen. Morales will attempt the reduction of Laguirra. All cause for fear being, therefore, remedied, my object for remaining no longer exists, and I feel myself at liberty to depart, without any apprehension as regards your safety. It is a subject of gratulation that the intention of the general to attack this place, was not realized, as a difference of opinion between the commander of the Spanish marine forces and myself, in relation to the American property I should have taken under my protection, might have been productive of very unpleasant consequences. Citizens of the United States and their property on the ocean, must and will be protected—'tis the determination of our government to have our maritime rights respected throughout the world the vigilance and activity of officers employed to effect

this purpose, daily demonstrates their zeal to search out every violation coming within their cognizance.

Good is not without its concomitant evil; most evils have their antidote. Commerce is a good of this description. A national benefit we should all feel anxious of seeing prosper—yet we cannot hope to have a commerce, so wide in its range as ours, [something is omitted here, but several newspaper copies that we have examined do not supply it—the captain, probably, took notice of our naval means, “a vigorous application,” &c.] a vigorous application of which, will arrest and beat down the audacity of a band of licensed plunderers, who, infesting the West Indies, hold the very ocean in a state of blockade. Such a course of things ought to cease—and those who have been so long the aggressors, made to become the complainants. In this way only can we suppress the evils which, for so long a period, have outraged our neutral rights. The time will come when it shall be a sufficient safeguard and passport to say, “I AM AN AMERICAN CITIZEN!” No nation has more just cause to indulge in this pleasing expectation than the United States. A republic full of strength, whose power, resources, laws and institutions, are the admiration of the world. The vigor of whose government will reach every wrong offered to citizens, wherever its banner may float.

Such, my countrymen, is the land of our nativity, a land to which we turn, like the Peruvians to the sun, as an object of love and adoration. That we may live to hail once more its happy, happy shores, is the prayer of, your very obedient servant,

(Signed) ROBERT T. SPENCE.

[Without date].

No. 4, dated 10th Oct. is another request from the American merchants at Caraccas, that capt. Spence would defer his departure, until the probable result of the movements of Morales was ascertained. To which request, in no. 5, capt. Spence complies, saying—“In reply to which I beg leave to request that you may calculate on my remaining at Lagaira during the present crisis, and until I feel satisfied that all just cause of apprehension is at an end. Should those calamities, which would inevitably follow the sudden attack of an enterprising assailant, be realized, you know my duty as an officer, and, I trust, are acquainted with my feelings as a man: when duty and inclination unite, there is no want of zeal on occasions like the present. The flag that waves on the ship I have the honor to command, guarantees the safety of every American citizen, who, afloat, may claim its protection.

No. 6, dated Nov. 26, is a warm letter of thanks from the merchants, which we insert entire—

Laguria, Nov. 26th, 1822.

SIR—We should do injustice to our feelings if we refrained from expressing to you the extreme gratification we have received from a perusal of your protest of the late most extraordinary and sanguinary decree of general Morales, threatening not only the property, but the liberty and lives of American citizens engaged in lawful pursuits, and in a country whose independence has been solemnly acknowledged by the government of the United States.

The spirit and dignity of the sentiments which is evinced in your protest, are such as will, undoubtedly, receive the approbation of your government, demand the attention of the royalist general, reflect honor on yourself, and tend greatly to the personal security of your fellow countrymen now here, and who may hereafter arrive.

Since your arrival, we with pleasure have witnessed your zeal and firmness in the discharge of your duty to the United States, (notwithstanding your continued illness), and the unremitting attention you have paid to the protection of the rights of your countrymen in these seas, and at a most important crisis, when such assistance was absolutely wanted.

We congratulate ourselves that you were designated by our government to visit us, and regret that obedience to your instructions compels you to leave us, in prosecution of further most arduous duties.

It is with extreme pleasure, also, we find our government have afforded such effective resistance to the continued and frequent violations of our commercial rights, by employing a respectable portion of our gallant navy in these seas, when such force has been, and still is, so much wanted, and by which the dignity and interest of our country have been hitherto so successfully supported.

We believe, sir, that your official protest will show that the rights of American citizens can never be trampled upon with impunity, and consider it as an additional shield from lawless attack on our property and lives, which otherwise might have been seriously attempted.

With sincere wishes for the success of your future operations, and a complete restoration of your health,

We are respectfully your most obedient servants,

Edward W. Robinson	Robert K. Lowry
James F. Guedron	Lemmon & Forsyth
Benj. F. Pollock	David M. Miles
John Myers	John M. Poster
Wm. Hathenday	Henry Taggart
John Devit	James Gaul
Battye Gill	Y. D. Elworth
George Neville	H. Smith
Edmund S. Ray	Wm. Thomas
Charles Graff	Wm. Burr
P. J. McDermott	Geo. W. Danshue
E. James	John C. King

No. 7—is nearly of the same character as the preceding, but goes more into detail, approbatory of the ground taken by capt. Spence in regard to the exterminating decree of Morales, already inserted in the REGISTER. The Congress frigate was expected soon to arrive at Lagaira, or, it is believed, that captain Spence would not have left the port. For the countenance and support thus given, the merchants appear to be very grateful.

MAINE. *Finances of the state.* The treasurer's report to the legislature, now sitting at Portland, gives the following exhibit of the finances of the state:

Receipts into the treasury, during the year 1822, including the money on hand, at the commencement of the year, \$139,999 13

Expenditures, during same period, 114,497 61

At the commencement of the year 1822, the state debt was \$47,800, bearing an interest of six per cent. But as it was thought money might be obtained on more advantageous terms, it will be recollected that the legislature, last winter, authorized the treasurer to make a new loan of forty thousand dollars, to be applied to the liquidation of the state debt. This sum, together with the money at that time in the treasury, was sufficient to redeem all the former obligations of the state, which was accordingly done. So that the state now owes forty thousand dollars, bearing an interest of only five per cent.

The treasurer estimates the expenditure for 1823 at \$71,798; and the receipts into the treasury during the same time, including cash now on hand, at \$79,013 12. Leaving in the treasury on the close of the year 1823, a balance of \$7,215 12.

NEW YORK. The legislature of this state has commenced its first session, under the new constitution. On the 1st instant, Joseph C. Yates, as governor of the state, and Erastus Root, as lieutenant-governor, were sworn into office by chancellor Kent.

On the 31st ult. gov. Clinton issued the following, dated at "Head quarters:"

On retiring from the command of the militia of this state, the commander-in-chief considers it due to his feelings, as well as their merits, to express the high sense which he entertains of their good conduct, and his sincere hope that they will, on all future occasions, maintain the character which they have so honorably acquired.

He is conscious that, in the discharge of the important duties connected with the command of a militia composed of 140,000 men, many errors have been committed; but he has the satisfaction to know, that they have been unintentional; and to infer from the uniform respect which his fellow soldiers have manifested for his orders, and from the faithful performance of all their official obligations to him, that his views and his objects have been justly estimated, and the difficulties attending his situation duly considered.

Persuaded, as he has always been, of the great efficacy of the militia against foreign aggression or domestic violence, he cannot omit, at the close of his administration, to urge on every citizen, (where religious restraints do not forbid), the duty of qualifying himself to perform the functions of a soldier, as well as the importance of cherishing and cultivating those virtues and faculties which compose and adorn the character of a good citizen, and which are calculated to render him a useful and worthy member of a republican government. The military strength will then be commensurate with the moral power of the state, and both be lodged, where they always should be, in the great body of the people. The danger and expense of large standing armies will then be avoided, military usurpation effectually guarded against, and a force be always in readiness, on any emergency, to vindicate the rights, and maintain the honor and independence of our country. By order of the commander in chief,

J. S. VAN RENSSLAER, A. D. C.

Military Secretary.

NEW YORK—the city. Report of arrivals from foreign ports, at the port of New York, in 1822:—Ships, American, 288 British, 15; Swedish 2; Dutch, 1; Hamburg, 7; Prussian, 1; Russian, 1;—Total, 315. Barques, American, 4; brigs, American, 369; British, 57; Swedish, 2; Danish, 6; Dutch, 5; Hamburg, 2; Bremen, 2; Haytien, 3; Spanish, 2; Portuguese, 2; Neapolitan, 1.—458. Schooners, American, 361; British, 3; Dutch, 2; Haytien, 2—363. Ketch, Swedish, 1. Sloops, American, 32; British, 1.—33. Total number of the whole, 1172.

Since April, 1821, there has been launched at the port of New York, 36 *ships*, amounting to 14,500 tons, and averaging about 402 tons each; besides numerous brigs, schooners, sloops, steam-vessels, &c. Two other ships are in a state of forwardness for launching.

Com. Ad.

NORTH CAROLINA. The legislature of this state has adjourned. An act has passed which provides

(that a debtor, who honestly gives up his property, shall not be imprisoned for debt—another, that the sheriffs shall provide blankets for the use of their prisoners—and a third for the promotion of agriculture and household manufactures.

A spirit is up in this state for internal improvement. The message of the governor to the legislature, at the opening of the session, is a valuable paper, and we intend to give it a place with other like messages, as soon as we can. North Carolina possesses many sound statesmen and valuable men, and her fertile back country is peopled by a hardy race of industrious and intelligent freemen. She has much in her power, and now seems resolved to bring out her great resources to improve her natural advantages, by a sound legislation. We heartily wish her good speed!

NORTH CAROLINA BANKS. In the senate of North Carolina, on the 25th ult. Mr. Branch, from the joint select committee to whom had been referred the subject of the administration of the banks in that state, made a report, concluding as follows:

Whereas, it manifestly appears to this general assembly, from the report of the joint committee appointed to examine into the administration of the banks of North Carolina, that the state bank at Raleigh is in the habit of refusing specie payments when the directors think proper to do so, in palpable violation of their charter, and that they, and the agency of the bank of Newbern, at this place, are in the practice also of demanding, as a prerequisite to the granting of accommodation at the bank, that the applicant should furnish them with an equal amount in northern funds at par, which funds the applicant, in most cases, is compelled to give four per cent. for, and which, in market, will command that premium. Therefore,

Resolved, By the senate and house of commons, That the governor of this state be requested to submit the facts, as contained in the report of the aforesaid committee, (appointed to inquire into the administration of the banks of North Carolina), to some one, or more legal gentlemen, in this state or elsewhere, eminent for their abilities and legal learning, and totally unconnected with those establishments:

And if it should be the opinion of such counsel that the banks, or either of them, have directly or indirectly, through the medium of northern funds, exacted more than 6 per cent. per annum for their discounts, or have failed to pay specie for their notes, as by the terms of their charters they are bound to do, that then, and in that case, it shall be the duty of the governor, and he is hereby empowered and directed to employ counsel to institute a judicial investigation into the administration of those institutions, and to ascertain judicially, by what authority they have transcended their chartered powers; and, furthermore, to adopt the most efficient means to check the progress of such a dangerous usurpation of power, so much calculated to enrich the monied capitalist, and to impoverish the community generally.

On the day following the report was taken up in the senate and *rejected*, by a vote of 34 to 19.

PERU. *Proclamation.* "I was present at the declaration of the independence of the states of Chili and Peru; I have in my possession the standard which Pizarro brought with him to enslave the empire of the Incas; I am no more a public man. This is a recompence, with usury, for ten years' revolution and war.

My promises with the people, with whom I have waged war, have been fulfilled; I have achieved their independence, and I leave to their will the election of their governors.

The presence of a successful warrior, however disinterested may be his intentions, is an object of fear for states that establish new constitutions; on the other hand, I am already vexed to hear said, that I wish to make myself a sovereign. However, I shall be always ready to make the last sacrifices for the liberty of the country, but as a private individual and nothing more.

As to my public conduct, the opinions of my compatriots, as it generally happens, will be divided; but their children will give the true criterion.

Peruvians! I leave with you the national representations already established; if you put in it an entire confidence, you will triumph; if not, you will become the victims of anarchy.

Let firmness preside over your destinies, and may you enjoy forever felicity and peace.

JOSE DE SAN MARTIN.

Magdalena, near Lima, Sept. 20, 1822.

FOREIGN NEWS. By an arrival at New York, London papers to the evening of the 5th Dec. have been received. Though there is not any thing of a positive character in the news, except in relation to a few matters that have occurred, much food is afforded for speculation, on important events.

The congress of Verona has broken up. Among other proceedings had, the following is mentioned in such a way, that we must believe the report of it. It appears that the French minister, viscount Montmorency, (created a duke since his return to Paris), had claimed the right, for France, of an *armed intervention in the affairs of Spain*. This seems to have been faintly resisted by the ministers of several of the foreign powers, and especially by the duke of Wellington, on the part of Great Britain—but Montmorency maintained, the right of his king to make war if he pleased, and the result is stated to be, that liberty was granted to France to employ that right against Spain, if she thinks proper. It is not intimated that the other powers will interfere—one of the London papers of Dec. 4, says that "*war is inevitable*," but declares that England will maintain the strictest neutrality.

It is understood that the decision of the congress was known at Madrid—and so far from the cortes being disposed to give way to the assumptions of France, they appear rather to wish for war, as an agent to terminate the civil commotions that prevail in many parts of the kingdom, which they believe are excited and sustained by the intrigues of France, whose object is to destroy the constitutional government in Spain, dreading the influence of it as an example.

Both parties are busy with military preparations—and couriers had been despatched from Paris to Madrid, said to bear the conditions on which the French government would maintain peace.

Such is the substance of several columns of remarks and speculations in the British and French papers—but whether there will be any war, at present, is doubtful. We should regard the French ministers as mad men, if they hazard one. If the state of their country is faithfully represented, a revolution would appear to be the inevitable result. The Bourbons are not loved in France—the present generation has risen up under a different order of things, and tens of thousands of old soldiers scattered through the kingdom, are, heart and soul,

devoted to the memory of Napoleon and his deeds of war and peace.

The soldiers of the "army of the faith" appear to have been most severely dealt with in several late affairs with the constitutionalists. The king is closely watched, and all persons about him are appointed by the cortes. The whole palace, except his private apartments, are subject to domiciliary visits.

New levies are raising in Poland—and the movement of the Russian troops, adjacent to the Turkish frontier, indicates, in the opinion of some, a change in the resolves of Alexander as to Turkey.

There is some account of the late naval battle between the Greeks and the Turks near Spezia. The Greek fleet consisted of 60 vessels, but 28 of these were driven by the wind so that they could not get into the contest; the remaining 32 gallantly attacked the Turks, who had 90 sail, among them 6 of the line and 9 frigates. The fight lasted six hours with great fury and desperation—The Greeks performed prodigies of valor in the sight of their wives and children, who covered the neighboring eminences; and, at last, the superior force of the barbarians gave way to the nervous arms of a few patriots striking for liberty.

Envoys from the Greeks had attended at Verona, but they were not *officially* admitted to the presence of the sovereigns.

The ministers from Piedmont and Naples had exerted themselves to the utmost, to have the *Austrian* troops withdrawn from their territories—but could not effect any thing.

A British squadron was fitting out at Portsmouth for a special service, to be commanded by com. Owen, consisting of one 74, two stout frigates and three smaller vessels.

The intelligence from Verona had produced a great sensation in London—cabinet councils were frequently held, and the stocks had fallen to 79½.

It is stated that Mr. Zea, the Colombian minister in England, died at Cheltenham, whither he had gone for the benefit of the waters, about the 1st of December.

West Indies. Nearly the whole city of Port au Prince was destroyed by fire on the 16th and 17th ult. Between 2 and 300 houses and a great quantity of goods, were consumed. The aggregate loss is estimated at between 3 and 4 millions of dollars. In consequence, the port has been opened for the reception of building materials, free of duty, for the space of one year.

Revenue and ad valorem Goods.

MR. NILES—The prosperous state of the finances, as exhibited by the treasury statements of the year 1822, is a matter of great exultation with many—being hailed as evidence of the reviving prosperity of the country; but, to those who understand the meaning of the word revenue, the increase of revenue, by impost, is justly considered as a true indication of industry and production declining at home. To come to correct conclusions we must know what impost is—it is admitted to be an assessment made upon articles of foreign produce imported into the United States: the amount of this assessment, or tax, being in proportion to the quantity of articles imported, the increase of revenue is, of course, the increase of importation—and the question at once presents itself, is the state of the treasury a correct index of public prosperity? Reasoning from official facts, of the truth of which

there is no doubt, one would think that the conclusions, if fairly drawn, would be equally certain and satisfactory. As our laws prescribe that the annual accounts of the treasury shall begin on the first of January of each year, the secretary's reports are, necessarily, of the preceding year—so that our comparisons must be made between the years 1820 and 1821, so far as they relate to revenue. As to exports and imports, the law is different—the year commences on the first of October, thus the report of the secretary of the treasury, presented to congress, on the 24th December, contains the statement of the revenue only for the year ending first of January, 1822—but of the imports to the end of the year ending on the first of October. It will be, therefore, understood that, in speaking of revenue in any year, reference is had to the year from the 1st January to the 30th December—when of imports and exports, to the year from the 1st October to the 30th September:—the first being the fiscal, the last the statistical year. In order to simplify the statements of imports and revenue, I take two items of the customs, viz: the duties on goods paying a duty ad valorem and specific duties; the other items are small and will not vary the results:

In 1820, the amount of goods, paying duty ad valorem, imported,		
was,	Dolls.	*22,128,000—Revenue accrued 4,420,000
1821, do. do.		*36,560,000 7,545,000
Increase of importation	14,432,000—	Increase revenue 3,125,000

In 1820, the amount of goods, paying specific duties, imported		
was,	Dolls.	*15,315,000—Revenue accrued 8,517,000
1821, do. do.		*15,666,000 8,712,000
Increase of importation	351,000—	Increase revenue 195,000

Thus, we see, that the increase in these two items has been, ad valorem goods, 14,432,000 dols; duty 3,125,000—specific goods 351,000 dols.; duty 195,000. With this acknowledged fact to begin with, that the increase of revenue has been by the increased importation and consumption of ad valorem goods, I will inquire how this fact bears on the general prosperity of the country? In doing which the reader must have patience, as a comparison between the relative effects of ad valorem and specific importations on the country, has not, hitherto, been much attended to—a comparison, it is believed, which will lead to results conclusive with every candid mind, and well pay for the trouble of examining in detail.

*These sums exhibit the nett importation and the nett revenue; and, making allowances for small quantities exported without the benefit of drawback, they shew the amount of foreign goods consumed in the country. For the year 1820, the value of articles paying specific duty, is made from calculation in this way—until 1821, there was no law requiring the secretary of the treasury to state the value of specific goods, only the quantity. In the statistical tables of 1821, the imports of specific goods, deducting re-exportation, is stated at 15,666,000 dollars for the year ending 30th September, the statistical year; the revenue for the fiscal year 1821, is stated at 8,712,000 dols. The revenue for the fiscal year 1820 is stated at 8,517,000 dollars—which, on the same proportion between imports and duties as in 1821, produces the above results. Without a laborious research, it is impossible to adopt any other mode of ascertaining the value of specific articles, and it cannot be far from being accurate—as the relative imports of the last quarters of the fiscal years 1820 and 1821 must be nearly the same.

Generally speaking, ad valorem goods are the manufactures of Europe and the East Indies, composed of materials which either abound in the United States, or may be produced to an amount far beyond our wants—imported from countries which rigidly exclude from their consumption the produce of our soil, seas and manufactures—paid for by the profits of our freighting, fisheries and the trade with countries from which we import specific articles in exchange for our provisions and other produce; many of them fabricated from the raw materials which we export, and then brought back, enhanced five-fold in value by foreign labor, and nearly the whole of which can be manufactured by our own citizens

In 1821, the imports of ad valorem goods, for home consumption, was 36,560,000 dollars, altogether, we may say, from Europe, the British East Indies and China; in the same year the domestic produce exported to those countries, excepting cotton and tobacco, did not exceed 5,600,000 dols.* It thus appears that the duties alone on the ad valorem goods, imported into the United States, exceed the value of our whole domestic produce consumed in the countries whence we import them, (except cotton and tobacco), by \$2,000,000. The increase in the amount of ad valorem goods imported, does not increase the market of the northern, middle and western states, or those of the southern, who do not raise cotton and tobacco. The increased consumption of these goods in the United States, does not induce any one nation to relax at all in the rigor of their system of excluding our produce. They do not admit cotton and tobacco from any principle of friendship to us, or because we purchase their manufactures. Cotton is indispensable to them as a raw material for their manufactures, and tobacco is as much an article of necessity to Europeans as tea is to us; but, necessary or not, they will have it. We do not refuse to import tea from China because the Chinese will not take our flour; tobacco will be chewed, snuffed and smoked, though we refuse to buy glass, linen, woollens or hardware—and the cotton manufactories of Europe will not stop because we make our own cotton goods. Ad valorem goods, paying 25 per cent. imported and consumed in 1821, amounted to \$16,600,000—these are cottons and woollens; and of those allow one-half to be cottons, say 8,300,000. Manufactured cottons bear to the raw material a proportion, in value, of 5 to 1. The price of the raw material then being \$1,660,000, we should, by excluding cotton goods, lose only a market for this amount of cotton wool—this would be made up to the planter by the increased domestic demand, arising from our manufacturing at home the extra quantity before imported. When England realizes such immense profits from her cotton manufactures, she will not exclude our cotton wool, which she requires to supply other markets with goods. It may then be safely assumed,

* This sum is made up from a careful examination of the statistical tables of 1821, as to the destination of our domestic exports. That the reader may judge of the correctness of the calculation, I subjoin the items of European and East India consumption—Rice \$950,000; pot and pearl ashes 890,000; skins and furs 600,000; animals 120,000; flour, &c. 370,000; wood 400,000; flaxseed 420,000; naval stores 270,000; all other 300,000. To Europe \$4,750,000; to the British East Indies 32,000; to China 388,000. To which add the produce of our fisheries in the Pacific, not included in the tables, 350,000—total \$5,520,000.

that the markets for none of our produce depend on our consumption of ad valorem goods; and that the increased importation, and the consequent increase of revenue, does not tend to the prosperity of the country, unless it increases the means of the country to pay for them. There are no data from which to calculate the amount of ad valorem goods consumed in the different states of the union, and compare it with the amount of domestic produce, of any one state, which is consumed in the country whence ad valorem goods are imported. As an example, take the states of Massachusetts and Connecticut—let any person, conversant with their commerce, state the amount of ad valorem goods they consume of British manufacture, on one side, and the amount of their domestic produce consumed in England, on the other. I am much mistaken if it would pay for the pins, needles, thread, tape and bobbins of the ladies; at all events, the result would convince the people of those states that they did not prosper in proportion to the increased importations. And, if the advocates of import will contend that a country flourishes the more as the increase of foreign goods progresses, not regarding the increase or diminution of markets, they will find a stubborn fact in the report of the secretary of the treasury: The increase of domestic exports in 1821 was only \$6,200,000, while the increase of ad valorem imports was \$14,432,000—proof conclusive, to common minds, that increased importation does not cause a proportionate increase of exportation, or add to the ability of the people to buy or consume. From a calculation of the average duty on ad valorem goods, for 1820 and 1821, it appears that it amounts to about 20 per cent.—thus, for \$22,128,000 of imports, the revenue was \$4,420,000 for 1820; for \$36,560,000 of imports, the revenue was \$7,545,000 for 1821—so that, for every dollar that goes into the treasury, five dollars worth of goods are imported. An increase of revenue on ad valorem goods then, being, of necessity, an increase of imports of five times the amount for the goods, and, with the present rate of exchange added, say 12½ per cent., presents this result: the treasury gains, in revenue, 3,125,000 dolls.—the people pay \$19,144,000. Will any one tell me what the people gain to correspond with the gain to the treasury? The people, who live in states which do not raise cotton and tobacco, pay their proportion of this 19,000,000—not with their produce consumed in the countries which send them their manufactures—not with raw materials, nor by the exchange of foreign produce for manufactures. In 1821 we imported from England to the amount of 23,000,000 dollars, mostly manufactures; we exported, in foreign produce, to England, \$2,125,000, of which 1,933,000 was specie, leaving, for what alone might be called foreign goods, 192,000. Imports from China, in 1821, \$3,111,000—exports, foreign produce, \$3,902,000, of which 3,391,000 was specie, leaving, of foreign goods, only 511,000. Imports from British East Indies, same year, \$1,530,000—exports, foreign produce, \$1,934,000, of which 1,884,000 was specie, leaving 50,000 only of foreign goods. The following calculation will shew the amount which the country pays on ad valorem goods:—Amount imported, \$36,560,000, exchange 8= 2,920,000; duties, 7,545,000= 47,025,000; our domestic exports in the same year were 43,671,000 dollars, being 3,350,000 less than the cost of these goods, after exhausting all the exportable produce of the country. From these facts it appears, conclusively, that the importation of ad valorem goods swallows up all the profits of our agriculture, fish-

eries, commerce and manufactures, without opening any new, or enlarging any of our old markets for domestic or foreign produce; without giving any additional encouragement to our agriculture or commerce. The West Indies is the great mart for our provisions; it will not be contended that they, or the Spanish Main, will consume any more because we purchase our cottons and woollens from England, or silks from France and China. In 1821, our domestic exports to Hayti, Cuba, the Spanish and Portuguese possessions in South America, were \$6,250,000. almost altogether provisions; being \$600,000 more than was consumed in all the countries whence we import \$36,000,000 of ad valorem goods. The most profitable item in our commerce is the exportation of foreign goods; it affords employment to our seamen, freight to the ship owners, and a profit on the cargo. In the statistical year 1821, the gross importation of ad valorem goods, was 30,894,000 dollars; of specific goods \$21,608,000, a difference of \$9,200,000; yet the export of ad valorem goods was only \$4,595,000; of specific \$5,942,000, a difference of \$1,347,000 in favor of the specific—which, being heavy, bulky articles, of much less value, in proportion to their weight than ad valorem goods, would, in exportation, employ five, nay, perhaps, ten times as many seamen and vessels as the export of the same value of ad valorem goods. Let merchants think well of this; let the friends of our shipping interest make their own calculation, and I would be almost willing to leave the question to them. This is a subject which is well worth being examined in detail—more so than is in my power. Essays, like this, are intended for the reflecting part of the country, who will extend their thoughts beyond what they read; think and examine for themselves; seize an idea, statement or calculation, and carry it into all the operations of the various branches of our industry; examine its bearing on the general interests of the country; and then, regardless of the opinions of official men, however elevated, think and act for themselves. It is of the last importance then, in the discussion of public measures, we should exercise the spirit of free and candid inquiry; reasoning from admitted facts, our conclusions cannot be wrong, unless our judgments are warped by prejudice, preconceived opinions, or a magisterial, dogmatical self-conceit, which leads a man to consider himself only to be right, and to treat, with contemptuous disrespect, the opinions of others, 'equally conscientious with himself,' and, perhaps, equally able to form just conclusions. The facts on which I rely are drawn from authentic public documents—my deductions seem to me obvious and natural; if any one deigns to answer them, it is earnestly hoped it will be in the same spirit in which they are made. Having some leisure time on my hands, it will give me pleasure to discuss this subject with temper and freedom, with any one who thinks me mistaken. But I here offer a solemn protest against entering the field to reply to such productions as the address of Mr. Jones, in your REGISTER of the 28th of December, in which there is neither reasoning or a statement of facts—he has indulged his fancy in drawing a picture which none of his opponents will recognize as their work; he has been at the trouble of making a man of straw—it would be hard not to leave him unmolested in his efforts to destroy it.

Having pursued these remarks to a length, tiresome, perhaps, to your readers, it is best to rest a week, when I will take up the subject of the imports of specific goods,

Monumental Address. TO THE PUBLIC.

The citizens of New York, will specially recollect, that, in the year 1803, an appropriate vault or tomb was constructed, by Tammany society, at the Wall about, opposite to the city of New York, and that, after thirty years neglect, a portion of the remains, were then collected, of the eleven thousand and five hundred *citizens, soldiers and sailors*, of our revolutionary war, who had perished in doleful dungeons and pestilential prison-ships, and whose bodies were thrown in heaps into the earth, at the said Wall-about, frequently when life was scarcely extinct.

These relics are yet repeatedly collected, as the beating rains of heaven discover the places of their deposit, and are carefully interred into the vault, denominated "*the tomb of the martyrs*;" and which yet remains destitute, even of an inscription stone!

At the time of the general interment of those remains, in 1808, the hope was fondly cherished that, from individual donations, an appropriate monument would speedily have arisen, and the work rendered complete which should transmit to future generations the entire devotion of those *heroes, who rather chos. death, than enlist in the service of the enemy!* though they were incessantly offered liberation on the dishonorable condition.

The exertions to erect a monument over the tomb then failed; though our state legislature had granted an appropriation, from the sale of lands, of *one thousand dollars* in aid of the proposed work. This sum, being inadequate to do justice, in workmanship, to such a *national object*, the donation was not applied for, nor was the sale of the public lands made.

After the lapse of nearly fourteen years, the above sum was applied for, by Tammany society, to whom the original appropriation had been made; when, by a subsequent law of 1821, the legislature granted the sum of one thousand dollars, in *cash*, to Benjamin Romaine to be accounted for by him, towards building such a monument as had been originally intended.

That sum is now received from the state treasury, and plans and estimates of the work, in a variety of forms, have been had, all of which again prove the total inadequacy of that amount to erect a monumental structure, suited to that eventful period of our national history. With the present means in hand, it cannot be made equal to several church-yard inscriptions, and far inferior to that raised at West Point, by the cadets, commemorative of a single death of one of their members, in the exercise and display of arms, on the first day of January, 1817.

It is now confidently hoped and fully believed, that the patriotic citizens of New York, freed from all party distinctions, will no longer delay a work through a deficiency of means, to do justice to an object of such magnitude, and so *specially their own*; that they will now cause the same to be graduated on a plan suited to a scale of the nation.

Other cities, towns and villages are now vieing with each other in the erection of works to perpetuate the memorable events of our revolution.—In a special manner, we now hear from our fellow-citizens of Orange county, in this state, consisting of a few farmers, who are about to construct a monumental inscription, estimated at fifteen hundred or two thousand dollars, over the relics of about forty of their citizens, who fell in the massacre of Minisink,

during our war of emancipation from British thralldom.

At the time of the interment at the Wall about, in 1806, a vast concourse of citizens attended, who formed in line, by their several societies, and the citizens, not of the association, formed in a separate body: the military followed. All were invited, without any distinction of party, and the concourse was immense. The scene was grand, and, at the same time, solemn and mournfully impressive. Several females attended from Philadelphia, New-Jersey and Connecticut, whose fathers and brothers had perished *here*, in the contest for our independence; several individuals from Charleston, Virginia, Boston and elsewhere, came also, specially to this city to sympathise and witness the solemnity, whose parents and relatives had perished here, and to whom funeral honors were then exhibited.

Thirteen coffins, representing the thirteen original states, were filled with the bleached bones of the martyrs to our freedom. These were borne in the procession, attended by their palls, and accompanied by one hundred and four pall-bearers, all revolutionary men. The relics were deposited in the vault, near the navy yard, *which yet remains without inscription or monumental stone!!!*

The undersigned, having in charge, in the first instance, the commencement of seeking further means to effect the above object, are hereby authorized, by the society of Tammany, to associate themselves with the honorable the corporation of the city, or with individuals of that body;—and also with other regularly delegated individuals, from such other institutions as may be pleased to join their aid in erecting the contemplated monument.

The undersigned do, therefore, beg leave to commence the acquisition of means by exhibiting the above address, together with a subscription paper, at the Coffee-house, City Hotel, Mechanic, Washington, and Tammany Halls, and Broadway-house, Wall street House, Mansion House, City Tavern. At Brooklynn, and such other places, as patriotic individuals shall request; and especially at the navy yard, under the care of com. Evans—where the monument is to be erected.

By order,

CLARKSON CROLIUS, Chairman.
GEORGE MILLS
PETER EMBURY
SAMUEL B ROMAINE
WILLIAM MOONY
BENJAMIN ROMAINE, Treasurer.

Treaty of Indemnity.

By the president of the United States of America:
A PROCLAMATION.

Whereas a convention between the U. States of America and his Britannic majesty was concluded and signed at St. Petersburg, under the mediation of the emperor of all the Russias, on the twelfth day of July last, by the respective plenipotentiaries of the three powers: And whereas the said convention has been by them duly ratified, and the respective ratifications of the same were exchanged at Washington, on the tenth day of the present month, by John Quincy Adams, secretary of state of the United States, the right honorable Stratford Canning, envoy extraordinary and minister plenipotentiary of his Britannic majesty, and George Ellisen, charge d'affaires of his imperial majesty the emperor of all the Russias, on the part of their several governments: which convention is in the words following, to wit:

[TRANSLATION.]

In the name of the most Holy and Indivisible Trinity:
The president of the United States of America, and his majesty the king of the united kingdom of Great Britain and Ireland, having agreed, in pursuance of the fifth article of the convention concluded at London on the 20th day of October, 1818, to refer the differences which had arisen between the two governments, upon the true construction and meaning of the first article of the treaty of peace and amity, concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of his majesty the emperor of all the Russias, mutually engaging to consider his decision as final and conclusive. And his said imperial majesty having, after due consideration, given his decision upon these differences in the following terms, to wit:

"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property, which the British forces may have carried away; and as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the treaty stipulates the restitution, in quitting these same places and territories.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have been restored.

"But that if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not entitled to claim an indemnification for the said slaves."

Now, for the purpose of carrying into effect this award of his imperial majesty, as arbitrator, his good offices have been further invoked to assist in framing such convention or articles of agreement between the United States of America and his Britannic majesty, as shall provide the mode of ascertaining and determining the value of slaves and of other private property, which may have been carried away in contravention of the treaty of Ghent, and for which indemnification is to be made to the citizens of the United States, in virtue of his imperial majesty's said award, and shall secure compensation to the sufferers for their losses, so ascertained and determined. And his imperial majesty has consented to lend his mediation for the above purpose, and has constituted and appointed CHARLES ROBERT COUNT NESSELDORF, his imperial majesty's privy counsellor, member of the council of state, secretary of state directing the imperial department of foreign affairs, chamberlain, knight of the order of Saint Alexander Nevsky, grand cross of the order of Saint Vladimir of the first class, knight of that of the white eagle of Poland, grand cross of the order of St. Stephen of Hungary, of the black and of the red eagle of Prussia, of the legion of honor of France, of Charles III. of Spain, of Saint Ferdinand and of merit of Naples, of the annunciation of Sardinia, of the polar star of Sweden, of the elephant of Denmark, of the golden eagle of Wirtemberg, of fidelity of Baden, of Saint Constantine of Parma, and of Guelph of Hanover; and JOHN COUNT CAPODISTRIAS, his imperial majesty's privy counsellor, and secretary of state, knight of the order of St. Alexander Nevsky, grand cross of the order of St. Vladimir of the first class, knight of

that of the white eagle of Poland, grand cross of the order of St. Stephen of Hungary, of the black and of the red eagle of Prussia, of the legion of honor of France, of Charles III. of Spain, of St. Ferdinand and of merit of Naples, of St. Maurice and of St. Lazarus of Sardinia, of the elephant of Denmark, of fidelity and of the lion of Zähringen of Baden, burgher of the Canton of Vaud, and also of the Canton and of the republic of Geneva, as his plenipotentiaries to treat, adjust, and conclude such articles of agreement as may tend to the attainment of the above mentioned end, with the plenipotentiaries of the United States and of his Britannic majesty; that is to say: on the part of the president of the United States, with the advice and consent of the senate thereof, HENRY MIDDLETON, a citizen of the said United States, and their envoy extraordinary and minister plenipotentiary to his majesty the emperor of all the Russias; and on the part of his majesty the king of the united kingdom of Great Britain and Ireland, the right hon. SIR CHARLES BAGOT, one of his majesty's most honorable privy council, knight grand cross of the most honorable order of the Bath, and his majesty's ambassador extraordinary and plenipotentiary to his majesty the emperor of all the Russias. And the said plenipotentiaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1.

For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of his imperial majesty, two commissioners and two arbitrators shall be appointed in the manner following: That is to say, one commissioner and one arbitrator shall be nominated and appointed by the president of the United States of America, by, and with the advice and consent of the senate thereof; and one commissioner and one arbitrator shall be appointed by his Britannic majesty. And the two commissioners and two arbitrators, thus appointed, shall meet and hold their sittings as a board in the city of Washington. They shall have power to appoint a secretary, and before proceeding to the other business of the commission, they shall, respectively, take the following oath, (or affirmation), in the presence of each other. Which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings; that is to say: "I, A. B. one of the commissioners, (or arbitrators as the case may be), appointed in pursuance of the convention concluded at St. Petersburg on the 30th day of June, (12th day of July), 1822, between his majesty the emperor of all the Russias, the United States of America, and his Britannic majesty, do solemnly swear, (or affirm), that I will diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me as commissioner, (or arbitrator, as the case may be), under the said convention."

All vacancies occurring by death or otherwise shall be filled up in the manner of the original appointment, and the new commissioners or arbitrators shall take the same oath or affirmation, and perform the same duties.

ARTICLE 2.

If, at the first meeting of this board, the governments of the United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due; then, and in that case, the commissioners and arbitrators shall conjointly

proceed to examine the testimony which shall be produced under the authority of the president of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the treaty of Ghent; and upon the evidence so obtained, they shall agree upon and fix the average value. But in case that a majority of the board of commissioners and arbitrators should not be able to agree respecting such average value, then and in that case, recourse shall be had to the arbitration of the minister or other agent of the mediating power, accredited to the government of the United States. A statement of the evidence produced, and of the proceedings of the board thereupon, shall be communicated to the said minister or agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before mentioned methods, shall in all cases serve as a rule for the compensation to be awarded for each and every slave for whom it may afterwards be found that indemnification is due.

ARTICLE 3.

When the average value of slaves shall have been ascertained and fixed, the two commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify to the secretary of state of the United States, that they are ready to receive a definitive list of the slaves and other private property, for which the citizens of the United States claim indemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that his Britannic majesty shall not be required to, make compensation for any claims for private property under the first article of the treaty of Ghent, not contained in the said list. And his Britannic majesty hereby engages to cause to be produced before the commission, as material towards ascertaining facts, all the evidence of which his majesty's government may be in possession, by returns from his majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

ARTICLE 4.

The two commissioners are hereby empowered and required to go into an examination of all the claims submitted, through the above-mentioned list, by the owners of slaves or other property, or by their lawful attorneys or representatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the imperial decision herein above recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A and B. And in considering such claims, the commissioners are empowered, and required, to examine, on oath, or affirmation, all such persons as shall come before them, touching the real number of the slaves, or value of other property, for which indemnification is claimed: and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers, such depositions or papers being duly authenticated, either according to existing legal forms, or in such other manner as the said commissioners shall see cause to require or allow.

ARTICLE 5.

In the event of the two commissioners not agreeing in any particular case under examination, or of

their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the commissioners, and a final decision shall be given, conformably to the opinion of the majority of the two commissioners, and of the arbitrator so drawn by lot. And the arbitrator, when so acting with the two commissioners, shall be bound in all respects by the rules of proceedings enjoined by the fourth article of this convention upon the commissioners, and shall be vested with the same powers, and be deemed, for that case, a commissioner.

ARTICLE 6.

The decision of the two commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value, or the ownership of the slaves, or other property, for which indemnification is to be made. And his Britannic majesty engages to cause the sum awarded to each and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times, and at such place or places, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given, as they shall direct: Provided, that no such payments shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this convention.

ARTICLE 7.

It is farther agreed, that the commissioners and arbitrators shall be respectively paid in such manner as shall be settled between the governments of the United States and Great Britain, at the time of the exchange of the ratification of this convention. And all other expenses attending the execution of the commission, shall be defrayed jointly by the United States and his Britannic majesty, the same being previously ascertained and allowed by the majority of the board.

ARTICLE 8.

A certified copy of this convention, when duly ratified by his majesty the emperor of all the Russias, by the president of the United States, by and with the advice and consent of their senate, and by his Britannic majesty, shall be delivered by each of the contracting parties, respectively, to the minister or other agent of the mediating power, accredited to the government of the United States, as soon as may be after the ratifications shall have been exchanged, which last shall be effected at Washington, in six months from the date hereof, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, drawn up in two languages, and have hereunto affixed their seals.

Done in triplicate, at St. Petersburg, this thirtieth [twelfth] day of June, [July] one thousand eight hundred and twenty-two.

[L. s.]	NESSELRODE,
[L. s.]	CAPODISTRIAS,
[L. s.]	HENRY MIDDLETON,
[L. s.]	CHARLES BAGOT.

Now, therefore, be it known, that I, JAMES MONROE, president of the United States, have caused the said convention to be made public; to the end that the same, and every clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness, whereof, I have hereunto set my [L. s.] hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of January, in the year of our Lord one thousand eight hundred and twenty-three, and of the independence of the United States the forty-seventh.

JAMES MONROE.

By the president:

JOHN QUINCY ADAMS, *Secretary of State.*

Alteration of the Tariff.

COPY OF A BILL WHICH IS NOW PENDING IN THE HOUSE OF REPRESENTATIVES.

A bill for the more effectual encouragement and protection of certain domestic manufactures.

Be it enacted, &c. That, from and after the thirtieth day of June, in lieu of the duties now imposed by law, on the importation of the articles hereinafter enumerated, there shall be levied, collected, and paid, the following duties, that is to say:

First. A duty of thirty per centum ad valorem on all manufactures of wool, or of which wool is a component part: *Provided,* That all woollen cloths, or cloths of which wool is a component part, excepting blankets, flannels, and worsted or stuff goods, the original cost of which, at the place whence imported, with the addition of ten per centum, shall be less than eighty cents per square yard, shall, with such addition, be taken and deemed to have cost eighty cents per square yard, and shall be charged with duty accordingly.

Second. A duty of twenty-five per centum ad valorem on all manufactures of cotton, silk, flax, or hemp, not herein particularly specified, or of which either of these materials is a component part: *Provided,* That all cotton cloths, or of which cotton is a component material, (excepting nankeens imported directly from China, and excepting cloths colored or dyed, wholly or in parts, the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or from places beyond it, and and of ten per centum, if imported from any other place, shall be less than twenty-five cents per square yard, shall, with such addition, be taken and deemed to have cost twenty-five cents per square yard, and shall be charged with duty accordingly: And, that all cotton cloths, or of which cotton is a component part, colored or dyed, wholly or in part, the original cost of which, at the place whence imported, with the addition aforesaid, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have cost thirty-five cents per square yard, and shall be charged with duty accordingly: And that all unbleached and uncolored cotton, twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly: And all bleached or colored yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be taken and deemed to have cost seventy-five cents per pound, and shall be charged with duty accordingly: *And, provided, also,* That all linen or hempen cloths, or cloths of which flax or hemp is a component material, not herein particularly specified, the cost of which, at the place whence imported, with the addition of ten per centum, shall be less than twenty-five cents per square

yard, shall, with such addition, be taken and deemed to have cost twenty-five cents per square yard, and shall be charged with duty accordingly.

A duty of thirty per centum ad valorem on nankeens.

Third. A duty of twenty-five per centum ad valorem on printing types, brass wire, cutlery, pins, needles, buttons, button moulds, buckles of all kinds, japanned wares of all kinds, cannon, muskets, fire arms, and side arms, and on all manufactures, not herein specified, made of brass, iron, steel, pewter, lead, or tin, or of which any of these metals is a component material.

A duty of forty per centum ad valorem, on all Leghorn and silk hats: *Provided,* That, if the cost of the same, at the place whence imported, with the addition of ten per centum, shall be less than one dollar each, they shall be deemed and taken to have cost one dollar each, and shall be charged with duty accordingly.

The following duties severally and specifically:

On lead, in pigs, bars, or sheets, two cents per pound;

On leaden shot, three cents per pound;

On red or white lead, dry or ground in oil, four cents per pound;

On hemp, two and a quarter cents per pound;

On tarred cable and cordage, four cents per pound;

On untarred cordage, yarns, twine, pack thread, and scins, five cents per pound;

On linseed and hemseed oil, twenty five cents per gallon;

On wool, — cents per pound;

On copperas, two cents per pound;

On iron, in bars and bolts, not manufactured, in whole or in part, by rolling, one dollar per hundred weight;

On round iron or braziers' rods, of three-sixteenths to eight-sixteenths of an inch diameter, inclusive, three dollars per hundred weight;

On iron, in sheets or hoops, three dollars per hundred weight;

On slit iron, in nail or spike rods, three dollars per hundred weight;

On iron spikes, three cents per pound;

On nails, five cents per pound;

On iron or steel wire, not exceeding number eighteen, five cents per pound; and over number eighteen, nine cents per pound.

On plough pieces, or share moulds, one and a half cents per pound;

On anvils, two cents per pound;

On iron cables, or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof;

On spades and shovels, two dollars and fifty cents per dozen;

On screws, manufactured of iron or brass, weighing twenty-five pounds and upwards, fifteen cents per pound;

On screws of iron, for wood, called wood screws, not exceeding one inch in length, eight cents per groce; over one inch, and not exceeding two inches in length, fourteen cents per groce; over two inches in length, twenty cents per groce;

On all wares, or flint glass, of whatever description, cut or uncut, a duty of six cents per pound, and in addition thereto, an ad valorem duty of twenty per centum;

On window glass, not above eight inches by ten inches in size, three dollars per hundred square feet; not above ten inches by twelve inches in size,

three dollars and twenty-five cents per hundred square feet; and if above ten inches by twelve inches in size, three dollars and seventy-five cents per hundred square feet;

On black glass bottles, two dollars per groce;

On all other articles of glass, five cents per pound;

On Russia duck, per piece, of fifty-two archeens, two dollars;

On Raven's duck, per peice, of fifty-two archeens, one dollar and twenty-five cents;

On Holland duck, per peice, of fifty-two archeens, two dollars and fifty cents;

On all printing paper, eight cents per pound;

Wrapping paper, six cents per pound;

Colored paper, six cents per pound;

Writing paper, not otherwise described, twelve cents per pound;

Sugar loaf paper, four cents per pound;

Letter or folio post paper, fifteen cts. per pound;

Book binder's bandbox, and sheating paper, three cents per pound;

On printed paper hangings fifteen cts. per pound;

On all other paper, six cents per pound;

Sec. 2. *And be it further enacted*, That, in all cases, all articles composed, or mixed of various materials, shall pay the highest duty to which articles manufactured from any of such materials are subject.

Sec. 3. *And be it further enacted*, That, from and after the — day of — one thousand eight hundred and twenty — to the duties on any goods, wares, and merchandise, whatsoever, there shall be added and paid the full amount of such bounty or premium, or allowance in nature thereof, as, on the exportation of sinular articles, may be given, paid, or allowed in the place or country whence the same shall be exported, or in the place or country, wherein the same shall be produced or manufactured, which shall be calculated and ascertained, under such rules and regulations as the secretary of the treasury shall, from time to time, prescribe.

Sec. 4. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties hereby imposed upon the several articles aforesaid, which, after the said thirtieth day of June, one thousand eight hundred and twenty-three, shall be imported in ships or vessels not of the United States: *Provided*, That this addition shall not apply to articles imported in ships or vessels, not of the United States, entitled, by treaty, or by any act of congress, to be admitted on payment of the same duties that are paid on like articles imported in ships or vessels of the United States.

Sec. 5. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed, upon the exportation of any articles that shall have paid the same, within the time, and in the manner, and subject to the restrictions prescribed in the fourth section of the act, entitled "an act to regulate the duties on imports and tonnage," passed the twenty seventh day of April, one thousand eight hundred and sixteen.

Sec. 6. *And be it further enacted*, That the existing laws shall extend to, and be in force for the collection of, the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission of all fines, penalties and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect in the existing laws contained, had been inserted in, and re-enacted by, this act.

Seventeenth Congress—2nd session.

IN THE SENATE.

January 10. The bill from the house of representatives, making partial appropriations for the expenses of government, was referred, taken up, and, by general consent, passed.

The bill to abolish imprisonment for debt was postponed until monday.

Mr. Taylor, of Virginia, rose to ask leave, of which he yesterday gave notice, to introduce a resolution proposing an amendment to the constitution of the United States. Mr. T. prefaced his motion with a few remarks. He adverted to the circumstances which led to the former amendment of the constitution in relation to the election of president and vice-president of the United States, by which it was required that the person should be designated for each office by the electors; he described the evil which that amendment was intended to cure, and said that if it had been foreseen that the evil could occur in a different form, the remedy would have been extended to meet it.— Mr. T. deprecated any improper fastidiousness in recurring to the constitution, either for instruction or for its improvement. If ever the time should arrive when it would be considered as vain or ridiculous to do so, the powers of the constitution would become remitted, and merged in legislation and precedents; and we should gradually return to the spirit, the principles, and the practice, of the British government, where precedent and legislation controlled every thing. Mr. T. inculcated, impressively, a constant attention to the constitution, the practice of testing every act of legislation by it, and a vigilant care not only that its powers should be rigorously exercised, but that it should be repaired and improved whenever the public good should require it to be done. If an appropriation of money, he argued, were necessary to repair a public road, it might be said, with equal propriety, that an appropriation of attention and care were necessary to keep the constitution in repair. Inattention to that, he said, would produce in it flaws and dilapidation, and would bring it into the same disuse, that neglect would cause in a public road. Mr. T. after other remarks of the same character, and to enforce the same general sentiment, went on to say that whenever any opinions or wishes were demonstrated to be general with the people, they ought to be attended to and put in practice. It was manifest he thought, that this was the case in regard to the present mode, in the last resort, of electing the president of the United States, and that the people universally deprecated the election of the president by the house of representatives. Thinking so, he had sought to provide a remedy, and, therefore, asked leave to introduce the following joint resolution:

Resolved by the senate and house of representatives of the United States of America, two-thirds of both houses concurring, That the following amendment of the constitution of the United States be proposed to the legislature of the several states:

"The electors of a president and vice president shall meet on the — day of — next preceding the expiration of the time for which the existing president may have been appointed, vote for a president and vice president, according to the constitution, and make two lists of all persons voted for, to be signed and certified by them; one to be delivered sealed to the president of the United States, within — days thereafter, to be opened and examined by him; and if it shall appear that no person has received the votes of a majority of the electors appointed, the president of the United States shall forthwith, by proclamation, and also by notifications to the executives of each state, publish the number of votes given to each person as president, whereupon the said electors shall again meet on the — day of — next succeeding their first meeting, and vote for one of the two persons, as president, who shall have received, at their first meeting, the greatest number of votes for that office; or, if it should happen that more persons than two should have received the greatest number

and also an equal number of votes, the said electors shall vote for one of them as president. The said electors shall transmit one of the lists to be made at their first meeting, and also that to be made at their second, should it take place, to be proceeded upon as the constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said electors shall be the president. But if two or more persons shall have received the greatest, and an equal number of votes at the second meeting of the said electors, the house of representatives shall choose one of them for president in the mode prescribed by the constitution.

The leave was granted, and the resolution was read and passed to a second reading.

The bill to continue the present mode of supplying the army, was ordered to a third reading—and several other bills were read, &c. The senate spent some time in the consideration of executive business and then adjourned.

January 13. Mr. *Barbour*, from the committee on foreign relations, reported a bill to regulate the commercial intercourse between the United States and certain British colonial ports; and the bill was read.

A message was received from the president of the United States, transmitting the information requested, some weeks ago, on the motion of Mr. *Johnson*, of Kentucky, as to the number of arms required annually to supply the western states, &c. &c.

The chief part of this day was spent on local business.

January 14. Much local or private business was attended to. The bills from the other house, to continue the present mode of supplying the army of the United States; and to enable the proprietors of lands held by the titles derived from the United States, to obtain copies of papers from the proper department, and to declare the effect of such, were severally read the third time, passed, and returned.

The bill to abolish imprisonment for debt was further discussed and occupied the senate until it adjourned.

January 15. After other business—The senate proceeded to the appointment of a select committee, for the reference of Mr. *Taylor's* proposed amendment to the constitution; and Messrs. *Taylor*, of Va. *King*, of New York, *Macon*, *Dickerson*, and *Smith*, of South Carolina, were appointed the committee.

The senate, in a committee of the whole, spent the rest of the day, [except a small space of time on executive business], in considering the bill to abolish imprisonment for debt, which was again pretty fully debated. Postponed till to-morrow.

HOUSE OF REPRESENTATIVES.

Thursday, Jan. 9. The following were the yeas and nays on the bill to appropriate a certain quantity of land to defray the charge of laying out and making a road from the mouth of the Miami, of lake Erie, to the Connecticut Reserve, in the state of Ohio:

YEAS—Messrs. *Ahant*, *Allen*, of Mass. *Allen*, of Tennessee. *Archer*, *Barber*, of Conn. *Barber*, of Ohio. *Barstow*, *Bateman*, *Bayly*, *Biglow*, *Borland*, *Breckenridge*, *Brown*, *Buchanan*, *Burrows*, *Butler*, *Cambreleng*, *Campbell*, of New York. *Campbell* of Ohio. *Cannon*, *Carter*, *Cassedy*, *Chambers*, *Conkling*, *Cook*, *Crafts*, *Crudup*, *Cushman*, *Dane*, *Denison*, *Dickinson*, *Dorfee*, *Dwight*, *Eddy*, *Edwards*, of Conn. *Edwards*, of Penn. *Farely*, *Findlay*, *Forrest*, *Forward*, *Fuller*, *Gowan*, *Hardin*, *Harris*, *Harvey*, *Hemphill*, *Hill*, *Holcombe*, *Hooks*, *Hubbard*, *Ingham*, *Jackson*, *Jennings*, *Francis Johnson*, *John T. Johnson*, *Jones*, of Va. *Jones*, of Penn. *Kent*, *Keyes*, *Kirkland*, *Lathrop*, *Lefewich*, *Lincoln*, *Litchfield*, *Little*, *McCarty*, *McLane*, *McKim*, *McNeill*, *McSherry*, *Mallary*, *Matlack*, *Matson*, *Mattocks*, *Merrer*, *Metcalf*, *Mitchell*, of Penn. *Mitchell*, of S. Carolina. *Moore*, of Va. *Moore*, of Ala. *Morgan*, *Murray*, *Neale*, *Nelson*, of Mass. *Nelson*, of Va. *Newton*, *Patterson*, of N. York. *Patterson*, of Penn. *Phillips*, *Pirson*, *Fitcher*, *Plumer*, of N. H. *Plumer*, of Penn. *Reed*, of Mass. *Reed*, of Md. *Rhea*, *Rochester*, *Rogers*, *Ross*, *Ruggles*, *Russell*, *Sanders*, *Scott*, *Sloane*, *Wm. Smith*, *Spencer*, *Sterling*, of Conn. *Sterling* of N. York. *J. Stephenson*, *Stewart*, *Swan*, *Tattall*, *Taylor*, *Thompson*, *Iod*, *Tomlinson*, *Tracy*, *Trimbale*, *Fucker*, of Va. *Tucker*, of S. C.

Udree, *Uphan*, *Vance*, *Van Rensselaer*, *Walker*, *Walworth*, *Whipple*, *White*, *Williamson*, *Wilson*, *Wood*, *Woodcock*, *Woodson*.—130.

NAYS.—Messrs. *Alexander*, *Bassett*, *Blackledge*, *Burton*, *Cocke*, *Condit*, *Conner*, *Edwards*, N. C. *Garnett*, *Gilmer*, *Gorham*, *Hawks*, *McCoy*, *Rich*, *Rodney*, *Russ*, *Arthur Smith*, *Stoddard*, *Van Wyck*, *Williams*, of Va. *Williams*, of N. C.—21.

Friday, Jan. 10. After attending to many minor matters—the house, in a committee of the whole, took up the bill providing for disciplining the militia. A long debate followed—Messrs. *Sanders*, *Keyes*, *Dwight*, *Woodcock* and *Ployd* opposed—and Messrs. *Chambers*, *Cannon*, and *Williamson* supported it.—Finally, the bill was laid on the table. The house adjourned to Monday.

Monday, Jan. 15. Mr. *Fuller*, from the committee on naval affairs, made a report on the petition of the widow and child of lieut. G. *Pearce*, accompanied with a resolution, recommending that the committee be discharged from the further consideration of the said petition; and that it be referred to the commissioners of the navy pension fund which report and resolution were concurred in by the house.

Mr. *F.* from the same committee, reported a bill for the relief of *Penelope Denny*; which bill was twice read and committed.

Mr. *Williams*, of N. C. from the committee of claims, made an unfavorable report on the petition of sundry merchants of Baltimore for further compensation for damages sustained by vessels sunk in the entrance of the harbor of that city during the late war, which was laid on the table.

Mr. *Walworth*, of New York, rose and said it had become his unpleasant duty to inform the house, and particularly his worthy friend from Kentucky, who a few days since moved a resolution on the subject, (to whom Mr. W. took this opportunity to tender the thanks of the friends of the deceased), that it was no longer in their power to render a tribute of gratitude to the memory of the gallant *Allen*, by providing for the necessities of his bereaved mother. Mrs. *Allen's* health, said Mr. W. had long been impaired, and she was unable to sustain the shock, produced by the sudden and tragical death of her brave son, who was the hope of her old age, and on whose filial piety she depended for the support of her declining years. Her heart, said Mr. W. has been broken, by this cruel and unexpected stroke of adversity, and her spirit has taken its departure to meet its kindred spirit in another and a better world. But, said Mr. W. although we have thus been deprived of the power of making provision for the support of the mother, whose welfare occupied his latest thoughts, there is one still left, who has a right to our protecting care. And, said Mr. W. I hope and trust the sister, whose desolate situation gave an additional pang to the heart of the dying hero; that she, who has thus been deprived, not only of the support of a kind and worthy brother, but also of the guardian care of a pious and affectionate parent; that she, who has now a double claim to our protection and to our sympathy, may receive that bounty, which congress intended to bestow upon the mother, who is now removed beyond the reach of a nation's gratitude. Mr. W. concluded by moving a recommitment of the bill, for the relief of the mother and sister of lieut. *Allen*, to the naval committee, that it might receive such amendments as present circumstances had rendered necessary.

And the question being taken thereon, the motion was agreed to.

On motion of Mr. *Rochester*, of New York, it was resolved, That a select committee be appointed to inquire into the expediency of continuing in force, for a further term, so much of the act, entitled "An act regulating the currency, within the

United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five-franc pieces," passed on the 29th day of April, 1816, as relates to the crowns of France, and five-franc pieces, and have leave to report by bill or otherwise.

[Mr. R. proposed, at first, to refer this subject to one of the standing committees; but, on suggestion of Mr. Ross, that the subject was of sufficient importance to require special investigation by a select committee, Mr. R. varied his motion accordingly].

The *Speaker* communicated a letter from the secretary of the treasury, transmitting a report and statements in relation to a loan of \$100,000, formerly made to the commissioners of the city of Washington; also

A letter from the secretary of the navy, accompanied by an exhibit shewing the number of officers of each grade necessary to command the vessels of the navy.

The greater part of this day was spent on the bill making provision for the occupation of the mouth of the Columbia river. It was, finally, laid on the table.

Tuesday, Jan. 14. Several resolutions for inquiry were submitted.

On motion of Mr. *McCoy*, the bill, entitled "an act in addition to an act, for the more prompt settlement of public accounts, and for the punishment of the crime of perjury," was read, and ordered to be engrossed for a third reading.

On motion of Mr. *Cook*, of Illinois, it was

Resolved, That the committee of ways and means be instructed to inquire into the expediency of requiring all payments of money out of the treasury of the United States, to be paid directly from the treasury, to the party entitled to receive it, where such mode of payment may not be detrimental to the public interest.

In offering this resolution—

Mr. *Cook* said he had but a few words to say in support of the resolution. The amount of money that passed into the hands of disbursing officers, was very great; and the number of those officers was multiplied to an unnecessary extent. The object of the resolution, he said, was to discontinue the practice of placing in the hands of those officers all moneys that it was not necessary to the public interest to confide to them. He believed that the list of public defaulters was greatly swelled by the number of disbursing officers who had been faithless in making their disbursements. If the individuals who were entitled to money out of the treasury, for services rendered to the government, could be supplied with drafts on the treasury, they would, in most instances, prefer them to the money, particularly in distant parts of the union; and, if there should be some slight inconvenience to such persons, the door that such a practice would close against official fraud and speculation would more than make amends for it. The effect that the present mode of paying out the public money, through disbursing agents, had upon the public morals, was highly deleterious; and, if the interest of individuals could be properly provided for, and at the same time remove the temptations, now so frequently held out to public officers to betray the confidence reposed in them, it would be an important point gained. That some measure could be adopted, which would greatly protect the treasury against such abuses as had so repeatedly happened of late years, he had no doubt; and no committee was better able to advise that measure than the committee of ways and means.

The house then resolved itself into a committee of the whole, Mr. *Woodcock* in the chair, on the bill to provide for procuring the necessary surveys and estimates for certain roads and canals.

[This bill proposes to provide—"That the president of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made for a national road from the city of Washington to that of New Orleans; and for canals, from the harbor of Boston, to the south, along the Atlantic sea-coast; and to connect the waters of the Ohio above, with those below the falls at Louisville; lake Erie with the Ohio river, and the tide waters of the Potomac with the same stream at Cumberland, designating what parts may be made capable of sloop navigation; and for communication between the Susquehannah and the rivers Seneca and Genessee, which empty into lake Ontario; and between the Tennessee and Savannah, and between the Tennessee, Alabama and Tombeckby rivers; and for such other routes for roads and canals as he may deem of national importance in a commercial or military point of view. The surveys, plans, and estimates, for each, when completed, to be laid before congress.

"Sec. 2. And be it further enacted, That, to carry, into effect the objects of this act, the president be, and he is hereby, authorized to employ two skilful civil engineers, and such officers of the corps of engineers, or who may be detailed to do duty with that corps, as he may think proper; and the sum of —dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the treasury, not otherwise appropriated"]

The bill having been read—

Mr. *Stewart* proposed an amendment—he withdrew it for the time being, that the general principle of the bill might be considered. Mr. *Barbour*, (the speaker), moved to strike out the first section, and supported the proposition by a speech of some length. Mr. *Hemphill* replied. The motion to strike out was lost, for it 56, against it 62. The committee rose and reported the bill to the house. Mr. *Edwards*, of N. C. moved to lay it on the table. After some remarks, they yeas and nays were called, as follows:

YEAS.—Messrs. Abbot, Alexander, Archer, Barber, of Con. Barstow, Bassett, Bigelow, Borland, Butler, Canalelong, Cannon, Carter, Cassidy, Cooke, Colden, Conkling, Conner, Crafts, Cuthbert, Dane, Edwards, of N. C. Eustis, Floyd, Fuller, Garnett, Gebhard, Gilmer, Gorham, Hardin, Harvey, Hawks, Herrick, Hubart, Hooks, Hubbard, Jones, of Va. Keyes, Kirkland, Lathrop, Lettwich, Lincoln, Litchfield, Long, McCoy, Mattocks, Mitchell, of Pa. Montgomery, Muggan, Murray, Nelson, of Mass. Pierson, Reed, of Mass. Reid, of Geo. Rhea, Rodney, Roggles, Russ, Russell, Sanders, Arthur Smith, Alexander Smyth, A. Stevenson, Thompson, Tomlinson, Tucker, of Va. Tucker, of S. C. Van Rensselaer, Van Wyck, Walker, White, Williams, of Va. Williams, of N. C. Williamson, Wilson, Wood, and Wright.—76.

NAYS.—Messrs. Allen, Ten. Barber, of O. Bateman, Baylies, Bayly, Blackledge, Buchanan, Burrows, Campbell, of O. Chambers, Condict, Cook, Cushman, Darlington, Durfee, Dwight, Eddy, Edwards, of Con. Edwards, of Penn. Farrelly, Findlay, Forrest, Forward, Gross, Hamilton, Harris, Hemphill, Hill, Holeombe, Ingham, Jackson, Jennings, F. Johnson, J. T. Johnson, J. S. Johnston, Jones, of Tenn. Kent, Little, McCarty, McLane, McSherry, Mallary, Mallock, Merer, Metcalfe, Mitchell, of S. C. Moore, of Va. Neale, Nelson, of Md. Newton, Patterson, of Penn. Phillips, Plumer, of N. H. Plumer, of Penn. Rich, Rochester, Rogers, Ross, Slatte, W. Smith, Sterling, of N. Y. Stewart, Swan, Tattnall, Taylor, Trimble, Udree, Vance, Walworth, Warfield, Whipple, Woodcock, Woodson.—73.

So the bill was ordered to lie on the table:

[The circumstance of thus calling and recording the yeas and nays, is regarded as a defeat of the bill].

Wednesday, Jan. 15. Much time was spent on a resolution requesting a statement shewing the contracts that had been made for the survey of public lands, &c. At last, the resolution was laid on the table.

Mr. *Reid*, of Geo. after a short speech, proposed the following amendment to the constitution, that a great question might be settled.

Resolved, by the senate and house of representatives of the United States of America, in congress assembled, two thirds of both houses concurring, That the following amendment to the constitution of the United States, be proposed to the legislatures of the several states, which, when ratified by the legislatures of three fourths of the states, shall be valid, to all intents and purposes, as part of the said constitution, to wit:

"Congress shall have power to establish and construct roads and canals."

This joint resolution received its first reading, and lies on the table.

The engrossed bill, entitled "an act in addition to an act for the more prompt settlement of the public accounts, and for the punishment of the crime of perjury," was read a third time, passed, and sent to the senate for concurrence.

The bill supplementary to the act to amend the act regulating the collection of duties, &c. was read. Several amendments were suggested, but the committee rose and had leave to sit again—and the house adjourned.

THURSDAY'S PROCEEDINGS—JAN. 16.

In the senate, the day was spent in debating the bill to abolish imprisonment for debt. Mr. Mills spoke against and Mr. Barbour in favor of the bill.

In the house of representatives—a bill for the better organization of the district court of the United States, in Louisiana, was introduced, and, after debate, ordered to be engrossed and read a third time—yeas 89, nays 57.

The bill further to regulate the collection of duties on imports occupied the chief part of the remainder of the day. The speakers were Messrs. Tracy, McLane, Cambrelong, Nelson, of Md. Wood, Barstow, McKim, Buchanan, Ingham and Little.

The Speaker laid before the house a letter from the secretary of the treasury, transmitting the estimates of appropriations necessary for the year 1823; which were referred to the committee of ways and means.

The Speaker also communicated a letter from the secretary of the navy, transmitting a statement shewing the names of the surgeons and surgeon's mates of the navy of the United States now on duty; their respective stations, and annual compensation, &c. &c. which was read and ordered to lie on the table; and

The house adjourned after 4 o'clock.

CHRONICLE.

Hugh Nelson, esq of Virginia, has been appointed by the president, with the advice and consent of the senate, envoy extraordinary and minister plenipotentiary to Spain, in the place of Mr. Forsyth, who is about to return home.

Naval. A late New York paper says—the U. States steam galley Enterprize, having undergone the necessary alterations, commodore Porter yesterday hoisted his broad pendant on board of her, and made a trial of her speed in the harbor. The wind blew a gale at N. W.—and, although she displayed a great deal of canvass, she proved to be stiff, and capable of carrying a great press of sail. An experiment was also made of the effect which the artillery might have upon the engine. The result was perfectly satisfactory:—the machinery was not the least affected by the shock. The Enterprize then passed the city, moved by both sails and steam—the wharves were crowded with citizens, who viewed with much satisfaction the performance of the vessel, and the alterations made in the galley in so short a space of time. The appearance of the Enterprize is very warlike.

The steam boat purchased by com. Porter is now called the Galliot Sea Gull; he has also obtained and fitted a ship at New York, which he calls the "Decoy." The former is directly under the command of lieutenant John F. Newton, bearing the commodore's flag; the latter under charge of lieutenant Kearney. These vessels have left New York to join the light squadron sitting at Norfolk.

The Alligator. A court of inquiry was held on board the U. S. frigate Guerriere, at Norfolk, on the 13th ult. captain William Crane, president, to investigate the causes of the loss of the U. States schooner Alligator, under the command of lieutenant J. M. Dale, when the court came to the following opinion—

That the loss of the Alligator is to be attributed to the variety of courses steered to keep company with her convoy, the counter-currents, and the haziness and darkness of the night. There appears to have been a vigilant look-out kept, but the navigation is known to be dangerous, and the charts unfaithful, and they believe that the ablest navigators are often deceived on this coast.

The conduct of lieutenant Dale, the officers, and crew, appears to the court to be highly praise worthy, and that they manifested great zeal in endeavoring to save the vessel; and that they were unsparing in their exertions to accomplish it.

Flour!—Late accounts from the Pacific, received in Baltimore, via Panama and Chagres, announce that flour had risen to one hundred and ten dollars per barrel at Guayaquil!

Massachusetts. James Lloyd has been re-elected a senator of the U. States, from the state of Massachusetts, for six years from the 4th of March next.

Maryland. Gen. William H. Winder has been unanimously elected a member of the senate, vice Issac McKim, esq. resigned—being elected to congress. The choice is quite satisfactory to Baltimore.

Fatal rencounter. A Mr. Irvine, of Richmond, Ky. lately attempted to horsewhip the editor of a newspaper in that place, but the latter shot him through the heart and he instantly expired. The editor has been tried before the examining court and acquitted.

Died, on Sunday morning last, Jonathan Ingersoll, esq. lieutenant governor of Connecticut, in the 76th year of his age.

—, at Lancaster, on the 10th inst. Mr. William Dickson, editor of the "Intelligencer," aged 59—he was a veteran republican and an honest man.

Rochester, in the state of New York, is situated on the Genessee river, and a principal seat of trade in the western district. The first house was built here in 1812—it now contains 641 buildings, 437 of which are dwelling houses. It has four meeting houses and many considerable factories.

Northern canal of N. Y. During the season just closed, 15 millions feet of boards and plank, 440,000 feet of timber, 854,000 shingles, 20,000 staves, 8000 hoop poles, 30 bbls. whiskey, 18 cwt. paint, 19 tons of marble, and 10 bushels wheat, passed through the western canal.

"The Hornet." A paper, under this title, was lately started at Richmond, Va. as if to reform the manners of the place by pointed satire and personal reference: but on the night of the 27th ult. the office was attacked by a large party, and the apparatus demolished—the types were thrown into the street and trampled in the mud, &c.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ We have prepared a body of general remarks on the tariff proposed for the more effectual protection of domestic manufactures, and think that they present some subjects in a new point of view—but yield up our own article to that of our more able correspondent "I," whose essay on revenue and specifically dutied goods, we recommend to the notice of our readers.

IMPRISONMENT FOR DEBT. Lively discussions have taken place in the senate of the United States and in the legislatures of several states, on the propriety or necessity of imprisonment by way of punishment for debt, for so it really is. I have entertained but one opinion on this subject for twenty years—which is, that the whole system of our laws between debtor and creditor, are radically wrong. They are not strong enough to bind rogues, and honest men have no need of them. But I would abolish imprisonment for debt, from motives very different from those generally urged in favor of the procedure—that is, to reduce the range of credits, and compel persons to act by principles of honor, instead of on the uncertain provisions of the law, which oftentimes operate in direct opposition to justice and common sense. When the rules of honor are violated by an individual, few will trust to his honor, and, if nothing else could be depended on, he would not find it an easy matter to run into debt; but the most accomplished knaves, who, perhaps, by deliberate roguery and severe perjury, have secured independence to themselves through the ruin of others, are credited on their supposed ability to pay until they find it convenient to become bankrupts again, and cheat a new set of credulous persons. If there were no law presumptive of a compulsion to pay debts, few would "break" a second time, yet those who failed honestly would not suffer by it. There are not many men, not one in a thousand, who, if compelled to stop payment, cannot shew the reason of it, if they please, unless they have been criminally negligent of the manner in which they used other people's property; and for such negligence they ought to suffer in the public estimation, so far as to prevent a repetition of the offence: and the truth is, that when a man fails honestly and can demonstrate the fact to his creditors, there is an almost universal disposition in the latter rather to support than to oppress him. There are some miserable wretches, it is true, who would exact the "pound of flesh," the penalty of the bond; but their number would rapidly diminish, if there were not numerous excuses for severity in creditors in the unblushing impudence of debtors. But even these, very generally, pay, or endeavor to pay, monies borrowed as debts of honor, for there is "hor among thieves"—so that, if persons were released from all legal compulsion to pay, they would have to rely on the strength of their character for credit, or not obtain any. It is true, that by a course like this, the amount of business would be greatly reduced, but the community would profit exceedingly by that. If a man had to pay the cash down for every thing, he would buy sparingly, and not hazard the loss of a plantation to get a coach, for which article many plantations have been sacrificed at sheriffs' sales. Money, too, would circulate

more rapidly, and every one could do a more 'soub' business, without the constant fear of losing the profits of a whole year's labor by a single bankruptcy—without that of being sometimes totally beggared by a solitary failure. There would also, be a great reduction in the price of articles, for every one could afford to work the cheaper as the danger of loss became less. The practical difference in business in general, between cash and credit, is hardly less than 10 or 15 per cent. in favor of the former. When a man lays out his money, he makes a bargain for his goods—when he sends to the store for credit, the bargain is all on the side of the store-keeper; and he must and will make those whom he credits that are able pay, pay for what he may lose by crediting others who may not pay. There are many businesses that are carried on on this principle—the gains of medical gentlemen, (for example), of large practice, would be enormous, if all their patients paid at the same rate at which some are charged; and printers and publishers, in extensive business, would make large profits, if all their customers paid as all are charged to pay, for they cannot make the discrimination which the doctors do in their bills: yet there are few persons so poorly compensated as doctors and printers for the application of their time and talents, be the latter what they may.

Let all debts be debts of honor, and honorable men will then only be trusted. We should have fewer splendid equipages, not so many extravagant dinners and suppers and balls, less extravagance, in every respect—but more of peace and quietness, prosperity and independence—fewer of paupers in the poor houses and of dirty vagrants in the streets, but fewer also, of those who sink of the plunder of their neighbors, and outrage decency by displays of their ill-gotten wealth.

A CURIOSITY. Among a list of articles lately placed in Peale's museum, Baltimore, we observe the following—Part of the stump of a Cyprus tree, which measured 38 feet in circumference—this, with hundreds of others, are exposed to view, by the washings of the Rappahannock, at the depth of 48 feet from the surface of the earth, on the estate of Manuel Peck, esq. Richmond county, Virginia. Presented by David Monserrat.

GOOD NEWS. The Frankfort, (Ky.) "Commentator," of the 9th inst. has an article stating, that *seventy-one thousand dollars* of the commonwealth's bank paper, was burnt on the day preceding, in the presence of the president and directors. What an excellent fire it must have made! It is a good beginning.

NAVAL. The Norfolk Herald of the 20th inst. says—The steam galliot *Sea Gull*, which arrived at the navy yard at Gosport on Thursday night last from New York, has been found, upon trial, to require some important alterations and improvements, both in her rig and construction, which are now making with a celerity which would astonish those who are accustomed to the mode of doing things in civil life. *Com. PONTREA* appears determined to take time by the forelock—and has, in the

whole of this undertaking, made a complete sacrifice of his personal comfort and convenience to a sense of public duty.

DIED, on the 27th of October last, on board the ship *Moss*, on her passage from Philadelphia to London, *William Lowndes*, esq. for a long time one of the most able, as well as most honest members of the house of representatives of the United States. He was only in his 43d year, though an *old* statesman.

PHILADELPHIA. This city appears to be infested with a desperate gang of incendiaries. There was a large fire in Bank street, early on Sunday morning last, many houses being in flames at the same time—when at its height, a fellow cast a lighted segar in a neighboring hay-loft, he was seized, but certain of his supposed accomplices interfered and he escaped. Many pockets were picked and several accidents occurred by the falling of walls, &c While the fire was yet raging, a decided attempt was made to set fire to another stable, by introducing a box of lighted combustibles. Another fire took place on Sunday night, and, at 2 o'clock on Tuesday morning, the auction stores at the corner of Third and Chestnut street were in full blaze. The heat was intense and the damage sustained great—at last, it was subdued: it raged three hours with uncommon fury, during which a quantity of lighted combustibles were thrown into the great Quaker meeting house, on Arch street; but the person who had charge of it saw the flame and found a quantity of cotton rags burning, which he extinguished—a parcel of coals were thrown into another part of the building, they burnt a hole through the floor and then expired.

PRESIDENTIAL. At a meeting “of most of the members of both branches of the legislature of Maine,” held on the 16th inst. in the representatives chamber, the following preamble and resolution were proposed and unanimously adopted—

“Whereas, it has been represented that the people of this state are in favor of the honorable William H. Crawford for the next president, and it being proper to correct any false impression on this subject; Therefore,

Resolved, That this convention entertain the highest respect for the distinguished talents and public services of the honorable *John Q. Adams*, and do fully believe that no man possesses better qualifications for the important office of president of the United States; but as the election of president will not take place for a considerable time to come, this convention do not deem it expedient to make a formal nomination of any person as a candidate for that station. J. M'DONALD, chairman.

J. L. CHILB, secretary.”

MONEY ON DEPOSITE. A Philadelphia paper says—“The United States bank receives on deposit the notes of the following states: Of *New Jersey*—the banking company of Trenton, state bank at Camden. *Pennsylvania*—all the city banks of Philadelphia, Girard's bank, Easton bank, Farmer's bank of Lancaster, and Harrisburg bank *Delaware*—bank of Delaware, Farmer's bank of Delaware, and her own branches.”

Now, why might not such accommodation be extended to other places? To relieve or assist the operations of their customers, the state banks in Baltimore receive on deposit, (in small quantities), the bills of the bank of the United States and

all its offices—but the office of that bank in this place, if it does not, at times, even refuse the notes payable at the parent bank, rejects those issued from the most of its branches—and otherwise will take nothing on deposit but the precious metals, its own notes, or the bills of the Balt. banks. Nay, it even goes further, and interposes itself between the state banks and the accommodation that they are willing to extend to the people, as shewn in the case stated in this paper of the 11th inst. in the article headed “equalization of exchange,” page 290.

PITTSBURG. There is a cotton factory at this place, aptly called the *Phanix*, the idea of building which was not entertained at the commencement of the last year, though it now has 500 spindles and 8 power looms at work, and, before the close of the present year, will have 1000 more spindles. Last year, there were only two steam boats owned in Pittsburg—there are now six of them for the prompt transportation of persons and goods to any part of the “vast west,” watered by its mighty rivers.

GOVERNORS OF THE STATES. The following is a complete list of the governors of the several states—

Maine,	Albion K. Parris.
New Hampshire,	Samuel Bell.
Massachusetts,	John Brooks.
Rhode-Island,	George C. Gibbs.
Connecticut,	Oliver Wolcot.
New York,	Joseph C. Yates.
New Jersey,	Isaac H. Williamson.
Pennsylvania,	Joseph Heister.
Delaware,	Joseph Haslett.
Maryland,	Samuel Stevens, Jr.
Virginia,	James Pleasants.
North Carolina,	Gabriel Holmes.
South Carolina,	John L. Wilson.
Georgia,	John Clark.
Kentucky,	John Adair.
Tennessee,	Wm Carroll.
Ohio,	Jeremiah Morrow.
Louisiana,	Thos. B. Robertson.
Mississippi,	Walter Leake.
Indiana,	William Hendricks.
Illinois,	Edward Coles.
Alabama,	Israel Pickens.
Missouri,	Alexander McNair.

BOSTON. In the year 1821, there were 354 arrivals at Boston from foreign ports, and the amount of duties received at the custom house was 4,156,867 dollars—of which 44,943 were on goods imported in foreign vessels.

In 1822, there arrived from foreign ports 762 vessels—of which 22 were British, 4 Swedish, 1 Bremen, 1 Dutch, 1 Portuguese, 1 Danish; and the amount of duties received at the custom house was 4,489,753 dollars—74,695 of which were from imports in foreign vessels.

The arrivals were as follows—from Russia 25; Sweden 23; Swedish West Indies 8; Copenhagen 1; Danish West Indies 37; Amsterdam and Rotterdam 13; Dutch West Indies 33; Dutch East Indies 4; London, Liverpool and Bristol 64; Scotland 1; Ireland 1; Gibraltar 3; Calcutta 9; British West Indies 25; Halifax, St. Andrews and St. Johns, N. B. 74; Hamburg and Bremen 7; Havre and Rochelle 13; Marseilles 11; French West Indies and Miquelon 64; Hayti 40; Cadiz and Bilbao 7; Malaga 19; Teneriffe and Canary Islands 5; Manila 1; Honduras, Campeachy 9; Cuba 103; Porto Rico 13; Spanish South American colonies 7; Portugal 27; Madeira 4; Fayal, St. Michaels 13; Cape de Verd 15.

lands 6; Brazils, Monte Video 25; Leghorn, Messina, Genoa 38; Trieste 1; Smyrna 5; Cape of Good Hope 1; China 8; Sumatra 1; Africa 4; South seas 1—Total 762.

LOUISIANA, &c. A writer in the "Louisiana Advertiser," who is furnishing a series of essays to show a depreciated value in the products of that state, and the necessity of some change in the business of the banks to afford relief to the community, gives the following statements—

The state of Louisiana cannot produce this year more than 60,000 bales cotton, which will not exceed an average price of 40 dolls per bale

	2,400,000
10,000 hhd. sugar, at an average of 60 dolls per hhd.	600,000
5,000 hhd. molasses, at an average of 13 dolls. per hhd.*	9,000
	3,009,000

From which is to be deducted, the maintenance of slaves; interest on loans; commission on sales, freights, storage, drayage, &c. &c. equal to 50 per cent. 1,504,500

1,504,500

Leaving a balance in favor of the planters of this state, one million five hundred and four thousand five hundred dollars. The only recompense for the employment of upwards of thirty millions of dollars capital for one year. To men, who have not given that proposition a due consideration, the foregoing statement will appear improbable; but, to put that statement out of question, and to establish my premises beyond a doubt, I will also lay before my readers a general view of the deposits of produce which have heretofore been made in our market, viz:

From the states of Tennessee and Alabama, there have been heretofore received 50,000 bales cotton; which I presume may be about the quantity we shall receive this year; and will average about 30 dolls per bale

	1,500,000
10,000 hhd. tobacco, which will average about 35 dolls. per hhd.	350,000
Corn, pork, lard, &c. &c.	150,000
	2,000,000

From the states of Kentucky, Ohio, &c. we have, heretofore, received 20,000 hhd. tobacco, averaged 35 dolls. per hhd.

	700,000
150,000 lbs. flour, averaged 3 dolls. 50 cents per bbl.	525,000
Pork, lard, beef, hogs, &c. &c.	575,000
	1,800,000

And from the state of Mississippi, 70,000 bales cotton, at a average price this year of 40 dolls. per bale.

	2,800,000
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Recapitulation of produce.

Louisiana, gross amount, 60,000 bales cotton, &c.*	3,900,000
Tennessee and Alabama 50,000 bales cotton, &c.	2,000,000
Kentucky, Ohio, &c. tobacco, &c. &c.	1,800,000
Mississippi, 70,000 bales cotton	2,800,000
	10,500,000

*There is something wrong in these figures, but we cannot put them right: it is so in our copy. [En. Reg.]

Whence it will appear, that the proportion of cotton, (viz: 60,000 bales), allotted to the state of Louisiana is not underrated, and that the estimate of ten million five hundred thousand dollars, as the aggregate amount of produce deposited and sold in our market, is correct.

It would appear then, that the net proceeds of the product of our state will not amount to more than *one million and a half of dollars* for the present year; out of which the planters have to pay to *one* bank, nearly that amount, for loans obtained a year ago; and for which that bank has been obliged long since to advance the specie."

Now, it would seem from this statement that the employment of slave labor is not profitable, even in Louisiana. A million and a half only is left to recompense thirty millions of capital invested, which, at 6 per cent. is 1,800,000 So that the capital does not yield more than *five per cent. per annum*. This was the rate that we made out as the profit of capital vested in Madison county, Alabama, see page 243; and it is more than the average profit estimated on the product of cotton in South Carolina, at its present price: see the article, page 216.

LONDON. *A lord mayor's feast.* Alderman Hergate, being elected to the mayoralty of London, lately gave the usual banquet, ball, &c. Two of the "royal dukes" and a good number of lords and ladies were present, &c. A London paper giving an account of the affair, says—The following is the bill of fare of the above feast. From its contents, strangers may form some distinct conception of what is meant by a city feast, and by city eating. The provision is provided on a scale of the capacities of 1300 guests, for that was the number of those who signified their intention of dining with his lordship:—

Imprimis—3000 pounds of real turtle, which will fill upwards of 200 tureens—300 dishes of game, hares, pheasants, partridges, &c. &c. and some of the finest and rarest species—34 fowls—30 peacocks—50 turkeys—34 sirloins of beef—24 stewed rumps of beef—48 hams—60 tongues—48 large pigeon pies—30 large raised pies—48 fish of the finest species—28 ragouts—128 jellies, creams, &c. &c.—60 large fruit pies—36 large marrow puddings—50 sallads—48 large dishes of curious cookery, each of which would take a chapter to describe—100 full grown pine apples—200 pounds of the finest grapes—250 ice creams; and pears, apples, olives, cakes, and dried fruit of the finest and rarest description.

CHINA. *Factories at Canton.*—They lie nearly E. and W.—at the E. end the 1st is Ewo-Hong, "Righteousness and Peace factory," commonly called the Creek factory. At the front of it is a custom house, where the tide-waiters, to examine ship's boats, reside: it is called Hong-how-kwan-how. The custom house *behind* the factories, for what is *in front* to Europeans landing, is *behind* relatively to people in the city.

2d. Tseep-ee Hong, "Assembled Righteousnesses factory"—The Dutch factory.

3d. Pow-wo-hong, "The factory that ensures tranquility"—The English factory. Next to this factory there is a narrow lane, with small shops on one side, were seamen procure cloths, spirits, &c. called, by Europeans, "Hog lane;" by the Chinese Tow-lan-kae.

4th. Fung-tae-Hong, "Affluent great factory," called the "Chow chow" factory, intimating, that it is

occupied by a variety of persons, Parsees, Moormen, &c.

5th Lung shun hong, "The gloriously prosperous factory"—the old English factory.

6th. Suy Hong, "The Swedish factory"—for Swede, the Canton people say "Suy."

7th. May ying Hong, "The twin-eagle factory"—the Imperial factory.

8th. Pow-shun Hong, "The precious prosperous factory."

9th. Man-yune Hong, "The factory of ten thousand fountains"

10th Kwo: g yune Hong, "the factory of wide fountain"—the American factory. Here a street, containing shops, were Europeans make their various small purchases, intervenes, called "China-street;" s met mes new China street, in contradistinction from a street that runs at right angles to this one, and which is called "Old China street." By the Chinese called Sunkae, "New-street," and Tsing yune kae.

11th. Een tze chaou, "The swallow's nest"—the corner factory.

12th. Fung sang Hong, "The factory produced in the East"—occupied by a Hong merchant—one of his brethren calls his house or factory Seishing Hoig, "Formed in the West," probably intimating, that he owed his commencement to Europeans.

13th. Kaw-kung Hong, "Old Public Hong"—the French factory.

14th Luy-sung Hong, "The Luzon factory"—the Spanish factory.

15th. Tung-foo-Hong, "The factory of mutual trust"—occupied by a Hong Merchant.

16th. Wo: g-he Hong, "The yellow-flag factory,"—the Danish factory

Revenue—specific duties.

MR. NILES—In comparing the relative effects of the increase of imposts on ad valorem and specific goods, it is unnecessary to go into a minute classification; for general purposes, it is sufficient to consider ad valorem as manufactured goods, and all others as specific—but, to avoid misconception, I will here state, that, in speaking of the policy of encouraging our trade in specific goods, of imposing high duties on those and low ones on ad valorem, I except iron, hemp, lead, flax, duck, sheeting, &c. which, though specific goods, are raw materials or manufactures which this country is fully able to furnish, and to the import of which the same objections apply as to the import of cottons or woollens.

It seems, from the statements in my former number, that the increase of imposts on ad valorem goods is no evidence of the increased prosperity of the country - for they produce no increased demand for our produce, and cause five dollars to be sent out of the country for every dollar which goes into the treasury: But, generally speaking, the same objection does not apply to the importation of specific goods. We have seen that, to produce a revenue of \$7,545,000 from ad valorem imposts, the importations amount to \$36,560,000 - whereas, to produce a revenue of \$8,712,000 from specific imposts, the importation amounts only to \$15,650,000 - so that, altho' the specific imports are 21,000,000 dolls. less than the ad valorem, they yield 1,167,000 dolls. more of revenue. The average rate of specific duties is 55½ per cent. Thus, to bring into the treasury 8,712,000 dollars, it requires that only 15,650,000 dollars be sent out of the country; less than two to one. It is well worthy the attention of

congress to consider this effect of the revenue system—for it will be difficult to give a good reason why manufactured goods should be imported at an average duty of 20 per cent. and other articles at 55—why our laws should thus encourage the importation of articles which we can make at home, and discourage the importation of those which are necessary to our wants; and, above all, *why they tax the produce of our good customers so high, and the produce of our bad customers so low.* The principal markets for our produce, except cotton and tobacco, are the West Indies, South America, the Western Islands, Spain, Portugal and the Mediterranean—with all which countries we carry on a profitable commerce, not merely in articles of domestic, but also of foreign exports from which our imports are almost entirely specific goods—from most of which we import a balance of specie; and yet, on whose productions we impose a duty of more than 55 per cent. though we pay for them with our own produce: while the silks of China, for which we pay in specie, are subject to a duty of 15 per cent.; the manufactures of England, from which the bulk of our produce is excluded, pay only 20. It would certainly seem to be a wise policy in our government, to give every encouragement to trade with those countries who will consume the most of our domestic exports—to put on their imports a low rate of duty: It would seem best calculated to promote the general prosperity of the various branches of national industry— but, by a strange work of calculation, the directly opposite course has been pursued. Duties seem to have been imposed in a ratio inverse to the national interest—a spirit of perversity seems to have guided the public councils—a species of madness has pervaded our legislation, of which our trade with the island of Madeira and Russia furnishes memorable examples. In 1821, our domestic exports to Madeira were \$193,000, our imports from thence \$190,000. In the same year, our domestic exports to Russia were \$127,000, our imports from thence \$1,852,000: exporting to Russia 66,000 less, and importing thence 1,662,000 more than from Madeira. The duty on Madeira wine is one dollar a gallon, equal to 75 per cent. ad valorem—while the duty on Russia duck is two dollars a piece, hemp 30, and iron 15 dollars a ton, averaging an ad valorem duty of about 20 per cent. By comparing our present tariff with the public documents, this will be found to be only one of the many illustrations of our present policy. It has been selected as an instance of the total want of all statesman like policy; as evincing a total want of regard to the agricultural, commercial and manufacturing interest of the country—and exhibiting, in a striking point of view, the ruinous effects of increase of imports of manufactured articles. We will pursue the comparison a little further—the revenue from Madeira wine, for 1821, was \$93,480; this wine was paid for by the produce of our soil, it could not be made in the country, it displaced no domestic materials, and interfered with no domestic manufacture, and it was the produce of one of our best customers: In the same year, the duties on Russia and Ravens duck and sheeting amounted to \$123,824; of this amount of duck and sheeting, only one fourteenth part was paid for in domestic exports, (for that is the proportion between our domestic exports to Russia and our imports from thence—being 127 to 1852). The treasury valuation of 74,600 pieces of duck and sheeting, is but little less than 800,000 dollars, of which we pay in our own produce one fourteenth part, say 57,000 dolls. the balance, say 743,000 dollars, we must pay in

foreign exports or money. Duck or sheeting can be made at home of domestic materials, hemp and flax—their importation therefore displaces 800,000 dollars of domestic materials and labor, for which Russia, in return, gives us a market for only 57,000 dollars. On such facts comment is unnecessary; it would be thrown away on minds that would require it. Who can say that such a trade as we carry on with Madeira ought not to be encouraged, and that with Russia discouraged—and the same remark may be applied to all countries with which our trade is carried on under like circumstances. We formerly supplied Madeira with all her provisions—since imposing the high duty on her wines, she is, in a great measure, supplied from the Black sea; if the duty was reduced, we should import more of her wines, she would consume more of our provisions; but is not so with Russia or England the consumption of our provisions is prohibited by both.

It seems to me that we can now very easily ascertain how far an increase of revenue, by imposts, promotes the prosperity of the country at large. My mind has come to this conclusion—that, by the increase of revenue from importations from countries which afford us a proportionately increased market for domestic or foreign produce, the country will prosper—but that it will decline when the increased revenue arises from importations from countries which afford us no increased market, and when we must buy on credit, pay by the remittance of stock or specie, or the profits of our trade with nations who deal more liberally. The preceding facts will enable the reader to form his own conclusions. The increase of our revenue has been almost entirely from ad valorem goods, (foreign manufactures), and has produced no new or increased demand for our products, and, therefore, cannot have benefitted the country. It will be well to inquire if it has not been a very serious injury? If, in political economy, there is a proposition which will meet with universal assent, it is that a system of revenue which is built on the encouragement of foreign and the depression of domestic industry, is destructive of the best interests of the country. The only question is, whether such is the effect of our system? It is admitted that to raise \$7,545,000 of revenue, by impost on ad valorem goods, we must consume, at custom house valuation, \$36,650,000 of foreign manufactures; to pay for which we must send abroad so much of the produce of our labor. Necessarily dependent on importation for revenue, the government must be interested in promoting foreign manufactures and in retarding the progress of domestic; for any addition to the consumption of them is a diminution of revenue. As a mere matter of revenue then, the less made at home, the more imported from abroad, the better for the treasury. How is it for the country? I will test it by our trade with Russia. In 1821 the nett importation from Russia was as follows:

Duck and sheeting	\$818,850
Cordage	28,281
Iron	274,593
Hemp	441,114
	<hr/>
	1,562,838
Tallow, &c.	185,119
Bristles, &c.	9,036
Ad valorem	77,471
Free of duty	13,526
*Other	4,219
	<hr/>
	289,361
Total of imports	1,852,199

The exports, in the same year, were—	
Oak bark, &c.	(domestic) \$6,072
Rice	" 31,089
Cotton	" 44,405
Hops	" 1,884
Spirits	" 39,654
*Other	" 4,835
	<hr/>
	127,939
Free (dye woods),	(foreign) 10,385
Other free articles,	" 4,427
Nankeens	" 2,394
Silk	" 4,396
All other ad valorem	" 4,867
Madeira wines	" 23,286
Coffee	" 58,424
Sugar	" 252,521
Indigo	" 135,412
Cigars	" 2,113
*Other	" 2,710
	<hr/>
	500,955
Total exports	628,894

These statements are taken from the statistical tables of 1821, and, as far as our official documents go, present a full and detailed view of our commerce with Russia. Imports \$1,852,000; exports \$628,000; balance against us \$1,224,000. The duty on this amount of the balance of imports is, say 250,000 dollars, and is a gain to the treasury but none to the country; we should have the same market for our foreign and domestic produce if we imported 1,224,000 dollars less from Russia: as we have there no market for more than 628,000 dollars, the country can gain nothing by importing more. This is very certain. But the loss is very great—the import of 1,852,000 dollars gives us a market for only 628,000 dollars—but, if the articles now imported were made at home, then there would be an additional market for, at least, 1,224,000 dollars more of domestic materials, labor and subsistence, which are now useless, unemployed and unsaleable. It would give a new aspect to Kentucky and Missouri if these states could supply the hemp, cordage and duck which we buy from Russia. These articles amount to 1,286,000 dollars. This sum, distributed among the farmers, rope-makers and weavers of the west, would, indeed, cause "the wilderness to blossom like the rose"—yet, for the sake of the paltry revenue derived from these articles, the country is deprived of the profits of raising, manufacturing and distributing such articles. Of the domestic exports to Russia there is not one item of the produce of the middle or western states, unless some oak bark; while, of the imports from Russia, 1,562,000 dollars are of the materials with which the middle and western states abound, and which they could manufacture to an extent far beyond the demand of the whole country. New York or Pennsylvania alone, could supply the union with iron; the raw material has no value for exportation—the entire value of iron is made up of labor and subsistence. The treasury estimate of the cost of iron in Russia is 65 dollars a ton; every ton imported then deprives this country of a market for labor and subsistence to that amount; which is a loss balanced by nothing but the 15 dollars duty paid to the treasury. It is easy to test the principle by the article of iron; it is very certain that, by importing more and making less at home, the trea-

* These sums are made up of small items, and therefore not specified.

sure gains—but the loss to the country would be 65 dollars for every 15 paid to the treasury. If a common forge, producing, say 200 tons a year, is stopped in its operations by the influx of foreign iron, the treasury is enriched, by the duty, 3,000 dollars—the country is impoverished 13,000 dollars, by materials becoming worthless, workmen idle, and provisions without a market—so that when a system of revenue is built entirely on imports, the abundance of the treasury is the sure indication of the people's wants. Without undertaking to propose or advocate an entire prohibition of iron, hemp &c. it cannot be questioned that the nation, at large, would be benefited by imposing such additional duties on these articles, as would reduce the importation to such an amount as not to exceed our exports; this could not injure our market for either foreign or domestic products; and it is the only way of mitigating the evils of the present system of revenue. This word is not well understood—we speak of the revenue of the government as of an individual—as of rents, dividends, interest, &c.; but the important difference is this—rents are the profits of land and proportioned to the products raised from it; it is the landlord's interest to make the land as productive as possible: so ought revenues of the government to be an assessment on the people's profits, to increase in proportion to the products of our labor. But impost is an assessment on the foreign goods consumed, without regard to what the people can raise or fabricate. Its essential principle is that the country shall make as little and import as much as possible.—It is like a landlord renting a grist-mill at a high rate to the tenant, and then endeavoring to take all custom from it; instead of increasing the rent in proportion to the quantity ground in it, the rent is raised in proportion as the mill grinds less. It is like a man deriving his income from the dividends of foreign bank stock—he is interested in enlarging the business of that and diminishing the business and profits of a domestic one. Impost thus becomes the most oppressive of all taxes; instead of being assessed on the profits of the produce of the country, growing with its growth, it is, in reality, the greater in the same proportion as the profits of the country become less. Now, to increase the revenue on iron 15,000 dollars, we must import 1000 tons more and manufacture 1000 tons less—so of hemp and every article which we can raise or make; and, in accordance with these reasons, has been all our experience. The most disastrous year for the country was the one in which our revenue was 36,000,000 dollars. It was the year which saw the decay of our manufactures, the increase of foreign importations and an overflowing treasury. It was the year which led to embarrassment, distress and bankruptcy, 1815—that year which saw the end of a war by which the nation acquired wealth and glory, the beginning of a peace which has spread ruin through the land and covered it with disgrace; which has perpetuated a system of revenue that makes the wealth of the treasury the people's curse—which fertilizes foreign and sterilizes the domestic fields; builds up foreign and pulls down domestic manufactures; secures the foreign laborer employment and dooms the domestic to want; gives a value to foreign materials and leaves domestic ones in the bowels of the earth. Such are the direful effects of the increase of the public revenue. These are the present realities and future prospects of the country. Such are, and ever must be, the consequences of an overflowing treasury.

Naval Establishment.

To the house of representatives of the United States:

In compliance with the resolution of the house of representatives, of the 7th March last, requiring that a plan for the peace establishment of the navy of the United States, and also of the marine corps, should be communicated to that house at the present session, I transmit a report from the secretary of the navy, containing a plan which has been prepared for the proposed establishment.

JAMES MONROE.

Washington, 6th Dec. 1822.

Navy Department, December 2, 1822.

SIR: The secretary of the navy, to whom has been referred the resolution of the house of representatives, of the 7th of May last, requesting the president of the United States to cause to be laid before that house a plan for a peace establishment of the navy of the United States, has the honor of submitting the accompanying papers on that subject.

The paper marked A, is the draft of a bill, embracing all the provisions which have been deemed necessary; presuming that a plan presented in this form would best meet the object contemplated by the resolution. It is deemed necessary, in this report, to notice only briefly such parts of the bill as contain new modifications of our naval establishment.

The bill, it will be perceived, contemplates the establishment of two new grades of office, viz. commodore and rear admiral. These grades are considered, if not absolutely necessary, at least, of very great importance, as regards due subordination and the discipline of the service; and, in recommending the adoption of the provision, I can only repeat what I have had occasion heretofore to urge in support of this measure. The rank of captain is now the highest grade in the navy recognized by law; and, during the infancy of our navy, and whilst we had no vessels of a higher class than frigates, and the number of captains small, it was, perhaps, as high a grade as the good of the service required. It is, however, believed that, from the additions, both to the number and class of our public vessels, and from what may reasonably be anticipated to be the situation of our navy in the course of a few years, both justice and policy require the establishment of some higher grades. According to the relative rank, as now regulated between the military and naval officers, a captain in the navy only ranks with a colonel in the army. This is thought to be contrary to sound policy, and the good of the service. The establishment of the grades contemplated by the bill, will place the relative rank in the army and navy upon a just footing. A commodore will rank with a brigadier general, and a rear admiral with a major general. But the more important and substantial benefit, it is believed, growing out of this measure, will be the effect it will have upon the discipline of the service. The importance of rank, both in the military and naval service, will readily occur to all in any degree acquainted with either. In a fleet or squadron, when the different vessels may be commanded by officers of the same grade, and their relative rank, and even that of the commander himself, known only by the dates of their commissions, there will not be that respect and subordination observed that are essential to order and harmony. The additional pay, it is thought, cannot afford any well founded objection to the measure,

if the real benefits, confidently believed to result from it, are duly appreciated.

Authorizing the appointment of midshipmen, who have been examined and found qualified for promotion, to the duty of sailing master, would be highly beneficial to the service. By the rules and regulations of the navy, sailing masters are not considered in the line of promotion, and have not, of course, so strong inducements to remain permanently attached to the service, as officers who have this prospect before them; and whenever more profitable employment in the merchant service is presented, they will generally accept of it.

The number of lieutenants is already so great that the prospect of promotion of midshipmen is not very promising. To employ examined midshipmen as sailing masters, would be giving them some little distinction, and affording them an opportunity of improving themselves for the higher and more important duties of the service.

In most of the classes of commissioned officers the number fixed by the bill, embraces all at present in office, and where that is not the case, it is provided that none shall be discharged, but the number reduced to that contemplated in the bill, by omitting to fill the vacancies as they may occur. This, it is thought, is no more than justice requires; and, as the number thus retained is but small, the expense will be inconsiderable, and will soon entirely cease.

The increased pay provided for some few of the officers, attached to ships of the line and frigates, whilst in actual service, is recommended by considerations of justice, and the good of the service. To perform the duties required of these officers on board the largest ships, involves far more responsibility, and requires not only greater professional knowledge and experience, but much more labor; these, or similar distinctions, are recognized in every well regulated service; and as but a small number of our largest vessels are kept in service in time of peace, the additional expense will be of no great amount.

It has been considered a more simple mode of payment, and less liable to abuse, to allow fixed salaries to the officers stationed at the several navy yards and naval stations, than as now provided by law by monthly pay and rations.

That part of the bill which makes the marine guard, detailed for the protection of navy yards, subject to the orders of the commandant of the yard, is deemed essential for the preservation of order and harmony. The difficulties which have occurred under the present regulations on that subject, suggest the necessity of some alteration, and no well founded objection is perceived to placing this guard under the immediate orders of the commandant of the yard, in the same manner as the marine guard is placed, on ship-board, under the orders of the captain.

The exhibits accompanying this bill will serve to shew the applicability of its provisions to our present naval establishment, and the comparative expense between it and the one contemplated by the bill.

Paper B is an exhibit shewing the number of commission and warrant officers required to officer certain ships and vessels, and navy yards.

Paper C is an exhibit shewing the petty officers, able seamen, ordinary seamen, and boys, required for the vessels of war in active service.

Paper D is an exhibit shewing the whole number of commission and warrant officers required for the navy of the U. States, when the ships of the line,

frigates, and steam batteries, directed by the "act for the gradual increase of the navy," shall be completed.

Paper E is an estimate of the annual expense of the officers of the navy, proposed by the bill, including the organization of the navy yards, and a comparative view between the present expense and that proposed.

By which last exhibit, it will be seen, that the annual expense of the officers of the navy will be reduced about ninety thousand dollars below the estimates necessary under the existing establishment.

A peace establishment for the marine corps having been fixed by the act of the 3d of March, 1817, and no material alteration being deemed necessary, no other plan has been prepared to accompany this report.

Although, perhaps, not falling strictly within the scope of the resolution, yet the present affords a fit opportunity of respectfully suggesting the importance of establishing a naval academy for the instruction of our young officers in the sciences connected with their profession. As this is intended as a mere suggestion of a measure, deserving consideration, I have not thought proper to present any plan for carrying it into effect. This may be done hereafter, should the measure meet with a favorable reception: nor is it deemed fit for me, at this time, to urge the many considerations which will readily occur to all liberal and enlightened minds, in favor of such an institution.

All which is respectfully submitted.

SMITH THOMPSON.

The president of the United States.

A.

A bill to fix and render permanent the naval peace establishment of the United States.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That the naval peace establishment of the United States shall, from and after the day of _____, consist of

One rear admiral,
Five commodores,
Twenty-five captains,
Thirty master commandants,
One hundred and ninety lieutenants,
Twenty sailing masters,
Four hundred midshipmen,
Thirty-five surgeons
Forty five surgeon's mates,
Forty pursers,
Six chaplains,
Twenty boatswains,
Twenty gunners,
Fifteen carpenters,
Fifteen sail makers,

and of all other officers, petty officers, seamen, ordinary seamen, and boys, a number not exceeding three thousand five hundred; but, the president of the United States may, if, in his opinion, the good of the service shall require it, make additional appointments of midshipmen: provided, however, that the whole number of midshipmen shall not, at any one time, exceed four hundred and fifty. The president shall also have the power, if, in his opinion, the exigencies or the good of the service should require it, to give acting appointments, of lieutenant and master, to such midshipmen as have passed the examination required by the regulations of the service to qualify them to be lieutenants in the navy: Provided, The whole number of acting lieutenants and masters, including those holding commissions and warrants, shall not exceed two hundred and

thirty lieutenants, and forty sailing-masters. And the president shall also have the power to appoint such additional chaplains, boatswains, gunners, carpenters and sail makers as the good of the service may, in his opinion, require, not exceeding, however, ten chaplains, ten boatswains, ten gunners, five carpenters, and five sail makers; but none of the officers, retained in service under this act, shall be entitled to receive more than their monthly pay, without rations, during the time when they shall not be under orders for service: Provided, nevertheless, that none of the commissioned officers now in service, shall, by virtue of this act, be discharged, but vacancies, as they occur, shall not be filled until the officers in the several grades shall be reduced to the number herein before designated.

Sec 2. *And be it further enacted*, That the pay and subsistence of a rear admiral, shall be one hundred and twenty dollars per month, and twenty-four rations per day, and of a commodore, one hundred dollars per month, and sixteen rations per day.

Sec. 3. *And be it further enacted*, That the secretary of the navy, with the approbation of the president of the United States, may grant furloughs to such of the officers as may choose to enter the mercantile service of the United States, or such foreign service as the president may approve, for a term not exceeding two years; subject, however, to be recalled at any time he may deem necessary and proper; but all officers, so furloughed, shall receive only one half their monthly pay, without rations, during the time they shall be, in such manner, absent from the public service.

Sec. 4. *And be it further enacted*, That, for the preservation of the ships and vessels placed in ordinary, the president of the United States shall have the power, provided he may deem the same necessary, to attach, permanently, to each ship or vessel, the following officers, seamen, ordinary seamen, and boys; that is to say, to a ship of the line,

One captain,
Two lieutenants,
One sailing master,
Four midshipmen,
One boatswain,
One gunner,
One carpenter,
Two carpenter's mates, who shall be caulkers;
Eight seamen,
Eight ordinary seamen, and
Six boys.

To each forty four gun frigate,

One captain,
One lieutenant,
One sailing master,
Three midshipmen,
One boatswain,
One gunner,
One carpenter,
One carpenter's mate, who shall be a caulker;
Six seamen,
Six ordinary seamen, and
Four boys.

To each of the frigates rated less than forty-four guns,

One captain,
One lieutenant,
One sailing master,
Two midshipmen,
One boatswain,
One gunner,
One carpenter,
One carpenter's mate, who shall be a caulker;
Five seamen,

Five ordinary seamen, and
Three boys.

To each of the sloops of war,

One master commandant,
Two midshipmen,
One boatswain's mate,
One gunner's mate,
One carpenter's mate, who shall be a caulker;
Three seamen,
Three ordinary seamen, and
Two boys.

To each of the brigs and sloops, if not less than ten guns,

One lieutenant,
One midshipman,
One boatswain's mate,
One gunner's mate,
One carpenter's mate, who shall be a caulker;
Two ordinary seamen, and
Two boys.

To each of the several stations at which ships and vessels are placed in ordinary, shall be attached

One surgeon, and

One surgeon's mate, to attend all the sick of such ships and vessels;

One chaplain, and one schoolmaster, who shall perform, in their respective stations, the duties of chaplain, mathematician, and schoolmaster, on the station, under the superintendence of the senior officer of such ships and vessels in ordinary, whose duty it will be, under such instructions as may be given by the secretary of the navy upon the subject, to establish a school on board of the ship to which he is attached, for the purpose of instructing the midshipmen on the station, and those belonging to the ships in ordinary, in the several branches of mathematics, geometry, trigonometry, and navigation, agreeably to the rules and regulations of the navy.

Sec. 5. *And be it further enacted*, That each of the following naval stations, to wit:

Portsmouth, New-Hampshire,
Charlestown, Massachusetts,
New York,
Philadelphia,
Washington,
Gosport, Virginia, and

one other station, south of the Chesapeake, (such as the president of the United States shall select), shall be under the command of an officer not below the rank of captain of the navy, who shall have, agreeably to such regulations as are now, or may hereafter be established, by authority of law, for the service, a general superintendence over the ships and vessels in ordinary at those stations, respectively, as well as over the officers, (such officers only excepted as may be senior in rank), and crews attached to them. And it shall be the duty of such officers and crews, under his general superintendence and direction, to keep clean, ventilate, and prevent, by constant examination, and, when necessary, caulking such rents and seams in the respective vessels to which they are attached, as may be found open, the deleterious effects arising from water getting between the timbers, and for the preservation, repairing, overhauling of the rigging, stores, &c. of the ships and vessels in ordinary, deposited in the navy yards and store houses, as well as for the rigging and equipping of any of the public ships or vessels fitting for sea, and like purposes; and the commanding officers of the respective ships in ordinary, shall, upon the requisition of the commandant of the yard, furnish, from time to time, agreeably to the general regulations of the service, such number of officers and men, as, in his opinion, the work to be done may require.

Sec. 6. *And be it further enacted*, That all officers attached to vessels in ordinary shall be allowed their full pay and rations, and such quantity of fuel and candles, provided they live on board of the respective vessels to which they are attached, as they would be allowed were they at sea.

Sec. 7. *And be it further enacted*, That, to the officers stationed at the several navy yards, that is to say:

Portsmouth, New Hampshire,
Charlestown, Massachusetts,
New York,
Philadelphia,
Washington,
G. sport, Virginia, and

One other yard, south of the Chesapeake, the following annual compensation, in lieu of all pay, rations and emoluments, shall be allowed:

To the commanding officers not under the rank of captain, three thousand dollars.

To the master commandant, one thousand seven hundred dollars.

To the lieutenant, one thousand dollars.

To the sailing master, eight hundred and fifty dollars.

To the surgeon, if attending an hospital, one thousand five hundred dollars.

To the surgeon, if not attending an hospital, nine hundred dollars.

To the purser, eight hundred dollars.

To a laboratory officer at Washington, seven hundred and fifty dollars.

To each midshipman, three hundred and fifty dollars.

To each boatswain, gunner, and sailmaker, five hundred dollars; which compensation shall be paid quarterly.

Sec. 8. *And be it further enacted*, That, to any other naval station in the United States, (other than those enumerated in the preceding section), the president of the United States may deem necessary, there shall be attached one master commandant, who shall have the like superintendence over such station, as is provided in the fifth section of this act for the commandants at the several navy yards therein enumerated; and the following annual compensations, in lieu of all pay, rations, and emoluments, shall be allowed to the officers attached to the lake stations; that is to say,

If attached to the station on Lake Ontario,

The master commandant shall be entitled to one thousand three hundred dollars.

The lieutenant to eight hundred dollars.

The surgeon to eight hundred and fifty dollars.

The purser, who shall perform also the duties of storekeeper, to eight hundred dollars.

If attached to the station on Lake Erie,

The master commandant shall be entitled to one thousand two hundred and fifty dollars.

The surgeon to eight hundred dollars.

The purser, who shall perform also the duties of storekeeper, to seven hundred and fifty dollars.

If attached to the station on Lake Champlain,

The master commandant shall be entitled to one thousand two hundred dollars.

The surgeon to eight hundred dollars.

The purser, who shall perform also the duties of storekeeper, to seven hundred and fifty dollars; which compensation shall be paid quarterly.

Sec. 9. *And be it further enacted*, That an officer, appointed to superintend the recruiting service in any port within the United States, shall not be entitled to any allowance for house rent, fuel or candles.

Sec. 10. *And be it further enacted*, That officers, of the following grades, attached to ships of the line and frigates, when in actual service, shall receive, in addition to their present emoluments, the monthly pay hereafter mentioned, viz:

The first lieutenant of a ship of the line, ten dollars.

The sailing master, ten dollars.

The surgeon, fifteen dollars.

The boatswain, five dollars.

The gunner, five dollars.

The carpenter, five dollars.

The sail maker, three dollars.

The first lieutenant of a frigate of forty four guns, six dollars.

The sailing master, six dollars.

The surgeon, ten dollars.

The boatswain, three dollars.

The gunner, three dollars.

The carpenter, three dollars.

The sail maker, two dollars.

The first lieutenant of a frigate of thirty six guns, four dollars.

The sailing master, four dollars.

The surgeon, six dollars.

The boatswain, two dollars.

The gunner, two dollars.

The carpenter, two dollars.

The sail maker, two dollars.

Sec. 11. *And be it further enacted*, That, when a surgeon's mate shall act in the line of his duty on board a brig, schooner, or other small vessels of war, having no other medical officer attached to said vessel, he shall be allowed at the rate of fifteen dollars per month, in addition to his present pay and rations, as authorized by law.

Sec. 12. *And be it further enacted*, That the president of the United States be, and he is hereby, authorized, to discharge all warrant officers at present in the navy of the United States, over and above the respective numbers retained by this act; and all such officers who shall be discharged under this act, shall be entitled to receive six month's pay, over and above what may be due to them, respectively, at the time of their discharge.

Sec. 13. *And be it further enacted*, That the guard of marines detached for the protection of a navy yard, shall, while doing duty in the yard, be subject to the orders of the commandant of the yard, and receive from him instructions as to the duties they are to perform therein; and all persons enlisted into the service of the United States, and doing duty under the orders of the commandant of the yard, shall, for every offence, be subject to the "act for the better government of the navy of the United States," and be tried and punished in the same manner as if the offence had been committed at sea, any law or usage to the contrary notwithstanding.

B.

Ships and vessels afloat.

7 Seventy-fours,
7 Frigates,
1 Steam frigate,
1 Twenty-four gun ship,
5 Sloops of war,
2 Brigs,
6 Schooners and 2 gun boats.

Navy yards.

At Portsmouth,
Boston,
New York,
Philadelphia,
Washington,
Norfolk, and one Contemplated south of the Chesapeake.

Commissioned and warrant officers required to officer the above ships and vessels and navy yards.

Seven seventy-fours--7 captains, 63 lieutenants, 14 sailing masters, 21 masters' mates, 168 midshipmen, 7 surgeons, 21 surgeons' mates, 7 pursers, 7

chaplains, 7 school-masters, 7 boatswains, 7 gunners, 7 carpenters, 7 sail-makers

Four frigates of forty-four guns--4 captains, 24 lieutenants, 4 sailing masters, 80 midshipmen, 4 surgeons, 8 surgeons' mates, 4 pursers, 4 chaplains, 4 boatswains, 4 gunners, 4 carpenters, 4 sail-makers.

Three frigates of thirty six guns--3 captains, 15 lieutenants, 3 sailing masters, 48 midshipmen, 3 surgeons, 6 surgeons' mates, 3 pursers, 3 chaplains, 3 boatswains, 3 gunners, 3 carpenters, 3 sail-makers.

One steam frigate--1 captain, 5 lieutenants, 1 sailing master, 12 midshipmen, 1 surgeon, 1 surgeon's mate, 1 purser, 1 chaplain, 1 boatswain, 1 gunner, 1 carpenter.

One ship of twenty four guns--1 captain, 4 lieutenants, 1 sailing master, 12 midshipmen, 1 surgeon, 1 surgeon's mate, one purser, 1 boatswain, 1 gunner, 1 carpenter, 1 sail-maker.

Five sloops of war--5 masters commandant, 15 lieutenants, 5 sailing masters, 40 midshipmen, 5 surgeons, 5 surgeons' mates, 5 pursers, 5 boatswains, 5 gunners, 5 carpenters, 5 sail-makers.

Two brigs, six schooners, two gun boats--10 lieut's. commandant, 18 lieutenants, 10 sailing masters, 34 midshipmen, 10 surgeons, 10 surgeons' mates, 10 pursers.

If divided into two squadrons, 2 captains.

Seven navy yards--7 captains, 7 masters commandant, 7 lieutenants, 7 sailing masters, 14 midshipmen, 7 surgeons, 7 surgeons' mates, 7 pursers, 7 boatswains, 7 gunners, 7 carpenters.

To which should be added,

Navy commissioners, 3 captains.

For recruiting stations, 4 masters commandant, 4 lieutenants.

For the ordnance service, 1 master commandant.

For hospitals, 4 surgeons, 4 surgeon's mates.

Making a total of

28 captains, 17 masters commandant, 10 lieutenants commandant, 155 lieutenants, 45 sailing masters, 21 masters mates, 408 midshipmen, 32 surgeons, 63 surgeons' mates, 38 pursers, 15 chaplains, 7 school masters, 28 boatswains, 28 gunners, 28 carpenters, 20 sail makers.

NOTE. Besides the above navy yards, there is a station at Charleston, S. C. Baltimore, Newport, R. I. Sackett's Harbor and White Hall, at each of which places there is one captain, and other officers. Also, a station at Erie, Pennsylvania, having one master commandant.

There is no such commission officer as lieutenant commandant; they are, from time to time, selected from the corps of lieutenants, and receive, while in command, \$10 dollars extra per month, which ceases with their command; they then return to the body of lieutenants, and receive only lieutenant's pay. The master's mates are taken from the most experienced midshipmen; the number of masters' mates stated above, should, therefore, be added to the midshipmen, which make the whole number of midshipmen required, 429.

☞ This statement makes no provision for sickness and other casualties.

Statement C exhibits the number of petty officers, (viz: captain's clerks, boatswains' mates, gunners' mates, carpenters' mates, sail makers' mates, quartergunners, quartermasters yeomen, coxswains, stewards, coopers, armourers, masters at arms, ships' corporals, cooks), able seamen, ordinary seamen and boys, required for the vessels of war stated below.

	P. Off.	A. S.	O. S.	Boys.	
Franklin,	74,	47	244	264	42
Constitution,	44,	38	160	170	27
Constellation,	36,	33	130	140	25
Congress,	36,	33	130	140	25
Cyane,	24,	25	75	35	15
John Adams, corvette,	25	60	49	11	
Ontario, sloop,	23	45	45	10	
Erie, do.	23	45	45	10	
Peacock, do.	23	45	45	10	
Hornet, do.	23	45	45	10	
Spark, brig,	19	30	16	9	
Enterprise, do.	19	30	16	9	
Nonsuch, schr.	14	20	8	6	
Alligator, do.	14	20	8	6	
Porpoise, do.	14	20	8	6	
Dolphin, do.	14	20	8	6	
Grampus, do.	14	20	8	6	
Shark, do.	14	20	8	6	
No. 158 gunboat,	4	8	8	3	
Bull dog felucca, and } small vessels, at N. } Orleans,	5	40	40	—	

Say 424 petty officers, 1207 able seamen, 1106 ord. seamen, 242 boys:--Total 2979.

For six 74's, viz: the Columbus, Ohio, Delaware, North Carolina, Washington and Independence, 2 carpenters' mates, 3 able and 8 ordinary seamen, and 6 boys, each.

For three 44's, viz: the United States, Guerriere and Java, 1 carpenters' mate, 6 able and 6 ord. seamen, and 4 boys, each.

For the Fulton steam frigate and Macedonian, 36, 1 carpenters' mate, 5 able and 5 ordinary seamen, and three boys, each.

For Sacket's Harbor, 1 armourer, 5 able and 10 ordinary seamen.

For Whitehall and Erie, 2 armourers, 10 able and 10 ordinary seamen.

Grand total, 5240.

The exhibit marked D. shows the whole number of commission and warrant officers, required for the navy of the United States, when the ships of the line, frigates, and steam batteries, directed by the act for the gradual increase of the navy, shall be completed--viz:

- 45 captains,
- 17 Masters commandant,
- 173 Lieutenants, (10 of whom allowed for lieuts. commandant),
- 66 Sailing masters,
- 48 Surgeons,
- 97 Surgeons' mates,
- 54 Pursers,
- 31 Chaplains,
- 22 School masters,
- 44 Boatswains,
- 44 Gunners,
- 44 Carpenters,
- 33 Sail-makers,
- 724 Midshipmen,
- 36 Sailing masters' mates,

Required to officer 12 ships of the line, 12 ships of 44 guns, 3 do. of 36, 1 do. of 24, 4 steam batteries, 5 sloops of war, 2 brigs, 6 schooners and 2 gunboats, (with a reservation of 3 captains for the brigs, schrs. and gunboats, in case they should be divided into 3 squadrons)--for 7 navy yards, for the board of navy commissioners, for recruiting stations, for ordnance service, and for hospitals.

NOTE.--The above is exclusive of the officers that may be required at Charleston, S. C. Baltimore, Newport, R. I. Sacket's Harbor, Whitehall and

Erie stations; makes no provision for sickness and other casualties.

With respect to the number of masters commandant, it may be observed, that we have not a number of sloops of war, in proportion to other ships; if we had, the number of this grade of officers would be greatly increased.

It is recommended that certain officers be allowed additional pay per month, according to the rate of the vessels they are attached to, as follows:

	Line ship.	44	36
First lieutenant,	\$10	\$6	\$4
Sailing master,	10	6	4
Surgeons,	15	10	6
Boatswains,	5	3	2
Gunner,	5	3	2
Carpenter,	5	3	2
Sailmaker,	3	2	2

E.

Estimate of the annual expense of the officers of the navy, proposed by the bill, all calculated on full pay and rations.

1 Rear admiral, \$120 per month, 1,440 per annum; 24 rations per day, 8,760 do. per year, at 25 cents each, is \$2,190—total, \$3,630.

5 Commodores, each \$100 per month, with 16 rations, at 25 cents per day, or \$2,660 per year—total 13,300 dollars.

17 Captains, each \$100 per month, with 8 rations per day, or \$1,930 per year—total 32,810 dollars.

1 Captain, \$75 per month, with 6 rations per day, or \$1,447 50 per year.

20 Masters commandant, each \$60 per month, with 5 rations per day, or \$1,176 25 per year—total, 23,525 dollars.

185 Lieutenants, each \$40 per month, with 3 rations per day, or \$753 75 per year—total, 139,443 dollars 75 cents.

13 Sailing masters, each \$40 per month and 2 rations per day, or \$662 50 per year—total, 8,612 dollars 50 cents.

382 Midshipmen, each \$19 per month and 1 ration per day—total 121,953 dolls. 50 cents

25 Surgeons, each \$50 per month and 2 rations per day—total 19,562 dolls. 50 cents.

42 Surgeons' mates, each \$30 per month and 2 rations per day—total 22,785 dollars.

30 Pursers, each \$40 per month and 2 rations per day—total 19,875 dollars.

6 Chaplains, each \$40 per month and 2 rations per day—total 3,975 dollars.

Boatswains 13, gunners 13, carpenters 15, sailmakers 11, each \$20 per month and 2 rations per day—total 21,970 dollars.

Grand total 432,889 dolls. 75 cents

Proposed organization of the navy yards and shore stations.

Portsmouth, (N. H.) and Philadelphia, each 1 captain, 1 master commandant, 1 sailing master, 1 surgeon, 1 purser, 2 midshipmen, 1 boatswain, 1 gunner.

New York, Boston and Norfolk, each 1 captain, 1 master commandant, 1 lieutenant, 1 sailing master, 1 surgeon, 1 surgeon's mate, 1 purser, 3 midshipmen, 1 boatswain, 1 gunner, 1 sail maker.

Washington, same as the last, with the addition of 1 laboratory, and the deduction of 1 surgeon's mate.

South of the Chesapeake, 1 captain, 1 master commandant, 1 sailing master, 1 surgeon, 1 purser, 2 midshipmen, 1 boatswain, 1 gunner.

Lake Ontario, 1 master commandant, 1 lieutenant, 1 surgeon, 1 purser.

Lake Erie and Lake Champlain, each same as Ontario, with the deduction of the lieutenant.

The officers embraced by this organization of the yards, with those included in the above estimate, constitute the number proposed by the bill.

At the compensation proposed, the compensations of the above officers of yards will amount to \$84,750 00

To which add the amount of the above estimate 432,889 75

Making a sum total of \$517,639 75

From which deduct the amount calculated for three commodores who act as navy commissioners 7,980 00

\$509,659 75

Estimate of the annual expense of the officers now on the navy register, calculated at full pay and rations, Nov. 1822.

	Pay per month.	Rations per day.	Amount per year.
9 Captains	\$100	16	\$23,940
18 Ditto	100	8	34,740
1 Ditto	75	6	1,447 50
31 Masters com'dt.	60	5	36,463 75
203 Lieutenants	40	3	153,011 25
406 Midshipmen	19	1	129,615 50
47 Surgeons	50	2	36,777 50
46 Surgeons' mates	30	2	24,955
44 Pursers	40	2	29,150
12 Chaplains	40	2	7,950
57 Sailing masters	40	2	37,762 50
149 Boatswains, gunners, carpenters, sailmakers and masters' mates	20	2	62,952 50

Note.—The above estimate is exclusive of the allowances made to officers of the yards, for fuel, candles, servants and rent, which, if added to the estimate, would increase it probably \$20,000.—making the whole estimate \$598,765 50

Annual expense of full pay and rations to the officers now on the navy register \$598,765 50

Annual expense of full pay and rations to the officers proposed by the bill 509,659 75

Difference in favor of the bill \$89,105 75

Seventeenth Congress—2nd session.

IN THE SENATE.

January 17. A resolution offered yesterday, by Mr. Smith, of Md. directing an inquiry into the expediency of erecting fortifications at St. Mary's, on the Potomac, and on a point in the Patuxent, was taken up and agreed to.

A debate on the bill to abolish imprisonment for debt occupied the senate till 4 o'clock. Mr. Smith, of S. C. directly opposed and Mr. Van Buren supported the bill. It was laid on the table, and the senate adjourned to Monday.

January 20. The senate took up the following resolution, offered by Mr. Johnson, of Louisiana, on Friday last:

Resolved, That the committee on the post office and post roads be instructed to inquire into the expediency of repairing the mail road from New Orleans to Nashville, and of establishing ferries at the water courses on the route, or of making bridges over them, so as to facilitate the conveyance of the mails to and from New Orleans; and also, to inquire into the expediency of repairing the national road commencing at Madisonville, in the state of Louisiana and terminating at Florence, on the Tennessee river, and into the propriety of providing for the conveyance of the mail on the said route, in covered carriages.

Mr. Johnson supported his resolution by some brief, but very appropriate and strong remarks—the resolution was agreed to.

The president communicated a letter from the secretary of the treasury, transmitting statements of the foreign commerce of the United States, made in pursuance of the act of January 10, 1820, which letter was read. [And shall be fully noticed when we receive a copy of it].

The senate then resumed, in committee of the whole, the consideration of the bill to abolish imprisonment for debt--Mr. *Smith*, of Md. in the chair.

Several gentlemen spoke on the subject--certain amendments, proposed by Mr. *Southard*, were ordered to be printed--the senate proceeded to the consideration of executive business, after which an adjournment took place.

January 21. Mr. *Kelly*, elected a senator from Alabama, to supply the place of Mr. *Walker*, appeared and took his seat.

Among the petitions presented this day was one from sundry banks, in Charleston, S. C. representing the expediency of certain alterations in the charter of the United States' bank.

Mr. *Benton*, from the committee on public lands, reported a bill to enable the president of the United States to treat with the Chippewa Indians for the purchase of certain lands on the south side of lake Superior, supposed to contain valuable mines of copper, which bill was twice read by general consent.

A message, which was received from the president of the United States, on Thursday last, and read, was taken up, and, on motion of Mr. *Barbour*, referred to the committee on foreign relations. The message was as follows:

To the senate of the United States.

The convention concluded and signed at St. Petersburg, on the 12th day of July last, under the mediation of his imperial majesty the emperor of all the Russias, having been ratified by the three powers, parties thereto; and the ratifications of the same having been duly exchanged, copies of it are now communicated to congress, to the end that the measures for carrying it, on the part of the United States, into execution, may obtain the co-operation of the legislature necessary to the accomplishment of some of its provisions. A translation is subjoined of the three explanatory documents, in the French language, referred to in the fourth article of the convention, and annexed to it. The agreement executed at the exchange of the ratifications is likewise communicated. JAMES MONROE.

Washington, Jan. 16, 1823.

Some time was spent in debate on the bill to abolish imprisonment for debt--and the senate also were sometime engaged in executive business. The other matters attended to will sufficiently appear in course.

January 22. The senate spent nearly the whole of this day in the consideration of executive business, (as is always the case), with closed doors.

HOUSE OF REPRESENTATIVES.

Friday, Jan. 17. A good deal of local or minor business was attended to, and many resolutions were submitted--to be noticed hereafter as necessary.

The resolution calling for information respecting the surveys of public lands, was taken up, debated, amended and agreed to.

The engrossed bill for the better organization of the district court in the state of Louisiana was read a third time. Much diversity of opinion was expressed--the vote ordering the third reading was reconsidered, that the bill might be open to amendment, and it was ordered to lie on the table.

Monday Jan. 20. Forty two petitions were presented this day. Several reports from committees were received.

Mr. *Tad*, from the committee on manufactures, presented a comparative table of duties on imports, &c. which was referred to the committee of the whole, to whom is referred the bill "for the more effectual protection and encouragement of domestic manufactures." Mr. T. also gave notice that he would call for the consideration of this bill on Monday next.

Mr. *Fuller* from the committee on naval affairs, made a report, accompanied by "a bill to fix and render permanent the naval peace establishment of the United States;" which bill was twice read and committed.

Mr. *Wright*, from a select committee on the subject, made the following report:

The committee to whom was referred the petition of Dr. *Smith* relative to vaccination, having considered the same, report that, perceiving no other purpose in the petition than the enactment of some law on the subject, and believing legislation thereon to be inexpedient, beg leave to be discharged from the further consideration thereof.

The report was agreed to.

The resolution about newspapers, journals and other periodical papers received at the different departments, as submitted yesterday, was taken up and agreed to--adding thereto a catalogue of works, charts, instruments, maps and prints furnished at the public expense.

Mr. *Rich*, of Vermont, offered the following resolution, which, by the rules of the house, of course, lies one day.

Resolved, That the president of the United States be requested to cause to be arranged, and laid before this house, a *disposition* shewing such changes in the commercial regulations of the different foreign countries with which the United States have intercourse, as shall have been adopted, and come to the knowledge of the executive subsequently to the formation of the digest, communicated to the senate on the 17th of December, 1819.

Mr. *Mallory* moved the following:

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of providing for an equal selection of midshipmen for the navy, from the different states of the union.

[In submitting this resolution, Mr. M. said its object was to attach every part of the nation to that essential arm of national defence, the navy, by giving to every part of the nation an interest in its prosperity, &c. so far as that effect might be produced by the equal distribution of the offices among the population of our country. Such a distribution, he believed, would have the further effect to strengthen the government. With these views, he hoped to be indulged in the proposed inquiry].

The resolve was agreed to.

Mr. *Reid*, of Geo. moved that the house do now proceed to the consideration of the resolution for amending the constitution, submitted by him a few days ago, (to give congress expressly the power to make roads and canals)--with a view to committing it to a committee of the whole. But the house refused to consider the same, by a vote of 55 to 30.

The *Speaker* communicated the following letter from the secretary of the treasury:

Treasury Department, 18th January, 1823.

SIR: In conformity with the provisions of the act of 10th January, 1820, entitled "an act to provide for obtaining accurate statements of the foreign

* We do not like to offer notes on the proceedings of congress, unless by way of argument on the subjects discussed--but feel it a duty to say, that, in our opinion, this resolution is a wise one--believing, as we do, that the legislation on the subject heretofore has been worse than useless. REO.

commerce of the United States," I have the honor to submit the following statements of the commerce and navigation of the United States, during the year ending on the 30th September, 1822, viz:

1st. A general statement of the quantity and value of merchandise imported into the United States.

2d. A summary statement of the same.

3d. A general statement of the quantity and value of domestic articles exported.

4th. A general statement of the quantity and value of foreign articles exported.

5th. and 6th. Summary statements of the value of domestic and foreign articles exported.

7th. A general statement of the amount of American and foreign tonnage employed in the foreign trade of the United States.

8th. A general statistical view of the commerce and navigation of the United States; and

9th. A statement of the tonnage entered and cleared, in and from the several states.

From these statements it appears that the imports, during the year ending on the 30th of Sept. 1822, have amounted to 83,241,541 dollars, of which amount 76,984,331 dollars were imported in American vessels, and 6,257,210 dollars in foreign vessels: That the exports have, during the same period, amounted to 72,160,281 dollars, of which 49,874,079 dollars were domestic, and 22,286,202 dollars were foreign articles: That of the domestic articles 39,931,913 dollars were exported in American vessels, and 9,942,166 dolls. in foreign vessels; and, of the foreign articles exported, 20,783,655 dollars were exported in American, and \$1,502,547 in foreign vessels: That 787,961 tons of American shipping entered, and 815,748 cleared, from the ports of the United States, and that 100,541 tons of foreign shipping entered, and 97,490 cleared from the ports of the United States during the same period. I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

Hon. P. P. Barbour, speaker of the

House of representatives.

The letter was read, and, with the documents, ordered to be printed.

On motion of Mr. Hill, of Maine, 500 extra copies of the letter and documents accompanying the same, were ordered to be printed, by a vote of 69 to 37.

The house then again resolved itself into a committee of the whole on the state of the union, Mr. Hill in the chair, on the unfinished business of Thursday last, being a bill regulating the duties on imports.

The gentlemen who took an active part in arranging the details of the bill, and discussing the various amendments proposed to it, in the committee, to-day, are Messrs. McKim, Cambreleng, Colden, Lule, McLane, Tracy, Wright, Ingham, Wabworth, Barstow, Rhea, Whipple, Tomlinson, and McCoy.

Before going through the details of the bill, the committee rose.

The Speaker communicated a letter from the president of the United States, transmitting a report of the secretary of the navy, respecting the cost and expediency of fortifying Thompson's Island, or Key West; which was referred to the committee on naval affairs, and ordered to be printed. And then the house adjourned.

Tuesday, Jan. 21. After the reading of the journal of the house was concluded—

The speaker laid before the house the following letter:

Washington, Jan. 21, 1823.

SIR: In the Washington Republican of last evening is an article, a copy of which we have the honor to annex hereto, impeaching the honesty of our conduct as printers to the house of representatives.

We are glad to meet this charge in a tangible form, unfounded as it is. Always holding ourselves amenable to the authority of the house for the faithful discharge of our official functions, we ask, of the house, that it will do us the justice to institute a committee to inquire into the correctness of our conduct, herein impeached, with power to send for persons and papers, and report the result of its investigation to the honorable body over which you preside.

With the highest respect, we have the honor to be, your most obedient servants,

GALES & SEATON,

Printers to the house of representatives.

Hon. Philip P. Barbour, Speaker &c.

From the Washington Republican of Jan. 21.

The following communication we are induced to insert in our paper, not from any feeling of hostility to the respectable gentlemen to whom it is addressed—a feeling we are incapable of cherishing towards them—but, because we think it due to them to afford them an opportunity of doing away with an impression which has been made on the minds of some members of the house, and which, if suffered to remain, may be disadvantageous to their reputation.

MESSRS. GALES & SEATON:

Gentlemen: Influenced by the charitable principle of considering every man innocent, until his guilt is proved, and knowing that presumptions, even the most violent, are not always to be relied on, it is the object of this address, which shall be short, to elicit from you explanations that are indispensably necessary to acquit yourselves of suspicions highly injurious to you, that have existed for nearly twelve months past.

It will be recollected that, at the last session of congress, the house of representatives adopted a resolution calling upon Mr. Crawford to exhibit a statement of his transactions with all those banks, which had been made by him the depositors of public moneys received from the sale of public lands. In conformity to which resolution he made his report on the 14th February, 1822, and accompanied it with numerous corroborating and explanatory documents, all of which the house ordered to be printed. You were the public printers to whom these documents were delivered; and it was your duty to have them printed correctly—yet it is a fact, incontrovertible, that parts of those documents, implicating Mr. Crawford the most strongly, were suppressed, and totally omitted in the printed document, with which you furnished the house, professedly in obedience to its orders. Of this fact, any gentleman may be fitly satisfied, who will take the trouble to compare the printed document with the one transmitted to the house by Mr. Crawford, and which is now in the possession of the clerk. The latter also affords intrinsic evidence that the omissions were not accidental, for they are inclosed in black lead pencil brackets, which would seem to have been intended as a guide to your compositor.

Strong as are the implications which those facts seem to warrant, and decided as your partiality for Mr. Crawford has been, I will not indulge the belief, (at least until you have had an opportunity of explaining), that you could have reconciled it to yourselves, to have sheltered him from a just re-

sponsibility, by so great a violation of the confidence reposed in you, and such a flagrant contempt of the legitimate authority of the house of representatives, that no member thereof, however infatuated by party zeal, who feels the slightest respect for the dignity of his station, could, without dishonor, regard with indifference.

A. B.

Mr. *Dwight*, of Massachusetts, made a motion, which was subsequently reduced to writing, in the following words:

Resolved, That the letter of Messrs. Gales and Seaton be committed to a select committee, and that said committee have power to send for persons and papers.

Much difference of opinion was manifested on the subject—some were for *laying the letter on the table*; but others thought that, as Messrs. G. and S. were officers of the house, the matter should be investigated, and this opinion finally prevailed, *nem. con.* by the adoption of Mr. *Dwight's* resolution.—In the course of the remarks, Mr. *Campbell*, of Ohio, stated, that the perusal of the publication in the newspaper had induced him to go to the clerk's office, to see the document referred to in that publication. It seemed, upon the face of it, that this house has been imposed upon either by the printers or some other officers of the government. He did not undertake to declare where the fault lay, but the censure rested somewhere, and it ought to be fixed at the proper place. The letter in question, he said, was one from W. R. Dickinson, cashier of the bank of Steubenville. In the original of this letter was one paragraph inclosed within brackets, and a cross made over it with a pencil, which perhaps had been done as a notice to the printer that that part was not to be published. That paragraph was one which ought not to have been suppressed, as it had been. Mr. C. said he presumed that when a member makes a statement of this kind in his place, it is due even to him that a committee should be raised to inquire into the matter. The marks referred to might perhaps have been inadvertently made: they might, for example, have been made by the person who first read the letter, and taken by the printers for a mark of omission. The thing ought, however, to be investigated. When a department is called on for information, and, in communicating it, a part of a letter is suppressed, or it is in any other way suppressed, it is treating the house in a very shameful manner. It was due to all who could be suspected of this suppression, that it should be inquired into. Let those who are innocent appear so, and those who are guilty be exposed. It is our duty, as members, to see that such frauds do not go unpunished. Suppose that any member, hearing from this cashier what he had written to the secretary of the treasury, should state it on this floor, and, on turning to the printed documents, should find nothing of the sort there, what an unpleasant situation he would be placed in, &c. It was due, under every view, to Messrs. Gales & Seaton, and to the head of the treasury department, that an inquiry should take place into this matter.

And Mr. *McLane* said, that, where any imputation was seriously made on any officer of this house, it ought to be investigated. He was, therefore, in favor of the resolution—not because he believed there had been any fault on the part of the printers to this house, or because he believed there had been any fault any where. He wished a full inquiry, and to have all the circumstances connected with this matter placed before the house. He had never heard of the fact stated by the gentleman from Ohio; or even seen the publication in question, before it was presented to the house this morning. But he had formed his opinion that there was no

fault any where, from the single fact, which speaks loudly to all parties. This house is in possession of the *original* letter from the cashier. When calls are made on the department for information, it is usual to furnish copies. In this instance, the original paper had been sent to this house; and he could not conceive any other motive for the department furnishing the original paper, unless it were that the house should be in possession of all the facts connected with the subject, though it might not have been proper that every particular of it should be spread before the public.

Mr. *Fuller*, from the committee on naval affairs, to which was re-committed the bill for the relief of the mother of the late lieut. Wm. H. Allen, with instructions to report a bill for the relief of his sister, reported the same with sundry amendments, which go to substitute the daughter's in the place of the mother's name; which bill was committed to the committee of the whole house.

Mr. F. from the same committee, reported a bill for the relief of Sarah Perry, mother of the late Oliver H. Perry; which bill was twice read and committed.

Mr. F. also made an unfavorable report in the case of Julia Lawrence, widow of the late capt. Jas. Lawrence; which report was, on motion of Mr. *Calden*, (one of the naval committee), committed to a committee of the whole house, to which is committed a bill for the relief of Sarah Perry.

Mr. *Rich's* resolution, submitted yesterday, was taken up and agreed to.

Mr. *Cook*, of Illinois, offered the following resolution.

Resolved, That the president of the United States be requested to communicate to this house, all the correspondence between the government of the United States and Great Britain, relating to the negotiation of the convention entered into between the two governments, on the 20th of Oct. 1818, which may not be inconsistent with the public interest.

This resolution will of course lie one day.

Mr. *Hamilton*, of S. C. rose, and, in very warm terms, announced the decease of his predecessor, Mr. *Lowndes* saying that, at the time of his death, he was, constructively, a member of the house, &c. He pronounced a handsome eulogium on the deceased, but sat down to give way to

Mr. *Archer*, of Va. who rose to follow with the resolution, which had been intimated by his friend from South Carolina, the feeling announcement which had been just addressed to the house. That gentleman might well feel and speak more strongly than any other member of the house could do, on the subject of this melancholy event, from his more intimate association, both by residence and friendship, with the eminent man whose loss we deplored; and the peculiarity of whose character and fortune it was to be esteemed and beloved in the exact proportion in which he was known. It was, indeed, a character, Mr. A. said, in which the qualities which won esteem, were blended in the happiest union with those which commanded it. He had no intention of entering into any minute delineation of his character, for many reasons. The most important was, that he felt he was unequal to the office. Nor was it necessary, after the picture which had been presented to us to-day, to which, if he attempted to add any coloring, he should only contribute to deface, perhaps, that which did not require to be improved. Panegyric, on this occasion, was, indeed, rendered unnecessary, by the settled feeling and opinion of this country in relation to Mr. Lowndes. He had been, for a considerable time, conspicuously before the public, a part of that time comprehending a very trying period of our history, and the judgment of the public had

been awarded in relation to him. He was already ranked with the eminent names which had passed by, and been consecrated to national respect. He was already ranked as a man superior in worth as he was in mind—as one of the purest, and ablest, and most faithful of the statesmen who might claim from our country the meed of honor—as combining a large share of the highest titles to human deference and estimation, talent, and public service and virtue. Mr. A. said that the house would be deficient in the discharge of its appropriate office, it would not reflect the sentiments and the wishes of the people whom it represented, if it omitted the testimony of respectful regret which was due to this afflicting occasion. The face of this country was clothed in mourning, and this countenance ought to be reflected in its proper mirror, the proceedings and language of this house. The house would be wanting, in a due respect to itself, if it omitted this last tribute to a man who had filled so large a space in its service, and brought to it so great an accession of reputation. The house had, he knew, no disposition to withhold the tribute. Their feeling, on the subject, was in a true accord with the feeling of the country. Some gentlemen might suppose, however, that the case was not comprehended by the rule of usage of the house in this respect. If it were not so embraced, Mr. A. had no hesitation, for himself, in saying this was a case in which he would make a rule for the occasion. He acknowledged, himself, the obligations of precedent in no other place than a court of justice; conceiving, in all other places, a higher obedience to be due to the sources of precedent, the justice and reason from which it was presumed to spring. But the case did fall within the principle and intentment of the usage. We have been told, by his friend, from South Carolina, that Mr. Lowndes was, constructively, a member of this house at the period of his lamented demise. But, for the near approach and prospect of this event, his seat would never have been vacated; and because he refused to hold an office of which he was unable to discharge the duties, and had given, in his last public act, a new and farther proof of his just claims to our esteem, was the testimony of our respect to be withheld from him which would otherwise have been accorded? This could not, Mr. A. knew, be the sentiment of the house. It was among the first duties of patriotism, especially in a free state, to accord a due testimony of public sensibility to eminent public service. It was the most unquestionable dictate of policy, in such a state, to hold out the incitements, at once so cheap and so splendid, to public virtue, which were afforded by the prospect of posthumous honor and reputation. A case could scarcely occur, calling more loudly for action, in reference to this duty and this policy, than that which was now presented. Mr Archer had no doubt that the house duly appreciated its obligation; and that there would be an unanimous accord in rendering the last office of respect which he was about to propose, to a man whom it would long be a subject of our pride to remember, and of our regret to have lost; and that, too, at a period of life at which he might have been expected to render still farther services to his country, and to establish a still larger, though not more undoubted, title to its esteem. He should, therefore, move that this house do

Resolved, That the members of this house will testify their respect for the memory of *Wm. Lowndes*, late a member of this house, from the state of South Carolina, by wearing erape on the left arm for one month.

Mr. Taylor, of New York, addressing the speaker, said, I rise to second the motion of the gentleman

from Virginia, and to tender to him sincere thanks for having made it. To omit this homage of national respect, could in no wise impair the exalted and well earned fame of our lamented friend, but it would indicate a want of sensibility to the greatest bereavement, in the loss of a citizen, which has befallen the union since I have held a seat in its councils. The highest and the best hopes of this country looked to *WILLIAM LOWNDES* for their fulfilment. The most honorable office in the civilized world—the chief magistracy of this free people, would have been illustrated by his virtues and talents. During nine years service in this house, it was my happiness to be associated with him on many of its most important committees. He never failed to shed new light upon all subjects to which he applied his vigorous and discriminating mind. His industry in discharging the arduous and responsible duties, constantly assigned him, was persevering and efficient.

To manners the most unassuming—to patriotism the most disinterested—to morals the most pure—to attainments of the first rank in literature and science—he added the virtues of decision and prudence, so happily combined, so harmoniously united, that we knew not which most to admire, the firmness with which he pursued his purpose, or the gentleness with which he disarmed opposition.

His arguments were made, not to enjoy the triumph of victory, but to convince the judgment of his hearers: and when the success of his efforts was most signal, his humility was most conspicuous!

You, Mr. Speaker, will remember his zeal in sustaining the cause of our country in the darkest days of the late war. You cannot have forgotten—who, that heard him, can ever forget the impression of his eloquence, in announcing the resolution of thanks to the gallant Perry, for the victory of Lake Erie! Alas! alas! the statesman has joined the hero—never, never again shall his voice be heard in this Hall. We shall here him no more, until the voice of the Archangel shall summon the grave to surrender its dead.

When Mr. Taylor sat down—

Mr. Archer made a few additional remarks, and the resolution was carried, *nem. con.* Immediately after which the house adjourned.

Wednesday, Jan. 22. Several reports on private claims were received. Mr. Cook's resolution submitted yesterday, was taken up and agreed to.

Mr. Lincoln, of Maine, submitted for consideration the following:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of establishing by law, such offices, the compensation for which has usually been provided for by appropriation bills, without any other act of legislation; and such offices, the duties of which have been usually compensated by extraordinary and per diem allowances out of contingent funds.

Mr. Lincoln mentioned some particulars—about a clerk to the attorney general, a clerk to the surgeon general, two clerks in the treasury department, one clerk to the clerk of the house, &c. who had been provided in the way that he would avoid for the future, &c. &c. The extraordinary and per diem allowance recapitulated by him, amounted to a considerable sum. Mr. Williams, of N. C. supported the motion decidedly, but he proposed that it should be referred to the committee of ways and means, which was agreed to.

On motion of Mr. Barstow, it was

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of allowing a bounty to captors of all pirates taken and brought into the United States, on conviction, and likewise on the vessel and armament in which they may be captured, on condemnation in the United States.

Mr. Conkling offered the following resolution:

Resolved, That the select committee, appointed on the 13th inst. to inquire into the expediency of continuing in force the law making the crowns of France and five-franc pieces a lawful

tender, he also instructed to inquire into the expediency of continuing in force the act entitled "an act concerning the mint," approved March 3d, 1801, and that the said committee have leave to report by bill or otherwise.

Mr. *Rochester*, of New York, said that this resolution reminded him of another subject, somewhat analogous to it, to which he wished to call the attention of the house, viz. the propriety of inquiring into the expediency of reducing the standard of American gold coin, or rather of proportioning it to the value of the gold coin of other countries. This subject, Mr. R. said, had occupied the attention of several committees at former sessions of congress, at the head of one of which was the distinguished gentleman whose death the nation now deplores; and to whose memory the house yesterday, in a manner so honorable to itself, paid a tribute of respect. That committee, and other committees, had reported in favor of reducing the standard of our gold coin. The subject, he believed, had never been acted upon; if it had been acted upon, it had at least not received the sanction of the house: The gold coin, Mr. R. said, is now entirely disappearing from among us. It may be owing to this cause very much, that the tabular statements of exports and imports of specie for the last year exhibit a balance of eight millions of dollars against us. It was only yesterday, he said, he had been told that the banks in New York have not in their vaults a single piece of gold of any kind, nor an American or Spanish milled dollar; their specie being made up entirely of French crowns, five franc pieces, and parts of dollars. He presumed that the banks in other cities were in pretty nearly the same situation. With these views, he wished to propose an amendment to the resolution, to allow him an opportunity to prepare which, he moved that this resolution lie on the table.

Mr. *Conkling* not objecting to this course, the resolution was ordered to lie on the table accordingly.

Mr. *Breckenridge* offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the allowances made to marshals for the safe keeping of seized or captured vessels. [Agreed to.]

Mr. *Wright* rose and paid the tribute of respect that ad been paid to the memory of William Lowndes, and then moved the adoption of the following resolution, which was unanimously adopted—

Resolved That this house will testify its respect for the memory of Thomas Van Swearingen, of Va. Ludwig Worman, of Pennsylvania, and James Overstreet, of S. C. late members of this house, by wearing crape on the left arm for one month.

The *Speaker* laid before the house a letter from the president of the United States, communicating to congress a report of the board of engineers, of surveys made on the rivers Ohio and Mississippi, from the rapids of the Ohio, at Louisville, to the Balize, for the purpose of facilitating and ascertaining the most practicable mode of improving the navigation of those rivers; which was read, and ordered to lie on the table.

The *Speaker* communicated a letter from the secretary of state, transmitting a list of the names of persons to whom patents have been issued for the invention of any new or useful art or machine, manufacture, or composition of matter, or any improvement thereon, during the year 1822; which list and letter were laid on the table.

The *Speaker* also presented a letter from the secretary of war, transmitting a report of what progress has been made in opening the road leading from Plattsburg to Sackett's Harbour; which letter and report were laid on the table; also,

Another from the secretary of the treasury, transmitting a printed statement of the receipts and expenditures of the United States, for the year 1821; with an appendix, containing statements of the debt of the United States, and of its redemption to the close of the year 1821; which were laid on the table.

The house resolved itself into a committee of the whole on the state of the union, on the unfinished business of Monday last, which is the bill regulating the duties on imports and tonnage.

Messrs. *McLane*, *Ingham*, *Cambreleng*, *Colden*, *Barstow*, *McKim*, *Rhea*, *Warfield*, *Gorham*, *Tomlinson*, *Forward*, *Trimble* and *Wright* engaged in the interesting and laborious duty of preparing, supporting or opposing amendments to the details of the bill.

At half past 4 o'clock the committee rose.

And then the house adjourned.

The committee appointed by the Speaker on the letter of Messrs. Gales & Seaton, are Messrs. Dwight, Condict, Edwards, of Conn. Darlington, Kent, Sanders and Breckenridge.

THURSDAY'S PROCEEDINGS—JAN. 23

In the senate—no important matter engaged attention; but, to keep up the chain of intelligence, a further notice will be taken of the proceedings in our next.

In the house of representatives, several reports were received and referred. The bill regulating the duties on imports and tonnage was further considered, and sundry amendments, suggested by Mr. *McKim*, agreed to. The committee rose, that the bill, as amended, might be printed.

The bill from the senate making provision for the preservation and repair of the Cumberland road, was considered and amended.

CHRONICLE.

☞ We have the pleasure to learn, that a bill to relieve the Jews from anti-christian as well as anti-republican provisions of the constitution of the state of Maryland, has passed the house of delegates by a majority of 17.

Banks. Petitions are to be preferred to the legislature of New York at its present session, for the establishment of thirteen bank. All except four to be instituted in the city.

Colombia. The squadron under com. Daniels, has captured the Spanish sloop of war Maria Francisco, of 24 long 12-pounders and 200 men, from Havana for Maracaybo, with 25,000 dollars in specie, and provisions, clothing, &c. for the royalists. Daniels was seeking for the frigate Ligera and brig Hercules. He now has a handsome and well fitted little fleet. He has also recently captured a Spanish schooner with a cargo worth 30,000 dollars, the most valuable of the plunder of Morales.

☞ *Mexico*. The important castle of San Juan de Ulloa, at Vera Cruz, has been surrendered to the imperialists. General Davilla, its late commander, has arrived at Hayana.

It is stated that the emperor, having ordered general Santa Ana under arrest, the latter, instead of proceeding to the capital, as ordered, returned to Vera Cruz, put himself at the head of the troops and proclaimed a republican government. He has been joined by several divisions of the army, and extensive civil commotions are expected.

NILES' WEEKLY REGISTER.

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THE PAST THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ A communication has been received from the Boston "Merchant," in reply to our correspondent "T"—but *mechanical* necessity has caused its postponement until next week. The writer holds a very free pen, and his manuscripts, no doubt, are easily read by those who are accustomed to them—but a number of words must be found out by a stranger to the manner of his writing; a task that every person in a printing office is not competent to.—The "Merchant" has requested us to correct two errors in his former communication—In page 244, 2nd col. for "par" read *price*; in page 245, 1st col. for "arousing" read *producing*. Though we examined his article with great care, we feared that there were many more errors.

What is said above may, without the least variation, apply also to our correspondent "T"—but we have some advantage in a better knowledge of his manner of putting down characters for words. I ought not myself to complain of a hand writing difficult to be read—but, when gentlemen write for the press they ought to be particular. They can hardly imagine the difficulty under which we sometimes labor on this account, frequently increased by the want of a single *point* to assist us in gathering the meaning of a sentence that we may discover some of the words of it.

MARYLAND. The bill to alter the constitution so as to do away religious tests, which had passed the house of delegates by a majority of 17, has passed the senate by a majority of one vote only: for it 8, against it 7—every member present. Before it can take effect, it must be ratified by both houses at the next session.

BANKING. We have an exhibit of the state of the banks in Pennsylvania, as laid before the legislature of the state. It appears that the amount of the capital of the bank of the Northern Liberties, actually paid in, was 299,280 dollars—against this is charge *OVER-DRAFTS* to the amount of 283,329 dollars, leaving only 16,000 dollars of the capital remaining. If this robbery had happened in Baltimore!—Why this beats the *division* of the City bank, for about one fifth of the capital of the latter was left untouched!

A KENTUCKY CORRESPONDENT says—"I have at last succeeded in getting a note that may satisfy my subscription for the REGISTER—such is the *blessing* of our commonwealth's bank. It has nearly destroyed all commerce or trade, extinguished personal credit, and broken down confidence between man and man, as well as damped and depressed the industry of the state—but thank God, the people are beginning to get tired of its blessings, and its paper mill will soon cease working; leaving a debt, however, due to it from the *poorest of the people*, to the amount of 2½ or three millions of dollars."

PORTO RICO. Some further particulars relating to the late expedition for revolutionizing this island, are published. They only go to shew how certain *merchants* of New York and Philadelphia were taken in by the desperadoes.

IMPORTANT APPOINTMENTS. The following appointments have been made by the president of the United States, with the advice and consent of the senate, viz:

Andrew Jackson, of Tennessee, to be envoy extraordinary and minister plenipotentiary to the government of Mexico.

John Mason, Jun. to be secretary of legation to the same government.

Casar A. Rodney, of Delaware, to be minister plenipotentiary to the government of Buenos Ayres.

John M. Forbes, to be secretary of legation to the same government.

Richard C. Anderson, of Ky. to be minister plenipotentiary to the government of Colombia.

C. S. Todd, to be secretary of legation to the same government.

Heman Allen, of Vermont, to be minister plenipotentiary to the government of Chili.

J P Kennedy, of Maryland, to be secretary of legation to the same.

Expedition against the pirates. The following are the new names given by com. Porter to the vessels that he has purchased, &c. They are quite characteristic: Steam galliot *Sea gull*, storeship *Decoy*, schr. *Greyhound*, *Jackall*, *Fox*, *Wild Cat*, *Beagle*, *Ferret*, *Terrier* and *Weazle*; and the cutters *Midge*, *Musquito*, *Sand Fly*, *Gallinipper*, *Gnat*. The sloop of war *Peacock* and schooner *Shark*, will be attached to the squadron.

THE RIGHTS OF MEN AND THINGS. We have published a copy of the bill now before the house of representatives of the United States, "for the more effectual encouragement and protection of domestic manufactures." I like the title of this bill—there is reason in it, and without disguise. We have many laws for the "protection of commerce," and we wish it understood that *other* branches of industry should also be protected.*

Without entering into a detail of the merits of this bill, we now propose to offer some remarks on the subject at large—in the hope of persuading some to do handsomely, what they may soon be compelled to do of necessity, if *reciprocity* is much longer refused to a great majority of our population, in whom especially rests the wealth and strength of the nation; who must make it flourish in peace and triumph in war, or it cannot either flourish or triumph. We intend to speak pretty plainly, but not to offend any one, unless offence shall be taken at the evidence of facts. If so—so be it.

The small advance on the duties generally proposed by the bill, will not be felt by the consumer, though they may sustain the producer. Indeed, the general rise of duties hardly exceeds, if it

* This bill is now before the house of representatives—see page 352. The vote to take it up indicates a design to act decisively upon it. The editors of the National Intelligencer curiously call it the "*manufacturers' bill*." Would they call the law [*e pluribus unum*] that provides for a difference of rate between foreign and domestic tonnage, the *merchants' law*?

amounts to as much as, the extra price now laid on imported goods on account of the difference of exchange; and, as the probable effect of the passage of a liberal bill for the encouragement of domestic industry, will be to keep out of the country a large amount of the products of foreign manufacturers, the result might soon shew itself in an equalization of the rate of exchange—so the price of commodities would not be enhanced at all. But there would be this material difference—the 12½ per cent. on exchange, now paid to Englishmen, would be retained at home for the use of Americans, and add millions to the amount of the domestic circulation. This is a matter of great consideration and exceedingly important: it is the difference between one amount thrown into the common mass of business, and of another amount drawn out of it—between getting and expending. If the present rate of exchange were *assured* to our farmers and manufacturers, they would be reasonably content—for the “protection,” in many cases, would be sufficient; but this cannot be, because the rate of exchange is as uncertain as the winds and waves, and to be affected by the acts of the tyrants of Europe, whether they will direct their people to cut each others throats, or cause them to remain in the stillness of despotism: so it cannot serve as a foundation for the erection of costly manufactories. The people have suffered too severely by artificial excitements, to invest labor and capital without sober calculation. They will know what they have to depend upon, before they advance a single step; but knowing that, they will enter into those pursuits that will yield the best probable profit. This is clearly shewn by the facts that relate to cotton manufactures. Many prudent, intelligent and wealthy men, were absolutely ruined by embarking in this business during the late war—hardly one in ten of them stood the shock of peace! The whole sacrifice amounted to millions of dollars. But an act of government has secured the domestic manufacture of the article to a certain extent—a large amount of coarse goods are already *exported*, and the market for them promises to be large: in consequence, all the old establishments that had stopped, are fully at work, and millions of dollars have been invested or are now investing in the building and fitting of new ones. Let those who apprehend monopolies, or rather affect to believe that they will happen, get over this “stumbling block” if they can; but they evade it, go round it, and *double*, like old foxes, to avoid the evidence of truth. They know that domestic cottons are cheaper than the imported ever were—they know that the price has been reduced because of the protection afforded—they know that, by the prosecution of this business many thousand persons are employed that would otherwise be idle, and that a great value is annually *created* at home which we hitherto obtained from abroad—yet they will not give into the principle or suffer its general application, for the common good of the country. I cannot believe that this is a generous proceeding—I have been afraid that it comes out of ungenerous motives, local jealousies and sectional feelings. Let all persons look at the vote on the tariff bill, as exhibited below, and reflect—they will see that there is power to command what courtesy should give—what justice requires. Power too, is every day and hour passing into the hands of those interested in the product of *food and raiment*. Is it not possible—nay is it not probable, that wrong may be retaliated by wrong? The vote in the congressional body is with those who suffer, and that vote will yet “tell,” in despite of *manage-*

ment, which has long had its day. God knows that I would not build up my prosperity on the injury of another—“I never held out my hand to clench a hard bargain” in my life—I never will: but I love *EQUALITY*; and, while protecting the interest of others, I *calculate* that they ought to protect mine. If this principle is wrong, I should like to correct it. Seeing then, what “protection” has done for the cotton manufacture, why should we not protect other branches of the national industry? Place those of wool, iron, flax, hemp, &c. on the footing, and the same results will follow. We shall have cheaper and better articles of home product than those now imported; and the immense benefit of a prosperous application of labor. The iron works of western Pennsylvania, at which were consumed one half of the whole surplus product of bacon in Kentucky, a few years ago, do not now consume a pound of it—the market has departed with the decline of the factories: and thus it is every where and in regard to every thing. In respect to many articles, the cost of transportation in search of a market, may make them of no value at home; but the establishment of manufactories affords a ready market and stamps value on things that were valueless. There are places in our country where a bushel of wheat will hardly buy a paper of pins; and where the extra *cabbages* that a farmer might raise in his own garden without any apparent trouble, would pay all possible advance that could be made on imported articles used by him on account of a rise in the tariff—provided, we had a market for these poor cabbages. This matter begins to be understood. The *farmers*, though not so easily moved, are not less intelligent than the *planters*; and they are well assured that an acre of land will not produce more wheat when it is at 50 cents per bushel, than when it is at 200—and they know also, that when wheat is at 200 cents, they can afford to pay many times more tax, or disburse many times the amount of money, that they can do when it is worth only 50: for this product acts as a barometer for the rest of their products of bread-stuffs and meats, and fixes a value on the whole. The *money cost* of an article is nothing—it is the *means to pay* it, and that only, which comes into rightful consideration. A yard of cloth at \$3 may cost 6 bushels of wheat, and the price seem low; but when the same cloth sells for \$6, and may be had for 3 bushels of wheat, it is at the one half of its former price to the wheat grower consuming it, though the nominal cost is doubled. These are very simple things—they are self-evident when mentioned; but many will not think of them. I feel them—*severely feel them*; and so does every man in business, except speculators, stock jobbers and shavers, though all may not note them as they should.

We have more than once endeavored to shew some of the proceedings that have been had for the “protection” of commerce, but not to reprobate them—for, we say, that commerce *must* be protected. The merchants have never asked for relief in vain. They have been supported by restriction, until, (as manufacturers of coarse cottons are now conditioned), they can generally compete with the merchants of other nations. To accomplish this, ten thousand lives and many tens of millions of dollars have been wasted or expended—but we do not complain of that; for, as old STARK said, “death is not the greatest of evils.” We fought for our rights and we gained them. The time has arrived, when the person and lawful pursuits of a free American, shall not be arrested with impunity on the high seas. A tame submission to the im-

pressment of individuals, or the confiscation of property through "paper blockades," no longer have their advocates among us. This is as it should be. *The national feeling is right*, for it is honorable to the nation—and national honor is national strength. So let it be in all things. Great Britain would go to war for the impressment of one of her seamen, and so will we. Great Britain will not receive any of our products, even at a reduced price, if her own people can furnish the commodity, nor should we. *Protection* has been claimed and supported for commerce: it is all that is asked for the twenty times greater interest of *agriculture and manufactures combined*, as they are in the grain-growing states. We are ready to fight for the person of a seaman or the property of a shipper—why not equally jealous of the welfare of farmers, mechanics and manufacturers, our immediate neighbors and friends? *Equality* only, is wished for; and this, or soon will be, required. The cost of the squadrons in the Mediterranean and the Pacific is far greater than the profits of the whole trade which they are presumed to protect. It would then be *economy* to carry on those trades in British bottoms—more so than it is to receive British goods that we can and ought to make for ourselves. But we despise this—the flag must be protected. Why is the flag, hoisted at the mast of a vessel worth 5000 dollars, more worthy of protection than the same flag floating over a manufacturing establishment worth 100,000 dollars? The shipping business makes seamen, and they are necessary to the defence of the country—but who is it that must pay and subsist these seamen, if employed in the public service? "Here's the rub;" the combattant and the producer equally depend on the other for the measure of success against a common enemy of both. Why such an extraordinary high-souled regard for things *abroad*, and no respect at all for things *at home*? The most enthusiastic friend of domestic manufactures, would not be so immodest as to ask one half of the degree of "protection" which commercial men freely receive. It is for the benefit of the latter that all our foreign ministers and agents are sent out and supported; it is for their use, that squadrons and vessels of war traverse every sea, at the cost of the people. Foreigners would gladly supply us with their goods, and be equally pleased to furnish ships to bring them to the United States—why may they not do the one as well as the other? But we will not allow it—"American commerce must be protected," though it does not pay one cent. per annum into the public treasury. It is little more than a *tax-gatherer*—a thing with an ink-horn at its button-hole and a book under its arm, collecting assessments on persons, without regard to the fact whether they are rightfully or wrongfully levied. So much for this interest that seems to swallow up all other interests, and to care only for itself. But I still say, let it be protected. I would not take from it the least part of its favors—I only ask some little governmental patronage to support a much more numerous and important class than the commercial; the people that must either fight the battles of the country themselves, or pay others for fighting them. I have seen a caricature print shewing a king that governed all, a priest that prayed for all, a lawyer that plead for all, a soldier that fought for all, and a laborer who paid for all. It is the free laborers who pay for all. The slave pays nothing, any more than a horse. He is only a "working machine," like a plough or a harrow—a turnip-cutter or an apple-peeler. I speak of the slave in his *political* character.

The capital of the United States, appropriated to the cultivation of cotton, tobacco, sugar, &c. is even more extensively protected than that vested in commerce. The possessor of 100 slaves has the representative weight of *sixty one* free persons vested in himself, and with this he ought to be content. All his products, as well by the acts of government as from their own nature, have a larger market; and nothing that has ever been requested to extend or secure that market has been refused. It ought not to be refused, for the profits of individual industry is national wealth. The only matter to be wondered at is—that we can see these things so clearly as it regards the *merchants and plumbers*, and cannot discover them in reference to the *farmers and manufacturers*. And it is most strange that these, having obtained all that they desire, should so manage it as to refuse to others a portion of that protection which should be common to all. Look at it—the thrifty and *grain growing* states of Connecticut, New York, New Jersey, Pennsylvania, Delaware, Kentucky, Ohio, Indiana and Illinois, gave *seventy-three* votes in favor of the tariff, in 1818, and only *five* against it—whereas the tobacco, cotton and sugar growing states Maryland, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Louisiana, Mississippi and Alabama gave *fifty one* votes against and only *four* in favor of that bill. The first seek a home market, the latter *have* a foreign one: but a home market for the former will not in the least degree affect the foreign demand for the products of the latter—Europe takes nothing of us out of kindness, but prohibits the import of *every article that she can make or produce for herself*—AND SO SHOULD WE. So we would, if there was an *equality of protection*.

I invite attention to the table given below. It will surprize some persons, and perhaps, cause others to ask, how is it possible that the greater interest of five millions of freemen, as represented in congress, should be surrendered to the erroneous views of three millions of their fellows? The table is founded on the most equitable principles—but if any way wrong, it is in favor of the minor class—still the greater class stands almost as five is to three of the lesser; yet the former have been uniformly defeated, through a want of the same degree of concert that prevails in the other—which has always managed so as to keep the "weather gauge."

I do not wish to press this subject to its full extent—and I pray to heaven that there never may be a necessity for it, for I would that the *United States* should be perpetual. But the naked truth is, that *five* millions are disappointed in their wishes through the opposition of *three* millions. This is not right. It is against every rule and principle of courtesy or common sense. We would not urge the matter roughly, nor do any thing to sacrifice the interests of the minority to those of the majority—the will of the latter "to be rightful must be reasonable," and they believe that it is so. They believe that what will afford prosperity to them, will not be in the least detrimental to that of others of their fellow citizens—they believe, indeed, that the establishment of domestic manufactures and a consequent home market for the farmers of the grain growing states, will be advantageous to the commercial class through an increased business, while it will secure to the growers of cotton a market that cannot be affected by foreign events. These last should seriously reflect on it: the lands fitted for the cultivation of cotton are equal to the supply of an hundred worlds like this with that material, using it as we do. The consump-

tion of cotton goods has nearly reached its ultimate, because of the astonishing facility of their manufacture; but the supply of the raw material has not arrived at a thousandth part of the capacity to produce it.* In resisting the progress of other manufactures, may they not bring about a repeal of the duty on cotton at some future day, when South America shall fill the world with her exuberant production? That duty is now *three cents per lb.* about equal to a duty of *fifty per cent. ad valorem*; and, even with this great *protection*, large quantities of foreign cotton have been consumed in our manufactures, and will be, unless the price of the domestic article remains very low. It appears to me as certain, that the cotton planters of the United States are as much interested in maintaining the good will of the farming and manufacturing interests of the middle and western states, as any set of people whatever.

To conclude—the majority, a great majority of the people, are evidently in favor of affording some

*There is no doubt now, that cotton, if the crop is profitable, or *can* be profitable in the United States, will be raised in large quantities in many of the middle states, perhaps extensively on Long Island and in Connecticut. The New York "Statesman" of the 22nd ult. contains a letter from David Dunham, esq. stating that he had raised from 250 to 300 cotton plants in his garden, in Long Island. The seed was deposited early in May the season was dry, and he supposes also that the young plants were much injured by the shade of flowers and other plants. In August, they flowered, and grew luxuriantly until the first frost—at that time there had been but one picking, on the 20th October. The gardener proposed to pull them up, but was prevented—and as fine a picking as the first was made on the 1st November; others on the 5th, 14th and 25th of *December*; a sixth, on the 14th of *January*, and Mr. Dunham expected another picking about the 1st of *February*, this day. He says—"The curiosity about the growth of cotton in this climate appears to be this—till now it was supposed that our season was not long enough to raise cotton, and that immediately after the frost appeared no more could be counted on; but from the experiment here adduced, it will be seen, that, so far from the frost destroying the vital parts of vegetation, it only stops its progress, leaving so much nourishment in the plant, that, with the aid of dry, cold weather, every pod of any size, matures, expands and opens, like a chesnut burr; and the cotton, in point of staple and every thing else relating thereto, is fully equal to that produced before the frost made its appearance, with the single exception that the pods are not so large, and appear to be stopped in the growth, immediately after frost appears."

These facts cannot be doubted—and it is probable that there are many tens of thousands of acres of land, (with a southern exposure and shielded from the N. W. wind), in the middle states and as above mentioned, that will yield good crops of cotton, to be cultivated by the plough instead of the hoe, and picked by a teeming population of children, who will gladly labor during the season for much less than slaves can be obtained at, for these must be supported the whole year; the other can be hired, in any quantity, when wanted, and by the day. If an acre of land in Connecticut will produce as much cotton as an acre in South Carolina, the article can be raised 25 per cent. cheaper in the former than in the latter.

decided protection to certain branches of the national industry, and they ought to be gratified. But they have been continually defeated, through the superior address or concert of the minority. A narrative of the *secret things* that took place in 1818 to impede, and finally to reject, the tariff bill, would not be pleasant in the history of the country: nor is it probable that what may happen in the present session, will be more so. But we ask that the question may be met fairly: if not, let strength of vote obtain what reason should yield. The people who solicit a common protection, pay about three fourths of the taxes, and are more than three fourths of the *disposable force* of the nation. They are rapidly increasing in numbers, their opponents are comparatively declining: By the apportionment of the census of 1820, they have gained *twenty* members in the house of representatives, whereas those opposed to them have gained *only six*. It is probable that by the census of 1830, they will have gained since the census of 1810, not less than *thirty five* members, and the other party have lost *one* member. This last is a matter of speculation, but the idea is not hastily advanced. It is built on reasonable data, and a looking to the case will not injure any of us. "Caution is the parent of security." "The wise man foreseeth the evil, and avoideth it." For this purpose, the following exhibit may be useful:

States now decidedly for a tariff to encourage domestic manufactures.

	Present representation.	Representation in next congress.	Probable after 1830.*
Rhode Island	2	2	1
Connecticut	7	6	5
New York	27	34	40
New Jersey	6	6	6
Pennsylvania	23	26	26
Delaware	2	1	1
Kentucky	10	12	13
Ohio	6	14	19
Indiana	1	3	6
Illinois	1	1	3
	85	105	120

States now opposed to such a tariff.

New Hampshire†	6	6	5
Vermont†	6	5	5
Maryland	9	9	7
Virginia	23	22	19
North Carolina	13	13	12
South Carolina	9	9	8
Georgia	6	7	7
Tennessee	6	9	10
Louisiana	1	3	3
Mississippi	1	1	1
Alabama	1	3	3
	81	87	80

Doubtful, or more divided States.

Maine	7	7	7
Massachusetts	13	13	11
Missouri	1	1	3
	21	21	21

*This ratio is fixed at 50,000. See vol. 22, p. 346.
 †How is it that the representatives of these states united themselves with the minority, on a question of this sort, is totally beyond my comprehension—for it appears to me that the people of said states are as deeply interested in the support and encouragement of free labor as any others.

TABLE—showing the state of the vote on the tariff bill in 1818, the number of free persons in the states named, with the representation thereof according to the apportionment of 1820, and the number of freemen represented by that vote for or against the tariff.

STATES.	Actual vote on the tariff—1818.			Free persons in 1820.	Representatives under the new apportionment	Freemen represented, admitting the ratio of the vote of 1818.	
	For	against	abs'nt			For the tariff.	Against it.
Maine	10	6	4	{ 298,335	7 } 20	575,136	246,486
Massachusetts				{ 523,287			
New Hampshire		5	1	244,161	6		244,161
Rhode Island	2			83,011	2	83,011	
Connecticut	6	1		275,187	6	236,875	39,312
Vermont	1	2	3	235,764	5	39,294	196,470
New York	25		2	1,362,729	34	1,362,729	
New Jersey	6			270,018	6	270,018	
Pennsylvania	22	1		1,049,137	26	1,004,069	45,118
Delaware	2			68,240	1	68,240	
Maryland	1	5	3	299,952	9	33,261	266,691
Virginia	1	15	7	640,213	22	29,100	611,113
North Carolina	1	11	1	433,812	13	34,130	399,632
South Carolina	1	6	2	250,959	9	19,300	231,659
Georgia		5	1	191,333	7		191,333
Kentucky	5	3	2	437,585	12	306,011	131,274
Tennessee		6		342,706	9		342,706
Ohio	6			581,434	14	581,434	
Louisiana		1		83,343	3		83,343
Indiana	1			146,988	3	146,988	
Illinois	1			54,294	1	54,294	
Mississippi		1		42,634	1		42,634
Alabama		1		(ab't) 108,000	3		108,000
Missouri, &c.						Did not vote.	
	*91	69	26			4,843,890	3,179,732

*The vote was only 90, but Mr. Clay, being speaker, did not vote, though he had been one of the ablest advocates of the bill.

REMARKS. The absentees are thrown, in all cases, into the majority of the several states to which they belonged. This seems to be the only general rule that could be adopted, though we know that there were some exceptions, in fact, at the time—and on both sides.

We offer the following as a probable estimate of the will of the people of the several states, if to be shown by a vote of their representatives, according to the apportionment of 1820:

States.	Whole no.	For the tariff.	Against it.
Maine	7	4	3
New Hampshire	6	2	4
Massachusetts	13	9	4
Rhode Island	2	2	-
Connecticut	6	6	-
Vermont	5	2	3
New York	34	32	2
New Jersey	6	6	-
Pennsylvania	26	26	-
Delaware	1	1	-
Maryland	9	3	6
Virginia*	22	2	20
North Carolina	13	2	11
South Carolina	9	1	8
Georgia	7	1	6
Kentucky	12	10	2
Tennessee	9	3	6
Ohio	14	14	-
Louisiana	3	-	3
Indiana	3	3	-
Illinois	1	1	-
Mississippi	1	-	1
Alabama	3	-	3
Missouri	1	1	-
	213	131	82

Of the minority, *eighteen* are representatives on the compromise of the constitution—by “federal numbers.” If the table be correct, the vote would stand, according to free persons, about as 120 is to 71. This comparison is forced upon us by the inflexibility of the minority. We do not wish to dwell upon it, but they ought to think of it.

*Virginia, west of the Blue Ridge, really has and soon will manifest the same interest as Kentucky, in the success of domestic manufactures. Pride of opinion, as yet, is at variance with the reason of things, and political power is in the hands of a minority of the people. See the following article, headed “Virginia.”

VIRGINIA. Seven and an half of the ponderous columns of the Richmond “Enquirer,” of Saturday last, are occupied with a speech of Mr. Baldwin, delivered in the house of delegates of that state on the 10th of January, respecting the right and necessity of a removal of the seat of government, to accommodate the western population of the commonwealth.

The argument is a very able one—but we cannot pretend to follow the speaker through the whole chain of his observations. Some of the statistical facts that he has furnished deserve particular notice.

Richmond, the present seat of government, he says, is 70 miles from the North Carolina line, on

the south, and 200 miles from the Maryland line, on the north; from 60 to 80 miles from the mouths of the principal rivers, and as much as 450 from the extreme western points of the state. He then shews that the white population who would be accommodated, by a removal of the seat of government west of the Blue Ridge, amounts to 351,458, and that the rest of the state contains only 264,754; and adds that the force of population is still accumulating in the west, which he proves by shewing that, since the year 1790, the white persons beyond the Blue Ridge have been more than doubled, or increased in the sum of 132,076, whereas the whole increase of the remainder of the state has been only 42,032. Speaking of the tide-water counties, he says they are retrograding instead of improving. You need only look at the face of the country, look at the ruined mansions and deserted plantations, and observe how the beasts of the forest are returning to their primeval haunts." After this, he mentions a number of those counties to shew that, while the white population had increased very little, if any, that of the slaves had advanced rapidly. Brunswick, for instance, had increased by 149 whites and in 3261 slaves, since 1790; Charlotte had diminished in 59 whites and increased in 3261 slaves. Near the close of his speech, Mr. Baldwin notices the state of the representation, and shews that the country west of the Blue Ridge, with 259,967 white inhabitants, sent only two delegates more to the legislature than the tide-water country with only 166,827 of such inhabitants—that a majority of the delegates were elected by 237,573, and a minority of the delegates by a population of 373,644 white persons. He then said—"This prodigious inequality of representation is a striking blemish in the theory of our government, and would not have been submitted to so long, but for the practical equity and benignity of its administration. Let the numerous, the intelligent, the hardy, the pertinacious people who are subjected to this inequality, be once impressed with the idea that their rights are withheld, because their are not fully represented on this floor, and the consequences will be such as no loyal Virginian can regard without the most painful emotions. Depend upon it, they will strike at the root of the evil; and who does not foresee the heart-burnings, the jealousies, the commotions, the ruinous projects for reforming the constitution—the angry struggles for power, to which the attempt would lead."

UNITARIANS. It is said there are 400 regular congregations of Unitarians in England, and 120 of their churches in Transylvania.

MR. ALLEN, a celebrated philanthropist and Quaker, visited Verona when the congress of sovereigns sat there, in the hope of doing some little good to mankind. He was permitted to present himself freely to the emperors and kings, without moving his beaver, and allowed to discourse familiarly with them. Such is the force of virtue, that even those dealers in the blood and bones of men paid homage to it.

THE "HOLY ALLIANCE." A letter from Verona, dated Nov. 26, says—The congress is at length finally dissolved. The powers who are most impatient for war with Spain, have consented to try the effect of negotiation before they commence their grand crusade. An official remonstrance either has been or will be immediately despatched to the cabinet of Madrid, demanding such an alteration in the con-

stitutional system, as will at least render it analogous to that of Portugal, and place the crown beyond the reach of popular control. In case of refusal, Russia, Austria and Prussia will give their fullest sanction to the hostilities which the ultras of France are so anxious to commence—and there is no doubt that the army of observation will soon cross the frontier.

England, will not, under such circumstances, become a party to the measure, for she sanctions the principle of an armed intervention only in case of the constitutionalists being determined to put the king to death, or invade other countries.

The Russian mission has broken up and Count Pozzo Di Borgo took his departure this morning on his return to Paris, where he is to resume his functions as ambassador, and will no doubt urge on the zeal of the ultras to the utmost degree of incitement. This appears to be the principal feature in the policy of the Russian cabinet.

The Greeks are to be left to the good faith of Turkey, who has given to lord Strangford a conditional pledge of future moderation towards them. The London editor remarks on this "that this is the most farcical of all political farces, delivering the lambs to the tender protection of the wolf."

PRESIDENTIAL NOMINATIONS.

At a meeting of the members of the general assembly of the state of Ohio, convened in the hall of the house of representatives, on Friday evening, Jan. 3d, 1823, agreeably to notice previously given, to take into consideration the propriety of nominating a suitable person to succeed his excellency *James Monroe*, as president of the U. States, general *Allen Trimble* was called to the chair, and *R. Collins*, of Highland county, chosen secretary.

Whereupon general Duncan McArthur moved the adoption of the following resolution:

"Resolved, as the opinion of this meeting, that—, from his talents, patriotism, and public services, is entitled to the confidence of his country, and eminently qualified to fill the office of chief magistrate of the United States for the next constitutional term."

And, thereupon, Mr. Harper, from the county of Ashtabula, moved the following resolution, as a substitute for the one offered by Mr. McArthur:

"Resolved, That it is inexpedient, at this time, to go into a nomination of any person for the presidency of the United States."

On motion of Mr. J. Rollins, of Butler, the question on Mr. Harper's resolution was decided by yeas and nays, and said resolution was rejected—yeas 43, nays 47.

The resolution proposed by Mr. McArthur was then unanimously adopted.

On motion of Mr. McArthur, the members of the meeting then proceeded by ballot to select a person whose name should be inserted in the resolution; and, upon collecting and counting the ballots, it appeared that Henry Clay had 50 votes; Dewitt Clinton had 5 votes; J. Q. Adams 1 vote; and J. C. Calhoun 1 vote—the members opposed to caucus nominations in principle, and those opposed to it, at this time, having generally withdrawn.

Thereupon, the resolution was amended by the insertion of the name of HENRY CLAY, and was unanimously adopted.

Resolved, That the proceedings of this meeting be published.

ALLEN TRIMBLE, Chairman.

R. Collins, Secretary.

Mr. Clay had not been nominated by the members of the legislature of Illinois, as late as the 24th of last month.

At a meeting of the republican members of both branches of the legislature of the commonwealth of Massachusetts, and of republican delegates

from various towns of the commonwealth not represented in the legislature, held at the old court house, in the city of Boston, on Thursday evening, Jan. 23, 1823, the following report was unanimously adopted—

The committee consisting of one member from each congressional district in the commonwealth, appointed to consider whether any, and, if any, what measures ought to be adopted by the republican citizens of Massachusetts in relation to the next election of president of the United States, have had that subject under consideration and respectfully report:

That the time for electing a successor to the present illustrious chief magistrate of the United States is so far distant that it cannot now be ascertained what then will be the condition of the country, or who among its citizens can be most usefully called to that arduous and responsible station. But the great importance of the office then to be filled, and the momentous consequences of deciding who shall be the person to fill it, have commanded attention in every part of the union, and in various forms and by various authority, eminent men are held forth for the approbation and suffrage of the people.

Your committee are not inclined to favor the practice of nominating a candidate for the presidency by assemblies in the states, for this, among other obvious reasons, that the tendency of such nomination is to throw the election into the house of representatives, where, as experience has proved, it is liable to manifold abuse. In their view it is desirable that the attention of our fellow citizens should be drawn to a candidate, rather by the commanding influence of his character than by any local or sectional feelings arrayed in his support.

But as unanimity, to a good degree, is most desirable on this great occasion, and as the opinion of one section of the country must be made known to others, that a common sentiment and feeling may, in the end, be produced the committee see great propriety in the public expression of such opinion as prevails among their fellow citizens, with a view, not as partisans, to contend for the election of a favorite, but to disseminate information that may be necessary for an intelligent decision by the people.

The republicans of Massachusetts, actuated by a national spirit, have always avoided, as the greatest national evil, any measures which would bear a local or sectional construction. They have, with pleasure, given their undivided support to elevate to office those illustrious citizens of the south, who have, for the last twenty years, so ably conducted the destinies of the nation, convinced that they were worthy to sustain, and justly entitled to receive, the highest honors and utmost confidence of the people.

Among the candidates, now before the public, is a citizen of this commonwealth, and the committee believe it is not only due to his high character, but that it is respectful to their republican brethren throughout the United States, to declare the opinion which our political friends in this commonwealth entertain of his qualifications for the high office of president of the United States. By making such declaration, no determination is expressed to support the individual in question, at all events and under all possible circumstances. Such inflexibility of opinion might destroy that common principle of action from which is to be expected an harmonious and useful result.

By declaring to our friends, in other parts of the United States, our opinion and feelings, at the pre-

sent time, we mean to convey information which may influence their deliberations, and are not precluded from receiving and examining, with candor, their sentiments and wishes, in the hope that, by the interchange of opinion, the minds of the whole people may be eventually fixed on that man, who, in all his official relations, will most worthily sustain the character of an AMERICAN PATRIOT.

The committee, therefore, recommend the following resolution to be adopted:

Resolved, That we have unlimited confidence in the republican principles of JOHN QUINCY ADAMS: That we hold in the highest respect the uniform integrity of his public and private character: That we consider his exalted talents, his various and eminent services, his political experience, and his profound knowledge of the great interests of the nation, as pledges of the ability with which, as the chief magistrate of the American people, he would promote their prosperity and honor.

JONAS HOBLEY, *Chairman*.

Attest—*John Keyes*, *Secretary*.

EXTRAORDINARY OCCURRENCE. *Greensburg, Pa. Jan. 24.* A singular and distressing occurrence took place on Friday last, the 17th instant, on the farm of Mr. John Klingensmith, sen. lying on Brush creek, about four miles from the borough of Greensburgh. Mr. Klingensmith has, for several years, been boring for salt water. In the afternoon of the day above stated, while in the act of boring, the auger sunk rapidly several inches, when the water rushed up with great force, making a tremendous noise, and accompanied with a large quantity of inflammable air, generally supposed to be *hydrogen gas*.

A cabin had been erected over the well for the purpose of protecting the workmen from the inclemency of the weather; in which, unfortunately, a small fire had been kindled. The gas, as it arose, took fire and communicated to the building, which, in an instant, was enveloped in flames. Mr. Klingensmith, sen. Mr. Nicholas Long, and Mr. Philip Klingensmith, were in the cabin at the time. The two former were the first in escaping from the flames. The latter, in attempting to rush out of the cabin, stumbled and fell over the pumping frame: he called for assistance, when his father succeeded in rescuing him, but not until he had been shockingly burnt. The three were severely burnt in their faces, and on their hands and arms. We have been informed that they all are in such a situation, at present, as to justify the hope of a speedy recovery. The cabin was totally consumed.

The gas continued to burn on the surface of the water with a lambent and a bright flame, until 3 o'clock, P. M. on Monday, when it was extinguished by placing boards over the mouth of the well and covering them with earth.

Mr. K. has been boring at this well for more than five years, and has penetrated the earth to the depth of four hundred and eighty five or ninety feet. It is believed that he has at length arrived at a fine vein of salt water.

MEXICO. There is reason to believe that, if Mr. Turbide has not already laid down the imperial crown of Mexico, that he will have some hard fighting and much good luck to retain it. A very considerable part of the people were exceedingly opposed to him, as well for his usurpation of a throne as for his tyrannical conduct to individuals, and disregard of the rights of the people as represented in the congress, many members of which he arrest-

ed, &c. General *Santa Anna* has fairly taken the field against him, and two battles had already been fought—in of one which he gained a victory, though he was defeated in the other. He has been joined by *gen. Victoria Guadalupe*, who had been sorely persecuted by the emperor, and is represented as being one of the most virtuous and best beloved of the revolutionary generals. The following letter has been extensively published—

Copy of a letter addressed to don Augustine Iturbide, by citizen don Antonio Lopez de Santa Anna, general of the republican army.

VERA CRUZ, December 6, 1822.

Revered sir—You are well aware how much I labored for, and contributed to, your being crowned and proclaimed emperor; you are aware of my zealous endeavors to perpetuate the diadem in your family; encountering, cheerfully, fatigue, and sacrificing every thing for that object, so much so as to have become odious to my fellow-citizens, who thought me servile and a flatterer. You are aware, too, that I am not ignorant of every thing that has passed in the government and done by your favorites for your aggrandizement; finally, you are aware that I am fully acquainted with all the occurrences in relation to your person, and that I have had an agency in most of them, from the affection I have professed for you, and which I swear to entertain eternally. But you must be convinced that my love of my country has always led me to set aside every other consideration, where its safety and happiness is concerned.

To senior Davilla I was bound by the gratitude and friendship, from which I severed on account of that sacred duty. Thus it is I have felt myself under the necessity of separating myself from under your command; because your absolute government is about to fill with incalculable evils our beloved country, for whose emancipation I have undergone so much, having co-operated essentially towards its freedom. I now see liberty totally crushed and the whole nation convinced of it, by what has accrued to the congress.

In this state, and in circumstances so critical, being at the head of a province fertile in resources, with a body of resolute men, a large train of artillery and ammunition, and deriving assistance even from those who, from political reasons, ought to be considered our enemies. Urged on by sensible, wise, just and philanthropic men, excited by stimulants the strongest to my heart, by the safety of my beloved country, I gave the cry of "LIBERTY" on the 2d of this month, in the midst of an immense crowd of people, surrounded by more than 2000 bayonets and hailed by the most sincere acclamation.

The provinces, the town, the people cry aloud for their freedom, and they say that you have broken your oaths of Iguala, and that of Cordova—have trampled upon the laws and whatever is most sacred in society; that you have filled the kingdom with misfortunes, obstructed commerce, paralyzed agriculture, and have not encouraged working the mines; that you have unjustly persecuted the members of congress, banishing some, imprisoning others, so as to reduce it to what is called a junta constituyente, composed of a few of your favorites; that they yield to your views, and form a constitution that will enslave this continent. They cry out too, in consternation, against the seizure of the convoy of money in Malapa, convinced that, under your government, the sacred right of property will never be respected; finally, they understand, that there are neither means nor wealth sufficient in this

America, to support a throne with all that ostentation and dignity that an emperor requires.

My intention is, that a congress shall be assembled according to the rule laid down in public law, that they may, freely and spontaneously continue a plan of a government best suited and adapted to those dominions, and that they, without any restrictions, as real representatives of the nation, may form a just, wise and beneficial constitution, on the basis of religion, independence and union.

This congress will take care to reward justly your services, which have been so meritorious, assigning you a distinguished place in the nation.

May you, convinced of what I assert, take measures to renounce the crown and to abandon a command which is repugnant to our imprescriptible rights, and is the origin of our misfortunes. Deign to take into consideration these reflections, made to you by a friend, and do not expose your valued person and those of your amiable family, to the terrible catastrophe which your flatterers have prepared for you; and believe that what I say to you is dictated by the love I bear you, and that I am ready to sacrifice my existence to defend your life, which, that Heaven may preserve many years, prays your most obedient servant.

FOREIGN NEWS. By an arrival at New York, London papers of the 9th Dec. have been received—two days later than former advices.

It appears that the congress of Verona had not broken up on the 29th Nov. but it was expected that its sittings would terminate in a day or two thereafter. It was reported that the ministers of the allied powers would re-assemble at Paris to take care of the affairs of Spain! The proceedings of this body have not yet been made known.

Ireland is represented to be much disturbed and distressed. The proprietors cannot collect their rents from tenants who have nothing. An article from *G. Way* says—"The distress of this country is now at the greatest height. There are very few gentlemen of 2,000 to £5,000 per ann. (nominally), who can show their faces out of doors, for fear of being arrested. Provisions very cheap." Many houses are plundered, some destroyed by fire, and numerous murders committed in several parts of the island.

A steam vessel is to ply between Portsmouth and Bilbao—so that a traveller may pass from London to Madrid in about a week!

The annual produce of grain throughout Great Britain is reckoned at fifty millions of quarters; (400,000,000 bushels), out of these five millions are paid in tithes; eight millions are expended in seed; twenty-two millions remain to the farmers, and fifteen millions for market.

A man lately failed in London in consequence of a bad speculation in *butter*, to the amount of 130,000*l.*—nearly 600,000 dollars!

The following article is from the London Courier of Dec. 7. If the facts stated are true, a war between France and Spain would appear to be inevitable—it is impossible that the latter should submit to so great an indignity, and it can hardly be expected that France will withdraw the insulting propositions—if they have been made.

An answer to the despatches sent off to Spain on the 2d of Dec. was expected at Paris about the 13th to the 15th. The following are said to be the propositions of France to the government of Spain:

"The restoration of the king to his personal freedom, without delay, for it is now distinctly under-

stood that he is in a state of confinement in his palace of the Retiro.

"2. The restoration of the king to his sovereign rights.

"3. Such a change in the constitution of Spain as shall give to the nobles a great share of the power they possessed under the old regime.

"4. The exclusion of the present ministers from office, or, at least, most of the heads of the different departments.

"5. An amnesty for all persons, of whatever rank, engaged in the cause of the regency.

"6. A more strict regulation of the laws relating to the press.

"7. The possession of certain strong places on the frontiers of France, as a guarantee for the performance of any undertaking into which the Spanish government may enter."

A Paris paper of Dec. 6, has the following, said to have been copied from a Lisbon paper—

"Mr. Canning has submitted the following note to the Portuguese charge d'affaires at London:

"The undersigned is commanded to notify to M. —, that from all the intelligence that has reached the British government, there is nothing to authorise the idea, entertained by his most faithful majesty and his ministers, of the invasion of the peninsula.

"The undersigned feels no hesitation in assuring his most faithful majesty, that his Britannic majesty will never regard with indifference any attempt tending to affect the independence of Portugal; and that his majesty will be always ready to extend to Portugal the protection she is entitled to expect from so ancient an ally.

(Signed) CANNING."

The "ferocious Mina," as the ultra Paris papers call him, appears to be cutting the "array of the faith" into pieces. It seems probable that he will exterminate the priest-led marauders.

P. S.—Accounts from Havre, (France), to the 12th Dec. have been received at Charleston. They leave the question of peace or war still in doubt, but rather encourage an idea that the former will be maintained. Despatches were daily expected from Madrid that would determine the matter: but both France and Spain seemed to be much engaged in military preparations.

Mina, to attack the French to his standard, is raising an army on the frontiers who wear the *tricolor cockade*.

The pope has refused to receive a minister from Spain.

Death of lieut. Allen.

OFFICIAL ACCOUNT.

United States' schooner *Alligator*,
MATANZAS, Nov 16th, 1822.

SIR—By the unfortunate death of lieutenant commandant Allen, it devolves upon me the duty of communicating to you the result of an attack on two piratical schooners, by the boats of the *Alligator*. When about coming to this harbor on the 8th inst. we were informed that two American vessels were captured by the pirates, in a bay round St. Hycacos, about 40 miles to windward of this place. We immediately stood out, taking with us the captain of one, and the mate of the other vessel, who had been sent here to ransom them; as also a small American schooner, which the captain and merchants were fitting out.

Early on the morning of the 9th, we discovered several vessels to an anchor among the Stone Keys,

near the cape, and a schooner getting under way the water being shoal, we came to an anchor and manned the boats.

In the *launch*, captain Allen, captain Freeman of the marines, the master of the merchant vessel before alluded to, and thirteen men.

In the *cutter*, lieut. Dale, the mate of the other vessel, and ten men.

In the *gig*, midshipman Henly, and four men.

In the small merchant schooner, acting lieut. Cunningham, the master of the schooner acting midshipmen Ball and Jenkins, and twenty men, including merchant sailors; leaving the *Alligator* in charge of acting sailing master V. M. Randolph, and eighteen men. The result of which you will perceive by the following extract from the log book.

At 9 30, the boats came within gun shot of the chase, when she commenced firing with round and grape, having the red flag at her mast head; 9 40, came close up with her under a heavy fire from her long guns and musketry, when they deserted her for another schooner, which had been firing on us about pistol shot to leeward; left midshipman Henly and four men on board the prize, the launch and cutter giving chase to the second schooner; 9 50, being close under the stern of the enemy, the men in the boats having suffered considerably by their fire, so as to impede their velocity, many of their oars being rendered unmanageable, dropped along side of the prize which had kept away after us; cleared away for action, and got the killed and wounded on board; perceived a third schooner, full of men, in shore, both of which made sail, and ran off. Stood out again for the *Alligator*: at meridian, came too along side of her, and sent the wounded on board.

Killed, James Denny, (O. S.) Thomas White, (S.)

Wounded, captain Allen, (mortally), since dead.

Elijah Place, (S) do.

John Phillips, (O. S.) dangerously.

John Stevens, (B. M.) severely.

Daniel Green, (S) do. do. do.

Captain Allen did a few hours after the action. The merchant schooner grounded before doubling the point; and, notwithstanding the active exertions of Mr Cunningham, she was unable to aid in the action.

Force of the enemy. First pirate, a schooner of 80 tons, mounting 1 long 12 pounder on a pivot; 2 long 6 pounders, two 3 pounders, and 2 swivels; 35 men.

Second pirate, a schooner of 60 tons, 1 long 18 pounder, 2 long 6 pounders; 60 men.

Third pirate, a schooner of 90 tons, 1 42 pound carronade, 1 long 18 pounder on a pivot, and 4 long 6 pounders; 30 men.

Besides the first pirate, we have recaptured, on this expedition, five American vessels, which were in their possession, viz: one ship, two brigs, and two schooners, all of which I have ordered into Charleston for adjudication, under charge of capt. Freeman of the marines.

By the preceding details, you may, at once, perceive the gallantry and heroic enterprise of my much lamented commander, and the good conduct of all. I cannot conclude this communication without bringing to your notice captain Freeman, of the marines, who volunteered his services, and whose coolness and bravery during the whole transaction, excited the admiration of all concerned, and to whose services since I am extremely indebted.

I have the honor to be, &c. J. M. DALE.

Commanding U. S. schooner *Alligator*.

P. S. By the best information I have been enabled to collect here, 14 of the pirates are killed, and several drowned in attempting to make their escape from the prize, I have also to inform you that we pulled 10 miles in the boats before we came up with the enemy.

J. M. D.

Hon. Smith Thompson, secretary of the navy.

P. S. A gentleman who was introduced to me by Dr. Watson, (whose name I do not recollect), told me that he was with lieutenant Allen, after he received his mortal wound, till his death. That he was all this time cheerful, and appeared satisfied to have sacrificed his life for his country. The only expression of regret or mental pain was that he should leave his mother and sister destitute; but he reconciled himself to separation from them with the hope that his country would take care of them. Almost with his last breath he commended them to the justice and humanity of the nation.

Statistics of Scotland.

Through the exertions of the justly celebrated Sir John Sinclair, the most perfect statistical view of the state of Scotland has been presented that we have ever seen of any country. We present the following condensed views of the tables lately published, as well to afford information about the country to which they relate, as by way of example to others interested in making out similar statements.

Extent. The main land contains 26,014 square miles; the Hebrides 2,904; the Orkneys 440; the Zetland isles 880—total 30,238 square miles, of which the fresh water lakes occupy 638. The largest of these is Loch Lomond, having a surface of 45 square miles.

Climate. On the east coast there were 135 days of rain or snow, and 230 fair; on the west coast 205 days of rain or snow and 160 fair. On the east coast there were 207 days with the wind south west and west; on the west coast, 197 from the point from east to west by north, and 139 from west to south.

Mountains. The highest is Bennevis, 4370 feet. The highest inhabited place in Scotland is Leadhills village, 1,564 feet above the level of the sea.

Rivers. The Tay, the largest, derives its waters from 2396 square miles of territory.

Proprietors—with real rents of 2,500l. and upwards 396; from 625 to 1,250, 1,077; under 625, 6,181; estates belonging to corporations 144. Total proprietors 7,798.

Cultivation. Acres fully and partially cultivated 5,043,450; uncultivated, including woods, &c. 13,900,550—total acres 18,944,000. The natural woods occupy 501,469 acres, and the plantations 412,226. Of the productive soil, 1,869,193 acres are of loams. The amount of acres employed and of the value of the various crops, is thus estimated:

	Acres.	Per acre.	Amount.
1. Grass lands,	2,489,725	at L2	L,4,979,450 0 0
2. Wheat,	140,095	at 11	1,540,045 0 0
3. Barley,	280,193	at 8	2,241,544 0 0
4. Oats,	1,260,362	at 7	8,822,534 0 0
5. Rye,	500	at 6	3,000 0 0
6. Beans and peas,	118,000	at 6	708,000 0 0
7. Potatoes,	80,000	at 8	640,000 0 0
8. Turnips,	407,125	at 4	1,628,500 0 0
9. Flax,	16,500	at 8	132,000 0 0
10. Gardens,	32,000	at 15	480,000 0 0

Productive acres,	4,824,500	Produce, L.	21,176,073 0 0
Fallow,	218,950		
Total cultivated,	5,043,450;	average	
per acre, including fallow, &c. nearly,			
Uncultivated, 13,900,550, including woodlands,			
3s. per acre,			2,035,082 20 0

Total land produce, L.23,211,155 10 0

The live stock and their produce are thus estimated and valued:

- Horses, 243,489, value of their work when full grown, or increase in their work while young, yearly, at L.10 each L.2,434,890 0 0
- Cattle, 1,047,142 annual value of dairy produce, and annual increase in the worth of the feeding cattle, at L.6 each, 6,282,852 0 0
1,425,433 10 0
- Sheep, 2,850,867, at 40s. each, 1,140,346 10 0
- Hogs, 500,000, produce, 30s. each, 1,500,000 0 0
- Lesser stock, poultry, &c. 250,000 0 0

Total produce of live stock, L.11,143,175 10 0

This sum is included in the general estimate of land produce already given.

Minerals. What is called the "great coal field" of Scotland, is 600,000 acres; of which 172 are annually consumed—the product 2,500,000 tons, valued at 6s. 8d. per ton—of which the cost of labor is equal to 5s. 10d. per ton, leaving for the proprietor 10d. per ton. The labor costs 1,729,166, the rent to the proprietors is 104,166. The lime annually manufactured is 3 millions of bolls or 12 millions of bushels—it is worth 2s. 6d. per boll—and 100,000 acres are annually dressed with lime. There are 21 blast furnaces for iron, they make 32,760 tons a year, worth 47 per ton, and employ 7,650 persons. The lead produced is valued at 2130,000—total value of mineral productions, 21,597,653.

The fisheries—the salmon and fresh water, the white sea fishery, the herring, whale and shell fish do. produce a value of 21,300,000.

Amount of territorial productions.

- Gross produce of land, L.23,211,155 10 0
- Minerals, 1,425,433 6 8
- Fisheries, 1,300,000 0 0

L.26,158,808 16 8

- The rents of lands, mines, fisheries, kelp, &c. for one year, ending 5th April, 1813 5,011,779 11 11

- Amount of produce absorbed by the expenses of cultivation, and the profit of farmers, gardeners, and other dealers in the productions of the soil, also by colliers, fishermen, &c. L.21,117,028 18 1

Manufactures of Scotland.

	Value of raw material	Total value of manufactured articles.	Expense of labor and profit.
1. Woollen,	L.300,000	L.450,000	L.150,000
2. Linnen,	834,149	1,775,000	940,851
3. Cotton,	1,832,224	6,964,486	5,132,262
4. Inferior branches,	1,300,000	5,000,000	3,700,000
	L.4,266,373	L.14,189,486	L.9,923,313

Commerce. Ships 2,708; tonnage 231,273; seamen 16,300, exports 4,740,239; imports 3,671,158.

The poor. Number of parochial poor only 36,000; average cost of each 3l. per ann.

Population. In 1755, 1,265,380; in 1811, 1,804,824—an average of 60 persons to the square mile.

Peerage—at the union, 1707, or allowed since, 159—extinct 41; merged in other titles 10; forfeited 26—remained 82. Of these only 52 voted at the last election for peers in parliament.

Representation—from 35 counties 30; freeholders in the counties 2,429; landholders entitled to vote 9,511—together 11,940 persons, sending 30 members to parliament. There are 65 boroughs which send 15 members.

Ecclesiastical state. Synods 16; presbyteries 78; parishes 893; number of established clergymen 938. Persons of the established church 1,407,524; others of presbyterian principles 256,000; baptists, &c. 50,000; Scotch episcopahans 28,000; Roman catholics 50,000; methodists 9,000; church of England 4000; Quakers 300.

Liveneue—at the union, 1,1707, 160,000; net revenue in 1813, 14,204,097 Scotland, according to population, pays as three to one compared with Ireland; yet she has only 5,000,000 cultivated acres, whereas Ireland has about 15,000,000. The latter has also the best soil and climate. But the moral and physical resources of Ireland are not employed as those of Scotland are.

Naval Peace Establishment.

HOUSE OF REPRESENTATIVES, JAN. 2, 1823.

Mr. Fuller, from the committee on naval affairs, delivered in the following report:

The committee on naval affairs, to whom was committed the message of the president of the United States, transmitting a plan for the peace establishment of the navy of the United States, communicated at the present session of congress, respectfully report:

Before the late war between the United States and Great Britain, several acts of congress, at different periods, established the amount and character of the naval force which was then deemed commensurate with our national resources and adapted to the state of our relations with foreign countries, existing or anticipated. The changes, however, were so frequent, and the efforts to increase our naval strength were so incessant, that it was found, in practice, unnecessary to limit the number of vessels to be constructed, except by a due appropriation of our fiscal means; and had these been greater at the period of the war, there is no doubt that the policy of our government would have increased our navy in equal proportion, at least, with our other military defences.

Since that war, which so fully developed to our country and the world the vigor and efficiency of the American naval character, even when we possessed only an inconsiderable number of officers and ships of war, our government has but fulfilled the wishes of the nation in adopting, and steadily adhering to, a liberal plan for the "gradual increase" and early respectability of our naval power.

The act appropriating the sum of eight millions of dollars to be employed in constructing nine ships of the line and twelve frigates, with a subsequent modification, extending the time for the accomplishment of the object, is still in force; and the ships proposed are in such a state of forwardness, that there is reason to expect their completion and equipment within the time contemplated, and without requiring additional appropriations.

While such has been our policy in regard to the construction of vessels of war, the executive, not being restrained by any provision of existing laws, has continued to increase, by occasional promotions, and by new appointments in the inferior grades, the number of officers in our naval service; yet, though the present number, in some of the grades, perhaps, exceeds the indispensable complement of the vessels already built, it falls far short of such complement for those which are in a train of speedy completion. The committee have also adverted to the circumstance, that a much larger number of sloops and small vessels of war will be wanted to form a just proportion to the ships of the larger classes, in the event of a contest with any maritime power. They would remark, also, as proved by the experience of other nations, perhaps even more than our own, that ships may be constructed and equipped in far less time, on the approach of war, than is requisite to discipline and train a corps of officers, to whom the command of them might be safely entrusted. The committee, therefore, believe that it is not expedient to diminish the present number of officers in service; and they are disposed especially to refer to the discretion of the executive, the expediency of increasing, to a reasonable extent, the number of midshipmen, as a class of officers to whom our future navy must look for experience, discipline, and nautical science. Advantage might be supposed to accrue to

the public service, by striking from the list of officers some whose age or infirmities render them no longer useful; but a power of so much delicacy ought never to be exercised by legislation. If its policy or justice were admitted, the executive is the only organ of the constitution, which, in the discharge of such a duty, possesses the competent means of information, and which ought, therefore, to assume the responsibility. Yet, it is believed, on no slight grounds, that the corps of naval officers in our service yield to no equal number of any nation in correctness of deportment and sobriety of habits, as well as in nautical skill, experience, and characteristic boldness.

A considerable expenditure will be saved by the provisions proposed in the organization of the several naval stations; and the recommendation of the department of the navy is deemed, by the committee, to be founded on just principles, in making a distinction between officers on shore and those who are either in active service, or for the most part remote from their families and their homes.

The medical department of the naval service has been fully considered by the committee, and they have had recourse to all the means of information in their power to discover the nature and extent of defects acknowledged to exist, for the purpose of proposing, if possible, an effectual remedy. They are fully convinced that appointments in that branch of service have hitherto been made with too little discrimination, and that many have entered it, who, on a due examination of their competency, would have been rejected. They are equally convinced that the pay and emoluments of surgeons and surgeons' mates, though perhaps sufficient to induce young practitioners to engage for a few years, with a view to avail themselves of the superior practical advantages to be found in the service, are very incompetent to retain in service many of the most able and faithful of the faculty. The compensation for the most learned, experienced, and useful surgeon, even after a life devoted to duty, is but little greater than that of a lieutenant; and his slender compensation is not, like that of the latter, submitted to for the present in prospect of approaching promotion. Neither honors nor increasing pay encourage him to improve in knowledge, and signalize himself by superior merit. Though many of the surgeons in our navy are men of skill and eminence, it is feared that many will abandon the service in disgust, and that, of those who remain, some of the most valuable are retained by the hope of a more suitable provision being made by an enlightened country. The committee believe that the sections in the bill, which they have submitted, will place the medical corps of the navy on such a basis as comports with the true interests of the service.

These are some of the considerations which have guided the committee in proposing a naval peace establishment, of the character and extent provided in the bill which accompanies this report. They are not so sanguine as to expect that all its details, though generally founded upon the recommendation of the secretary of the navy, assisted by the practical experience of the board attached to the department, will meet the concurrence of the house. It may be proper to state, that the proposition of establishing higher grades of rank than have heretofore existed, may be deemed by some inexpedient at this time; and the committee are led to acquiesce in the recommendation of the department, more with a view to the future condition of our navy, and to the part it must hereafter act, in

any conflict with a maritime power, than from an opinion that its present circumstances render the measure indispensable. Even in peace, however, they are of opinion that superior rank, in the naval as well as in the military service, will be conducive to subordination and wholesome discipline; and the inconsiderable addition of expense which it involves, ought not to present an obstacle to the attainment of an obvious benefit.

The committee are far from intending, by the measure now proposed, to arrest the progress, or to retard the development of our naval resources, so far as may correspond with the just views of policy, and the sound discretion of our government; and they would hesitate to recommend its adoption at the present session of congress, did they not deem its tendency propitious to that progress, and to those views. But, in case it should be found otherwise, it will be perceived by those who shall hereafter be entrusted with the regulation of our maritime defences, and the error, when discovered, will, without doubt, be promptly corrected.

{The report has not yet been acted on.}

Thompson's Island.

Navy Department, December 29th, 1822.

Sir: The secretary of the navy, to whom has been referred the resolution of the house of representatives, of the 20th instant, requesting the president of the United States to inform the house "what appropriation will be required to enable him to fortify Thompson's Island, usually called Key West, and whether a naval depot established at that Island, protected by fortifications, will not afford facilities in defending the commerce of the states, and in clearing the Gulf of Mexico, and the adjacent seas, of pirates," has the honor to report: That the geographical situation of the island referred to in the resolution, has, for some time past, attracted attention and been considered peculiarly important, both as a military position, and in reference to the commerce of the United States.

The commander of one of our public vessels, cruising in that quarter, was, accordingly, directed, last winter, to touch at this island, and take possession of it as a part of the territory ceded by Spain to the United States, and to make such general examination as might be useful in forming an opinion of the advantages of the place, and the propriety of a further and more particular survey. From the report of lieut. commandant Perry, who was charged with this duty, it has been satisfactorily ascertained, that this position affords a safe, convenient, and extensive harbor for vessels of war and merchant vessels. His instructions, however, did not require him to make so minute a survey as was necessary, in order to judge of the extent to which this place might be safely and advantageously occupied and improved as a naval depot.

Captain Patterson has since been instructed to make a further examination and survey, and is now engaged in that business; his report may be expected before the adjournment of congress. There can be no doubt, however, of the importance of this island, and its contiguous waters, in various points of view. The harbor affords a safe and convenient rendezvous for our public vessels, cruising in the West Indies and the Gulf of Mexico; and the island is a very suitable depot for provisions and supplies. From the peculiar dangers of the navigation along the coast and among the Florida Keys, our merchant vessels are frequently driven, by distress, to seek a harbor; and, for want of one in our

own waters, are under the necessity of making a port in the Island of Cuba, which subjects them to considerable additional expense. This island, also, affords a very eligible depot for wrecked property, and which is highly necessary and advantageous, where the navigation is attended with so many dangers and difficulties. We are, at this time, in a great measure, dependant on the wreckers of New Providence, for the protection of our property in case of shipwreck. This not only gives employment to a great number of foreign vessels and seamen, but it subjects our merchants to heavy expenses. These are some of the obvious benefits of this position in time of peace; but its advantages in time of war, with any European power having West India possessions, are still more important, both as it respects the protection of our own commerce, and the annoyance of our enemy. An enemy, with a superior naval force, occupying this position, could completely intercept the whole trade between those parts of our country lying north and east of it, and those to the west, and seal up all our ports within the Gulf of Mexico. It may, therefore, be safely answered, to one branch of the inquiry made by the resolution, that, if this island is susceptible of defence, a naval depot established there would afford great facility in protecting our commerce, and aid in the suppression of piracy. But this department has not the means, at present, of forming any estimate of the appropriation necessary for protecting and defending this position by permanent fortifications, or of determining whether it is even practicable. It is believed, however, that it is susceptible of such defence, at an expense that would be justified by the importance of the place; but to form any tolerably satisfactory estimate of the amount, an accurate survey, and calculation by competent engineers, is indispensably necessary.

This island is considered so advantageous and convenient a place of rendezvous for our public vessels on the West India station, that it is intended to make it a depot for provisions and supplies, for the expedition against the pirates, lately authorized by congress, to be secured in temporary buildings, under the protection of a guard of marines. All which is respectfully submitted.

SMITH THOMPSON.

The President of the United States.

Seventeenth Congress--2nd session.

IN THE SENATE.

January 23. The following message was received from the president of the United States, by his private secretary:

To the senate of the United States:

In compliance with a resolution of December 12th, 1822, requesting that the president would cause to be laid before the senate, a statement exhibiting the amount, in the aggregate, of the goods, wares, and merchandise, exported from the United States to France, and imported from thence, in each year, from and after the year 1814 to the year 1820, discriminating in the exports between the articles of the growth, produce, or manufacture of the United States, and those of foreign countries; and, also, stating the national character of the vessels in which such exports and imports have been made, I transmit a report from the secretary of the treasury, which contains the information desired.

Jan. 22, 1823.

JAMES MONROE.

The message was read, and, with the accompanying documents, ordered to be printed.

The following message was also received from the president of the United States, and read:

To the senate of the United States:

To carry fully into effect the intentions of congress in making an appropriation of 5000 dollars, by the act of the 14th of April, 1820, for the survey of the Ohio and Mississippi rivers, from the rapids of the Ohio, at Louisville, to the Balize, for the purpose of facilitating and ascertaining the most practicable mode of improving the navigation of those rivers, orders were given, through the proper department, to the board of engineers, to examine and survey the said rivers, with reference to those objects, and to report their opinion thereon, which they have done, and which report I now communicate for the information of congress.

Jan. 22, 1823.

JAMES MONROE.

January 24. Mr. Eaton submitted the following resolution:

Resolved, That the secretary of the treasury be requested to inform the senate of any loans of money, to any amount, and the purpose for which the same have been made, from the treasury to any individuals or banking institutions, since the first day of January, 1818, and, if any, whether such loans, so made, have yet been repaid, or in any manner adequately secured, so that the government will ultimately be satisfactorily secured.

The president communicated to the senate a report of the secretary of war, exhibiting the expenditures for the contingent expenses of the military establishment for the year 1822.

The remainder of the day was chiefly occupied on local business, or matters that will hereafter appear in course.

January 25. The senate did not sit this day--(Saturday).

January 27. Among the petitions presented to-day, was one by Mr. Findlay, from the president and directors of the bank of the United States, praying certain amendments in the charter of the bank.

Agreeably to notice given on Friday, Mr. Lloyd, of Mass asked and obtained leave, and introduced a bill for the erection, in the burial ground at Washington, of a monument over the tomb of Elbridge Gerry, deceased, late vice president of the United States; and the bill was read.

The other business transacted will sufficiently appear hereafter. At an early hour, the senate went into the consideration of executive business.

January 28. Mr. Taylor, of Virginia, from the committee to whom the subject was referred, reported a resolution to amend the constitution of the United States, being a new draft as a substitute for the former one. [The resolution is long, and its substance being already given, we shall, at least, postpone the insertion of it].

A number of private bills were passed--the senate spent some time on executive business, and then adjourned.

January 29. A letter was laid before the senate by the president, from Mr. Rodney, resigning his seat in consequence of being appointed minister plenipotentiary to Buenos Ayres, &c.

The senate took up the resolution, offered on Friday last, by Mr. Eaton, of Tennessee: [as inserted above.]

Mr. Lowrie suggested that the resolution should be so framed as that the practice of the treasury, in regard to transfers of deposits, should be disclosed back to the year 1800. Mr. Eaton consented--and the resolution was agreed to.

HOUSE OF REPRESENTATIVES.

Thursday, Jan. 23. Mr. Lefevre offered the following resolution, which, from its nature, lies on the table one day of course:

Resolved, That the president be requested to communicate to this house the number of persons, and the amount due from each, whose compensation has been withheld or suspended in pursuance of the laws prohibiting payment to persons in arrears to the United States; whether the amount withheld has been applied, in all cases, to the extinguishment of their debts to the government; whether said laws have been enforced in all cases against securities who are liable or accountable for the payment of any arrears due; whether any accounting or disbursing officer, within the knowledge of the president, has given conclusive evidence of his insolvency; if so, is he still in the employ of the United States? [Agreed to next day.]

The resolution of Mr. Conkling, yesterday laid on the table, instructing the select committee appointed on the subject of making "French crowns and five franc pieces a legal tender in the United States; to inquire into the expediency of continuing in force the act concerning the mint, approved March 3, 1801," was taken up, and modified to read as follows:

Resolved, That the committee appointed on the 13th inst. to inquire into the expediency of continuing in force the law making the crowns of France and five franc pieces a lawful tender, be also instructed to inquire into the expediency of continuing in force the law, entitled "an act concerning the mint," approved March 3d, 1801; and whether it be expedient to make any amendment in the laws regulating the coins of the United States; and, also, to inquire into the expediency of making the gold coins of Great Britain, Portugal, France, and Spain, receivable in payment of debts due the United States, at their intrinsic value; and that the said committee have leave to report by bill or otherwise.

The resolution was then agreed to.

On motion of Mr. Sterling, of New York, the house took up the resolution, laid on the table some days ago, relative to the Canada trade, when the amendment proposed by Mr. Walworth to it was withdrawn, in order to give Mr. S. an opportunity of submitting his amendment, to read as follows:

Resolved, That the committee on commerce be instructed to inquire and report to this house, whether the provisions of an act of the parliament of Great Britain, passed the 5th day of August, 1822, so far as they impose certain duties upon the products of the United States, passing into Lower Canada, down the river St. Lawrence, or otherwise, with a view to exportation, are not repugnant to existing treaties between this country and Great Britain, or a violation of our right to the free navigation of the river St. Lawrence, or a free island trade with the Canadas; and what measures are expedient to be taken to obtain a repeal or modification of said act, or of any other act of parliament, so far as their provisions shall be found detrimental to our commerce, or repugnant to rights secured to us by treaty or national law, or what countervailing provisions may be expedient on the part of the United States.

Mr. Sterling supported the resolution in a speech of considerable length. He quoted the act of parliament, at large, imposing duties on goods from the United States exported to, or in transit through, Canada, saying--"It will be thus perceived, that this act of the British parliament asserts the right to tax, at pleasure, all our produce thus transported, and of course to make our commerce upon these waters an instrument of revenue, or entirely to destroy it by impositions of such enormous duties as would amount to an actual prohibition.-- And what, sir, is the nature and extent of our commerce, thus shackled and interrupted by this regulation? It may not be great, compared with that of the nation, but it is necessary and valuable to those interested, and whose rights are as much to be respected, and as strongly sustained, as though they filled a greater space in the eyes of the union. To show that this commerce is not inconsiderable, nor undeserving the encouragement of the government, Mr. S. read a statement of the exports from the lake ports interested, viz:

For the year 1816	\$2,552,324
Do. 17	1,981,871
Do. 18	1,356,039
Do. 19	1,493,052
Do. 20	1,562,661
Do. 21	1,180,991
Do. 22	1,228,963

A great share of this commerce consisted of the articles upon which heavy duties were laid by the act of parliament of the 5th of August last. Flour

and lumber were two of the most heavy and profitable articles in the list thus taxed, and virtually prohibited from being hereafter transported down the river St. Lawrence. Thus, it is seen, that this obnoxious act of August last, has a most destructive operation upon this commerce, and appears in the light of a bold assumption on the part of Great Britain to deprive us hereafter of the right to transport our products to market upon the waters of the St. Lawrence."

The resolve was agreed to without further opposition or debate.

Friday, Jan. 24. Many reports on private petitions, &c. were received, and variously disposed of.

Mr. *Newton*, from the committee of commerce, reported a bill for creating certain collection districts in the states of Kentucky, Ohio, Indiana, Illinois, and Missouri, and for modifying certain parts of the act of the 3d of March, 1799, entitled "an act to regulate the collection of duties on imports and tonnage;" which was twice read and committed.

Mr. *Wood*, after some remarks, submitted the following resolution:

Resolved, That the secretary of the treasury be requested to lay before this house, as soon, conveniently, as he can, a statement of all the cases in which the invoices admitted by the collectors of the customs in estimating the ad valorem duties, and the estimates of the value of the goods made by the public appraisers on the entry of the said goods from foreign ports, have been adjudged too low by a subsequent inspection under the seventh section of the act, entitled "an act supplementary to an act, entitled 'an act to regulate the collection of duties on imports and tonnage,' passed April 20th, 1818; also, the places where, and the persons by whom, the different valuations have been made; also, to state what has been the practical operation of the said seventh section; also, whether any, and, if any, what, parts of entry might be abolished without injury; and whether any, and, if any, what, alterations are necessary and proper in the laws for the collection of the revenue.

This resolution was agreed to without a division.

Mr. *Moore*, of Alabama, offered the following resolution, prefacing it with a number of explanatory remarks:

Resolved, That the committee on the public lands be instructed to inquire into the expediency of introducing a bill more effectually to prohibit receivers of public moneys and registers in land offices from purchasing public land, either directly or indirectly, in their own land district, at either private or public sale.

The resolve was then adopted.

The house took up the bill for the occupation of the mouth of the Columbia river. Many amendments were suggested, &c. The house adjourned without acting definitively on the bill—previous to which, on the motion of Mr. *Condict*, the committee appointed on the letter of Gales & Seaton, obtained leave to sit to-morrow during the sitting of the house.

The select committee appointed, on the motion of Mr. *Rocheater*, to inquire into the expediency of continuing in force the law making the crowns of France and five franc pieces a legal tender, in the United States; amending the laws regulating the coins of the United States; and of continuing in force "an act concerning the mint;" and also to inquire whether it be expedient to make the gold coins of Great Britain, Portugal, France, and Spain, receivable, in payment of debts due the United States, are Mr. *Rochester*, Mr. *Tomlinson*, Mr. *Alexander Smyth*, Mr. *Sergeant*, Mr. *Sloane*.

Saturday, Jan. 25. The house was some time occupied on the bill for the better organization of the circuit court in Louisiana—much debate took place—at last, being amended, it was ordered to be engrossed for a third reading.

The *Speaker* laid before the house a letter from the president of the United States, relative to the "convention concluded and signed at St. Petersburg, under the mediation of his imperial majesty, the emperor of all the Russias," transmitting there-

with the copies of the exchanged ratifications with the respective powers, parties to the treaty; which were referred to the committee of ways and means.

The *Speaker* communicated a letter from the secretary of the treasury, transmitting a report in relation to fines imposed on citizens of Virginia, for the non performance of militia duty, during the late war, made in obedience to a resolution of the 7th instant; which was read, and, on motion of Mr. *McCoy*, referred to a select committee.

The *Speaker* also laid before the house, a letter from the comptroller of the treasury, transmitting the following documents, viz:

1. A list of accounts, in relation to the old *internal revenue and direct tax*, which have remained unsettled, or on which balances appear to have been due more than three years, prior to the 30th September, 1822.

2. A similar list in relation to the *late direct tax*.

3. A list of accounts which have remained unsettled, or on which balances appear to have been due from the receivers of public moneys more than three years, prior to the 30th September, 1822.

4. A list of officers who omitted to render their accounts for settlement within the year ending the 30th September, 1822; which letter and documents were ordered to lie on the table.

The *Speaker* further laid before the house, a letter from the secretary of war, transmitting a statement shewing the expenditures of the moneys appropriated for the contingent expenses of the military establishment for the year 1822; which was referred to the committee of ways and means.

The house then again resumed the consideration of the bill for the occupancy of the mouth of the Columbia river, that being the unfinished business of yesterday, the pending question being on the indefinite postponement of the bill.

Mr. *Woodson*, of Ky. gave his reasons at some length on the general merits of the bill, and advocated the propriety of the proposed occupancy of that post.

Mr. *McKim* also submitted his views of the bill, and briefly commended the wisdom of the policy of protecting our commerce on the Pacific ocean, and on planting a military post somewhere on the borders of the Pacific for that purpose. He argued also against the impossibility of transporting thither a force commensurate to the protection of the commerce on those seas, and obviated difficulties which gentlemen had suggested would be found to exist on the passage of troops to that post.

Mr. *Cambreling* said, that he had not intended to trouble the house upon the question, but gentlemen had furnished such vast commercial details, and described such vast commercial advantages, as likely to result from the establishment of a military post on the Pacific ocean, he thought it proper to express his opinion, that one frigate on that ocean would afford a better protection to our commerce, than twenty fortifications on the coast. In truth, he said, the question for the house to determine, was, whether congress would appropriate one, two, three, four, perhaps, five hundred thousand dollars annually, to protect the India trade beyond the mountains. Gentlemen should reflect upon the consequences likely to result from the passage of the bill. He had, he said, a strong individual interest in the question. He was intimate with, and had a high respect for Mr. Astor, a gentleman not more distinguished for his wealth, than for his enterprize and intelligence. But, the interest of the nation was a paramount consideration, and, before gentlemen were ready to pass this bill, that

mighty question was to be settled, whether we should establish a government of any kind, and at any time, on the borders of the Pacific? For his part, he considered the question of such magnitude, he should not be prepared to vote upon it, until it had been discussed for at least five sessions. He, therefore, hoped it would be postponed.

The question again recurring on the indefinite postponement—

Mr. *Enstis* stated his opposition to this disposition of the bill—he dwelt some time on its merits, and thought it a matter of great importance, &c. Mr. *Breckenridge* opposed the bill—he thought the scheme a visionary one, and prejudicial to the public interest. Mr. *Rhea* also opposed the bill. It was laid on the table—76 to 61. Adjourned.

Monday, Jan. 27. Between 50 and 60 petitions were presented this day.

Mr. *Wright* offered the following resolutions of the legislature of the state of Maryland, which were read.

By the house of Delegates, Jan. 11, 1823.

Whereas a system of internal improvement, confined to great national purposes, with proper limitations, would be productive of eminent advantages to the people of the United States; would promote the general welfare, and tend to secure a more perfect union; and whereas doubts may and do exist whether the congress of the United States have the power to adopt a system; therefore,

Resolved, by the general assembly of Maryland, That the senators and representatives of this state in the congress of the U. States, be requested to use their best exertions to procure such an amendment to the constitution of the United States as will give congress power to adopt and execute a system of internal improvement, to be confined to great national purposes, with proper limitations.

Resolved, That the governor be, and he is hereby, requested to cause a copy of this resolution to be transmitted to each of the senators and representatives of this state in congress.

By order: JOHN BREWER, Clerk.

A petition was presented praying an outfit for John Cleves Symmes, that he might penetrate the polar circle, according to his theory of the formation of the earth. Mr. *Johnson*, of Ky. moved to refer it to the committee on foreign relations—Mr. *Archier* proposed to refer it to the committee on commerce, his view being to establish a trade with the interior inhabitants of the earth. It was laid on the table.

The engrossed "bill for the better organization of the district court of the United States, within the district of Louisiana," was read a third time, passed, and sent to the senate for concurrence.

The house then, on motion of Mr. *Bassett*, proceeded to the consideration of the amendments of the senate to the bill concerning the disbursement of public moneys.

On motion of Mr. *Tomlinson*, it was

Resolved. That the committee on commerce be instructed to inquire whether it be expedient so to amend the act entitled "an act to regulate the collection of duties on imports and tonnage," as to abolish the office of measurer, to provide that the duties heretofore performed by the measurers, in virtue of said act, shall be performed by inspectors, and prohibit the allowance of any additional compensation to inspectors for measuring.

After debate, the bill, as amended, was passed, and only wants the signature of the president to become a law.

Mr. *Floyd* moved that the house proceed to the consideration of the bill, now lying on the table, to provide for the occupation of the mouth of the Columbia.

Mr. *Chambers*, of Ohio, required the yeas and nays to be taken on this question, in order to de-

termine, by that test, whether the house were really determined to act upon the subject at the present session.

The question on taking up the bill was accordingly decided, by yeas and nays, as follows:

YEAS—Messrs. Allen, Archer, Barber, of Conn. Baylies, Bayly, Burrows, Carter, Colden, Conking, Cuthbert, Durfee, Eddy, Enstis, Findlay, Floyd, Forward, Hamilton, Herrick, Hill, Holcombe, Hubbard, F. Johnson, J. T. Johnson, Jones, of Va. Jones, of Tenn. Keyes, Little, McKim, McLane, Mallory, Metcalf, Moore, of Va. Moore, of Alab. Morgan, Nelson, of Mass. Newton, Pitcher, Reed, of Mass. Reed, of Geo. Rochester, Russ, Ruggles, Russell, Sanders, Scott, Arthur Smith, Alex. Smyth, A. Stevenson, Tattall, Thompson, Trimble, Vance, Van Wyck, Walker, Walworth, Whipple, White, Williamson, Woodcock, Woodson, Wright—61.

NAYS—Messrs. Abbot, Alexander, Allen, of Tennessee, Ball, Barber, of Ohio, Barstow, Bassett, Bate-man, Borland, Breckenridge, Brown, Buchanan, Butler, Cambreling, Campbell, of New York, Campbell of Ohio, Cannon, Casady, Chambers, Cooke, Condict, Conner, Cook, Crafts, Cushman, Dane, Darlington, Demison, Dickinson, Dwight, Edwards, of Conn. Edwards, N. C. Farrelly, Forrest, Garnett, Gilmer, Gist, Gross, Hall, Hardin, Harris, Harvey, Hawks, H.umphill, Hobart, Hooks, Ingham, Jennings, J. S. Johnson, Kent, Lathrop, Leftwich, Lincoln, Litchfield, McCarty, McCoy, McNeill, McSherry, Matson, Martocks, Mercer, Mitchell, of Penn. Montgomery, Murray, Neale, Nelson, of Md. New, Patterson, of N. York, Patterson, of Penn. Phillips, Pierson, Plumer, of Penn. Rankin, Reed, of Md. Rhea, Rich, Rodney, Rogers, Russ, Sergeant, Sloane, W. Smith, Sterling, of Conn. Sterling of N. York, J. Stephenson, Stewart, Stoddard, Swan, Taylor, Tod, Tomlinson, Tracy, Tucker, of S. C. Udree, Upham, Van Rensselaer, Williams, of Va. Williams, of N. C. Wilson, Wood—100.

So the house refused to take up the bill.

Mr. *Hemphill* moved to take up the bill for authorizing the president to cause to be procured surveys and estimates for certain roads and canals.

On this motion, Mr. *Walworth* required the yeas and nays, in order to ascertain, in that manner, whether the house was disposed to act upon the subject, at the present session, or not.

The yeas and nays were taken accordingly, and there were—For taking up the bill, 89; against it, 69. So the house agreed to take up the bill.

Mr. *Wood*, of N. Y. delivered, at considerable length, his views adverse to the bill, on the ground of its alleged unconstitutionality.

Mr. *Farrelly*, of Penn. delivered his sentiments in favor of the bill. When,

On motion of Mr. A. *Smyth*, of Virginia, the bill was again laid on the table for the present.

The *Speaker* laid before the house a letter from the president of the United States, communicating to congress information relative to that part of the letter of Mr. *Prevost* which relates to the establishment of Columbia river, and what information he had in his possession relative to arrangements made about the year 1814, by the Northwest company, with the proprietors of a settlement, made by the citizens of the U. S. at the mouth of Columbia river, by which that company became possessed of that settlement; which letter was read and ordered to lie on the table.

The *Speaker* likewise communicated a letter from the secretary of the navy, transmitting an estimate of the cost of materials and workmanship deemed necessary for the completion of the docks and wharves contemplated to be constructed at the navy yard, together with a model of com. Rodgers's marine rail way; which was read and referred to the committee on naval affairs; also,

Another from the secretary of the treasury transmitting a list of the several amounts of moneys which have arisen from the sales of public lands in the states of Ohio, Indiana, Mississippi, Illinois, Alabama, and Missouri, appropriated by law for opening roads and canals leading to said states; which was read and ordered to lie on the table; and, also,

Another from the secretary of the treasury, transmitting a statement exhibiting the amount of drawback, payable on merchandise exported from the United States, during the years ending on the 31st

day of December, 1819, 1820 and 1821, compared with the amount of duties which accrued on the same respectively; which letter was read and ordered to lie on the table. The house adjourned.

Tuesday, Jan. 23. The speaker laid before the house a letter from the governor of the state of Maryland, enclosing, in obedience to a resolution of the general assembly of the state of Maryland, a copy of the report of the commissioners appointed by the executive of Maryland and Virginia, to survey the river Potomac. Read and committed.

Mr. *Hemphill*, (leave being granted), presented a memorial of the president and directors of the bank of the United States, on the part of the stockholders of the said bank, stating certain grievances under which they labor, arising from defects and omissions in the act for their incorporation; which was referred to a committee appointed on the 20th inst. relative to banks.

Mr. *McLane* reported a bill making appropriations for the support of government, for the year 1823; also, a bill making appropriations for the support of the navy of the United States, for the year 1823; which were twice read, and committed.

Mr. *Watworth*, from the committee on military affairs, which was instructed to inquire into the expediency of allowing to officers of the army a salary or stated sum of money, per year, instead of pay and emoluments, as now allowed by law, made a report adverse to the proposed change; which was read and ordered to lie on the table.

Mr. *Cocke* then gave notice that he should, on Monday next, move for leave to introduce a bill to allow officers of the army a salary or stated sum of money per year instead of pay and emoluments, as now by law allowed.

Mr. *Stevenson* reported a bill relative to the claims of the heirs of Beaumarchais, which, after some debate, was referred to a committee of the whole, by a small majority.

Mr. *Cocke* moved that the house resolve itself into a committee of the whole on the bill concerning revolutionary pensions.

Mr. *Trimble* wished to know what was the pressing necessity for taking up this particular bill in preference to other bills on the table.

Mr. *Cocke* explained that this bill contemplates providing for those persons whose application to the war department for revolutionary pensions were rejected in consequence of the largeness of their property and who have since become poor indeed. The bill proposes to authorize an examination into their claims agreeably to the rules laid down by law, and to do away the effect of an opinion of the attorney general, (which Mr. C. contended was contrary to the actual laws), which determines that, when a claim for a pension is once rejected, no circumstance will justify a re-examination of it. He added, that a bill on the subject, precisely similar to this, passed this house at the last session, by a large majority. The 4th of March is the day of semi-annual payment of pensions, and, if the bill be not soon acted on, its effect will be postponed for six months longer.

Mr. *Trimble* having waved his objection, the house resolved itself into a committee of the whole, who rose and reported the bill to the house, when several amendments were offered and debated until half past 4 o'clock, when the house adjourned.

Wednesday, Jan. 29. Mr. *Poinsett* appeared and took his seat. Many reports were received and resolutions submitted—of no present interest to no-

tice. It was agreed, 63 to 62, that the hour of meeting should hereafter be 11, instead of 12 o'clock.

The house referred, 111 to 42, to take up the bill to authorize the president to cause certain surveys, &c. to be procured.

Several bills were read and referred, &c.

Mr. *Tad* moved that the house do in preference resolve itself into a committee of the whole on the bill for the more effectual protection of manufactures, (new tariff bill).

The question being taken on this motion, it was negatived—84 votes to 61.

The bill to amend the revolutionary pension act was taken up, a nended and ordered to be engrossed and read a third time.

Mr. *Tad* then again moved that the house do go into a committee of the whole house on the state of the union, with a view to take up the bill for the more effectual protection of manufactures. The motion to go into committee of the whole was agreed to; and Mr. *Tomlinson* was called to the chair.

After which it was agreed to take up the bill, as proposed by Mr. *Tad*, 82 to 54.

The first section being read, Mr. *Cambreleg* rose and made some pointed objections to that part of the bill that related to coarse woollens, and submitted a statement, (which was afterwards ordered to be printed). Mr. *Tad* replied to Mr. C. and made some general remarks on the subject, &c. The committee rose at the usual hour, &c.

THURSDAY'S PROCEEDINGS—JAN. 30.

In the senate—The president communicated a letter from the secretary of state transmitting copies of the digest of manufactures, prepared and printed by order of a joint resolution of congress, of the last session.

The day was spent in discussing subjects that have already been noticed, or will appear in their course.

In the house of representatives—a good deal of what may, perhaps, be called *miscellaneous* business was attended to. The bill supplementary to acts respecting revolutionary pensions was passed, by yeas 151, nays 14. The house, in a committee of the whole, further discussed the bill for the more effectual protection of domestic manufactures. Messrs. *Holcombe* and *Barnes* supported, and Messrs. *Tatnall*, *A. Smyth*, and *Cambreleg* opposed the bill—and then the house adjourned, Mr. *Cook* having the floor to-morrow.

[A more particular report of this day's proceedings will be given in our next, by way of record.]

Yesterday's *Intelligencer* contains a report of the committee to whom the investigation of certain charges against Messrs. *Gales* and *Seaton*, relative to the suppression of certain parts of a letter, or document, were referred. The whole affair occupied five of the heavy columns of their paper.

In respect to the paragraph suppressed or omitted, (which is crossed diagonally by pencil marks), the committee say they are "obliged to confess, (and they do it with regret), that they have obtained no satisfactory information," as to the person who caused it. They fully acquit Messrs. *Gales* and *Seaton* of any part or lot in the matter, and express their entire belief that it was not "caused either by the influence of the secretary of the treasury, or was done with his knowledge"—concluding with a resolution that they should be dismissed from a further consideration of the subject. We have not time nor room for a more particular notice of this affair just now.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

The communication from the Boston "Merchant," acknowledged in our last, is inserted in the present sheet. We have also one on hand from our correspondent "T" on the same subject, and on the balance of trade—which must be laid over for our next paper:

"FALSE CORRECTION." In some of the numbers issued last Saturday, in the first col. of page 339, line 24, "British cottons," was printed for *British bottoms*; and in page 340, what was meant to shew the states *decidedly* for a new tariff, were said to be "decided by for" such a tariff.

THE SUPREME COURT OF THE U. S. commenced its annual session at Washington on Monday last—present chief justice *Marshall*, and justices *Washington*, *Livingston*, *Duval* and *Story*. Judge *Johnson*, was immediately expected; but judge *Todd* was detained at home by sickness.

Besides some of the members of congress, who are occasionally in attendance, the following gentleman appeared as counsel: Messrs. Webster and Blake, of Massachusetts; Mr. Pitman, of Rhode Island; Messrs. Emmet, Ogden, Oakley and Wheaton, of New York; Mr. Cheves, of Pennsylvania; Messrs. Winder and Hoffman, of Maryland; Messrs. Clay and Rowan, of Kentucky; Messrs. Wright, Hammond and Whittlesy, of Ohio.

RODGERS' MARINE RAIL-WAY. We have read with much interest, the message of the president of the United States, on the subject of com. Rodgers' "marine rail way or inclined plane," and, though the article is a pretty long one, we intend soon to have the pleasure of laying it before the readers of the REGISTER, that they may with us pay a homage of respect to the veteran for services rendered to his country.

NAVAL. We have "an exhibit shewing the number of commission and warrant officers of each grade, necessary to command in active service, the vessels of war at this time belonging to the navy, including those afloat and those on the stocks and building."

The whole amount of vessels is thus stated—12 ships of the line, 9 of 44 guns, 3 of 36 guns, 1 steam frigate, 1 ship of 24 guns—for each of which there is assigned a captain; 5 sloops of war, with masters commandant; 2 brigs and 5 schooners, under lieutenants commanding. For the steam boat and small schooners now fitting out for a special expedition, there are required 1 master commandant, 10 lieutenants commanding, 23 lieutenants, &c.

The whole amount including the officers required for the navy yards, the board of commissioners, and the special expedition now fitting out, is as follows:

Captains 39; masters commandant 12; lieutenants commanding 18; other lieutenants 249; sailing masters 69; midshipmen including those acting as master's mates 687; surgeons 36; surgeons mates 97; pursers 47; chaplains 25; schoolmasters 12; boat-swains 38; gunners 38; carpenters 38, sail makers 30—without any allowance for sickness or casualties.

NEW WORK. Messrs. M. Carey & Lea, of Philadelphia, have just published a work under this title:—"Account of an expedition from Pittsburg to the Rocky Mountains, performed in the years 1819 and 1820, by order of the secretary of war, under the command of major Stephen H. Long."

It makes two handsome volumes, octavo, and is accompanied with a beautiful atlas, containing maps and prints elegantly executed. The compiler is Dr. *Edwin James*, botanist and geologist to the expedition, and the compilation is made from the notes of the author, and of major *Long*, Mr. *T. Say*, and other gentlemen, of the exploring party. It is a very valuable work, and abounds with interesting information of the manners and habits of the Indians, and the geography, geology, botany of the regions traversed, with ample notices of its animals, natural curiosities, &c. It will, no doubt, be extensively read. Those whose opinion is much to be respected, have spoken of it as being very superior in its composition to the usual works of its nature, which, of necessity, must have some dry details of facts, not subject to embellishment.

We present to our readers a short extract from the work:

"The Pawnee Loups, heretofore exhibited the singular anomaly, amongst the American natives, of a people addicted to the inhuman, superstitious rite, of making propitiatory offerings of human victims to *Venus*, the *great star*. The origin of this sanguinary sacrifice is unknown: probably it existed previously to their intercourse with the white traders. This solemn ceremony was performed annually, and immediately preceded their horticultural operations, for the success of which it appears to have been instituted. A breach of this duty, the performance of which they believed to be required by the great star, it was supposed would be succeeded by the total failure of their crops of maize, beans, and pumpkins, and the consequent total privation of their vegetable food.

"To obviate a national calamity so formidable, any person was at liberty to offer up a prisoner of either sex, that by his prowess in war he had become possessed of.

"The devoted individual was clothed in the gayest and most costly attire; profusely supplied with the choicest food, and constantly attended by the Magi, who anticipated all his wants, cautiously concealed from him the real object of their sedulous attentions, and endeavored to preserve his mind in a state of cheerfulness, with the view of promoting obesity, and thereby rendering the sacrifice more acceptable to their *Ceres*.

"When the victim was thus sufficiently *fattened* for their purpose, a suitable day was appointed for the performance of the rite, that the whole nation might attend.

"The victim was bound to a cross, in the presence of the assembled multitude, when a solemn dance was performed, and, after some other ceremonies, the warrior, whose prisoner he had been, cleaved his head with the tomahawk, and his speedy death was insured by numerous archers, who penetrated his body with their arrows.

"A trader informed us that the squaws cut pieces of flesh from the deceased, with which they greas-

ed their *loes*; but this was denied by another, who had been present at one of these sacrifices. However, this may be, the ceremony was believed to have called down a blessing upon their labors of the field, and they proceeded to planting without delay.

"The present mild and humane chief of the nation, Latelesba, or *knife-chief*, has long regarded this sacrifice as an unnecessary and cruel exhibition of power, exercised upon unfortunate and defenceless individuals, whom they were bound to protect, and he vainly endeavored to abolish it by philanthropic admonitions.

"An Ietan woman who was brought captive into the village, was doomed to the great star by the warrior whose property she had become by the fate of war. She underwent the usual preparations, and on the appointed day was led to the cross amidst a great concourse of people, as eager, perhaps, as their civilized fellow men to witness the horrors of an execution. The victim was bound to the cross with thongs of skin, and the usual ceremonies being performed, her dread of a more terrible death, was about to be terminated by the tomahawk and the arrow. At this critical juncture, Petalesharoo, (son of the knife-chief), stepped forward into the area, and, in a hurried but firm manner, declared that it was his father's wish to abolish this sacrifice; that for himself, he had presented himself before them, for the purpose of laying down his life upon the spot, or of releasing the victim. He then cut the cords which bound her to the cross, carried her swiftly through the crowd to a horse, which he presented to her, and having mounted another himself, he conveyed her beyond the reach of immediate pursuit; when, after having supplied her with food, and admonishing her to make the best of her way to her own nation, which was at the distance of at least four hundred miles, he was constrained to return to his village. The emancipated Ietan had, however, the good fortune, on her journey of the subsequent day, to meet with a war party of her own people, by whom she was conveyed to her family in safety."

BROOKS' GAZETTEER. A new edition of this celebrated work, considerably enlarged, and published under charge of that well known and able lecturer on geography and history, Mr. *William Darby*, is about to appear at Philadelphia. The parts that belong to foreign countries have been corrected or improved, and what relates to the United States has been newly written, especially for this work; and the whole is adapted to the present state of things. It shews the population of every county in the different states, as put down in the tables of census for 1800 and 1820, and has a classification of the population as inserted in those tables; and, in all that regards our own country, or other countries of North and South America, this Gazetteer must be considered as equal to any other that can now be published—Mr. Darby being devoted to the extension of geographical information—patient, laborious and persevering, as is shewn in all his works. The descriptive matter exceeds 1100 pages of closely printed octavo.

Of the utility of works of this sort, it is not necessary to say any thing—and we believe that that which at present interests us will not fail to meet the best expectations of the friends of the editor and publishers, and the public at large.

THE PIONEERS. It was announced in the New York papers, that this long-expected work would

be ready for delivery the next morning—and, by 12 o'clock on that day, the publisher had given out *thirty five hundred copies!* This is, indeed "something new," in the United States. From the specimens that we have seen of this work, it does not appear likely to fail in a comparison with the best product of the "wizzard of the north," as the author of the Scotch novels is called, by way of eminence.

"**THE SPY.**" In the legislature of Massachusetts, a petition has been presented by David Gray, praying compensation for extraordinary services performed in the revolutionary war. The Boston Centinel says—"It appears, from evidence produced by the petitioner, that he was employed during the revolutionary war to act as a spy, and is the identical personage so celebrated in the popular novel of the "Spy," under the name of Harvey Birch."

IMPORTANT. A letter from London, dated Nov. 23, published in one of the New York papers says—"A great object of curiosity is now preparing on the Thames—a new steam vessel, intended for Calcutta. Her engine and boiler occupies only one fifth part of the usual space; her furnace consumes her own smoke; will perform with one bushel what formerly took one chaldron of coals: her boiler is constructed to return its own steam, without one particle escaping, so that once filled it is enough for the voyage, which it is calculated she will perform in 36 or 40 days. The invention is American—PENKINS is the man, who does honor to his country.—In two months time this vessel will sail, (or go), for Calcutta."

LONGEVITY. During the year 1822, there died in the city of Charleston, four individuals who were more than 100 years old. Population 24,780.

In many countries, it is regarded as a matter of no small interest to ascertain and make due returns of the ages of all persons deceased, not merely to gratify a laudable curiosity, but for the purpose of establishing some points that may be important to the living. There is no general regulation on this subject in the United States, or in any of the states; yet, by examining the obituary notices contained in the comparatively few newspapers received at the office of the REGISTER, we propose to attempt a monthly collection of persons dying who had reached the age of 100 years or upwards, though entirely satisfied that these means are inadequate to furnish any thing more than a very partial view of the rightful aggregate of such persons.

Notices of the decease of aged persons as contained in the newspapers received at the office of the REGISTER, during the month of January 1823.

In Franklin co. Pennsylvania, Elizabeth Campbell, aged 104—several of her relatives had reached 100. At Troy, N. Y. Ann Fowler 100. At Tyngsboro' N. Y. Abigail Hadlock 104. At Somers, N. Y. Michael Makeel 103. At Rutland, Oswego, N. Y. Mrs. Buroy, 110. At Brunswick, Maine, gen. James W. Ryan 107—his wife is yet living, aged 94; they were married together 75 years before his death. At Georgetown, Col. Yarrow, a Moor, (supposed) 135! At the city of New York, a woman, a native of St. Domingo, 106. At Sargus, Mass. Mrs. Edwards, 101. In Edgecomb county, N. C. William Spicer, aged about 112. In Boston, William Homer, 116.

Mr. Jacob Mathies, aged 111, was lately married to Mrs. Sellars, aged 119, in Duplin county, North Carolina—so say the newspapers.

NEW YORK. The nomination by the governor of *Nathan Sanford*, as chancellor of the state, was unanimously ratified by the senate; but those of the judges of the supreme court were dissented from—for *Ambrose Spencer* 3 ayes, against him 28; for judge *Platt*, 2, against him 29—judge *Woodworth* was also rejected by a bare majority. *John Savage* has been appointed chief judge and *Jacob Sutherland* an associate; *Samuel R. Betts* who had been named, was rejected.

MORE GOOD NEWS!—Bills of the bank of the commonwealth of Kentucky, to an amount of seven hundred thousand dollars, were burnt at Frankfort on the 15th ult. in the presence of suitable persons duly appointed to see that the conflagration was properly made. A few more good fires like this, and we shall begin to expect remittances from our friends in Kentucky—whose arrears amount to a distressing aggregate at this time.

THE POTOMAC. A grand project is on foot to canal this noble river from Cumberland to the tide water. The cost is estimated at 1,500,000 dollars, and the plan is that the United States, and the states of Maryland and Virginia shall each take a third part of the sum. The affair is before the legislature of Maryland—but the state is too much reduced in its means to accord with the scheme.

THE ROANOKE CANAL, says the *Norfolk Herald*, is completed to the basin at Rock Landing, and there now remains no obstacle to the transportation of produce from above the falls of Roanoke to this place.—In one word, that work, which has been so long a subject of solicitude, anxiety and interest, is complete.

FIRE. There was a large and very destructive fire at Norfolk on the morning of the 31st ult. One person was burnt to death in the house in which it originated, supposed to have been suffocated by the smoke. Another was killed and several dangerously mangled and hurt by the falling of walls and chimnies. The fire was arrested by the blowing up of a building. One would think that the frequent fatal accidents that have occurred by the fall of chimnies and walls, would put the people on their guard against them, at a time of fire.

CASUALTIES. We have lately seen mentioned several cases of young ladies being burnt to death in consequence of their clothes taking fire. It may be well to repeat what has so often been said, that if the person, whose clothes are on fire, has not sufficient presence of mind to fall flat on the floor, whoever is present should first of all effect their prostration, and then use means to extinguish the fire, by rolling them up in a carpet or closely wrapping a man's coat, (if nothing more fitting is at hand), over the parts in a flame.

EXPLOSION. Six persons were killed on Thursday last week, and several badly wounded, by an explosion at Eden Park powder mills, near Wilmington, Delaware. Two horses were also killed. The building in which the principal part of the powder was deposited did not explode, or it is thought that the destruction would have been much greater.

BROWN UNIVERSITY, R. I. *Nicholas Brown* has erected during the last season, wholly at his own expense, an elegant brick building, four stories

high, 120 feet in length, 40 feet in breadth, and containing forty eight rooms, which he has presented to the corporation of the university, to be held by them, with the other corporate property, according to their charter. The corporation, at the suggestion of the liberal donor, have named the building *Hope college*.

CONVICTS—at Botany Bay. The London papers contain a long statement of a case the substance of which is as follows: a young man aged about 20, named *Magire*, son of a respectable gentleman at *Enniskillen*, was seized as a rebel in 1798, and acquitted on the trial. But immediately on his acquittal, he was seized, placed on board a transport and sent off to *Botany Bay*, where he has remained ever since, being refused liberty to return! The father neglected his business and died broken hearted, and the whole family appears to have been ruined in consequence of these tyrannical proceedings.

NAPOLEON'S MOTHER. *Rome, October 12.*—Who would have believed, thirty years ago, that a simple country woman of *Ajaccio*, afterwards rather unfortunate at *Marseilles*, would, in the year 1822, have made a solemn public testament in *Rome*, by which, after having constituted her grandson—a pretended king—her heir, she should leave a legacy of 150,000 crowns to each of her children, *Joseph, Lucien, Louis, Jerome, Elizabeth, Pauline, Caroline, and Hortense*, besides 25,000 crowns as a supplementary dowry to each of the four children of *Lucien*: *item*, a palace and splendid furniture to a brother now decorated with the purple and loaded with riches and honor?

TITLES. Letter from the governor of *Illinois* to the editors of the *Illinois Intelligencer*, dated *Vandalia, Dec 10, 1822*—

Gentlemen—Our state constitution gives to the person, exercising the functions of the executive, the appellation of *Governor*—a title which is specific, intelligible, and republican, and amply sufficient to denote the dignity of the office. In your last paper you have noticed me by the addition of "*his excellency*," an aristocratical and high sounding adjunct, which I am sorry to say has become too common among us, not only in newspaper announcements, but in the addressing of letters, and even in familiar discourse. It is a practice disagreeable to my feelings and inconsistent, as I think, with the dignified simplicity of freemen, and to the nature of the vocation of those to whom it is applied.—And having made it a rule through life to address no one as his excellency, or the honorable, or by any such unmeaning title, I trust, I shall be pardoned for asking it as a favor of you, and my fellow citizens generally, not to apply them to me. I am, &c. &c.

EDWARD COLES.

*Messrs. Brown & Berry, editors
of the Illinois Intelligencer.*

FOREIGN NEWS.

Great Britain. Lord *Byron's* "*Vision of Judgment*," has been pronounced a blasphemous libel, by the grand jury of *Middlesex*.

A band of smugglers has lately been broken up in *England*, whose chief had 200 men under his command. The income of the *marquis of Stafford* is rated at 1000*l. per day*, a great part of which is derived from the profit of canals.

France. The prince of *Conde* has placed 200,000 francs in the hands of a person for the purchase of hunting dogs. "*The Bourbons are restored.*"

The latest accounts go to shew that France will, at least, consider the matter well before she interferes, by arms, in the affairs of Spain. The "rumors of war" were subsiding. Yet many things are mentioned that bear a hostile aspect. The stock-jobbing and trading communities are now so much interested in these matters, that what might otherwise be regarded as credible intelligence is hardly worth notice.

The king has issued an ordinance which declares that "the Faculty of medicine at Paris is suppressed." By this act, 25 medical men of the first class are deprived of their places, and about 4,000 students of their source of information. The latter must now seek instruction at other schools. The students, it appears, are suspected of entertaining liberal sentiments, such as have prevailed in many of the German universities; and to be suspected even of thinking otherwise than is fashionable at the court, is one of the highest offences that Frenchmen, (rapidly approaching their old condition of "slaves"), can commit, in these "legitimate" times.

Spain. The priests of this country, being the chief instigators of revolt and murder, have been taken under the special care of the cortes. Many of them have been formally banished. 1,200 of them, besides monks and friars, had joined the "army of the faith." This force, when hotly pursued, finds a refuge in France, which Mina had as yet respected.

Turkey. It is stated in a way that inspires belief, that Chourschid Pacha had proposed an armistice to the provisional government of Greece—and they had agreed to one for six months, provided the Turks should evacuate Thessaly, and that all the fortresses that they held in the Morea, as well as that Arta and Prevesa, should be given up to the Greeks. These were regarded as very severe conditions and it is not known whether they have been acceded to.

It is agreed, that in the late campaign, the Turks entirely failed—both by land and sea.

Buenos Ayres appears to have settled down into a quiet and prosperous condition—in consequence, perhaps, of the government having "nearly upset the friars"—whose power, and that of the priests, they have wisely resolved to reduce.

Colombia. There was a dreadful gale at Lagaira about the 21st Dec. Nineteen sail of vessels, many of them very valuable, went ashore and were wrecked, the cargoes chiefly lost, and about 60 lives. The U. S. frigate Congress was the only man of war in port and the only vessel that rode out the gale, with the loss, however, of all her anchors save one. She has since arrived at Curracoa. It is asserted that the famous Spanish frigate Ligera has been lost; but the account is uncertain.

Com. Daniels, with his squadron, was cruising off Porto Cabello, and had captured the Spanish frigate Maria Francisco, of 32 guns and 400 men. 200 of them supernumeraries, from Havana for Porto Cabello. She is a fine vessel and had about 30,000 dollars on board. Daniels had, a short time before, captured the corvette Maria Theresa, of 29 9 pounders and 200 men, with 25,000 dollars on board, also from Havana for Maracaybo—she had two merchant brigs undef convoy, laden with provisions, which were likewise taken. As a reverse to this the Spaniards have captured an American ship from London for Lagaira, mounting 9 guns; which had on board 5000 muskets, 1400 carbines, 50 pieces brass ordinance, 400 lbs. gun powder, with a quantity of pistols, ball, &c. &c.

The reports of the success and condition of the contending parties at Maracaybo, Coro, &c. are so contradictory that we cannot make out the facts. Both parties are said to have gained some late victories. Bolivar, however, was advancing from the interior with a force that, it was believed, would soon capture Morales, whose escape by sea does not now seem practicable, from the superior naval force of the Colombians. Some British government vessels had proceeded to Maracaybo to demand of Morales the property which he had seized, to the amount, it is said, of near three millions, belonging to British subjects.

Rate of Exchange, &c.

MR. NILES—I have read the remarks of your correspondent 'T,' in answer to my former communication, on the subject of the exportation of specie and the rate of exchange. The courteous style of the writer demands my acknowledgments; and, although I have no idea of accepting his invitation to a correspondence for the winter, I feel bound, in civility, to furnish him the further explanations he has asked for. I will begin with the subject of exchange, as most easily despatched—for, after reading over the very diffuse remarks of your correspondent, with the utmost attention, I can make nothing of them, but that he referred to the nominal or custom house par, whilst my observations were directed to the real or true par. I undertook to shew that the custom-house par, or the par of common parlance, is merely a nominal par, and to shew what is the true, real, intrinsic, actual, and, if 'T' pleases, "practical" par. In doing so, I supposed I was meeting the question proposed; and I can hardly think, even now, that your correspondent, when propounding that question, had precisely the same idea of the par of exchange which he now expresses. His original question, as now explained, will stand thus: Is a rate of exchange, nominally 13 per cent. above par, but really and intrinsically at par, advantageous or otherwise, to the operations of commerce? Such a question, certainly, would never have brought me "upon paper." I cannot see the point or bearing of it, and cannot but think it would appear childish to attempt to answer it.—There is no discrepancy between my observations on the subject of exchange, and those expressed by Mr. Adams, in his very elaborate report on weights and measures. On the contrary, I will acknowledge their "fallacy," when such discrepancy is pointed out. Since the writing of Mr Adams' essay, the currency of Great Britain has become, and is now, truly and practically gold, not paper. The price of gold, in London, has, for nearly a twelvemonth, been below the mint price. Your correspondent is mistaken in calling \$4.44 the legal par, in any other respect than for the purpose of estimating ad valorem duties on importation. It has been long settled in our courts, and I presume in other states, that a person sued on a promise to pay £1000 sterling, must pay as many dollars as will buy £1000—and so of any other foreign currency. He is also mistaken, in supposing that the rate of exchange can never vary from the real par—or that an ounce of silver, in New York or Boston, should be always worth an ounce of silver in London. The variation is often 2, 3, and even 5 per cent. above or below the real par, although the expense of transmitting it is scarcely over one per cent. I have, then, only to answer, to the reiterated inquiry, that the present rate of exchange is as favorable to commerce as any given rate whatever. There is no im-

mediate connection between the rate of exchange and the success of commerce. Commercial enterprises are founded on the existing, or anticipated, rate of exchange—it is only unforeseen fluctuations which derange the calculations of the merchant, and may, therefore, be considered unfavorable to commerce. "I" reminds me that I omitted to answer his third question, whether "the exportation of specie, more than we import, combined with the present rate of exchange, promotes or retards the prosperity of the country?" Having expressed my views on each subject separately, it seemed to me superfluous to do more. I will only add, that I see nothing in these causes, singly or combined, unfavorable to our commerce or to the prosperity of the country. I can form no conception of a cause or causes "which can benefit commerce, and, at the same time, ruin the country."

I proceed to the more complicated and interesting subject—the distresses of 1819. "I" inquires what I mean by calling that year disastrous? I will inform him, by giving my views of the nature and cause of the embarrassments of that year, and trust they may not prove altogether uninteresting to your readers.

The great and moving cause of the paralysis of commerce in that year, was the change which took place in the circulating medium in Europe. For the correctness of the facts which I am about to state in support of that opinion, I refer to the report from the secret committee of the British parliament, on the expediency of the bank [of England] resuming cash payments, with the minutes of evidence before them,—made and published in May, 1819. I will first advert to the state of the currency of England, at the commencement of that year. The restriction on cash payments, by the bank of England, had been continued for one year, from July, 1818; to July, 1819—it was understood that the question of cash payments was to be finally settled in the interim. The governor of the bank publicly declared, at a quarterly meeting of the proprietors, on the 5th October, 1818, that, "if the bank did not return to cash payments in July next, it would not be the fault of the bank." There can be little doubt that this bravado was thrown out in the hope a clamour might be excited in the public, on account of the embarrassments likely to result from the measures then taking by the bank, in order to reduce the circulating medium, which might induce parliament to continue the paper system—indefinitely, perhaps. At any rate, the circulation of bank of England notes had been reduced, in the six months ending Jan. 1, 1819, upwards of three millions—and so great was the scarcity of money in January and February, that the best bills could not be discounted by the London bankers. It is stated by Samuel Gurney, a bill broker, on the 9th March, that "several times lately there was not a banking house in London that would part with £10,000 till the following day." We will now look at the state of things on the continent. The French indemnity loan, equal to 1,27,000,000 st'g. had been negotiated in the summer of 1818: Austria, Russia and Prussia sold out their proportion of this stock, and created further loans of their own, to the amount of 1,11,000,000 sterling, for the purpose of replacing a part, at least, of their paper currency with a new coinage. The gold and silver transmitted to Austria and Russia, in that year, is stated at 1,20,000,000 st'g; to Denmark 3,500,000, and a further sum, not estimated, to Prussia.* The

effect of this drain of specie was first felt at Paris, by the bank of France—the specie in their vaults was reduced, in three months, from 117,000,000 of francs to 34,000,000; in consequence of which they suddenly and violently reduced their discounts.—The shock was tremendous—in the words of John Irving, esq. page 133,—"the panic of Paris spread with instant and rapid effect to Amsterdam, to Hamburg, to Frankfurt, to Leipsic, to Vienna, and every other commercial place in the north of Germany; interest rose to nine and ten per cent." &c. &c.

The paper system of England, which had existed twenty five years, had communicated an artificial inflation to all commercial property. Speculators had been enabled to control the prices of all the staple commodities, and had run them up to unnatural prices, thereby exciting over-production and over trading. A few months of violent and continual pressure, acting simultaneously and sympathetically, in the cities of Paris Amsterdam and London, were sufficient to prostrate this fabric of speculation. Numerous failures, and to an immense amount, destroyed confidence and paralyzed trade. The result, as stated in my former communication, was a reduction in the value of commercial property, produce, manufactures and shipping; which has been estimated, by intelligent merchants in England, at 40 per cent. on the average.

The reduction in value was universal. Every merchant, in every part of the world, holding ships or merchandise, found their value sink in his hands, in a greater or less degree, not varying materially from the ratio I have named. The measures adopted in 1819, which have since been carried into effect for restoring a specie currency to England, have given permanency to these reduced prices, or, in other words, to this appreciation of currency, from which few articles have risen, although many have continued to fall—seeking their true level.

In the United States, this change was felt universally and severely, by the merchants—and, with the exception of New England, by all other classes of the community. We too, with that exception, having, since 1814, adopted a paper system, were beguiled by the semblance of prosperity which the nominal rise of property, but real depreciation of currency presents; and although we had, apparently, returned to a specie currency after the establishment of the national bank, it was only in appearance; the whole system was artificial: instead of reducing the value of property to a specie currency, the attempt was made to blow up a currency of gold and silver to the puffy co-sistence of the paper which preceded it. This experiment was made to succeed for a year or two, by the expedient of loans of specie obtained in Europe by the United States bank, and the system of accommodations to other banks, of tender credit, adopted by that in-

Waldmand, esq. page 76. as shewing an extreme case of exchange being above the real par:

Ques. Explain the nature of the demand for gold from Russia, to which you have referred in a former answer?

Ans. There was a profit of nearly 8 to 10 per cent. to be made in sending gold from France to St. Petersburg; a profit in the precious metals, in their transmission from one country to another, I believe before unheard of. When I was in Paris, I sent two parcels, one of 300,000 francs, and the other of 400,000 francs—there were corresponding sums sent by each carriage, by the two bankers with whom I undertook these operations. The expense of transmission was one per cent.

*I quote the following from the evidence of Wm.

stration. The electric shock of 1819, like the touch of the spear of Ithuriel, brought every thing to its natural and true dimensions. Real property, throughout those parts of the country which had adopted a paper currency during the war, was reduced in value 30, 40 and 50 per cent. This infinitely increased the commercial distresses of New-York, Philadelphia and Baltimore over those of Boston, which had stood fast in the integrity of a sound currency. Fortunately, and almost by miracle, as appears by the recent expose of Mr. Cheves, the bank of the United States, by a change of system, was enabled to weather the storm, and to preserve a specie currency in all the commercial cities, with the exception of Charleston and Savannah—who are contented to be within *hailing distance*, keeping their currency from $2\frac{1}{2}$ to 10 per cent. below par. The western states have given themselves up to the *terrible scourge* of a depreciated currency, without guide or landmark—it will, to be sure, work its own cure, but through toil, immorality and crime.

Having thus given a condensed general view of the disastrous year 1819, I am led, by the course of 'T's' observations, to the subject of the failures in Boston in June and July last, and to the pressure for money which preceded them. By "purifying the commercial atmosphere," I certainly mean the removal, by failure, of insolvent commercial houses—a pressure for money tends to expose the weakness and cause the stoppage of such houses. This effect is salutary, and such was its effect with us. Not a single failure took place where the parties were not *deeply insolvent*. As these failures were great in number, and their real importance has been very much over-rated at a distance, I may be allowed to state a few circumstances in relation to them. The merchants of Boston suffered severely by the fall of prices in 1819—their capitals were reduced, but their currency having, in a great measure, preserved them from over-trading, these capitals sustained them. There were no failures of any importance, certainly less than in any other commercial city, with which I am acquainted. The past year, however, has revealed the fact, that *three or four* respectable houses, although able to preserve their credit, suffered so severely in that year, as, after a few further losses in attempting to retrieve themselves, to cause their insolvency. The other failures were, 1st, *brokers*, who had speculated largely in stock of the United States bank, without capital to bear the loss on its sudden depreciation about the first of May—2d, *speculative traders*, who had raised an artificial credit, and entered into extensive and hazardous operations, without having possessed any, or, if any, very little real capital—3dly, and far the most numerous, *small dealers*, of various grades and characters, some the victims of the large speculators, but, mostly, the unskilful and imprudent, at least the unsuccessful competitors on the sharply contested field of trade, who are sure to accumulate in a long period of easy and unquestioned credit. Suffice it to say, that, although a peculiar stagnation of business existed, during the always stagnant months of July and August, neither these failures nor the pressure for money in May, produced any effect on the price of commodities, or the trade of the city; on the prosperous aspect of the place, on real estate, or on rents. There was no failure of any person having any connection with the importation of British manufactures. Let me add, that this city, *the most commercial*, in proportion to population, not only in the United States, but in the world,—(witness the amount of duties on imports the last year, amount-

ing to \$4,400,000, or \$100 to each individual inhabitant—and other views, more conclusive, may be given)—this city is, at this moment, as prosperous as at any period whatever. Let me also add, for the satisfaction of your correspondent 'T,' that no sensible addition has been made to the specie of our banks, from its lowest depression in June; the present return to the governor and council, made up to the 6th inst. giving an aggregate of \$517,000 against \$430,000, on the first Monday in June. Perhaps it will astonish 'T' to be informed that the *daily* business, transacted at these same banks, will exceed the smallest of these sums. I have extended this communication so far, that I have no time to apply the view, now taken, to the question at issue between 'T' and myself. He must admit that, if my present views are correct, my former "*conclusion*" is correct also—and I am ready to agree that, whenever his prophecy is fulfilled, that the year 1823 will prove more disastrous than 1819, I will yield him the palm.

After all, Mr. Niles, I shall trouble you again. I have something to say on the *balance of trade*—and I suppose the profound 'Necker' will think himself neglected, if I do not give him a single word in reply to his very complimentary notice of my former communication. A MERCHANT.

Boston, January 22, 1823.

Case of Messrs. Gales and Seaton, PRINTERS TO CONGRESS.

It is indispensable to the national honor and the public safety, that the documents and papers laid before congress should be faithfully printed, as well for the information of the members who immediately act on them, as for the intelligence of the people who have to abide by the consequences of such acts. One would hardly suppose, that any person was so base as wilfully to mutilate, or knowingly alter, the meaning of such papers—for there is a meanness in the proceeding so derogatory to the character of man, that we revolt at the idea of it. Still it is true, that a short time anterior to the late war, and for sometime after its commencement, several of the most important public documents were wretchedly *mangled*, and their *meaning* entirely changed by some publishers in the East, pretending to lay before their readers such documents *in extenso*, that they might judge the conduct of the general government. It was *only* by accident, in my attention to such matters, that I discovered four or five flagrant instances of the nature just stated—one case, I well recollect, contained a *new made* paragraph, on which the point of the whole paper was caused to depend—but I did not view the proceeding, at that time, in the light that I now do, and a thousand times since have repented that I did not specially point out such abominable impositions on a portion of the people of the United States, to lead them to rally round the "*freedom striped flag*," afterwards hoisted. But yet, I have thought that the house of representatives took up the subject in a wrong way—An *anonymous* charge has been made against Messrs Gales and Seaton—they ought to have ascertained its truth, if they thought it necessary, and *then* have appealed to the house for their own justification. What is the precedent established? If the house will thus take up the affair of *their* printers, they must, in like manner, consider all charges that may be preferred against any other of their officers, the clerk or his clerks, the sergeant at arms, the doorkeeper and the deputy door keeper, &c. and especially every

imputation that may be made against the character of one of *their own members*. Some of these are broadly called tools, others are designated as knaves—unjustly I hope, in all cases; but is congress to appoint committees to investigate any and every thing that may thus be preferred?—if so, there would hardly be time for any thing else, and witnesses might be dragged a thousand or fifteen hundred times to give testimony on cases that ought to be rectified through the press. All of our presidents and secretaries and highest public functionaries, have been and are subject to such imputations—will the house of representatives agree to “send for persons and papers” in respect to either of them, in virtue of *anonymous* accusations! Why then, in the case of the printers?

No one will blame Messrs Gales and Seaton for the feeling that they shewed on this occasion. Their zeal to exonerate themselves was essentially connected with a knowledge of *their own* honesty in the matter stated. Admitting, for the sake of the argument only, that they were totally destitute of moral principle—how is it possible to believe that they would sacrifice their great private business and valuable public employment to so pitiful an affair as this? It is impossible to suppose it, even on the proposition stated—for, if this thing had been wilfully done by them and for the *reason* insinuated, they would have sunk to the level of the lowest dregs of creation, and have become objects for “scorn to point her slow unmoving finger at.” On every account, I was satisfied that they were innocent of intent to do wrong—yet, *it was right that the fact of the omission should have been stated*, though the *motive and manner* of it may have been wrong. The result of the investigation is just what I expected that it would be—the perfect acquittal of Gales and Seaton, and the relief of the secretary of the treasury. The latter had communicated the *original* paper—it was before the house and became the property of the house; and any marks made upon it by him, *previous* to its transmission, would only have invited attention to that part—for there seems a natural curiosity in most men, nearly all men, to notice and to try to find out what other men would conceal—a propensity that cannot be blamed in a matter like the present. Yet a part, and the most material part of a letter, (if the letter was material at all), has *somehow* been omitted; and, before it came into the printers hands, was so marked that they did right in omitting—according to the testimony adduced, which appears to be conclusive on the subject. By whom the erasure was made, is yet wholly a mystery, and well justifies the committee in proposing that some member or members should be appointed to attend to the publication of documents in future. They may pass through several hands in the time of their transit from a department to the hands of the printer, and we have no idea that the latter should be made a “scape goat,” for every body. We printers have “sins of omission and commission” enough of our own; and, too often, are made, in some measure, responsible for the sins of others, in the ordinary course of our businesses.

We shall now give the report and some of the documents that accompany it—to wit, the deposition of Messrs. Gales and Seaton's foreman, the testimony of Mr. Dickens, a clerk in the treasury department, and that of the secretary himself. These may be sufficient to strengthen the report, and to shew the uncertainty that rests on the transaction, as stated in that report. We have not any private *hint* or intelligence about this thing, *pro* or

con, and, therefore, speak of it as it appears to deserve, from the face of the facts presented.

REPORT.

The committee appointed in pursuance of a resolution of the house of representatives, adopted on the 21st January, to investigate certain charges referred to in the letter of Messrs. Gales and Seaton, have attended that service, and ask leave to report:

That they have given to the subject all that consideration which the magnitude of the charge, and the reputation of those who have long been in the service of this house, and hitherto high in its confidence, seemed to require.

That, while your committee have been impressed with the importance of the charge to the reputation of the accused, they have not been ungrateful, that it involved, also, a gross violation of the rules of this house, and a contempt of its authority and dignity.

Nor have your committee omitted to notice, that the charge against Messrs. Gales and Seaton is enhanced, in importance, by imputing to them the criminal design of shielding, by the alleged omission, an important department of the government from a “just responsibility.”

To the investigation of such a subject, involving at once the confidence which this house and the nation shall repose in the information upon which it acts, the character of one of the first officers of the government, and the fidelity of the public printers, your committee have not proceeded without the most cautious inspection of the documents submitted to them, and the most solemn sanction to the testimony of the witnesses, upon which their opinion was to be founded.

The evidence taken in the case has been preserved, and is submitted entire at the conclusion of the report.

The charge against Messrs. Gales and Seaton, in regard to which they prayed this investigation, was contained in a communication printed in the Washington Republican, of the 20th of January, instant, over the signature of A. B. and was, in substance, as follows: (see document marked (A) and the paper annexed.) That, in printing the documents accompanying the report of the secretary of the treasury, of the 14th of February, 1822, in answer to a resolution of the house of representatives, calling upon him to exhibit a statement of his transactions with all those banks which had been made by him the depositories of public moneys received from the sales of public lands, that they had suppressed and totally omitted in the printed document with which they furnished the house, parts of those documents implicating Mr. CRAWFORD the most strongly.

The attention of your committee was first directed to an examination of all the original documents which accompanied the report of the secretary, above alluded to, and they find the following paragraphs, in the originals, entirely omitted in the printed documents which were furnished the house, to wit:

In a letter from Wm. R. Dickinson, cashier of the Steubenville bank, to the hon. Wm. H. Crawford, dated 3d April, 1819, and referred to in the original documents by the pencil mark, (A 5) the following paragraph is omitted.

“The difference of which you speak in your letter, of the 12th ultimo, between the sum mentioned in my letter of the 13th February, arises from the circumstance of your having extended your friendly disposition to this bank beyond what

"was dared by our board to ask. I mentioned only the debt to the branch at Pittsburg, whereas you have directed (as well as that mentioned) a transfer from the branch at Chillicothe, which debt this branch was taking measures to discharge. As soon as the transfer is made from the bank of Columbia, the entries shall be made in the books of this institution as you direct. I remark, however, in the statement which you furnish from the bank of Columbia, that "notes \$3,895" is entered, which I know nothing of, having never before heard of it."

The above extract in the original is included between lead pencil brackets; the whole is crossed with a pencil, and the words "what was dared by our bank to ask" are underscored by an ink line.

In a letter from John Sering, cashier of the Farmers and Mechanics' bank of Indiana, dated Madison, 24th August, 1820, to the secretary of the treasury, the following paragraph is included between pencil brackets, crossed by a pencil mark, and omitted in the printing.

This letter is referred to in the original documents, by a pencil mark in the margin as F. 6—"I would, however, inquire if the Mechanics' bank of Alexandria, as well as the Franklin, and Merchants' bank ought to be excepted." The words *Mechanics' bank of Alexandria*, are underscored by an ink line, and the word *out* written in pencil, in the margin, against the above extract.

In a letter, referred to in the original document, by the pencil mark, (L. 6) from Aug. Chouteau, president of the bank of Missouri, dated Saint Louis, 9th August, 1816, to the secretary of the treasury, the following words are crossed by a pencil mark; the word *out* written in pencil against them in the margin, and omitted in the printed documents.

"It is known to us, that the same money which has been received in payment, by the receiver at this place, is not identically presented for deposit at this bank."

In a letter, referred to in the original documents as (L. 5), from Leroy Pope, president of the Planters and Merchants' bank of Huntsville, dated 4th May, 1819, to the secretary of the treasury, the following paragraphs, included in pencil brackets, and crossed by a pencil, are omitted in the printed documents:—

"Your conjecture, in relation to your circular of the 11th July last, is correct; the important words, subsequent to the 30th of June last, are not contained in the copy received by us; and this circumstance satisfactorily accounts for the construction it received from the board of directors. We regret that any mistake should have occurred, but we rejoice that our decision is thus acknowledged to have been proper. Agreeably to your request, I return the copy heretofore received, and under which we have necessarily acted, and retain the correct copy accompanying your last letter."

In letter (M 5) of the original documents, from Israel Pickens, president of the bank of Tombigbee, to the secretary of the treasury, dated St. Stephens, August 18, 1819, two pages are sealed over with white paper; and omitted in the printed documents.

In regard to those parts of the letters (L. 5), (F. 6) and (L. 6) above extracted, and omitted in the printed documents, the committee are satisfied that they were thus marked by Mr. Dickens, one of the chief clerks in the department of the treasury, for the purpose of calling the attention of the secretary of the treasury to them, as containing information irrelevant to the subject matter of the call, and improper, in his opinion, to be communicated

to the public, on account of disclosures they made, or opinions they expressed, which might be injurious to the affairs of the banks or individuals to whom they alluded; and that the word *out*, in the margin of each of those three letters, was made by him as a guide to the compositor to omit them in the printing.

In reference to the matter concealed in the letter, (M. 5), by the white paper sealed over it, they feel themselves constrained to say, that it had no bearing upon the objects of the call for information, and might have been injurious to the interests of the individuals or the banks mentioned in it, had it been published at that time. They are satisfied, also, that such were the motives which induced Mr. Dickens, the clerk, to cover the pages with paper, which, he disclosed, was done by him.

The committee submit that they have been thus enabled to suggest, satisfactorily to the house, the causes which have produced the omission, in the printing of all the documents, except that of (A. 5), which they suppose to be the particular document referred to in the communication signed A. B. and, in regard to which, after an examination of all the witnesses, who were considered to be important to the investigation, and pushing the inquiries to the extent of the supposed powers of the committee, they are now obliged to confess, (and they do it with regret), that they have obtained no satisfactory information.

Had the same causes existed for the suppression of this particular paragraph, which actuated the clerk in the treasury department to mark all the others, your committee would feel no hesitation in presenting to the house the strong probability that it might have been done by that gentleman. But a recurrence to his testimony, communicated herewith, and marked (E) will satisfy the house that that probability is too much weakened to be made the ground work of the opinion of a committee of investigation.

But, whatever difficulties the committee may have encountered in ascertaining by whom the marks were made, and the paragraph suppressed, they have none in stating that the accused did not cause it. And they cannot do justice to the unanimous opinion which they have formed, from a careful consideration of all the evidence before them, without stating their strong conviction that neither Mr. Gales nor Mr. Seaton had any knowledge of, nor participation in, the suppression of the paragraph omitted in the letter marked (A. 5) or any other of the documents which were submitted to the house, in answer to the call so often attended to. In support of their opinion, upon this part of the case, your committee would refer the house to the annexed testimony of George M. Grouard, marked B; of Wm. Kerr, jr. marked C; of Mr. Burch, deputy clerk of the house, marked D; of Ashury Dickens, marked E; and of the hon. Wm. H. Crawford, marked F.

In regard to the other individual implicated in the communication attached to the letter of Messrs. Gales and Seaton, your committee do not hesitate to say, that there has not been any evidence submitted to them tending, in the slightest degree, to show that the suppression of the paragraph alluded to, was caused either by the influence of the secretary of the treasury or was done with his knowledge.

The interesting nature of the present inquiry has suggested to your committee the propriety of submitting to the house the expediency of appointing some member or members of its own body, in

every case, to superintend the publication of all documents which may hereafter be printed by order of the house.

In conclusion, your committee would beg leave to submit the following resolution, to wit:

Resolved, That the committee appointed upon the letter of Messrs. Gales and Seaton, be discharged from the further consideration of the subject referred to them.

(B)

Deposition of George M. Grouard.

I am foreman for Gales & Seaton, and have been for eight years past. I receive the documents generally through the messengers of the house. It is very rare that I receive any from Gales & Seaton. As soon as received, I number, enter them in a check book, and put them under lock and key, where they remain till they are placed in the hands of the compositors. I am persuaded no person had an inspection of these documents but myself. I noticed there were several erasures in these documents when I received them. It is my invariable practice to omit all the paragraphs erased, marked, or crossed. The marks and brackets alluded to were not made in the office. The paging was made at the office, as also the figures in the margin, to assist the compositor, and the word "out," in pencil, in the margin, was made, as I supposed, by my assistant, as an indication to the compositor to omit the paragraph against it. There was no reason for omitting the particular paragraph which did not apply to all the omissions. No hint was given me to omit the paragraph, from any person. I never knew Messrs Gales & Seaton to insert a word, or leave out a word, or wish me to insert any word, or omit any word, which was ordered to be printed or omitted. If original documents are sent to the clerk of the house, by the departments, they are sent to the office without being copied. The different departments have no particular mode of indicating what they wish to have omitted.

I do not recollect that any of the other departments have ever sent original papers with white paper pasted on any paragraph. I never read any of the passages erased in this case. I feel myself bound by the direction of any proper officers of the house, as to the mode of printing.

I have an indistinct recollection that there was some direction in the margin, to omit the passage stricken out, or marked; but that would have had no additional weight with me.

(E.)

Testimony of Asbury Dickens, clerk in the office of the secretary of the treasury.

Asbury Dickens, clerk in the office of the secretary of the treasury, testified—That all the papers in relation to banks, and the deposits of money in said banks, are in my hands. The general practice is to transmit copies when papers are called for.—When business presses, we are obliged to send the originals. When copies are made, they are made of the whole correspondence, unless there may be some things improper to be communicated. It is the general direction of the secretary, when information is called for, to give every thing that relates to the subject.

The papers, after selected, are laid before the secretary; and, in this case, he directed me to collect every thing in the office relating to the subject—they were selected, and submitted to his inspection. In this case, from the urgency of it, I took the originals and rough drafts.

Those passages which seemed to have no refer-

ence to the subject of the call, I marked with a pencil.

I have no recollection of having marked the particular passage suspected; and did not recollect there was such a passage. I only marked three passages, and them I recollect from the subject.

1st. (L. No. 6.) The three last lines but one on page 114 I marked as omitted; the reason for marking this was, that it did not, in my opinion, relate to the subject, and implicated one who had been a public officer.

2d. (L. 5.) The four last lines in page 143, erased, and five lines on the next page, I crossed them as not relating to the subject of the call; and they referred to another and distinct letter.

3d. Was a letter from Farmers and Mechanics' bank of Indiana to the secretary.

(F. 6.) I marked, to be left out, the three last lines, as implicating the credit of two banks, and as not relating to the subject of the call.

(M. 5.) The papers pasted over a part of the letter were not with a view to suppress the information; but, as it had no relation to the subject of the resolution, and was in relation to a quarrel between the bank of Tombigbee and the branch bank of the United States at Savannah, I thought it not proper to be communicated.

I now recollect the above passages, because I then thought, and I still think, the information ought not to have been communicated, and would be injurious to the parties if published.

I have no recollection of the letter (A 5), and should not have made the marks to exclude the information, because I did not think it ought to have been concealed. I see no reasons why it should be concealed.

I made the mark of the word "out," in the margin of letters (L 6), (L 5), (F. 6).

The whole of these transactions I was acquainted with at the time—the papers originally passed through my hands.

The papers remained some time before the secretary, while he was making the report, after I gave them to him, before he communicated them to the house.

The Steubenville bank was solvent at the time of deposit—the government has lost nothing by that bank—it now has deposits of public moneys and is solvent.

I never knew any mark or erasures to be made by Mr. Crawford, on papers to be communicated, after I had made such as I thought proper to make. After the report had been sent to the house, I recollect that I had omitted the reference to one of the documents which now appears in the report; and I came to the house and found the report had been read, and applied to Mr. Burch for the report and documents; he went into the house and said the report was not on the clerk's table, and he supposed some member had taken it to read; he went into the house again, and said he could not find them. While I was waiting, Mr. Cook came, with the report in his hand, and gave it to Mr. Burch, and asked for the documents. Mr. Burch handed to him a sealed packet, which was the same I had sealed at the treasury. Mr. Cook broke the seals and began to look over the papers, and said, "I suppose I may take them to my room." Burch assented, and Mr. Cook took them away. I then put in the reference (†), which now appears in the report.

FRIDAY MORNING, JAN. 24.

Mr. Dickens re examined.

The papers contained in (A 8) was a confidential communication from the bank of Steubenville,

of the state of the bank, which is made once a month by each bank, in which the private affairs were stated, and agreed by the secretary to be confidential.

The hand writing on (A 5) in red ink, is mine. I do not know when made, but I think it was made when the subsequent letter of 1st May was received, in relation to Brownville and Mount Pleasant banks. The letter of 1st May is not communicated, as will be seen by the printed documents.

(B. 1) The red ink is in my own hand writing, and was made at the time the correspondence was prepared for the house.

I made the brackets in (F 6), and made the red ink brackets in (B 1). I have not seen the papers since they were communicated to the house until yesterday, with the exception of seeing them in the presence of Mr. Burch & Mr. Cook. I never had any conversation with Messrs Gales & Seaton, or any person in their employment, in reference to the suppression of parts of papers in the printing.

I think the secretary would, if particularly requested, communicate these monthly statements of the banks to the house.

I cannot say that I did not make the marks upon the letter (A 5,) but I gave yesterday the reasons why I think I did not.

There never have been any documents transmitted from the treasury, which were marked as not to be printed, before this time.

I should think the marks I made a sufficient direction to the compositor not to print the parts included between them; and I think that, if the secretary should have been of opinion, that what I had marked ought to be printed, he would have erased my marks.

The secretary and myself had no particular consultation on the subject of these papers.

The paragraph in (A 5) does relate to the subject more than many others, and, I think, ought to have been communicated, though unimportant.

Saturday Morning, Jan. 25.

Mr. Dickens repeats the impression that he did not mark the paragraph in (A 5). It was not his intention to mark it, and he thinks he did not.

The word "out" was written by him upon all the three letters in his first evidence particularly mentioned.

When the correspondence with these banks was received, I filed away the whole of it.

I do remember having referred to (A 5) after it was received, and before it was communicated, for the purpose of making the reference which now appears upon it in red ink.

Many documents remain without being filed away in the office for some time after they are received.

When the call was made, I looked over all the letters, filed and unfiled, relating to the subject.

Since the first call, I do not recollect having found any additional letters, relating to this subject.

The documents communicated under the second call, were not laid before the secretary on the first call.

In the letter (A. 2.) although there is a paper pasted over a part of the original memorandum, yet the letter was communicated as it was originally sent to the cashier of the bank of Steubenville.

(F)

Testimony of the hon. Wm. H. Crawford.

I made no marks of any kind upon these papers, and I know of no practice in the office, which has ever authorized the marking of parts of original letters, in order that they may not be printed. No

such practice has prevailed, within my knowledge. I have no recollection that any marks were made upon these papers; but have an indistinct recollection that Mr. Dickens stated something to me, in relation to the correspondence with the bank of Missouri, which affected the receiver at that place. I gave no instructions to Mr. Dickens to mark any part of these papers, nor have I ever given him a general direction to mark any particular passages. There might have been marks and erasures in the documents submitted to me by Mr. Dickens, which escaped my notice, as my attention was more particularly directed to the contracts than the correspondence. In framing the report, my attention was not particularly attracted to the correspondence, as it contained nothing important for that purpose; the material facts being comprehended in the contracts and the statement furnished from the books kept by Mr. Dickens, which shewed the amount deposited in those banks, and the sum paid by them. I have no recollection of the letter pasted over.

There is nothing in the paragraph suppressed, which I should have wished to be withheld from the house. If I then knew that any part of the correspondence had been marked, I do not now recollect it. I never sanctioned the omission of any part of the correspondence. Mr. Dickens is not the chief clerk. Mr. Jones is the chief clerk, and calls for records or files of the office are generally referred to him, with directions to examine and collect all that are embraced by such calls; but in this case, I think Mr. Dickens was the person to whom the reference was made.

I never had any communication, direct or indirect, with Gales & Seaton, as to the manner in which they discharged their official duty, in this or any other case.

It is usual, when resolutions require information which the records or files of the office afford, to send copies; but when there is a press of business, the originals are some times sent, as in the present case.

The difference in the sum mentioned by the cashier of the bank of Steubenville, and that in my letter of the 12th March, 1819, may be explained by referring to the original draft of that letter, now in possession of the committee. Owing to some differences with the officers of the United States branch bank at Pittsburg, the cashier, in his letter of the 13th February, 1819, requested that the sum of \$24,568 51, then in the possession of the branch bank, might be considered as due directly to the treasury, and that it might not be collected through that office. The original draft of the letter, in the possession of the committee, directs that sum to be credited to the treasurer, on the book of the bank. Just before the date of that letter, the whole of the special deposit had been transferred to the bank of Columbia. When my letter was carried out to be copied, Mr. Dickens, who keeps the bank accounts, came to me and stated that there was about \$18,650 44 of the notes of the bank of Steubenville in the possession of the branch bank at Chillicothe, and which had been also transferred to the bank of Columbia, and proposed that the same direction should be given as to that sum, which I assented to, and directed my letter to be modified accordingly. The original letter, thus modified, was retained as a copy, and sent to the house with the report. This is the circumstance which produced the paragraph in the letter of the cashier, which was omitted in the printing of the letter, and which omission is now the subject of investigation.

The Proposed Tariff.

We have thought that our readers would be gratified in having a statement of what would be the operation and effect of the bill for the modification of the tariff of duties on imports, now pending in the house of representatives. The two following statements, prepared by different members, have been submitted to the house of representatives. We publish both the statements, that our readers may have an entire view of the subject.—*Nat. Int.*

Statement submitted by Mr. Tod.

Comparative statement of present duties, and those proposed, in the bill before the house of representatives—No. 222.

	Present duties.	Proposed duties.	Rate of additional duty
Manufactures of wool,	25 p. c. ad v.	30 p. c. ad v. minimum price of 80 cts p. sq. yd.	1-6th.
Do. cotton,	25 p. c. & minimum of 25 cts. p. sq. yd.	25 p. c. an additional minimum, of 35 cts. p. sq. yd.	2-3ds.
Do. silk,	15 per cent.	15 p. c. and minimum of 25 cts. p. sq. yd.	2-3ds.
Do. flax,	15 per cent.	25 p. c. and same minimum.	1-4th
Do. hemp,	20 per cent.	25 p. c. and same minimum.	1-4th
Printing types, cutters, pios, needles, buttons, moulds, japanned wares, fire arms, &c. and all manufactures, not specified, made of brass, iron, steel, pewter, lead or tin,	20 per cent.	25 per cent.	1-4th
Leghorn and silk hats,	30 per cent.	40 p. c. and minimum price of one dollar each,	1-3d.
Lead, in pigs, bars, and sheets,	1 ct.	2 cts.	double.
—, Shot,	2 cts.	3 cts.	1-2.
Do. red and white,	3 cts.	4 cts.	1-3d.
H mp,	1 1-2 cts.	2 1-4 cts.	1-2.
Tarred cables & cordage, Untarred cordage, yarns, twine, pack thread and seines,	3 cts.	4 cts.	1-3d.
Oil, linseed & hempseed,	4 cts.	5 cts.	1-4th.
Wool,	15 p. c. ad v.	25 cts. per gall.	
Copperas, cut,	100 cts.	200 cts.	double.
Iron, in bars or bolts, not rolled,	75 cts.	100 cts.	1-3d.
Do. round or braziers' rods, of 3-16ths to 8-16ths inch diameter,	150 cts.	300 cts.	double.
Do. slit, in nail or spike rods,	250 cts.	300 cts.	1-5th.
Do. sheets or hoops,	250 cts.	300 cts.	1-5th.
Do. spikes, lb,	3 cts.	3 cts.	
Do. nails,	4 cts.	5 cts.	1-4th.
Iron or steel wire, not exceeding No. 18,	5 cts.	5 cts.	
Do. exceeding No. 18,	9 cts.	9 cts.	
Blough plates and share moulds,	20 p. c. ad v.	1 1-2 cts.	
Anvils,	20 do.	2 cts.*	
Spades and shovels doc.	20 do.	250 cts.	
Screws, of iron or brass, exceeding 25 to lb,	20 do.	15 cts.	
Wood screws, not exceeding 1 inch, grocc.	20 do.	8 cts.	
Do. not exceeding 2 inch,	20 do.	14 cts.	
Do. exceeding 2 inches,	20 do.	20 cts.	
Glass, flint, cut,	30 cts,	6 cts. p. lb. and 20 p. c. ad v.	
Do. do. uncut,	20 cts.	6 cts. p. do. and 20 do.	
Do. window, above 8 by 10 sq. feet,	280 cts.	300 cts.	1-5th
Do. do. 10 by 12,	275 cts.	375 cts.	10-55ths.
Do. do. above 10 by 12,	325 cts.	375 cts.	10-65ths.
Do. black bottles, grocc.	44 cts.	200 cts.	3-8ths.
Do. all other articles, lb.	30 p. c. ad v.	5 cts.	
Duck, Russia, piece,	200 cts.	200 cts.	
Do Ravens,	125 cts.	125 cts.	
Do. Holland,	250 cts.	250 cts.	
Paper, printing, lb,	30 p. c. ad v.	8 cts.	
Do. wrapping & colored,	do.	6 cts.	
Do. writing,	do.	12 cts.	
Do. sugar loaf	do.	4 cts.	
Do. letter or folio post	do.	15 cts.	
Do. book-binders' band box and sheathing	3 p. c. ad v.	3 cts.	
Do. hangings printed	do.	15 cts.	
Do. all other	do.	6 cts.	

Statement submitted by Mr. Cambreleng.

An estimate of duties on certain articles, as proposed in the bill reported by the committee of manufactures, and a comparison with existing duties.

Manufactures of wool, 30 per cent.—minimum valuation of 80 cents per square yard.

This would operate heavily on plains and other coarse woollens, of about 24 inches in width, and which cost 8d. to 18d. sterling per running yard.—Take, for example, the most inferior, cost 8d. equal to 12d. per square yard. or cents 32 22.100
Add shipping charges, 1 11.100

Custom-house addition of 10 per cent. 2 33.100
cents, 25 66.100

It is proposed to estimate this square yard at 80 cents, and to charge a duty of 30 per cent on that valuation, making 24 cents on 25 2 3, or pr. ct. 93 53.100

The existing duty is 25 per cent. on 25 2 3 cents, making 6 41 100 cents, instead of 24 cents, as proposed.

The proposed duty on plains, of the best quality, which cost 18d. per running yard, would be, according to the same calculation, pr. ct. 41 56.100

While fine cloths, &c. would pay but 30 per ct. Colored printed calicoes, cost 15s. to 20s. sterling per piece of 28 running yards.

Take the inferior, cost 15s.; off drawback of exercise, 4s. 10d. leaves 10s. 2d. for 28 yards, or 43d. per running yard; being 7 22.100d. per square yard, or cents 13 37.100
Add charges, 63

Custom-house 10 per cent. 14
cents 15 40.100

It is proposed to estimate this square yard at 35 cents, and to charge a duty of 25 per cent. making 8 3 4 cents, or pr ct. 56 82.100

The existing duty is 25 per centum on a valuation of 25 cents, making 6 1/4 cents, or per cent. 40 58.100

Calicoes, which cost 20s. sterling, now pay, per cent. 27 6.100

The same, at the proposed valuation of 35 cents the square yard, would pay, p. c. 37 89.100

Fine cotton goods would pay but 25 per cent.—The existing minimum valuation of 25 cents the square yard on cotton goods, makes the duty on inferior white goods prohibitory.

On silks, various bounties are allowed in England, which it is now proposed to add to the duty of 26 per cent.

On manufactures of flax and hemp; osnaburgs, of inferior quality, cost, per running yard of 25 to 26 inches width, 6d.

Deduct bounty 1 1/2
4 1/2

Equal to 6d. 35.100 per square yard, or 11 75.100
Charges 60

Custom-house 10 per cent. 12 35.100
cents 13 60.100

It is proposed to value this square yard at 25 cents and to charge a duty thereon of 25 per cent.

Making	cents	6 25.100
It is also proposed to add to the amount of the bounty $1\frac{1}{2}$ d. sterling, the running yard, or 2d. 12.100 per square yard		3 93.100
	cents	10 18.100

Making 10 18.100 cents duty on 13 60 100 cents, or ad valorem 74 85.100

Should the section adding the bounty to the duty be stricken out of the bill, the ad valorem duty proposed, would still be 45 96 100

This article now pays 15 per cent. ad valorem, or about 2 cents per square yard, instead of 10 18.100 cents, as is proposed.

Brown linens, or hollands, bed tickings, twilled sacking, Silesian linens, &c. without adding the bounty, would pay 35 to 42 per cent.

Fine linens would pay but 25 per centum.

Linseed oil pays a duty of 15 per centum ad valorem; equal to 10 cents per gallon. It is proposed to increase the duty to 25 cents the gallon.

Glass ware, plain, now pays 20 per cent. ad valorem; 4 common tumblers, weighing 1 lb. cost, after deducting drawback, bounty and discount, 8 88.100 cents, including charges, and 10 per cent. custom-house addition.

It is proposed to charge 20 per centum ad valorem on this 8 88.100 cents, making 1 78.100
And a specific duty of 6

cents 7 78.100

Making 7 78.100 cents, on 8 88.100, or ad valorem *87 61.100

Inferior cut tumblers, weighing 37 lbs. to the hundred, cost, after deducting drawback of excise, &c. and adding charges, and 10 per centum custom-house addition, per 100 \$6 44

It is proposed to charge an ad valorem duty of 20 per cent. \$1 29

And a specific duty of 9 cents per pound on 37 lbs. 2 22

\$3 51

Making \$3 51 duty on \$6 44, or 54 $\frac{1}{2}$ per cent. 100 elegant cut glass tumblers, weighing 50 lbs. deducting drawback of excise, &c. and adding charges and custom house 10 per cent. cost \$42 05

Proposed duty of 20 cent. 8 39
Do. specific, 6 cents per lb. on 50 lbs. 3 00

\$11 59

Making a fraction less than 27 per cent. The existing duty is 30 per cent. ad valorem.

Seventeenth Congress—2nd session.

IN THE SENATE.

January 30. Mr. Dickerson offered a substitute for the resolution offered by Mr. Taylor, of Va to amend the constitution of the United States as it regards the election of president. [As we have no

*Should the bounty, as proposed, be added to the duty, the bounty being 5 cents per pound, the duty on plain tumblers, per lb. would be 12 78.100 cents on 8 88.100, or 143 92.100 per cent.

present prospect of any thing being done in this matter just now, we shall at least defer the insertion of this substitute, which occupies a considerable space.]

The bill to erect a monument over the tomb of the late vice president Gerry, was passed, and sent to the other house for concurrence.

The greater part of the day was spent in the consideration of matters regarding the public lands and land claims in the state of Louisiana—no matter of importance decidedly acted on.

January 31. Mr. Smith, of Maryland, agreeably to notice, asked and obtained leave, and introduced a bill making an appropriation, (of \$100,000 a year, for ten years), for the gradual armament of the new fortresses of the United States; which bill was twice read and referred.

Mr. Chandler submitted the following resolution for consideration:

Resolved, That the president of the United States be requested to cause to be laid before the senate a statement of the number and size of cannon, mortars and howitzers, necessary for the armament of the fortresses of the United States, which have been erected since the first day of June, 1815, as well as those which have been directed to be built and not yet completed, with an estimate of the sum necessary to defray the expense of purchasing such armament; also, an estimate of the sum necessary for purchasing such a quantity of shot and shells, of every description, as may be thought necessary for the fortresses before mentioned, designating the necessary armament for each fortress.

Several petitions of a private nature were presented and referred; and,

At an early hour, the senate went into the consideration of executive business and continued with closed doors until 3 o'clock; when

The senate adjourned to Monday.

February 3. Several communications were received—notice given of several resolutions that would be offered—some bills taken up and partially disposed of—the bill to regulate the entry of merchandise discussed, and that which provided for the accommodation of the circuit court, for the district of Columbia, in the city hall of Washington, ordered to be engrossed and read a third time.

February 4. The bill to provide for the accommodation of the circuit court of the district of Columbia was passed—ayes 21.

The resolution offered yesterday by Mr. Smith, of Maryland, to legalize the silver coins of Mexico, was taken up and agreed to.

Mr. Van Dyke, from the select committee to which was referred the bill, together with the substitutes proposed thereto, for abolishing imprisonment for debt, reported a new bill, embracing a number of sections; which bill was read.

The bill to divide the state of South Carolina into two judicial districts, was, after being amended, ordered to a third reading.

That for the relief of George Shannon, being refused a third reading, was as rejected.

Several matters about land and land claims occupied the rest of this day.

February 5. The bill to divide the state of South Carolina into two judicial districts, (with others of a private or local nature), were severally read the third time, passed, and sent to the house of representatives for concurrence.

The senate resumed the consideration of the bill from the other house, to make perpetual an act passed the 3d of March, 1817, entitled "an act to continue in force an act "further to provide for the collection of duties on imports and tonnage, passed the 3d of March, 1815, and for other purposes."

On this bill a debate arose, which occupied the remainder of the day's session.

It was, finally, on the motion of Mr. Van Buren, postponed to Monday next. Adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, Jan. 30. The house met this day at 11 o'clock, pursuant to the resolve of yesterday.

Mr. Harvey, from the committee, made a report unfavorable to an appropriation for the erection of fortifications on Key West, on Thompson's Island—read and laid on the table.

Mr. Dwight reported in the case of Gales & Seaton—see page 358. The report was laid on the table.

Mr. Jennings submitted the following resolutions; which were ordered to be printed:

Resolved, That the secretary of the treasury lay before this house a statement, shewing the description and character of the collateral security obtained, in the year 1821, for 168,453 dollars, deposited in the bank of Vincennes, at the time of its failure; and whether such collateral security consisted in liens on real property, or in public or personal securities; if in liens on real property, the value of such property at the time of its acquirement, and what sum of money it will probably yield to the treasury, if sold on a credit of one, two, and three years; the present situation of the title to such real property; and all communications to and from the said secretary in relation to such liens; if in public securities, whether an assignment of the state debt of Indiana to the bank of Vincennes was not taken without any correspondence with any officer or agent of the state government; and, if so, whether such assignment has been cancelled; the time when, and by whom; and if not cancelled whether the United States be in a right of property in any portion of the state debt aforesaid which may remain unliquidated, and communications to and from said secretary, in relation to such assignment.

Resolved, That the secretary of the treasury inform this house whether the bank of Vincennes complied with its agreement with the treasury department to furnish quarterly a list of its debtors, and the amount owing by each; and, if so, the amounts owing to the said bank by Charles Smith's steam-mill company, upon each rendition of the quarterly lists aforesaid.

Resolved, That the secretary of the treasury inform this house whether or not any draft or drafts have been drawn upon said bank of Vincennes, under the direction of the treasury department, since the date of the letter of the secretary of the treasury to said bank, dated the 7th of July, 1820; and, if so, under what item of appropriation, in whose favor, the date of such draft or drafts, and the object for which the same were drawn. [Agreed to next day.]

The Speaker laid before the house a letter from the secretary of state, transmitting 1500 copies of the "digest of manufactures," prepared in obedience to a resolution directing the taking the census of the United States for the year 1820; which letter was read and ordered to lie on the table.

Friday, Jan. 31. On motion of Mr. Lathrop, of Mass it was,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of enlarging the terms on which the commissioners on the sinking fund, under 5th section of the act passed March 3d, 1817, entitled "an act to provide for the redemption of the public debt," may purchase that portion of the public debt which will become reimbursable on the 1st day of January, 1825.

Mr. Wright moved that the daily hour of meeting of this house be twelve o'clock, instead of eleven, as recently agreed upon; which motion was decided affirmatively—ayes 75, noes 39.

The future meeting of the house will be at 12 o'clock. M. until further order thereon.

After other business, the house resolved itself into a committee of the whole, and took up the bill for the more effectual protection of domestic manufactures—

Messrs Cook and Mallory, decidedly supported, and Mr. Rhea opposed the bill—Mr. Baylies opposed the striking out of the first section, but was also opposed to some of its items.

The committee then rose and the Speaker communicated a letter from the comptroller of the treasury, transmitting a list of balances standing on the books of the fourth auditor of the treasury, which have remained unsettled, or appear to have been due more than three years prior to the 30th September last; which was read and ordered to lie on the table. And the house adjourned.

Monday, Feb. 3. This being "petition day," upwards of 40 memorials and petitions were presented.

A memorial was presented by Mr. Condict, of New Jersey, signed by many respectable citizens of that state, shewing the injurious consequences resulting from the importation of so great an amount of foreign goods, by paralyzing the industry of the nation, and draining the country of its precious metals, and praying for an increase of duties upon such articles as they believe can be furnished upon reasonable terms by our own manufacturers.

After stating briefly the leading objects in the memorial—

Mr. Condict proceeded to remark, that it was similar to some others formerly presented by him, and which, on his motion, had been referred to a committee of the whole house on the state of the union.

Upon further consideration, said Mr. C. I am induced to ask the house, to give another direction to a particular paragraph in the memorial, which suggested an increased duty on imported spirituous liquors, and an internal duty, or excise, upon domestic spirit.

I have long entertained the opinion, said Mr. C. that it would comport with sound policy, and the best interests of our country, to levy and collect a much larger portion of its revenue upon liquors consumed at home. And nothing prevented me from calling the attention of congress to this important subject during the last session, but the extreme reluctance which I have felt, and which many of my friends here have expressed, to the appointment of so many officers as would be required to carry a system of excise into effect.

In the committee of manufactures, of which I am a member, some conversation was had on this subject: but, considering it to be a question of revenue principally, it was thought by us to belong to another committee, and is not embraced in the bill, which is now under examination before this body. But, inasmuch as the subject is distinctly presented to us in this memorial, by a class of men, second to none for their respectability in society, their intelligence, their morals and devotion to their country, I deem it to be my duty, to solicit the serious attention of the house, and to give to the subject that deliberate examination, which it demands.

It is important in a financial, but much more so in a moral view. I have not before me, at this moment, any documents, shewing the quantity consumed annually, nor is it of any importance for the purpose of my argument to ascertain, precisely, the number of gallons. A duty of 25 cents per gallon, on the spirituous liquors consumed in the United States, would yield to the treasury an annual revenue, say, of 6 or 8 millions of dollars. A sum which, if faithfully applied, would rapidly extinguish the national debt; or which would be sufficient, in a few years, if economically applied to internal improvement, to connect the various sections of this extensive empire, by navigable canals and good roads.

"And upon whom would this tax fall? Invariably upon the consumer of the liquor. He could never carry the bowl to his mouth, without first 'casting his mite into the treasury.'"

Should it be objected, that the imposition of such a duty would lessen the consumption of the article, and that the treasury would derive but a limited sum from this source—I reply, God grant it may be the case, and I would then double the duty.

What is the crying sin, the besetting and the besotting sin of our country, which sinks us in our own estimation, and the estimation of the civilized world? What is it that degrades and debases man,

below the level of the brute—that unfits him for the duties of social and domestic life? What is it that carries strife and contention into every neighbourhood? What invades the domestic circle, banishing conjugal affection, and sundering every tie of endearment? What entails poverty and wretchedness and infamy, upon the innocent, literally visiting the iniquities of the *fathers* upon the *children*, unto the third and fourth generation? What is it that wrings the tear from the eye of disconsolate beauty, and reddens its cheek with blushes? What is it that which draws forth the midnight sigh from the lonely and broken-hearted mother, as she strives to cover her shivering infant, with her scanty rags, or stifles the cries of hunger, by the charities of her neighbour? what inflicts disease, in its most painful and loathsome shape? What bloats and deforms the human countenance, and effaces the image of the Creator from his creature? What is it that sweeps, “as with the besom of destruction,” more human victims to an untimely grave, than sword and pestilence combined? What fills your poor-house with paupers, and your hospital with invalids? What crowds your jails with criminals, and gives employment to the hang-man? It is *intemperance* in the use of spirituous liquors. And, if it be in the power of government to restrain this deluge of moral evil, and diminish the sum of human misery; if, by levying a tax, you snatch one victim from ruin, and rescue his helpless family from the depths of degradation, will you not exert the power?

And, Mr. C. asked, what measure could so *effectually* aid the productive industry, and promote the real prosperity of the country, as that which shall lessen the consumption of ardent spirit?

And who are the *consumers*? They are either the wine-bibbers, the men of wealth, who indulge in riot and luxury, and who can afford to pay, or, they are those miserable wretches, whom nakedness cannot shame; whose filth renders the kennel in which they wallow more filthy, the voluntary outcasts from society, and from whom society has a right to extort this pittance, as the only punishment which can reach them for the outrages they have committed.

There is no country where the means of intoxication are so abundant and so cheap as in our own, and the consequences are daily more apparent and more and more alarming. The rich bounties of Heaven, our precious bread stuffs and our delicious fruits, are converted into this fatal poison, disguised in a thousand forms, to allure us to destruction. It enters into every door, and the cup is presented to every lip. Whilst you tax the *tea*, the *coffee*, the *molasses*, the *sugar*, and the *salt*, used by every member of every poor family, you suffer the *whiskey*, the *gin*, and the *brandy* of the country, in their desolating progress, to blight its fairest prospects, “as with blasting and mildew.”

In every view which he could take of this question, Mr. C. said, he was led to this conclusion; that there is no fairer, or more legitimate object of taxation, than spirituous liquors; and that sound policy, good morals, and the public happiness, require that the arm of the government should be *felt*, in a tax upon the consumption of this article. And for the purpose of asking the serious attention of the house to so important a topic, he submitted this motion, *viz*:

“That so much of the New Jersey memorials, as relates to an additional duty upon imported liquors, and an excise upon domestic spirit, be referred to the committee of ways and means, with instructions to inquire and report on the expediency of

the measure. And that the residue of the said memorial be referred to a committee of the whole house on the state of the union.”

After some remarks on the subject and against the proposition of Mr. *Condict*, this memorial was referred to the committee of the whole on the state of the union—69 for, 54 against it.

The case of John H. Platt was, on the motion of Mr. *McLane*, chairman of the committee of ways and means, referred to a select committee.

Many bills were reported. Mr. *Plumer*, of New Hampshire, from the committee on the judiciary, reported a bill for the relief of Abraham Snyder, which was read twice, amended, at the suggestion of Mr. *Ruggles*, and ordered to be engrossed for a third reading to-morrow.

[This is the case of an individual confined for debt to the United States, the principal of which was only 13 dollars, but which amount was swelled, by the costs, to 140 dollars. The case is one in which the secretary of the treasury discharges from prison only on payment of costs. In this case, the individual confined is very poor, and wholly unable to pay either costs or principal].

Mr. *Cocke*, agreeably to notice, asked leave to introduce a bill by the title of “a bill to fix and equalize the pay of the officers in the army of the United States.”

[The bill proposes to provide that fixed compensations shall be given to officers, in lieu of pay, rations, forage, &c. and 12½ cents per mile, in lieu of allowances for transportation].

Leave was refused to bring in this bill, because the matter had been fully before the military committee—for the leave 55, against it 64.

The *Speaker* communicated a letter from the president of the United States, transmitting a memorial from the legislative council of the territory of Florida, on subjects interesting to the inhabitants of the territory, and, also, to the United States, requiring legislative interposition; which letter was read and ordered to lie on the table.

Also letters from the departments of state, of the treasury and war, containing various statements.

The house then, by unanimous consent, agreed to resume the bill to regulate the collection of duties on imports and tonnage, with the amendments proposed thereto in committee of the whole.

The bill was considerably discussed by Messrs. *McLane*, *McKim*, *Gorham*, *Cambre'eng*, *Ingham*, *Wright*, *Rhea*, *Tracy* and *Walworth*, &c. and a little before 5 o'clock, it was ordered to be engrossed and read a third time on Wednesday.

Tuesday, Feb. 3. After some other business—Mr. *Chambers*, of O. having made a good speech on the subject, proposed that the regular hour of meeting should be eleven, instead of twelve o'clock, each day. This was opposed because of the great quantity of business before the numerous committees, and the motion was laid on the table—ayes 94, noes 64.

The speaker, after laying before the house sundry other communications, presented the following message from the president of the U. States.

To the house of representatives of the United States:

In compliance with the resolution of the house of representatives, of the 12th December last, requesting the president to communicate to the house such information as he might possess with regard to any expedition prepared in the United States, and having sailed from thence within the year 1822, against the territory or dependency of any power in amity with the United States; and to inform the house whether any measures had been

taken to bring to condign punishment persons who have been concerned in such expedition, contrary to the laws;" I transmit to the house reports from the secretaries of state and of the treasury, with the documents mentioned in each. Those documents contain all the information in possession of the executive, relating to the subject of the resolution.

That a force, of a very limited extent, has been equipped in the ports of the United States, and sailed from thence for the purpose described in the resolution, is manifest from the documents now communicated; the reports from the collectors of Philadelphia and New York, will shew in what manner this equipment escaped their notice.

The first information of this equipment was received from St. Bartholomews, the place of its rendezvous. This was confirmed afterwards, from Curacao, with an account of its failure. Should any of the persons return within the jurisdiction of the United States, care will be taken that the laws, applicable to such offences, are duly enforced against them. Whether any aid was afforded by others to the parties engaged in this unlawful and contemptible adventure, in the ports in which it was planned, inconsistent with ordinary commercial transactions, and contrary to the laws of the United States, will be referred to the attorney general, on whose advice any measures in regard to them will depend.

February 4.

JAMES MONROE.

The message and documents were ordered to lie on the table.

Mr. Breckenridge, of Kentucky, submitted for consideration the following resolution:

Resolved, That the committee on military affairs be instructed to report a bill to establish a national armory on the western waters.

The resolution having been read—

Mr. B. supported his proposition in a speech of considerable length and with much zeal, shewing the importance of the resolution submitted. There was some debate on the subject—but the time having arrived when the rule in regard to original propositions had expired, the further discussion was postponed, on the motion of Mr. Todd, and the house resolved itself into a committee of the whole on the bill for the encouragement of domestic manufactures.

Mr. Duffee avowed himself averse to any considerable augmentation of the duties, yet was not in favor of rejecting the bill—he wished it made more perfect by its friends; Mr. Forward replied to Mr. D. and generally supported the bill. Mr. Gorham opposed it, and the committee rose about 5 o'clock.

Wednesday, Feb. 5. After some other business, of no immediate importance, but which shall be noticed in its progress—

Mr. Campbell, of Ohio, offered the following resolution:

Resolved, That a committee be appointed to ascertain by whom the suppression of the paragraph, in the letter of William B. Dickson, cashier of the bank of Steubenville, to the secretary of the treasury, dated the 3d day of April, 1819, and by him communicated to this house at the last session, was caused, with leave to sit during the sessions, and with power to send for persons and papers.

Mr. Campbell stated the reasons which induced him to submit this proposition.

Mr. Cook, in vindicating himself from supposed imputations, did not oppose the resolution, but concluded by moving the following amendment to it:

"And that the said committee be instructed to prepare and report to this house a digest of the evidence, if any such there be, shewing whether incurrent or depreciated bank notes were taken in lieu of cash, from any of the banks, in which the public moneys were deposited. Whether the public moneys have not been discontinued to be deposited in, branches of the United

States' bank, and placed in certain local banks, situated in the same towns or neighborhood, without complying with the directions of the law on that subject; and whether such transfers have not resulted in loss to the government; whether the public money has not been loaned to those banks, in which standing deposits were made, under the name of deposits; and whether such loans or deposits have not resulted in loss to the government; whether security was not neglected to be taken in some one or more instances for the punctuality of one or more banks, which proposed to give such security, and whether such failure has not resulted in loss to the government."

Mr. Campbell accepted as a part of his motion the amendment proposed by Mr. Cook.

On the above resolution there arose an animated debate, which excited a lively interest, involving some delicate questions, and being in its nature somewhat personal. The house adjourned.

THURSDAY'S PROCEEDINGS—FEB. 6.

In the senate—The president communicated to the senate the annual report of the commissioners of the sinking fund; which was read.

After some other business, of no importance now—The senate went into the consideration of executive business; after which they adjourned.

In the house of representatives—Mr. Rochester, from the select committee, appointed on the subject of the currency of the United States, made a report, accompanied by a bill making the gold coins of Great Britain, France, Portugal and Spain, receivable in payment on account of public lands; which was read twice and committed.

Mr. Cooke offered the following resolution, which was adopted.

Resolved, That the president be requested to communicate to this house a statement showing particularly whether the money appropriated for fortifications in the years 1820, 1821, and 1822, has been expended on the several fortifications, as required by law; whether the money applicable to one fortification has been transferred and expended on another; if so, by what authority.

The unfinished business of yesterday, being the resolution moved by Mr. Campbell, of Ohio, as amended on the suggestion of Mr. Cook, of Illinois, was taken up—

And the debate was resumed upon the general subject, which lasted until half past 4 o'clock.

Finally, the question was taken on agreeing to the resolution, and it was determined in the affirmative, 107 votes to 23.

The speaker laid before the house a letter from the secretary of war, transmitting statements, shewing all the contracts, which were made by the war department, in the year 1822; a letter from the secretary of the navy, transmitting the annual statements of the appropriations and expenditures for the naval service, for the year 1822, shewing the expenditures under each head, since the 1st January, 1822, and the unexpanded balances of appropriations, on the 1st day of February, 1823; and a report of the secretary of state, of the clerks employed in his department, in the year 1822, with the compensation of each; which were severally ordered to lie on the table. Adjourned.

CHRONICLE.

The U. S. brig *Spark* was lately left at Havana—she had lost lieuts. Nicholson and Newcomb, purser Fanning, midshipman Whattle, and Mr. Davis, captain's clerk, by the fever, since she left home.

U. S. Naval Fraternal association—officers elected at the session, held in Washington, for the present year: Captain Jacob Jones, president, vice Shaw, resigned; lieutenant col. A. Henderson, vice president; purser S. Butler, treasurer, and purser G. S. Wise, secretary.

Marriage. A daughter of Mr. Thompson, secretary of the navy, to M. de Bresson, secretary to the legation of France.

Rhode Island. N. R. Knight has been re-elected a senator from the state of Rhode Island, for six years from the 4th of March next. The opposing candidate was Elisha R. Potter, a federalist. There were two ballotings previous to a choice. 1st, Knight 39, Potter, 37, scattering 3; 2d, Knight 40, Potter 39.

Maine. John Chandler is re-elected a senator of the United States, from the state of Maine, for six years from the 3d day of March next, on which day his present time of service will have expired.

New-Orleans. From a paper of that city.—Noon, this day, [the 20th of December], accomplishes the 19th revolving year, since the flag of the United States replaced those of France and Spain in Louisiana. On such a day we may well look to what we have been, what we are, and what we shall be. To speak with candor of the old Spanish government, we may say that its despotic sway was hardly ever felt on the banks of the Mississippi—and there then reigned among the Louisianians an equality, in the endearing ties of social life, which we in vain look for at the present day. The country, it is true, was buried in a torpid calm, and her sons seemed unconscious of the advantages held out to them by God and nature.

The cession took place—thousands flocked to this modern Sidon, and property, of every kind, more than quadrupled in value. The old colonists found themselves, as it were, transported into a new world, where the love of gain was the ruling passion, morning, noon and night—pride stalked in, hand and hand, with avarice—national partialities mingled with religious differences—and too many of our fellow-citizens now find themselves, perhaps, mere sojourners in a strange land.

New-Orleans, notwithstanding, has improved wonderfully; her population in the proportion of five to one; her police, comparatively, as system to no system; her trade, from a few ships to a thousand; her exports, from zero to \$20,000,000 in value. She now, with her suburbs, extends nearly four miles along the river, and counts 50,000 inhabitants during the fall, winter and spring; whereas, before the cession, her population was but 8000, and the town covered a narrow strip about three fourths of a mile in length.—These advantages accrue partly through the unrivalled position of this city, and partly through the nature of our political and social institutions. The latter powerfully excite the master-passions of ambition and emulation, which in some shape or other reside in every breast. To the former we are indebted for what might prove a monopoly of the trade of ten states of the union, rich in the productions of their soil, and equal in extent, and by and by, in population, to many of the countries in Europe.

Behold our present condition. To contemplate what we may be, the stretch of the mind is infinitely greater; we must follow the progress of steam navigation to the foot of the falls of St. Anthony—to the Yellow Stone, and to the great lakes. We must calculate the riches likely to be reaped from the trade of the multitudes peopling the North West; and then we turn to the left with hopes no less aspiring.

Placed comparatively near the *debouchment* of all the great streams, but one which water the internal provinces of Mexico, New Orleans seems destined to serve as their store-house, from whence will issue, by every mode of conveyance, all the mer-

chandise which millions may want for luxury or use. The Arkansas and Red rivers can be made to bear steam boats to the foot of the dividing ridge of the chain of mountains in which heals the Rio Grande of California, and thus will be opened to us the rich provinces in the North West of Mexico; whilst to the south, caravans of mules, by land, and numerous small vessels by sea are employed in a trade mutually benificial. If we are true to ourselves, and act with spirit and liberality, it is believed there can be but little cause for apprehension as to the competition of other nations in the trade of Mexico. The actual condition of that country is such that it is nearly impossible to dispose of without loss, the cargo of any large vessel arriving from Europe, in either of the two or three ports in the gulf.

This is the state of things at present, and there is no prospect of any material alteration for many years to come. It therefore, follows that the merchant at New Orleans, who can expedite, at any moment, a small vessel, with a cargo which he is certain of disposing of without delay, must always have the advantage, as he runs little risk and his quick returns on his venture.

Loss of the United States frigate Chesapeake by bad gunpowder. From the Boston Patriot, January 29.—The facts set forth in the following petition, which has been presented to our legislature, shew the inefficacy of the existing law regulating the inspection of gunpowder in this commonwealth, and call loudly upon our legislature for its repeal.

To the honorable the senate and house of representatives of the commonwealth of Massachusetts, in general court assembled:

I beg leave, respectfully, to submit to your consideration a leading fact, showing how very important, in a national point of view, is the repeal of the gunpowder inspection law of Massachusetts.

The capture of the United States' frigate Chesapeake, during the late war, is due altogether to the inspection law of Massachusetts. From a source in which I have the fullest confidence, I have been informed that, of the eleven shot which had struck the hull of the Shannon under the water-line, not more than two or three had gone through her bottom.—Had her powder been good, the whole eleven shot would undoubtedly have gone through and the Shannon must have sunk.

And why was the powder of the Chesapeake bad? On this point, allow me to state a fact, which I have also from an unquestionable source. Soon after the capture of the Chesapeake, commodore Stewart went out to Tuft's magazine, to try some powder which he was purchasing for the U. States frigate Constitution; and then tried some of the very lots of which the Chesapeake had a part. These lots had passed the inspection law of Massachusetts, which then required, as it now does, the ball to be thrown 75 yards. It was undoubtedly on the faith of that law, on the faith of the reputation of the inspection laws of this commonwealth, that the gallant Lawrence ventured to trust to this powder, without trying it himself. Judge then of Stewart's astonishment, of his indignation, when he found that some of these lots threw the ball only 12, 19, 30, and 60 yards!!

For these and other weighty reasons, I, therefore, pray for the repeal of the inspection law of gunpowder, and that the quality may rest altogether on the reputation or the brand of the manufacturer.

JOHN PEDRIC, 3d.

NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

The editor having been absent from home for several days, respectfully offers that circumstance as an excuse for apparent inattention to any private communications, as well as for the omission to notice or insert several things that would, otherwise, have appeared in this sheet.

It will be seen by the congressional proceedings, that, on Wednesday last, after a most arduous and ardent session of about ten hours, the house of representatives, in committee of the whole, refused to strike out the first section of the bill for the further encouragement of domestic manufactures. For striking out 51, against it 77. This is thought by some to shew about the real majority of the house who are disposed to enact a bill of this sort.

Since the Missouri question, no matter has been so warmly debated as the principle of this bill—concerning which, (having heard a considerable part thereof), we shall probably offer some extensive remarks at a future day. The majority, at last, prevailed to establish the principle; still the fate of the bill is uncertain, on account of discussions that may possibly arise on its details. It is believed that the senate is favorable to the bill—and that, if they can get it in season from the house of representatives, it may become a law at the present session.

INTERESTING LETTERS. We have the pleasure to present three interesting letters from the three surviving ex presidents of the United States, on the subject of education, to which is added another from a citizen of Maine to the editor of the REGISTER. The last being *practical*, cannot be regarded as less important to the matter than either of the others.

NAVY HOSPITAL FUND. We have the usual annual report of the state of this fund. The balance at present due, and to be applied to the objects for which the fund was instituted, is \$149,742 10.

FORTIFICATIONS. A report of the chief engineer details the amount, quantity and cost of the work which has been done during the past year, on forts Delaware, Washington, Monroe, Calhoun, and at the Rigolets.

The sum expended on each was as follows:

Fort Delaware	\$25,030 06
Washington	27,029 45
Monroe	68,521 49
Calhoun, unexpended bal. 7,183 24	
of last year's appro. 43,989 65—	51,172 89
At the Rigolets	45,713 92

These amounts are made up to the 30th Nov. 1822. In respect to every work, there was a balance of the appropriation remaining unexpended. This is exactly as it should be—the emergency should be great, or the necessity imperious, when the amount of an appropriation is exceeded. Congress very often do wrong in giving too much or allowing too little—but it is the principle of our government that the legislative body should hold the "purse strings"—and we hope that it always will be, in all respects and as applicable to every expenditure. The secretary of war deserves well for his adherence to this saving principle.

Vol. XXIII.—24.

EQUALITY. The ship Magnet has arrived at New York with about one hundred tons of English wheat. Now, this is a most favorable circumstance to those who are opposed to the passage of any bill for the protection of domestic industry—they will say it is compatible with our rank as an independent nation, that, when wheat is dear in the United States and cheap in England, we should receive it from England; and that when it is cheap in the United States and dear in England, that England should exclude it, though thousands might perish with hunger for want of the supplies which we might send, at fair prices. This is the 'free trade' so much lauded and the operation of the dogmas of Adam Smith and others!!! Indeed!—I cannot apprehend how that man's heart is consulted, who will patiently submit to such rank injustice. Let us deal with all nations on reciprocal terms, or refuse to deal with them. We are as important to them as they can be to us—it is the character of a free man to feel himself as good as any one. The slave submits to arbitrary power and suffers oppression—but the eagle-spirit soars above and looks down upon both.

PRESIDENTIAL. An Ohio paper gives the following as the ages of the different gentlemen named for the presidency—Mr. Adams 53; Mr. Calhoun 38; Mr. Clay 40 to 42; Mr. Clinton 53; Mr. Crawford 58; Gen. Jackson 53. The writer thinks that no one less than 50 years old should be selected; and says that Washington was 57, Adams 63, Jefferson 56, Madison 53, and Monroe 59, when they severally reached the presidency. *What, of age?*

THE ERIE CANAL. It is computed that 40,543 tons of articles were transported, east and west, on that part of the canal which was navigable during the last season. Some of the principal things were, 184,522 bbls. flour, 17,663 do. salt, 9,495 do. provisions, 4,872 do. ashes, 506 do. oil, 93,174 bush. wheat, 46,892 do. lime, about 1,500,000 feet boards and timber, 775 tons gypsum, 194,398 gals. whiskey, with bark, wood and merchandise.

One horse draws 25 tons 25 miles per day—the boats at present used are of the kind called *Durham boats*, but others, built specially for the canal, are preferable and coming into use. The average freight of all articles is about 150 cents a ton, per 100 miles, exclusive of the tolls—merchandise pays 300, salt and gypsum 50 cents, produce, generally, 150. It is thought that when the transport shall reach 500,000 tons, which is soon expected after the work is completed, that the canal will hardly be able to sustain it, and if it should ever much exceed that amount, another canal must be made. The tolls of the late year, collected on the section that was used, amounted to from 60 to 65,000 dollars.

GENERAL JACKSON. On the anniversary of the victory of New Orleans, a splendid public entertainment was given to gen. Jackson by the people of Nashville. The following is the hero's reply to an address delivered on the occasion:

SIR—I feel sensibly the honor which has this day been paid me. Words fail in giving utterance to a proper sense of gratitude for the repeated tributes

of affection from my fellow citizens of Tennessee; doubly endeared to me on this occasion, as emanating in part from those who participated in the same scenes and encountered the same dangers, which you have so impressively described. I recognize around me the soldiers of Telledega, Tallase-hatchey, Enukfaw and Tohopeka; those who bled on the plains of the Mississippi, suffered in Florida, and triumphed at Orleans. That I have been the humble instrument in the hands of a Supreme Being to arrest the savage scalping knife, to give protection to a bleeding frontier, and to lead these citizen soldiers to victory, will ever be remembered with mingled emotions of pleasure and devotion. These acts, in producing beneficial results to my country, and in being duly appreciated by my fellow citizens, carry with them their highest value; for, to the patriot soldier, the approbation of one's country is his richest reward.

That the commemoration of this day may, for future ages, bring with it the recollection only of wars that have passed; that my country may long prosper in peace, and that my fellow citizens, in general, and you individually, as the organ through which their feelings have been this day communicated to me, may enjoy the blessings of happiness in this and in the world to come, is my sincere prayer.

NEWSPAPERS.—In the state of New York, there are, at present, 99 weekly newspapers, one published thrice a week, and 9 daily ones—in all 108. It is estimated that 164,060 are circulated weekly, and eight millions and a half a year; in value about \$270,000.

DEBTS. The legislature of North Carolina has abolished imprisonment for debts contracted after the 1st of May next.

MASSACHUSETTS—state prison. According to a report for the year ending on the 30th of September last, the average number of convicts in the prison was about 275. The number received during the year was 91, the number discharged was 83, of whom 14 only were pardoned, 10 died and 1 escaped. The amount received from the sales of stone was \$23,796; the amount for labor of shoemakers, weavers, brushmakers &c. \$9,844. The balance against the prison, on the accounts of the year, was \$3,374, besides the salaries of the directors, physicians, chaplain and warden, amounting to \$2,900.

REPRESENTATION IN MARYLAND. The following article is copied from the "Maryland Republican," printed at Annapolis. It is necessary to observe, for the information of persons out of the state, that *counties*, and not *persons*, are now represented in our house of delegates. Thus, Calvert county, with 852 voters, all told, sends 4 members, the number sent by Frederick, with 6,330; Anne Arundel county sends 4, and Annapolis city, (which is within the same), sends 2—together 6; the amount sent by Baltimore county and city. The present number of members is 80—Baltimore, Frederick and Washington now send 14 of them: but, according to population, (or even more so on account of taxation), they should send 39—and why the word "dominant" and "disfranchised" counties should be used, we cannot tell; not being able to discover why one man in Calvert ought to have the political weight of thirteen men in Baltimore.

Mr. Hughes.—As the inclosed statement may tend to exhibit existing facts, which are not generally

appreciated, and a proper understanding of those facts may essentially subserve the public interest in deciding the question of electing the governor by the people, as passed by the senate, which involves the principle of representation according to the numerical force of population, its early insertion is respectfully requested by
POLITICS.

January 27, 1823.

A statement of the probable number of voters in the several counties, and in the city of Baltimore, in the state of Maryland, founded on the census of 1820, together with an average, and an apportionment of representation to the said counties, on the principle of population.

Counties.	Votes.	Delegates.	Frac'tns	Loss.	Gain.
1. Allegany	1,655	2	255	2	
2. Anne Arundel & City of Annapolis	3,125	4	325	2	
* { Baltimore city	11,276	16	70		18
{ Baltimore county	5,623	8	23		
3. Calvert	852	1	152	3	
4. Caroline	1,459	2	59	2	
5. Cecil	2,754	3	654	1	
6. Charles	1,432	2	32	2	
7. Dorchester	2,147	3	47	1	
* Frederick	6,330	9	30	1	5
8. Harford	2,593	3	493	1	
9. Kent	1,178	1	478	3	
10. Montgomery	2,027	2	622	2	
11. Prince George's	1,873	3	423	2	
12. Queen Ann's	1,480	2	80	2	
13. St. Mary's	1,319	1	619	3	
14. Somerset	2,140	3	40	1	
15. Talbot	1,583	2	183	2	
* Washington	4,243	6	43	1	2
16. Worcester	2,312	3	212	1	
Total	56,390	75	5	30	25

Average 705 to each delegate.			
Total of delegates			75
Fractions			5
			80
* Dominant counties	3—delegates	39	{ Gain 25
No. 1 to 16, disfranchised	do.	36	{ Loss 30
	Majority	3	

POLITICIANS. This term is selected as conveying an idea of persons who have little, if any, regard for the welfare of the republic, unless as immediately connected with, or dependent on, their own private pursuits—who, as a great party leader said of himself, are men of "principle according to their interest"—who have respect to the "loaves and fishes"—who always bow to a "rising sun," and stand prepared to dance round the "golden calf." They are the opposites of *statesmen*. Now, the late Mr. Lowndes was a *statesman*—but the present Mr. ——— is only a *politician*.

There are little knots of these politicians every where, and at least two out of three of each gang are either office-holders or office-seekers, and each gives or takes the influence that he himself or his fellows may possess, to advance particular views or keep honest and honorable men in the back ground. Their proceedings are the antipodes of truth and justice. They are the "fag ends" of the human family. What other men call conscience, they regard as a matter to be bought and sold, as convenience or opportunity offers.

This race of beings is of the remotest antiquity. In the time of the Persian kings, the chiefs of them were generally eunuchs—and the chiefs at this day are, most commonly, something less than other men. Denied the respect of society from the paucity of their talents or their want of regard to propriety, they endeavor to find a substitute for it in cold-calculating intrigue or impudent assumption. They will allow only one side of a story to reach the public ear, if they can prevent it. Impartiality

is to them a crime, and hypocrisy a virtue. They are as centinels at the gates of palaces or places in which power is located, and their duty to each other is—that, when one makes an assertion, another is always ready to affirm its veracity. In general, they may be known by an affected knowledge of every thing—by the possession of fat offices for themselves; by their courtings of persons in authority—in a “feathering” of their own nests by pluckings of the “public goose”—by the holding of sinecures—by doing nothing but running to and fro to disguise truth or disseminate error. Yet they are a very unhappy set—they are always in terror of some explosion; and, when they look into themselves, their mind has the feeling of a man suffering under an amputation when the saw reaches the marrow of his bone! Those who can call to recollection the political history of our country for the last twenty-five years, will not want evidence of the right of what is here asserted. Those who will look round and see what is going on, will discover the reality of it, as easily as the light of the sun at its high and mighty meridian.

There is no present hope of exterminating the breed of those persons seeking “power and forgetting right,” though the public virtue may do much to keep them in check. Their grades are various. One set is content to dictate to a village, another will regulate the affairs of a county, a third wishes to manage the concerns of a city, a fourth aspires to a monopoly of the power of a state, and the tie fifth class of mandarins think that, by caucus or compromise, they ought to direct the matters that belong to the United States, especially as to appointments to office or the obtaining of contracts, which, indeed, is all that they care for! Perhaps, we must have such men—but it is right that their condition should be understood, even so far as this—that, when a poor man buys a couple of pounds of sugar, he shall say “there goes six cents to the support of Tommy, Dickey, or Harry, “esquire,” being the amount of the tax which he pays on the sugar. May it not be right—may it not be a great economy of time, to save us the trouble of thinking for ourselves—and why should not those who take on them this trouble, have a profit out of it? The generous man will not dabble in filthy waters—but as there is a great quantity of public dirt, perhaps such as these are necessary to wade through it.

Like the “Chinese shades,” one set of *migh-ty men* is let down to make room for another—which plays its part, and then also disappears in contempt; the public mind being surfeited with presumption, though the public purse may have paid severely for it. And so we have it “up-and-down,” see-saw, at “Uncle Sam” and his mothers, the several states. But this is the great grievance—one *leeching* is a full allowance for a generation. On account of our popular system, we have several—less, however, perhaps, as to the amount of *blood-sucking* than any other nation: still, there is enough of it—*quant. suf.* as the doctor says, when he consults his intellect by applying the head of his cane to the tip of his nose.

Is the reader curious to know where those people are located?—*Let him look about home.* He will find a set in his own immediate neighborhood, whether he resides in Maine or Missouri—Baltimore or Boston—in the village of *Shawangung* or *Osoloppis*. The facts are fitted to any meridian, and may be localized any where, the city of Washington being always regarded as “head quarters.” I could easily give a special application to these general remarks. I could mention the names of above a dozen persons

as fast as I could write them down, who receive more than as many thousand dollars a year for an average of less than an hour's real attention to business per day, and speak of five others, who long held *two* offices, of a petty character, but productive of about *three thousand dollars per ann.* to each of them—or fifteen thousand dollars for a gang of five. But I cannot descend to specialities—the people must do this for themselves, and manage their own concerns. And, when we see persons enjoying those great advantages, and behold others assuming all influence to themselves, we should seriously ask, what are their rightful pretensions to merit other than that of a certain long eared gentleman, who, it is said, (*if unseen*), can alarm even a lion by his braying? The error is, that we do not see these as we should do.

IMPORTANT DECISION. The president and directors of the bank of the commonwealth of Kentucky brought a suit, in the Adair circuit court, against Benjamin Lampton and others, on a note for money loaned at the branch at Greensburg.

The defendants, by their attorney, plead as follows: “That the writing sued on was illegal and void: for they aver that the bank of the commonwealth of Kentucky, at their branch at Greensburg, loaned the defendant bank paper, or notes of the said bank, signed by the president and countersigned by the cashier of the said bank of the commonwealth, payable on demand, and which bank paper or notes were issued and loaned by said bank by the authority and in pursuance of an act of the legislature of Kentucky, entitled “an act to establish the bank of the commonwealth of Kentucky,” and which notes, or bank paper, were transferred by delivery, and were bottomed upon the credit, loaned for the benefit, and issued in behalf of the state of Kentucky, and were bills of credit, within the meaning and prohibition of the constitution of the United States of America, article 1, section 10, forbidding the emission of bills of credit by any state in the union; and, in consideration of said illegal loan of said illegal bank paper, the defendant executed his note, with security, then, to the plaintiff, for the amount, according to the denomination of said illegal bank paper; and said note, executed by him as aforesaid, became due, and the defendant paid the call made thereon and the interest also, and executed the note, in the petition set forth, for the balance still unpaid of said illegal bank paper, as a renewed note, and a subscription and satisfaction of the first note aforesaid, and for no other consideration.”

The plaintiffs filed a demurrer to the plea, and judge Tompkins sustained the demurrer, and gave judgment for the amount of the note.

The defendants prayed an appeal; and, at the present term of the court of appeals, the cause was heard and the judgment of the court below affirmed. [*Argus.*]

CURIOUS LAW CASE. *Albany, Dec. 25.* A singular case of bigamy was tried at the present court of general sessions of this county. Fanny Edger, otherwise called Frances Edge, was indicted for having married John Butterfield, in August last, *she then having a lawful husband living*, to wit, George Edge. The first marriage to Edge was proved by Richard Waiting, esq then a justice of the peace, in January 1816, and the last marriage was proved by Stephen M. Conger, esq. also a justice, and proof was given that the first husband was still living. The public prosecutor here rested

the cause. The frail, but favorite fair one, then offered to prove in her defence, a *third marriage*, anterior to the marriage with Edge—and the rev. Mr. Stayer, of this city, was called as a witness, and proved that in February 1815, the prisoner was married by him to Francis W. Cook. That Cook was alive when the prisoner was married to Edge, was also proved. This singular defence was held to be good, inasmuch as it repelled the allegation in the indictment, that Edge was her *lawful husband*; and under the charge of the court, she was acquitted. The hymeneal chains appeared to sit very lightly upon this lady; as she shook them off upon any favorable opportunity that offered. Her acquittal would indeed seem to sanction the commonly received adage, that, although a party may be punished for a *second marriage*, yet that a *third marriage* renders the transaction *wholly innocent*; or in other words that the lady is *outlawed*. The district attorney however, threw out an insinuation, that although she had escaped this time, yet upon another indictment, she should be brought to justice.

Cultivation of tobacco.—A number of farmers on the river Huron, west of this place, have, during the past season, realized a very handsome profit from small portions of their farms, which they had appropriated to the cultivation of tobacco. The article brought them six cents a pound in the leaf. The average crop is said to have equalled the high expectations formed of the productiveness of the soil, and many are preparing to engage in the business more extensively. The crop of the last season, on the Huron, was about 15 perogee loads, averaging perhaps 700 pounds each.—*Det. Gaz.*

HAVANA. The whole number of vessels which entered the port of Havana, in the year 1822, was 1296—of which 386 were Spaniards, 669 Americans, 113 English, 61 French, 18 Dutch, 12 Hamburg, 7 Bremen, 7 Portuguese, 6 Danish, 4 Swedish, 2 Sicilian, 1 Oldenburg, 1 Sardinian, 1 Colombian and 2 pirates, prizes—presenting a grand total of 1296—including 141 vessels of war, of which 69 were strangers.

FUDAL SPLENDOR. Prince Esterhazy lately gave a great hunt in compliment to his friends, at which upwards of eight hundred peasants were employed for 15 days in enclosing and rousing the game. In the grand duchy of Hesse, the peasants being called out, on a like occasion, refused to serve as "*chiens de chasse*," or as pointers or hounds. The consequence was a law suit between them and the proprietor, to determine the capacity in which they were to perform service.

ELEGANT COMPLIMENT. Fontenelle, at the age of 97, after saying many amiable and gallant things to the young and beautiful madame Helvetius, passed before her without perceiving her, in order to place himself at table—"See," said madame Helvetius, "how I ought to value your gallantries: you pass before me without looking at me." "Madame," said the old man, "if I had looked at you, I could not have passed."

A SALMON TROUT, weighing 13½ lbs. caught in Cayuga lake, was lately sold in the city of New York for fourteen dollars.

TOBACCO OF UPPER CANADA.—A letter from Amherstburg Upper Canada, published in the Quebec Gazette, says: "There has been some stir this winter in consequence of the tobacco trade. Next

spring I think there will not be less than *one hundred hogheads* shipped from hence. The Lower Canada merchants will soon have to find us other markets than Montreal and Quebec, for the quantity will increase at least *ten fold* the year after."

TRAVELLING. From the Bedford, (Penn.) True American. From an account kept by Mr. Mollwitz, keeper of the turnpike gate, on the North mountain, between Loudon and McConnellsburg, it appears that there passed and re passed through his gate, from the first of December, 1821, to the 30th of November, 1822,

Broad wheeled wagons	1555
Narrow do. do.	3596
Two horse wagons	283
Single do. do.	609
Two horse carriages	130
Chairs and gigs	201
Single horse carts	38
Sleighs and sleds with two horses	144
Do. do. one do.	87
Riding horses	4766
Total horses	32,941
Cattle	4,340
Sheep	6,220
Hogs	2,820

SAILING CARRIAGES. A machine, invented by a gentleman of Christ college, Cambridge, was lately tried at New Market. In shape it is nearly that of an isosceles triangle, and it moves with the broad end forward, on four wheels. It has a boom thirty-two feet long, and an exceeding high mast. It will carry twelve persons at the rate of thirty miles an hour. To the axle of the hinder wheels is fixed a rudder. It can go on a wind, and tack as a vessel at sea, and is capable of being so correctly guided, that the pilot at pleasure can run the wheels over a stone—*Lon. Mag.*

MONEY. The following are the particulars of a curious bill, copied lately from an original record belonging to the borough of Thetford, Eng. It appears to have been entered on the record in the reign of Edward III. in the year 1336, and exhibits an account of the value of some articles at that time, being a bill inserted in the town-book of the expenses attending two light horsemen from Thetford to the army, which was to march against the Scots that year.

Two men chosen to go into the army against Scotland,	£1 0 0
For cloth, and for making it into two gowns,	0 1 0
For two pair of gloves and a stock or staff,	0 0 2
For two horses,	1 15 0
For shoeing these horses,	0 0 4
For two pair of boots for the light horsemen,	0 2 8
Paid a lad for going with the mayor to Lynn to take care of the horses, a distance of nearly 30 miles,	0 0 3
For a boy for carrying a letter to Lynn,	0 0 1
Expenses for the horses of two light horsemen, for four days before they departed,	0 1 0

THEOLOGICAL SEMINARIES. A long account of the seminaries at Andover, in Massachusetts, and Princeton, in New Jersey, is compiled for the New York Commercial Advertiser, from which the following facts are extracted:

And, ver, the whole number of students is one hundred and forty, all but eight of them being graduates of colleges.

At Princeton, there are ninety-five students, all but 22 of them being graduates of colleges.

Of 254 graduates, at Andover, (since 1808, when that seminary was established). 16 have died; 114 are pastors of churches; 36 are preachers, not settled, or are in other employments, as professors in colleges, preceptors of academies, &c. &c.; 39 are missionaries in this country; 17 are missionaries in foreign countries, and of 33, their residence &c. is unknown.

We find that, among the incidents to this seminary, there is a printing office, to which is given the name of the *Codman press*, after the name of the rev. John Codman, of Dorchester, who gave one thousand dollars to complete its founts of type.

It has beautiful founts of Hebrew, Arabic, and Greek type, from Germany, and is now procuring the necessary additions of Roman, &c. &c. It is under the care of Messrs. Flagg and Gould, who have already printed from it the translation of Thiersch's Greek tables, and part of the *Iliad of Homer*. They have also nearly finished printing the translation of Jahn's Biblical Archæology, and have in press the second edition of professor Stuart's Hebrew grammar, and the translation of Gesenius' Hebrew German lexicon. These two are expected to be published in the course of the ensuing summer."

DAVID GRAY. The New-England Galaxy gives the following short narrative of the life of David Gray, who has applied to the legislature of Massachusetts to compensate him for his revolutionary services. It seems the member of the legislature who presented the petition, did not say David Gray was the Hary Birch of the American novel called the Spy, but merely that his adventures were so similar, as well to justify the belief that he might possibly have stood as the original of that well drawn character.

"We have obtained a short account of the history of Mr. Gray. He was born in Lenox, in this state; served under col. Allen at Ticonderoga, in 1775, on which occasion he received a small present from col. Allen, on account of the gallantry he had manifested; was, in different regiments, actively engaged in service till 1777, when he entered the first regiment of Massachusetts, commanded by col. Vose. He continued in this regiment three years; and it is for this service that the house of representatives, on the occasion above mentioned, allowed him his full pay. On the second of January, 1780, he was transferred, by superior orders, to the quarter master's department; and at this time his uncommon adventures begin. On account of the intelligence he displayed in detecting a line of Tories and loyalists, which extended from Canada to New-York, he was made known to general Washington, and employed by him in secret service. For this purpose he was furnished with a pass, authorizing the bearer to pass all lines and outposts whatever of the American army, and also with a captain's commission.

"Gray went to Connecticut and Long Island; was introduced, as a trusty and useful person, to col. Robinson, at that time at the head of the loyalists, known by the name of the American Legion; and was employed by him to carry letters to loyalists in New-York, Vermont, New-Hampshire and Connecticut. Gray first delivered these letters to the commander in chief of the American army, and

then, by his directions, carried them to their proper addresses. He was employed a year in this kind of service. He was afterwards employed by general Clinton, and was sent by him to Canada with despatches; upon which occasion he made himself very useful to the American commander. He continued in this capacity of a double spy, assuming various disguises and adopting various expedients, both to conceal his American pass and the despatches which he occasionally carried from both parties, till September, 1781, when he was sent to New London in Connecticut, to inform colonel Ledyard, that, if the wind was favorable, Arnold would attempt to land there the next morning. Arnold accordingly appeared, and the fort in which Gray was stationed having been taken by the British, he had just time to escape, leaving his papers in the hands of the American commanding officer. This was the end of his services as a spy. At the disbanding of the army, he settled and married in Pennsylvania, and has lived there and in Vermont to the present time.

A PHENOMENON. From the *Albany Daily Advertiser*. On the farm of Israel Loomis, sen. in the town of Warren, county of Herkimer, N. Y. about 65 miles west of Albany, 11 miles south of the canal, and half a mile north of the third great western turnpike road, is a small spring or run of water, which, to all appearances never alters in quantity, either in wet weather or in dry. The water is perfectly soft and is considered the best in the region.

Now to the phenomenon.—Always, invariably, before northeast storms, this spring becomes turbid. This muddiness commences about twenty four hours before the storm, and continues from 4 to 10 hours, according to the power of the storm which is coming; this invariably takes place previous to the northeast storm, and at no other time. Previous to a moderate storm, however, this muddiness of the water does not continue more than two hours, and then runs clear again. There can be no possible error in this statement. The water is now conducted in aqueducts, and the spring is covered, so that no possible external cause could produce this effect. I have now stated facts as there are. The respectable aged people who have used the waters of the spring more than twenty years, tell me that they can predict a northeast storm as certainly as they can the rising or setting of the sun; and that, when the weather is perfectly mild, and the wind in the south or in the west, and no perceptible signs of any storm at hand, still, if their spring becomes muddy, they are perfectly sure that a northeast storm will commence within twenty four hours.

This spring is situated at the north foot of a small hill, which is the most northwardly spur of that range of hills whose waters feed the Susquehanna. The hill appears to be composed of clay and schist, and the spring pours out the water near its north foot, about two rods above the plain, where the limestone region commences. This water flows to the Susquehanna. Although, in a direct line, it is within 9 or 10 miles of the Mohawk river.

Whether this does or does not favor captain Symmes' theory of the earth, I shall not attempt to describe—but having stated facts as they are, I shall leave their causes to be decided by men who know more about subjects of this nature than

AN UNLEARNED TRAVELLER.

WHALE FISHERY. From the *Nantucket Inquirer*.—Abstract of two letters from the collector of New Bedford to Mr. Baylies, relative to the whale fishery.

In January 1822, it is stated that the number of vessels employed in this fishery, from the port of New Bedford, was 68. Tonnage 15,222, navigated by 1350 men and boys. Those employed exclusively in the spermaceti whale fishery were 36, tonnage 9921; navigated by about 800 men. The oil and bone brought from the Pacific ocean to New Bedford, since the late war, (to Jan. 5, 1822), are estimated at \$1,713,600. Annual value to New Bedford of the fishery in the Pacific, \$500,000, exclusive of profits arising from the manufacture of spermaceti candles. The capital employed is rated at \$850,000—the bills of some of the ships being as high as 32 or 33 thousand dollars each.

The annual value of the spermaceti whale fishery to Nantucket and New Bedford together, is estimated at \$1,500,000. The oil and bone brought into both places, between the termination of the last war and Jan 5, 1822, is stated to have exceeded \$6,000,000—and the number of seamen employed therefrom amounts to 2500—this fishery giving employment also to all the mechanics of both places. The most profitable whale fishing is said to be now in the North Pacific, between the latitude 38 and 48.

We subjoin, from an authentic source, the following statement of the number of ships belonging to the United States, at present engaged in the spermaceti whale fishery, the ports from which they sail, the number of men employed, &c.

		At sea.		In port.	Total.
Nantucket,	ships	75	8		83
New Bedford,	do.	39	5		42
Boston,	do.	4			4
Newport,	do.	2	1		3
Warren, R. I.	do.	1			1
New York,	do.	4	1		5
Sag Harbor,	do.	1			1
New Haven,	do.	2			2
Edgartown,	do.	4			4
Plymouth,	do.	2			2
New London,	do.	4			4
Falmouth, Mass.	do.	1			1
		139	13		152

Average tonnage, 300—total of tonnage, 45,600.
Average number of men, 21—whole number, 3192.

The quantity of spermaceti oil imported into Nantucket and New Bedford during the three last years is as follows:

	gallons.	gallons.
1820, Nantucket,	581,366,	N. Bedford, 417,438
1821, do.	719,052,	do. 617,935
1822, do.	799,974,	do. 372,424
	2,101,292	1,407,797
Making, in all	3,509,089 gallons.	

FOREIGN NEWS. From London papers to the 1st January, received at New York, we have the following articles—

Portsmouth, Dec. 21.—There appears to be no longer any doubt, that the ships about to sail under the command of sir Edward Owen, are intended as a reinforcement of sir Charles Rowley's squadron, at Jamaica, for the purpose of being employed in taking possession of the Island of Cuba, should Spain be forced into a war with France. The French have a small squadron of ships (including one line of battle ship) at Martinique, whose intention it may possibly become necessary to thwart. Should the deprecated event not take place, and sir Charles Rowley wish to return to England, sir Edward Owen may, in that case, hoist a broad-pendant, and

assume the command of the station for the next three years.

The annexed is from a Paris paper, of Dec. 27, is regarded as important in respect to the relations between France and Spain, and those of the "holy allies" with those powers. Several other changes in the ministry were expected.

Paris, Dec. 27. The following is what we have been able to collect as the most positive respecting the cause of the resignation of M. the duke de Montmorency: On Wednesday morning M. the duke of Montmorency, presented to the council of ministers, at which his majesty presided, the form of a note designed to be addressed to the Spanish government. This document energetically expressed the intentions of the sovereigns, members of the holy alliance, such as they were declared at the congress of Verona. The majority of the ministers having supported the note of M. de Montmorency, M. de Villele, in his turn, presented a note, the terms of which were milder, and which, having been submitted to the king, obtained the assent of his majesty.

M. the duke Mathieu de Montmorency, (who, in the deliberations of the congress, had specifically engaged to cause to be presented to the French cabinet the note exactly as it had been determined upon between the several plenipotentiaries), declared that he must, in case of modification, solicit the king to accept his resignation. M. de Villele, who, in the event of the despatch of the note of the duke Mathieu de Montmorency, must have solicited retirement, has been charged, *ad interim*, by his majesty, with the ministry of foreign affairs.

The rate of Exchange.

MR. NILES.—In pursuing this discussion, it may be assumed that the rate of exchange is what every one says it is, what every one knows and feels it to be, what the 'Merchant' admits—five dollars to the pound sterling, or 12½ per cent. above par, against this country. The fact admitted, it is well to inquire into the causes, and much better to begin with facts, and then draw inferences from them, than, by starting upon theory and reasoning, to endeavor to make out facts to correspond with them. We have seen that it costs us more to pay 7,1000 in London than in Boston, by \$555 56—from which the inevitable inference arises, that more money is remitted from Boston to London than from London to Boston—for, if the balance of remittance was to Boston, bills on Boston would be in demand in London. If the debt was payable in pounds sterling, then the value of the pound sterling; if in dolls. then the value of the dol. in Boston, would regulate the price of the bill in London;—whereas now the value of the pound sterling in London regulates the value of the bill in Boston—being \$4.44 in the latter, and \$5 in the former, instead of \$4.44 in both. Wherever the balance of payments is due, there the value of the article offered in payment must be fixed. If it is in the current legal coin of the country, the value is fixed by law—if in produce, bullion, or any thing, not a legal tender for debts, the creditor must fix the value at which he will receive it. This affords the true reason why a pound sterling costs five dollars. The debt due in London is so many pounds sterling, payable in one pound notes, sovereigns, or their equivalent in bullion—say dollars; dollars are not a legal tender; their value is not fixed, as with us, by law, but depends on the complicated relations of commerce; the person offering them in

payment, must put them, like his cotton, into market, and they produce him at the rate of five for a one pound note or sovereign. If the balance is due in Boston, it is payable in dolls.—if payment is offered in one pound notes, the holder must be contented to receive a credit for their market price: the dollar being no legal tender in London, or the one pound note in Boston, their respective values depend on, not the quantity of gold or silver they represent, but their price as merchandise—and, if this price is less than they respectively cost, it is so much loss to the merchant—he has the disadvantage of buying his note or dollar where it has a fixed determinate value, and disposing of it where it has none, but depends on many fluctuations. Thus, at the present rate of exchange, five dollars to the pound sterling, and the legal value \$4.44, the dollar costs here 4s 6d. but produces in London only 4s. This must be owing to the balance of payments being in favor of London; and, by means of this balance being due by our merchants, they must sell their dollars at whatever price the London merchants will pay for them. Here they cost 100 cents, there they sell for 87½—because we are in debt and must submit to the loss. If, on the other hand, they were in debt to us, the dollar would be worth to them 100 cents—as it is a legal tender for that amount in Boston. As the creditor can thus regulate the value of uncurrent coin, and does regulate it so that it loses to this country one-eighth of its legal value, and sells for one-eighth less than it costs, this fact, in itself, is conclusive evidence that the balance of payments is against, and that the amount of the exchange is so much loss to the country. That the actual rate of exchange is against us seems to be admitted—the principal difficulty is in ascertaining its cause; for those who, at once, admit the fact, at the same time assert that the balance of trade is in our favor. This is worth examination. It has, hitherto, been a received opinion, that the rate of exchange is intimately connected with the balance of trade, and there seems no good reason to doubt the correctness of this opinion: as the balance of trade is the general result of all our commercial operations, so, it seems to me, must be the rate of exchange. Following my usual course, I assume exchange to be 12½ against us, as between us and England. This rate does not depend on the balance of payments to England alone: If we owed in London \$10,000,000, and there was due to us in Hamburg, Amsterdam, Paris and Leghorn, \$8,000,000, a credit could be created in London to this amount by bills on those places—and a bill could be drawn on London, predicated on the receipt of those other funds; the rate of exchange, in London, would then be a compound of the different rates between London and the different places whence the funds are to be drawn to pay the \$10,000,000—between London and Amsterdam for 2,000,000; London and Hamburg for 2,000,000, &c. &c. and for 2,000,000, between London and Boston. England being the centre of all our commercial operations, the rate of exchange between her and us must be the aggregate result of our shipments, consignments, drawings and re-drawings, with all parts of the commercial world, where our intercourse extends.

Without going, at present, into the subject of the balance of trade, I assume the statistical statements of the treasury as correct: from those it appears, that the result of our trade with England is, imports \$23,180,000, exports, \$18,464,000—balance against us \$4,616,000: with France \$4,989,000 imports, exports \$5,527,000—balance in our favor

\$538,000: with Holland, exports 5,694,600, imports \$1,938,000—balance in our favor \$1,756,000: with the North of Germany, exports 2,132,000, imports \$990,000—balance in our favor \$1,142,000—leaving a general balance in the trade of these four countries of \$1,180,000 against us—for which we must provide funds. After absorbing the favorable balances, we are compelled to remit, not only our funded and corporate stocks, but are obliged to purchase bills of exchange to make up the balance. If it was in our favor, we should have bills to sell. Now foreigners can regulate the price of our public and corporate securities, the price of our dollars—but if our commercial operations created us a credit in London greater than our debts, we should have no occasion to make any other remittances. British stocks are not held by our merchants, or sold in our market, for the obvious reason that none are sent here—the course of payment being from us to England, she being the creditor. That the rate of exchange depends on the aggregate balance of trade will be at once evident, if we suppose the balance of the trade of the four countries above-mentioned is in our favor \$1,180,000, instead of that amount against us; our object would be to receive instead of paying that balance; we would sell \$1,180,000 of bills instead of buying them—there would be no inducement to make remittances to a place where we had already surplus funds; it would be reversing every principle of commerce and every rule of trade. I do not speak of what may be, but of what is—of the ordinary operations of trade, not of possibilities: the balance of trade may be against a country, and yet exchange may be in favor of it. England may owe us \$10,000,000, and yet our merchants may wish to invest 20,000,000 in British funds or a foreign loan—but this case does not exist, and if the Boston Merchant's questions my facts or reasoning, I must beg of him not to answer either by putting cases which do not exist. If he can, consistently with the existing state of things, account for the rate of exchange being so much against us, and the balance of trade in our favor, he will receive from no one more credit for the information than from myself. But the stretching one's ingenuity to put possible cases, is not a proper way of coming at truth: it always leads to error. Take the case as it is—reason from facts as they are, and truth will be the result: but it is not the result of suppositions which do not apply in practical operations. Suppose any thing, and every thing will follow. The preceding observations appear to me perfectly applicable to the present condition of the country, and I cannot see how the conclusion can be avoided, that the rate of exchange and the balance of trade are against us—yet it may be said the latter is not proved. T.

☞ An article on the balance of trade, by the same hand, is laid off for our next.

Public Education.

INTERESTING LETTERS

Laid before the legislature of Kentucky by the board of school commissioners, by the chairman, Mr. Barry, lieut. governor of the state.

Monticello, Quincy, July 21, 1822.

SIR—I know not that I ever received a letter with more pleasure than yours of the 30th June last, except the circular from your committee, which I received some days before.

*In these statements, specie is included both in the imports and exports.

The wisdom and generosity of your legislature in making liberal appropriations in money, for the benefit of schools, academies, colleges and the university, is an equal honor to them and their constituents; a proof of their veneration for literature and science, and a portent of great and lasting good to North and South America and to the world.

Great is truth—great is liberty, and great is humanity, and they must and will prevail. I have communicated your letters to as many of my friends as I have seen, and requested them to assist me in complying with your views. If the taper thread of life should continue to burn a little longer, I hope that you will hear more from me. At present, blind and paralytic, I am incapable of research or search. I can only give hints from memory. A law of this colony, almost two hundred years ago, obliged every town to maintain a school master, capable of teaching the Greek and Roman languages, as well as reading, writing and arithmetic in English. Those school masters were to be examined by the clergymen and magistrates; and the clergymen by those days were all learned men.—This law is in force to this hour, though not so punctually executed as it ought to be. I had myself the honor to be a school master from 1755 to 1758, in the town of Worcester, under this law. These school masters and school houses, are maintained by taxes, voluntarily imposed on themselves by the people, in town meeting, annually; and the ardor of the people in voting money for this noble purpose, is astonishing. In this small town of Quincy, consisting of not more than 1,400 inhabitants, I think they voted, this year, \$1,700, for the support of schools—more than a dollar a head for every man, woman, and child in this place. The principal school, which is not more than half a mile from me, pours out of its doors, at twelve o'clock every day, from one hundred to two hundred boys and girls, as happy as Scott or Shenton, has described them and their masters, in their romances. Besides this principal school, there are not less than four or five schools kept by women in different parts of the town, for children of both sexes, too young to be able to travel to the central school. Besides these town schools, there are academies under the auspices of the legislature, and others established by private munificence for teaching languages, arts and sciences, on a more enlarged scale. All these subordinate institutions are preparatory to qualifications of young gentlemen to enter the university. The universities and the schools mutually support each other; the schools furnish students for the college, and four years afterwards, the college sends the young men into the country to keep school.

I esteem myself highly honored by your circular and your letter of the 30th June. And am, sir, your very obedient, humble servant.

JOHN ADAMS.

Wm. T. BARRY, esq. Lexington, Ken.

Monticello, July 2, 1822.

Sir—Your favor of the 15th June is received, and I am very thankful for the kindness of its expressions respecting myself; but it ascribes to me merits which I do not claim. I was one only, of a band devoted to the cause of independence, all of whom exerted equally their best endeavors for its success, and have a common right to the merits of its acquisition. So, also, in the civil revolution of 1801, very many, and very meritorious, were the worthy patriots, who assisted in bringing back our government to its republican tack. To preserve

it in that, will require unmitting vigilance. Whether the surrender of our opponents, their reception into our camp, their assumption of our name and apparent accession to our objects, may strengthen or weaken the genuine principles of republicanism, may be a good or an evil, is yet to be seen. I consider the party division of whig and tory, the most wholesome which can exist in any government, and well worthy of being nourished, to keep out those of a more dangerous character. *We already see the power, instated for life, responsible to no authority, (for impeachment is not even a scare crow), advancing, with a noiseless and steady pace, to the great object of consolidation.* The foundations are already deeply laid, by their decisions, for the annihilation of constitutional state rights, and the removal of every check, every counterpoise to the engulfing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other, is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. *Let the future appointments of judges be for four or six years, and renewable by the president and senate.* This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipoise between the general and special government. We have erred in this point, by copying England, where certainly it is a good thing to have the judges independent of the king; but we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries, independent of the nation, whatever may be their demerit, is a solecism in a republic, of the first order of absurdity and inconsistency.

To the printed inquiries respecting our schools, it is not in my power to give an answer. Age, debility, an ancient dislocated, and now stiffened wrist, reader writing so slow and painful, that I am obliged to decline every thing requiring writing. An act of our legislature will inform you of our plan of primary schools; and the annual reports show that it is becoming completely abortive, and must be abandoned very shortly, after costing us to this day 180,000, and yet to cost us \$45,000 a year more, until it shall be discontinued; and if a single boy has received the elements of a common education, it must be in some part of the country not known to me. Experience has but too fully confirmed the early predictions of its fate. But on this subject I must refer to others, more able than I am, to go into the necessary details; and I conclude with the assurances of my great esteem and respect.

THOMAS JEFFERSON.

Mr. W. T. BARRY.

Montpellier, Aug. 4, 1822.

Dear sir—I received, some days ago, your letter of June 30th, and the printed circular to which it refers.

The liberal appropriations made by the legislature of Kentucky, for a general system of education, cannot be too much applauded. A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will ever govern ignorance; and a people, who mean

to be their own governors, must arm themselves with the power which knowledge gives.

I have always felt a more than ordinary interest in the destinies of Kentucky. Among her earliest settlers were some of my particular friends and neighbors; and I was myself amongst the foremost advocates for submitting to the will of the "district," the question and the time of its becoming a separate member of the American family. Its rapid growth and signal prosperity, in this character, have afforded me much pleasure, which is not a little enhanced by the enlightened patriotism which is now providing for the state a plan of education embracing every class of citizens, and every grade and department of knowledge. No error is more certain, than one proceeding from a hasty and superficial view of the subject, that the people at large have no interest in the establishment of academies, colleges and universities, where a few only, and those not of the proper classes, can obtain for their sons the advantages of superior education.-- It is thought to be unjust that all should be taxed for the benefit of a part, and that too the part least needing it. If provisions were not made, at the same time, for every part, the objection would be a natural one; but, besides the consideration, when the higher seminaries belong to a plan of general education, that it is better for the poorer classes to have the aid of the richer, by a general tax on property, than that every parent should provide, at his own expense, for the education of his children, it is certain that every class is interested in establishments, which give to the human mind the highest improvements, and to every country its truest and most durable celebrity.

Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind, which is the best security against crafty and dangerous encroachments on the public liberty. They are nurseries of skilful teachers, for the schools distributed throughout the community. They are themselves schools for the particular talents required for some of the public trusts, on the able execution of which the welfare of the people depends. They multiply the educated individuals, from among whom the people may elect a due portion of their public agents of every description, more especially, of those who are to frame the laws, by the perspicuity, the consistency and the stability, as well as by the just and equal spirit of which the great social purposes are to be answered.

Without such institutions, the more costly of which can scarcely be provided by individual means, none but a few, whose wealth enables them to support their sons abroad, can give them the fullest education; and, in proportion as this is done, the influence is monopolized, which superior information every where possess. At cheaper and nearer seats of learning, parents, with slender incomes, may place their sons in a course of education putting them on a level with the sons of the richest; whilst those who are without property, or with but little, must be peculiarly interested in a system, which unites with the more learned institutions, a provision for diffusing through the entire society, the education needed for the common purposes of life. A system comprising the learned institutions, may be still further recommended to the more indigent class of citizens; by such an arrangement as was reported to the general assembly of Virginia in the year 1779, by a committee* appointed to revise the

*The report was made by Mr. Jefferson, Mr. Pendleton and Mr. Wythe.

laws, in order to adapt them to the genius of republican government. It made a part of a "bill for the more general diffusion of knowledge," that, wherever a youth was ascertained to possess talents, meriting an education which his parents could not afford, he should be carried forward, at the public expense, from seminary to seminary, to the completion of his education, at the highest.

But why should it be necessary in this case to distinguish the society into classes according to their property? When it is considered that the establishment and endowment of academies, colleges and universities, are a provision not merely for the existing generation, but for succeeding ones also; that, in governments like ours, a constant rotation of property results from the free scope to industry and from the laws of inheritance, and when it is considered, moreover, how much of the exertions and privations of all are meant, not for themselves, but for their posterity, there can be little ground for objections from any class, to plans of which every class must have its turn of benefit. The rich man, when contributing to a permanent plan for the education of the poor, ought to reflect that he is providing for that of his own descendants; and the poor man, who concurs in a provision for those who are not poor, that, at no distant day, it may be enjoyed by descendants from himself. It does not require a long life to witness these vicissitudes of fortune.

It is among the happy peculiarities of our union, that the states composing it derive from their relations to each other, and to the whole, a salutary emulation, without the enmity involved in competitions among states alien to each other. This emulation, we may perceive, is not without its influence in several important respects; and in none ought to be more felt, than in the merit of diffusing the light and the advantages of public instruction. In the example, therefore, which Kentucky is presenting, she not only consults her own welfare, but is giving an impulse to many of her sisters who may be behind her in the noble career.

Throughout the civilized world, nations are courted the praise of fostering science and the useful arts, and opening their eyes to the principles and the blessings of representative government. The American people owe it to themselves and to the cause of free government, to prove, by their establishments for the advancement and diffusion of knowledge, that their political institutions, which are attracting observations from every quarter, and are respected as models of the new born states in our own hemisphere, are as favorable to the intellectual and moral improvement of man, as they are comfortable to his individual and social rights. What spectacle can be more edifying or more reasonable, than that of liberty and learning, each leaning on the other for mutual and surest support?

The committee, of which your name is the first, have taken a very judicious course, in endeavoring to avail Kentucky of the experience of elder states in modifying her schools. I enclose extracts from the laws of Virginia on that subject, though I presume they will give little aid; the less, as they have as yet been imperfectly carried into execution.-- The states where such systems have been long in operation, will furnish much better answers to many of the inquiries stated in your circular. But after all, such is the diversity of local circumstances, particularly as the population varies in density and sparseness, that the details suited to some, may be little so to others. As the population, however,

is becoming less and less sparse, and it may be well, in laying the foundation of a good system, to have a view to this progressive change, much attention seems due to examples in the eastern states, where the people are most compact, and where there has been the longest experience in plans of popular education.

I know not that I can offer, on the occasion, any suggestion not likely to occur to the committee.—Were I to hazard one, it would be in favor of adding to reading, writing and arithmetic, to which the instruction of the poor is commonly limited, some knowledge of geography, such as can easily be conveyed by a globe and map, and a concise geographical grammar. And how easily and quickly might a general idea even be conveyed of the solar system, by the aid of a planetarium of the cheapest construction. No information seems better calculated to expand the mind and gratify curiosity than what would thus be imparted. This is especially the case with what relates to the globe we inhabit, the nations among which it is divided, and the characters and customs which distinguish them. An acquaintance with foreign countries in this mode, has a kindred effect with that of seeing them as travellers; which never fails, in uncorrupted minds, to weaken local prejudices and enlarge the sphere of benevolent feelings. A knowledge of the globe and its various inhabitants, however slight, might moreover create a taste for history, an inexhaustible fund of entertainment and instruction. Any reading, not of a vicious species, must be a good substitute for the amusements too apt to fill up the leisure of the laboring classes.

I feel myself much obliged, sir, by your expressions of personal kindness, and pray you to accept a return of my good wishes, with assurances of my great esteem and respect. JAMES MADISON.

P. S. On reflection, I omit the extracts from the Virginia laws, which, it is probable, may be within your reach at home. Should it be otherwise, and you think them worth the transmission by mail, the omission shall be supplied.

W. T. BARRY, Kentucky.

TO THE EDITOR OF THE REGISTER.

MR. NILES. The remarks in the 21st volume of your REGISTER, on the splendid reports made in Virginia about their university, literary fund, &c. appeared to me correct, and I truly regretted that the exalted talents of the great and good men of that distinguished state had been more applied to *theorizing* than to *acting* on the most important subjects—and your having again lately referred to the same matters, I thought that I would send you the following facts and observations.

From the "splendid" reports above alluded to, I turned my attention to my own state of Maine to see what had been done for the encouragement and support of education, and could not help remarking the vast difference, (on paper), as to the apparent condition of the two states, and I thought that I could perceive an equal difference in the practical effect of their systems. Considering the great disparity between the wealth of Maine and Virginia, a great difference, in effect, ought to be expected and in favor of the latter. We have no literary fund about which to make a report, nor a mammoth university to talk of—yet we have not been unmindful of literature, though our legislature has been more zealous to diffuse useful education than to rear up a few great literary characters. We have, however, a flourishing college, in the full tide of success, with an established character, and rapidly increasing in means,

numbers and reputation, another has just gone into operation—both are under the fostering care of the state, and furnish ample means for the education of our youth. There are also from 20 to 30 academies endowed by the state, where our children receive the preparatory qualifications for the colleges—but our great efforts are directed to the common schools. The operation of our laws is silent, but effectual. Every town in the state is obliged to raise an annual tax, equal at least to forty cents on each of its inhabitants—and, according to the last census, the aggregate of this tax for the whole state is \$119,334—equal to the income of a capital of \$1,955,567, at the usual rate of interest. This tax is expended in the support of free schools; and, for the purpose of an equal participation of the benefit, each town* is, by law, subdivided into convenient school districts, and the money raised is disbursed among them in proportion to the number of youths between the ages of 4 and 21 years in each. These districts are made corporations for the purpose of building, furnishing and supporting school houses, which they are obliged to build, &c. At a moderate calculation, there is, throughout the state, one school house for every 200 of its inhabitants making about 1500 in the whole. These cost from 100 to 500 dollars each, averaging probably one hundred and fifty dollars, raised in addition to the regular school tax, and therefore make a capital of 225,000 dollars—to this should be added the annual repairs, say one thirtieth of the original cost: the whole expenditure, therefore, for the support of these common schools is equal to a capital of about 2,188,000 dollars. In addition, parents and guardians are obliged to furnish those under their care with such books as the superintending committee shall direct—in default of this, the books are supplied and added to the tax of the delinquent, if he is of ability to pay. The operation of these laws is not considered burthensome, and its provisions are cheerfully and faithfully complied with. The money being expended where it is raised, insures its careful disbursement. The law has also guarded this; for instructors are required to possess a competent skill to instruct youth in reading, in writing the English language grammatically, arithmetic, geography, &c. and it is made their duty not only to instruct in those branches, but to inculcate in their pupils good morals and decent deportment—to give them some knowledge of the value of our free government, &c. and they are liable to be dismissed by the superintending committee, for incapacity or negligence. One third of the whole tax raised is permitted to be expended in supporting school mistresses. These last usually keep school in the summer season, and instruct those whose labor is of little value—the masters keep in the winter, when there is more leisure, and larger scholars attend. The business of school-keeping has with us, from obvious reasons of policy, been considered respectable—hence our instructors possess the proper qualifications; and, from a competition, arising in a measure from the respectability of the employment, they are procured at a moderate expense. The support of summer schools probably average about *eight* dollars per month, and that of the winter schools about *twenty*.

Who can calculate the moral force of this system?

Yours respectfully,

R. M. J.

—, (Me.) Jan. 6. 1823,

*By which we mean a corporated district, about six miles square, into which the inhabited part of the state is divided.

Public Lands.

Statement of nett proceeds arising from the sales of public lands, in the state of Ohio, from the 1st July, 1802; in the state of Indiana, from the 1st December, 1816; in the state of Illinois, from the 1st January, 1819; in the state of Missouri, from the 1st January, 1821; in the state of Mississippi, from the 1st December, 1817; and in the state of Alabama, from the 1st September 1819, up to the dates herein stated.

STATES.	Date to which the respective statements have been made up	AMOUNT RECEIVED	Incidental and surveying expenses, & repayments made to individuals for lands erroneously sold.	NETT AMOUNT.	Amount of 2 per cent. on the nett amount applicable to roads.
Ohio, after deducting lands sold at Cincinnati, which are lying in Indiana	30th June, 1822	9,830,901 09	441,585 39	9,389,315 70	187,786 31
Indiana,	30th Sept. 1822	2,108,336 47	92,092 98	2,016,243 49	40,324 86
Illinois,	do.	274,303 45	33,821 61	240,481 82	4,809 63
Missouri,	do.	158,207 27	16,586 08	141,621 19	2,832 42
Mississippi,	30th June, 1822	366,747 92	34,628 51	332,119 41	6,642 38
Alabama,	do.	910,853 12	60,167 12	850,691 00	17,013 82
Total, dolls.		13,649,354 32	678,881 71	12,970,472 61	259,409 42

The above statement has been made as far as the accounts received at this office have allowed.
Treasury department, general land office, 22d January, 1823.

JOHN McLEAN.

Statement of the three per cent. fund, allowed for roads, &c. within the following states, showing the amount received by each state, and the balance due.

	Nett amount received for sales of public lands, as stated by the commissioner of the general land office.	Amount of 3 per centum on the nett amount applicable to roads, within said states.	Amount received by each state, on account of the 3 per cent. fund.	Balance due to each state, of the 3 per cent. fund.	Amo't overdrawn of the 3 per cent. fund.
Ohio,	9,389,315 70	281,679 47	287,543 94		5,864 47
Indiana,	2,016,243 49	60,487 30	42,629 46	17,857 84	
Illinois,	240,481 82	7,214 45	5,955 82	1,258 63	
Missouri,	141,621 19	4,248 64		4,248 64	
Mississippi	332,119 41	9,963 58		9,963 58	
Alabama,	850,691 00	25,520 73	1,756 00	23,770 73	
\$12,970,472 61		\$389,114 17	\$337,879 22	\$57,099 42	\$3,864 47

Treasury department, register's office, January 24, 1823.

JOSEPH NOURSE, Register.

Foreign Coins.

HOUSE OF REPRESENTATIVES, FEB. 5, 1823.

The committee, appointed on the 13th ultimo, and instructed, by a resolution of the house of representatives, adopted on that day, to inquire into the expediency of continuing in force, for a further term, so much of the act, entitled "an act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces," passed on the 29th day of April, 1816, as relates to the crowns of France and five franc pieces, report, on that subject:

That, by the act of the 29th of April, 1816, these coins were declared to be a tender for the term of three years; the crowns, at the rate of 117 ⁶/₁₀ cents per oz., and the francs at the rate of 116 cents per oz. The former had been made a tender by two earlier acts, which had been allowed to expire. Foreign gold coins ceased to be a tender on the 1st November, 1819; and, on the 3d March, 1819, the act of the 29th April, 1816, was continued in force, so far as related to crowns and francs, until the 29th

April, 1821. On the 3d March, 1821, it was further continued in force, to the same extent, until the 29th April next. From assays lately made at the mint, the value of these coins, per ounce, has been ascertained to be greater than that of Spanish milled dollars, and of American silver coins.

It is believed the acts above referred to were passed with little or no opposition, and that no complaints have been made respecting their practical effects; and, when we take into view the increasing difficulty of fulfilling engagements by specie payments, which is the inevitable consequence of the acknowledged diminution of the aggregate amount of our metallic medium during the current year, the expediency of continuing crowns and five franc pieces a tender, for a further term, forces itself upon the minds of your committee more strongly than at any former period.

It is believed that the gold coins, both foreign and domestic, have been almost wholly exported. They have certainly been withdrawn from circulation to such an extent, that some very intelligent writers have asserted, with every probability of

being correct, that there is not now in the United States one gold coin for every thirty that were in the country five years ago. Without inquiring into the causes which have produced this extraordinary drain, it may be added, that they have, likewise, operated to rid us of American and Spanish milled dollars, to nearly the same extent, and have left in the country scarcely any of its usual metallic currency, except that which consists of the crowns of France, five franc pieces, and those silver coins which are of denominations less than a dollar.

In corroboration and illustration of the foregoing statement, your committee beg leave to subjoin a few well ascertained facts:

There is, and has been, for many months, an uninterrupted and rising demand, in your seaport towns, for all descriptions of gold coins and dollars, for the purpose of remittances to foreign countries. It is well known, that the former are never underrated in any country, whilst the Spanish milled dollar have a universality of circulation exceeding that of any other coin. The American dollar is received in the East Indies at from one and a half to two per cent. less than the dollar of Spain. There is very little foreign demand for five franc pieces, and none for crowns.

The balance of specie and bullion exported from the United States, during the fiscal year ending on the 30th September last, according to the custom-house entries, amounts to 7,434,634 dollars; but it is supposed that the law prohibiting the landing of specie, without a previous entry at the custom-house, particularly that which comes from countries where its exportation is forbidden, is sometimes evaded. Whether this surmise be true, and to what extent, the committee will not undertake to say; nor does any thing beyond an allusion to it fall within the scope of the present inquiry. But, when it is recollected that the amount of specie exports may also be underrated, from a portion of it going out of the country without entry, it requires no great stretch of credulity to believe, that the balance against the United States for the said year amounts to at least six millions of dollars.

There is no reasonable ground to suppose that the account current has assumed a more favorable aspect for the last four months; and there is less doubt that the said balance was made up principally, if not altogether, of gold coins and of dollars.

In consequence of the high rate of all foreign exchange, especially that of England, which has, for a long time, vibrated from 10 to 12 per cent., it has been confidently asserted, that some of the banks in the largest commercial city in the union, in conducting which, great skill and foresight have generally been discovered, have at this time on hand a greater amount of crowns and five franc pieces than of all other descriptions of specie; and that none of them have much gold of any kind, and scarcely a single American or Spanish dollar.

Your committee have no reason to believe that a better state of things exists in either of our cities, with the exception, perhaps, of Philadelphia, the proximity of whose moneyed institutions to the mint, affords them some little additional facilities in procuring coins in cases of emergency; and not including the bank of the United States, which possesses a decided advantage over all the others, on account of the revenue deposits: yet, notwithstanding such an immense advantage, this bank, at one time, found it necessary to import quantities of foreign coin, specially with the view to meet any possible exigency which might press upon it.

As one among the many proofs that might be adduced to show the extent and rapidity with which specie has been banished from the United States, the committee submit a statement, which they think will not be contradicted, that the specie in the Boston banks, which, in January, 1821, appears to have amounted to nearly two and a half millions of dollars, was, in June last, reduced to \$406,275. It is impossible to state, with any certainty, the comparative extent of the whole diminution in the United States; but many commercial men estimate that about one-third of all the specie in the country left it in the course of the last year.

Should the act of congress, making the crowns and francs a lawful tender, be suffered to expire at this time, and any serious or large demand be suddenly made upon the banks, they might find it extremely difficult, not to say impossible, to meet it. Such an event would be highly injurious; and it might, therefore, be dangerous to degrade their present metallic capital. Even now, with what they have in their vaults, they are frequently subjected to unpleasant embarrassments in providing for the demands which are occasionally made from one commercial place on another; and, it is believed, that, for nearly a year past, their principal support and credit have been derived from mutual forbearance, superinduced by mutual wants, and a community of interest.

To prove that these conjectures are not fallacious, the committee will not go beyond the banks in the district of Columbia, under the immediate eye of congress. By a schedule of the situation of the eleven banks in this district, contained in a report submitted to congress in April last, it appears, that, at that time, with capitals exceeding, collectively, 5,000,000 of dollars, they had an aggregate of \$955,712, in notes, in circulation; and only \$262,187, of specie, in all their vaults.

Under the present state of the money market, should it long continue as it now is, a formidable re-action must ensue, by the depreciation of all property, the withdrawal from circulation of most of the safe paper medium, and the consequent bankruptcy of very many of our most enterprising merchants.

Whether banks have been productive of more good than evil, it is not necessary to inquire: but it may be stated, that they are now so completely fastened upon the community, and their credit is so intimately connected with the moneyed interests of the country, and any shock they might experience would be so severely felt, that it would seem to be the policy of the general government to afford them support, compatible with the discreet exercise of its exclusive power to regulate coins.—Past experience, and present exigencies, clearly demonstrate, that we cannot yet dispense with the use of foreign coins, although it was confidently predicted, thirty years ago, by some of our statesmen, that their beneficial tendency would be superseded, by the operations of the mint, within the space of three years.

The committee are aware of the inconvenience of using a variety of coins, unequal in their purity; but cannot resist the conviction, that, as a temporary expedient, it would be wise in congress to extend its fostering care to the banks, by assigning a determinate legal value to the almost only coins now remaining in their vaults.

There is another consideration, which ought, perhaps, to be adverted to. If the act making crowns and francs a tender be suffered to expire, the banks, with the exception of those at Philadelphia, will

be compelled to transport those coins to the mint, at great expense, and some risk, for the purpose of being converted into American coins; and when that shall be done, their new character would give them an immediate passport to Europe. The committee, therefore, conclude, that, while it is admitted that the rate of exchange is heavily against us, the precious metals rapidly vanishing, stocks going abroad, property depreciating, and insolvencies multiplying, every inducement should be held out for the importation of specie and bullion, and for the retention of that which our capitalists now possess.

The committee have prepared a bill, continuing crowns and five francs a lawful tender, as heretofore, until the 4th day of March, 1825, which they ask leave to report

Treasury department, 30th January, 1823.

Sir: In reply to your letter of the 15th instant, requesting my opinion of the expediency of prolonging the continuance of the mint at Philadelphia, I have the honor to state, that, in my opinion, a due regard to the public interest, requires that that establishment should be continued for some time longer at Philadelphia.

The present state of the currency, also, justifies the conclusion, that the act of the 3d of March, 1821, continuing in force, for the term of two years, so much of the act of the 29th of April, 1816, as makes crowns and five franc pieces of France, a legal tender in the payment of debts, ought to be continued for a limited period.

I remain with respect, your most obedient servant,

WM. H. CRAWFORD.

Hon. Wm. B. ROCKESTER,

Chairman of the select committee, &c.

Seventeenth Congress—2nd session.

IN THE SENATE.

February 7. Several petitions and reports were received, of no importance to notice at present.

The senate took up for consideration the bill to regulate the commercial intercourse between the United States and certain British colonial ports.

[This bill suspends our restrictive acts of 1818 and 1820, and embraces a number of provisions growing out of the repeal of the late restrictive laws of Great Britain, in regard to foreign intercourse and trade with her American possessions.]

After Mr. *Barbour*, (chairman of the committee on foreign relations), had delivered a speech of much length, giving an historical view of the trade, &c. the bill was laid over till Monday.

The senate then resumed the consideration of the proposition made by Mr. *Taylor*, of Virginia, to amend the constitution of the United States, in regard to the election of president of the United States, and the substitute offered thereto by Mr. *Dickerson*, of New Jersey.

Mr. *Taylor*, of Va. rose and addressed the senate about an hour in support of his own proposition and in opposition to the substitute. He opposed the substitute, because, so far as it proposed a uniformity in the election of electors, by districts, throughout the union, it had a tendency to create an aristocracy of small states; to prevent an election of president by the electors, and to throw the election of president into the house of representatives, where the small states would have an undue weight, the effect of which might in time be to produce a revolution in our political system that would be fatal to the present equality assigned to the small states by the con-

stitution. Mr. *T.* laid down the position that the power of the federal government had increased, was increasing, and ought, at least, not to be extended; he argued against all measures which would have the effect to produce a national instead of a federated government, and opposed the substitute because it would tend to produce that result. He depicted many of the evils which would naturally grow out of the election of president by the house of representatives—the opportunity and the inducement which it would hold out to corruption; its bad effects on the general business of legislation, and the interests of the nation; the improper connection it would create between an executive thus elected, and those in the legislature thus acted on. The election of the executive by the legislative branch, even if pure, he deprecated as an unnatural and illegitimate connection of distinct powers and duties; his own amendment he thought would have the effect to keep the election of president where the framers of the constitution designed it should be, and where it ought to be—that is, in the hands of the electors elected by the people, and to prevent almost the possibility of an election ever becoming necessary by the the members of congress. All these, and many other arguments, Mr. *T.* pressed and illustrated with force and ingenuity. When he concluded—

Mr. *Dickerson* observed, that he was not in possession, at this moment, of the facts and materials necessary to enable him to answer the ingenious and impressive speech of Mr. *T.* now, if it should be in his power to do so at all; for he confessed that the remarks of that gentleman had produced much impression on his mind, as they had, no doubt, done on others. He moved, for the purpose of allowing time for reflection and investigation, to postpone the subject to Tuesday, which motion was agreed to; and

The senate went into the consideration of executive business; after which

They adjourned to Monday.

February 10. Amongst the petitions presented to-day was one by Mr. *Mills*, from lieutenant Robert F. Stockton, of the navy, late commander of the schooner *Alligator*, stating that, in the discharge of his duty, he captured and brought in for adjudication, two vessels, the *Jeune Eugenie* and the *Mariana Flora*; that, in defending the legality of the captures, he has incurred great expense, for which he prays reimbursement; and that the United States will take such order for the defence of the suit in the case of the *Mariana Flora*, as may be deemed just and proper; which petition was referred.

The senate resumed the consideration of the bill directing the payment of the Georgia militia claims for services rendered in the years 1792, '3 and '4, and on the question whether the bill should be engrossed and read a third time, it was decided in the affirmative, as follows:

YEAS.—Messrs. Barbour, Barton, Benton, Brown, of Lou. Brown, of Ohio, Dickerson, Edwards, Elliott, Findlay, Gallard, Holmes, of Maine, Holmes, of Miss. Johnson, of Ken. Johnson, of Lou. Kelly, King, of Ala. Lloyd, of Miss. Noble, Parrott, Smith, of Md. Smith, of S. C. Stokes, Talbot, Taylor, of Va. Van Dyke, Ware, Williams, of Miss. Williams, of Tenn.—28.

NAYS.—Messrs. Bardon, Chandler, D'Wolf, Eaton, King, of N. Y. Knight, Mason, Mills, Morrill, Ruggles, Van Buren—11.

Several bills were taken up, partially considered and postponed to different days; and a good deal of preparatory business transacted. Nothing decidedly acted upon.

February 11. Several petitions were received and disposed of.

Agreeably to the notice yesterday given, Mr. Smith, of Md. asked and obtained leave, and introduced the following joint resolution; which was read and passed to a second reading:

Resolved, by the senate and house of representatives of the United States of America, in congress assembled, two thirds of both houses concurring, That the following amendment to the constitution of the United States, be proposed to the legislatures of the several states, which, when ratified by the legislatures of three fourths of the states, shall be valid, to all intents and purposes, as part of the said constitution:

That congress shall have power to adopt and execute a system of internal improvements, confined to great national purposes.

After disposing of a variety of matters, to be noticed hereafter—

The senate resumed the consideration of the bill to regulate the commercial intercourse between the United States and certain British colonial ports: and, after some further discussion of its details, and some amendment thereof, the bill was ordered to be engrossed and read a third time.

Considerable time was spent in considering the resolution submitted by Mr. Taylor, of Va. and the substitute offered therefor by Mr. Dickerson, to which, after a short speech, Mr. Holmes submitted a resolution by way of amendment to the original motion, which was read and ordered to be printed. After which the senate adjourned.

February 12. The senate was chiefly occupied this day on the bill to extend the charter of the Mechanics' bank of Alexandria. Not decided upon.

The engrossed bill to regulate the commercial intercourse between the United States and certain British colonial ports; and the engrossed bill for the relief of Eleanor Lawrence, were severally read the third time, passed, and sent to the house of representatives for concurrence.

February 13. Several bills were partially considered, &c. That to extend the charter of the Mechanics' bank of Alexandria, after debate, was ordered to be engrossed and read a third time, as follows:

YEAS—Messrs. Barbour, Benton, Brown of Lou. Brown of Ohio, Chandler, D'Wolf, Elliott, Holmes of Maine, Johnson of Ky. Johnson of Lou. Knight, Lanman, Lloyd, Md. Lowrie, Morrill, Palmer, Parrott, Ruggles, Seymour, Smith of Md. Smith of S. C. Southard, Stokes, Thomas, Ware, Williams of Tenn.—25.

NAYS—Messrs. Barton, Dickerson, Eaton, Findlay, Gaillard, Kelly, King of Alab. King of N. York, Lloyd of Mass. Macon, Mills, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, Williams, of Miss.—16.

After debate, the resolution, and its substitutes, to amend the constitution of the United States, as to the election of president, was postponed until Monday next.

HOUSE OF REPRESENTATIVES.

The discussion, on Wednesday, the 5th, in relation to the suppression of a certain part of one of the documents, was unpleasant—perhaps, we might say, not creditable to every one who took a part in it. There was a good deal of personality, and considerable roughness in the remarks of one or two of the members. But matters were much softened down the next day, time having been allowed for reflection, and a committee was appointed to make a further investigation of the business—though it appears most probable that no new light can be shed on the matter. We again express our regret at the course which this matter has taken, and must be permitted to deprecate the feeling which it has excited. It is right that the affair should be rigidly inquired into—but we cannot see any possible good to result from the feeling manifested. There is a great deal of sound sense and sober discretion in the house of representatives; but, among so many persons, collected from all parts of the union, it is not to be wondered at that there should be some Hotspurs, and others, of ardent minds, who would

rather “chaos might come again” than that their personal, private views should be defeated. The mere election of a private man to congress does not metamorphose him into a statesman.

Friday, Feb. 7. After other business—Mr. W. Coy, from the select committee, appointed on the subject of militia fines, (leave being granted), reported a bill vesting in the state of Virginia the right of the United States to all fines assessed for the non-performance of militia duty during the late war with Great Britain, within the said state; which was read twice and committed. [Ordered to be engrossed next day.]

On motion of Mr. Fuller, it was

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of reviving, for a limited time, the acts allowing pensions to the widows and orphan children of the officers, seamen and marines, in the public and private armed ships of the United States during the late war with Great Britain.

Several bills were received from the senate, referred, &c.

A desultory debate of considerable length occurred about the resolution for the distribution of the ‘Digest of Manufactures,’ &c. It appeared to be admitted that the returns had been very imperfect, and so the abstract must needs be. [We apprehended this, from the small amount of the appropriation allowed for taking the census and performing this service, as many of our readers will recollect.] A motion was made to deposit all the copies in the library of congress—that is, to suppress the work. In some parts of the union it appeared that these matters had been pretty well attended to—in others, they were almost wholly neglected, and from various causes. Finally, the resolution was laid on the table—65 to 63.

The engrossed bill, supplementary to, and to amend an act, entitled “an act to regulate the collection of duties on imports and tonnage,” passed 2d March, 1799, and to repeal an act supplementary thereto, passed the 20th April, 1818, and for other purposes, was read the third time and passed.

On the question to agree to the title of the bill, Mr. McLane moved to strike therefrom the words “and to repeal an act supplementary thereto, passed 20th April, 1818;” which was determined in the affirmative.

The bill was then sent to the senate for concurrence.

The house, then, in committee of the whole, resumed the consideration of the bill for the more effectual protection of domestic manufactures. Mr. Eustis was opposed to striking out the enacting clause, though he was not friendly to some of the items in the bill. Mr. Buchanan delivered an able speech in favor of the bill, and then the committee rose, &c.; and

The house adjourned.

Saturday, Feb. 8. Mr. Eustis, from the select committee appointed to inquire whether any legislative provision was necessary in the final adjustment of the accounts of Daniel D. Tompkins, late governor of the state of New York, made a report thereon, accompanied by a bill to provide for the settlement of his accounts; which bill was read twice, and ordered to lie on the table.

The following resolution, submitted by Mr. Rankin, would, from its nature, lie on the table one day, by a rule of the house:

Resolved, That the president of the United States be requested to lay before the house of representatives, at the next session of congress, the information heretofore requested by a resolution of this house in relation to the salt springs, lead and copper mines; accompanied by such other information as he may be in possession

*This acts expires, by its own limitation, on the 4th of March next.

of, or obtain, as to the probable value of each of them, and of the reservations attached to each; of the extent to which they have been worked, or are susceptible of being worked; the advantages and proximity of each to navigable waters; the origin, nature and extent, of any claims made to any of them by individuals or companies, together with any other information deemed important by him, in relation to such salt springs, lead and copper mines.

The rule, however, being removed by unanimous consent, the resolve was agreed to.

The *Speaker* communicated a letter from the secretary of the treasury, accompanying it with a statement in relation to the outstanding custom house bonds, bonds taken for duties on merchandise and debentures issued for drawback, nett amount of revenue on merchandise and tonnage, &c. and a statement of the whole amount of the unexpended balance of the sinking fund, distinguishing each year since 1817, all collated within specified periods; which letter was read, and with the statements, ordered to lie on the table.

The engrossed bill to revive and extend the time allowed for the redemption of lands sold for direct tax, in certain cases, was read a third time and passed.

The house resolved itself into a committee of the whole, on the bill for the more effectual protection of domestic manufactures. Mr. *Cuthbert* delivered a warm speech against the bill, and Mr. *Woodson* supported it, both at considerable length. When the committee rose, and

The house adjourned.

Monday, Feb. 11. Thirty-seven petitions were presented this day, and a number of reports received.

Mr. *Buchanan* submitted the following:

Resolved, That the committee on the judiciary be instructed to inquire whether there be any, and, if any, what, crimes not now punishable by law, to which punishments ought to be affixed.

In offering his resolution, Mr. *Buchanan* said it had been decided that the courts of the United States had no power to punish any act, no matter how criminal in its nature unless congress have declared it to be a crime, and annexed a punishment to its perpetration. Offences at the common law, not declared such by acts of congress, are, therefore, not within the range of the jurisdiction of the federal courts. Congress have annexed punishments but to a very few crimes, and those all of an aggravated nature. The consequence is, that a great variety of actions, to which a high degree of moral guilt is attached, and which are punished as crimes at the common law, and by every state in the union, may be committed with impunity on the high seas, and in any place where congress has exclusive jurisdiction. To afford an example: An assault and battery, with intent to commit murder, may be perpetrated, either on the high seas, or in a fort, magazine, arsenal, or dockyard, belonging to the United States, and there exists no law to punish such an offence.

This is a palpable defect in our system, which requires a remedy; and it is astonishing that none has ever yet been applied. My attention has been called to the subject by a distinguished professional gentleman now in this city. Mr. B. said he did not expect that any bill could be matured and passed into a law at the present session. If, however, the judiciary committee would take the subject into consideration, and report upon it to the house before it rises, it would call public attention to it, and ensure the passage of a bill at an early period of the next congress.

The resolution was then adopted.

Mr. *Cocke* laid the following resolution on the table:

Resolved, That the president be requested to inform this house whether any prize agents have neglected to render an account of their agency, and pay over all money in their hands: if so, who are they; what sum remains in the hands of each unaccounted for;

whether any of them are in the employ of the government, if so, has their compensation been retained?

This resolution, by the rules of the house, lies on the table one day. [Agreed to next day].

The engrossed 'bill vesting in the state of Virginia the right of the United States to all fines assessed for the non performance of militia duty during the late war with Great Britain, within said state,' was read a third time, passed, and sent to the senate for concurrence.

The house, in committee of the whole, resumed the consideration of the bill for the further protection of domestic manufactures—

Mr. *Hardin*, spoke an hour and a half against the bill. Mr. *Todd* supported it in a speech of about the same length, with great energy and point. After which, the committee rose and the house adjourned.

Tuesday, Feb. 11. Mr. *Newton*, from the committee of commerce, reported a bill to provide for sick and disabled seamen, which was read twice, and committed to a committee of the whole on the state of the union.

Mr. *Cocke*, offered the following resolution which, from its nature, lies one day on the table:

Resolved, That the president be requested to communicate to this house a statement showing the several classes of expenditures made during the years 1821 and 1822, out of the contingent fund of the Indian department, so far as the same may be susceptible of classification, stating particularly the amount of each species of expenditure, to whom paid, and when.

Other business not necessary to notice at present, being attended to—the house, in committee of the whole, resumed the consideration of the bill for the more effectual encouragement of domestic manufactures—when Messrs. *McNeill*, of N. C. *Hamilton*, of S. C. *Wright*, of Md. and *Montgomery*, of Ken. all spoke against the bill. Before the latter had concluded, the committee rose, and the house adjourned at 4 o'clock.

Wednesday, Feb. 12. Several reports from different committees were received. Among them, Mr. *Fuller*, from the committee on naval affairs, made a report on Rodgers' marine rail-way, or inclined plane, favorable to the object, concluding with the following resolution:

Resolved, That the sum of fifty thousand dollars ought to be appropriated for the purpose of constructing a dock and wharves for building, repairing, and constructing vessels of the United States at the navy yard in the city of Washington.

The resolution submitted yesterday by Mr. *Cocke*, about the contingent fund of the Indian department, being modified, was agreed to:

Mr. *White*, of Vt. offered a resolution which had for its object the setting aside a certain part of the product of public lands for general purposes of education. After some remarks, it was ordered to lie on the table.

Other business being transacted, the house, in committee of the whole, resumed the consideration of the bill for the further protection of domestic manufactures. Mr. *Montgomery* concluded his speech against the bill. He was followed by Messrs. *Reid*, of Georgia, *Crutcher*, *Rhea*, and *Mitchell*, of S. C. against, and Messrs *Van Wyck*, and *Woodcock* in support of the bill. The question was loudly called for several times, and at last taken—when there appeared 51 for striking out the first section, (or rejecting the bill), and 77 against it. The committee rose, and the house adjourned at about a quarter before 10 o'clock.

Thursday, Feb. 13. Mr. *McDuffie* appeared and took his seat.

Several reports were received and bills committed.

It was decided, 73 to 61, to take up the general appropriation bill. A good deal of debate followed

on different items, especially on an amendment proposed by Mr. *Trimble*, to insert a clause providing 25,000 dollars for the preservation and repair of the Cumberland road. Before it was decided, the committee rose, &c. and the house adjourned at half past 4 o'clock.

CHRONICLE.

Execution. A man by the name of William Gross was hung for murder at Philadelphia, on Friday, last week.

Explosion. The whole number of deaths by the late explosion of the powder mills, at Eden Park, near Wilmington, heretofore noticed, was 12. All the wounded have died save one. By the explosion of another mill near Lexington, Ky. one person was recently killed.

Public spirit. Stephen Girard, esq. of Philadelphia, has loaned \$233,850 to the Schuylkill navigation company, to enable them to complete their important improvements—noble works.

Died, on the 31st Jan. at Bethlehem, Pa. the Rev. *John Heckerwelder*, aged 80 years—worn out by his long labors in the missionary service of the United Brethren, and whose goodness of heart and extensive utility have rendered his name familiar to most of our readers.

The real estate of John Jones, esq. of New York, was lately sold, under the hammer, in that city, for the sum of three hundred and ten thousand, eight hundred dollars.

Canals. It is stated that the legislature of Delaware has appropriated 25,000 dollars for the use of the Chesapeake and Delaware canal company. This interesting work *must* yet, and soon, be completed.

Whale Oil. It is proposed to make whale oil out of the *sturgeons* that abound on Lake Superior!

Segars. 12,478,000 were imported last year.—The domestic manufacture, from *foreign* tobacco, was of much greater amount. The consumption, of all sorts, may be about 50 millions a year.

Baltimore inspections, for the quarter ending 31st December, 1822—125,544 bbls. and 11,001 half bbls. wheat flour; 4,324 bbls. and 314 half bbls. pork; 696 bbls. beef; 5,100 do herrings; 6,158 do. mackerel; 461 casks flaxseed; 354 large casks and 3,565 bbls. domestic liquors, with butter, lard, &c.

The pirate expedition. The Norfolk Beacon of Monday says:—The expedition destined to avenge the murder of the gallant ALLEN, and the multiplied outrages upon our lawful commerce, is under the orders of commodore David Porter, and consists of the

Sloop of war Peacock, capt. Stephen Cassin, bearing the broad pendant of the commodore.

Schooner Shark, lt. com. M. C. Perry.

Sea Gull, (steam galliot), lt. com. Wm. H. Watson.

Decoy, (store ship), lt. com. L. Kearney.

Grey Hound, mast. com. John Porter.

Jackall, lt. com. Thomas H. Stevens.

Fox, lt. com. William H. Cocke.

Wild Cat, lt. com. Cha's. W. Skinner.

Beagle, lt. com. John T. Newton.

Ferret, lt. com. Samuel Henley.

Terrier, lt. com. Robert M. Rose.

Weazle, lt. com. Beverly Kennon.

Cutters—Midge, Musquito, Sand Fly, Galley Nipper and Gnat.

Four of the small schooners dropped down from the navy yard on Thursday last, and anchored near the *Flag Ship*, off Fort Nelson; yesterday morning, they were joined by the other four schooners, and in the afternoon the *Shark* and the store ship *Decoy*, were towed down from the yard by the steam galliot *Sea Gull*, and all anchored near the Peacock. They form quite an imposing spectacle, and to-day or to-morrow, we shall have the pleasure to see them all "spread their white canvas to the breeze," and depart for the pirate coast.—Our best wishes go with them.

The steam galliot is greatly improved in appearance, and performed the duty of towing down the ship and schooner in a style and with a velocity that augured well of her adaptation to that purpose in the expedition.

The schooners mount one long gun on a pivot and two cannonades each, and, it is believed, will not, in point of sailing, dishonor the names by which they have been designated.

Virginia. The legislature of this state has passed an act granting a loan of \$60,000 to complete the buildings of the university.

The bill for ratifying the convention between the states of Kentucky and Virginia, has been at length finally rejected, in the legislature of the latter state, by the tenacity of both houses, in adhering to their disagreeing votes on the amendments to the bill.

The *compensation bill* has been rejected in the same legislature in the same manner. It passed both houses by great majorities. It was in a fair way to bloom into existence. But, alas! there came a frost—a chilling frost! The two houses *disagreed* about an amendment, touching the pay of a deputy clerk, or door-keeper, or something of that sort; and they *adhered* to their mutual disagreement.

[*Vat. Int.*]

SALT. The effect of opening our canal navigation on the salt trade, in the interior, is somewhat remarkable, as, notwithstanding the additional facility afforded to its transportation to the west by the partial completion of the canal, the price of that necessary article has increased instead of being diminished on Lake Erie and the countries bordering on or connected with its waters. A Sandusky paper states, that, on the 20th of Nov. there were not thirty bushels of salt in that town: and congratulates the inhabitants on their not being totally dependent on New York for that article, as two teams, loaded with it, had just arrived from Zanesville, with Ohio salt. Subsequent arrivals, from Buffalo, had not supplied the demands of the market, and the price of salt had risen to \$11 per bbl. or 2 dollars and 50 cents per bushel. These facts can only be accounted for, by that of the country which borders on the parts of the canal already navigable, furnishing a full market for the consumption of the salt that has been manufactured, and consequently diverting the supply which formerly was given to the lake trade. The price of salt on the canal has increased, during the last season, from increased consumption, owing to the reduction of price and the extension of a market; and the quantity manufactured, and, consequently, the revenue derived to the state, exceeds, we are told, the produce of any previous year. This increase must be progressive, and cannot be limited by causes that are to operate during any period that we look forward to.

[*New York paper.*]

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THE PAST—THE PRESENT—FOR THE FUTURE.

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☞ The "tariff bill" is considered as laid aside for the present session, which must soon come to a close. We have no foreign news since our last, but there are some interesting notices of events on hand which, (as well as many other things), are of necessity postponed.

☞ The editor of the New York "American," in his paper of the 8th inst. has presented what I must regard as an illiberal view of an article which appeared in the "Register" a few days before, headed "rights of men and things." Essays of that character, in my humble opinion, are not to be judged of by *partial* extracts from them, which may be rendered subservient to purposes in utter opposition to those *generally* aimed at by a writer on such subjects: but admitting, for the satisfaction of this *veteran republican* editor, that what he has been pleased to infer is that which was meant to be enforced in the article alluded to, why does he not reprehend more distinguished persons, *on the other side*, who broadly spoke of accomplishing what he *insinuates* that I suggested? Did not an "honorable member" of an eastern *peace* society, lustily cail upon, and earnestly advise, the people of another section of the country to *resist* the operation of a certain bill, if it should be passed into a law—and did not several other "honorable members" publicly declare that they would offer such resistance? Let the editor of the "American" take "the beam out of his own eye" that he may see clearly, and ascertain whether there is a "mote" in mine. Surely, he has read the debates in congress on the tariff bill—and, *if he is just*, he will not fail to reprove his *friends* for actually supporting the self same principle that he imputes to and reprehends me for.*

No possible good can result from a pursuit of this subject now, and we shall decline any controversy about it. It may, however, be well to suggest to the editor of the "American," that, by the course which he has taken on the matter at large, he is in no small danger of committing a political *felu de se*—of *putting down* the man who he labors to *put up*; whose general opinions on the great question are probably at variance with his own. *Verbum sat.*

COMMERCE, &c. We have a copy of the letter of the secretary of the treasury, transmitting statements shewing the commerce and navigation of the United States, for the year ending 30th Sept. 1822. The whole makes a book of 165 pages, and several heavy tables. We shall soon present a digest, or abstract, of this document, that may serve all usual cases of reference.

POTOMAC CANAL. We have before noticed the project of a splendid undertaking to unite the eastern and western waters by means of a canal adjacent to the Potomac, and to be fed by that noble stream. The cost of this work is estimated at 1,500,000 dollars—of which it was proposed that

*In the "American" received by yesterday's mail, the editor has partially, and very *coarsely*, complied with what is here suggested, as being right.

Vol. XXIII.—25.

the states of Maryland and Virginia and the district of Columbia, should each furnish one third.

Within the last two or three weeks, great efforts were made to induce the legislature of Maryland to take a lead in the subject—and a majority of the house of delegates seemed generally favorable to it, though they did not accord in all the details of the bill, about which the yeas and nays were frequently taken. Finally, the bill was withdrawn.

The progress of the bill caused much excitement in Baltimore. The people of this city are devoted to internal improvements, and have freely subscribed their money for the making of roads, bridges, &c. But they were unanimously opposed to this bill, because they thought it went to an appropriation of the funds, or credit, of the state to an object that would be rather injurious than beneficial to them—they believed, that the obstructions to the navigation of the Susquehannah should *first* be removed, and they especially objected to the Potomac canal because, as they understood the bill, the privilege was virtually denied them of *tapping* it so as to make a direct communication to their own city, if they pleased—though it was asked that the state should cede to the company, its whole right to the waters of the river.

The excitement above spoken of is not to be wondered at, when the condition of the state of Maryland and of the city of Baltimore, is considered. The funds of the state are not sufficient to meet the ordinary expenditures in the sum of about 30,000 dollars a year, and the city of Baltimore is burthened with a heavy debt, to pay the interest of which and perform the duties incidental to the corporation, the people are already too heavily taxed. The rate of taxation is now generally higher than it was some years ago, when the value of property or the produce of rents, was about *three times greater than it is now*; and the fact exists, that some large property-holders, who hitherto lived bountifully on their incomes, are severely put to it to meet the various demands upon them. Houses and lots seem as if they had no price among us—they cannot be disposed of unless at an enormous sacrifice of what was considered their value; their production is greatly reduced, but the requisitions of the local and state governments are increased. In the money concerns of Maryland, the voice of Baltimore ought to be heard: though we have but a *fortieth* part of the power of legislation in the house of delegates, we pay a *third* or *fourth* part of the taxes of the state, and whatever affects the finances of the latter, bears with extraordinary pressure on us. We are all willing that the Potomac canal should be completed—but we have no money or means to give to its accomplishment; and if we had, we would rather that such means were directed to an opening of the Susquehannah, a far more important matter to us than the canalling of the Potomac. The former would surely benefit us—the latter would not do us good, perhaps, injure us considerably. We are not jealous of the prosperity of Georgetown or any other place—but believe it is rightful and reasonable, that those who have to pay the taxes should designate the expenditure of their product: and it is natural, that such designation should be for the direct advantage of the taxed.

BANKRUPT BANK. It is right to caution our readers, that the New Hope Delaware Bridge banking company, are not, probably, worth one cent in the dollar; so great has been the amount of the deceptions of these who should have guarded the welfare of the institution! We may give some particulars hereafter.

PIRATES. Com. Porter has sailed. Matanzas is said to be filled with pirates—they lately attacked the Americans there with clubs and stones, and severely wounded several of them. Three of their vessels are said to be cruising between Point Yeocos and Havana. It was reported that they had lately captured two vessels, tied the crews to the rigging, set the vessels on fire, and consumed all together!

The fourteen seamen sent into Pensacola as pirates have been released, no overt act having been proved against them.

The British sloop of war Tyne has captured two piratical vessels off the south side of Cuba—thirty of the wretches were killed and seventeen carried to Kingston, Jam. for trial.

THE ACCURSED TRADE. A Portuguese boat of seven tons, 23 feet long, and the space over her water casks, (in which 30 miserable human beings were stowed), only 17 inches in height, was lately captured by the British and carried into Sierra Leone. Ten of the original number had died, and six or eight more perished just after the capture, presenting the most horrible spectacle that could be imagined—the wretched survivors were all placed in the hospital. They were intended to be transported to the Brazils, in a larger vessel. Who can blame men, thus used, for seeking their "liberty through blood and slaughter?" God is just—and long suffering; but the day of retribution will come.

Boston. *Bills of mortality for 1822.* Whole number of deaths 1263; greatest number in October 120, least in April and May, 77 for each month. Under 1 year 164; 1 to 2, 96; 2 to 5, 54; 5 to 10, 42; 10 to 20, 49; 20 to 30, 99; 30 to 40, 120; 40 to 50, 113; 50 to 60, 76; 60 to 70, 54; 70 to 80, 39; 80 to 99, 22; 90 to 100, 3. Still born 115.

Infantile diseases 244; consumption 166; dropsy 43; dysentery 31; intemperance 25; drowned 21; various fevers chiefly lung and typhus 102; old age 56; suicide 5; murdered 4; palsy 10, &c.

NEW YORK. Annual census of the humane and criminal institutions in the city of New York—1st January 1823.

In the orphan asylum 103 boys and 63 girls—166: increase since last year 30. In the city alms house 1717 persons, (of whom 85 are black and 25 maniacs)—increase 113. In the city hospital 147 patients and 92 lunatics—239, increase 24. In the debtor's prison 120—decrease 96. In Bridewell, 62 white men, 18 do. women; 23 black men and 22 do. women—125; decrease 16. In the penitentiary 342 persons of all descriptions. In the state prison, 442 white men, 17 do. women; 119 black men and 22 do. women—580; increase 27. Total present year 2292—ditto last year 2209—increase 83.

THE SAME. The interments in this city, for the year 1822, amounted to 3,231—to wit, 997 men, 695 women, 836 boys and 703 girls. Greatest number of deaths in August 370; least in February 229. Of one year old and under 793; between 1 and 2, 264; 2 and 5, 219; 5 and 10, 101; 10 and 20,

150; 20 and 30, 427; 30 and 40, 421; 40 and 50, 333; 50 and 60, 263; 60 and 70, 156; 70 and 80, 98; 80 and 90, 54; 90 and 100, 10; 100 and upwards, 2.

Diseases. Apoplexy 60; burned or scalded 21; casualty 38; cholera morbus 21; consumption 624; convulsions 168; diarrhoea 56; dropsy 74; do in the chest 30; do. in the head 141; drowned 56; dysentery 109; fever 50; do. yellow 165; typhus 95; all other fevers 81; hives or croup 109; inflammations of all sorts 243; intemperance 44; marasmus 31; old age 115; palsy 36; peripneumony 23; still born 205; tabes mesenterica 84; teething 37; whooping cough 35—all else under 20.

Of the cases of yellow fever, 45 were natives of New York city, and 10 of the state; 13 of Connecticut; 24 of England; 33 of Ireland—all others under 10.

The whole number of interments includes 396 colored people.

PENNSYLVANIA. The bill to alter the charter of St. Mary's church, in the city of Philadelphia, has been indefinitely postponed, (rejected), by the senate of this state.

PHILADELPHIA. *Bills of mortality for the year 1822 in the city and liberties.* Whole number of deaths 3591—adults 1945, children 1646. Under one year old 953; from 1 to 2, 243; from 2 to 5, 193; 5 to 10, 121; 10 to 15, 78; 15 to 20, 90; 20 to 30, 424; 30 to 40, 441; 40 to 50, 348; 50 to 60, 264. 60 to 70, 217; 70 to 80, 130; 80 to 90, 67; 90 to 100, 18; 100 to 110, four. Of the whole, 560 were people of color.

Diseases. Consumption 488; still born 257; debility 226; cholera 212; dysentery 191; dropsy 87—do. in the head 120—do. in the breast 36; fever 92—billions 127—typhus 135—remittent 96—all other 32; inflammations of all sorts, 264, greatest number of the lungs; old age 69; mania-a-potu 41; insanity 24; sudden 45; by cold, poison and violence 7; suicide 6; drunkenness 25, diarrhoea 58; apoplexy 41; drowned 48; hives 73; child bed 4; Hemorrhage 24; whooping cough 38; atrophy 29; catarrh 29; gangrene &c. 27; palsy 28; pleurisy 20—all else under 20. Greatest number of deaths in July 441; least in April, 210.

Returns were received from 107 practitioners of midwifery in the city and liberties; they reported the birth of 3021 males and 2701 female children; exceeding the number of deaths in the sum of 2131.

MARYLAND. The whole amount of this state's claims against the general government for militia services and supplies, during the late war, was adjusted at 318,141 dollars; of which 279,616 have been paid, 27,506 suspended, and 10,732 rejected.

DELAWARE. Each branch of the legislature of this state has protested the other, about the election of senators of the U. S. in the place of Mr. Rodney, resigned, and Mr. Van Dyke, whose period of service expires on the 4th proximo. The house of representatives wished to elect the two, the senate seemed willing only to elect one, at present; concerning whom ten fruitless ballots had been previously taken, nine gentlemen having been put in nomination. The whole number of votes given was 30—of which *S. H. Black*, at every ballot but two, had 14—on one of the ballots *George Read* had 12; but no choice could be made, a majority being required.

VIRGINIA. By a report from Mr. Jefferson, rector of the great university of Virginia, which is cal-

culated to accommodate about 2000 students, it appears that all the buildings except one are completed, that they cost 226,161 dollars; and that, in addition to this sum, it is estimated that the remaining building will cost 46,847 dollars. These immense funds are chiefly advanced by the state.

KENTUCKY is going on nobly in the work of burning paper money. There was lately another great purification of the currency by fire—\$1,400,000 in notes of the bank of Kentucky, besides the conflagrations of the paper of the bank of the commonwealth, have been committed to the flames.

CHARLESTON. *Bills of mortality for the year ending 31st Dec. 1822.* Whole number of deaths, 925; of whom 499 were blacks—537 males and 388 females. Greatest number of deaths in June 116; least in January 53. *Diseases*—consumption 156, convulsions 42, debility 60, diarrhoea 92, dropsy 79, billious fever 42, various other fevers 108, of which two were of the grade called yellow; measles 26, old age 59, sore throat 46, teething 24, &c. *Ages*—under 3 years 265; 5 to 10, 58; 10 to 20, 59; 20 to 30, 145; 30 to 40, 150; 40 to 50, 80; 50 to 60, 63; 60 to 70, 40; 70 to 80, 33; 80 to 90, 22; 90 to 100, 6; 100 to 110, 4.

WASHINGTON CITY owes much to Mr. John Sesford, for the statistical table which he annually publishes, shewing the progress of population and improvement, &c. in a very neat and conspicuous manner. The following is a brief abstract of his last exhibits.

During the past year there were built 113 new dwellings, 7 stores, 6 additions and 3 houses in the place of others. The total amount of dwellings, on the 1st Jan. 1823, was 3,346. The population of the city in 1820, was 13,247—probable population at this time, 14,856.

Noticing the improvements in the 4th ward, Mr. Sesford says—"the exterior of the west front of the capitol is completed, and the dome on the centre is enclosed, the capitol square is enclosed with an iron railing containing 20 1.8 acres—length of footway outside is 3.4 of a mile, and 185 feet—

Length of front of the capitol,	350 ft.	} Covering 1½ acres & 1820 ft.
Depth of wings,	120	
East projection,	65	
West do.	83	
Height of wings to top of balustrades,	70 ft.	
Do. to top of centre dome	120	
Length of representative hall,	90	
Height do. do.	60	
Length of senate chamber,	74	
Breadth do. do.	42	
Diameter of rotunda,	96	
Height do.	96	

The deaths in the city during the past year were 296—adults 197, children 139. Greatest number in September, 51; least in June and December, each 13. Of consumption 44; cholera 17—do. morbus 18—do. infantum 4; fever 34—typhus 4—billious 38—intermittent 3—puerperal 2; convulsions 16; cholice 11; worms 11; pneumonia 10; pleurisy 10—all else under 10.

TRANSYLVANIA UNIVERSITY—Officers of instruction 15; law students 44; medical 170; under graduates 121; preparatory dept. 51—total students 386. This institution is rapidly rising in importance: at its new organization, in 1818, it had only 60 students. Its benefit to the state of Kentucky is justly appreciated.

TRAVELLING. The line of mail stages between Albany and Utica, carrying six passengers, lately made the *voyage* from the latter to the former and back again, a distance of one hundred and ninety-two miles, in the space of nineteen hours, including 19 minutes at breakfast, one hour at dinner, and a like period lost in changing the horses—so that the average rate of travelling was more than eleven miles per hour.

GEN. JACKSON. The Nashville Gazette says there is not the least foundation in the assertion that the hero of Orleans has withdrawn from the list of persons named for the presidency. The same is reiterated in the Louisville Public Advertiser.

COM. PORTER. A splendid public entertainment was given to this valuable officer at Norfolk, on Wednesday the 5th inst. captain Harrington presiding, at which many excellent toasts were drank; among them the following—

Our constitution. An invaluable legacy.

"While stands the Coliseum, Rome shall stand."

"When falls the Coliseum Rome shall fall."

"And when Rome falls—the world."

The memory of lieut. William H. Allen. "A star fell in the midst of its brightness."

After the regular toasts were concluded, the president proposed the following, which was drank with enthusiasm—

Our distinguished guest, com. Porter.

Upon which the commodore rose and expressed his feelings in the following very neat and animated address:—

"Gentlemen.—On ordinary occasions the tongue can speak what the heart feels. But under the peculiarly gratifying circumstances in which I find myself placed, I can only desire you to imagine yourselves in the same situation, and to refer you to your own feelings, to enable you to understand what mine are at this moment. In the fullness of my heart I can say no more on this subject.

"There are circumstances of a truly flattering character in the honors of this day conferred on me—and of a delicacy purely refined:—This is the anniversary of my birth.—Some of those now present have known me from my earliest youth, and have been in the strictest habits of friendship with me. Many have served with me in trying situations, and all those now under my command have I believe, without an exception, volunteered for the service in which we are associated. I view it, therefore, as an expression of your approbation from my youth to the present hour, and as a pledge of your confidence in my future conduct.

"Whatever may be the result of our expedition—for we cannot command success—I feel a confidence that the pledge will not have been made in vain, so far as my efforts can contribute to the public interest—and to your honor, which is inseparable from it—and this confidence is established on the able support which I calculate on from those whom I have the honor to command.

"The cause we are engaged in is the most just and righteous, as we war against the enemies of mankind—monsters who disgrace human nature; we carry with us the best wishes, not only of our own country, but of the civilized world. And it is only necessary to pronounce *one name* to awaken our resentments, and inspire us with vengeance—a name distinguished in the annals of our country—a name synonymous with patriotism, courage and self-devotion—the name of ALLEN.

"Let then, "remember Allen," be our watchword. If it is honorable in our country to be the first to

take measures to exterminate those enemies of the human race, it is no less so in us to be the instruments of its will—a martyr was necessary to rouse its sleeping energies. The blood of Allen has sealed the pirates' doom—and humanity will shudder less at their punishment than at their crimes. Justice demands it—and the world will approve it.”

APPOINTMENTS. In addition to many appointments already mentioned, the following have been made by the president and senate of the United States.

William F. Steele, of Georgia, attorney of the United States for that part of the territory of Florida, known as West Florida, *vice* Tipton B. Harrison, deceased.

William Sebree, of Kentucky, marshal of the U. States for the same.

Chapman Coleman, of Kentucky, marshal for the district of Kentucky, *vice* John Thompson Mason, jun. resigned.

James Smith Wilcox, of Pennsylvania, consul at the city of Mexico.

Robert Todd, of Kentucky, consul at Acapulco in Mexico.

William Taylor, of Virginia, consul at La Vera Cruz and Alvarado, in Mexico.

Henry M. Brackenridge, of Florida, Judge of West Florida.

Greenbury Gaither, *George Murray*, *John de la Rua*, and *Joseph Noriega*, all of Florida, members of the legislative council of Florida.

Henry Crabb, of Tennessee, attorney for the district of West Tennessee.

Langdon Cheves, of Pennsylvania, commissioner, on the part of the United States, under the first article of the convention of 12th July, 1822, with Great Britain.

Henry Seawell, of North Carolina, arbitrator on the part of the United States, under the same convention.

TOBACCO. A late number of the *Federal Republican*, has a valuable “statement of the crop of Maryland tobacco, the growth of 1821, and the exports of the same in 1822,” of which the following is an abstract:

18,377 hhds. were shipped in the year 1822, from B. Itmore, in 50 vessels—viz: 6,127 to Rotterdam, 6,098 to Amsterdam, 4,749 to Bremen, 630 to Hamburg, 338 to Cowes and a market, 305 to London, 130 to Boston.

8,715 hhds. were shipped from Georgetown and Alexandria in 20 vessels—viz: 2,686 to Amsterdam, 828 to Rotterdam; 2,775 to Cowes and a market.

Total quantity, shipped in 1822, 27,092 hhds. There were on hand, 1st January, 1823, 13,380 hhds. viz: in the warehouses at Baltimore 8,456; in vessels loading there 924; in the warehouses on the Potomac 2,250; in ditto on the Patuxent, Bay-side, &c. 1,750—13,380.

Of the previous crop, there remained 8,238 hhds. on hand, on 1st January 1822—so the whole crop of Maryland tobacco of the growth of 1821, is shewn to have been 32,234 hhds.

HAVANA. In the year 1822, the enormous sum of \$4,311,862 was received into the treasury of the district, all which was consumed by the expenses save thirty dollars, and the people wonder what has become of the money! No public establishment has been made in consequence of the great disbursement—but there are many officers that were fed by them.

FRANCE AND SPAIN. We inserted a paragraph in our last stating that the duke de Montmorency had resigned his functions, as minister of foreign affairs, for the reason that his note, on Spanish affairs, had been rejected by the king, who accepted the *milder* one of M. Villere as a substitute for it. The London Courier, speaking of this note, says—“We have read it with all the attention in our power; we have applied to it all the considerations which such a document is calculated to excite; and we should believe our own judgment if we were to say we can discern in it any approximation to peace, unless, indeed, Spain does, of herself, what nobody believes she will do, and what, in truth, nobody can consider her in a condition to do; that is, put down the revolutionists, rescind the constitution, and restore tranquility in those provinces which are now torn by civil war. Either words have no meaning, or, in our apprehension, the language of the French government resolves itself into this—“if you do not abate the nuisance, we must.”

It now seems undoubted that the allied powers have resolved to interfere in the affairs of Spain—but to what extent cannot yet be determined.

From the Moniteur. We hasten to give to the public the first authentic document which it has been possible to communicate since the opening of the congress. So many interests are connected with the determination of the different cabinets on this great occasion, that it is of importance to make them known as soon as they are definitely adopted. *The president of the council of ministers, charged ad interim with the department of foreign affairs, to the count de la Garde, his majesty's minister at Madrid.*

M. Le Comte.—As your political situation may be changed, in consequence of the resolutions adopted at Verona, French candor requires that you should be directed to make known the views of the government of his most christian majesty to the government of his catholic majesty.

Since the revolution which took place in Spain in April, 1820, France, notwithstanding the dangers which that revolution presented for her, carefully endeavored to draw close the bonds which unite the two kings, and to maintain the relations which exist between the two nations.

But the influence, under which the changes in the Spanish monarchy have been brought about, has become more powerful, in consequence of the very results of these changes, as it was easy to be foreseen.

A constitution, which king Ferdinand, on resuming the crown, neither recognized nor accepted, was imposed on him by a military insurrection. The natural consequence of this transaction has been, that each dissatisfied Spaniard considers himself authorized to seek, by the same means, the establishment of an order of things more in harmony with his opinions and principles. The employment of force has created the right of force.

Hence the movement of the guards at Madrid, and the appearance of armed corps in different parts of Spain. The provinces bordering on France have been chiefly the theatre of the civil war. Thus it has become necessary for France to protect herself from this state of disorder in the peninsula. The events which have occurred since the establishment of an army of observation at the foot of the Pyrenees have sufficiently justified the foresight of his majesty's government.

Meanwhile the congress, which, since last year, had been looked to for deciding on the affairs of Italy, assembled at Verona.

As an integral part of this congress, France was bound to explain herself with respect to the armaments to which she had been compelled to have recourse, and to the manner in which she might eventually employ them. The precautions of France appeared just to her allies, and the continental powers adopted the resolution of uniting with her to aid her, (if there ever should be occasion), in maintaining her dignity and tranquility.

France would be satisfied with a resolution, at once so benevolent and so honorable, with respect to her; but Austria, Prussia and Russia, judged it necessary to add to the particular act of alliance a manifestation of their sentiments. Diplomatic notes are for that purpose addressed by these three powers to their respective ministers at Madrid, who will communicate them to the Spanish government, and in their ulterior conduct follow the orders which they shall have received from their courts.

For your part, M. Le Comte, in giving these explanations to the cabinet of Madrid, you will declare to it, that his majesty's government is intimately united with its allies in the firm resolution to repel, by every means, revolutionary principles and movements; that it equally concurs with its allies in the wishes which they form, that a remedy may be found by the noble Spanish nation itself for these evils—evils which are of a nature to disturb the government of Europe, and to impose on them precautions which always must be painful.

You will, in particular, take care to make known, that the people of the peninsula, restored to tranquility, will find in their neighbors faithful and sincere friends. You will, therefore, give to the cabinet of Madrid the assurance, that the succors, of every kind, which France can dispose of in favor of Spain, will always be offered to her for the purpose of assuring her happiness, and increasing her prosperity; but you will, at the same time, declare that France will, in no respect, relax the preservative measures, which she has adopted, while Spain continues to be torn by factions. His majesty's government will not even hesitate to recall you from Madrid, and to seek guarantees in more efficacious measures, if its essential interests continue to be compromised, and if it lose the hope of an amelioration, which it takes a pleasure in expecting from the sentiments which have so long united Spaniards and Frenchmen in love for their kings and for a wise liberty.

Such are, M. Le Comte, the instructions which the king has ordered me to submit to you, at the moment in which the notes of the cabinet of Vienna, Berlin and St. Petersburg, are about to be presented to the cabinet of Madrid. These instructions will serve to make known to you the views and the determination of the French government on this momentous occurrence.

You are authorized to communicate this despatch and to furnish a copy of it, if it be demanded.

Paris, December 25, 1822.

It is reported that, if the declarations of the holy alliance are not accepted by Spain, the ambassadors of Russia, Austria, and Prussia have orders to quit Madrid.

Balance of Trade.

MR. NILES—There is no subject whereon it is more difficult to unite opinion than the balance of trade. The country is arrayed on opposite sides. Mercantile men say the balance is in our favor—manufacturing men the reverse; and, as their minds are made up, in favor of or against manufactures,

so are their opinions on the balance of trade. One says the excess of imports over exports is the amount of profits; the other says it is the amount of the losses of the nation. To settle this great question, whether the excess of imports or exports is a balance for or against a nation, has caused much discussion among writers on political economy. Formerly, it was deemed an undoubted rule, that the balance of exports was a profit—but, latterly, the contrary result has been powerfully maintained. On which side the balance of reasoning is, I will not pretend to say; for it seems to me a simple question of fact. The balance of exports, or the balance of imports, may be the balance of profits, or not, according to circumstances—If the excess of our imports is paid for by our exports, then it is a profit by so much; if, on the other hand, the excess is purchased on a credit, and the country contracts a debt to that amount, it is a loss. So, if there is an excess of exports, it is a profit, if a balance is received in money or other articles of value—but if the exports do not produce, in a foreign market, the cost at home—if cargoes are captured or lost by the perils of navigation, either on the outward or homeward voyage, it swells the balance of exports, but not the balance of profits. The excess of exports may be a real loss to the nation—losses by capture or casualty too, may or may not be losses to the nation, according to their insurance being foreign or domestic. It is not, therefore, a question depending on reasoning or argument, but facts; upon all the complicated machinery and operations of commerce. The important question is not so much, what is the apparent difference between the aggregate amount of exports and imports, as how that difference arises, and that question must be settled by our custom house or treasury returns, which only exhibit the amount of imports and exports, but have no reference to the various contingencies on which the ascertainment of the real balance of trade depends. This want of official information makes it a difficult task to find out the relative amounts, which is increased by the various opinions of those who differ on the great question. I shall endeavor to ascertain the balance, by first settling what is the balance of trade? 2d. What are exports? 3d. What are imports? 4. What is the amount of each? 5. On which side is the balance?

1. I consider the United States as composing one partnership of shipping merchants; their stock in trade composed of all the shipping, all the exportable produce of ours and foreign growth or manufacture; the balance of trade is the balance of profit and loss at the end of each year; if they have on hand more stock than they commenced with, the balance is in their favor—if less, then against them: if the firm is in debt, if their real property has been incumbered, if they have applied their individual resources to meet or secure these debts—all those items are losses. The balance of profit and loss is the balance of trade.

2. Exports consist of the entire produce of our industry sent abroad—the productions of our soil, our fisheries, our forests, our manufactures, our shipping—the profits of freighting; exports in American vessels; the profits of circuitous voyages; imports of the produce of our distant fisheries, not entered at the custom house for exportation—and, if favorable, exchange on the balance in our favor.

3. Imports consist of all foreign articles introduced into the country—freight, whether in American*

*An objection may be made to this item; but it must be considered that freight enhances the value

or foreign vessels; the rate of exchange, if unfavorable, or the balance against us, and foreign insurance.

4. The amount of exports by the statistical tables of 1821, is, domestic 43,671,000; foreign 21,302,000—total \$64,974,000.

5. The amount of imports is 62,585,000 dollars. Exhibiting an apparent balance in our favor of 2,399,000 dollars—but the document furnishes evidence that this is not the real balance—the specie and bullion exported was \$10,478,000; imported \$8,664,000—balance against us \$2,414,000—making the real balance, as appears by the treasury returns, against the country. It will hardly be contended that the exportation of specie, beyond the amount imported, can constitute a favorable balance—for, if it would, then the importation of a balance in specie would be an unfavorable balance, involving this contradiction, that, if the operations of a firm yielded them, at the end of the year, a balance in money, this balance was a loss and not a profit. Our laws do not require the merchants to give an account of the stocks remitted to Europe, or of the bonds, judgments, mortgages, or other securities, to pay or secure debts we owe abroad. If these were entered on the custom house books, they ought not to be counted as exports of produce and swelling the balance of trade in our favor, but as evidence of the balance being against us, for which the bonds of the government and of individuals are held by foreigners.

The treasury statements may or may not exhibit the true balance of trade; if our produce exported yields no profit, and foreign goods are fairly valued, honestly invoiced and not smuggled, there can be but little difficulty in ascertaining it; but if our exports pay first cost, freight and profit, the two last items must be added. Whether they do yield this profit, is a fact which can only be ascertained by the experience and from the information of merchants. Those who have been, for thirty years, engaged in the shipments of produce abroad, would do a public service by stating, from their books, the result of their operations. My opinion is, that, in the aggregate, there has been a loss from the first cost—that the merchant's profits are, generally, from the inward not the outward cargoes. I am well aware of the extreme difficulty of ascertaining

of the article to the purchaser. Foreign articles are valued at the place whence imported; if imported in foreign vessels, they certainly cost the amount of freight in addition. American vessels are part of the stock in trade—their cost, repair, wages of seamen, port charges and duties, and charges of navigation, is an expenditure by the firm; if employed in exporting produce, the profits are as much the produce of our capital, materials and labor, as the exportation of cotton; if employed in importing foreign produce, the expenses add to the price of the imported goods as if imported in foreign vessels, with only this difference between the profits of freighting and the actual expenses of the vessel. In the East India trade, the outward voyage is mostly in ballast—the whole expense of the voyage, out and in, is therefore a fair charge on the homeward cargo, adding so much to the first cost in Canton or Calcutta: it seems, therefore, a fair item to be added to imports. I may have made omissions in the above classifications, for it is almost impossible to have every thing in one's memory while writing on these subjects; but I have endeavored to state all the items fairly on each side.

this fact in any other way than by an account of the various voyages for a long lapse of years—but am confident, that the result of the examination would be, that our articles have not produced, in foreign ports, more than first cost. Let our old merchants examine their ledgers—charge themselves with the outward cargo, and close the account at the port where it was sold—and the average results, for thirty years, will, at once, settle the question. There are merchants in all our sea ports who can do this satisfactorily. There is no fact which would give so much useful information to the country as this—to ascertain whether the profits of our merchants have been on the out or in cargoes—whether the failures and insolvencies are more owing to losses on produce shipped abroad or goods imported? As this is a mere question of fact, it cannot be elucidated by opinion or assertion. It will naturally be asked, if it is not profitable, why do merchants persist in this course of trade? It may as well be asked why they buy lottery tickets or build country houses—though the reason for doing either of these things may be a bad one, it is no proof that the thing is not done. Hope, flattering delusion, yet cheering hope, impels us on in all pursuits in life; the wisest of us do not profit enough by experience—our merchants are enterprising and adventurous; success encourages, losses do not dispirit them. We must then first settle the fact, and not attempt to make it out by inference—and it must first be ascertained that there do actually accrue profits on our shipments of domestic produce, before we take credit for them in making up the balance of trade. The same reasons will apply to all the other contingent items which constitute our exports or imports, which makes it impossible to state a correct account. The general improvement of the country, our progressive wealth and resources, are no evidence of a favorable balance of trade, though they have been, by many, deemed as such. That we have, on the whole, flourished for thirty years, is true—but it must be remarked that the greatest increase in population and wealth has been in those parts of the country which have the least foreign commerce. Our commercial cities have grown rapidly, but it remains to be proved that their growth has been owing to their foreign more than their domestic commerce—whether the fortunes, which have been acquired, have not been by selling to retailers their inward cargoes, rather than their profits in purchasing and shipping domestic produce—in other words, whether the wealth of the merchants has not been drawn more from the interior of the country than from foreigners. Merchants fail, but cities grow—the builder breaks, but the building remains; it only changes owners. The balance of trade may be largely against us, our merchants largely indebted abroad, and yet this may be the reason why the improvements of the country may progress. Foreign creditors are postponed in favor of domestic, in cases of insolvency—the effects are distributed among friends and those on the spot—they have been expended in buildings and other improvements, which add to the wealth of this country at the expense of foreigners. In counting national profits, this is no small item—rumor tells us that one merchant, in Philadelphia, imported, on credit, £125,000 sterling in goods, which went entirely to his domestic creditors. This was clear gain—not a very desirable mode of adding to our wealth I admit, but one which prevails to some extent. It is one of the items which counterbalances the effects of an unfavorable trade—its operations will continue. Money expended here by

travellers from Europe; brought here by emigrants, expended in the purchase of lands, of stocks, &c. &c. all tend essentially to countervail the balance of trade. The interior of the country will improve from its own resources—opening new powers of manufactures, internal commerce naturally increasing with the increase of population. In putting a proper estimate on all these causes, it will be at once evident, that the country may progress rapidly, nay, to an unexampled degree—yet it is not the favorable balance of trade which does it; it only proves that the resources of the nation are so great that it flourishes in despite of the balance of trade against it. What would it not do if the balance was in its favor? But, before we calculate too largely on the rapid improvement of this country, we must deduct the increase of its debts during thirty years. The addition to the national debt, the debts to banks and to individuals, are a charge on the improvements and property of our citizens. The amount of stocks held by foreigners, debts due to them, and property owned by them here, are all drawbacks on our apparent prosperity. Let the account be fairly stated, and it will be found that our wealth has not increased so much as has been generally imagined in the treasury report. There is one, and only one, other remark of the secretary of the treasury which seems, to me, rather inaccurate. He thinks that, in ascertaining the relative value of our exports and imports, we should add the same per centage, 10 or 20, as the case may be, which is added to the invoice of imported *valorem* goods. In his report on the finances, the *custom house* value of *ad valorem* goods is stated including the 10 or 20 per cent; but, in the statistical tables, prepared pursuant to the law of the 10th February, 1820, a different mode of valuation is directed:—the 10th section is as follows—“That all articles exported shall be valued at their actual cost, or the value which they may truly bear, at the time of exportation, in the ports of the United States from which they are exported; and that all articles imported shall be valued at their actual cost, or the value which they may truly bear in the foreign ports from which they are exported for importation into the United States, at the time of such exportation:”—page 9, laws of 1820. This rate of valuation excludes the 10 and 20 per cent. It is evident, therefore, that this addition ought not to be made to our exports in order to ascertain the balance of trade. From these observations, the reader will, probably, think with me, that, with the present means of information, we cannot accurately ascertain the precise balance of trade, depending on so many contingencies, and yet be convinced that there is, occasionally, a large balance against us: Though I admit that the custom house returns cannot, as at present made, exhibit the true balance, yet I believe that it is greater than the mere difference between the amount of exports and imports. It is certain that more money is expended by foreigners here than by Americans in Europe; that more money is brought here by emigrants; received here by legacies and intestacies; expended in the purchase and improvement of real estate; in the purchase of public or corporate stocks; more goods brought here on credit which are not paid for to foreigners, than is done in Europe by Americans—yet, with all these items in our favor, we remit specie, stocks, all our exportable produce, are still in debt, and obliged to pay the balance in bills, at a loss of 12½ per cent. With these acknowledged facts, can any one doubt that the balance is against us more than the custom house returns exhibit it?

Besides, we must remember that our merchants have no temptations to undervalue their exports, but foreigners have a deep, direct interest in undervaluing theirs, in order to evade the duties in our ports; and we know that frauds, of this kind, are carried to a great extent: this item must be added to the account. If any one can account for these things, and yet contend that the balance of trade is in our favor, I hope he will not withhold the information from the public. The attention of the Boston “Merchant” is particularly invited to this subject—his writings shew him to be intelligent; he understands the subject and must spare a little time to elucidate it; to explain how the rate of exchange is 12½ against us and the balance of trade in our favor—to tell us why we buy bills, export specie, stocks, &c. if we do not owe a balance? to inform us how we become in debt if our exports pay for all our imports? what becomes of our remittances, if not to pay debts? To inform us whether the American merchants are exchanging American for foreign stock, or are investing their money in real estate in Europe? Let us have a practical explanation on these subjects, a matter-of-fact statement of the actual operations of our merchants—let there be a delineation of the course of trade which we can all understand. But I protest against suppositions, as in the case of exchange—no calculation of *ounce* for *ounce*, unless it is the real basis of exchange; no calculations as to what the balance of trade may or might be, under circumstances that do not exist in fact.

These matters are of momentous concern to the nation—they reach the interest of every man in society, and deserve the deliberate attention of our rulers. There *is* such a thing as a balance of trade—the adventures of a nation, as well as of individuals, may be losing ones—our country is young but rising to manhood; its growth may be retarded by the supineness of the people or the indifference of government: but the day will come when all our public functionaries must answer to the voice of an injured, neglected and embarrassed country,—why have you suffered eight years of general peace to elapse without a single act of legislation, tending to adapt the internal policy of the nation to the mighty changes abroad, and our suffering interests at home? T.

Gold Coins.

HOUSE OF REPRESENTATIVES, FEB. 6, 1823.

Report of the select committee appointed on the 13th ult. in relation to the expediency of receiving certain foreign coins in payments at the treasury; accompanied with a bill making the gold coins of Great Britain, France, &c. receivable in payments on account of public lands.

The committee appointed on the 13th ultimo, having deliberated on the last point of inquiry embraced in the resolutions of instructions to them, adopted by the house of representatives, on the 23d ultimo, namely, “the expediency of making the gold coins of Great Britain, Portugal, France and Spain, receivable in payment of debts due the United States, at their intrinsic value,” ask leave, on that subject, to report:

The gold coins of Great Britain and Portugal, of their present standards, correspond almost exactly with our own: those of France are not so fine, and those of Spain still less pure.

Although no regular report of the assays of these coins has been made by the director of the mint since 1819, during which year the last act of con-

gress, declaring them a lawful tender, expired; yet, from numerous assays, made since on deposits, it has been abundantly ascertained that their intrinsic value is equal to that which was assigned to them, respectively, by the act of 29th April, 1816.

The committee assent, without hesitation, to the expediency of making them receivable in payment of debts to the United States on sales of public lands; but doubt the propriety of making them a tender on other debts, duties, taxes, or sums of money, which have or may become due to the government.

Notwithstanding it was stated, in a previous report of the committee, that the gold coins of every description and denomination, whether American or foreign, have, of late, been almost entirely banished from our sea-port towns, yet there is reason to believe, that, owing to the constant emigrations to the western country from Europe, and to the acknowledged want of confidence in many of their banking institutions, considerable sums of foreign gold have found their way into that country; and have been, and are, much relied on as part of the means of paying the debt there due for public lands.

The committee are assured, that very many of the purchasers of those lands, being persuaded, from long habit, that gold would, on account of its metallic preciousness, continue to be the safest and most in demand as a circulating medium, have studiously and carefully preserved it for the purpose of making payments to the receivers of public money on their land purchases.

The debt on account of sales of public lands is so large, that, it is believed, every facility and inducement, compatible with the just rights of the general government, should be extended by congress for its speedy reduction and final extinguishment, by actual payments.

It will be seen, by reference to the annexed communication of the 3d February, instant, made in reply to a letter addressed to the treasury department, by direction of the committee, that the secretary of the treasury has found it expedient to authorize the receivers of public money to continue to receive the coins, adverted to in this report, "in payments on account of public lands;" and that "*they are, in fact, now received by them.*" The reasons assigned in said communication for giving such authority to the receivers, are perfectly satisfactory to the committee; and strongly indicate the propriety, not to say necessity, of giving to that authority the sanction of law.

Treasury department, February 3, 1825.

SIR: In reply to your letter of the 31st ultimo, inquiring whether it would not be expedient to make the gold coins of Great Britain, Portugal, France and Spain, receivable in payments to the United States, at their intrinsic value, and especially in payments on account of the public lands, I have the honor to state, that it is deemed proper that they should be made a lawful tender in all payments to the United States on account of public lands. Upon the expiration of the act of congress which made them a legal tender in the payment of debts in the United States, the receivers of public money were authorized to continue to receive them in all payments on account of public lands, and they are in fact now received by them. This authority was given, first, because no doubt was entertained that the creditors of the government in the states and territories where the land offices were established, would receive such coins in preference to

the notes of the state banks established in those states and territories. And, second, because the refusal of those coins, and of the notes of the local banks, would have placed it out of the power of the purchasers of the public lands to make payment, as the notes of the bank of the United States, and of its offices, did not circulate among them, and the current coin of the union did not circulate in sufficient quantity to meet even a small proportion of the payments due by them.

In terminating this letter I feel it my duty to observe, that the relative current value of gold and silver differs materially from that established by the laws of the United States. The consequence has been, that the gold coin of the United States has always been exported, whenever the rate of exchange between the United States and the commercial nations of Europe has been in favor of the latter. If the gold coins of the United States should be made equal in value to sixteen times the value of silver coins of the same quantity of pure silver, they would be exported only when the rate of exchange should be greatly against the United States.

This subject was presented more fully in a report made by this department, upon the state of the currency, in obedience to a resolution of the house of representatives, of the 1st of March, 1819, to which I beg leave to refer the committee.

I remain, with respect, your most obedient servant,

WILLIAM H CRAWFORD.

Hon. W. B. Rochester, C. C. on the mint.

Treaty with France.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas a convention of navigation and commerce, between the United States of America and his majesty the king of France and Navarre, together with two separate articles annexed to the same, was concluded and signed at Washington on the twenty-fourth day of June last past, by the respective plenipotentiaries of the two powers; and whereas the said convention, and first separate article annexed to the same, have been duly and respectively ratified by me, and by his majesty the king of France and Navarre, and the ratifications of the same have this day been exchanged at the city of Washington, by JOHN QUINCY ADAMS, secretary of state, and the count JULIUS DE MENOR, charge d'affaires of France; which convention, and the first separate article annexed to the same, are in the words following, to wit:

Convention of navigation and commerce between the United States of America and his majesty the king of France and Navarre.

The United States of America and his majesty the king of France and Navarre, being desirous of settling the relations of navigation and commerce between their respective nations, by a temporary convention, reciprocally beneficial and satisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say: The president of the United States to JOHN QUINCY ADAMS, their secretary of state; and his most christian majesty, to the baron HYDE DE NEUVILLE, knight of the royal and military order of St. Louis, commander of the legion of honor, grand cross of the royal American order of Isabella the Catholic, his envoy extraordinary and minister plenipotentiary near the United States; who, after exchanging their full powers, have agreed on the following articles:

ARTICLE 1st.

Articles of the growth, produce or manufacture of the United States, imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandise over and above the duties paid on the like articles, also of the growth, produce or manufacture of the United States, when imported in French vessels.

ARTICLE 2.

Articles of the growth, produce or manufacture of France, imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy five cents per ton of merchandise over and above the duties collected upon the like articles, also of the growth, produce or manufacture of France, when imported in vessels of the United States.

ARTICLE 3.

No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms into the ports of the United States for transit or re-exportation: nor shall any such duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation.

ARTICLE 4.

The following quantities shall be considered as forming the ton of merchandise for each of the articles herein after specified:

Wines—four 61 gallon hogsheads, or 244 gallons of 231 cubic inches, American measure:

Brandies, and all other liquids, 244 gallons:

Silks and all other dry goods, and all other articles usually subject to measurement, forty-two cubic feet, French, in France, and fifty cubic feet, American measure, in the United States.

Cotton 804 lb. avoidupois, or 365 kilogrammes: Tobacco, 1,600 lb. avoidupois, or 725 kilogrammes:

Ashes, pot and pearl, 2,240 lb. avoidupois, or 1,016 kilogrammes:

Rice, 1,600 lb. avoidupois, or 725 kilogrammes; and for all weighable articles, not specified, 2,240 lb. avoidupois, or 1,016 kilogrammes.

ARTICLE 5.

The duties of tonnage, light money, pilotage, port charges, brokerage, and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France in the, United States, ninety-four cents per ton of the vessel's French passport.

ARTICLE 6.

The contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective vessels, have agreed that the consuls and vice-consuls, may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice-consuls shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of the said crews; and on his demand, so proved, (saving however where the contrary is

proved), the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure and arrest of said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE 7.

The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months before hand.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and, afterwards, by one-fourth of the said amount, from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

ARTICLE 8.

The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner, if possible. But the execution of the said convention shall commence in both countries on the 1st of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bona fide* for the ports of either nation, in the confidence of its being in force.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the city of Washington, this 24th day of June, A. D. 1822.

JOHN QUINCY ADAMS, [L. s.]

G. HYDE DE NEUVILLE. [L. s.]

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of congress of 15th May, 1820, and of the ordonnance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS. [L. s.]

G. HYDE DENEUVILLE, [L. s.]

Now, therefore, be it known, that I, JAMES MONROE, president of the United States, have caused the said convention and first separate article to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my [L. s.] hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twelfth day of February, in the year of our Lord one thousand eight hundred and twenty-three, and of the independence of the United States the forty-seventh.

JAMES MONROE.

By the president:

JOHN QUINCY ADAMS,
Secretary of state.

Sinking Fund.

REPORT OF THE COMMISSIONERS OF THE SINKING FUND.

House of representatives, February 6, 1823—Read, and ordered to lie on the table.

The commissioners of the sinking fund respectfully report to congress:—That the measures which have been authorized by the board, subsequent to the last report, of the 7th of February, 1822, as far as the same have been completed, are fully detailed in the report of the secretary of the treasury to this board, dated the 6th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as a part of this report.

DANIEL D. TOMPKINS, *vice-president of the United States.*

J. MARSHALL, *chief justice of the United States.*

JOHN QUINCY ADAMS, *secretary of state.*

WILLIAM H. CRAWFORD, *secretary of the treasury.*

REPORT.

The secretary of the treasury respectfully reports to the commissioners of the sinking fund, That the balance of moneys advanced on account of the public debt, remaining unexpended at the close of the year 1820, and applicable to payments falling due after that year, which balance, as appears by the statement B, annexed to the last annual report, amounted to \$1,880 89

With the sums disbursed from the treasury during the year 1821, on account of the principal and interest of the public debt, amounting, as per the last annual report, to 8,567,093 62

And making, together, the sum of 8,568,974 51

Having been accounted for in the following manner, viz:

There was applied, during the year 1821, towards the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this department, as per the annexed statement A, the sum of 8,403,563 49

In the reimbursement of the principal of the deferred stock	533,808 47
In the payment of certain parts of the domestic debt	54 45
In the redemption of the Louisiana stock	2,071,360 00
Do. of treasury notes	1,774 38
Do. of Mississippi stock	634,022 53

3,241,019 83

On account of the interest and charges 5,162,543 66

8,403,563 49

Of this sum there was short provided, consisting of unclaimed dividends on the public debt, not applied for by the proprietors, as per the annexed statement B, the sum of 34,588 98

8,368,974 51

That, during the year 1822, the following disbursements were made by the treasury on account of the principal and interest of the public debt: On account of the interest of the domestic debt, and reimbursement of the principal of the deferred stock 5,739,760 62

On account of the redemption of the Louisiana stock	5,294 12
Do. do. of Mississippi stock	23,388 94
Do. do. of treasury notes	277 00
In payment of certain parts of the domestic debt	438 99
Do. of the six per cent. stock of 1796	80,000 00
Do. of the six per cent. stock of 1820	2,000,000 00

Making, together, as appears by the annexed statement C, the sum of 7,849,159 67

Which disbursements were made from the appropriation of ten millions of dollars for the year 1822, and will be accounted for in the next annual report, in conformity to accounts which shall then have been rendered to this department.

In the mean time, the manner in which the said sum has been applied is estimated as follows: There is estimated to have been applied to the payment of the deficiency at the end of 1821, as per statement B, 34,588 98

In the reimbursement of the deferred stock	566,588 75
In the payment of treasury notes	277 00
In the redemption of Louisiana stock	5,294 12
In the payment of Mississippi stock	23,388 94
Do. of certain parts of the domestic debt	438 99
Do. of the six per cent. stock of 1796	80,000 00
Do. of the six per cent. stock of 1820	2,000,000 00

2,710,576 78

And in the payment of interest on the funded debt, viz: interest on the debt for 1822, is estimated at 5,151,268 26

Deduct this sum short provided, per estimate E. 15,685 37 5,138,582 89

\$7,849,159 67

A statement, F, is annexed, which exhibits the balance of the annual appropriation of \$10,000,000, unexpended on the 1st of January, 1823.

And a statement, marked G, of the funded debt on the 1st January, 1823.

All which is respectfully submitted, WM. H. CRAWFORD, Secretary of the treasury.

A.

Statement of the application, during the year 1821, of the funds provided for the payment of the principal and interest of the public debt.

I. Payments on account of principal.		
1.	Reimbursement of the deferred six per cent. stock	533,808 47
2.	Do. of certain parts of domestic debt	54 45
3.	Do. of Louisiana stock	2,071,360 00
4.	Do. of Treasury notes	1,774 38
5.	Do. of Mississippi stock	634,022 53
		3,241,019 83
II. Payments on account of interest and charges.		
1.	Interest for the year 1821, on the public debt, as settled at the treasury	5,124,896 42
2.	Do. on Louisiana stock	36,324 88
3.	Do. on temporary loans by bank of the United States	1,153 47
4.	Charge for advertising by the agents in London, credited in their settlement, per treasurer's report, No. 43,834	158 89
		5,162,543 66
		\$8,403,563 49

Treasury department, register's office, February 3, 1823.

JOSEPH NOURSE, Register.

B.

Statement of the provision made before the 1st day of January, 1822, for the payment of the principal and interest of the public debt, due on that day.

The demands to be satisfied on the 1st January, 1822, were as follows:

1.	Dividends payable by the com. of loans, including dividends due on that day, and exclusive of dividends no longer demandable at their offices	1,577,910 78
2.	Unclaimed dividends from the loan offices, payable at the treasury beyond the amount advanced for their payment	201,836 02
3.	Balance due the late agents in London, on the 31st December, 1821 per treasury settlement, No. 43,834	1,474 44
		1,781,221 24

The funds provided to satisfy these demands, were as follows:

1.	Cash due from commissioners of loans, deceased and out of office	1,217 65
2.	Cash in the hands of com. of loans in office, and applicable to dividends	1,623,422 42
3.	Cash advanced for treasury dividends over the amount payable	18,054 45
4.	Cash paid for bills purchased on account of the public debt, which were protested for non payment, and not yet repaid, as per note, (a), to statement B, of the last annual report	103,937 74
		1,746,632 26

Short provided \$34,588 98

Treasury department, register's office, February 3, 1823.

JOSEPH NOURSE, Register.

C. gives a list of the warrants and the following

RECAPITULATION OF EXPENDITURES.

Interest and reimbursement of domestic debt	5,739,760 62
Redemption of Louisiana stock	5,294 12
Reimbursement of Mississippi stock	23,388 94
Reimbursement of Treasury notes	277 00
Certain parts of domestic debt	438 99
Redemption of six per cent. stock of 1796	80,000 00
Redemption of funded six per cent. stock of 1820	2,000,000 00
	Dollars, 7,849,159 67

Treasury department, register's office, February 3, 1823.

JOSEPH NOURSE, Register.

D.

Estimate of the application, in 1822, of the funds provided for the payment of the principal and interest of the public debt, falling due in that year.

First—On account of the principal:

1.	Reimbursement of the deferred stock, estimated at	\$566,588 75
2.	Do. do. Treasury notes	277 00
3.	Redemption of Louisiana stock	5,294 12
4.	Payment of Mississippi stock	23,388 94
5.	Do. of certain parts of the domestic debt	438 99
6.	Do. of six per cent. stock of 1796	80,000 00
7.	Do. of six per cent. stock of 1820	2,000,000 00
		2,675,987 80

Second On account of the interest of the domestic funded debt

5,154,268 26

\$7,830,256 06

Treasury department, register's office, February 3, 1823.

JOSEPH NOURSE, Register.

E.

Estimate of the funds provided, before the 1st January, 1823, for the payment of the principal and interest of the public debt, which fell due before that day.

Amount short provided on the 1st January, 1822, as per foregoing statement, B.	\$34,588 98
Application, per estimate D.	7,830,256 06
	7,864,845 04
Amount of warrants issued on account of the principal and interest of the public debt, during the year 1822, per statement C.	7,849,159 67

Short provided on account of unclaimed dividends, 15,685 37
 Treasury department, register's office, February 3d, 1823. JOSEPH NOURSE, Register.

F.

Statement of the appropriation of ten millions of dollars by the second section of the "Act to provide for the redemption of the public debt," passed 3d March, 1817.

Application, per statement G. which accompanied the report of the com. of the sinking fund, of the 7th February, 1822, viz:	Appropriation of 1817	\$10,000,000 00
In 1817	Do.	1818 10,000,000 00
Do. in anticipation of the appropriation for 1818	Do.	1819 10,000,000 00
	Do.	1820 10,000,000 00
	Do.	1821 10,000,000 00
	Do.	1822 10,009,000 00
In 1818		a12,830,108 52
1819		7,169,891 48
1820		7,705,821 87
1821		8,628,514 28
Application in 1822, per the accompanying report		8,367,093 62
Balance applicable to payments after the 31st December, 1822		7,849,159 67
		7,451,410 56
		\$60,000,000 00
		\$60,000,000 00

Treasury department, register's office, Feb. 3, 1823. JOSEPH NOURSE, Register.

In addition to this amount, there was applied, in 1817, the sum of \$9,000,000, appropriated by the 3d section of the act above recited, and accounted for in the report of the commissioners of the sinking fund, of the 7th February, 1818.

G.

Statement of the funded debt of the United States, on the 1st Jan. 1823, with its redemption for 1821 and 1822.

Reimbursement of the deferred stock, in 1821	\$533,808 47	Amount of the funded debt on the 1st January 1822, per statement H, which accompanied report of Feb. 1822	\$93,957,665 14
Do. of the 6 per cent. stock of 1796, in 1822	80,000 00	Add 3 per cent. stock issued in 1822	143 02
Do. of the 6 per cent. stock of 1820, in 1822	2,000,000 00		
Amount of the funded debt, 1st Jan. 1823, subject to a reduction on account of the reimbursement of the deferred stock, in 1822.	a91,343,999 69		
	\$93,957,808 16		\$93,957,808 16

Amount of the debt on 1st Jan. 1823, as above stated, brought down	91,343,999 69
Deduct estimated amount of deferred stock, reimbursed in 1822	566,568 09
Amount per statement (3) which accompanied the secretary's report of 23d Dec. 1822	\$90,777,431 60

aConsisting of deferred stock with reimbursement for 1822	Dolls. 1,526,077 06
Three per cent.	13,296,099 06
Exchanged 6 per cent. of 1812	2,668,974 99
	Dolls. 17,491,151 11
Six per cent. of 1812	6,187,006 84
Six per cent. of 1813, dolls. 16,000,000	15,497,818 63
Do. 7,500,000	6,812,845 44
Six per cent. 1814	13,001,437 63
Six per cent. 1815	9,490,099 10
Seven per cent.	8,606,355 27
Treasury notes 6 per cent.	1,465,285 47
Five per cent. subscription to the bank of the United States	7,000,000 00
Five per cent. of 1820	999,999 13
Five per cent. of 1821	4,734,296 30
Exchanged five per cent. 1822	56,704 77
	73,852,848 58

Treasury department, register's office, February 3d, 1823. JOSEPH NOURSE, Register.

Seventeenth Congress--2nd session.

IN THE SENATE.

February 14. Mr. Johnson, of Kentucky, rose to offer a resolution. He said he had been anxious to present to the senate a proposition to enjoin upon the judicial committee a thorough examination into the organization of the courts of the United States, and to report such a change as would cure the evils resulting from the present system. He thought it was the duty of congress to take up the subject and give it a complete examination, and adopt some modifications which he was convinced ought to be made. But this session was a short one, and not the most favorable to the discharge of this duty. He thought that congress should turn their attention to the jurisdiction, as well as to the organization of the federal judiciary. The defining and limiting the jurisdiction of the courts depended upon a construction of the federal constitution, and required no other materials than those possessed by every member. But the organization of the courts was a matter of policy and expediency, and should be changed as time and experience might suggest. In order, therefore, that this subject might be before congress at an early period of the next session, with all the facts which could be obtained in addition to those in the possession of members, he had been induced to offer to the house a resolution which might furnish some useful information on the subject as to the organization of the courts. At present one half of the territory of the United States, if not half of the population, was under a district system, and the other half under a district and circuit system combined—and the circuit judges compose the supreme court of the United States. It was apparent, from this system, that, in the selection of these judges, we should consult, as much if not more, bodily powers than mental and legal acquirements; for the judges of the supreme court can only remain at this place something like 40 days annually, during which time, with the most industrious industry, more than one hundred cases cannot be disposed of, while they represent 10,000,000 of people, and 24 independent states, and the dockets in every part of the union swelling and increasing in magnitude. The western country had in part only the benefits of the circuit system. He thought that the system should be uniform; that every part of the United States should have circuit courts, or confined to district, and enable the supreme court to remain in session at this point such a period as will be more adequate to the discharge of their duties as judges of the supreme court. His object was to produce uniformity, efficiency, and impartiality in respect to every portion of the community. Mr. J. concluded by offering the following resolution:

Resolved, That the judges of the supreme court be requested to report, jointly, to this body, as early in the next session of congress as may be convenient, such facts and observations as their experience and reflections may suggest, relative to the present organization of the courts of the United States, pointing out its defects and inconveniences, if any, and suggesting such changes and modifications as will, in their opinion, combine most efficiency and economy in the administration of justice.

The engrossed bill to extend the charter of the Mechanics' bank of Alexandria was passed and sent to the other house.

Mr. Benton submitted the following resolution:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of making an appropriation to enable the president of the United States to take and retain possession of the territories of the United States on the North West coast of America.

On motion of Mr. Benton, the senate proceeded to the consideration of the bill to repeal the seve-

ral acts reserving from public sale the lead mines and salt springs belonging to the United States, and to authorize the president of the United States to cause the lead mines and the salt springs, and the lands contiguous thereto, to be exposed to public sale.

Mr. Benton delivered to the senate a speech of considerable length in explanation and support of the expediency of the proposed measure; embracing much historical information, in regard to the extensive mineral country west of the Mississippi, and concerning the mines of other countries, the course heretofore adopted by the government in relation to our mines, shewing how unproductive and injurious the practice of leasing out the mines had been, the advantages which would arise from disposing of them entirely to the enterprise and industry of individuals, &c. &c.

Messrs. Dickerson, Lowrie, Smith, of Md. Barton, Van Buren, Taylor, of Va. Holmes, of Maine, Brown, of Ohio, King, of N. Y. and Johnson, of Ky. followed Mr. Benton, with their respective views of the expediency or in expediency of this measure, and continued the debate until past 3 o'clock. In the end, the bill was, at the request of a member, laid over to Monday.

The following messages were received from the president of the United States, and read:

To the senate of the United States:

In compliance with a resolution of the senate, of the 11th of this month, requesting the president to cause to be communicated to the senate an estimate of the amount of land in the state of Georgia, to which the Indian title has been extinguished by the United States, since the cession of a portion of the territory, of Georgia, to the United States, with a statement of the cost of such extinguishment, and also an estimate of the amount of land, within the said state, to which the Indian title still remains to be extinguished, and by what tribes claimed; I transmit a report from the secretary of war, which contains the information desired.

JAMES MONROE.

February 14, 1823.

To the senate of the United States:

In compliance with a resolution of the senate of February 3d, requesting a statement of the number and size of cannon, mortars and howitzers, necessary for the armament of the fortifications already built and intended to be built, with an estimate of the sum necessary for their construction, I transmit a report from the secretary of war, prepared in execution of instructions given him to that effect.

February 10.

The senate adjourned.

February 15. The senate did not sit this day--Saturday.

February 17. Several reports were received from different committees.

The president communicated a report of the secretary of war, exhibiting a statement of the expenditures at the national armories, and of the arms made and repaired therein during the year 1822; and the report was read.

The bill to regulate the duties on imports and tonnage, &c. was ordered to a third reading.

A bill for the relief of Jos. Forrest was rejected --19 to 17. Sundry bills were ordered to a third reading.

The senate proceeded to the consideration of executive business, and, at about 4 o'clock, adjourned.

February 18. After other business—

The senate took up the resolution offered by Mr. Johnson, of Kentucky, on Friday last; and, after some discussion, having been modified, on the motion of Mr. Mills, to read as follows, it was agreed to, viz:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of collecting and digesting in one bill all the acts of congress relative to the courts of the United States, and the administration of justice therein; and to report a mode of effecting that object, and also of effecting such changes, modifications, and additions, as will, in their opinion, combine most efficiency, promptitude, and economy, in the administration of justice.

On motion of Mr. Van Buren, it was

Resolved, That the senate will, to-morrow, at 12 o'clock, proceed to the choice of a president pro tempore.

[The vice president of the United States, after the most sedulous attention to the duties of his office during the session—having retired, as is usual, a short time before its close, to afford the body an opportunity of appointing a president *pro tem*.]

Other matters were discussed, but nothing decided.

February 19. A ballot was had this day for a president *pro tem*. Mr. Gaillard, of S. C. received 32 votes, Mr. Barbour, of Va. 6—scattering 2. The first named took the chair and made his acknowledgements for the honor conferred in his own handsome terms.

The bill from the other house for the settlement of the accounts of D. D. Tompkins was reported, by the committee of claims, without amendment.

The rest of the day was chiefly spent in the consideration of sundry private claims.

February 20. After some debate, the bill to provide for the settlement of the accounts of Daniel D. Tompkins was ordered to a third reading, with only two or three dissenting voices.

The other business transacted, will appear in course. Some time was spent in executive business.

HOUSE OF REPRESENTATIVES.

Friday, Feb. 14. Mr. Williams, of North Carolina, from the committee on claims, to which a bill from the senate, for the relief of Eleanor Lawrence, had been referred, reported the same without amendment; and the bill was then committed.

Several reports were received from different committees, and differently disposed of.

On motion of Mr. Metcalf, it was

Resolved, That the committee on Indian affairs be instructed to inquire whether any, and, if any, what abuses may have been committed by the late superintendent of Indian trade, (col. T. L. McKenny) in the purchase or sale of goods under the several laws formerly regulating the Indian trade; and that the committee have power to send for persons and papers.

Mr. Tod, of Pennsylvania, made a motion to discharge the committee of the whole on the state of the union, from the further consideration of the bill for the more effectual protection and encouragement of domestic manufactures.

This was a motion which was intended by the mover to bring the bill directly before the house for amendment, and eventually to obtain a question on its passage, more speedily and more certainly, than if the discussion were suffered to go on in committee of the whole.

The motion being, therefore, a leading one, it produced a little excitement in the house, on the part of those who are opposed to the bill in principle, and on the part of those who desire material amendments to be made in the bill. The excitement was not lessened, by a question of order having arisen, of a novel and somewhat important character, which was decided by the *Speaker*, debated, and an appeal from it indicated, though the question did not really present itself, the suggestion of

it being in anticipation only of what might occur in the course of the proceedings, should the motion of Mr. Tod prevail. The bill contains one blank: the 80th rule of the house is in the following words:

80. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered, and every such proposition shall receive its first discussion in a committee of the whole house.

The question which was raised was, whether a blank in one part of the bill, (for the amount of the duty on raw wool imported), could be filled in the house; not having been debated in the committee of the whole? This question the *Speaker* decided in the affirmative.

A good deal of conversation, *pro* and *con*, took place, as well on the question of discharging the committee, as on the point of order; in which Messrs. Colden, Tod, Gorham, Edwards, of N. C. Buchanan, Cambreleng, Williams, of N. C. Sergeant, Bassett, Hardin, Mallary, Newton, Cuthbert, and Tattall, took part.

In the course of the debate—

Mr. Colden professed himself friendly to manufactures, but not in favor of this bill as it now stands, believing that some of the duties proposed would be prejudicial rather than beneficial to manufactures; and was opposed to discharging the committee because the bill required much amendment.

Mr. Cuthbert denounced this motion as an attempt to violate the virtue and substance of the rule which is above quoted; to break down those barriers and guards with which the house had fenced itself around—and he appealed to every thing that is good and virtuous in the house, not to press upon those, upon whom this was to operate most severely, with this precipitation, with this ferocity.

Mr. Sergeant expressed his opinion, as the course proposed would, it was now known, introduce a question of order, on which an appeal would be taken from the decision of the chair, causing probably much debate, that it would be more advisable that the motion to discharge the committee of the whole should be withdrawn.

Mr. Tattall, believing that the operation of this motion, if it succeeded, would be in the nature of a gag law, required the question to be taken by yeas and nays, that the people might see what members on this floor were disposed to support a motion of that nature.

The question was taken by yeas and nays accordingly; and the votes were as follow:

YEAS—Messrs. Barber, of Conn. Barber, of Ohio. Borland, Breckenridge, Brown, Buchanan, Burrows, Campbell, of N. Y. Cassidy, Chambers, Condit, Cook, Darlington, Denison, Dickinson, Edwards, of Conn. Edwards, of Penn. Farrelly, Findlay, Forward, Gebhard, Gross, Harris, Hawks, H. Mphill, Holcomb, Hubbard, Ingham, Jennings, F. Johnson, J. T. Johnson, Little, McCarty, McKim, McLane, McSherry, Matalack, Metcalf, Mitchell, of Penn. Morgan, Murray, Patterson, of Penn. Pierson, Pitcher, Plumer, of Penn. Rochester, Rogers, Ross, Ruggles, Russ, Sergeant, Sloane, Sterling, of Conn. Sterling, of N. York, Stewart, Swan, Taylor, Tod, Tomlinson, Tracy, Trimble, Udree, Van Rensselaer, Walworth, Wood, Woodcock, Woodson—66.

NAYS.—Messrs. Abbot, Alexander, Allen, of Tennessee, Ball, Barstow, Bassett, Baylies, Bayly, Blackledge, Burton, Cambreleng, Campbell, of Ohio. Cannon, Carter, Colden, Conking, Conner, Crafts, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards, of N. C. Floyd, Fuller, Garnett, Gilmer, Gist, Gorham, Govan, Hall, Hamilton, Hardin, Herriek, Hill, Hobart, Hooks, Jackson, Jones, of Penn. Kent, Keyes, Kirkland, Lettwith, Lincoln, Litchfield, McCoy, McDuffie, McNeill, Mallary, Mattocks, Mercer, Mitchell, of S. C. Moore, of Alb. N.ale, Nelson, of Mass. N.elson, of Md. Newton, Patterson, of N. York. Phillips, Plumer, of N. H. Poinsett, Rankin, Reed, of Md. Reed, of Gen. Rhea, Rich, Rodney, Russell, Saunders, Arthur Smith, Alex. Smyth, W. Smith, A. Stevenson, J. Stephenson, Tattall, Thompson, Tucker, of S. C. Upham, Van Wyck, Walker, Warfield, Whipple, White, Williams, of Va. Williams, of N. C. Williamson, Wilson—88.

So the house refused to discharge the committee of the whole, from the further consideration of the bill.

On motion of Mr. Tod, the house then resolved

itself into a committee of the whole on the state of the union, Mr. Tomlinson, in the chair.

Mr. *McLane* obtained the floor, and moved to take up the general appropriation bill, in the discussion of which some progress was made yesterday.

Mr. *Tod* intimated that it would be in order, if the committee should *refuse* to take up that bill, to take up the other bill, (the tariff bill), which is before the same committee.

The question on Mr. *McLane's* motion prevailed, 76 votes to 71 votes; and the house proceeded to consider the appropriation bill.

The question pending, was Mr. *Trimble's* motion to appropriate 25,000 dollars for the preservation and repair of the Cumberland Road. Much discussion followed. Mr. *Buchanan* proposed an amendment which had for its object to recede the road to the states in which the several portions lie. Messrs. *Warfield, Nelson, Ross, Cook, Wright, and Keyes* spoke against the amendment of Mr. *Buchanan*, and Messrs. *Phillips* and *White* supported it. The committee rose and the house adjourned at a quarter past 4 o'clock, without coming to a decision.

Saturday, Feb. 15. Many reports from committees were received and disposed of, and some things attended to which will sufficiently appear hereafter.

The *Speaker* communicated a letter from the president of the United States, transmitting all the correspondence in relation to the treaty between the governments of the United States and Great Britain, relative to the convention of the 20th October, 1818; which letter was read, and the letter and correspondence were ordered to lie on the table.

The general appropriation bill was taken up in committee of the whole—the question pending was the motion to insert \$25,000 for the preservation and repair of the Cumberland road. This was withdrawn by the mover, in favor of a special bill from the senate on the same subject. Mr. *Wright* renewed it—debate followed, and it was again withdrawn. The chief point that further engaged attention was the proposed appropriation for continuing the great western road. No decision had, before the committee rose and the house adjourned.

Monday, Feb. 17. Eighteen petitions were presented this day, and sundry minor matters disposed of. Several reports were also received.

Mr. *Trimble* rose, and said, if the motion he was about to make was not in order, or if any gentleman had a motion to make which would take precedence of his own, he hoped it would be waived, as a personal kindness to himself, and that the house would take up the bill providing for the adjustment of the accounts of, (the vice president), Daniel D. Tompkins, late governor of the state of New York. The question being put,

The house agreed, by unanimous consent, now to consider the bill; and Mr. T. moved that it be engrossed and read a third time.

[The amount of this bill is—that Mr. Tompkins' accounts shall be settled by the accounting officers of the treasury according to equity and justice. We shall publish the report on his case at an early day].

The bill was partially opposed—in the course of his remarks Mr. *Floyd* said—he hoped, indeed, it might be long before such another case should occur—before it should be necessary to have such a man to expend the money of the nation under similar circumstances; when the treasury was exhausted, the country in danger; when blue lights were along

our coast and the enemy on our borders. He entertained the deepest sense of the services of gov. Tompkins; he would be glad, indeed, to reward the signal patriotism of that man; and, if it were constitutional to do so, would agree to make him and ample donation for his public service. That, however, being out of the power of congress, he would provide, at least, for the equitable adjustment of his accounts, &c. &c.

And the bill was ordered to be engrossed and read a third time—*nem. con.* [and, in like manner, passed next day].

After other business—the appropriation bill was taken up in a committee of the whole, the question about the continuation of the location of the western road being before the committee. The item was stricken out—ayes 85. The item of 50,000 dollars to erect a marine rail way was agreed to, after some debate. The committee having gone through the details of the bill, rose and reported it to the house—which, soon after, adjourned.

Tuesday, Feb. 18. The house met at 11 o'clock this day; a quorum was not present, and a call required—but, before the roll was finished, a quorum appeared.

The bill from the senate to extend the charter of the Mechanics' bank of Alexandria, occupied much time—it was opposed on account of the supposed insolvency of the bank; but these doubts were removed so far that it was ordered to a third reading—66 to 51.

A bill for the relief of Samuel Howe was acted upon—he had been an express rider during the revolution, and it was proposed to place him on the pension list. The bill was rejected, and the principle established, that pensions would not be allowed for other than military or naval services.

The appropriation bill was proceeded in, and finally ordered to be engrossed for a third reading. The bill for the support of the navy was next taken up—the amendments were agreed to. After opposition to some of the items, (a motion to reconsider being rejected, 76 to 55), the bill was ordered to a third reading, and the house adjourned a little before sun-set.

Wednesday, Feb. 19. Many matters were attended to, not necessary to notice just now. A motion made by Mr. *Cocke*, and his remarks thereon, shall be inserted in our next, when some other things shall also be attended to.

The engrossed bill "making appropriation for the support of government for the year 1823," and the bill "making appropriation for the support of the navy of the United States," were severally read a third time, *passed*, and sent to the senate for its concurrence.

The bill from the senate to extend the charter of the Mechanics' bank of Alexandria, was read a third time.

After some remarks—the question on the passage of the bill was put and decided by yeas and nays as follows—

YEAS.—Messrs. Allen of Tenn. Bigelow, Borland, Breckenridge, Brown, Burrows, Campbell of N. Y. Cannon, Cassidy, Chambers, Golden, Cushman, Cuthbert, Dane, Durfee, Eddy, Farrelly, Findlay, Floyd, Forward, Fuller, Gebhard, Gorham, Govan, Hamilton, Hardin, Harris, Hawks, Hill, Holcombe, Hooks, Hubbard, Jackson, Jennings, J. T. Johnson, J. S. Johnston, Jones of Ten. Kent, Keyes, Kirkland, Lincoln, Little, McCarty, McDuffie, McLane, McNeill, NeSherry, Mallary, Matledge, Mattocks, Mercer, Mitchell of Penn. Moore of Va. Moore of Alab. Neale, Nelson of Md. Newton, Patterson of N. Y. Patterson of Penn. Phillips, Poinsett, Reed of Md. Reid of Geo. Rhea, Rogers, Saunders, Sloane, Sterling of N. Y. A. Stevenson, J. Stephenson, Tod, Tracy, Trimble, Van Rensselaer, Whipple, White, Williams of Va. Williamson, Wood, Woodcock, Wright.—81.

NAYS.—Messrs. Barber of Conn. Blackledge, Buchanan, Burton, Butler, Cambreleng, Campbell, of Ohio, Carter, Cocke, Condict, Counce, Crafts, Denison, Edwards, of Conn. Edwards, of N.

C. Garnett, Gilmer, Gross, Harvey, Ingham, F. Johnson, Lathrop, Leftwich, Litchfield, McCoy, McKim, Matson, Nelson, of Mass. New, Pitcher, Plumer, of N. H. Plumer, of Penn. Rankin, Reed, of Mass. Rich, Rochester, Rodney, Ross, Ruggles, Russ, Arthur Smith, W. Smith, Sterling, of Conn. Stoddard, Swan, Taylor, Thompson, Tomlinson, Udree, Upham, Van Wyck, Walker, Williams, of N. C. Woodson.—54.

So the bill was passed. [Having passed both houses, it wants only the approbation of the president to become a law].

The bill to make an appropriation for the preservation and repair of the Cumberland road, was taken up in a committee of the whole. After much debate, it was reported to the house, whose time it occupied until nearly sun-set, the matter in controversy remaining undecided.

Thursday, Feb. 20. Considerable time was spent on a resolution offered by Mr. Sloane, calling for information on various expenditures, to be laid before the next congress. After debate, it was laid on the table.

The house, in committee of the whole, was occupied on the bill for extending the time for location of Virginia military land warrants. It was recommitted. The house adjourned at 4 o'clock.

CHRONICLE.

The U. S. brig Spark. A Spanish schooner, called the Nimfa Catalana, has arrived at Norfolk, as a prize to the Spark. She is armed, and had a crew of about 20 men, 15 of whom were sent to the U. States with her. She is apparently a merchant vessel, with a cargo, and it seems pretty plain has committed some acts of piracy. Her captain, boatswain and several of the crew, are said to be recognized as having plundered the Nancy Eleanor, of Baltimore, a short time ago. All of the crew of this vessel, except Nicholas Gorgoll, the boatswain, have been discharged by judge Parker, on a writ of habeas corpus—no testimony appearing, but against him.

CITIZENS. It is pleasing to notice a communication from the Portuguese consul at Baltimore, addressed to "Portuguese citizens."

COMMERCE WITH FRANCE. We have received from Washington, (says a New York paper), statements exhibiting the amount of our imports from, and exports to, France, during each year from 1814 to 1820, which statements have been compiled by order of the senate, with the view, probably, of ascertaining, before they assented to the ratification of the commercial convention, what would be its probable effects on our trade. The statements are as follows:

	Imports.	Exports.	
1815,	\$3,614,434—Domestic	5,033,084	
	Foreign	1,853,859	
			\$6,886,943
1816,	15,071,821—Domestic	7,352,676	
	Foreign	2,225,660	
			\$9,578,336
1817,	5,572,059—Domestic	7,124,505	
	Foreign	1,695,232	
			\$8,819,767
1818,	9,634,682—Domestic	8,719,445	
	Foreign	3,346,577	
			12,066,022
1819,	7,483,543—Domestic	6,612,499	
	Foreign	2,729,549	
			\$9,342,048
1820,	5,073,893—Domestic	5,461,889	
	Foreign	2,134,854	
			\$7,596,743

THE MERMAID, about which so much was lately said, being brought to England, has proved to be what we expected that it was—a manufacture of the Japanese.

LIGHT HOUSES—From a source that may be relied on, we state the following:—In 1811, there were in the United States, 49 light houses, which consumed annually 48,000 gallons of sperm oil. The annual cost of transportation, and other incidental charges on this oil, was \$3,150. There are now in the United States 85 light houses, which consume annually less than 33,969 gallons; the expense of transportation, and other incidental charges, \$2,000—That the brilliancy of the lights is very much improved is admitted by all navigators. New light-houses are erected at 40 per cent less cost than formerly, and are built of more durable materials. These 85 light houses are lighted with 871 patent lamps and reflectors, and are located, 11 in Maine, 29 in Massachusetts, 3 in Rhode-Island, 6 in Connecticut, 7 in New York, 1 in Delaware, 4 in Virginia, 3 in Maryland, 2 in North Carolina, 2 in South Carolina, 1 in Alabama, 1 in Louisiana, 3 on Lake Erie, and 3 on Lake Ontario.

[Boston Gazette.]

THE SECRET TREATY OF TILSIT. The following curious document has been lately published in London, by Mr. Lewis Goldsmith, in some "observations on the appointment of the right hon. George Canning," as being what its caption denotes it to be—and may be regarded as a curious testimony of the moderation of the "high contracting" parties.

"Art. 1. Russia to take possession of Turkey in Europe, and to pursue her conquests in Asia as far as she thinks proper.

"Art. 2. The dynasty of the Bourbons in Spain, and of the Braganza family in Portugal, shall cease to exist. A prince of the emperor Napoleon's family shall be invested with the crown of those kingdoms.

"Art. 3. The temporal authority of the pope to cease; and Rome and her dependencies to be annexed to the kingdom of Italy.

"Art. 4. Russia engages to assist France with her marine for the conquest of Gibraltar.

"Art. 5. The towns in Africa, such as Tunis, Algiers, &c. to be taken possession of by the French, and, at a general peace, all conquests which might have been made by the French in Africa, during the war, are to be given as indemnities to the kings of Sardinia and Sicily.

"Art. 6. Malta to be occupied by the French;—and no peace ever to be made with England, unless that island be ceded to France.

"Art. 7. Egypt, also, to be occupied by the French.

"Art. 8. Vessels belonging to the following powers only, shall be permitted to navigate the Mediterranean, viz. French, Russian, Spanish and Italian; all others are to be excluded.

"Art. 9. Denmark to be indemnified in the North of Germany, and by the Hanse Towns, provided she consents to give up her fleet to France.

"Art. 10. Their majesties of Russia and France will endeavor to come to some arrangement, that no power shall, in future, be permitted to send merchant ships to sea, unless they have a certain number of ships of war.

(Signed) "KOURAKIN, [L. S.]
"C. M. TALLEYRAND, [L. S.]

"Tilsit, 7th July, (25th June), 1807."

NILES' WEEKLY REGISTER.

NEW SERIES, No. 25—VOL. XI.] BALTIMORE, MARCH 1, 1823. [No. 26—VOL. XXIII, WHOLE NO. 598

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

CONGRESS. An unusual portion of the present sheet is given up to an account of the proceedings of congress. This is always the case towards the close of a session—because then, the numerous committees have generally matured the business referred to them, the members feel the necessity of acting instead of talking, but the “wheels of government” may be kept in motion.

Both houses must rise on Monday—and thereafter, we shall have room and opportunity to notice many interesting reports, &c. submitted.

WASHINGTON'S BIRTH DAY, the 22nd of February, has become a national festival. It was honored at Baltimore on Saturday last, by one of the most numerous military parades that we have seen for several years, and the exhibit of some new and very fine volunteer companies. The flag of the U. States floated over the monuments and the public buildings, and was displayed by all the shipping in port. There were also many festive parties, with balls, suppers, &c.

POTOMAC CANAL. The legislature of Virginia, have a bill before them which creates a stock of 2,000,000, including the stock of the present Potomac company, whose debts are also to be paid—We shall be glad of the arrival of the time when the states of Maryland and Virginia can and will act jointly in this great undertaking, but as the water of the river equally belongs to either, nothing can be done without the consent of both. In relation to the junction canals contemplated, this bill authorizes each state to use the waters of the river for those purposes, *provided that in such use they leave enough for the purposes of the canal contemplated by the bill, and forbids them in any manner by any junction, to top the main canal.* It provides, also, that such junction canal shall by no means, either directly or indirectly, draw any water from the canal authorized by the bill.

The provision above stated was the great objection (besides the want of means), entertained in Maryland to the bill lately before the house of delegates, and for the reasons stated in our last.

CAUCUS, &c. A correspondent of the Richmond Enquirer, under date of Washington, February 19, speaking about the presidency, says “There will, probably, be a caucus next winter, and whoever has a majority of republican votes will, in all probability, be supported. There is, however, much speculation on this subject, a diversity of opinion, and not a little finessing.”

He has also this paragraph—“The tariff bill is resting on the table; possibly it is given up for this session. In the next, the accession of the manufacturing interests may, I fear, insure its passage.”

These are two things about which we shall, very soon, offer some *homespun* remarks, and especially respecting the former. If a caucus shall be held, who is it that will determine on “*republican votes?*” It is the “era of good feelings”—and all are federalists, all republicans, when gathered at Washington, whatever persons may be at home.—Almost every member of congress professes to be a

republican; and, by reason of the strange mixtures of things, I know very few, if any, who have a better claim to the republican character than others of his fellows; and the fact is, that, among those who were federalists, are some of the best and most liberal of the members; and some that were republicans seem to have lost much of that adherence to principles which formerly distinguished that political party. Who can draw the line between gentlemen professing the same thing, and frequently acting together on important questions? I do not believe that there will be a caucus—the public feeling is evidently against it. In the present state of our country, an illegal assemblage of this sort would only express the private wishes and shew the *personal views* of individuals; it would not, as formerly, bring about a gathering into principle, when men were given up to measures. And, if there must needs be a caucus, the members of congress are the worst of all men to hold it, and Washington the worst fitted, of all places, for its convention.

That the “tariff bill” will pass at the next session is morally certain, by an accession of power in the *farming interest*; men who plough their own soil with their own hands, and seek a prompt and steady market for the products of their own labor.

PIRATES OF CUBA. The pirates and their partisans are so numerous at Matanzas, as to have prepared a number of boats for the purpose of capturing the U. S. schooner *Grampus*, (then lying there), on the 18th of January. It is stated that they actually pulled-off from shore for the purpose,—but, when they discovered that all the officers and crew were not asleep, they concluded that “the better part of valor was discretion,” and retired. “*Catch a weazle asleep!*”—surprise an American vessel of war in an *enemy's* port? No—no!

Several new acts of outrage have been committed by these desperadoes; and, at Havana, some of the officers the U. S. brig *Spark*, attempting to go ashore, were saluted, as they approached the wharf, with broken bottles and stones, on account of the capture of the vessel lately sent into Norfolk. Plunder was selling at a low rate—gold watches for \$6; pieces of muslin at \$1; cochineal at \$100 per seer, &c.

After the *Spark's* boat had returned, capt. Wilkinson went on shore and remonstrated against the outrage—the governor assured him that such acts should be punished, and offered him a file of men to conduct him to his barge. A young gentleman, formerly of Charleston, S. C. but for sometime a resident of Havana, having observed to the mob that their “conduct was improper,” and added, “never mind, com. Porter will be here soon,” was assassinated on the night that followed, being cut and stabbed with knives in a most shocking manner.

Matanzas was, for sometime, as blockaded by a piratical schooner—some vessels were sent against her, a little fighting took place and the pirate hauled off. The Congress frigate was at Havana on the 8th of February.

The captain general has issued a “superior order” to prevent piratical depredations by the people of the island, and it appears to be in good faith. We shall insert it hereafter, though it will not avail

much. "The king pays me but 400 dollars a year," said a petty custom-house officer at Havana to one of my friends, "and I am compelled to pay \$500 for a dwelling house—I must live."

LOUISIANA. A motion has been made in the senate of this state to expel certain members from that body, on this ground—that the parishes of Feliciana, East Baton Rouge, Washington, St. Helena and Tammany form no part of the state of Louisiana! The district of country included in these parishes, was formerly a part of what was called West Florida, but added by act of congress, in the same law, we believe, that converted the *territory* of Orleans into an independent state by the name of Louisiana. The population of those parishes was returned in the official census of 1810 as in Louisiana, and the people thereof have paid taxes ever since the organization of the state, as citizens of the same—no person before dreamt that they were other than an integral part of the state.

The motion above alluded to was offered on the 22d of January last, and made the order of the day for the 1st of Feb. We are not yet advised of the decision, but it seems that a proposition to expunge the offensive resolution from the journal, had been postponed for three days—which shews that a majority was disposed to favor the project.

This strange matter appears to grow out of the contentions between what we must call, for the sake of distinction, the *American* and *French* interests in this state, which have proceeded to very unhappy lengths. The population of the aforesaid parishes is chiefly American, and the French party seems to have taken this summary mode to obtain a complete ascendancy in the legislature.

On this subject one of the papers has the following remarks: "Should the senate have the temerity to pass the resolution dismissing the Florida senators, it will terminate our political organization; should they violate the laws of the congress of the United States, solemnly acceded to by the government of Louisiana, we are at once involved in a civil war. The moment these senators are dismissed, our political compact is annulled: the law of force becomes substituted for it, and their last farewell to the senate will be but the precursor of anarchy. Foreign Frenchmen! are you prepared for these serious consequences? Are you ready to wage war against the laws of the United States?"

Since the preceding was written, we have received a New Orleans paper of the 30th January, in which it appears that on the 29th, the senate passed the following resolution *unanimously*—and so the controversy is at an end, for the present—Whereas a certain resolution had been introduced into the senate, to call in question the right of that part of Florida which is annexed to this state to be represented in the senate of the state: Resolved, that the right cannot be questioned, inasmuch as it is guaranteed by a solemn compact between the United States and this state."

Each party receded—that which got up the original resolution for expulsion, and the other which required its obliteration from the journal.

COMMON SCHOOLS. We have the annual report of the superintendent of common schools in the state of New York, in which a broad system for the education of youth is operating with excellent effect. The superintendent says it has "a decided superiority over every other in the union." Returns have been received from 52 counties, containing 649 wards or towns, the number of school districts is

about 8,000. Of these, 5,255 have reported, "shewing, among other particulars, that for the term of eight months during the last year, three hundred and fifty-one thousand one hundred and seventy-three children were receiving a common school education, being 18,194 more than were educated in 1821. The system has existed eight years, during which the sum of \$1,200,000 has been drawn from the treasury and raised by tax for its support: it is estimated that 3,000,000 more have been contributed by individuals, making a grand total of four millions, besides the appropriations for colleges and academies." "Even, in Connecticut," says the report, "which possesses a larger school fund than we do, and where the school system was established and in successful operation long before it was here introduced, the number of children educated in common schools is, *far less*, in proportion to its population, than it is in this state. It may, indeed, well be doubted, whether a parallel example of magnificence, successfully applied to a similar object, can be produced throughout the civilized world.

"If, then, these grand and important results have been produced in the short space of eight years, what may not be anticipated, when the liberal funds and appropriations provided and secured by the new constitution, shall have gone into active and productive operation!"

To shew the *power* of this system, the return exhibits the number of children between 5 and 15 years of age in the several counties or districts—in those in which 351,173 were schooled, the whole number was 357,029; difference only 5,856!

The grand total of the school fund is estimated at 1,656,636 dolls. in the making up of which about a million of acres of land, (now unproductive, but soon to be brought into cultivation), are valued only at 445,000 dolls. What will the fund be a few years hence?

PROGRESS OF OUR COUNTRY. We noticed, in our last paper, the present state of the Transylvania University, at which there now are 386 students. The National Intelligencer, in reference to this same subject, says—"Less than fifty years ago, the now populous and flourishing state of Kentucky had not a white inhabitant. Where the Transylvania University now stands, or near it, there ranged, in 1775, herds of thousands of buffaloes."

SEAMEN were lately much wanted at New York. Many of this class of citizens have changed the place of their homes, or entered into the service of foreigners. Thirteen dollars per month, and 10 dollars bounty have been offered at New York.

COTTON. Like the cotton raised by Mr. Dunham, on Long Island, some plants reared in Connecticut, though "covered with ice and snow, have matured with equal certainty as the same species at midsummer." So says a communication in the New-York "Statesman." There is no longer a doubt that it will grow in the northern latitudes, but the fact is not established whether, as a *crop*, it can be rendered profitable. Some experiments on a large

"It appears that the sum granted by the state to colleges and academies amounts to	\$1,265,579
To medical science	83,100
historical society	12,000
free schools in cities	26,000
common schools	1,232,900

Grand total 2,618,579

scale, we are informed, will be made in the present year. In *Illinois*, the cultivation is about to be very considerable; and we have before us a sample of cotton raised at Franklin, Missouri. It appears to have been cultivated as a crop. Dr. S. picked 10,272 lbs. off of 10 acres, before the 15th November, and expected to gather about 2000 more—say 1200 lbs. per acre—the amount also of the crop of specimen exhibited.

The staple of this cotton is a little shorter than that of the Louisiana product, and the seeds are thought to be larger; but still the quality appears to be good. The writer of the letter says that he has not used any cotton in his family for three years, except what was raised in his own neighborhood. He was lately a farmer on the Lower Mississippi, and seems to be well acquainted with the cultivation, which may be advantageously followed on the Missouri.

CUSTOM HOUSE BONDS, REVENUE, &c. Summary extracts from a report of the secretary of the treasury, dated 5th Feb. 1823:

Estimated amount of bonds, &c. 1st October, 1812 \$27,560,645

Bonds paid in October and November (per returns) 3,431,449

Outstanding 1st Dec. 1822 \$4,129,196

Payable in December 1822 2,339,055

In suit 1st December 1822 2,818,427

Payable in 1823 17,426,257

Do. 1824 266,409

The difference, 1,319,048 dollars, is for bonds given without surety, on the deposit of goods, and the period of the payment of which is not stated.

No 2. A statement, exhibiting the nett amount of revenue which accrued from duties on merchandise, tonnage, &c. of payments made into the treasury, and of expenses of collection of the same, during the years ending on the 31st of Dec. 1816, 1817, 1818, 1819, 1820 and 1821.

Years.	Nett revenue. Dolls.	Payments made into the treasury. Dolls.	Expenses of collection. Dolls.
1816	24,484,100 36	36,306,874 88	\$16,373 50
1817	17,524,775 15	26,283,348 49	744,810 66
1818	21,823,451 48	17,176,385 00	746,422 15
1819	17,116,702 96	20,283,608 76	782,925 40
1820	12,449,556 15	13,005,612 15	767,222 00
1821	15,898,434 42	13,004,447 15	693,167 13

No 3. A statement, exhibiting the balances outstanding of bonds taken for duties on merchandise imported, and debentures issued for drawback on merchandise exported, commencing on the 1st of January, 1821, and ending on the 30th of September, 1822; prepared in obedience to a resolution of the house of representatives, of the 9th of January, 1823.

Balances outstanding.

	Bonds.	Debentures.
On 1st January, 1821,	\$17,116,100	\$1,772,365
31st March, "	15,974,669	1,396,137
30th June, "	17,046,619	1,474,555
30th Sept. "	18,171,541	1,257,921
31st Dec. "	18,983,864	1,047,013
31st March, 1822	18,286,954	1,014,014
30th June, "	21,904,178	1,272,297
30th Sept. "	23,911,732	1,486,693

Amount of debentures outstanding on

the 1st day of December, 1822, \$2,055,036 49

Amount payable in 1823, \$1,394,085 80

Am't of bonds in suit, Dec. 1, 1822, \$2,818,427 23

CUMBERLAND ROAD. Abstract of an official report from the treasury department, dated Feb. 19, 1823. Whole amount appropriated to road 1,718,846 36

Cost of surveying and locating	29,144 25
Constructing	1,544,882 70
Repairs*	16,160 19
Salaries to superintendents, &c.	53,034 61
Miscellaneous	2,457 45

Total 1,645,679 20

Carried to surplus fund 66,810 63

Advances unaccounted for 5,314 85

Due the U. S. 1,041 67

73,167 16

1,718,846 35

ARMORIES OF THE UNITED STATES. Statement of expenditures at the national armories, and of the arms made and repaired therein, during the year 1822:

For land, buildings, canals, repairs	13,286 43
manufacture and repair of arms	322,649 33
miscellanies	1,391 99
making patent rifles, (not completed)	8,010 73

Total expended \$345,338 48

Of which amount 182,141 16 was expended at Springfield, and 163,197 32 at Harper's Ferry.

Arms made—23,200 muskets, 1,440 ball screws, 2,200 nippers, 18,794 screw drivers, 1,320 spring vices, 62 pattern muskets, 42 sets of verifying instruments for patent muskets, 1,159 arm chests—and 220 muskets repaired.

Of the muskets 13,200 were made at Springfield and 10,000 at Harper's Ferry; the 1000 patent rifles, not finished, are making at the latter.

LEGISLATURE OF MARYLAND—House of Delegates, February 20. The bill to amend the constitution, as relates to the election of two more delegates from the city of Baltimore to the general assembly of this state, was read the second time, and the question put, shall the said bill pass?

The yeas and nays being required appeared as follows:

Affirmative—Messrs. Speaker, Massey, Linthicum, Smith, Stansbury, Orrick, Johnson, Worthington, Lloyd, Sheredine, Parker, Gerry, Carroll, Fisher, Norris, Chauncey, Allen, J. P. Kennedy, Purviance—19.

Negative—Messrs. Millard, G. Leigh, Stone, Maddox, Ireland, Estep, Howard, Skinner, Edelen, Rogerson, Garner, Lockerman, Martin, Jones, Teackle, Dennis, Steele, Willis, Hooper, Cosden, Hughes, Roberts, Meconiken, Wright, Slemaker, Riley, H. Kemp, Farquhar, Boon, T. Kennedy, Drury, Galloway, Williams, A. Lee, Duvall, Greenwell, Hoffman, Poland—38.

It is supposed that some of the gentlemen who voted in the negative, felt it a shame to allow Baltimore only two additional delegates, seeing that, according to population and taxation, the city is entitled to have sixteen delegates in the whole, or fourteen additional members!

*There is a note to this item saying "The charges for repairs are so blended with the expenses of constructing, that it is difficult to discriminate the actual expenditure under this head; the above is the only charge that appears exclusively for repairs."

It is very certain that no two gentlemen, though they should labor day and night, without allowing one moment to refreshment or sleep, can perform their other legislative duties and attend to the vast mass of local matters which the accumulated population of a city like Baltimore requires—yet we would not take two additional delegates if we could get them; we never will compromise with honor, nor bargain concerning a natural right. Let the evil go on—the time must come when justice will be done, and our most disgraceful constitution sink into the contempt that it deserves.

The house of delegates have also rejected the bill from the senate to provide for the election of governor by the people.

MR. MATHEWS, the famous English comedian, has instituted an action for damages, to the amount of \$10,000, against Mr. Buckingham, editor of the "Galaxy," at Boston, for having called him an "itinerant mimic," and for saying other things of him, which, though perhaps equally true, were offensive to the performer, whose great merit certainly is in his powers as a *mimic*—if we understand the meaning of the term, which Walker tells us is "a ludicrous imitator," &c. and such this person most assuredly is. Witness his account of his "youthful days," in which he describes his interviews with Wilkes, Macklin and others. He will not profit much by the procedure; and, perhaps, like Kean, he may make his "exit in a passion," at an early day—at which we shall not much repine.

It is subsequently stated, in a Philadelphia paper, that Mr. Mathews' design was not to prevent criticism on his performances, but to vindicate his private character, as charged with dealing in *smut* in his recitations.

CUBA. Correspondents of the Richmond Enquirer positively state that the rumor about the design of Great Britain to possess herself of Cuba, is entirely groundless. One of these, under date of Washington, February 19, gives the following statement:—"The British minister here, (Mr. Canning), waited some time ago upon Mr. Adams, secretary of state, and read to him a letter from his cousin, Geo. Canning, in which he speaks of the rumors as to Cuba; denies, in the most positive manner, any wish or intention, on the part of the British government, to obtain it, and expresses an opinion that it would be dishonorable in them to avail themselves of the weakness of Spain for any such purpose. It seems, too, that the minister here was directed by his government to read this letter to the secretary of state. No copy was furnished, and Mr. Monroe directed Mr. Adams to apply and know whether one would be furnished. It is said he has not had an answer, but that it will not. This is all the information our government has on the subject.

PORTO RICO. One of the privateers, alias pirates, belonging to this island, lately captured the American brig Essex, of Gloucester, from St. Thomas to New-Orleans, and, after abusing the officers and crew in the most dastardly manner, they run the brig ashore near Cape Roxo, under full sail, when an indiscriminate plunder took place, breaking up and destroying whatever they pleased. The brig was afterwards got off and carried into the bay of Roxo. The captain was carried to Mayaguez, where, after a mock trial, the vessel and cargo were condemned as good prize, when the people were turned adrift, &c. to do as well as they could in a strange country. The brig Adeline, of Boston,

bound to Curracoa, via St. Thomas, has also been captured and carried into Porto Rico—the people on board of her were flogged and basely treated, by the privateers' men.

STRANGE EVENT. What would lord Sheffield, (who "made a book" about the United States), say to the following, if he were now living?

A Cincinnati paper of the 31st Jan. contains the following details of a sealing and whaling voyage about to be undertaken from that place:—"The general plan of the voyage is this: Two vessels, each of 350 tons burthen, and a tender of 70 or 80 tons, are to be built in this place and fitted out for the Pacific or Indian ocean. The vessels are to be commanded by captains Mack and Moltrop, to whose enterprise and public spirit we are told the scheme owes its origin. An association has been formed and a board of trustees appointed to provide the means of building the vessels and overseeing and carrying on the work. The expense of the building and outfit is estimated at 80,000 dollars, with the privilege of extending it to 100,000. This is made into stock, and divided into shares of 100 dollars each, to be taken up by the citizens of this place and country generally. The building is to be commenced so soon as 40,000 dollars shall have been subscribed, and the time of sailing is limited to as early a date in the spring of 1824 as practicable. This presents a general outline of the plan, the particulars of which, as we have above stated, may be seen by those who feel an interest in its success, at the commercial reading room, adjoining the Cincinnati hotel."

NEW HOPE BANK. A committee of the New Hope Delaware Bridge company have published a report from which we learn the following particulars: On the 14th September last, William Maris, the president of the company, was indebted to it individually, and as a partner with others, in the immense sum of one hundred and twelve thousand and seventy nine dollars, being more than three times the amount of its active capital; of this sum Wm. Maris had overdrawn the office individually forty-four thousand nine hundred and twenty seven dollars. Of these debts and overdrafts the managers of the company "were kept in utter ignorance," and the information did not come from Wm. Maris. The committee states various propositions which had been made to Wm. Maris, which he had rejected, and various promises which he had made and failed to perform. There is little prospect that any of the notes will ever be paid. The legislature are now in session and it is hoped they will pass a law against *swindling*. This case, and the case of the Northern Liberties' bank, and many recent occurrences, call loudly for some prompt and efficient legislative interposition.—*Dem. Press.*

RE-APPOINTMENTS—by the president, by and with the advice and consent of the senate, the original appointments having been made by him during the late recess of the senate.

John McLean, of Ohio, commissioner of the general land office, vice Josiah Meigs, deceased.

Adam Lynn, of the district of Columbia, justice of the peace for the county of Alexandria.

John Coz, of the same district, justice of the peace for the county of Washington.

Re-appointments in cases where the original appointments were limited by law, and have expired, or will expire, before the next meeting of the senate.

Lewis Cass, governor of Michigan, from 11th February, 1823.

Andrew Scott, of Arkansas, judge in Arkansas, from the 3d March, 1823.

Jacob Beeson, of Virginia, attorney for the Western district of Virginia, from the 2d March, 1823.

Jephthah Hardin, of Illinois, attorney of Illinois, from 2d March, 1823.

Thomas G. Tharvon, of Maine, marshal of Maine, from 9th January, 1823.

Michael McClary, of New Hampshire, marshal of New Hampshire, from the 16th January, 1823.

John Conard, of Pennsylvania, marshal for Pennsylvania, from the 11th February, 1823.

John Nicholson, of Louisiana, marshal for Louisiana, from: 27th January, 1823.

Heman Allen, of Vermont, marshal for Vermont, from 14th December, 1822.

Oliver W. Ogden, of New Jersey, marshal for New Jersey, from 17th December, 1822.

Robert Crittenden, of Arkansas, secretary of Arkansas, from 3d March, 1823.

Jonah Thompson, *Jacob Hoffman*, *Robert Young*, *Amos Alexander*, *Abraham Fawcett*, and *James Carson*, of the district of Columbia, justices of the peace for the county of Alexandria, from 16th December, 1822.

Francis Peyton, *Newton Keene*, *Nathaniel Wise*, and *Jacob Morgan*, of the same district, justices of the peace for the same county, from the 17th April, 1823.

Thomas Peter, *William Thornton*, *Thomas Corcoran*, *Samuel N. Smallwood*, *Thomas Fenwick*, *John B. Kirby*, *Samuel H. Smith*, *Daniel Rapine*, *Nicholas Young*, *John Threlkeld*, *Daniel Reintzel*, *William Winters*, and *Joseph Forrest*, of the same district, justices of the peace for the county of Washington, from 16th Dec. 1822.

Richard S. Briscoe, of the same district, justice of the peace for the same county, from the 30th November, 1822.

Tench Ringgold, of the district of Columbia, marshal of the said district, from the 3d March, 1823.

FOREIGN NEWS.

Great Britain and Ireland. Several persons have been arrested at Dublin, charged with having conspired to kill and murder his excellency Richard marquis Wellesley, lord lieutenant of Ireland. They have been fully committed to prison. This outrage appears to have been contemplated by the *orange-men*, on account of the liberal opinions of the lord lieutenant. 'No popery' was the cry of the ruffians, and some accounts lead us to suppose that a conspiracy was formed which pretty nearly amounted to high treason!

Many things have lately happened, which seemingly indicate a change of the policy of Great Britain in regard to the Greeks. It is even intimated that they will be decidedly protected. The Greeks have, so far, shewn that they can protect themselves; but they must want supplies of all sorts.

An old resurrection man, it is said, had the singular good luck to pounce upon the field of Waterloo like another vulture, and to bring away as many teeth as sold to the dentists for £20,000.

The deaths within the city of London, from the 11th of December, 1821, to the 10th of December, 1822, amounted to 18,865, of which 3,608 died of consumption; 2,929 of convulsions; 851 of dropsy; 1,121 of fever; 757 of whooping cough; 1,308 of inflammation; 218 of insanity; 2,601 of old age and debility, and 604 of small pox. Of this whole number, 9,483 were males, and 9,382 females.

In the same period there were 23,373 persons christened, viz—11,986 males and 11,405 females.

Netherlands. There have been some serious riots in this country. The king has demanded 10,000 men that he may maintain his authority.

Spain. The "army of the faith" is yet in force in the north of Spain, though often defeated. One body is said to be 4,000 strong; and is reported to have gained some advantages over the patriots. General O'Donnell is at the head of this force.

The cortes are on the alert—making all possible preparation for events; there is no doubt, at present, but that the interference of the allies will be rejected, and that Spain will contend for the "right to manage her own affairs in her own way."

It is positively stated that a treaty of alliance has been concluded between Spain and Portugal.

Three ships of the line and two frigates were about to sail from Cadiz for Lina.

It is announced that the French government has given up the ex-general baron d'Eroles, and others of the "army of the faith," "who had taken refuge in their territory to escape the punishment of their crimes." This looks pacific.

Portugal. The queen, (sister of Ferdinand of Spain), has refused to swear to the new constitution—so she has been sent into retirement for the benefit of her health, under charge of ten physicians!—this measure has been adopted to prevent her expulsion, as a refractory person.

Italy. Canova, the celebrated sculptor at Rome, has left behind him a fortune of 7,000,000 of francs, a sum not far short of £300,000 sterling.

Germany. The disorders in the universities do not appear to have wholly subsided.

Rothschild, of Frankfort, had lately transmitted the value of 6,000,000 florins in gold, to Russia. The price of this metal has raised considerably.

Russia. It is stated that the Emperor Alexander, who was so zealous a patron of missions a few years ago, has shut the mouths of the Moravian missionaries at Sarepta. He has refused them the liberty to baptize or convert the heathen Calmucs, and has reduced them to be mere distributors of bibles—even one word in the way of commentary being forbidden. The prohibition extends to all Protestant missions in Russia.

Turkey. A letter from Hydra, dated Nov. 25, details the attack upon the Turkish fleet, in the bay of Tenedos, by fire ships, conducted by capt. Canaris, the intrepid officer who blew up the ship of the captain pacha on the coast of Scio, the scene of his barbarity. A more desperately daring adventure than this, seems never to have been undertaken. Two fire ships were carried into the midst of the Turks by Canaris—with one of them, he struck directly at the admiral's ship, of 84 guns—it was soon destroyed, and not more than 20 or 30 of the whole crew escaped—two frigates, lying near, shared the same fate. The other fire ship, though attached to a vessel of the line, failed to do much execution. A storm followed before the Turks had recovered from their consternation, in which they lost four frigates and twelve brigs, and one of their corvettes was captured.

On the return of the Greek division to the port of Psara, the Ephori of the isle, followed by an immense crowd of men and women of all ages, came down to the bank, where they received the captains and their crews with cries of "long live the heroes of Tenedos! honor to the brave! long live the illustrious defenders of our independence!" The president of the Ephorithen advanced and placing a laurel crown on the head of Canaris, said, "You

grateful country honors the conqueror of two of the enemy's admirals." The magistrates receiving him afterwards in the midst of them, and causing him to be accompanied by all his brethren in arms, returned to the town, followed by the people, who made the air resound with their cries of joy. In this order they arrived at the cathedral church of the Isle, where they sang *Te Deum*. This ceremony was succeeded by prolonged discharges of artillery. At the same instant, Mr. Hamilton, commander of the English vessel the *Cambrian*, entered the port, and demanded, on his landing, the cause of these rejoicings. Being informed of the fresh disaster of the Ottoman fleet, he desired to see capt. Canaris.

After the compliments, which captain Hamilton passed upon his courage and skill, he asked him how the Greeks prepared their fire ships to make them succeed so well? "As to preparing them," replied the patriot capt. "we follow your method, commander; but, to make them succeed, we have a secret which we keep concealed here, (placing his hand upon his heart); it is the love of independence which has enabled us to discover this secret."

The British and French now appear to be somewhat disposed to respect the blockade made by the Greek government.

The Turkish general Omar Urioni has experienced a signal defeat at Missolonghi, by which, it is said, that all Western Greece has been liberated. The adverse parties contended three days, when the arrival of a Greek fleet decided the controversy. Many Turks were killed, and they also lost three ships.

The London Sun, a ministerial paper, has the following conclusion to a paragraph respecting the success of the Greeks: "There is reason to believe that the opinion which has for some time prevailed, respecting the new policy of England towards the cause of Greece, is well founded. It is the obvious policy of Great Britain to procure the erection of Greece into an independent state, *if possible with the consent of Turkey*, in which case an alliance might be formed between Great Britain, the Greeks and Turkey, to protect the remaining dominions of the porte against the encroachments of Russia."

There are various reports of great disturbances at Constantinople—some say that the Janissaries had risen, plundered the treasury and caused the flight of the sultan, who had beheaded some of his late favorites.

Persia is still carrying on the war against the Turks—the latter were severely defeated on the 3rd of Aug. near Tabriz, with the loss of 15 pieces of artillery, all their tents, baggage, &c. The Persians, however, were afflicted with the *cholera morbus*, by which many died.

East Indies. A letter from Batavia, dated in Nov. says—

On the 16th inst. a tremendous Volcano poured forth stones and lava, from a mountain situated in the Benjean Regencies, about 200 miles from the city. Five thousand natives were buried by the stones and ashes. Three hundred have been found most dreadfully burnt, and but faint hopes are entertained of the recovery of most of them. This place was one of the most beautiful and highly cultivated sections of the interior of this rich island. Coffee and rice grew luxuriantly and plentifully there.

The same letter observes that "millions of new coffee trees" lately planted, are expected to yield fruit in 1823.

The Nerbuda, a great river of Hindostan, rose 20 feet in 36 hours, and overflowed 200 square

miles of cultivated country. At Surat, also, three fourths of the city was inundated, and 1000 houses swept away by the flood. From 1500 to 2000 houses at Boorhampoor were destroyed by the overflow of the Taptee, and many were lost.

Porto Rico. The Pancheta, captured and sent into Charleston and there released, has arrived at St. John's, where she was greeted by thousands.

Vengeance was sworn and several new privateers designed to be fitted out. An American vessel with a cargo of coffee, from St. Thomas for *New Orleans*, has been captured by one of them and condemned at Porto Rico!

Colombia. Santa Martha has been taken by the "Indians of the Cienega," and many of the inhabitants killed. Morales, with 800 Europeans and 4000 natives, is said to have evacuated Maracaybo and marched towards Caraccas, followed by Montilla, with about the same force. A battle was expected, and the supposition is that Morales must, at last, be destroyed, the patriots now having command of the sea.

It is said that the Colombian privateer brig *Eagle*, belonging to commodore Daniels, has made three prizes, one valued at \$100,000, another at 21,000, the third at 115,000—a considerable part of which is specie.

It is reported that Morales sent out a body of 150 for the purpose of taking col. Todd, our agent in Colombia, when in the neighborhood of Truxillo—but it did not succeed.

Mexico. There was a succession of earthquakes at Grenada about the 1st of December, most of the houses were thrown down or cracked—the ground moved like the billows of the sea, and persons walking on it became dizzy. For several weeks, the people were kept in continued alarm, and carried about images, one of which, they believed, had been found in a box that floated up the river against the current!

Gen. Santa Anna and Victoria yet held their ground against the emperor, and appear to have had some battles with him at Xalapa, &c. with partial success. But Vera Cruz was in the hands of the imperialists. The patriot chiefs have published a plan of government, the first article of which damps our zeal for their success—it is, that no other than the Roman catholic religion shall be tolerated.

Case of Daniel D. Tompkins.

IN THE HOUSE OF REPRESENTATIVES—FEB. 8, 1823.
Report of a select committee, appointed to inquire whether any legislative provision is necessary, for the settlement of the accounts of Daniel D. Tompkins, accompanied with a bill for that purpose.

The committee appointed to inquire whether any legislative provision is necessary for the final adjustment of the accounts of Daniel D. Tompkins, esq. beg leave to submit the following report:

The vice-president of the United States has several demands against the government, a part of which are opposed, not because they are unjust, but because they are not considered as coming within the rules of office, and can only be allowed when a law shall pass, authorizing the departments to admit and settle them.

These demands may be classed under the following heads:

- 1st, Interest on sums of money advanced by him to the use of the United States, from the dates of the advances to the time of reimbursement.
- 2d, Reasonable commissions for disbursing \$1,982,000, under the orders of government,

in the course of the late war, more than two thirds of which was procured by himself from individuals, and various corporations, under pledges of personal responsibility to make good the payment.

3d, Indemnity for losses incurred by the frauds and failures of sub-agents, to whom money has been advanced through his hands; and,

4th, Reparation for losses actually sustained in consequence of any failure, on the part of government, to fulfil its engagements, to send money, and advance treasury notes to him, to be deposited in banks, as pledges for the repayment of loans, taken by him at the request of the government for the use of the treasury.

To understand these claims and form a just opinion of their merits, it will be proper to recollect, that the claimant was governor of the state of New-York, from the year 1807, until the 28th of February, 1817, when he resigned that office to fill the one which he now holds. That war was declared between the United States and Great Britain, on the 18th June, 1812. That the frontier of New-York was sometimes invaded, and constantly threatened from the commencement of hostilities to the end of the war. That large detachments of militia from that state were called out upon requisitions of the general government, from time to time, from the spring of 1812, until the peace of 1815. That the system established to supply and pay the militia, was imperfect and inadequate to the emergency, and that, consequently, the governor of New-York, in addition to the novel and arduous duties devolving on his station, was compelled to execute extraordinary and perplexing services, belonging properly, to subordinate officers and agents.

The committee find, from the exhibits, as admitted on each side, that the governor did disburse \$1,982,000 for the government, in the course of the late war, for which he was held responsible, and required to account at various bureaux of the treasury and war departments. If the items of this aggregate sum had been passed, as they should have been, directly from the war department into the hands of proper disbursing officers, the suspended vouchers and rejected claims would have been adjusted by such officers in the usual manner, and the frauds and accidental losses must have fallen on the treasury, as, in fact, they did in every other case, save that of the present claimant. In all other instances the contractors, quarter masters, paymasters and public agents, accounted directly with the departments, and the treasury had to lose what they failed to vouch for, or make good: In this case, and this alone, the government held the civil and military chief of a state responsible for sums of money which were passed through his hands into those of the disbursing agents, a part of whom were acting, not for him or his state, but for the federal government and the nation.

In the year 1814, the governor was intrusted with the command of the military district, No. 3, including the state of New-York and other contiguous parts of the union. On the 15th September, 1814, a letter was addressed to him, by the acting secretary of war, now president of the United States, in which he says, "general Macomb, at Plattsburg, is in danger from a superior force marching against him, and general Brown is alike exposed to imminent danger. It is in the power of your state to make an exertion that will, not only save those armies, but crush the British force employed against them. May I entreat you to call out such a force in each quarter immediately, and hurry it

to the scene of action. I do not go into any detail, because you are too well acquainted with all the circumstances meriting attention to require it. Gen. Izard is marching to the aid of gen. Brown, but, as he takes Sackett's Harbor in his route, and depends on a conveyance thence by water by commodore Chauncey's flotilla, there is much uncertainty in his movement, I wish your measures to be taken independently of all calculation on him, since the expense attending them count as nothing, compared with the salvation of Brown's army, and of the post of Sackett's Harbor, which must also claim your attention. It is the object of the enemy to overwhelm us this campaign; and I have satisfactory reason to believe, that they indulge the presumptuous hope of penetrating from the lakes, by Albany, to the city of New-York. A vigorous and manly exertion is, therefore, particularly necessary on your part."

This letter calls for services of no ordinary character; the magnitude of which will not be diminished by recollections of the time. The condition of the treasury; the disasters of the year; the hostile array upon our borders of veteran legions, fresh from fields of victory in Europe, united to deepen the solicitude, and darken the prospect of the moment. At such a crisis, was the governor called upon to take the field in force, and check the adverse tide of war. The treasury was acknowledged to be unable to furnish the necessary funds. The governor was requested to call out an army that should "crush the enemy," and was obliged to raise the necessary funds, and to execute the service. He found the means of doing both, and, from that time to this, he has been struggling with embarrassments, produced by his engagements and responsibilities for the public.

The committee is satisfied that he made advances to the government: that he borrowed about \$1,382,827, from various corporations, to aid the national treasury and promote the public service. That those loans were procured by him, at the earnest intreaties of the president and the acting secretary of war. That, to aid him in procuring loans immediately, the government promised to send him treasury notes in *thirty or forty days*, which he was directed to pledge at \$110,000 for \$100,000. That, between the first of December, 1814, and the 17th of January, 1815, he found means to borrow \$1,098,500, (part of the foregoing sum), from several corporations, including a loan of \$400,000 from the corporation of the city of New York; for all which it appears that he had to make himself personally responsible by contracts; relying, on his part, upon the promise of government to advance the treasury notes, and take up his obligations. That a part only of the notes, (say \$850,000), were sent in proper time to relieve him. That the city corporation pressed him for the promised deposit, and for repayment, and that he was held up as a defaulter. That the failure of government put it out of his power to sustain his credit in the banks, for such large sums; that his previous attention to public affairs had compelled him to neglect his own; and that the heavy pressure of those loans produced a derangement in his private concerns, which brought upon him, as he contends, an actual and specific loss of sixty thousand dollars.

The peculiar and complicated duties which were devolved upon the governor, as civil and military chief of the state, and district referred to, and the special circumstances under which he was called upon to raise and disburse funds for the federal government, entitled him to expect an exact and

prompt performance of its promises, and a speedy reimbursement to relieve him from his embarrassments.

It is admitted that public moneys sent to him, or raised by him, have been faithfully applied to the public service, or kept in deposits in banks, or with public agents, ready to be used at any moment. That he served his country faithfully and effectually, is known to all. That he ran imminent risks to serve it, is beyond a doubt. That the treasury failed to fulfil its engagement with him, is no less certain; and it is manifest, that no citizen could sustain himself without loss against the heavy pressure of such large sums. That he foresaw the perils which afterwards assailed him, is proven by the honorable Rufus King, who conversed with him in the autumn of 1814, about "the condition of the public treasury; the unprotected state of the city of New York, and the inability of the general government to protect it; and urged, from the peculiar situation in which Providence had placed him, that it was his solemn duty to make great exertions and to assume great responsibilities. That the state, in a great measure, looked to him for its protection, and that he must call out the militia and find resources to pay them. That the governor had stated, in reply, that he was, already, committed very deeply, and that, if he should go farther in pecuniary responsibilities, he must do it at the risk of ruin; on which Mr. King solemnly urged him to go on, and do his duty, and if ruin was the consequence, to consent to endure it, and look to the honor and gratitude of his country." He did so—he performed all that was required, and more than was promised or expected from him. This is known alike to the committee and the country, and is recorded in the annals of the day. Your committee must repeat, that the governor foresaw the hazard he was running, that he took that hazard, fearlessly and generously as became a patriot, trusting to the honor and justice of his country.

On an examination and consideration of the accounts and claims, with all the attending circumstances, it appears to your committee,

1st, That it is no more than an act of justice to allow interest on all moneys advanced by Mr. Tompkins, on account of the public, from the time of his making such advances, to the time of his being reimbursed.

2d, That it would be just and equitable, to allow a reasonable commission on all moneys disbursed by him, during the late war.

3d, That he should be indemnified for losses sustained by him, in consequence of any failure on the part of government to fulfil its engagements, to send him money and treasury notes, within the time specified, to be deposited in certain banks, as collateral security for loans procured by him, at the request and on the account of government.

4th, That he ought not to be held responsible for losses incurred by any frauds or failures of sub-agents, to whom moneys were advanced through his hands.

With this view of the subject, a bill, accompanying this report, is respectfully submitted.

A BILL

To provide for the settlement of the accounts of Daniel D. Tompkins, late governor of the state of New York.

Be it enacted by the senate, and house of representatives, of the United States of America, in congress assembled, That the proper accounting officers of

the treasury be, and they are hereby, authorized to adjust and settle the accounts and claims of Daniel D. Tompkins, late governor of the state of New York, on principles of equity and justice, subject to the revision and final decision of the president of the United States.

Sec. 2. And be it further enacted, That nothing contained in the second section of the act, entitled "an act making appropriations for the support of government, for the year one thousand eight hundred and twenty two, and for other purposes," passed April twentieth, one thousand eight hundred and twenty-two, shall be construed to extend or apply to the said Daniel D. Tompkins.

Appointment of Midshipmen.

Report of the committee on naval affairs, on a proposition to apportion the midshipmen among the several states.

HOUSE OF REPRESENTATIVES, FEB. 17, 1823.

Mr. Fuller, from the committee on naval affairs, to whom was committed a resolution respecting the equal selection of midshipmen for the navy, from the different states, made the following report:

By the second section of the second article of the constitution of the U. States, the president is vested with power, by and with the advice and consent of the senate, to nominate and appoint all officers, whose appointment is not otherwise provided for by the constitution; thus giving him the exercise of his discretion, without any limitation as to place, to birth or residence, in such appointments. This latitude in selecting persons of suitable character and qualifications, must have been deemed indispensable, to enable the executive power to fulfil the high trust of providing for the "faithful execution" of the laws, and at the same time involves a responsibility which would have been considerably diminished by such a restriction as is suggested by the resolution. In appointing officers in the civil department, for the performance of duties which are local in their nature, the committee believe that a regard to the circumstance of residence, and of the political and individual relations of the persons selected, must frequently be among the considerations most important to a just decision.—Nor is there any reason to doubt, that a due regard to this consideration, in accordance with local predilections, and the spirit and genius of a free people, has guided the executive of the United States, as far, hitherto, as the public good requires.

In the army and the navy, less scope is afforded to the executive, in filling the higher grades of service, as long established usage limits the selection of suitable persons to an inconsiderable number, whose education and probationary character are deemed to render them the only subject of such selection. It is only in the appointments to the lower grades, from which, at a future day, the highest ranks of military and naval corps are to be filled, that the utmost latitude is afforded to the president for consulting the future interests of the country, by enrolling in her defence an adequate number of brave, intelligent, patriotic, and virtuous officers; and the committee are of opinion, that any restriction, by law, even if permitted by the constitution, would be highly pernicious in its operation, and might often result in the appointment of persons incompetent and unsuitable.

In regard to the appointment of midshipmen, the particular subject of the present inquiry, it appears, by the letter of the secretary of the navy department, accompanying this report, that a disposition suf-

sufficiently favorable to a general and fair participation of naval preference has constantly pervaded that department, and has been no otherwise counteracted than was unavoidable, from circumstances beyond its control.

The committee fully concur in the propriety and policy of enrolling in the naval service the meritorious young men of the interior states, whenever they manifest a solicitude to enter it; and they are persuaded that such a disposition on their part has always been encouraged, and will continue to be so, as far as a due regard to the constitutional discretion and responsibility of the executive will permit. They, therefore, recommend the following resolution.

Resolved, That any provision, by law, restraining the executive of the United States, in the selection of midshipmen, is inexpedient.

Navy department, 25th Jan. 1823.

SIR: In answer to the inquiry, in your letter of the 21st instant, whether any general rules are adopted in the department, by which the selection of midshipmen is made, particularly as relates to the residence, I have the honor to state, that the general rule, by which I have been governed in this respect, is, to apportion them among the several states, according to the ratio of representation in congress, when the applicants were unexceptionable as to character and qualifications for the service. The disproportion, however, was so great, that I have not as yet, been able to bring about an apportionment among the several states, according to the rule alluded to. But as, in all new appointments, due regard is had to the principle, the object will, before long, be effected. Whether it would be expedient to adopt, by law, this rule, leaving no discretion on the subject to the department, may well be questioned. Although the applicants, in the aggregate, are very numerous, yet there are some states from which there are but few; and if the department should be bound by law to conform, in all cases, to this rule, the selection might not always be of the most deserving and best qualified.

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

SMITH THOMPSON.

Hon. Timothy Fuller,

Chairman naval committee, H. R.

Seventeenth Congress—2nd session.

IN THE SENATE.

The following is the substance of Mr. Gaillard's remarks on taking the chair of the senate, as president *pro tem.* on the 19th ult.—

Gentlemen: On taking the station with which you have honored me, I must be permitted to tender you my acknowledgments for so flattering an evidence of the continuance of your confidence and favor. Were my capacity to fill this place commensurate with your kindness or equal to the gratitude I feel, I might then reasonably expect to merit your approbation, which would be the highest reward I could obtain, and the most gratifying compensation for the cares and solicitude which must ever be attendant on the situation to which I am called. Forbidden, however, by a thorough conviction of my deficiencies, in many essential respects, to hope for so favorable a result, I must again throw myself for encouragement and support on your known liberality, and on the experience I have had of your former indulgence, and they will, I trust, sustain me in the attempt I shall make to discharge the duties devolving on me with fidelity and impartiality; be-

ing fully persuaded that I shall thereby furnish the most satisfactory testimony that can be offered of my high respect for this body, as well as of my esteem and personal regard for the individuals composing it.

February 20. The senate, on the motion of Mr. Williams, of Tenn. proceeded to the consideration of the bill to provide for the settlement of the accounts of Daniel D. Tompkins, late governor of the state of New York.

[This bill authorizes—first, that the proper accounting officers of the treasury adjust and settle the accounts and claims of Daniel D. Tompkins, on principles of equity and justice, subject to the revision and final decision of the president of the United States. Secondly, it enacts that the provision of the appropriation law of last session, which prohibits the payment of a salary to any individual while he shall appear to be indebted to the United States, shall be repealed, so far as it applies to Mr. Tompkins. See page 406.]

Mr. Eaton, was opposed to the second provision (above stated) of the bill; because, however highly he might estimate the services and patriotism of the vice-president, during the late war, he could not reconcile it to himself to extend to any individual a privilege, which was denied to all others similarly situated. It would have the appearance of favoritism, and might be so charged, particularly as it related to a person who held a high office.

Mr. Brown, of Louisiana, replied to Mr. E. in an animated manner. He did not think any such imputation could be made. A jury had passed on this claim, and had rendered a verdict in favor of the vice-president. Committees, too, in both houses of congress, had examined the case, and had reported in favor of authorizing what the bill proposed. There was a wide difference, therefore, between this and other cases of unsettled accounts with the government.

Mr. Morrill could not agree in the propriety of Mr. Eaton's objections. He adverted to the distinguished services of the vice-president during the late war, and argued in support of the justice of the bill.

Mr. Johnson, of Kentucky, supported the bill with much earnestness; and

Mr. Macon, opposed it, generally, on the ground taken by Mr. Eaton.

The question was then taken on ordering the bill to a third reading, and was carried, with two or three dissenting voices.

At the request of Mr. Williams, of Tennessee, the bill was, thereupon, read the third time, by unanimous consent, was *passed* and returned to the house of representatives.

[Our last paper contained other notices of the proceedings of the senate on the 19th and 20th February.]

February 21. Several bills were reported—The amendments to the bill, entitled "an act for laying out and making a road from the lower rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, in the state of Ohio, agreeable to the provisions of the treaty of Brownstown," having been reported by the committee correctly engrossed, the bill was read a third time, *passed*, and sent to the house of representatives for its concurrence in the amendment.

Some other minor matters were attended to and variously disposed of.

The senate, as in committee of the whole, then proceeded to consider the bill from the house of representatives, "supplementary to the acts to pro-

vide for certain persons engaged in the land and naval service of the United States in the revolutionary war."

[This bill provides for the restoration to the pension list, of the name "of any person who may have been, or hereafter shall be, stricken therefrom, in pursuance of the act of congress, passed the 1st day of May, 1820, if such person, so stricken from the list of pensioners, has heretofore furnished, or hereafter shall furnish, evidence, in pursuance of the provisions of said act, to satisfy the secretary of war that he is in such indigent circumstances as to be unable to support himself without the assistance of his country."]

Messrs. *Mills*, *Morril*, and *Lowrie*, spoke in favor of, and Mr. *Noble* against the bill.

Mr. *Lowrie* proposed, as an amendment to the bill, an additional section, providing for a reduction of 20 per cent. on the amounts hereafter to be paid to all revolutionary pensioners.

In support of this motion—

Mr. *Lowrie* observed that his remarks on this subject would take up very little time, for he was well aware that the friends of a measure sometimes destroy it by too much speaking. The expense of the pension list for four years, is as follows:

1819,	\$1,811,328 96
1820,	1,373 849 41
1821,	1,200,000 00
1822,	1,833,936 30
	6,219,114 67

One quarter of which is \$1,554,778 66 per ann.

There are 2,328 men who, under the provisions of this act, may be placed upon the list. This number, and no more, will be affected by its provisions. This is the utmost extent to which the bill goes, and by no possible construction can more be embraced. The expense of that number, supposing, what is not probable, that all will be placed on the list, according to the estimate of the chairman of the committee, (Mr. *Noble*), is \$223,000. The estimate I have made, amounts to \$350,000. This is 137,000 dollars beyond that of the chairman; and if it be erroneous, it is too large; and it is the utmost limit of the expense. Now, for the other side. By the present law, there are near 6,000 who may get on the list. Now, suppose but one half of that number be placed on the list. This may, and will take place, whether you pass this bill or not. If placed on the list, they will be entitled to back pensions from the time they were suspended by the act of 1820, which will be about three years. The amount, then, for back pension alone, for 3,000 men, will be 900,000 dollars. You have now the advantage and disadvantage of this bill, as it respects the treasury. The calculation, to my mind, is perfectly satisfactory. Any gentleman can satisfy himself by making a few figures; and, from this view of the principles of the bill, it is perfectly evident that the treasury will not lose by it.

But, sir, said Mr. L. I wish to look a little further into the subject. Our expense for this list is now between one million and a half and two millions of dollars. Whether this bill is passed or not, the list will soon swell to two millions of dollars. This is a large sum; and the question must be met, where will you get the money? Will you lay a tax to raise it? That, sir, would make us all pauze, in these times. Will you repeal the law? To that I will never consent. I then, sir, to relieve the pressure on the treasury, propose an amendment, to reduce the pensions 20 per cent. This would give each private \$76 80. That sum, sir, is worth as much

as 96 dollars was at the time of passing the original act. On the subject of reduction, I propose no measure to the pensioners which I would not vote for as it respects myself. For I neither will tax the people or borrow money, while any prudent reduction can be made. The present amendment will relieve the treasury from about \$400,000. That sum I would give to those who are not on the list. The money we now pay, I would still pay; but I would distribute it to more individuals. Numbers are not on the list, who have as good a right to be there as those who are now there. In doing this, we do more justice than by keeping the door closed against those who are now without. Still, sir, should the amendment be rejected, I will vote for the bill; and I do so under the full conviction, that, even without the amendment, it ought to pass. I offer this amendment for the purpose of saving the bill, as it is well understood that it will be rejected without it.

The amendment was agreed to—18 to 16.

Messrs. *Seymour* and *Lawman* spoke in favor of the bill, and Messrs. *Macon* and *Smith*, of South Carolina, opposed it.

Mr. *Lloyd*, of Mass. said he considered the amendment adopted by the committee, on motion of the hon. member from Pennsylvania, (Mr. *Lowrie*), as giving a death blow to the bill. As much as he might feel in favor of any other parts of the bill he could not vote for it, if that amendment were adopted, which he considered as a breach of faith. The government having entered into a contract to pay to these pensioners a certain stipulated sum during life, any reduction of that sum would amount to a violation of the faith of the government.—For this reason, he should vote against the bill as amended.

The bill was then reported to the senate, with the amendment.

The question on adopting the amendment was taken by yeas and nays, and decided in the affirmative, 23 to 22. The vote was as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown, of Lou. Brown of Ohio, Chandler, Elliott, Findlay, Gaillard, Holmes, of Me. Holmes, of Miss. Johnson of Lou. Kelly, King, of Alab. Lowrie, Macon, Noble, Palmer, Smith of S. C. Taylor, of Va. Thomas, Van Dyke, Williams of Tenn.—23

NAYS—Messrs. Boardman, D'Wolf, Dickerson, Eaton, Johnson, of Ky. King of N. York, Knight, Lanman, Lloyd, of Mass. Lloyd, of Md. Mills, Morrill, Parrott, Ruggles, Seymour, Smith of Md. Southard, Stokes, Talbot, Van Buren, Ware, Williams, Miss.—22

The question on ordering the bill to be read a third time, was taken by yeas and nays, and decided in the negative. 21 to 24. The vote was as follows:

YEAS—Messrs. Boardman, Chandler, D'Wolf, Dickerson, Findlay, Holmes, of Maine, Johnson, of Ken. King, of N. Y. Knight, Lanman, Lowrie, Mills, Morrill, Palmer, Parrott, Ruggles, Seymour, Smith, of Md. Southard, Stokes, Van Buren—21.

NAYS—Messrs. Barbour, Barton, Benton, Brown, Lan. Brown, of Ohio, Eaton, Elliott, Gaillard, Holmes, of Miss. Johnson, of Lou. Kelly, King, of Alab. Lloyd, of Mass. Lloyd, of Md. Macon, Noble, Smith, of S. C. Talbot, Taylor, of Va. Thomas, Van Dyke, Ware, Williams, of Miss. Williams, of Tenn.—24.

So the bill was rejected.

[On the motion of Mr. *Kelly*, who voted with the the majority, it was the next day agreed, 23 to 14, to reconsider the bill, and it was then postponed till Monday.]

February 22. Mr. *Parrot* made a report on the petition of Robert F. Stockton, late commander of the U. S. schooner *Alligator*.

The senate took up the following resolution, submitted yesterday by Mr. *Brown*, of Ohio:

Resolved, That the president of the United States be requested to communicate to the senate, confidentially, or otherwise, as he shall think fit, any information in his possession, which he may not deem improper to be communicated, relative to the present state and condition of the Mexican empire.

On motion of Mr. *King*, of Alabama, this resolution was ordered to lie on the table.

Considerable time was spent in discussing Mr. Taylor's, (of Va.) proposed amendment to the constitution of the United States, respecting the election of president, together with the several amendments to that proposition. Messrs. Taylor, Dickerson and Smith, of Md. spoke on the subject—and then it was laid on the table.

The senate took up the amendment of the house of representatives to the Cumberland road bill, and agreed, without objection, to substitute the word "public" for the word "national," as applied to the road.

On motion of Mr. Lowrie, the senate took up the joint resolution directing the printing of a number of copies of the journal of the revolutionary congress; and, after some remarks from Mr. Lowrie and Mr. Holmes, of Maine, to shew the great value and importance of the work, its scarcity, the impossibility of procuring a copy in the United States, &c. the resolution was ordered to be engrossed for a third reading.

Some matters about the jurisdiction of justices of the peace in the district of Columbia occupied the rest of the day.

February 24. Many things of minor importance were attended to—

The joint resolution directing the printing of a certain number of the journals of the revolutionary congress, was read the third time, passed, and sent to the other house for concurrence.

The engrossed bill to amend the act of last session for ascertaining claims and titles to land in the territory of Florida, was also read the third time, passed, and sent to the other house for concurrence.

Considerable time was spent on the bill to extend the jurisdiction of justices of the peace in the district of Columbia. The bill, being amended, was ordered to be read a third time, as was the bill for the relief of col. James Morrison.

The senate took up the bill to divorce John Wheelwright, of Alexandria, and Caroline Eliza Wheelwright, his wife.

[Mr. W. petitions for a divorce, on the ground of the insanity of his wife, at the time of his marriage, (though then to him unknown); of the increase of the malady until it became entirely settled and confirmed; of its having now continued for several years, and the belief, (in which he has the opinion of the physicians in whose care she has been long placed), that the insanity is incurable.]

A long and feeling debate took place on this bill—chiefly on these points: Whether the insanity actually existed at the time of marriage, so as to render the contract void; whether an affliction of this character ought to dissolve the marriage contract; whether, if it was entitled to relief, the tribunal appointed for the purpose of granting such relief in the state of Massachusetts, (where the marriage was contracted), was not the proper place for the petitioner to seek it; whether it was right for congress to grant divorces at all, (it has never yet granted one), &c. &c. It was agreed, on all hands, the facts being generally admitted, that it was a case of great hardship. Messrs. Barbour and Southard advocated the bill with much earnestness. It was opposed by Messrs. King, of New York, Benton, Mills, Holmes of Maine, and Chandler. Mr. Lloyd, of Massachusetts, without taking sides of the bill, spoke in corroboration of the facts set forth by the petitioner, and as to the great respectability of the connections of the lady residing in Boston.

The question being taken on ordering the bill to

be engrossed and read a third time, it was decided in the negative by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Barton, D'Wolf, Dickerson, Eaton, Johnson, of Ky. Johnson, of Lou. Kelly, Knight, Lanman, Noble, Parrott, Southard, Talbot, Taylor, of Ind. and Williams, of Tenn.—16.

NAYS.—Messrs. Benton, Boardman, Brown, of Ohio, Chandler, Elliott, Fidday, Gaillard, Holmes, of Maine, Holmes, of Miss. King, of Ala. King, of N. Y. Lloyd, of Md. Lloyd, of Mass. Macon, Mills, Morril, Palmer, Seymour, Smith, of S. C. Stokes, Taylor, of Va. Thomas, Van Buren, Van Dyke, Ware, Williams, of Miss.—26.

So the bill was rejected.

February 25. On motion of Mr. Barbour, the committee on foreign relations was discharged from the further consideration of the resolution of the senate in relation to the territories of the United States on the northwest coast of America.

The committee on finance was also discharged from the further consideration of the petition of the bank of the United States—as were several other committees.

Three hours was spent about titles to land in Louisiana—and the bill was ordered to be engrossed for a third reading.

The annual return of the militia of the U. S. was received. The senate receded from its amendments to the bill to amend the collection act of 1799: passed the bill to extend the jurisdiction of justices of the peace in the district of Columbia, with amendments, and the bill for the relief of col. James Morrison: and that to select a site for a national armory on the western waters was ordered to a third reading. The rest of the day was spent on the bill to authorize the erection of certain light houses. The senate adjourned at 5 o'clock.

February 26. After other business—The senate resumed the consideration of the bill from the house of representatives, supplementary to the acts providing pensions for revolutionary services.

[This bill provides, principally, that the secretary of war shall restore to the list of pensioners the name of any person who may have been, or hereafter shall be, stricken therefrom, in pursuance of the act of congress of the first day of May, 1820, if such person, so stricken from the list of pensioners, has heretofore furnished, or hereafter shall furnish, evidence, in pursuance of the provisions of said act, to satisfy the secretary of war that he is in such indigent circumstances, as to be unable to support himself without the assistance of his country. The 3d section provides that provisions granted upon other and different schedules than those heretofore exhibited by the same applicants, shall commence from the time such schedules shall be filed in court. In addition to these provisions, a clause has been adopted in the senate, reducing 20 per cent. all pensions which have heretofore, or may hereafter be, allowed.]

On motion of Mr. Kelly, the 3d section was stricken out, and a substitute adopted, providing that no pension hereafter allowed under this act on claims heretofore filed, shall commence prior to the passage of this act; and that all other pensions hereafter allowed shall commence from the time of completing the proof.

The question was, at length, taken on ordering the bill, as amended, to be read a third time, and was decided in the affirmative, as follows:

YEAS.—Messrs. Barton, Boardman, Chandler, D'Wolf, Dickerson, Fidday, Holmes, of Maine, Johnson, of Ken. Kelly, King of N. Y. Knight, Lanman, Mills, Morril, Palmer, Parrott, Ruggles, Seymour, Smith, of Md. Southard, Stokes, Talbot, Thomas, Van Buren—24.

NAYS.—Messrs. Barbour, Benton, Brown, of Lou. Brown of Ohio, Eaton, Elliott, Gaillard, Holmes, of Miss. Johnson of Lou. King, of Ala. Lloyd, of Md. Lloyd, of Mass. Macon, Noble, Smith, of S. C. Taylor, of Ind. Taylor, of Va. Ware, Williams, of Miss. Williams, of Tenn.—20.

The engrossed bill to enable the holders of French, British and Spanish land titles, in Louisiana, not heretofore recognized by the government of the United States, to institute proceedings to try the validity of the same; and the engrossed bill to establish a national armory on the western waters, were severally read the third time, *passed*, and sent to the house of representatives for concurrence.

Mr. Smith, of S. C. laid on the table a resolution calling on the secretary of war to furnish, during the present session, sundry information respecting the number of pensioners, the date, states to which they belong, &c. &c.

Gales and Seaton were elected printers to the senate—40 votes for them, 3 for other persons.

The rest of the day was spent on the bill to extend the jurisdiction of justices of the peace in the district of Columbia, and in executive business.

HOUSE OF REPRESENTATIVES.

Wednesday, Feb. 19. Mr. Cocks moved the adoption of the following resolution:

Resolved, That the committee on the public buildings be instructed to inquire into the expediency of fixing, by law, the compensation of the architect, of the master carver, of the master of the stone work, and of the clerk and managers of the public buildings, in the city of Washington.

Mr. C. in offering this resolution, said, that it appeared from a letter which he had before him, from the superintendent of the public buildings, that officer had thought proper to reduce the compensation of the architect and master builder, master carver, and master mason, on the ground that their duties were lessened, &c. He had reduced the compensation of the architect 500 dollars per annum, and of each of the others 250 dollars. Against this decision, the architect had taken an appeal to the president, by whom the subject had been referred to the attorney general. The opinion of that officer on the subject, Mr. C. said, he had read; and, it amounted to this: that, if A employs B, he is bound to give B the same compensation as he first allows him, so long as he is engaged in the same business. These individuals are, therefore, reinstated in their former comfortable salaries. Mr. C. said he wished to fix, by law, without the necessity of resorting to the opinion of the attorney general at all, what shall be the compensation of these public servants.

Mr. Fuller suggested that the resolution was in an imperative form, differing rather from the ordinary shape of resolutions directed to committees. He preferred that it should take the usual shape of an inquiry into the expediency of making this provision.

Mr. Cocks, after some other remarks, accepted this modification of his motion; and, thus amended, it was agreed to.

Mr. Saunders, of North Carolina, submitted the following paper to the house, and moved that it lie on the table:

"The undersigned, members of the bar of the district court for the Alabama district, do certify that they are well acquainted with the general character of Edwin Lewis; that it is bad, and that they consider him unworthy to be admitted as a member of the said bar.

WM. CRAWFORD, district attorney.

NENRY HITCHCOCK, Att'y Gen. of Alab.

WILLIAM B. PATTEN.

A. G. RUFFIN.

A. V. BAGLEY.

Mobile, Alab. Jan. 15, 1823."

This paper having been read—

Mr. Colden, of New York, said he knew nothing of the parties in this case—of the signers of this

paper, or of the individual concerned. But he could not see the least propriety in having a paper of this sort presented, and placed on the records of this house, to the prejudice of any individual. He, therefore, moved that the gentleman have leave to withdraw it.

The Speaker stated that the motion now pending, was to lay it on the table.

Mr. Moore, of Alabama, was, like the gentleman from New York, very much surprised at this document being brought forward, and was at a loss to know the motive for introducing it. He considered the character of this individual as not being before the house. And, if a precedent was to be established, such as the reception of this paper would constitute, he hoped it would be when some solid and substantial reasons could be produced in favor of it. He hoped the gentleman would reconsider the matter, and withdraw that document. I profess not to know that individual, said Mr. M. but he ought to have justice at least, which a course like this is not calculated to allow him.

Mr. Nelson, of Maryland, asked if the committee on the judiciary had not made a report upon the charges preferred by Edwin Lewis against Judge Tait, and, if so, was not that report now lying on the table? [Being answered in the affirmative, Mr. N. proceeded]. Then, said he, it appears obviously proper, that, where it is made a matter of grave charge against a judge of the United States, that he has refused to admit the accuser to practice as an attorney in his court, and a report upon this charge is lying on the table, testimony of the character of the individual refused to be admitted, being directly relevant, ought to be received. Here, you have the testimony of the members of the bar to which he was refused admission, testifying to his character, and to his unfitness for admission to the bar. This, Mr. N. said, was the very best evidence the house could have upon the case. It seemed to him, under the circumstances, extraordinary, that the gentleman from New York should object to receiving this paper, which ought to be spread on the records, to shew to every libeller who comes into this house to vituperate high officers of the government, that the grounds and motives of their conduct will be exposed, and, when exposed, appreciated as they ought to be.

Mr. Saunders said he could not accommodate the gentleman from Alabama by withdrawing this paper, if he were disposed to do so; because, in presenting it, he acted under the instructions of the judiciary committee. Like the gentleman from Alabama, said Mr. S. I personally know nothing of this individual, and, from the little I have seen of his character, I wish to know nothing of him. But it seems proper that this paper should be received, because one of the charges addressed to this house, against judge Tait, by this individual, was that he had refused him admission to the bar. This certificate shews that he was not a fit person to be admitted. The certificate is signed by several of the most respectable gentlemen in the state of Alabama, one of whom, he had heard, is now speaker of the house of representatives of the state. Mr. S. would not now, however, discuss the subject to which this certificate relates. If the report should be taken up, it would then be time enough to discuss it.

The paper was ordered to lie on the table.

Thursday, Feb. 20. The following resolution, moved by Mr. Sloane, yesterday, was taken up today.

Resolved, That the president of the United States be requested to inform this house of the amount of money paid from the treasury, since the organization of the present government, for the follow-

ing objects, viz: building light houses, including the purchase of land on which they are situated, together with the lighting and superintending the same; erecting beacons, building, lighting, and superintending vessels stationed as lights in harbors, or on the coast; building wharves, piers, and sea walls, removing obstructions to navigation in rivers, or harbors; placing and superintending buoys; relief of distressed, sick, and disabled seamen; and for support of consuls and commercial agents abroad; the expenditure under each head to be stated separately.

The resolution having been read—

Mr. Gorham offered the following as an amendment to this resolution:

"Also, to inform this house what amount of money has been paid into the treasury since the organization of the present government from the duties laid upon imports and tonnage entering the ports and harbors of the United States, with the amount of hospital money received by the officers of the government out of seamen's wages, stating how far the amount of said duties and hospital money have exceeded the amount expended on the items specified in the first part of this resolution; also, to inform the house how many of the light houses now maintained by the United States were erected by the individual states, and where the same are situated."

Mr. Sloane received this amendment as a modification of his resolution.

The question being on agreeing to the resolution, as thus amended—

Mr. Wood opposed the resolution—he did not see any business on which the information could operate—Mr. Sloane said he did not expect any opposition to this motion, being a call for information merely. His object in calling for it was to throw some light on the exercise of powers by congress, which could only have been inferred by a construction of the constitution analogous to that which was contended for by the friends of internal improvement, of the unconstitutionality of which so much had been heard. That subject, if not discussed at the present session, would be at the next, and it would be proper to obtain the information necessary to enable the house to act understandingly upon it.

On the suggestion of Mr. Chambers, the resolution was so modified that the information should be communicated at the commencement of the next session of congress. Other amendments were offered, and the resolution was laid on the table.

[The other business transacted in the two preceding days, has already been sufficiently noticed.]

Previous to adjournment—The Speaker laid before the house a message from the president of the United States, communicating a copy of the convention of navigation and commerce between the United States of America and his majesty the king of France and Navarre, concluded and signed at Washington, on the 24th of June, 1822; which was ordered to lie on the table.

A message from the president of the United States, transmitting statements from the treasury department, shewing the amount of moneys advanced to agents, contractors, &c. since 1st January, 1817, which have not been accounted for, and the amount of loss sustained in each case, the securities taken, and the names of the sureties; which was read and ordered to lie on the table.

A letter from the president of the United States, transmitting a report of the secretary of state in relation to the commissioners appointed to survey land in Florida; which was read and referred to the committee on public lands.

A letter from the president of the United States, transmitting a report from the secretary of the treasury, in relation to the execution of the law of last session, respecting the trade with the Indian tribes; which was read and committed to the committee on Indian affairs.

A letter from the secretary of the treasury, transmitting a statement of the register of the treasury, of the appropriations and expenditure of moneys for the Cumberland road, &c.; which was read and ordered to lie on the table.

Friday, Feb. 21. Mr. Metcalfe, from the select committee appointed on the subject of Indian affairs, made a report in relation to the Florida Indians, concluding with the following resolution:

Resolved, That the president of the United States be authorized and requested to commence a system of operations for the gradual and ultimate effectuation of the objects contemplated; allowing him to exercise and pursue his own judgment, as to the manner or mode of doing it; and to communicate to this house, as soon as may be, after the commencement of the next session, the progress and result of his proceedings therein.

Sundry bills were reported, read, &c.

Mr. Russell, from the committee on foreign relations, made a report in relation to the act of the parliament of Great Britain, passed the 5th of August, 1822, concluding with a resolution recommending that the subject be referred to the president of the United States, and that he be requested to obtain, by negotiation with the government of Great Britain, such modifications of the act of parliament of the 5th of August, 1822, as may remove all just cause of complaint; which report was ordered to lie on the table.

On motion of Mr. Allen, of Massachusetts, the house took up the joint resolution requiring annual accounts to be laid before each house, of the expenditure of the contingent fund of the two houses of congress; and it was ordered to be engrossed for a third reading to-morrow.

The engrossed bill from the senate for the adjustment of land claims in the state of Louisiana, was read a third time, passed, and sent to the senate for its concurrence.

The engrossed bill for the relief of capt. Richard Hightower, was read a third time, passed, and sent to the senate for its concurrence.

An unsuccessful attempt was made to take up the bill for the relief of the mother of the late O. H. Perry.

After further debate, the bill extending the time for locating military land warrants to revolutionary soldiers, was ordered to be engrossed for a third reading.

The house took up the bill appropriating 25,000 dollars for the preservation and repair of the Cumberland road. Many propositions to amend it were offered, and negatived. The opinions of gentlemen were very much at variance about this matter—but, at last,

The question was taken on ordering the bill to be read a third time, and decided by the following vote:

YEAS—Messrs. Abbot, Barber, of Conn. Bateman, Baylies, Bayly, Blackledge, Burrows, Campbell, of New York, Campbell, of Ohio, Carter, Cassidy, Chambers, Colden, Condict, Conkling, Cook, Cushman, Cutburt, Dane, Durfee, Dwight, Eddy, Edwards, of Conn. Edwards, of Penn. Fuller, Gorham, Govan, Hamilton, Hardin, Harris, Hemphill, Hill, Hohart, Holcombe, Hubbard, Jackson, Jennings, E. Johnson, J. T. Johnson, J. S. Johnston, Jones, of Tenn. Kent, Keyes, Kirkland, Little, McCarty, McKim, McLane, McNeil, Mallary, Mercer, Metcalfe, Mitchell, of S. C. Montgomery, Moore, of Va. Moore, of Alab. Neale, Nelson, of Md. Newton, Patterson, Penn. Pierson, Plumer, N. H. Poinslet, Rankin, Reed, Md. Reid, of Geo. Rich, Rogers, Ross, Ruggles, Saunders, Scott, Sloane, Sterling, of N. Y. J. Stephenson, Stewart, Taylor, Tomlinson, Trimble, Udree, Upham, Vance, Van Rensselaer, Walker, Warfield, Williams, of Va. Woodcock, Woodson, Wright—90.

NAYS—Messrs. Alexander, Allen, of Mass. Ball, Bassett, Bigelow, Borland, Brown, Buchanan, Burton, Cambreleng, Cannon, Conner, Crafts, Denison, Dickinson, Edwards, of N. C. Farrelly, Floyd, Forrest, Forward, Garnett, Gilmer, Gist, Gross, Hawks, Ingbar, Latrop, Lettwich, Lincoln, Litchfield, McCoy, McSherry, Matlack, Matson, Mattocks, Mitchell, of Penn. Murray, New, Patterson, of N. Y. Phillips, Pitcher, Plumer, of Penn. Rantolph, Rhea, Roebester, Rohley, Russ, Russell, Sergeant, Arthur Smith, A. Smyth, Spencer, Sterling, of Conn. A. Stevenson, Thompson, Tol, Tracy, Tucker, of S. C. Van Wyck, Walworth, Whipple, White, Williams, of N. C. Williamson, Wilson, Wood—66.

So the bill was ordered to be read a third time to-morrow.

The bill making appropriations for the support of the military establishment of 1823 was next taken up—some amendments were made, it was

ported to the house, and ordered to be engrossed for a third reading to-morrow.

The house adjourned at half past 4 o'clock.

Saturday, Feb. 22. Many reports from different committees were received—a present notice of which is not necessary.

On motion of Mr. *Johnston*, of Lou. it was

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of providing steam batteries for the defence of the river Mississippi.

Mr. *Taylor*, advertng to the rule adopted at the last session, the effect of which is that no business should be sent from either house within the last two days of the session, said that this rule, which he considered a proper one, seemed to require a different arrangement of the business before the house; with which view he moved the following proposition:

Resolved, That the business now depending before the house, and committed to a committee of the whole, other than upon the state of the union, be arranged by the clerk, under the direction of the speaker, in the following order:

1. Private bills originating in this house.
2. Public bills and resolutions, originating in this house.
3. Private bills originating in the senate.
4. Public bills and resolutions originating in the senate.
5. Unfavorable reports.

After some conversation between Mr. *Taylor*, Mr. *Bassett*, Mr. *Cook*, and others, the proposition was agreed to.

Mr. *Colden* moved to discharge the committee of the whole from the further consideration of the proposition for continuing the pension of the widow of the late captain Lawrence, but, as the motion could not be received without the unanimous consent of the house, and, a member objecting to it, Mr. C. failed in his object.

An engrossed bill for the relief of Charles Carr, late paymaster to col. Wm. Dudley's regiment of Kentucky militia; an engrossed bill for the relief of John B. Hogan; the engrossed bill, extending the time for issuing and locating military land warrants to officers and soldiers of the revolutionary army; and an engrossed bill making appropriations for the military service of the United States for the year 1823, were severally read a third time, *passed*, and sent to the senate for concurrence.

The engrossed joint resolution requiring from the secretary of the senate and clerk of the house of representatives an annual account of the contingent expenses of the two houses of congress was read a third time, *passed*, and sent to the senate for its concurrence.

The bill from the senate "making an appropriation for the repair of the national road from Cumberland to Wheeling," was read a third time, and *passed*, 75 votes to 45.

On a motion to amend the title of this bill so as to make it comport with the amendment yesterday made to the first section of the bill, by striking out *national* and inserting *public*, it was decided affirmatively—ayes 63, noes 56.

The bill was then sent to the senate for its concurrence.

The bill from the senate "to revive and continue in force the seventh section of an act entitled 'an act supplementary to the several acts for the adjustment of land claims in the state of Louisiana,' approved the 11th day of May, 1820, and for other purposes," was read a third time, and finally *passed*.

Mr. *Little*, (leave being granted), presented a memorial from eighty enterprising farmers and mechanics within his district, praying congress to pass the bill, now on the clerk's table, for the occupation of the mouth of Columbia river, intimating their wish to remove thither, for the improvement

of that country and of their own condition; which was ordered to lie on the table.

The house then took up the unfinished business of yesterday, being the bill making further appropriations for the military service of the United States for the year 1823, embracing certain Indian appropriations, and concurred in all the amendments made to it in the committee, except an item of appropriation of 90,000 dollars for the contingent expenses of the Indian department, and another appropriating 50,000 dollars for the extinction within the state of Georgia, made under the treaty of the Indian title to certain reservations of land ties, 1817, 19, and 21, with the Creek and Cherokee Indians.

Upon the item of appropriation of ninety thousand dollars for the contingent expenses of the Indian department, excepted by Mr. *Cocke* from the several amendments agreed to in the house to the above bill, a debate arose, in the course of which it was opposed by Mr. *Lincoln* and Mr. *Floyd*, and supported by Mr. *McLane* and Mr. *Vance*.

After debate—the question on concurring with the committee in this amendment was then taken, and agreed to.

A debate arose on the second excepted item of appropriation, of fifty thousand dollars for the extinction of Indian titles to land in Georgia; in the course of which it was opposed, on the ground of the inexpediency of the measure of making these extinctions, by Mr. *Allen*, of Mass. and Mr. *Metcalf*, and defended by Mr. *Tattnall*.

Mr. *Williamson*, considering this a very important question, required on it the yeas and nays; in which he was supported in his call.

The debate was renewed. Messrs *Montgomery*, *Reid*, of Geo. and *Gilmer* supported the amendment, and Messrs *Cook*, *Williamson* and *Ingham* spoke against it—the latter was replied to by Mr. *Metcalf*. But before taking the question, the house adjourned, at half past 5 o'clock.

Monday, Feb. 24. After the usual preparatory or incidental business,

The house, on motion of Mr. *Newton*, of Virginia, proceeded to the consideration of the bill to abolish the office of measurer in the several ports of entry in the United States. The bill is in the following words.

Be it enacted, &c. That, from and after the thirtieth day of June next, the office of measurer, as now established by law, in the several collection districts, be, and the same is hereby, abolished; and the powers and duties heretofore exercised and performed by the measurers, in the said districts, shall, from and after the said thirtieth day of June, be exercised and performed, by the inspectors; and such inspectors shall exercise said powers and perform said duties and services, for the daily compensation allowed to inspectors for services in aid of the customs.

A debate arose on the principle of this bill, in which those who defended the bill contended that a saving of twenty-five thousand dollars annually, would be effected to the government by passing the bill, without any prejudice to the revenue or to the public interest; while those who opposed the bill argued that a saving might accrue to the revenue by abolishing this office in the small ports, but that it would be detrimental to the revenue and prejudicial to the mercantile interest, if the abolition were to apply to the large ports of the United States.

Two or three motions were made, only with a view, by the movers, of obtaining further information on the subject, to lay the bill on the table, which motions were severally negatived.

Those who engaged in the discussion were Mr. *Newton*, Mr. *McKim*, Mr. *Fuller*, Mr. *Little*, Mr. *Burrows*, and Mr. *Hill*, in favor of the abolition of

the office of measurer, and Mr. *Cambreleng*, Mr. *Colden*, Mr. *Hamilton*, Mr. *Poinsett*, and Mr. *Morgan*, in earnest opposition to it.

Mr. *Hamilton* then proposed the following amendment to the bill:

Provided, That the provisions of this act shall not be extended to the ports of Boston, New York, Philadelphia, Baltimore, Charleston, and New Orleans."

The amendment was negatived.

Mr. *Cambreleng*, believing this to be an important measure, and being himself opposed to it, wished to record his vote upon it, and, therefore, required the yeas and nays on the question of engrossing it for a third reading.

Mr. *Condict* then moved to postpone the further consideration of the bill indefinitely; which motion was decided in the negative.

Some further conversation took place, in which Mr. *Johnston*, of Lou. Mr. *Little*, Mr. *McKim*, Mr. *Burrows*, Mr. *Mallary*, Mr. *Durfee*, Mr. *Burrows*, and Mr. *Tomlinson*, engaged.

The question on ordering the bill to be engrossed and read a third time, was decided as follows:

YEAS.—Messrs. Abbot, Alexander, Allee, of Tenn. Archer, Barber, of Conn. Bateman, Baylies, Bayly, Bigelow, Breenkenridge, Brown, Buchanan, Burrows, Butler, Campbell, of Ohio, Cannon, Cassidy, Chambers, Conkling, Conner, Crafts, Darlington, Denison, Eddy, Edwards, of Conn. Edwards, of N. C. Farrelly, Findlay, Floyd, Forrest, Forward, Gebhard, Gist, Gross, Hall, Hardin, Harvey, Hawks, Hill, Hooks, Jackson, F. Johnson, Kent, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Little, McCoy, McKim, McNeill, Nesberry, Mallary, Matlack, Matson, Mattocks, Merver, Mitchell, of Penn. Moore of Va. Moore of Alab. Murray, Neale, New, Newton, Patterson, of Penn. Phillips, Plumer, of N. H. Plumer, of Penn. Randolph, Reed of Md. Reid of Geo. Rhea, Rich, Rochester, Rodney, Ross, Russ, Saunders, Sloane, Arthur Smith, Alex's Smyth, Sterling, of Conn. Sterling, of N. Y. Stoddard, Swan, Taylor, Thompson, Tomlinson, Tracy, Tucker, of S. C. Udree, Vance, Van Rensselaer, Van Wyck, Whipple, White, Williams, of Va. Williams, of N. C.—99.

NAYS.—Messrs. Allen of Mass. Ball, Barstow, Bassett, Blackledge, Borland, Cambreleng, Campbell, of N. Y. Carter, Colden, Condict, Cook, Cushman, Dane, Dickinson, Durfee, Dwight, Edwards, of Penn. Fuller, Gurnham, Govan, Hamilton, Harris, Hemp-hill, Herrick, Hobart, Holcombe, Hubbard, Ingham, J. S. Johnston, Litchfield, McCarty, McLane, Morgan, Nelson, of Mass. Patterson, of N. Y. Pierson, Pitcher, Poinsett, Reed, of Mass. Ruggles, Russell, Sergeant, Walworth, Williamson, Wood, Woodcock.—47.

So the bill was ordered to be read a third time to-morrow.

The bill, entitled "an act, supplementary to, and to amend an act, entitled "an act to regulate the collection of duties on imports and tonnage," passed the second day of March, 1799, and for other purposes," returned from the senate with sundry amendments, and subsequently reported upon by the committee of ways and means, to whom the bill and amendments were referred, was, by unanimous consent, taken up, and the report of the committee, recommending the agreement of the house to some, and its disagreement to others, was concurred in, and the bill was then returned to the senate.

The *Speaker* laid before the house a letter from the president of United States, transmitting a report of the secretary of the navy, in relation to those prize agents, who have neglected to render an account of their agency, &c. and to pay over the money in their hands, &c. &c.; which letter was read and ordered lie on the table; and

A letter from the secretary of the treasury, transmitting information in relation to the debt owing from the bank of Vincennes to the United States; which was read and ordered to lie on the table.

The engrossed bills "to discharge John Burgin from imprisonment," and "concerning stamps," were severally read a third time, *passed*, and sent to the senate for concurrence.

The amendment proposed by the senate to the bill, entitled "an act for laying out and making a road from the lower rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve in the state of Ohio, agreeable to

the provisions of the treaty of Brownstown," were read and concurred in by the house.

The house then resumed the consideration of the unfinished business of Saturday, the question pending being on concurring in an amendment of the committee of the whole appropriating the sum of fifty thousand dollars for the extinguishment of certain Indian titles to land in the state of Georgia, made to the bill making further appropriations for the military service of the United States for the year 1823.

The discussion of this amendment was renewed, and occupied a considerable portion of the day.—Mr. *Tracy*, Mr. *Hardin*, Mr. *Ingham*, Mr. *Cook*, and Mr. *Allen*, of Mass. speaking against granting the appropriation, and Mr. *A. Smyth*, of Virginia, Mr. *McLane*, Mr. *Jones*, of Tenn. Mr. *Reid*, of Georgia, and Mr. *Dwight*, in support of it.

The question was then taken on concurring, by yeas and nays, and decided as follows:

YEAS.—Messrs. Abbot, Alexander, Allee, of Tenn. Archer, Barstow, Bassett, Bateman, Baylies, Blackledge, Cambreleng, Campbell, of Ohio, Cannon, Carter, Cassidy, Condict, Conkling, Conner, Cuthbert, Dane, Durfee, Dwight, Eddy, Edwards, of K. C. Floyd, Garnett, Gist, Govan, Hall, Hamilton, Herrick, Hooks, Jennings, F. Johnson, J. T. Johnson, J. S. Johnston, Kent, Keyes, Kirkland, McCarty, McDuffie, McKim, McLane, McNeill, McSherry, Mallary, Montgomery, Moore, of Va. Nelson, of Mass. Pitcher, Reed, of Mass. Reid, of Geo. Rhea, Rochester, Ruggles, Russell, Saunders, Arthur Smith, Alex. Smyth, W. Smith, A. Stevenson, Tattall, Thompson, Tucker, of S. C. Van Wyck, Walker, Walworth, Whipple, Williams of N. C. Wilson, Wood—70.

NAYS.—Messrs. Allen, of Mass. Ball, Bayly, Bigelow, Borland, Breenkenridge, Brown, Burrows, Butler, Campbell, of N. Y. Chambers, Cook, Crafts, Cushman, Darlington, Denison, Dickinson, Edwards, of Conn. Edwards, of Penn. Findlay, Fuller, Gebhard, Gorman, Gross, Hardin, Harris, Harvey, Hill, Hobart, Ingham, Jackson, Jones, of Tenn. Lathrop, Leftwich, Lincoln, Litchfield, Little, McCoy, Matlack, Matson, Mattocks, Metcalfe, Mitchell, of Penn. Morgan, Murray, Neale, Nelson, of Md. Newton, Patterson, of Penn. Phillips, Pierson, Plumer, of N. H. Plumer, of Penn. Reed, of Md. Rodney, Russ, Sloane, Sterling, of Conn. Sterling, of New York, Stoddard, Swan, Taylor, Tod, Tomlinson, Tracy, Trimble, Udree, Upham, Vance, White, Williams, of Va. Williamson, Woodcock.—73.

The amendment being thus rejected—

The bill was ordered to be engrossed for a third reading.

Mr. *Taylor* moved that, when this house adjourn, it adjourn to meet at 6 o'clock this evening. In this motion Mr. T. was supported by Mr. *McLane*, and opposed by Mr. *Rhea*.

Before the question was taken on this motion—

Mr. *Edwards*, of North Carolina, moved that the house do now adjourn; which motion prevailed—ayes 60.

And then the house adjourned, at 5 o'clock.

Tuesday, Feb. 25. The *Speaker* presented a memorial of Enrico Caucisi, statuary, setting forth that he has completed a design of an alto relievo for the centre building of the capitol, representing the landing of Columbus on the new continent; as, also, one destined for the east portico of the capitol, and praying that he may be employed to execute these works in marble; as, also, to execute in marble the colossal statue, representing the genius of the constitution, which is now placed, of plaister, over the speaker's chair; which memorial was referred to the committee on the public buildings.

Many reports were received, of various character and variously disposed of, and sundry bills passed—all which will sufficiently appear hereafter; others were ordered to a third reading, &c.

After other proceedings, and several motions on the subject, the house proceeded to the election of a printer for the next congress—Gales & Seaton had 102; Andrew Way, jun. 43, and other persons 10 votes. So Gales & Seaton were elected.

The bill to abolish the office of measurer was passed, as well as that making appropriations for the military service of 1823, &c.

The subject of appropriations for fortifications then came up—there was some debate, but the bill was reported by the committee to the house, which adjourned to meet again at 6 o'clock this evening.

Evening session. After sundry propositions to amend the bill containing appropriations for fortifications, it was ordered to a third reading.

The amendments of the senate to the bill to extend the jurisdiction of justices of the peace in the district of Columbia, were laid on the table, and a good deal of other business attended to.

Wednesday, Feb. 26. Various proceedings were had, that will hereafter appear in the results.

Engrossed bills of the following titles, to wit: "a bill to amend the ordinance and acts of congress for the government of the territory of Michigan;" "a bill further to extend the provisions of the act, entitled an act supplementary to an act, entitled an act for the relief of the purchasers of public lands prior to the 1st July, 1820;" the bill "to provide for carrying into effect the convention of navigation and commerce, between the United States and France, concluded at Washington, June 24, 1822;" "a bill making the gold coins of Great Britain, France, Portugal and Spain, receivable in payments on account of public lands;" "the bill to continue in force an act, entitled 'an act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal and Spain, and the crowns of France, and five franc pieces,' passed the 29th day of April, 1816, so far as the same relates to the crowns of France and five franc pieces;" "a bill further to prolong the continuance of the mint at Philadelphia;" "a bill making further appropriations for the military service of the United States for the year 1823;" "a bill for the punishment of piracy;" "a joint resolution concerning Florida Indians," were severally read a third time, *passed*, and sent to the senate for concurrence.

The bill from the senate, entitled "an act to repeal so much of an act, passed the 18th day of April, 1806, as limits the price of lands in the state of Tennessee," was read a third time and *passed*.

The joint resolution from the senate directing the printing of the journal of the revolutionary congress was on its passage to a third reading—when

The committee, on motion of Mr. Blackledge, took up the bill making appropriations for the public buildings. All the items of appropriation contained in the bill were agreed to by the committee, except an item of \$20,000 for erecting a portico on the south front of the president's house.

After two unsuccessful efforts to fill this blank with 20,000 and 10,000 dollars, Mr. Ross, Mr. Floyd, Mr. Tracy, and Mr. McCoy, opposing this item in every shape, and Mr. Blackledge and Mr. Woodcock, supporting it—

Mr. Ball moved to fill it with *nineteen thousand dollars*, which motion was agreed to—ayes 54, noes 51.

The bill having been gone through with—

The committee rose, and reported the two bills as amended in committee.

The first of these two bills was ordered to a third reading.

The question was then on concurring in the amendments made to the second bill; when,

On motion of Mr. Ross, the item of \$19,000 for the portico to the president's house was excepted from the rest, and the question thereupon was required to be taken by yeas and nays. The other amendments being agreed to—

The motion to agree to the *excepted* amendment was determined by yeas and nays as follows:—yeas 81, nays 56.

After various debate, the bill was ordered to a third reading.

The house resolved to have an evening session, and adjourned to meet again at 6 o'clock.

Evening session. The *Speaker* laid before the house a message, received from the president of the United States, transmitting the information called for by the resolution of the 22th ultimo, of the number of persons, and the amount due from each, whose compensations have been withheld, in pursuance of the law prohibiting payment to persons in arrear to the government; which was ordered to lie on the table.

The bill from the senate "to regulate the commercial intercourse between the United States and certain British colonial ports," was read a third time, and finally *passed*.

The engrossed bill "to amend the act for organizing the government of the territory of Florida" was read a third time, *passed*, and sent to the senate for concurrence.

The bill further to regulate the post office department, was taken up in committee of the whole, and, at last, ordered to lie on the table of the house. Some other business was attended to, but a quorum was kept up with difficulty.

THURSDAY'S PROCEEDINGS FEB. 27.

This being the last day, according to the rules, of the two houses of congress, that any bill originating in either, could be passed and sent to the other for concurrence, a great many bills were passed in both houses—chiefly of a private or local nature, the mere recapitulation of which would occupy more time and room than is now left to us. The detail shall be attended to in our next. Each house had an evening session, and it was 11 o'clock before the house of representatives adjourned.

The committee on the suppressed documents made a report—leaving the matter pretty much as they found it.

CHRONICLE.

The Cyane was at St. Thomas on the 31st Dec. last, after having rendered much service on the Colombian coast. Her officers and crew had been much afflicted with sickness—140 cases of fever (and relapses), had taken place. The number of deaths is not stated; but at the day of the above date only 15 persons were on the sick report, chiefly cases of debility.

Died, at New Orleans, gen. F. Humbert, formerly distinguished in the army of the French republic, who landed in Ireland in 1798, and defeated gen. Lake, &c.

South Carolina. Mr. McDuffie has been re-elected to congress, by a large majority. For Mr. McDuffie 2054; Mr. Black 823; Mr. Lomax 420. Messrs. Wilson, Gist, Tucker and Govan are re-elected, and Mr. Warren H. Davis elected. One district to be heard from.

Louisiana. Henry Johnson has been re-elected a senator of the United States by the legislature of this state, for 6 years from the 4th March next. For H. Johnson, 42; F. N. Martin, 10; J. S. Johnson 6.

Mississippi. Thomas H. Williams has been unanimously re-elected a senator of the United States, by the legislature of this state.

SUPPLEMENT

TO

VOLUME THE TWENTY-THIRD

OF

NILES' WEEKLY REGISTER.

[This supplement was originally designed for the twenty-second volume of the REGISTER; but, for various reasons, deferred, and to be attached to the twenty-third volume. This explanation is necessary, though the change is without the least importance to the possessor of it.]

INDEX.

<p style="text-align: center;">A.</p> <p>Adams, John—his negotiation in Holland 201</p> <p>Adams, Samuel 185</p> <p>Agriculture—Mr. Biddle's address 1</p> <p style="text-align: center;">B.</p> <p>Bene plant, its use and culture 40</p> <p>Books—reports to congress on the duty on 39, 79</p> <p>British—political catechism, shewing many interesting facts 77</p> <p style="text-align: center;">C.</p> <p>Canals and roads—general remarks 67</p> <p>Congress—report on the duty on books 39, 79; on the accounts, &c. of the war office 41; of the secretary of war on the civilization of the Indians 52; on the delivery of persons held to labor, &c. 65</p> <p style="text-align: center;">D.</p> <p>Denny, Major, obituary notice of 75</p> <p>Dickinson College—address of the principal 27</p> <p style="text-align: center;">E.</p> <p>Education—common schools in New York 11; report on, in Georgia 26; Dr. Mason's address 27; report on the University of Virginia 31</p> <p style="text-align: center;">F.</p> <p>Fortifications, letters concerning 45</p> <p>*Franklin and Adams—Mr. VanderKemp's letter 120</p> <p style="text-align: center;">G.</p> <p>Georgia—report of the committee on education 26</p> <p style="text-align: center;">H.</p> <p>Hancock, John 184</p> <p>Hawley, Major, of Northampton 184</p> <p style="text-align: center;">I.</p> <p>Indians, report on their civilization (interesting) 52; speech on the same subject 54; another 58; letter to a member of congress concerning 61; speech delivered to major O'Fallon 64</p> <p style="text-align: center;">K.</p> <p>Kentucky—case of Judge Clark 155; act to abolish imprisonment for debt 160</p> <p style="text-align: center;">L.</p> <p>Law cases—opinion of judge Tucker, in Missouri, (stay laws) 121; of the same on loan office certificates 124; case of disturbing religious worship, in Ohio 129; case of certain seamen arrested in Virginia 129; about halves of bank notes 132; unchartered banks in Virginia 132; counterfeiting bank notes 133; on the right to chastise seamen 135; concerning St. Mary's church, Philadelphia 136; Hogan vs. Deacon 140; Lewis vs. Fullerton (important) 141; Allen vs. the state of S. Carolina 142; on the liability of banks 144; concerning distilled spirits imported 145; heirs of Vidal vs. Innerarity 147; a case of assumpsit 149; on a question of freedom, (infant blacks) 150; case of John Read, a black, for the murder of Shipley 151; on water rights 152; on the stay laws of Kentucky 153; case of Judge Clark 153; concerning cer-</p>	<p>tain indigo saved from a vessel wrecked 160</p> <p>Lewis, Z. his letter on Indian civilization 64</p> <p style="text-align: center;">M.</p> <p>Massachusetts—governor's message 115</p> <p>Maryland—report concerning the navigation of the Susquehannah and Potomac 16; the same in the senate 21</p> <p>Minisink—solemn interment of the bones of those killed there 75</p> <p>Military—expenditures, report concerning 41; letter on fortifications 44</p> <p>Money, on the circulation of 70</p> <p>Morgan, Mrs. her address 71</p> <p style="text-align: center;">N.</p> <p>Naval—court martial on capt. Shaw 46; same on lieut. Abbott 49</p> <p>New-York—report on common schools in 11; report on the penitentiary system, &c. 33; governor's message 117</p> <p>North Carolina—governor's message 115</p> <p style="text-align: center;">P.</p> <p>Pennsylvania—report of the committee on roads and canals 24</p> <p>Philadelphia water-works 189</p> <p>Penitentiary system 38</p> <p>Plymouth Pilgrims, arrival of, a curious journal 190</p> <p style="text-align: center;">R.</p> <p>Raguet, Condy, his letter on internal improvements 67</p> <p>Roanoke, report on the navigation of the 27</p> <p>Rodgers' marine rail-way—particular account of, with estimates of costs, &c. 173</p> <p style="text-align: center;">S.</p> <p>Slaves—a report concerning 65</p> <p>Speeches—of Mr. Metcalfe on Indian civilization 54; of Mr. Benton, concerning the United Brethren 58; of the same on the fur trade bill 101; of an Indian chief to major O'Fallon 64; of Mr. Johnson, of Kentucky, on controversies between states 80; Mr. Findlay on the prohibition of foreign spirits 100; of Mr. Poinsett on the expediency of acknowledging the southern nations 105; of Mr. McDuffie, on the military establishment 108; of Mr. Tod, on manufactures 161; Mr. Holcombe on the same 164; Mr. Tatnall on the same 167; Mr. Cambreleng on the same 178; of Mr. Phillips, Sharpe vs. Vialls 187</p> <p>Stark, gen. obituary notice of 73</p> <p style="text-align: center;">T.</p> <p>Tudor's life of Otis, extracts from 184</p> <p style="text-align: center;">V.</p> <p>Virginia—report of the board of works 14; on the University 31</p> <p style="text-align: center;">U.</p> <p>United Brethren—Mr. Benton's speech 58</p> <p style="text-align: center;">W.</p> <p>Walker, Timothy, obituary notice of 74</p>
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SUPPLEMENT TO VOLUME XXII.

AN ADDRESS

DELIVERED BEFORE THE

PHILADELPHIA SOCIETY

FOR PROMOTING AGRICULTURE,

At its annual meeting, on the fifteenth of January, 1822.

BY NICHOLAS BIDDLE, ESQ.

At a meeting of the "Philadelphia Society for promoting Agriculture," held 1st mo. 15th, 1822:

The annual address was delivered by Nicholas Biddle, esqr.

Whereupon, *Resolved, unanimously*, That the thanks of the society be presented to Nicholas Biddle, esqr. for his eloquent oration this day pronounced, and that he be requested to furnish a copy for publication. From the minutes.

ROBERTS VAUX, *Secretary.*

Mr. President, and gentlemen of the Agricultural Society:

I congratulate you on the return of this anniversary of our society. I rejoice with you that another year has been added to its long career of usefulness—and that, as the occupations of this day prove, we are prepared to resume our labors with undiminished zeal and increased resources. It is now nearly forty years, since a few sagacious and distinguished gentlemen, who had honorably served their country during the war, wisely judging that its prosperity in peace eminently depended on its agriculture, laid the foundation of this institution, the first, and, for a long time, the only agricultural society in America. From that period to the present day, its members have been unwearied in cherishing the best interests of the nation. An extensive correspondence with the enlightened farmers of Europe—the introduction of the latest writings—of the most improved implements—of new varieties of plants—and the best breeds of animals, gave them advantages which they have imparted to their countrymen with a liberality worthy of all praise.

From these efforts they have reaped an abundant harvest. They may find it in the distinction which their labors have acquired among the agriculturists of Europe—they may find it in the homage which every section of the union is offering to the society, by following its example—they may find it under a far more delightful form, in the satisfaction of having contributed to the advancement of their country, which has presented a scene of agricultural prosperity, such as was never before given to the hopes of men. These are natural and gratifying reflections. It will, however, better accord with the unassuming and practical character of the society, if, instead of indulging in personal feelings, we endeavour to make even this meeting not wholly unprofitable by an attempt, necessarily hasty and imperfect, to compare the situation of the best cultivated parts of Europe with our own—to observe the means of improvement which the examination presents—and to suggest such topics as may recommend the pursuit of agriculture in Pennsylvania.

In this inquiry our curiosity is naturally first attracted towards those distinguished nations in the south of Europe, who, after filling the world with their fame, have passed away, bequeathing to posterity some of the noblest works of genius, and the purest examples of human character. Undoubtedly, in all that remains of them, we may trace the evidences of strong attachment to rural life, and an exquisite perception of its enjoyments. Undoubtedly the cultivators of the soil were among the most distinguished citizens; and the pursuits of agri-

culture have rarely been embellished by so much eloquence, or sung with so much enthusiasm, as by the great writers of antiquity. Put this intellectual enjoyment of the country may well consist with an imperfect condition of husbandry. The natural feelings belong to all times, but science is necessarily progressive; nor does it detract in any degree from the merits of the farmers of ancient days, that, in an era of comparative infancy, in the physical sciences, they were not advanced beyond the knowledge of their age. I incline to think then that our natural reverence for ancient nations, has exaggerated the value of their agriculture, and that a deliberate examination of their history and their writings, is calculated to lower the general estimate of the scientific management of their lands.

Thus the most distinguished people of antiquity, the Athenians, were extremely attached to the country life; yet their agriculture must have been imperfect. Attica is a small ridgy poor district of land, about one-third as large as the neighboring county of Bucks, with a very light calcareous soil, so dry, that it would not yield pasture to support the cavalry employed in its defence, and so unproductive, that it did not afford grain enough for the subsistence of the farmers themselves. Its supplies of grain were annually imported, and its chief produce then was, as it is now, the honey from its hills, and the olive which delights in its thin dry soil.

Their great rivals occupied a larger, and rather a better country, but their habits and their institutions, estranged them totally from the cultivation of it. The territory of Sparta was divided into small lots, each yielding about 70 bushels of grain, with a proportion of wine and oil; and these were cultivated, not by the owners themselves, who disdained the pacific labors of husbandry, but by a class of people, half slaves and half tenants, who gave a fixed proportion of the produce to the landlords. Such a state of things must be inauspicious to agriculture; the frugality of the owner being satisfied by a very moderate production, and the depressed condition of the tenant, rarely giving him the means or the wish of improving his farm. The rest of the Greek states seem to have supplied their own consumption; but the observation of one of their best farmers, Xenophon, that agriculture is the easiest of all the arts, and readily acquired by a little attention to the execution, reveals better than any collection of facts, the true state of Greek husbandry; particularly as it is confirmed by the remains of all the georical writers of Greece, which have reached us.

We have ampler information with regard to the ancient state of Italy. The institutions and the manners of the early Romans must have been singularly favorable to agriculture. The extreme subdivision of the soil cultivated by the proprietor himself, seems to present the strongest incentive of necessity and interest to good husbandry. Thus the first allotment to each individual was two acres.* How long this limitation continued, is unknown; but, on the establishment of the republic, 245 years afterwards, the limit was fixed at seven acres.† This, like all unnatural arrangements which restrict human industry, gave way before the progress of wealth and inequality; for, in about a century and a half, a law prohibited the possession by any individual of more than five hundred. But the change of

*About one acre and a quarter, American measure.

†Four and one-third acres American measure.

manners, the infatuation of power, above all, the introduction of slavery, rendered it difficult to enforce these restraints, and the career of this inequality did not stop, till, as is confessed by Pliny, the extensive estates had destroyed Rome and the provinces, and one half of Africa was owned by six Roman families, whom Nero destroyed. In the progress of these changes, the best remembrances of the Roman power, as well as the highest advancement of its agriculture, are connected with the period immediately succeeding the formation of the republic, when the allotment of seven acres continued to be generally maintained, and it was deemed wrong in a senator to possess more than fifty. It was during this period, that the farm of Cincinnatus consisted of four acres, the other three having been lost by his becoming a security for a friend. It was then that Curius, on his return from a successful campaign, refused from the people a grant of fifty acres, declaring, that he was a bad citizen who could not be contented with the old allowance of seven.—We cannot doubt that this subdivision of the soil required good cultivation to satisfy the wants even of the frugal. But in the days which are cited as the most distinguished in her history, when Rome spread over Italy and almost all the ancient world—the substitution of slaves for free laborers had given a new character to agriculture. In that period almost all Italy was cultivated by slaves—not like that unhappy class of persons in our time, whose misfortunes are alleviated by tenderness, and whose increasing numbers are at once the evidence and the reward of humanity—but by male slaves brought from the provinces, whose waste, as they possessed no families, was constantly recruited from the remote parts of the empire. Their numbers must have rendered them formidable, for they seem to have worked like modern galley slaves, in chains; they must have been treated with great harshness, since, among other proofs of it, Cato recommends, as a matter of course, to every good economist to sell off his old waggons, and tools, and cattle, and his old and sickly slaves—and their labor could not have been very efficient, as the allowance for a grain farm of 125 American acres, a great part of which was of course in fallow, was eight men.

Accordingly, there are two facts decisive as to the general productiveness of land. The first is, that as the almost universal system of farming was by alternate crops and fallows, nearly one half the soil must have been always unemployed. The second is, that the average produce of Italy, in the time of Columella, was only four times the seed—two circumstances which do not now concur in any well cultivated country.

Nor do the agricultural writers inspire more favorable opinions. The works of Cato, of Varo, of Columella, of Virgil, of Palladius, and of the writers whose fragments are contained in the collection ascribed to Constantine, present, it is true, the most curious details of ancient husbandry. There is much excellent sense, much admirable practice, many processes which might furnish suggestions for modern improvement; but farmers who resort to them for instruction, will rise, I think, from the study, with an impression, that their agriculture was governed by practices rather than principles; and that there is wanting that knowledge of the processes of vegetation, the composition of soils, and the rotation of crops, which have given to modern farming its dignity and value. Even these useful practices too, are often disfigured by a fantastical mixture of superstition and empiricism.

When, for instance, we read in Cato a minute description of an incantation, by which the dislocated bodies of a farmer may be charmed back into their places—when Columella directs us to save our vines from mice, by trimming them at night during a full moon—when Sotio declares that an effectual mode of extirpating broom rape from the fields, is to draw on five shells the picture of Hercules strangling a lion, and bury one in the middle and one in each corner of the field—when Democritus will ensure us a thriving garden, if we bury an ass's head in the middle of it—and when no less than five of the most sober writers gravely describe the remedy by which the broom rape may be driven from all fields, and caterpillars banished instantly from gardens, which was to make a bare-footed, half-clad woman, with her hair dishevelled, walk three times round it—when these, and many similar directions are given by the great masters of the science, they must be received as evidences of its extreme imperfection. Indeed, no one who will compare the rude plough of the Romans with the admirable instruments of France and England, or will contrast the writings of Columella and sir John Sinclair, can fail to acknowledge how much science and the mechanic arts have contributed to agriculture.

We may derive more instruction from their descendants. So naturally do our recollections dwell rather on the past than the present Italy—so much more are we attracted by its ruins than by its prosperity, that we have not sufficiently admired its agriculture. Yet Italy is probably at this day the best cultivated country in Europe. It supports from its soil, a population greater in proportion to its extent than any other; and such is its admirable system of culture, so triumphant its industry, that, though suffering from the worst of all evils, oppressive and profligate governments—although a great extent of country, not less than two hundred miles long, and from twenty-five to sixty miles wide, is in a considerable degree lost to cultivation, by the malaria, which has depopulated the fairest part of the old Roman empire; still the absolute amount of its produce was never perhaps greater than at present. They have accomplished this, by substituting, for the long fallows of antiquity, a judicious rotation of crops, and by terracing the feet and sides of the mountains, so as to render them eminently productive. The minute division of the soil forms the peculiar feature of its agriculture. When the influence of Christianity had abolished slavery, the manumitted slaves, who were then the only laborers, became tenants, and have so continued to the present day.—Five-sixths of its population are small farmers, working the land on shares of one-half or one-third. These cultivators of a few acres have rendered their country so fertile, that, from one end of Italy to the other—from the irrigated meadows of Lombardy to the volcanic regions of Naples, if we except some parts of the pope's dominions—there is scarcely a single spot which does not produce the utmost which its situation and natural fertility admits. The eye rests with delight upon the magnificent prospects of Piedmont and the Milanese; on that busy scene of industry, which sustains a population of one person to every two acres—where three-fourths of its gross produce is disposable, and where the fields are constantly covered with a succession of varied and abundant harvests. The district near Vesuvius has a population of 5,000 souls to the square league, a proportion unknown to any other part of Europe: while still further south, in Sor-

rento, their rotation of eight crops in five years, and one of them a cotton crop, is pronounced by a competent judge to be "the best managed and the most productive of any in the world."

It is however rivalled, if it be not equalled, by many parts of Flanders; where, from a soil more fertile than Italy, though in a climate less genial, they extract from their land by industry and the application of manures, a rapid succession crops, probably not inferior to those of any other country. The details of Italian and Flemish husbandry—the Italian rotation of crops, and the Flemish management of cattle and manures—are worthy of attentive study by all in this country, who would improve in scientific farming. They would often suggest modes of culture, better adapted to our climate than the practices of England, which we are too prone to follow without making allowance for the essential difference between the seasons of the two countries.

The general cultivation of Great Britain is calculated to inspire a mingled feeling of admiration and surprise: of admiration at what she has accomplished, and surprise at what she has neglected.—She has many advantages: her exuberant capital, her commerce, her manufactures, furnishing to agriculture so large a body of domestic consumers, have enabled her to cover a large portion of her soil with a picturesque and beautiful cultivation, which no stranger can contemplate without satisfaction.—Yet a nearer inquiry excites astonishment, that this very success has not induced a more enlarged and better cultivation.

There is an extraordinary difference in the calculations of British economical and statistical writers on that subject; but the safest estimates show, that a proportion of from one-third to nearly one-half of the surface of Great Britain is waste and almost unproductive. Of these waste lands, it is again estimated, that one-fourth or one-fifth might be enclosed and cultivated, and the rest employed for sheep or for planting timber. The consequence is, that she does not raise grain enough for her own consumption; the average importations of wheat and wheat flour, during the last twenty years, having been about four millions of bushels a year, amounting to nearly thirteen or fourteen days consumption. Whether it be desirable to resort to the waste lands to supply this deficiency, is a question of their domestic policy, which it is for her alone to decide. But even a stranger may be allowed to perceive, that, without abstracting capital from other pursuits to reclaim waste lands, the deficiency of England might be readily supplied by the simpler process of a better husbandry on lands now under cultivation. "A very small portion," says one of her best authors, Dickson, writing in 1804, "a very small portion of the cultivated parts of the island has, even at this advanced period, been brought under a judicious and well conducted system of husbandry. Immense tracts of land, of the more rich and fertile kinds, may be still met with in different parts of the kingdom, that are managed in very imperfect and disadvantageous methods of farming;" and he adopts the calculation of sir John Sinclair, that thirty millions of acres are either in a state of waste, or cultivated under a very defective system of husbandry. Even still later, in 1812 and 1816, we learn from the valuable writings of Dr. Rigby, that some of the very counties which Dickson considers as the most perfect, are still very deficient: that in Essex the wretched system of fleet ploughing and whole year fallows is still pertinaciously adhered to—that Sussex is behind almost all others, at least half a

century—that in Cheshire the antiquated system of a century back still prevails—that Shropshire is subject to a very inefficient cultivation, and that, in short, "a great part of the kingdom is in a very lamentable state of agricultural unproductiveness." Some of these defects are the result of ignorance and prejudice. With all the splendid success of Mr. Coke, of Norfolk, in rendering his land nearly ten times as productive, he used the drill husbandry for sixteen years before any individual followed his example; and even now his improvements are supposed, by himself, to extend about one mile in a year. Other causes, however, are not wanting, and some that to us seem almost incredible. For instance, nearly one-half the arable land of England is held in common; its culture is therefore subject to restrictions either of custom or law, and the portion of each commoner is often so arranged, that he cannot cross-plough his land for fear of trespassing on his neighbor. These it may be easily imagined, do not produce more than half the value which might be drawn from them, by enclosure and exclusive possession. Again, the fault which is constantly deplored by her writers, and one that seems peculiarly strange where the economy of human labor is so well understood, is the superfluous expense of cultivation by the multitude of horses. It is at this day common in England, to see four, five, and six horses, following each other in single file, before a plough, in fields of a few acres, and in soils where two horses might easily accomplish the work; to see teams of four horses employed, where two would be quite sufficient; and this notwithstanding the successful introduction of the Scotch mode of ploughing as in this country. The consequence is, that England and Scotland are estimated to contain 3,500,000 horses, consuming the value of 450,000,000 of dollars, and the produce of sixteen millions of acres, being nearly one-half the productive lands of the kingdom. The condition of a large proportion of the tenants too, is, in many respects, unfavorable. The soil of England is owned by about 40,000 persons, and, a greater part of the leases are at will, or for a short term from five to nine years, the better policy of long leases not having yet become general. Lastly come the tithes and taxes; the tithes, which take from three-fourths of the occupiers of land in England one-tenth of the gross produce, even when the remainder may afford no remuneration for their labors—and the taxes, which, combined with the tithes, on an average, amount to more than one-half of the rent.

However consoling these views may be to our own faults, it is more agreeable to dwell on the pleasing side of English farming, and to derive instruction rather from their success than their misfortunes. And truly there is something admirable in the generous and buoyant and elastic spirit with which the genius and industry of that country have upheld its agriculture, under a complication of burdens, such as never before pressed on the soil of any country. By her peculiar condition—by the poor laws—the tithes—the taxes of every description, England was reduced to a condition which demanded every energy of the farmer, and tasked to the very utmost resource of capital and invention. On a moderate computation, an acre of the best farming land, in order to repay with profit the labors of cultivation, must yield about thirty or forty dollars: and accordingly it was made to produce that sum. By liberal investments of capital, by judicious and economical husbandry, they have extorted from a soil, not naturally distinguished

for fertility, and a climate inconstant and treacherous, an amount of produce which enabled the farmers of England and Scotland to pay a higher rent than is yielded by some of the finest soils of Italy. If indeed we were to select any district where skill and capital have been most successful against natural obstacles, I incline to think we should name the Lothians of Scotland.

That the example of these countries may not be lost to us, we should habitually compare them with our own. It is now about a century and a half, since the people of the United States have been principally occupied in reducing to cultivation their extensive forests. Their agriculture bears, of course, the impression of their circumstances. While land was cheap, and capital small and labor dear, it was more natural to reclaim new fields than to restore the old, and to diffuse over a wide surface of cheap land the greatest power of dear labor. The growth of cities—the creation of new classes of society—the increase of manufactures, have now concentrated our population, and by the formation of a permanent home market, are calculated to give a new character to our farming. In venturing upon that subject, it is fit to speak with entire freedom. The object of our society is our improvement. Instead, therefore, of dwelling upon the merits of our farming, which is in many particulars deserving of great commendation, I shall prefer the less agreeable office of indicating the means of its advancement, believing that the humblest exercise of patriotism is to praise our country without striving to improve it.

The condition of the soil of Pennsylvania may be examined, first, in relation to its uncultivated land, and secondly, with regard to its husbandry.

According to the opinion of a very distinguished geologist, Mr. Maclure, Pennsylvania contains more good land than any Atlantic state in the union; that is, she possesses a greater extent of that formation—the secondary—which forms its position, the course of its rivers, and the mineral deposits which belong to it, is best calculated to sustain a numerous population. These advantages it must not be dissembled have not attracted their due share of attention. I incline to think that the best portion of Pennsylvania, that which is destined to act hereafter the most distinguished part in our agriculture, has never yet felt the plough. It is indeed lamentable to see so much of this long-established state totally abandoned—to look at extensive tracts of rich country without a road or an inhabitant—to meet, almost in the heart of Pennsylvania, the Seneca Indians from New York, hunting through a wilderness of nearly a hundred miles in extent, with less interruption perhaps than they would have found two centuries ago. There are seventeen adjoining counties, north and west of the Susquehanna, containing an extent of more than 18,000 square miles, with a population of about six souls for every square mile. There are five adjoining counties, containing nearly 6,000 square miles, without one inhabitant to the square mile. There are three adjoining counties, more than 3,500 square miles in extent, with only one human being for every two and a half square miles. I seem to be speaking of some desert on the Yellow Stone, not of a fine region with in four days ride of Philadelphia, which was possessed in full sovereignty by Pennsylvania more than sixty years ago—an antiquity in this country—a period when the great empires of the west, Ohio, Kentucky, and Indiana, who will outnumber Pennsylvania in the next congress, were not among the prophecies of men. There is no example among the old states of a

wilderness like this. It has lost to the state half a million of inhabitants. It has condemned to barrenness a magnificent region, that should have been filled with wealth, with intelligence and power. If we cast our eyes over the map of the union, we may discern in Virginia, a district of country to which the nation has three times resorted for its chief magistrature. A large proportion of the corresponding part of Pennsylvania is one unbroken wilderness, the habitual hunting ground of savages. In the cause of this calamity we may learn a great lesson, not merely of agricultural, but political wisdom.—Something certainly must be ascribed to the unhappy controversy with Connecticut, which, after half a century of confusion, of concession, and of compromise, has but recently closed. But the greater part of the evil may be traced to bad legislation. If, when the state sold its vacant lands, they had been previously surveyed and marked, as those of the United States were, they would have been cheerfully bought and easily settled; but the unfortunate policy of selling the right to land, leaving the purchaser to find it, and the mistaken hope of peopling the country, by requiring paper conditions of settlement, instead of leaving it to grow with the natural course of enterprise—these have introduced a fatal spirit of speculation and of fraud, which thirty years have not yet completely repaired. Entire families were ruined by the madness of these delusions. In the inextricable confusion of interfering claims, the same lands were again and again sold by fraud or ignorance, till the maps of some of our counties exhibit a mosaic of conflicting surveys, which no science except law can ever bring into harmony. Then came the reaction of disappointment. Men turned with disgust from a scene of so much suffering, and dreading a lawsuit on the threshold of every man's property, abandoned in despair the attempt to settle lands so surrounded with uncertainty and trouble. There are now in Philadelphia—there are perhaps now listening to me, many owners of thousands, of 10, 20, and 50 thousand acres of land, which they have never seen, and of which they would scarcely know the existence, but from the periodical visit of the tax gatherer; lands which might be rendered magnificent possessions, surpassing, now in extent, and hereafter in value, the most splendid estates in Europe. There are others who, deceived by exaggerated estimates—seduced by well painted drawings of streams that have never flowed, except in the eloquence of the deputy surveyor; of groves of white oaks, and beaches and maples, luxuriating only upon the parchments of the land office, go on, year after year, paying taxes for lands, undiscovered and undiscoverable, or which, if they really exist, may be again paid for by one, by two, by three, I have known as much as four other claimants, residing perhaps in an adjoining street. In the midst of these conflicts, there grows up on the soil, either an honest settler always willing to purchase, or else some intruder, originally perhaps not ill disposed, till the absence of all control, and a gradual attachment to his new residence, begin to inspire hopes of wresting it from the owner. He then insinuates doubts of the title, defaces the marks of surveys, and, shunning the proprietor, till 21 years may ripen his possession into a title, lives on in anxious obscurity, festering, discontented and restless, imagining in every passing stranger, the approach of his most dreaded enemy. Such was once the too frequent picture of the condition of the interior of Pennsylvania; and even now, although it has nearly passed, its effects are still visible in the anxiety with which emigrants

go round our state, as if there were some infection here, and pass on to remoter and poorer fields, where their industry will at least be safe.

There can be no hope for the agriculture of Pennsylvania, till this source of disquiet is completely removed; and fortunately for us, time, in revealing all the errors of that system, has furnished the means of remedying them. Every owner of land may now ascertain whether there are other claimants to his land, and readily adjust their mutual pretensions. Every purchaser may now satisfy himself as to the title of the seller; so that, while suffering from our own improvidence, we may be allowed to console ourselves for it, by reflecting that, while the states around us have been peopled to their borders, Pennsylvania possesses an extent of well watered, healthy, rich, cheap land, convenient to both the Atlantic and western markets, which, however hidden from the world by her past mismanagement, now offers abundant temptations to industry, and will largely contribute to augment the population and resources of the state. To give to these advantages all their attraction, however, much more exertion is necessary than we have hitherto witnessed. There are few families in the city, who have not some connexion with the lands of the interior: there are many who have extensive estates there. To these I would recommend most emphatically, to visit and examine their possessions; to be seen, and felt, and known as the owners: to disencumber themselves at once of the burden of paying taxes for what does not exist, or might be worthless if found; to encourage every beneficial improvement, and, by all the means of conciliation and liberality, which they are, I know, equally able and willing to extend, identify their own with the growing interests of the new settlements. There is still another step. How many well educated young men are there among us, languishing in the long noviciate of some profession, or wasting in indolence the finest years of their existence, who, in the new counties of the interior, might lay broad and deep the foundations of a splendid prosperity for themselves and their families. They will be received with welcome by those whose fortunes they have come to share; and their new interests and new connexions, will soon render their situation as agreeable and distinguished as it will ultimately be profitable.

There is more satisfaction in turning from the wild to the settled parts of Pennsylvania. The old counties between the Delaware and the mountains, with the exception of Philadelphia, contain a population of about fifty to the square mile. Their mixed pursuits, their division into consumers and raisers of produce, as well as their access to the markets of Philadelphia and Baltimore, afford advantages not enjoyed perhaps by any section of the union. The soil, without being generally distinguished for fertility, is fitted for all agricultural purposes. The farms averaging probably from fifty to one hundred acres of cleared land—the taxes light—the farming implements, in general, good—and the best breeds of cattle within reach. Yet, notwithstanding all these elements of the most enviable state of agriculture, we must acknowledge that our farming is still very imperfect. If any evidence of this were wanting, it might be afforded by the actual produce and the rents of our lands.

It was stated two years ago, by one of the vice-presidents of this society, that the average crop of wheat in Lancaster county, which is considered the richest in the state, did not probably exceed fifteen

bushels per acre. Now the average of all France is more than eighteen bushels—the average of all England twenty-four—and in some counties, as in Middlesex and the Lothians, forty. With regard to rents, it is not easy to speak with accuracy. If we except the alluvial meadows near this city, which rent for nine or ten dollars per acre, I should not estimate the average rent of cleared land, with improvements, within the district just mentioned, at more than two or three dollars. In Italy, in England, and in Scotland, lands, not particularly favored by vicinity to markets, rent for from sixteen to twenty dollars, and in the neighborhood of large cities, from thirty to forty dollars.

The causes of this inferiority may be ascribed to two characteristics of our farming—a disproportionate capital and efficient cultivation. The first is a striking deficiency. Agriculture, though a very common, is not, I think, a favorite pursuit in Pennsylvania. It attracts few from the other classes, and its ranks are rather thinned by desertion than recruited by volunteers. The enterprising shun it for its inactivity; the gay from its loneliness; the prudent, from its unproductiveness; so that, although a great proportion of the wealth of the state is fixed in land, an exceedingly small capital is devoted to farming. We do often exhaust our means in purchasing a farm, leaving scarcely any resources for stocking and cultivating it. Now an English farmer, with a certain capital, rents a farm, as a manufacturer rents a house, and devotes his capital to extract from it the greatest possible produce. Accordingly his proceedings seem almost incredible to the possessors of large American farms. It has become a settled maxim of English husbandry, that, before occupying good arable land, a capital of from thirty to forty dollars per acre is necessary. On an estate of three hundred acres, therefore, a farmer begins by expending, in preparations, nine thousand dollars; and his annual disbursements, in labor, manure, and other articles, are about five thousand dollars a year. His operations are on a proportionate scale. To contract to pay a rent of twenty or thirty thousand; to expend in a single year, on lime alone, eleven thousand dollars; to pay two thousand dollars a year for rape-cake to manure turnips; to make a compost heap, costing four thousand dollars—such are the combinations of wealth and skill which produce good husbandry. These we cannot, and we need not, imitate. But they may teach us that we should measure our enterprizes by our means; and that an ill stocked farm can no more be profitable than an empty factory. Men praise the bounty of nature. It is much safer to rely on her justice, which as rarely fails to reward our care as to avenge our neglect. Our farms then, though small, are generally too large for our capitals; that is, we work badly too much ground, instead of cultivating well a little. In the estimates of finance, two and two do not always make four—in the arithmetic of agriculture, two are generally more than four. It is wonderful, indeed, how profusely a small spot of ground will reward good husbandry. There are in Italy hundreds and thousands of people, living on farms of from four to ten acres, and paying to the owner one-third, or one half, of the produce. The whole straw for the Leghorn bonnets, by the exportation of which in a single year five hundred thousand dollars were gained, would grow on two acres. There are in Switzerland some hill sides, formed into terraces, which have sold for two thousand dollars an acre; and in fortunate spots for gardening, as near London, a single acre will yield a clear profit of

from eight to nine hundred dollars a year. These examples may, perhaps, explain how, without the great capitals of England, and without diminishing our farms, we may gradually render them richer and more productive by judicious culture.

The characteristic merit of modern farming seems to be this: The old practice was to draw from land successive grain crops, and then leave it to recruit strength enough for a repetition of them. The modern system seeks to restore the soil, but by variety—to make one crop be followed by another, feeding on different parts or at different depths of the soil from the preceding. It has, therefore, for fallows, substituted root crops. These support large quantities of cattle, which, besides the direct profit from them, afford the means of returning sooner and more successfully to the grain crops.

Now, the defects of our husbandry have relation to this system.

1st. We have not studied sufficiently our soil, with a view to establish a judicious rotation of crops, nor adapted our cultivation to our climate. As an example, I doubt whether we appreciate our long autumn, the finest of all our seasons, to which husbandry as yet trusts so little, but which would often enable us to draw a second and valuable crop of roots after grain. From the result of personal experiments made with that view, which better farmers would, of course, practice more successfully, I incline to think, that there are few of our good fields from which we could not obtain considerable crops of roots, planted and gathered after harvest. Why indeed should we not, when they are constantly obtained in Spain, in Italy, in Flanders, and even in the climate of England and Scotland?

2d. We have not yet succeeded in diffusing widely the best breeds of cattle, from the excellent stock now easy of access to us all. There is no subject on which it is more true, that a liberal expense is the strictest economy. Natural peculiarities of form in animals, are either the cause or the indication of certain qualities. Judicious observers, by the union of similar animals, have given greater development to these qualities, and established, at length, distinct breeds with every decisive superiority over our ordinary cattle. These should be sought by good farmers, as their superior profits far exceed the additional price of them. But we are often tempted by the false economy of buying cheap animals, and we are frequently misled into the practice of pampering into a sickly magnitude, cattle which have no natural facility to fatten. This is a mistaken pride, productive of no immediate good, and the more to be regretted, since the capital actually lost in feeding bad animals might have imported good ones.

3d. We are deficient in the cultivation of roots. The cattle are left to feed almost exclusively on hay in winter, instead of being nourished on roots, more nutritious and cheap in themselves, and the culture of which is among the very best preparations for the succeeding grain. The extension, on a large scale, of the root culture, would alone, I am satisfied, give a new face to the agriculture of the state. In the use of these, as well as the general feeding of cattle, we should endeavour to adopt what is justly deemed one of the greatest discoveries in agriculture—I mean the old Flemish practice, known in England by the name of

4th. Soiling. In administering food to thoughtless persons, it would be deemed strangely imprudent to let them eat and waste at pleasure. We are more respectful or less judicious towards cattle. They are allowed to enter, without restraint, fields

of luxuriant vegetation, they lie down upon it; they trample it under foot; in wet weather their foot-prints commit injuries to the ground, which years cannot repair, and, what is worse than all, the benefit which they might confer on the land is almost totally lost. Instead of this wasteful system, the cattle are kept under comfortable shelter, and their food is brought to them. An acre of ground thus furnishes three times as much subsistence as when pastured, and the additional expense of cutting is abundantly repaid by the rich manures which are thus saved.

There is one other branch of farming, which has scarcely made its appearance in this country—it is 5th. Irrigation. This is, probably, the most profitable, of all modes of culture. Whenever the situation of land will permit of its being covered with a stream of water, the direct nourishment to the plant, the minute subdivision of the soil, and the deposit left by the water, all combine to produce an amazing fertility. In Lombardy, for instance, the irrigated meadows afforded four abundant crops of grass. In the dry climate of Spain, they are still more productive. It could scarcely be believed, where it not vouched by the personal observation of Arthur Young himself, that, in the watered fields of Valencia, there are actually cut, four, five, six, and seven crops of lucerne, from two and a half to three feet in height, and yielding ten tons of grass on an acre at each cutting: so that on a moderate average an acre yields no less than fifty tons of grass, and when broken up, gives three crops in the course of a year. It is not wonderful, then, that, in that country, the greatest efforts have been made to water their fields; that reservoirs have been constructed, canals cut, wells dug, and machines erected for raising water from the rivers, and that whole rivers themselves, instead of hastening to the ocean, have been made to pause and deposit their extraordinary fertility. To us the example is peculiarly interesting, since our climate resembles that of Spain in its dryness—the defect which irrigation is most calculated to repair. It is now almost an established law of this climate, that in mid-summer there shall arrive a critical season, during which the intense heat of our long days is not relieved by rains, and our crops, just as they are verging to maturity, are suddenly checked and injured, and some times destroyed, by the burning influence of the sun. But, instead of struggling to overcome this danger, our farmers, with a want of the characteristic spirit of the country, sit down by the side of the most magnificent rivers and unfailing streams, and lament the decay of their harvests, touching the river banks, without one effort to convey to these fields the water which is passing at their feet. In this finely watered country, we should surely be able to equal the improvements of Spain and Italy; and he will be a great benefactor, who shall exhibit a cheap and efficient mode of irrigation. If the first expense be beyond the means of an individual, it may be accomplished by the union of interested neighbours, and almost any expenditure would be justified by the success of a plan, which would at once render our fields twice, or five, or ten times more productive.

The prevailing opinion however is, that even with an improved culture, the high price of labor in this country renders farming an unproductive and hazardous investment of capital. This belief has contributed much to retard our husbandry. I myself think it entirely erroneous. My impression is, that a capital employed in judicious agriculture, would yield quite as safe and abundant a return, as

in most of the other pursuits of life among us, and probably superior to the profits of farming in other countries. For instance, the average profit on farming in England, with which we are most habituated to compare ourselves, is from ten to fifteen per cent. Now, in this country, the profits ought to be greater. The question might perhaps be decided by the single fact, that, while the greater part of our farmers live well and educate large families from small farms, the same class of persons in England, the renters of farms of about fifty acres, are universally allowed to be in a miserable situation; and on that account they were actually exempted from the income tax—a forbearance which describes, at once, the measure of that wretchedness which could appease or defy even the spirit of the exchequer. But the inquiry is sufficiently interesting to tempt us into a comparison, between the arable farms within reach of the markets of London and Philadelphia—their respective expenses and profits; that is, the prices at which they may be obtained and cultivated, and then the prices of the produce of them. The first naturally resolves itself into the heads of rent and taxes, and labor and manure.

The rent of land within twenty-five miles of London, varying as it does from two to fifty dollars, it is not easy to estimate with precision; but we shall err on the side of moderation, if we place the average rent of good arable land at ten dollars. The taxes and tithes, as they are stated by Sir John Sinclair, in 1821, would be fifty-three per cent. on this rent, say five dollars; making the rent and taxes on a farm of 200 acres amount to three thousand dollars. Now, if we except our alluvial meadows, the average rent of land within the same distance from Philadelphia, cannot, I think, be estimated beyond three dollars. Of tithes there are of course none; and the taxes of all kinds, judging from those of Bucks county, do not exceed twenty-five cents per acre; making the rent and taxes of a farm of two hundred acres six hundred and fifty dollars.

In the memorial of the English agricultural committee, of 1819, it is stated, that the tithes and taxes amount to one-third of the market price of agricultural productions. In this country they form a proportion so inconsiderable, that a single acre of good wheat will pay all the public demands on a farm of one hundred acres.

With regard to labor, I know it is against all our received opinions, but I incline to think that farm work in Pennsylvania is very little dearer, if it be not actually cheaper, than in England. The comparison is difficult, because at this distance we have not yet seen all the effects which the embarrassments of the last two years have produced on the rate of wages—because their nominal wages are generally swelled by perquisites, and because, in a country where every sixth or seventh person is legally a pauper, the poor rates are in fact only a disguised increase of wages. But, rejecting these considerations, and taking the average wages of day labor to be what it was in 1810, fifty-five cents (2s. 6d.) and a dinner—and it is not probably now less near London—even this does not, I believe, fall more than about twenty-five or thirty-five per cent. below the price of day labor in the same district near Philadelphia. But the nominal price of labor is a less true mode of comparison, than the actual expense of executing any given work in the two countries. Now, we have more long, clear, and working days, and our workmen—as I have spoken freely of our faults, I may be allowed to state our capacities—our workmen are better fed, more active, more intelligent, and more dexterous in their

labors. Not to speak of the axe, in all the uses of which they have no rivals, I believe that three Pennsylvania farmers, with their scythes fresh ground and their tough ash cradles, might stand before any wheat field in Europe, and challenge twice or thrice their number of reapers. This is no exaggeration. Sir John Sinclair, in his work, published as late as 1821, says, that three good reapers will cut an acre of wheat in one day. Now an American cradler will, in a field with the average crop of England, cut three, four, and even more acres in one day. He further calculates, that the cutting and binding of this acre will cost fifteen shillings, from which, if we deduct 2s. 6d as the wages of the binder, who performs his part in half a day, there remains 12s. 6d. or 2.75 dolls. per acre. Now, allowing a moderate average of work for a cradler,—three acres, and a high average of wages,—one dollar,—the American acre will be cut at the price of thirty-three cents, and the English acre at two hundred and seventy-five cents; and done as well too, for the difference, as to the shattering out of grain, between good cradling and reaping is, in fact, very little, and even that may be saved by cutting rather before the complete maturity of the grain—a system to which the best English practice is now approaching. So too, an English laborer, with a driver and four or five or six horses, will not plough more in a day than a Pennsylvanian alone with two; and no excess of wages to him, can balance the expense of a driver and two or three superfluous horses.

Again, reaping oats in Middlesex is stated to cost 8s. (1.75 dolls.) per acre. The same field in this country would probably be cradled for one-sixth of the expense. These details might be pursued into other departments of farming labor, and they would show, that an acre of ground may be prepared for seed, and the produce carried to market, at an expense, if not less, certainly not much greater, in America than England.*

The means of enriching land, by lime and other manures, are cheaper near Philadelphia than near London; and that most important article of husbandry, salt, is much cheaper here than in England, where the excise has almost banished it from their farm yards.

The prices of produce may be more readily compared. Of the great production of England, wheat, her farmers have the monopoly until the price rises to about \$1 85. This, however, being a scarcity price, is, of course, much above the ordinary price. In July last, the average of all England was about one dollar and fifty-three cents. At the same period

*These estimates may be supported by examples from other branches of industry. There can be no fairer measure of prices, for instance, than the expense of removing, by manual labor, a given quantity of earth; that is, of excavating a canal, though all the benefits of experience in that business are certainly on the side of England. Yet, yard for yard, a canal may probably be made as cheap in this country as in England. The latest British works of that kind is the Caledonian Canal, completed in 1820. There the average price in common earth was six pence or 11.9 cents per cubical yard. Now the contracts recently made, by the company for constructing a canal by the side of the Schuylkill, are in some cases as low as seven cents per cubical yard; in other and peculiar cases, as high as twenty-eight cents; but the average of the whole twenty-two miles, will not probably exceed 11.9-10 cents per cubical yard.

with us—a season of great depression—the price varied from seventy-five to ninety cents, and at the present moment, without any foreign demand, it may be stated at about one dollar and ten cents. The flesh markets are also considerably higher in England. But wheat forms only one-fourth of the crops; and in the articles of turnips and potatoes—in the root crops generally, the price is probably higher here than in England. The great staple of wool is certainly dearer. These elements will enable us to contrast, with our own, the condition of an English farmer, whose rent is three times as great, whose taxes are twenty times as great—manures more expensive—labor not much cheaper—and prices, on a whole rotation of crops, not much higher.

Yet they make their farms more productive; they pay higher rents. Near London or Edinburgh they can afford to pay for wheat lands twenty or thirty dollars rent per acre; and—what ought to shame us into better husbandry—in spite of all their burdens—in spite of a freight of 3000 miles, a commission to two merchants, and a duty of fifteen per cent. they reach our own market with their produce, and are always preferred to us.—But then they raise twice or thrice as much wheat, and probably five times as much of other produce. They have forty bushels of wheat, and fifty of barley, and sixty or seventy of oats, and twelve hundred bushels of turnips, and four hundred bushels of potatoes, all following each other with the least practicable intervals. They succeed better than we do, because, in fact, they are better farmers than we are. But the reason of the difference is, simply, that we will not bestow on our lands the same well directed labor, or the fiftieth part of the capital which they intrust to theirs. Whenever these have been applied, as in other countries, our soil has never refused returns as abundant. Of this the premium crops of our agricultural societies afford decisive evidence; and we have recently seen an experiment, which I mention as illustrating at once the judicious employment of capital, the productiveness of small spots of ground, and the benefits of soiling. The Pennsylvania hospital has, in its neighborhood, fourteen acres of ground, from which, during the last year, were soiled seventeen cows. Some of these, as their milk failed, were replaced by others. But an account of this expense, and of all the other charges, was accurately kept, and credited with the market price of the produce, either consumed in the hospital or sold at market. The clear profits amounted to more than two thousand three hundred dollars.

These calculations are, of course, not applicable to the remote farmers, whose markets are habitually less valuable, and who are now suffering under the extinction of the accustomed demands from abroad. Their embarrassments should, however, direct their industry to new channels; and there are, fortunately, now presented to the farmers of Pennsylvania, two distinct branches of industry, which may enable them to retrieve their losses, and give a new impulse to the husbandry of the state. I mean to speak of the growth of wool, and the cultivation of flax and hemp.

The consumption of woollens in the United States cannot be less than twenty or thirty millions of dollars, of which the greater part is manufactured in the country. It is needless to be exact as to the amount, since my purpose will be explained by the facts, that the domestic supply of wool is not equal to the domestic demand—that the manufactories of Pennsylvania receive much of their wool from

abroad—and the wool is at this moment probably dearer in Pennsylvania than in England, or perhaps in any of the wool growing countries; and this, while we possess the finest breeds of sheep, capable of an almost indefinite increase. These unhappy animals have been the victims of the most extraordinary caprice. When the war of the peninsula threw into this country some of the very best breeds of Spain, they were eagerly purchased at extravagant prices. But, in too many instances, the owners were deceived by calculations of their very small consumption of food; and they omitted to adopt for them, what, in the long winters of this climate, is indispensable, the turnip culture.—Large flocks were, therefore, crowded into narrow fields; where, as there was soon no other means of subsistence, their hunger forced them to eat the roots, and they were then denounced as utterly destructive to grass lands. Their inadequate supply of winter food too was soon exhausted, and they were then reproached for their voracity. Even this might be borne, while the war price of wool repaid the expenses of buying subsistence for them, but when peace diminished their value, without lessening their appetite, the owners, disgusted with a stock which they did not know how to manage, sacrificed them as rashly as they bought them, gave them away, and almost drove them away from their farms. Thus entire flocks of the finest merino sheep were devoted to the knife, for no other reason but that, contrary to the wishes and expectation of the owner, they would persist in eating. The extent of these sacrifices is scarcely credible. A very respectable butcher assured me, that he bought, for one dollar a head, a flock of merinos, among which was an imported ram, who, the owner declared, and I have no doubt truly, had cost one thousand dollars. That extravagance has now passed, and excellent merino sheep may be procured, well calculated to cover the interior of Pennsylvania with a most productive source of wealth. On the rich natural herbage of the woods they would subsist, without any expense, during a greater part of the year, and a small field of turnips would carry them through the winter. The only serious obstacle in the less populous districts is the wolf, and he is fast disappearing.

The culture of flax and hemp in Pennsylvania, has been hitherto limited by the imperfection of our machinery for working it, and by the inferiority of our dew-retting to the European practice of water-retting. Accordingly, our trade in flax consists chiefly in exporting the seed to the Irish farmers, who, after raising and preparing it, return it to our factories. It is selling the fountain and buying back the stream.

The society has been for some time engaged in endeavours to remedy this deficiency, and the result of the exhibitions this day inspires a confident hope of their success. We have just examined a machine, scarcely less important than the cotton-gin, by which all the expensive and troublesome labors of dew and water-retting are superseded; which will prevent the deterioration both in the colour and strength of the fibre caused by those processes; which will save the whole quantity—about one half—now lost in the ordinary method; and by enabling us to gather the flax before ripening, save the land from the most exhausting process of all plants, the seeding. By the general adoption of this machine, the farmers may increase their cultivation of flax and hemp—prepare it themselves—and provide a cheap supply for the whole consumption of the country. Nor is this all. As the flax

manufactures cheapen, their consumption will, of course, increase, till they may be made to regain that ascendancy in general use which they lost by the cheapness of cotton, and enable the farmers of the middle states to engage in a generous competition with the cotton growers of the south. This expectation may not be visionary. The great consumption of cotton is due to the machinery. Now this machine will greatly diminish the cost: and the manufactories of this country can, it is said, work flax as easily as cotton. If, then, the same facilities be given to flax or hemp, their prosperity may be equal; since they enter with great advantage into our rotation of crops, and the actual produce on an acre is twice as great as that of cotton.

If, gentlemen, I have wearied you with these details, you will ascribe it to the deep conviction, that nothing is more important to this community than to extend the taste for agriculture, from which the habits of the last twenty years, and the present depressed value of its produce, combine to estrange us. We, in Pennsylvania, have reached precisely that point where, with all the finest materials for good husbandry, one step only is necessary to ensure distinguished success. Why then can we not make this final effort? While all around us are roused into an honorable zeal for agriculture—while Virginia possesses so many societies devoted to her cultivation—while the most distinguished gentlemen from distant parts of Maryland crowded a few months since to their fine exhibition at Baltimore—while almost every county in New-York has its agricultural society and its cattle show, why is it that this Pennsylvania, this land emphatically of farmers, suffers herself to be outstripped in this generous career? Why is it that, although the legislature has assigned a fund for an agricultural society in every county, that, with the honorable exception of Bucks and Chester and Susquehanna and Franklin and Alleghany, whom I enumerate in justice to their spirit, the farmers of Pennsylvania have never yet found leisure to associate for the advancement of their own best interests? The establishment of these societies throughout the state, would be among the surest means of promoting its improvement. They inspire mutual confidence—they kindle mutual competition—they draw into notice the skill of experienced cultivators—they diffuse useful information—and, more than any other measure, they tend to improve and exalt the character of the farmer. The exhibitions, too, are admirable auxiliaries. By placing in their most attractive lights the labors of industry, they reward the deserving, while they stimulate the indolent, and enlist in the great cause of public improvement all the pleasures of social enjoyment and the enthusiasm of emulation. What, indeed, can be more exhilarating than the assemblage of a healthy, well clad, free, happy people, surrounded by the fruits of their well directed industry—the animals which display their kindness—the implements which attest their ingenuity? Who is there even on this side of the Atlantic, who does not read with more pleasure the accounts of the agricultural meetings at Holkham, than of the coronation at Westminster, or the assemblage of sovereigns at Troppau? Who did not feel more satisfaction at the exhibitions of Massachusetts or Maryland, than in the gaudiest displays of military power?

If I have failed to prove that the pursuits of agriculture may be as lucrative as other employments, it will be an easier task to vindicate their pleasures and their importance. I need not dwell on that retirement, one of the purest enjoyments of this

life, and the best preparation for the future—on those healthful occupations on the calmness of mind—on that high spirit of manliness and independence, which naturally belong to that condition. These are attractions which must have deep roots in the human heart, since they have in all times fascinated at once the imagination and won the judgment of men. But I may be allowed to say, that, in this nation, agriculture is probably destined to attain its highest honors, and that the country life of America ought to possess peculiar attractions. The pure and splendid institutions of this people have embodied the brightest dreams of those high spirits, who, in other times, and in other lands, have lamented or struggled against oppression—they have realized the fine conceptions which speculative men have imagined—which wise men have planned, or brave men vainly perished in attempting to establish. Their influence, in reclaiming the lost dignity of man, and inspiring the loftiest feelings of personal independence, may be traced in every condition of our citizens; but as all objects are most distinct by insulation, their effects are peculiarly obvious in the country.

The American farmer is the exclusive, absolute, uncontrolled proprietor of the soil. His tenure is not from the government; the government derives its power from him. There is above him nothing but God and the laws; no hereditary authority usurping the distinctions of personal genius; no established church, spreading its dark shadow between him and heaven. His frugal government neither desires nor dares to oppress the soil; and the altars of religion are supported only by the voluntary offering of sincere piety. His pursuits, which no perversion can render injurious to any, are directed to the common benefit of all. In multiplying the bounties of Providence, in the improvement and embellishment of the soil—in the care of the inferior animals committed to his charge, he will find an ever varying and interesting employment, dignified by the union of liberal studies, and enlivened by the exercise of a simple and generous hospitality. His character assumes a loftier interest by his influence over the public liberty. It may not be foretold to what dangers this country is destined, when its swelling population, its expanding territory, its daily complicating interests, shall awake the latent passions of men, and reveal the vulnerable points of our institutions. But whenever these perils come, its most steadfast security, its unfailing reliance, will be on that column of landed proprietors—the men of the soil and of the country—standing aloof from the passions which agitate denser communities—well educated, brave, and independent—the friends of the government, without soliciting its favors—the advocates of the people, without descending to flatter their passions; these men, rooted like their own forests, may yet interpose between the factions of the country, to heal, to defend, and to save.

There are many such men in this nation; and there was one, whom the old among us loved, and the youngest venerate—whom we may proudly place by the side of the master spirits of the best ages—the man whom his country's danger always sought at his farm, and his country's blessings always followed there—the model of American farmers. His memory is in all our hearts, and his example may well inspire a fondness for those pursuits which Washington most loved, and teach us that there is no condition in which our lives may be more useful—in which we may more honor ourselves and serve the country.

Common Schools in New York.

IN ASSEMBLY, FEB. 28, 1822.

Annual report of the superintendent of common schools.

In obedience to the act of April 12th, 1819, entitled "an act for the support of common schools," the secretary of state, acting as superintendent of those schools, by virtue of the second section of the act of April 31, 18.1, respectfully submits to the honorable the legislature the following report:

The duty enjoined upon him to make an annual report of all such matters as relate to his department, particularly in the apportionment of school moneys, in exhibiting estimates and accounts of the expenditure of those moneys, and in suggesting such improvements in the revenue and school fund, and in the organization and government of common schools, as he may deem of sufficient importance to bring to the view of the legislature, may admit of two general divisions:

1st. The progress and present condition of those schools.

2d. The improvements that may be fitly introduced, either in respect to their organization and government, or to the funds and revenue appropriated for their support.

Under the first general head, the secretary begs leave to refer to the abstracts and documents accompanying this report, marked A, B, C.

These will present the most decided evidence of the rapid progress of the common school system throughout the state.

In the short space of seven years, the number of children educated in those schools, and returned to the superintendent, has increased from 140,000 to upwards of 333,000, far exceeding the ratio of increase in population during the same period.

Thus, in the year 1816,	140,106	children were
	1817,	170,305
	1818,	183,253
	1819	210,316
	1820,	271,877
	1821,	304,559
	1822,	332,979

[taught.

Every county in the state, but one, has presented its report for the preceding year. Twenty-seven towns have made no report, and eleven have made imperfect ones. There are 6,865 school districts in the state, (an increase of about 300 since last year), of which 5,882 have furnished their returns. The number of children reported between 5 and 15 years of age is 349,258; and the proportion between that number and of those educated in common schools is as 32 to 35.

In 23 counties, the children that were sent to school exceed in number those between the ages of 5 and 15 years, while in the other counties the case is reversed. The average number of months in which common schools are kept is nearly eight. If we include the number instructed in other seminaries and schools, particularly in the cities of New-York, Albany, Hudson and Schenectady, and in Poughkeepsie, the whole will not be probably less than 375,000 that were receiving public instruction in the state, during the preceding year; being more than one fourth of the entire population of the state. A system that produces results so honorable to our legislators, and so favorable to the rights, interests and future prosperity of our country, cannot fail, if continued, to give additional strength and stability to our republican forms of government, to diffuse more widely the blessings of rational freedom, and to perpetuate the civil and religious privileges we enjoy.

It is also gratifying to state that the subordinate officers entrusted with the execution of the school act, in the different towns and counties in this state, have become better acquainted with their duties, and more prompt and faithful in the performance of them. Occasional delinquencies occur, but the examples are more rare than formerly, and less important in their consequences; and although it is to be regretted that, on account of the extensive range of the operations of this system over a population of more than thirteen hundred thousand souls, the regulations are perhaps necessarily complicated, and in some instances too obscure for general information, still it has overcome almost every obstacle, and the community yield a cordial assent to its general utility.

Perhaps the system might be simplified and improved; and the expenses now incurred for carrying it into effect, and the risks of loss in the public moneys, or in their proper application, might probably be diminished.

At present the public moneys are first paid, on the proper voucher from the superintendent, by the treasurer of the state, to the county treasurers, by them to the commissioners of schools in the several towns, by them to the trustees of school districts, and lastly to the teachers and other persons entitled to receive them. Whether these and other details are necessarily connected with, and grow out of the system itself, may be well worthy the consideration of the legislature, but certain it is, that, while they add to the expense, they increase the danger of malversation, and are liable to much abuse.

That a principal, if not the primary object intended to be attained by the establishment of common schools, was the diffusion of knowledge among those who could not procure it for themselves or their children, at their own expense, it is presumed will not be disputed; but it may admit of some doubt whether the tendency of the school act is not to exclude, in some instances, persons of the description just mentioned from participating in its benefits.

The tax imposed upon the school districts being defrayed only by those whose circumstances enable them to do so, may induce them to exclude others, who do not and cannot pay, from an equal share of education in the schools supported principally at the expense of the former.

The trustees, under the direction of the district, are the sole judges who shall or shall not be exonerated from paying the wages of the teacher; and although but few complaints have been made of the arbitrary exercise of this right, still it would be desirable to guard against even the possible abuse of such a power.

Another general remark may be here introduced, and it forcibly occurred in noticing the great inequality between the amount of moneys received, and the number of children taught, in some school districts, when compared with other districts of the same, or nearly the same population, in the same county.

In some towns, in which fifteen or sixteen hundred children are instructed, the sum of three or four hundred dollars only of the public moneys is expended, while in others, where the same amount of the public moneys, or even greater, is received, not more than perhaps half that number of children are educated, for the same time.

This great disparity cannot be altogether explained, either by reason of the difference in wages allowed to the teacher, or from any private donations which might be received in those districts; for in

towns, in which neither of these causes could operate to any great extent, the same disproportion was observable. Whether this evil can be reached by introducing a provision similar to one in the school law of Connecticut, passed in 1791, making it the duty of every society consisting of seventy families, to keep and maintain a school, for, at least, eleven months in the year, or by adopting the proviso contained in the *first general act*, passed in 1795, by the legislature of our own state, "for the encouragement of schools," in which the public moneys were directed to be paid in proportion to the number of children *actually taught*, or in what other manner, must be submitted to the wisdom of the legislature.

It may be also here remarked that a teacher of twenty children in one district may, and probably will, charge as much for his services as the teacher of forty children will in another district, in the same county; while the sums of money allowed to each district being regulated by the number of children of a certain age living therein, will be extremely disproportionate. What standard, therefore, ought to be adopted is a subject of some difficulty and importance, and, although the suggestions here made might be considered with more propriety as falling under the second branch of this report, yet, as they generally refer to the existing mischiefs in the system, it was thought fit to introduce them here.

Another and a very principal subject of complaint arises from the manner of imposing taxes under the act.

The farmer, whose land is mortgaged or encumbered, even to its full value, pays on it a tax, without any allowance or reduction whatever for the incumbrance with which it is charged, while the owner of personal property pays no more than for the surplus remaining after his debts are paid. As this objection is of a general nature, and applies to our whole system of taxation, it is thought necessary only to bring the subject to the notice of the legislature.

During the last session of the legislature, three new counties were erected and organized, and it became necessary, therefore, to apportion the school moneys among those new counties, and to re-apportion them among those from which they were taken.

The counties alluded to, were Erie, Genesee, Livingston, Monroe, Niagara, and Ontario. This duty was accordingly performed, as will more fully appear from the accompanying papers, marked O.

It was much regretted by the secretary, that he could not, at the same time, make a new apportionment of school moneys among all the towns and counties in the state, as it was apparent, from the great increase of population in several counties, particularly in the western district, that the census of 1814, had long since ceased to be a fair standard, either of actual or comparative population, and, consequently, that the apportionment under that census, had become manifestly unjust. An effort was made at an early day to procure from the proper officer, a copy of the United States census of 1820, but without effect, as will appear from the accompanying document, marked N. Recently, however, he has procured an exemplified office copy of that census, and has made a *new apportionment* of school moneys for every town, (those in Queens county excepted, owing to a *defect* in the returns), and for every county in the state, which he has now the honour to submit herewith to the legislature.

It will be observed, that, in this new apportionment, twenty-five counties will receive *more*, and

twenty-seven counties *less*, of the public moneys, than they did under the preceding apportion, and the aggregate difference in amount, is upwards of 6,500 dollars.

What effect this great and perhaps unexpected diminution will produce in the losing counties, the secretary cannot determine, but he has reason to apprehend, that the cause of education will suffer in the same degree, that the ability to support it, on the part of the state, becomes limited or restrained. Whether this anticipated evil requires any legislative attention, is respectfully submitted. But, while the appropriations out of the treasury remain stationary, and the population of our state is constantly and rapidly advancing, the results will necessarily be more unfavourable than they have heretofore been. This may be illustrated by stating the simple fact, that, under the apportionment of 1819, the sum of \$772 was payable out of the treasury for a population of every hundred souls, while, under the apportionment *now made*, it is less than \$583 for the same number.

2d. The improvements that may be fitly introduced, either in respect to the organization or government of common schools, or to the funds and revenue appropriated for their support.

As the comptroller, in his report, has furnished the necessary information with regard to the general school fund, it was only thought proper, in this report, to connect it with the local school fund, in order that a full view of both may be presented to the legislature.

By the term local school fund, is to be understood the lands set apart in the several towns in this state, called the *gospel and school lots*, and which are now appropriated for common schools exclusively.

Accordingly the secretary, in the accompanying papers, marked I, K, and M, has given a brief statement of each fund, and the different acts of the legislature, relating particularly to the lots just mentioned.

It will be seen from that statement, that owing to circumstances, not deemed necessary here to detail, there are several towns in this state more favored than others, with respect to the support of common schools. This fact, however, is not mentioned as entitled to any weight in regulating or diminishing the public bounty, for it is evident that, with all the revenue which the ability of the state can afford, education cannot be sufficiently promoted, although aided by the taxes specified in the school act.

Whether any general provision ought to be made with respect to the sale, or other disposition of the gospel and school lots, is not necessary here to discuss. The legislature will decide this question when the occasion shall demand it.

The revenue arising from the general school fund, not amounting to the appropriation annually made for the support of common schools, it becomes important to inquire in what manner the revenue may be made more productive.

That the acquisition of nearly a million of acres to the school fund, by the adoption of the new constitution, will, in a few years, enable the legislature not only to meet any deficit but even to increase the revenue, may be reasonably anticipated; but in the interim, some provisions may become useful and necessary, in order to meet a deficit amounting, probably, to, at least, ten thousand dollars a year. Several modes have been mentioned, in which the deficit may be supplied, and the payment of the revenue rendered more certain.

The consolidation of the several loans of 1792 and 1808, has been suggested as one; but if the counties are not to be made responsible for losses already occurred, the mode just stated may secure, but cannot, in any other sense, increase the fund.

Annual appropriations out of the treasury must then be resorted to, unless new sources of revenue can be pointed out and adopted.

A tax upon banks, for the property and moneys held by them; upon every commission issued to public officers, appointed by the government, and upon distilleries, already amounting to the alarming number of one thousand and fifty-seven in this state, have been heretofore suggested as proper sources of revenue, and are, perhaps, under every view, the least liable to objection.

Commissions were subject to a tax, not many years since; and it is not believed that it was repealed on account of its oppressiveness or inequality. Whether the legislature will also consider it expedient or necessary to direct the sum of money to be raised upon Orange county, which was heretofore lost to the state, in the manner set forth by the comptroller, in his report, must necessarily be subjects for their deliberation only.

But when we consider that the public treasury already labors under very many heavy contributions in support of canals, and other public improvements, and institutions, besides the ordinary expenses of government, and the liberal donations which have been made for other purposes, it may be deemed unfit to increase its burthens, unless the legislature provide other sources of revenue, or increase, in a corresponding degree, those that already exist.

This part of the subject is too ample for the limits of an ordinary report, and must, therefore, be submitted without further remark.

Should the legislature not be disposed to direct an entire revision of the act for the support of common schools, it may be expedient to submit to them amendments to several of its provisions. Others have occurred to the secretary, which he does not think it necessary now to mention in detail.

Such of them as are stated in this report, he has reduced to the form of an amendatory bill; and it may be proper here to allude, as well to them as to the mischiefs intended to be avoided by their adoption.

The 5th section of the act for the support of common schools provides for the mode of making an apportionment among the counties whose population cannot be ascertained from the census; but no provision is made in these cases in which the exact population of a county is ascertained, but not the exact population of each town in the county. The late United States census states the population of Queens county, but not the population of each town therein; it is, therefore, respectfully submitted, whether the power given by the 5th section should not be extended to cases similar to the one alluded to.

An amendment also appears to be necessary to the 20th section of the act. The penalty mentioned in that section, is directed to be sued for and collected in the name of the commissioners of the school district in which the offence shall have been committed.

There being no such officer as commissioner of the district, it is obvious that the trustees of the district were intended, otherwise the section is inoperative, and cannot be enforced for the want of persons authorized to institute the suit. Cases have occurred in which it became necessary to prosecute for the penalty, but for the want of an amendment it could not be done.

By the 25th section of the act, persons owning or holding any real estate lying within a school district, and who shall improve and occupy the same by their agents or servants, are, in respect to such estate, to be deemed subject to taxation in the same manner as if they resided therein. But if a person should own a farm extending into two or more school districts, and no part of it is improved or occupied by any agent or servant, but the whole is improved and cultivated by himself, it may be doubted whether such parts of the farm as lie out of the district in which he resides, are, under this act, subject to taxation in those other districts into which the farm may extend. To prevent litigation, therefore, and to provide for what may be deemed a *casus omissus*, a section has been prepared, and is respectfully submitted to the consideration of the legislature.

Although returns are required from the trustees of the Lancaster school in the city of Albany, and from several other similar institutions, yet from the cities of Hudson and Schenectady, no such returns are required to be made. It is proposed to place them on an equality, and to introduce a provision for that purpose.

Serious difficulties have arisen in relation to the protection afforded by the school act to collectors of taxes in the faithful performance of their duties. The 13th and 20th sections provide that every freeholder or inhabitant in a school district shall be summoned to the district meeting, either personally, or by leaving a copy of the summons at his place of abode, at least six days before the time appointed for the meeting. But it is declared that the proceedings of the meeting shall not be impugned for defect or want of due notice, "provided the omission to give such notice be not wilful or designed." It would be a serious hardship on a collector, who should be prosecuted as a trespasser for collecting a tax, to be obliged to prove in his defence one of the two alternatives—either that every freeholder or inhabitant was duly summoned to the district meeting which imposed the tax, or, that the omission to do so was not wilful or designed. Perhaps such collector may have been the only person who summoned the meeting, or some of the freeholders or inhabitants might have been summoned by him when no other person was present to prove the fact; or, he might not have it in his power to prove that the omission was not wilful or designed. In either case, it seems unreasonable to require the proof from a faithful ministerial officer, acting in obedience to a warrant apparently regularly and compulsory; and it might lead to injurious consequences, for it would impose upon the collector the duties of a judge, acting in a revisory capacity, over the proceedings of a district, to whose commands he was amenable, to whom he was subject for the faithful execution of his warrant. To avoid all questions that may arise on this point, it is respectfully submitted, whether such collector ought not to be protected in the fair and honest exercise of his official duties, by declaring it unnecessary to prove in his defence the manner in which the district meeting was convened.

In some parts of this state, the trustees of school districts have found it difficult, if not impracticable, to purchase a site of a school-house *in fee*, because the greater part, if not all, the lands in those districts, are held under contracts, and not by deeds. Some of the inhabitants who have paid their taxes, have threatened to prosecute the trustees or collector, for a return of their tax, on the ground that the money had not been applied to the purchase of

a site, according to the directions of the act. It is proposed to afford protection against such vexatious prosecution by the introduction of a proper clause for the purpose.

But no part, perhaps, of the school act, has given rise to more embarrassment and complaint, than those provisions which apply to the alteration of school districts, especially when they extend into two or more towns.

By the operation of the 12th and 13th sections, the commissioners of those towns, or a majority of them, are required to assemble together, and determine upon the proposed alteration; but as the commissioners of one of the towns may be hostile to the measure, they may defeat the object intended, by refusing to meet at all; and although manifest injustice might be thus committed, it seems doubtful whether there is any remedy under the existing provisions of the school act. A section is respectfully proposed to meet this inconvenience, by authorizing a district meeting, in that case, to determine upon the proposed alteration.

Although the superintendent of common schools is frequently consulted on the questions arising in towns and counties, and is required to give written legal opinions thereon, and to enter into a long correspondence with the officers entrusted, in towns and school districts, with the execution of the act, and with others, on the subject of their complaints, still there exists no legal authority to enforce any of his opinions, nor to put an end to the vexatious controversies submitted to his decision. The school act is already too complicated in many of its provisions, to increase the difficulty, by driving the parties into an expensive litigation, to settle probably a point of no great importance in itself, but which derives all its interest from the passions and prejudices of the parties concerned. It were better, perhaps, in such cases, to have a speedy decision, at the risk of being wrong, than to injure, if not derange, the whole system, by a long, oppressive, and procrastinated legal controversy. It is proposed, therefore, to provide a remedy, by giving the right of appeal to the superintendent, and that his decision should be final in the specified cases mentioned in the section submitted for that purpose.

The act also does not provide with sufficient clearness for the examination of instructors, proposing to teach in districts lying in two or more towns. As some difficulties have arisen on that question, a remedy is respectfully suggested to obviate future controversy.

Although the 36th section of the act directs the clerks of counties to make returns to the superintendent within a limited time, still that duty is imperfectly performed by some, and in several instances, neglected altogether. In 1816, ten county clerks, the next year five, in the year after eight, and in every succeeding year some of the county clerks were delinquent in this respect. It is proposed, therefore, to superadd a penalty to this section, in order to induce punctuality in the performance of an important duty.

By the act of March 23, 1798, [1st vol. revised laws, page 213,] the supervisor, in conjunction with three commissioners, to be chosen by each town in which a gospel and school lot is situate, are authorized to lease such lots, and to institute the necessary suits for gaining possession of them; and the moneys arising from such leases are to be applied to the support of the gospel, and of schools, in such towns. It is proposed to transfer this power to the commissioners of schools, and a clause is respect-

fully submitted for that purpose. The harmony of the system seems to require this amendment, and it is believed that it will promote the object of the legislature more effectually than under the present regulations.

By the 20th section of the act, "the freeholders and inhabitants of school districts liable to pay taxes, are authorized to vote at any district meeting. The construction given by the former superintendent to the latter qualification is, that it must refer to a *present liability* to pay taxes in money, but not requiring from the person offering to vote, that he had *actually* been rated or paid taxes. It has been stated, on good authority, that in the neighborhood of some manufacturing establishments, the privilege had been abused, and a construction was given so as to include all persons, whether taxed or not, or possessing property subject to taxation or not. It appears to the secretary that the section referred to requires a more clear and definite character, and, perhaps, an amendment, declaring that every freeholder, and also every inhabitant legally settled in the town, who had been rated on the assessment roll of the same town the preceding year, or in the year in which he offers his vote, shall be entitled to vote at such district meetings.

As the commissioners of schools, who had received the public money, have, in some instances, left the town shortly after, with the money in their hands, it may be advisable to require, either that security be required from commissioners for the faithful application of the money, or that the town clerk be, *ex-officio*, treasurer to the commissioners, upon giving the like security.

Some inconveniences are stated to exist in the election of officers in Lancaster schools, incorporated under special acts of the legislature. As the regents of the university were authorized, by an act of the last session, to incorporate schools of that description, it is respectfully proposed to give to Lancaster schools, of the former class, the right to surrender their charters, in part, and to receive from the regents others in their stead.

The secretary thinks it his duty to present, in his report to the legislature, a question which, in one school district at least, has excited much feeling, and may furnish a proper subject for consideration. The children of a *free black man* were refused admission into a district school, and the trustees sanctioned this act, on the ground, as the secretary has been informed, that they had absolute and uncontrollable power to refuse or admit whomsoever they should think fit. Whether the refusal arose from prejudices existing against persons of color, or from what other cause, he is unable to state. But it seems to him that some provision is necessary for the instruction of the children of a degraded race, although few in number, who ought to be emphatically entitled to the benefits of a common school education.

Another subject also has excited considerable interest in some parts of this state. The trustees of one or more districts have hesitated to give permission to pious and well-disposed persons to have public worship performed occasionally in the district school house, although so to be conducted as not to subject the school or its contents to any injury, nor the teacher nor scholars to any interruption in the regular hours of tuition. Whether any such provision by law ought to be made, is respectfully submitted; the secretary has discharged what he considers a duty, in bringing the subject to the notice of the legislature.

Some complaints have been made, that the parents of scholars, who had regularly been admitted into schools for a quarter, were denied admission in the succeeding quarter, to make up the time that, by sickness or accident, they were prevented from attending school the preceding three months, unless they paid a further sum of money for this privilege. The parent insists that the tax he pays being for the whole year, the benefit he should receive ought to be for the same period. The legislature will determine whether any, and what remedy ought to be applied.

As the increase of school districts is annually very rapid, it is proposed that authority be given to publish, as an occasion may require, additional copies of the school act, and amendments thereto, if any, and the instructions which accompany it. The number published in 1819 was eight thousand; but as they are nearly exhausted, a further supply will soon be necessary.

It has been suggested that the act, so far as concerns the city of New York, requires revision. The secretary is not sufficiently informed of the particular defects that are made the subject of complaint, and, therefore, thinks it necessary only briefly and generally to allude to it.

He cannot conclude this report without respectfully suggesting, that if the duties of superintendent are to continue united to those of secretary, it would seem reasonable, in his opinion, that some provision should be made for the payment of a clerk.

The letters and opinions which are written and copied during the year, and a variety of other similar labor that has accumulated in no small degree, and which will, probably, continue to do so as long as the population of the state is increasing in the ratio it has hitherto done, appears to indicate the propriety of the course suggested.

The following papers accompany this report.

Paper A. Abstract from the returns of common schools in the several towns and counties in the state of New York for the year 1821.

B. Summary of the preceding abstract.

C. Report from the city of New York.

D. Cities, villages and towns, for whose benefit special statutory provisions exist

E. New apportionment of school moneys, under the United States census of 1820, showing the population of each town and county, and the sums payable to each out of \$80,000, on and after the 1st day of February, 1823, together with a view of the increase of population in each county, and the gain or loss of each county in school moneys, by the census of 1820, as contrasted with the apportionment made in 1819, under the state census of 1814.

F. Summary of the counties that will gain by the new apportionment.

G. Summary of the counties that will lose by the new apportionment.

H. Sums payable to each county under the United States census of 1820.

I. Gospel, school, and literature lots.

K. General and local school funds.

L. Moneys paid out of the treasury of this state, for the support of common schools, since the year 1795.

M. Acts of the legislature concerning gospel and school lots.

N. Letter from D. Brent, Washington, 11th April, 1821.

O. Apportionment made in 1821 between the counties of Erie, Genesee, Livingston, Monroe, Niagara, and Ontario, by reason of the division of Genesee, Niagara, and Ontario.

P Form of a bill proposed by way of an amendment to the school act.

All which is respectfully submitted.

J. V. N. YATES, Secretary of State, and ex officio superintendent of common schools. Albany, February 26, 1822.

Board of Public Works of Virginia.

Report on the finances of the fund for internal improvement.

FEBRUARY 11, 1822.

SIR—I have the honor to inclose for your attention, authentic extracts from the journal of the board of public works, of the 8th and 9th instant, comprehending important proceedings on those days, in relation to the objects committed to their trust, which, pursuant to a resolution of the board, are now laid before the general assembly.

I have the honor to be, sir, your most obedient,
TH. M. RANDOLPH.
President B. P. works.

The honorable the speaker of the house of delegates.

The committee appointed to examine into the present state of the income of the fund for internal improvement, the probable income to be expected during the present year, and the charges upon the same, to be provided for during the present year, have performed that duty and report:

That there was reported to be in the treasury on the 15th day of December last, to the credit of the fund for internal improvement, the sum of

\$17,206 29

Subject however to a deduction for this sum paid on the 4th day of December last, on account of the map, and which, not being known to the board of public works, was omitted in the former accounts,

3,000 00

Real sum in the treasury on the 15th of December, 1821,

\$14,206 29

Since which the following sums have been received, viz:

From the Farmers' Bank, \$5,001 00
And, 62 50

\$5,063 50

From the Bank of Virginia, \$20,350 00
And, 1,383 00

21,733 00

From the Swift Run Gap turnpike Co. 102 50
From the U. States' Bank, 420 00

\$41,515 29

And since the 15th day of December last, the following sums have been disbursed, viz:

To the Cartersville bridge, \$ 1,000 00
To the dock company, 12,500 00
To the Dismal swamp canal company, 12,500 00

On account of the expenses of the board, officers salaries, &c. &c. 1,875 58

27,875 58

Balance now in the treasury, \$13,641 71

Paid into the treasury, by the principal engineer, for balance of the last year's accounts, 278 79

Amount now in the treasury, \$13,920 50

The income which may be expected during the present year, is as follows: viz:

From the town of Petersburg,	326 00
Now due from Valley Bank,	\$9,594 74
And,	3,300 00
	<hr/>
To become due from ditto in July, say,	12,894 74
Now due from the James River company,	3,300 00
To become due from ditto in July, say,	6,408 00
Now due from the North Western Bank for dividends due before Jan. last, say,	3,408 00
Due from do. for Jan. dividend,	\$2,425 50
	231 00
	<hr/>
To become due in July next, from do. say,	2,656 50
To become due in July next, from the Farmer's Bank, say,	577 50
To become due from the Bank of Virginia, in July next, say,	5,053 50
July dividend on the United States Bank stock, say,	21,733 00
Now due from the Little River turnpike company, say,	420 00
To become due from the Swift Run Gap turnpike company, in July next, say,	753 00
Now due from the Dismal Swamp canal company, for dividends on stock of the United States' Bank loaned them,	102 50
To become due from do. in July next, on the same account, say,	1,000 00
Interest now due from ditto for loan, interest to become due from do. in July next,	375 00
	750 00
	<hr/>
	\$74,978 24
The charges upon the income of the fund for internal improvement, to be provided for during the present year, appear to be as followeth, viz:	
Balance to be paid to the Cartersville bridge company,	\$1,750 00
Further instalments to the Roanoke navigation company, say,	12,800 00
Third instalment to the Swift Run Gap turnpike company,	11,500 00
Third instalment to the Leesburg turnpike road company,	8,400 00
Loan, in July, to the Dismal swamp canal company,	12,500 00
Charges of the board, officers' salaries, &c. &c. say,	5,126 42
On account of the map, say,	9,000 00
On account of the stock of the Monongalia navigation company, say,	3,500 00
	<hr/>
	64,576 42
Surplus beyond ordinary charges,	\$10,101 82

But besides the foregoing charges, the following sums are to be provided for, and set apart for the purchase of the certificates of James river loan, viz:

This sum received from the James river company, being the surplus of their income of 1820,	\$5,370 59
This sum appropriated from the income of the fund for internal improvement,	18,000 00
	<hr/>
	\$23,370 59

From which it appears, that there will be a deficiency in the resources of the funds for meeting the engagements of the present year.

It will be observed, that the foregoing statements vary from those which accompanied the last annual report (and which, as to the future income of the fund for internal improvement, was necessarily, in great part, conjectural), in several particulars.

The charges on account of the Roanoke and Monongalia navigation companies, are reduced by small sums, according to information recently received.

The \$3,000 paid on account of the map in December last, was omitted in the annual report, because not then known to the board of public works: the payments on that account being made by order of the executive, and not of the board of public works.

The January dividends upon the bank stocks are now entered as ascertained; and those of July are anticipated to be no greater than those of January. The unexpected deficiency in the income of the fund, arises almost entirely from the small dividends upon the United States' bank stock, and the stocks of the bank of Virginia and of the farmers' bank, especially of the two latter, whose stock constitute the principal part of the productive capital of the fund. It was supposed that those two banks would have given to individual stockholders 4½ per cent, per annum; and if so, the anticipations of the board of public works, as to the income of the fund from these sources, would have been fully verified, in consequence of the bonus paid on a large part of their stock: but they divided in January last at the rate of 3 per centum per annum only, to individual stockholders.

It appears to your committee, therefore, that if, (as the law requires), the said sum of \$23,370 59, be set apart, out of the income of the fund for the present year, it will be indispensably necessary to dispose of a part of the disposable fund, to meet the engagements of the board for the present year. In that case, the board would have to part with a productive fund; and the money so set apart, for the purchase of the certificate of the James river loan, would remain unproductive, until such certificates were offered for sale; and your committee are of opinion that no such certificates, or, if any, to a small amount only, will be offered for sale during the present year. The board of public works, in order to avoid this loss of interest, proposed in their last annual report, that the general assembly should authorize the investment of the funds appropriated to the purchase of the certificates of the James river loan, in some productive fund, until the same could be applied to their destined object: And it seems now to your committee that the best means of providing for the anticipated deficiency of the income of the fund, and to avoid the loss which would accrue from keeping so large a sum on hand unproductive, would be, to meet the other charges of the fund out of the ordinary income, and to transfer to the credit of the fund appropriated for the purchase of the certificates of the James river loan, 210 shares of the stock of the bank of the United States; which, at the now current price, would be equivalent to the said sum of \$23,370 59. The said stock to be sold as occasion should require, for the purpose of purchasing the certificates of James river loan, when such certificates shall be offered for sale.

Your committee have, therefore, come to the following resolutions:

Resolved, That it be respectfully recommended to the general assembly, to enact a law, providing,

That the president and directors of the board of public works do pass to the credit of the fund set apart for the payment of the interest, and the purchase of the certificates of the James river loan, 210 shares of the stock of the bank of the United States, in satisfaction of the sum of \$23,370 59, now due to that fund; and that the future dividends declared upon the said shares, be passed to the credit of the same account.

That, whensoever any certificates of the James river loan shall be offered for sale to the collector of the board of public works, at par, the said collector shall, by order of the board of public works, if in session, or of the members of the board, ex-officio, in the recess of the board, sell so many of the said shares as may be necessary to effect the purchase of the certificates so offered for sale.

That, for the future, so much of the annual appropriation from the income of the fund for internal improvement, for the payment of the interest, and purchase of the certificates of the James river loan as may not be necessary for the payment of interest, shall be invested, by order of the board of public works, in some productive fund, until the same shall be wanting for either of the purposes aforesaid, and then to be re-converted into money as aforesaid.

Resolved, That a copy of this report, and of the foregoing resolution, be submitted by the president, to the general assembly.

A true copy, from the journal of the board of public works, of the 8th of Feb. 1822

BERNARD PEYTON,
Sec'y B. P. Works.

Maryland—Internal Improvements.

REPORT TO THE HOUSE OF DELEGATES

Of Maryland, by the committee on internal improvement, to which was referred so much of the executive communication as relates to that subject.

The committee to whom was referred so much of the governor's message, as related to internal improvement, respectfully beg leave to submit the following report:

Your committee cannot but feel a deep conviction of the importance of the subject which has been submitted to their consideration, when they look over the vast field it presents to view, and reflect upon the intimate connection it has with the prosperity of the commonwealth. To improve the internal resources of a nation has always been considered, by the wisest statesmen, the surest method of promoting its strength and its happiness, and has, accordingly, enlisted the zeal of the most enlightened patriots of every age. It is rousing into active life the dormant energies of the soil; giving spirit to the enterprize of the citizens; turning to a more profitable account the labors of husbandry; creating new fibres in the body of the republic; infusing into it a more wholesome circulation, and, in its effects, "almost annihilating space;" thus, by bringing neighbor states into closer proximity; equalizing their mutual advantages, and restoring the balance which the partial dispensations of providence may have rendered necessary to the wants and the weakness of the less favored.

To a young state, these improvements are vitally interesting; a spare population becomes vested with all the faculties which render a more numerous one

efficient and useful; invention and skill supply the force of numbers, and the same advantages are afforded on a large scale, which result from the application of all kinds of labor saving machinery, to the details of industry, thus facilitating the work of civilization and refinement, and giving to the tardy gait of years, the strides of centuries.

To the state of Maryland this subject is presented with the most imposing pretensions. Situated in the very bosom of our great confederacy, she stands equally open to the commerce of the north and the south, and, from her fortunate proximity to the most important points on the western waters, possessing a control over the products of that region, which no rivalry can arrest from her enjoyment; a control which, at no distant day, must render her the mistress of the great western trade; the guardian of the gates through which the treasures of a boundless country shall find their vent, and which shall draw to her shores the riches of an incalculable commerce. In addition to this, the bounteous hand of nature has spread through her confines one of the most magnificent bays in the world, upon whose expanse, float securely to their market, the richest portions of her produce. The Susquehanna and the Potomac, washing her remotest borders, open to the industry of her citizens, the prospect of exhaustless treasure, while innumerable fertilizing streams between literally irrigate every acre, and afford an immeasurable supply to every demand for internal improvement.

These advantages have not been overlooked or unappreciated by the citizens of our state, and numerous efforts, founded upon private as well as public patronage, to facilitate and improve the means of internal transportation, attest the interest it has excited; and your committee rejoice to find that this subject begins still more to engross the attention of every intelligent portion of the community. In this, our state does but respond to the prevailing sentiment of the nation. Since the late war, there is scarcely a part of the union which has not directed its attention and its means to this question, and the result has been an improvement in the general aspect of the United States, in the course of a few years, which, considering the population and the wealth of the country, and the extent of territory upon which these improvements have been spread, is perhaps unequalled in the history of free nations. The state Maryland has, from the period of the revolution to the present time, evinced a most commendable disposition to lend her aid to every undertaking which professed to encourage those objects; and although at times an injudicious calculation may have thwarted her success or disappointed her hopes, still she has derived many and most permanent advantages from the well timed appropriations of her resources.

At the present juncture, much is required of her. The competition of formidable rivals, although, as your committee believe, it cannot subvert her strength, may, for a long time, retard the full and profitable exercise of it; and it, therefore, becomes a matter of the most urgent solicitude, that we should be in a situation to keep pace with the zealous enterprize of our sister states, who are at this moment contending with us for the prize of future power and importance in the commerce of the west.—Although that struggle be maintained with all the perseverance which self interest can supply, and the effective force which a nervous and a wealthy population can bestow, Maryland must nevertheless, by a discreet and intelligent expenditure of her means, aided, as she is, by a more than counterbal-

ing beneficence of providence, forever hold a successful mastery in the strife.

Your committee conceive that this subject is urged upon the attention of the state by other considerations. The present generation seem to be more imperiously called on for the adoption of a system of policy in regard to this question, than any other that has preceded them, and, perhaps, more than their successors ever may be. The tranquilized state of Europe; the establishment of what appears to be a more settled order of things; the general competition in every branch of trade, appear more decisively, at this time, than at any former period, to throw the several states of our union back upon their own resources, and, of necessity, to drive them to the contemplation of their intrinsic energies. The period is rapidly approaching, at which it is conceived a large manufacturing interest will be fostered in our country, and the attention of our population applied to furnish a substitute for a vast variety of the present commodities of trade, which, before the lapse of many years, must become the product of our own labor and the growth of our own soil. This consequence has been partially developed at the present day, by the entire change of our political relations with the states of Europe, and it is believed that, so far as regards the condition of this continent, that posture of things will be permanent. From this view, it is obvious that the labor of our country must be differently applied, and the current of our national means turned into new channels.

Your committee beg leave further to say, that in their opinion it is impossible to give a more profitable direction to the policy of the government, than by the application of its strength to internal improvement. A judicious effort in this way is always sure to produce a rich harvest of remuneration, and, it is believed, that every expenditure required by it, is completely reimbursed to the country, almost before its deficiency is felt. There is scarcely a turnpike road constructed, or a canal made, which does not, in the course of a very few years, yield to the community, however unprofitable it may be to individuals, a full recompense for its creation; and, indeed, from the facilities which the state of Maryland every where presents to this species of enterprize, and the increasing trade that must inevitably be the consequence, your committee do not hazard too much by declaring, that a well selected scheme, for the improvement of the means of internal transportation, must become one of the most profitable objects in which capital could be invested.

In the discharge of the duty assigned to them by the house, your committee conceive it necessary that they should present a general view of the most prominent objects of improvement, at present within the contemplation of the state, and, as the governor's message more particularly designates the river Potomac as a subject of attention, they would beg leave to make some remarks in reference to it.

The commission which was authorized by the resolutions of last session, to unite, in an examination of the river, with a similar commission from Virginia, have been delayed by the tardiness of the latter state, in the commencement of this work. Although the Virginia commissioners have been named by the executive of that state, obstacles, unknown to your committee, occurred to prevent the execution of the design entrusted to them, until the lateness of the season rendered it impracticable to proceed to any satisfactory examination of the state of the river. It is presumed, however, that all parties will be ready to progress in the contemplated

enterprize as soon as the approaching year may become most favorable to their purposes, and as the objects for which this commission was created, are of very interesting importance to both states, your committee would recommend a continuance of the resolutions; and, in order to apprise the executive of Virginia of the feeling of the state upon this subject, your committee would respectfully suggest the adoption of the additional resolution accompanying this report.

As to the improvement of the navigation of the Potomac, your committee would say a few words. This noble river, from its peculiar course, holding its way exclusively through the confines of the state, watering an extensive and fertile region; receiving the tribute of some of the finest streams of our country, among the rest, the Shenandoah, whose protracted channel sweeps through the most luxuriant valley in Virginia, must always be considered one of the richest possessions of our state, and eminently entitled to the attention of her citizens—Amid these advantages, it is the unfortunate lot of this river to present obstacles which must, for a long time, retard the course of improvement, and exclude the benefits of a commerce longing to seek that channel. It is remarkable for having the greatest fall, perhaps, of any river in the United States, where an ascending navigation is attempted, and the consequence is, not only an accumulation of rocks and rapids, which can only be surmounted by the arduous toil and disciplined skill of the boatmen, but a liability to extreme lowness of water, which has been known, in some extraordinary years, to have prevailed through the whole boating season, almost to the entire exclusion of that mode of transportation. These causes have operated to produce a neglect of the trade of that river, so far as to reduce it to an amount certainly insignificant when compared with the illimitable riches which might be collected on its banks. The state has already spent large sums of money in the fruitless endeavor to seize upon its treasures, and the reiterated attempts of a well organized and richly endowed company, give a striking demonstration of the futility of attempting to vanquish obstacles in their nature insuperable. The time, doubtless, will come, when the enterprize of the state, aided by an abundant treasury, and the keen edged activity of commercial wants, will devise and execute some project which shall yet put Maryland in the full and perfect enjoyment of this yet unconquered tributary. That day is certainly not at hand, and the slender supplies of the state, your committee conceive, would be lavished with a useless prodigality, upon any attempt to render the navigation of the *bed* of that river more practicable than it is; indeed every thing seems to be done which can be done in regard to that object. The channel has been cleared, canals have been constructed around or through all the important rapids, and the most considerable falls are provided with durable and substantial locks; the trade, nevertheless, still languishes under unsubdued impediments. The only method of improvement, therefore, which could be suggested, would be the construction of canals through all that part of the country in which the river presents the greatest body of obstacles; an undertaking which could only be achieved with the wealth of an empire.

Your committee are naturally led from these speculations to a contemplation of the resources of the state in another quarter. The river Susquehanna has been brought upon the public view with a renewed interest and the means of improving it

have been already submitted to this committee, upon which they had the honor to make a distinct report. They had the satisfaction to find the report promptly adopted, and the bill which accompanied it speedily passed into a law. This river stands in a very different predicament from that of which we have just spoken. It appears to be now satisfactorily ascertained, that every work which is calculated to improve the bed of the river, and render it more practicable to the purposes of navigation, must ultimately offer a rich remuneration to the state, in an increased supply of produce. The Susquehanna, unlike the Potomac, has, until it approaches within a short distance of the tide, a moderate fall, and rolls over a wide and comparatively smooth bed; is more regular in the rise and fall of its water, and in every respect is more propitious to navigation. Within forty or fifty miles of the tide, it passes through a range of country which falls with great abruptness to the Chesapeake, and presents innumerable ridges of granite, which, being broken in the bed of the river, offer almost the only serious obstacles which occur in its passage from the borders of the state of New York. Some late efforts evince the entire practicability of surmounting these difficulties, and there no longer remains a doubt that a judicious effort, applied to the improvement of this lower portion of the river, must be productive of incalculable benefit to the state. This once achieved, the products of an immense extent of country, reaching through the heart of Pennsylvania and penetrating into the interior of New-York, are at once poured into the lap of Maryland. For an estimate of the value of this commerce, even under its present disparagements, your committee beg leave to refer to the separate report already made by them upon this subject. The work, therefore, in the opinion of your committee, deserves the serious and immediate attention of the legislature, and it is hoped that the measures already projected by the spirited and meritorious enterprise of the citizens of Baltimore, will have the effect to demonstrate the importance of the design, to the great and permanent interests of Maryland, and speedily to enlist a more decided patronage in its favor.

The next object of concern in reference to the duties of your committee, is to be found in the execution of a design which was conceived as long ago as the year 1799, and as yet but partly accomplished, to effect a water communication between the Chesapeake and Delaware bays. A rout was, at that time, marked out by commissioners appointed by a company incorporated for this purpose, (the commission consisting of gentlemen of Pennsylvania, Delaware and this state), which was supposed to be the most eligible course presented by the character of the country of the peninsula, as well as by the convenience afforded in the supply of water. This rout extended from a selected point on the Elk-River to the Christiana, in Delaware, and the supply of water was to be obtained from a feeder, reaching from the upper district of the former. From the want of funds, as well as from other causes of less importance, this work did not progress further than the preparatory stages of the design, by the partial completion of nine or ten miles of the feeder, in which attempt the whole capital originally paid in, amounting to upwards of one hundred thousand dollars, was expended.

In the session of 1812, an act passed this legislature, expressing a design to co-operate in the original scheme, by a determination to subscribe for two hundred and fifty shares of the stock, whenever

the government of the United States, and the states of Pennsylvania and Delaware, should have subscribed, in their individual capacities, for amounts therein specified. Since the passage of that act no movement has been made towards the ulterior accomplishment of this work. As the interference of this state appears to be of doubtful policy, a bill has been submitted, which yet remains upon the table of the house, recommending the repeal of that act, before the performance of the conditions by either of the parties shall have placed this state under an obligation to redeem the pledge. Your committee do not hesitate to recommend the policy of this procedure, if circumstances, which may be unknown to them, have not before this occurred to render their withdrawal a violation of faith. In this recommendation, your committee deem it necessary to say, that they are far from being actuated by any sentiment hostile to the prosperity of the projected enterprise; that, on the contrary, they believe it to be a work from which a very respectable portion of the state of Maryland may derive essential advantages, in the choice it may present them of an intercourse with two of the most extensive markets on this continent, and also from the facilities afforded to a trade with an extensive manufacturing district, through which the intended canal is destined to run; but your committee conceive the propriety of the measure is urged by a consideration, in the first place, of the limited means of the state, at present applicable to such an enactment; that they may be called upon, almost without notice, to perform their stipulation; and, in the second, from a reference to the much superior interest in this undertaking in the government of the United States, and the states of Delaware and Pennsylvania, which, it is presumed, is sufficiently cogent to induce themselves to finish the work--this subject always having been one of favorite interest at Washington, and to the city of Philadelphia, a matter of such engrossing importance, as to induce a belief that she alone could enter, single handed, upon the enterprise. These arguments, no doubt, would have been better urged against the policy of the act of 1812, at the time of its passage, and may now appear to fall with ill grace from the state of Maryland. Your committee would, however, again repeat, that unless the withdrawal can be made without trespassing upon the proper expectations of the other parties, much less trenching upon their interests, they would reprobate the act and recommend an instant provision to be made for this anticipated demand, no matter what may be the embarrassments of the treasury, since they should regard it their duty to inculcate the propriety of the most scrupulous adherence to every engagement, (if such this may be called,) howsoever indiscretely it may have been made. In the present case, your committee do not perceive the existence of any such obligation, or that the state ever designed to bind itself to do more than good policy, evidenced even by a future state of circumstances, should require.

Such appear to be the most prominent objects of improvement in internal transportation by means of water, in the present contemplation of the citizens of this state. Every year may be expected to develop new schemes, and to suggest the awakening of some dormant power. Our country teems with the facilities of this kind of enterprise; and the wants of an augmented population, and a more extended culture of our soil, must, in a very few years, give rise to projects as yet unanticipated and unknown. There are many, however, rationally within the view of the present time; such as the

scheme of a connection between the Susquehanna and Potomac, by means of a junction canal, and its intersection at some middle point by another, leading to the city of Baltimore. This project is recommended by the command it would instantly afford to the state of Maryland, over the trade of the vast extent of country connected with the Susquehanna and its tributaries on the one side, and the Potomac and the Ohio on the other. The means of its accomplishment too, are considered as in no embarrassing degree difficult, while the revenue, it would undoubtedly afford to the state, or to individuals concerned, must be great beyond the reach of any ordinary calculation. Other schemes, looking to the same object, the concentration of this extended trade in the city of Baltimore, have, from time to time, occurred to view. Among these may be ranked, a canal extending from York-Haven on the Susquehanna, to that city, which it is supposed will eventually furnish a substitute to the lower navigation of that river; a canal connecting the Potomac with the Patuxent; another uniting the Monocacy and Patuxent, and many others affording the means of an union with the upper country. The late attempt of the state of Pennsylvania to direct a large portion of the internal trade, dependant upon some of the above mentioned improvements, to the city of Philadelphia, by forming a connection between the Susquehanna and the Schuylkill, through the means of the Swatara and Tulpehocken creeks, which undertaking is said to be now in a state of prosperous forwardness, certainly furnishes an additional argument for urging, at this time, a consideration of these subjects upon the state, and more especially, in regard to all such improvements as relate to the navigation of the Susquehanna. That cause will, doubtless, operate to give expedition to the labor of our citizens, since delay must not only be attended with present privation, but possibly the exclusion of all future hope of enjoying a rich and lucrative commerce, now about to be lured into the channels of a jealous and powerful competitor. In many of these improvements, it will likewise appear that the interest of the adjacent states is so obviously connected with our own, that we may safely confide in the expectation of their assistance in the undertaking. Thus every substantial work, calculated to open the sources of the Potomac river, and to connect them with the western waters, must be a subject of equal concern to the states of Ohio, Virginia and Kentucky, and would, unquestionably, insure their aid; while it is no less to be supposed, that the state of Pennsylvania would heartily concur in our labors on the Susquehanna. Indeed, your committee have every reason to believe, that, even now, a bill is before the legislature of this latter state, which, it is presumed, will meet with their approbation, providing for an immediate co-operation with the state of Maryland, in the plan of improvement for that river, suggested in the bill reported by this committee in an earlier part of the session, and passed by both houses.

The advantages of transportation by water, over the most improved methods of conveying produce by land, will always render the former the most important object of attention, and although the superior facility, on the score of expense, of making roads, may have a tendency to attract capital to that species of investment, yet this advantage is more than preponderated by the great disproportion between the two in the expense, the labor and expenditure of carriage, as well as in the bulk transport-

ed. There are many articles of produce, also, whose size and weight, compared with their value and the distance from market, prevent them becoming commodities of trade, so long as they are shut out from the means of water carriage; yet which, with this opportunity, may form no inconsiderable portion of the internal commerce of the country. There are others also, which, although of a more convenient bulk, are entirely precluded from a low market, owing to the expense of transportation. In regard to such articles, the uncertainty of their becoming a matter of profit, induces a negligent culture, and prevents them from arriving at that perfection which the activity of trade always communicates to an important staple. The difference of expense of transportation between roads and canals is, generally, estimated as one to six, and from that to one to ten, in favor of the latter; to this, also, may be added, the convenience in regard to size and packing of the burthen borne. In Mr. Fulton's report to the secretary of the treasury, in 1807, this subject is considered by him, and your committee would beg leave to make the following short extract by way of illustration: "I will now suppose," he writes, "a canal to have been cut from Philadelphia to Columbia, and its windings to make 100 miles, at 15,000 dollars a mile, or for the whole 1,500,000. On such a canal, one man, one boy, and one horse, would convey 25 tons, 20 miles a day, on which the following would be the expenses:

One man,	\$1 00
One horse,	1 00
One boy,	50
Tolls for repairing the canal,	1 00
Tolls for passing locks, inclined planes, tunnels and aqueducts,	1 00
Interest on the wear of the boat,	50
Total	\$5 00

This is equal to 20 cents a ton for 20 miles, and no more than one dollar a ton for 100 miles, instead of ten dollars paid by the road. Consequently, for each ton carried from Columbia to Philadelphia on the canal, the company might take a toll of six dollars, instead of one, which is now got by the road, and then the flour would arrive at Philadelphia for seven dollars a ton, instead of ten, which it now pays." A little before the above extract, the same writer had given a calculation in regard to the road. "From Philadelphia," he observed, "to the Susquehanna at Columbia, is 74 miles; that road, if I am rightly informed, cost on an average \$5,000 a mile, or 444,000 for the whole. On it, from Columbia to Philadelphia, a barrel of flour, say 200 weight, pays one dollar carriage; a broad wheeled waggon carries thirty barrels, or three tons, and pays for turnpike three dollars; thus, for each ton carried, the turnpike company receives only one dollar." This calculation, founded, as it doubtless is, upon a careful and accurate consideration of the question, demonstrates at one view the immense importance of the subject, and places the superiority of canals in the most prominent light.

From this communication, your committee would turn to the subject of the roads, upon which it is necessary they should say but very little. From the hilly and broken character of a great part of this state, as well as the difficulty of procuring a sufficient supply of water at the summit levels, it must ever be necessary to substitute turnpike roads in many of the important districts, in the place of canals. To this species of labor, the public spirit of our citizens has been long since applied, and

there is no state in the union more amply provided with excellent roads. The munificence of the general government has, in the space of a few years past, completed one of the most substantial, and best constructed turnpikes, perhaps, in the world, leading from Wheeling, in the state of Virginia, to Cumberland. This work is connected with the other roads forming a communication with the city of Baltimore, and has become the route of a very extensive trade. The line of communication, however, is interrupted by a space of about ten miles between Boonsborough and the Conococheague, which yet remains unpaved. It is indispensable this piece of road should be instantly completed. Your committee, however, conceive it unnecessary to suggest any plan for this purpose, as they believe the fullest reliance may be placed in the efficacy of the measure already submitted and adopted by this legislature. It is understood that the citizens of the upper counties of Virginia have projected a scheme to shorten the distance between the city of Baltimore and Cumberland, by making a road from Shepherdstown, on the Potomac, to the last mentioned point. Should this enterprise be carried into successful operation, the diverging point would most probably be at Boonsborough. That circumstance, however, your committee conceive should have no effect in retarding the operations of the state in regard to the proposed work, as, in any event, it is a matter deeply interesting to a very extensive and populous part of the country, who suffer, at particular seasons of the year, the most serious privations from the want of it.

While upon the subject of this road, your committee cannot withhold the expression of their desire to see some efficient arrangement made for the purpose of rendering the whole of this important line of communication free of toll, or subject only to such burthens as may be necessary to keep it in repair. The propriety of such a measure is urged by a multitude of considerations which have been so frequently submitted to the legislature, as to make it unnecessary to repeat them, and such appears to be the general accordance of opinion upon this question, that it is believed nothing but a deficiency of means has prevented the purchase being made long since. Your committee merely throw out this topic for the consideration of the house, as connected with the objects of their report, without pretending to suggest any plan upon the subject. Connected with this also, is the subject of a bill now upon the table for the purpose of authorizing congress to impose a small toll upon so much of the Wheeling turnpike as extends within the limits of this state; the object of this bill your committee believe to be politic, and they would respectfully recommend its passage.

Such appear to be the general topics within the range of the inquiry submitted to your committee. They have endeavored to convey a faithful outline of the subject, without aiming at an exhibition of the details, which a more complete elucidation might demand. It is with some hope of recommending even a more general application to these speculations, that they have progressed in their work, as they feel confident the subject cannot be too soon taken up or too much dwelt on by the citizens of Maryland, who are compelled to maintain, by the resources of ingenuity and artificial improvement, the influence and political consideration in the confederacy which a small population and a limited territory might deny them. In order, therefore, to keep alive the attention and the

zeal of the state upon this question, your committee conceive no better plan could be devised than the establishment of a board of public works. As this, however, is a matter for which the state may not yet be prepared, and which may require much more information in regard to the objects of internal improvement than your committee have it in their power to present, they would recommend, for the present, the institution of a committee, to be selected by the executive from among the most intelligent members of the community, with directions to report, either individually or collectively, to them, the most judicious course of improvement in reference to the roads, canals and rivers of the state, or such parts of them as may come under their notice. And further, that the executive be authorized, if they should deem it expedient, to cause surveys to be made and maps to be returned, of such districts, roads or water courses, as, in their opinion, may be necessary to the illustration of any proposed plan of operations. And that directions be given, that such reports be made, if possible, in time for the meeting of the next general assembly.

To this effect your committee have the honor to present resolutions accompanying this report.

All of which is respectfully submitted,

J. P. KENNEDY,
Chairman of the committee.

RESOLUTIONS ACCOMPANYING THE REPORT.

1. *Resolved*, That the governor and council be authorized and empowered, to take such measures in regard to the appointment, of the time and place of meeting, and the adjustment of other preliminaries attendant upon the execution of the duties assigned to the commissioners appointed in virtue of the act passed last session, for the examination of the navigation of the Potomac, conjointly with the commissioners appointed by the executive of Virginia, as they in their judgment shall deem most conducive to the prompt and wholesome execution of the said act.

Further resolved, That the governor and council be authorized to draw upon the treasurer of the western shore for any sum of money which may be necessary to defray any reasonable and necessary charges growing out of the said commission.

And further resolved, That the governor be requested to apprise the executive of Virginia of the wish of this state, that the said commission should proceed to discharge the duties assigned them, as soon as the season and other circumstances may render it most proper.

RESOLUTIONS, NO. 2.

2. *Resolved*, That the governor and council be directed to select, as soon after the passage of these resolutions as it can conveniently be done, nine of the most discrete and intelligent citizens of this state, as a committee for the purpose of reporting to the executive, either collectively or individually, as their convenience may allow, upon the most efficient, useful and practicable plans of internal improvement, in relation either to the whole of the state, or such parts thereof as they may think proper respectively to select. And that the executive be authorized to supply any vacancy in said committee which may occur during the term of their appointment.

Further resolved, That to each person selected as aforesaid, the governor and council be directed to transmit a copy of the reports on internal improvement, by the committee of the senate and house of delegates respectively, and also a copy of the following instructions:

"You are requested to communicate to the executive of this state, as soon as it may suit your convenience, not delaying longer than the period of commencement of the next general assembly, such information as you may have it in your power to afford, in relation to the subjects of internal improvement within this state. More especially confining your attention to a description of the general face and character of the country—the elevations of the most remarkable hills and mountains—the nature of their minerals, the soil and vegetable productions—the courses of the rivers and creeks—the nature of the country through which they pass, and the produce in which it abounds. The means of connection between important rivers; the facilities afforded to the construction of canals, roads or railways; the prices of labor; the respective average charges per mile in making roads or canals; the probable advantages to the internal trade and commerce of each district by making such improvements, and all such other information upon these questions as you may consider useful."

Further resolved, That the governor and council be authorized to procure such general surveys of the rivers, water courses or districts of country, as they shall in their judgment deem necessary to the illustration of the subjects of internal improvement, and that for the expenses of the same they be authorized to draw upon the treasurer of the western shore.

SENATE OF MARYLAND.

Report of the committee on internal improvement, to which was referred so much of the executive communication as relates to that subject.

The committee to whom was referred so much of the governor's message, as relates to internal improvement, beg leave to report:

That, whatever difference of opinion may heretofore have existed, as to the expediency of internal improvements, the time appears now to have arrived, when every citizen of the state of Maryland is solicitous that all proper means should be adopted to bring into life and activity every internal improvement of which the state is susceptible. That, fully aware of this feeling, your committee would respectfully suggest some distinct objects of internal improvement, which they cannot but regard as of the very first importance to the welfare of the state—that is: The improvement of the navigation of the rivers Potomac and Susquehanna—the cross cut canal, (as it is usually called), to unite the bays of Chesapeake and Delaware, and the making of a turnpike road from Boonsborough to Hager's town, with a view to join the great national road, lately completed by the United States, from Cumberland to Wheeling, in the state of Virginia.

With respect to the improvement of the navigation of the river Potomac, your committee are of opinion that every reasonable aid should be afforded by the state, to effect that desirable object, but when we find that the state of Maryland has already advanced one hundred and fifty thousand dollars for that purpose, without deriving the slightest benefit from it, they cannot but think it is time to pause before advancing further sums of money, except so far as to complete the surveys already made, or undertaken, to procure correct estimates of the expenses of effecting the proposed object, and the extent to which the improvement of the navigation of that river is intended to be carried.

And here your committee would remark, that some doubts of the value of this improvement has

been suggested to their minds by a perusal of the following extract from the report of the late Mr. Latrobe, dated March 16th, 1808, to Mr. Gallatin, then secretary of the treasury of the United States: "The trade of this canal, especially during the year 1807, has been so great, that there appears every prospect of its becoming a productive work in those years in which there is a considerable and equal quantity of water in the river; but on this circumstance it must always depend. The information respecting it, which can be obtained from the company on the spot, renders it unnecessary for me to say more upon it."

Mr. Latrobe's opinion, upon a subject of this nature, being, in the estimation of your committee, entitled to the greatest respect, they conceive that, before any further advances should be made for the improvement of the navigation of the Potomac, the doubts, suggested by this extract from his report, should be fully and accurately examined into, in order to enable the general assembly to form a more correct opinion upon the subject, than the information which they now possess will enable them to do. It appears, from a report of the Potomac company, that the total amount of tolls received by them, from the 1st day of August, 1799, to the 1st day of August, 1817, was \$162,379 95, or \$9,021 per annum, all of which amount, except the sum of \$3890 55, was applied to the further improvement of the river. The value of property brought down the river, during the same period of time, is estimated at \$7,002,370 62, cts. equal to \$289,000 annually.

As it regards the improvement of the navigation of the river Susquehanna, your committee, viewing it as a subject of great and boundless importance to the state of Maryland, have given to it their fullest and most attentive consideration. The attention of the citizens of Maryland has recently been directed towards it, and all, convinced of the vast utility and benefit to be derived from it, seem anxiously solicitous that some legislative aid should be extended towards it. Under these circumstances, your committee cannot but recommend it as a subject worthy of the deepest reflection and fraught with considerations of vital importance to the state of Maryland.

That particular district of country to which the benefits of the turnpike roads in Maryland are most immediately extended, lying between the Susquehanna, on the one side, and the Potomac, on the other, and extending north-westward of Baltimore, to the north mountain, comprehending the Conococheague valley, has been accurately measured on a map of the country, and found to contain 5000 square miles. Those portions of the country bordering upon the various tributary streams of the Potomac, westward of the south mountain in Maryland and the blue ridge in Virginia, have been also measured, and found to contain 10,000 square miles. But, when your committee direct their attention to that portion of the country through which the Susquehanna flows, they embrace within their view a field of greater and more enlarged dimensions. By an accurate measurement of those expanded regions, situated upon the Susquehanna, and its numerous wide spreading branches, they have been found to contain about 20,000 square miles, exclusive of 10,000 square miles more of adjacent country, lying upon other waters in the states of Pennsylvania and New-York, for the produce of which country, should the navigation of the Susquehanna be improved to the

extent contemplated, Baltimore must inevitably become the most convenient market.

From these estimates, it is abundantly evident that the trade of the Susquehannah, (flowing as it does through a country of vast extent and inferior in point of fertility to no portion of the United States), is a trade involving in its nature a very extensive, permanent and growing interest.

Were the navigation of the Potomac improved to the utmost possible extent, its trade must be considered but of minor importance when compared with that of the Susquehannah: the Potomac, flowing as it does through a country of comparatively small extent, and by no means celebrated for its richness and fertility. In addition to this it may be remarked that, to however great an extent the productions of the soil may find their way into the Potomac; however extensive the demand for foreign commodities at Georgetown and Washington, the state of Maryland can derive but little benefit from it. The advantages secured flow into a different channel: they go to fill other coffers—not those of the state of Maryland. But improve the navigation of the Susquehannah to the extent proposed, and you bring to the city of Baltimore a trade of incalculable extent and value, the benefits of which must be imparted to every section of the state, and which cannot fail richly to remunerate us for whatever aid may be extended to it.

The obstructions to the free navigation of the river Susquehannah, exist near tide water, that is to say, below Columbia. Above that town the difficulties are removed by Pennsylvania, and a boat navigation at present exists to near the N York line. The distance from Columbia to Port Deposit is 35 miles, 20 miles of which may be considered as tolerably good navigation, either in ascending or descending.

From Turkey Hill to Nelson's Falls, near Muddy Creek, a distance of 15 miles, the navigation is bad, and it is here that the principal obstructions exist, the removal of which are so anxiously desired.

Your committee have taken considerable pains to ascertain the value of the produce which has come down the Susquehannah for several years past; they have, however, only been able to procure an estimate of what has come down from last spring to December past: and they find it to be valued at \$1,121,250. The number of rafts and boats that came down the river to Port Deposit, during the same time, was 925 rafts of lumber, averaging 25,000 feet each, and 535 arks loaded with flour, whiskey, pork, &c.

The Susquehannah canal, commencing at the Maryland and Pennsylvania line, and ending at the head of tide water, is now completed and in good order for the passage of rafts. It appears to have full supply of water at those seasons of the year when the river is not high, and insures a safe passage for all produce that may come down the river to the mouth of the canal.

It is certainly of great importance to the state of Maryland, that this canal should be kept in perfect condition, and that the proprietors be protected in all their just rights.

The committee have only to state, in conclusion on this subject, that, when the water of the Susquehannah is high, boats and rafts frequently pass to the head of the tide water, without entering the canal.

The committee now come to the third object of internal improvement, to which they are desirous of directing the attention of the legislature, that is,

the canal to unite the bays of Chesapeake and Delaware.

In the year 1799, the legislature of Maryland passed a law, which, in the year 1801, was followed by similar laws on the part of the legislatures of the states of Delaware and Pennsylvania, incorporating a company, with a capital stock of \$400,000, for the purpose of opening a canal between the bays of Chesapeake and Delaware. In pursuance of these laws, subscriptions were received for nearly the whole amount of the two thousand shares at \$200 each. Surveys were made—engineers and workmen employed—a route selected for the canal through the isthmus which separates the two bays, and some material progress made in the execution of the work. But, unfortunately, after having gone thus far in the execution of this important object, and after having expended upwards of \$100,000 in the purchase of water rights, and in the construction of a feeder and reservoir, the work was suspended in the year 1803, in consequence of the non-payment of the subscriptions—and it appeared, daily, more evident, that the whole amount of the capital stock, even if subscribed for and collected, was a sum totally inadequate to the completion of so extensive a work. At this period also, the energy and spirit of the company began to subside, unaided as it was by further support and encouragement, or by that individual enterprise and activity which had enabled them, up to that period, to continue their operations.

By connecting the waters of the Chesapeake and Delaware, the contemplated canal will throw open an internal navigation of great extent, from the north west part of the state of New-York to the southern extremities of the state of Virginia.

The particular advantages which the state of Maryland would derive from this improvement, need scarcely be detailed by the committee. They will suggest themselves to the understanding of every reflecting man. In a national point of view, all will concur in the opinion of its importance, and, looking to an event which your committee is by no means anxious should soon occur, but which, in the opinion of the committee, may reasonably be expected to take place at some distant period, it may be regarded as an object of peculiar interest, as productive of the means of national defence, affording, as it no doubt will, a facility of transportation of troops, ordnance and military stores, from one part of the country to the other, the want of which was materially felt during our late war with Great Britain.

Beneficial, as it certainly will be, to the state of Maryland, the committee have thought it proper to direct the attention of the legislature towards it—but, viewing it as an object of national concern, and not alone productive of local advantage, the committee would remark that it is a subject to which the attention of the national legislature should be drawn.

The canal begins at Welch Point, on the Elk river, an arm of the Chesapeake, and is to terminate at a distance of twenty-two miles on Christina river, a branch of the Delaware. At low water, the depth of water in Christina river is 9 feet, and in Elk river 12 feet, within 100 feet from the shore.—The tide rises 4 feet in both rivers. No expensive aqueducts or bridges are to be made, and the principal obstacles have been already overcome. The supply of water, drawn from Elk river by a feeder, which is now completed six miles in length, and three and a half feet in depth, and which is itself a boat canal, united by a lock of ten feet high to the

main canal, is calculated to fill daily one hundred and forty locks, a quantity sufficient, on an average, for the daily passage of 24 vessels. The canal is 26 feet wide at the bottom, and 30 feet at the water's edge. It is intended for vessels of from 40 to 70 tons, drawing 7½ feet.—The banks being intended for towing paths, are 20 feet wide, one of which may be converted into a turnpike road, being raised three feet above the level of the water, and will, by increasing the height of the lock gates one foot, admit a depth of 9 feet water in the canal. The expense of digging one mile through rocky ground was 15,000 dollars, and that of digging the same distance through a level country, free from obstructions, 2,300 dollars, which gives an average of 7650 dollars per mile. The whole length of the canal is about 22 miles, and the whole cost is computed to be about 850,000 dollars. These estimates were made at a time when labor was comparatively high—it is presumed they would be much less at the present time.

This information of facts the committee have thought proper to furnish, in order to enable the legislature to form a correct opinion upon the subject.

The fourth and last object to which the committee have directed their attention, and which they have thought it proper to direct the consideration of the legislature, is the making of a turnpike road from Boonsboro' to Hagerstown, to join the great national road leading from the latter place to Wheeling, in the state of Virginia. Upon this subject the committee would remark, that this important object is now likely to be accomplished, in conformity with the law passed at the present session, and which your committee trusts will be carried into full and complete effect.

By order,

THOS. W. LOCKERMAN, com. clk.

Navigation of the Roanoke.

Report of the superintendents and board of directors of the ROANOKE NAVIGATION COMPANY.

To the directors of the Roanoke navigation company:

GENTLEMEN,—The undersigned, superintendents of the Roanoke navigation company, respectfully report, that the works, from the entrance of the canal to the site for the locks, comprising a distance of about 4 miles, are completed, with the exception of the guard lock. On the lower line of the canal, there remains to be cut about one thousand yards between the locks and the road leading to Moore's ferry. This ground is considered favorable, and can be finished by the laborers at present in the employment of the company by Christmas—It would have been completed by this time, had they not been interrupted in their progress by being taken off to repair several breaks which occurred during the last year on the upper line of the canal and in making other necessary repairs.

Messrs. Davis and Palmer, have been employed to cut from the road leading from Moore's ferry to Hudson's mill, a distance of 4,527 yards, which they are bound to complete by the first day of March next. From their habits of uncommon industry and good management, we have no hesitation in expressing it as our opinion, that they will finish the work within the time limited; the whole of the distance being already opened, except 713 yards. The remaining cutting to be executed is from Hudson's mill to Weldon, about 1,600 yards. The ground

along this route is of easy excavation, and we entertain no doubt of being able to finish it in all the month of April next.

The stone work remaining to be executed, consists of the locks, the aqueduct over Chocknot, and two small wastes. Mr. Houston, (the contractor), is now moving the stone for the locks from the quarry to the site where they are to be constructed.—The lock pits are opened, and a large quantity of materials for building have been collected together at the spot. He states, that, in a few days, he will commence laying down the stone, and will finish the work by the first of April next. The unfortunate breaches in the canal, before adverted to, have interrupted him in the transportation of the stone, and thereby retarded the progress on the locks, otherwise one of the chambers, at least, could have been completed by this time.

A contract was made, during the summer, with Messrs. M'Queen and Donnelly, for getting out the arch stones for the aqueduct; but they failed to execute their agreement, and we have still to find persons to undertake the work. If we can get the arch stones, and such as are necessary for the ashlar work, prepared by contract, we contemplate doing the greater part of the residue of the aqueduct with the laborers belonging to the company.

It has been before mentioned, that the guard lock is not yet built. A principal reason why it has not been constructed before this time, is a belief on our part, that the place contemplated for its location is not the most eligible; and we could not, during the recess of the board, alter it, without the sanction of the engineer of North Carolina or Virginia; neither of whom have we been able to see since the last meeting. As the proper location of this lock is of considerable importance, we would gladly avail ourselves of the assistance of the board in deciding this question.

The expenditures on the canal, including payments to contractors, during the last year, have amounted to \$54,637 68
Which sum, added to former expenditures, to wit: 186 097 10

Makes the total sum expended to the present time, \$220,734 78

In estimating the sum necessary to complete the canal, from its commencement to its termination at Weldon, we consider it a matter of sincere congratulation, and have no doubt it will be highly gratifying to all interested, to be informed that it is now reduced to a certainty that one more requisition, of very moderate amount, on the stockholders, will be abundantly sufficient to defray every expense in completing this important work.

(Signed)

CADR. JONES,
A. JOYNER.

Rock landing, Nov. 10, 1821.

To the stockholders of the Roanoke navigation company.

GENTLEMEN—The provisions of our charter require that we should make an annual report to you of the affairs of the company. In performing this duty it gives us great pleasure in being enabled to state, that they have never been in a more prosperous situation at any time than at the present. The important work in this neighborhood, which has engaged us so long, is drawing to a close. In the month of June next, we confidently hope to see its termination; our arrangements are made with that view, and we see no reason to doubt of success.

From the report of the superintendents, it will be seen that 3,313 yards of plain cutting, the lay-

ing of the locks, the building of the aqueduct over Chockoat, and some waste wiers, is all that remains to be done on the whole line of the canal.

The value of this work, inclusive of what may be due on outstanding accounts, is estimated at

	\$43,550 00
To meet this we have in the treasury,	14,172 99
Due from delinquents,	19 830 36
Due on bonds for negroes sold,	2 487 50
Other debts,	2,343 84
	38,834 70

Which leaves, to be raised by a new requisition, \$4,715 30

For information relative to the past year, we beg leave to refer you to the report of the superintendents, to our book, accounts and vouchers which are herewith laid before you. The treasury books will shew there has

Been received up to this time on 65 per cent. of stock and interest called for, \$234,908 00
There has been expended, 220,734 78

And that there is a balance of \$14,172 78

Of the sum expended, 188,339 dollars and 34 cents have been applied to this canal, the sluicing of the Dan and Staunton, and to the canal at Danville, and 32,345 dollars and 67 cents to the purchase of negroes; 38 of whom are still owned by the company. The vicinity of several well established market towns on James river, offers so many inducements to the planters on the waters of the Roanoke to carry their trade in that direction, that it renders it the imperious duty of this company to make the navigation of this river the best possible, if we hope to draw their produce this way. The present state of the river above this, although it has been used several years with great advantage to the people residing on it, is far from being a good navigation, though it is said to be better than what the James river affords at present; we purpose, therefore, as soon as our works shall have been finished here, to commence operations above, with the determination to make a good slack water navigation from these falls to Danville, on the Dan, and to the Long Island shoals, on the Staunton, not relinquishing the expectation of extending the same, in due time, to a much greater distance on both rivers. The funds we shall have for this object, is our negroes, the labor of whom will avail much, and the residue of stock not called for—say 35 per cent. on 390,600 dollars.

There is nothing other than the usual business of the general meeting, viz. the examination of our accounts, and the election of the officers of the company, to engage their attention, unless it is the circumstance that the state of North Carolina has not yet subscribed the 550 shares reserved to her, nor relinquished the right to do so.

CAPT. H. JONES, *president.*
DIRECTORS.

<i>Eaton Pugh,</i>	<i>James Bruce,</i>
<i>Richard Apperson,</i>	<i>David Clark,</i>
<i>Samuel Pannell,</i>	<i>Wm. E. Broadnax.</i>

Rock Landing, Nov. 12, 1821.

Legislature of Pennsylvania.

Report of the committee on roads and inland navigation. House of representatives, Jan. 12, 1822.

Mr. Lehman, from the committee on roads and inland navigation, to whom were referred a resolu-

tion relative to a board of commissioners, respectfully report:

That the establishment of a board of commissioners, for the purpose of collecting useful facts in relation to the best method of facilitating and cheapening transportation, has for many years been considered as an imperious duty incumbent upon the legislature of Pennsylvania.

After the most mature deliberation, your committee must declare their conviction that nothing appears better adapted to assist the internal improvement of the state, which, next to a wise system of education, is most conducive to the highest and most lasting interests of society.

It would be a work of supererogation to descant upon the advantages of inland commerce: it is vivifying influence upon manufactures and agriculture is now universally acknowledged, and the experience of all civilized and flourishing states proves that easy and cheap conveyances must be the harbinger of an extended home trade.

Besides the incentives to make improvements, which Pennsylvania has in common with all other states, her peculiar situation, surrounded by vigilant and powerful neighbors and rivals, makes it not only expedient but absolutely essential to her future prosperity and grandeur, to apply the power of the whole community in order to preserve and augment the channels of trade. Without an extraordinary energy, this great state will be diverted from the path of true interest, of duty and honor; she will be arrested in her career of prosperity—the fond hopes of her illustrious founder—the hopes of her Franklin and other patriots be blasted, and the glory of Pennsylvania be bent down under the withering influence of supineness or parsimony.

To further the great object of improvement, your committee now report a bill providing for the appointment of a board of commissioners, to consist of three or five active, patriotic and intelligent men. This board, which will be subject, at all times, to the control of the legislature, and bound to discharge whatever duties may be prescribed, employed throughout the year on subjects relating to the development and application of the resources of the state, might, in the early part of the session of the legislature, make known all the wants of the people, in relation to roads, bridges and canals, or river navigation, designate the objects of the greatest importance, suggest methods of economizing the public money, and free from that turmoil excited in the minds of the members of the legislature, by the consideration and discussion of a variety of interesting questions; might contract their thoughts to this great object, and not only furnish, in the early part of the session, a well prepared and properly digested view of the state of the roads, bridges and water courses of the state, but suggest the most feasible economical methods of making new improvements, and present a view of the internal improvements of other states, and more particularly those which have a tendency to divert the trade and absorb the wealth of Pennsylvania. The value of this part of the duty of the board must be obvious to those who reflect that the members of the legislature, however enlightened they may be upon general subjects, are obliged to consider matters relating to internal improvement, upon information informally collected and drawn from interested sources, and to pervert a great part of the session to pass away before they can comprehend, (unless, indeed, they employ great labor and research), what the true policy of the state dictates in relation to its improvement.

The committee having mentioned the general object of the bill, will now proceed to state the more immediate reason by which they are induced to submit it to the consideration of the house.

It is well known to those who are conversant with the history of Pennsylvania, that the most patriotic and enlightened men, who have distinguished themselves in the councils of the state, perceiving that every wise nation avails itself of the benefits of cheap transportation, have felt and expressed there lively sense of the important advantages which must accrue to the state by having water conveyance, as well as roads, extending, if practicable, in every direction, and particularly from the shores of the Delaware to the Ohio and of lake Erie.

The real friends of Pennsylvania, who feel an anxious solicitude for her welfare and grandeur, however widely they may differ upon some interesting questions, unite in regretting that so little progress has been made towards the completion of this great work.

To those who feel inclined to adopt effectual means of creating a water conveyance throughout Pennsylvania, the questions that naturally present themselves are:

1st. Is it practicable?

2d. What would be the expense?

3d. Are the funds of the government adequate to the expense, or if not, would it be expedient to borrow money, or to adopt a system of taxation which would raise the necessary supplies?

However wonderful the fact, and although nearly 40 years have elapsed since the independence of the country, and as early as February, 1789, the supreme executive council of the state recommended the adoption of a general system of inland navigation, and, in March of the same year, a committee of the legislature recommended the same object: it does not appear to your committee that the questions can be answered with precision and true certainty by any of our citizens either in or out of office. It is true that Pennsylvania was the first among the states to construct a turnpike road, vieing in solidity and durability with the Roman highways: Pennsylvania was the first to employ a skillful engineer, and to expend large funds in attempting to construct an artificial canal. It is true that estimates have been made of the probable expense of making the Schuylkill navigable and of connecting that river with the Susquehanna by a canal; and the patriotic heart is gladdened by the reasonable prospect which is now afforded, of the speedy completion of those great links in the chain of water communication. But to what official report, or to what document of any description can we refer, to ascertain the practicability or probable expense of connecting Lancaster, York and Chester counties with the metropolis of the state by means of a canal—or of making a complete slack water navigation upon such parts of the Susquehanna and the Ohio and their branches as may form links of a chain of inland navigation throughout the state: where can we look for information respecting the nature of the ground, and the exact distance between such natural streams as may be navigable; the rise and fall upon the rivers as well as upon the intervening ground, or the number of locks which may be necessary to ascend and descend with boats: the quantity of water which is furnished by the natural springs and rivulets upon the summit levels, and whether it is adequate to passing the number of boats which the trade may require, and if that quantum of water is not sufficient, whether it is expedient to raise it by machinery, or to use

rail roads, as is done in many parts of Europe.—These facts must be ascertained with accuracy before the legislature can be competent to decide upon the important questions either of practicability or expense, so interesting to all who are anxious to maintain the present rank of Pennsylvania, or to restore her to her former proud station in the system of the confederacy. This is the only way in which a proper knowledge can be acquired for the formation of a general plan. It is already ascertained that Pennsylvania has the shortest portages of land carriage from the navigable branches of the eastern and western rivers: that she affords what may be called the natural channels through which flows the trade from the most populous and flourishing states of the west: that, from the characters of her rivers, if they were united by canals, the same boat would answer for the whole rout, and no unloading or warehousing would be necessary, and convenient opportunity of pilfering be given. It is to preserve the benefits of this great and increasing inland trade, "which finds work for the poor, and adds wealth to rich," which fosters every branch of industry—agriculture, manufactures, foreign commerce, and the fine arts: it is to preserve this main source of our comfort, our prosperity, and our strength, that your committee have made provision in the bill for those actual surveys and examinations, without which no correct conclusion can ever be drawn.

In the opinion of your committee the laudable efforts of intelligent and powerful rivals cannot be too frequently presented to the view of the legislature. On both sides of this state efforts are making to draw into other channels our trade and our wealth.—The canal which is nearly completed in New-York, and the whole expense of which is defrayed out of the state treasury, will enable that state to convey commodities between a sea port and the great western states, at about the fourth part of the present cost through Pennsylvania. The national road, which is free of toll, and the noble efforts of Virginia, to make improvements, (and who employs the agency of a board, similar to that contemplated by this bill), will enable those states to transport commodities cheaper than is now done by us. These facts, which your committee consider as incontrovertible, must necessarily rouse the energy of those who have at heart the future welfare of the state, and must satisfy all minds, free from prejudice, that, without a complete water conveyance from the eastern to the western limits of the state, or at least an improvement as respects an ascending and descending navigation of our rivers, and the connection of their head waters by canals or good roads, or rail ways, if canals should be found impracticable: that, unless efficient and prompt means are adopted to promote these important ends, Pennsylvania will soon have "fallen from her high estate," she will be "as a beam that has shone," and her more circumspect neighbors will be in the enjoyment of the vast advantages which the rapid growth in wealth and population of the western country, is calculated to confer.

With respect to the money necessary to carry into execution the objects of this bill, your committee will only observe, that the expense cannot exceed a few thousand dollars before the meeting of the next legislature, when the whole system can be modified or entirely relinquished, if, by any facility, the beneficial course pursued by Virginia, South Carolina, New York, and other states, should not answer the same useful purpose in Pennsylvania.

Your committee will conclude by imploring the

legislators of a state, so highly favored by the God of nature, not to allow an ill-judged economy or an illiberal parsimony, to prevent the acquisition of those important facts, so necessary to form correct and scientific plans for extending our great state improvement, without which our noble rivers confer but little benefit, and, as respects many millions of acres in Pennsylvania, the genial showers and quickening heat of heaven are lost, while, by the aid of such improvements, the mineral will be dug from the earth, the stately forest will be applied to its use, the improved parts of the state will flourish, old manufactures will be sustained, and new ones established, and the land which is now desolate will "swell with the future harvest." Then will fertility and abundance, and joy, be spread over the whole state, and all the parts be held together by strong ties of interest and affection; then will Pennsylvania not only maintain her present rank as an agricultural, a manufacturing and a commercial state, but rapidly increase in beauty, in populousness, in riches and in strength.

REPORT ON A FREE ROAD.

Mr. Lehman, from the committee on roads and inland navigation, to whom were referred some petitions relative to a free road between Philadelphia and Pittsburg, respectfully report:

That the reduction or extinguishment of tolls upon the great road extending from the Delaware to the Ohio, has at all times been a highly desirable object, and, since the completion of the national road from Cumberland to Wheeling, has become, in a great degree, necessary to the preservation of the great and increasing trade which Pennsylvania heretofore enjoyed with the western states. In the opinion of your committee, it should be a fundamental maxim of our policy, to make the carriage of commodities as easy and as cheap through Pennsylvania as through any other state, and an auxiliary step towards the accomplishment of this great object, is an exemption from tolls. It would appear, however, that regular and authentic information should properly precede any legislative enactment upon this subject; they therefore recommend the adoption of the bill annexed to this report, which makes provision for ascertaining the amount of stock held either by individuals or the state, in the different turnpike companies between Philadelphia and Pittsburg, and also the terms upon which waggons, with wheels of different widths, used for the transportation of commodities, may pass toll free.

Legislature of Georgia.

Report of the committee on education and free schools.

The committee on public education and free schools, to whom was referred a portion of the governor's message, and various communications from county academies, have found themselves engaged in the investigation of a subject of the first magnitude, involving the best interests of individuals, and the highest destinies of the republic. In a government like ours, which derives its moving impulse and its sustaining and restrictive energies from public opinion, in all its process through after time, it is impossible not to see, and seeing, not to feel, that public measures are to be conducted by enlightened wisdom, or abandoned to the profoundest error.—These principles, too obvious and important ever to have been overlooked, and perhaps too trite to need remark, naturally presented them-

selves to the minds of those who shaped the outline of our system of government.—Our statute book bears testimony, that, for forty years, the subject of education has engaged the attention of the legislature. It was not to be expected that a work of such magnitude could be accomplished in a day, even under the most favorable auspices—but, independently of inherent difficulties, Georgia has been embarrassed and retarded by obstacles peculiar to herself. But, instead of repining that we have done no more, may we not find cause of congratulation that we have done so much. The original endowment of a principal seminary and of subordinate branches, consisting of county academies, was a scheme, splendid in theory, and reflecting lasting honor on the state. If the enlarged and profound policy in which these measures originated, has not been carried fully into effect—if the patriotic views of its authors have not been completely realized, it will be seen that much, very much, has been accomplished, and that the deficiency is to be ascribed, in part, to that imperfection which is the common lot of all human contrivances, and, in part, to adventitious events, which could not be foreseen or controlled. Of the academies thus originally, but imperfectly endowed, by a thousand pounds each, in confiscated property, it is found that a very large majority are without funds. This has proceeded, in some instances, from the appearance of better titles to the lands so granted in endowment, and, in others, from the expenditure of the fund in the erection of buildings which have gone into decay for want of exertion and patronage; and, in others again, from the scarceness of the surrounding population.—Under these circumstances, it has been a result of mere moral necessity, that, while a few have prospered, the larger number have ceased to be useful. This, now, is the least promising part of our system of instruction. But who shall say that even from this, great benefits have not resulted to the people of this state—who shall say that these academies, though they may now be practically inoperative, have not been tributary to the counsels of the country, and assisted in kindling the flame by the light of which we are marching to high and commanding destinies. A deep sense of the necessity of education pervades the whole state. Speculative curiosity may enquire further into the causes, if she will!—The fact stands confessed, and offers gratulations to the mind of every statesman, and the heart of every patriot. Sure of her gains, learning must now increase her stock, and, being no longer liable to interruption, her advances must be progressive. The difficulties and delays which have been heretofore encountered, are retiring before the new and increasing resources of the country, and the invigorated influences of liberality and patriotism.—The great work was commenced in the year 1817, by the appropriation of the sum of \$250,000 for the encouragement and support of free schools. This is the corner stone of an edifice, which the people by their representatives, will hereafter finish.

In examining the means which may be made subservient to the purposes of education, your committee are of opinion that, at the present, they are not sufficient to carry into operation a regular system of schools.

To provide for the enlargement of those means, and to bring them into due proportion to the number and necessities of the population they are intended to benefit, will be all that can, or ought to be attempted. The original appropriation was directed to be vested in safe and profitable stock.

An investment of \$53,000 has been made in stock of the bank of Augusta, and of \$100,000 in stock of the bank of Darien. These investments have yielded an interest of \$33,036 66; so that this fund may be now estimated at \$283,066 66.

That this may be advanced to the sum of 500,000 dollars is a measure which your committee most earnestly recommend.

They are the more importunate, believing as they do, that the means are already within legislative control, sufficient for the effectuation of so important an object. But, for the greater certainty in this regard, your committee beg leave to furnish the estimates from which their conclusions have been drawn.

The fractions in the late acquired territory, at a reasonable estimate of *quantity*, will amount to 70,000 acres, and, upon a like estimation of value, will yield \$250,000. The Fort Hawkins' reserves are estimated at 20,000 acres, and at \$200,000. The fractions directed to be sold by act of the last annual session (including the amount of sales at Jefferson) are rated at \$100,000. Lots 10 and 100, received for purposes of education, are rated at 20,000 dollars, and land which may be disposed of at the Milledgeville reserve, at 20,000 dollars. Your committee are aware, that the fund for the internal improvement of this state, maintains a claim upon a portion of these resources, which cannot, and ought not to be resisted. Your committee will not attempt to resist it. On the contrary (although not entirely within their province), they recommend the advancement of this fund also to the sum of 500,000 dollars. Insisting, then, for the purposes of education, upon but the one half of the fraction fund, the one half of the Fort Hawkins and Milledgeville reserves, and upon the whole of the reserved lots, your committee fill up their contemplated appropriation and furnish an excess of eighty-eight thousand dollars. With this excess your committee propose to commence the regular endowment of county academies. Many of these have not, as yet, received the imperfect aid which was derived by some from the appropriation of confiscated property. Your committee consider it proper that the most destitute should be first provided for, but that every exertion and every resource should be directed to the suitable endowment and aid of all academies, dispensing their benefits within our borders, whether they be incorporated or not.

When the means herein before adverted to shall be realized, and the original appropriation advanced to the sum of an half million of dollars, the fund will, in its character and object, be measurably changed. Instead of being directed exclusively to the support and encouragement of free schools, it will embrace the encouragement of every institution within the state, which names the name of literature.

Your committee, therefore, beg leave to recommend the adoption of the following resolution:

Resolved, That it is expedient to advance the school fund to the sum of 500,000 dollars, and that the means and resources herein before adverted to, be, and they are hereby, set apart and directed to be applied to that purpose.

December, 1821.

Dickinson College.

Address delivered at the organization of the faculty of Dickinson college, at Carlisle, Penn. January 15th, 1822, by J. M. Mason, D. D. principal.

Gentlemen, of the trustees, and respected auditors,

I address you this day under circumstances of peculiar delicacy and difficulty. Dickinson college, which had long languished, and at last expired, is about being revived again. It comports with neither my inclination nor design, to institute insidious inquiries into the causes of its former failure. With great and good men you were favored in more auspicious times. For depth of learning, for accuracy of information, for splendour of wit, the name of Dr. Nesbit will long be remembered: and the memory of his successors, who followed him, although, it must be confessed, *haud passibus æquis*, will be revered and revered while piety is honored in Carlisle.

Many causes conspire to elevate and depress seminaries of learning, without great personal merit on the one hand or personal demerit on the other. Over the vicissitudes which have happened to this one, it would answer no good purpose to dwell; and it would savor too much of a vanity, which would but ill become those who are now entrusted with its management, to make boastful professions, and encourage high expectations of its future progress. Their labors have already been too highly appreciated; their powers have, perhaps, been too much applauded. The country has been taught to expect more from them than their talents and industry shall, probably, be found to justify; and they will have reason to think, themselves, happy above the common condition of men in their situation, if they shall not altogether disappoint the public anticipation.

The revival of a decayed institution, being much more difficult than the establishment of a new one, as the resurrection of a dead body is more arduous, and certainly more uncommon, than the production of a living one; and as all the success, humanly speaking, will depend upon the plan to be pursued, it may be due to the occasion to say a few words on a subject on which every body talks confidently, and few think correctly, while the million prate without thinking at all—the subject of *education*.

Education, if I mistake not, contemplates three objects, the evolution of *faculty*, the formation of *habits*, and the cultivation of *manners*.

1. The evolution of faculty—This, of course, implies, that there is faculty to be evolved. So that, like all crested power, education must have its materials from the hand of the Creator. Itself creates nothing. It only brings out qualities which pre-existed. It is a manufacture, and like all other manufactures, must have the raw material to work upon, or it can do nothing. Many well meaning people imagine that it is in the power of teachers to do every thing; and hard measure do they give them for not working miracles—for not converting a booby into a lad of genius. My friends, you must not expect that we shall do what the Almighty God has not done. That we shall furnish brains where our pupils naturally are without them. *Ex nihilo nihil fit*; whatever be the zeal and efforts of the instructor. If you look for *bricks*, your boys must bring the *straw*. "Pray sir," said a gentleman to another, who complained that his sons, who were, indeed, not of the race and lineage of Solomon, had not the advantage of early education, "pray sir, why cannot you give to those bricks," pointing to an opposite pile, "the hardness and polish of marble?" Because they are *bricks*, and work at them forever, they will be bricks still. Let a boy make the tour of all the colleges in the land, or out of it, if nature made him a dunce, a dunce he will remain; with the only difference of exchange.

ing his ignorance for *impertinence*. I know no more thankless and desperate experiment, than an attempt to educate the naturally stupid. It may well enough consort with the vocation of a pedant, who, provided he has a head to *hammer* upon, is well enough satisfied; but it is grief, and misery, and purgatory, to a man of any sense or feeling. Persons, with uncouth and rugged minds, would be employed far better in following the plough, drawn by their more intelligent horses, than in making themselves ridiculous, by endeavoring to obtain a liberal education. At the same time it must be acknowledged, that the seeds of natural ability are pretty equally distributed; and that fine minds are often lost for want of culture.

"Full many a gem, of purest ray serene,

"The dark, unfathomed, caves of ocean bear;

"Full many a flower is born to blush unseen,

"And waste its sweetness on the desert air."

Yes, among these lads who know no other use for their limbs, than felling the forests; and no other for their activity of mind and body than catching the wild turkey, the pheasant, or the deer, there are some master spirits who need nothing but cultivation to bring them forth into their peculiar action; who contain the rudiments of the statesman's skill and the patriot's fire, and may, according to their places, become the Washingtons, the Hamiltons, and the Franklins of future days. There are, among these simple rustics, men who, in former ages, would have.

"Wielded at will the fierce democracy,

"And fulmin'd over Greece to Macedon;

"And Artaxerxes' Throne."

O, could we but light upon these chosen spirits, these minds, which can balance themselves, and millions of other men! Could Dickinson present, among her sons, an array hostile, terrible, destructive, to all the legions of infidelity and misrule, she might well hold up her head amid the seminaries of the nation, and receive their homage, not less freely granted than richly merited.

But to return to the practical point. Faculty is not to be envolved without painful effort.

With those young men, who go to a place of education, as the other idlers frequent a watering place, where they may saunter away their time, out of their parent's observation, and have nothing to do but amuse themselves, and dash away as fine fellows, we wish and hope to have no acquaintance. The college ought to be, and by God's assistance *shall* be, a place of *work*. Let no idlers, no mimics, no mockeries of students, disgrace our classes or pollute our walls. Should such, unhappily, creep in, we trust that in a very short time we shall show them out. Our great business is to keep the youthful mind under a pretty constant, but not an unreasonable pressure—such a pressure as will insure tolerable accuracy. Let a lad 'get along,' as the phrase is, 'pretty well,' let his ideas on a subject 'which he is required to master, be only general and confused!—let his preceptor almost put the answer into his mouth, when he hardly knows which way to guess, and he is bribed to intellectual sloth. The season in which he should fix habits of discrimination, as well as of prompt acquisition, passes by—and though he bring to the college good native powers, he will leave it with a mind inert and unproductive. The idea of a medium between scholarship and no scholarship must be forever banished. The ideas of *doing* a thing, and doing it *well*, must be identified in the minds of both teachers and pupil—and the idea of doing a thing by *halves*, be equivalent with that of not *doing it at all*."

It is manifest that, upon such a plan, the pupil must, after all, be in a great degree his own instructor; and if he will not act upon this plan, all the power in creation cannot educate him. It is ours to watch, to guide, to direct him, to keep him from wasting the talents which God has given him. Further than this we cannot go. The main concern is still in his own hand. A habit of close application, which can be acquired only by his own industry, is the most precious fruit of a solid education. The quantity which a young man learns at college is next to nothing in the business of life. Let him get the habit of close attention, of painful and persevering application, and I will freely compound for the loss of all this college learning, and be little concerned, if I even knew that he should make no use of it during the rest of his life.

Yet, to this habit of painful and steady attention, a skilful instructor can contribute much. A great deal can be done by enforcing *punctuality*. By which I mean "that the performance of all exercises should be limited to a certain time, both sufficient and reasonable, and then be *rigorously* exacted. His pupils will shrink, they will solicit, they will complain. They may feel a momentary despondence, but there is in youth an elasticity which cannot be long depressed; and a generosity which the firmness of authority, tempered by a well adapted soothing, can work up to astonishing efforts." This is, therefore, a point upon no consideration to be given up. Labor will not be regular and ardent without the hard pressure of necessity. Let it be ascertained that there is no escape: that the thing *must* be done, and it *will* be done. Such an urgency upon the mind disarms temptations to trifling, and often to vice; keeps it bent on the matter and the period of duty; throws it into a strong action; and, perhaps, which is still better, into a sort of agony. Hence spring the finest and most magnificent effusions of human genius. There exists no more fatal enemy to diligence, improvement, and excellence, than the notion that "there is time enough."

II. I have said that education contemplates the formation of *habit*. By this I understand not merely intellectual habits, but those which entwine themselves with the moral character, and exert an influence upon all the dignity and happiness of future life.

It is no small libel upon some seminaries, and not the less so for being true, that youth there learn so many things which they should not learn, and that all faults are venial, if the understanding be well disciplined. I cannot conceive any greater opprobrium upon a seminary, than that a student should become vicious, as in general places of education mere reservoirs of immorality! What can be more shocking! To have them, on the contrary, *sources* of pure, refined, and exalted virtue, what can more contribute to the happiness of parents, to the peace of the surrounding neighborhood, to the glory of the land?

On this, which is a large theme, I shall briefly advert to two habits, which, though of apparently minor importance, mingle themselves with all the duties and occasions of life.

I. *Subordination to authority*. I regret to say that in all the departments of society, from the parental control to that of the government, this is held by our youth in too little esteem. Their ambition, very early evinced, is to be manly and to be free. They are, therefore, prone to spurn restraint, and to take their own way; esteeming that to be a noble spirit which acknowledges no superior; and that to

be true liberty which follows its own pleasure. That the prevalence of such a temper should produce wide spreading mischief, is manifest to every sound thinker; and often to the youth, themselves, when it is too late to undo the consequences. In the mean time it militates alike against the very constitution of our nature—against the most express commandments of God—and against those principles of action which, at all times and in every place, but, from peculiar causes, in the present day and in our own country, are necessary to the order of society and the happiness of individuals.

It militates against the very *constitution of our nature*. It is not for nothing; it is for benign and wise purposes, that our Creator has determined we should come into the world utterly feeble and helpless. The first friend whom the infant recognizes, is his mother. To her tenderness, her attachfulness, her patience, he, probably, owes more than to the kindness of any of his species. Under her gentle auspices the first buddings of his rational nature begin to unfold—To her is allotted the delightful province of teaching "the young idea how to shoot," of moulding the heart—of cherishing all its amiable and generous affections—of storing it with the "sweet charities" of life—of leading it in filial piety, to God the sovereign good. The rudiments of many a character distinguished for virtues, honored both on earth and in heaven, can be traced to the nursery and the lap. O, most charming employment! Rich compensation for the seclusion, the anxieties, the pains to which the sex is destined! O most refreshing abatement of the sorrows of that cup which has been assigned to woman for her priority in transgression!

Then comes the father, appointed by the divine mandate to be the head of the domestic establishment. His family is his kingdom; his children are his subjects; and he is the governor in his own house. These young subjects are submitted to his rule; he knows best, at least better than they, what is for their good. His authority is to be their reason for many, for most things, while they are quite young. And should they prove refractory, his superior physical force can, and should, constrain their submission. If, therefore, both parents perform their duty, their children, notwithstanding the dreadful drawback of human depravity, will generally grow up trained to obedience. Their habits will be incorporated into their character. They cannot become rude and disorderly without violating all the sense of decorum and gratitude; and breaking through, besides, all their early habits. The common sense of mankind is in accordance with all this. A rough, surly, ungovernable boy, there is nothing more common than to call an *unnatural child*. Thus are children, by the very condition of their being, made fit subjects for *order*, which "is heaven's first law." And he who requites his parent's care by vicious courses, by giving himself up to the service of iniquity, which is the essential *disorder*, though he should be one of the "fairest spirits" that ever "lost heaven," and should be plausible and seducing as Belial himself, deserves no other appellation than that of a *monster*.

The spirit of insubordination, moreover, militates against the *most express commands of God himself*.

His commandments are in unison with the constitution of his world. From the highest to the lowest, their tendency is to promote order. His very controversy with sin and sinners turns exactly upon this point, whether HE shall govern his own creation, or they shall do as they please: And, therefore, there is *no regulation of human*

conduct prescribed with more peremptoriness, and under greater variety of forms, than obedience to law. This broad injunction covers the whole ground of our social relations. "Children obey your parents in all things, for this is well pleasing to the Lord." The admonition is addressed to them when they are of years to reflect, and successfully to resist. No thanks to you, young people, if you obey when you cannot, and dare not disobey. Everlasting reproach be to your parents if they permit such early insubordination—but when you are grown to have some understanding of your own—when your physical strength enables you to defy both mother and father, then the voice from the excellent glory speaks unto you—"My son, receive the instruction of thy father," and adds, with unutterable tenderness, "despise not thy mother when she is old." So also with respect to servants—"servants be obedient to your masters according to the flesh." So likewise with respect to political government—"Put them in mind to obey magistrates.—Submit yourselves to every ordinance of man, for the Lord's sake, whether it be to the king, as supreme, or to governors, as unto those that are sent by him for the punishment of evil doers, and for the praise of them that do well."

A young man, therefore, who cherishes a temper of disobedience toward his superiors, plants himself down in a path where the machinery, established by his maker, must go, and will infallibly crush him to atoms.

Once more. This spirit of insubordination militates against those *principles of action* which, at all times and in every place, but especially in our own day and country, are necessary to the peace of society, and to the happiness of individuals. I shall waive the first part of this proposition for the sake of the second.

We live in a republican country. Its means of keeping up good government are entirely moral. The government of force it rejects as fit only for slaves. What then shall become of the public order, if our youth, who are shortly to be the governors, cherish a spirit of disorder? What of republican government and of our country, which has been called "the world's last hope?" Wherein shall we be able to compare with the governments of Europe, which we term despotic, if we ourselves exhibit a spirit of misrule, and hasten, by our own imprudence, the approach of that day when the coercion of the bayonet shall be necessary to bring us to our senses?

2. There is another habit of immense value in all the concerns of life—I mean the *proper employment and distribution of time*.

Of Time, more precious than rubies, and of which, of all the three score and ten years which form the limit of, by far, the greater portion of men upon earth, only the *present moment* is our own!

Young people always calculate upon futurity, and almost always neglect the passing hour; that is, they speculate upon that in which they have no interest, and squander away that in which they have. It would terrify men, beyond the power of expression, would they realize that the breath in their nostrils is all that they can claim! that the present pulsation of their hearts gives them no assurance that they shall have a pulsation more! Yet, upon this brittle, uncertain tenure hangs their computation for both worlds! How immense, then, the importance of learning to make the most of what they have! How can that be learned more effectually than by having the intervals of time filled up; and a constant pressure upon the mind to make every one of them

tell. Idleness is universally the parent of vice, and it is one of the most fruitful sources of juvenile corruption, that they have so many hours in which they have nothing to do. Your own famous Rittenhouse used to say that he once thought health the most precious of all human possessions! Is it not? exclaimed an astonished visitor; what then is it? "Time," replied the sage, "Time!" Instead, therefore, of having a great deal of time loose upon their hands, youth are most kindly and wisely dealt with by their having none, or next to none. And of how much value it will be, hereafter, to acquire the habit of being always busy, let those determine who are the most active and efficient men in the various walks of public and private industry.

3. I have said that education includes the cultivation of manners. I mean, by manners, all those lighter things in conduct, which, though they do not occupy the rank of *morals*, do yet belong to the embellishments and ornaments of life.

I hardly know how it has happened, that a "scholar" is become a common term for every thing unpolished and uncouth. Some men, indeed, by the greatness of their genius, and the immensity of their erudition, have attained a sort of privileged exemption from the common courtesies of society.

But the misery is, that the same exemption is claimed by those who have already rudeness, which they mistake for genius; and disregard of civility, which passes with them for erudition. Thus, if scholars are sometimes awkward and absent, every awkward inattentive creature calls himself a scholar. Just as, to use a comparison of the late Mr Gouverneur Morris, "because statesmen have been called knaves, every knave should, of course, suppose himself a statesman." Certain, however, it is, that no young men have enjoyed the reputation of being ill bred, unmannerly and vulgar, more than students of colleges. How is this? Is there any thing in the retreats of the muses to cherish ferocity? Do men necessarily become brutes, when the world gives them credit for becoming philosophers? Does the acquisition of science, especially moral science, involve the destruction of decency? So that, after a young man has left college, laden with all its honors, he has again to be put to school, in practical life, before he can be fit for the company of gentlemen and ladies? I blush to think that the place which, of all others, is supposed to teach a young man manners, is the *army*; that the kindness, the courtesy, the chivalry of life, should be associated with the trade of blood! That the pistol and the dagger should be the measure of morals and of politeness with *gentlemen*; and that, when they have trampled under their feet every law of God and man; and all that is dear to human happiness, and ought to be of high account in human society, is made the sport of momentary passion, they should still be allowed to pass for men of *breeding and honor*! "There is something rotten in the state of Denmark!"

The old adage, though not true in the extent to which it has been carried, is yet true in a great degree:

"Ingenus didicisse fideliter artes,
"Emollit mores, nec sinit esse ferus."

Let the "molles mores" of the sons of Dickinson, show that they have faithfully studied the "artes ingenuas."

This intellect, it is true, cannot be evolved; nor these habits formed; nor these manners cultivated without exact government. Let not my young friends be startled by the terms *exact government*. I do

not mean the government of brute force; nor the government of mere stern authority. I know that these methods have been sometimes tried, and have always failed; and I scruple not to say ought always to fail. Some men have imagined the youth of our country to be naturally ferocious, and have applied to them the same sort of means as they would have applied to an intractable beast. Some men have, again, supposed that there is no way of supporting their authority, but by distance, by austerity, by menace. I am neither disappointed nor displeased at their complete discomfiture. And I am free to confess that, if there be not something in the character and carriage of the governor, which, of its own accord, invites confidence and insures respect, all artificial substitutes will speedily prove their inefficiency.

With respect to the accusation which has frequently been brought against our youth, of their being more untoward and unruly than youth of other countries, at their age, and in their circumstances, I must take the liberty to call this a mere calumny. And must say further, that, when such conduct has been evinced, in any considerable degree, the fault has been, at least, as much in the governors as in the governed. I have been young myself, and have not forgotten my youthful feelings. I never could find in my heart, nor see in my fellows, the smallest disposition to act with any contumely towards a man who knew how to treat us as gentlemen; nor with any respect towards a man who did not. Let this rule be freely and fairly applied. I submit to all the consequences, and I think I may answer for all my colleagues. I am full aware of the peril of this declaration, and have no inclination to shun it. I can speak, and I hope may speak, on this occasion, without the charge of egotism, from my own experience. For more than twenty years I came into immediate contact with the children of a large congregation—for nearly fifteen years it was my lot to direct the studies of young men for the christian ministry—and, for five years of that period, I was called to the government of one of our most considerable colleges; and, in all the time, I never met with an instance of personal disrespect from a young person in any one of them. I have no fear of it now; for I cannot suppose that the youth of Dickinson will impose on me the necessity of making them a dishonorable exception.

What then is the government which ought to be pursued, and will perform such miracles among young men? One which is very plain, very simple, though unhappily not very common; and one which will carry the process through from a family up to a nation. The whole secret consists in being *reasonable*, being *firm*, and being *uniform*.

1. In being *reasonable*. Whatever you require must be such as cannot fairly be objected to—such as belong to the situation of your pupil, his duties, and his time of life. It is a very strong point gained to have his conscience on your side. You are not to demand what he is unable to perform. And if such happen to be his situation it must be altered accordingly. Great care must then be taken to see that your commands are reasonable—this matter being settled, I say,

2. That good government ought to be *firm*. Intreaty and supplication ought to have no more influence upon its proceedings, than upon the bench of the supreme court; and a youth should count no more upon its pliancy. I do not mean to assert that a teacher or governor of youth should never acknowledge an error; or that he should obstinately adhere to a thing because he has said or ordered it. He is

a miserable pauper whom the loss of a six pence will bankrupt; and, in intellectual matters, he is no richer who cannot afford to confess a mistake. He must not, indeed, do this often. But, occasionally, as *humanum est errare*, he may, by owning that he has been mistaken, doing it freely, doing it magnanimously, attach the affections of the youth very strongly to his person, and affirm his authority by those very means which would weaken it in an undecided and incapable man.

5. I add, once more, that a government, to be good for any thing, must be *uniform*. By uniform, I mean that it shall be habitually the same thing; that when you have its decisions at one time, you know where to find them at another; that it shall not be marked by whim; shall not be moved out of its course by gusts of passion; shall not, in a moment of good humor, allow to-day what, in a fit of ill humor, it will forbid to-morrow. Shall not, therefore, tease and vex the subjects of it by its fickleness and variableness. These should always know what to depend upon; and not see the elements of *order* disturbed and broken up by the prevalence of official *disorder*.

Against a government administered upon such principles, and marked in its several acts by courtesy, by kindness, by the frankness and dignity of gentlemen, I am persuaded that depravity herself could not muster up any thing like a formidable conspiracy.

Such, gentlemen, we profess to be our aim—and, in the prosecution of such an aim, we feel confident of your support—although we do not expect to have much, if any, reason to apply for it. We do hope, that an appeal to the understanding, the magnanimity, the conscience of the students, will effectually preclude these scenes of misrule, which have occasionally tarnished the history of other colleges—and that affection will do for us what the exercise of mere authority has not been able to do for others, attach the students more and more to the interests of their *alma mater*.

After all, young gentlemen, the students of this institution, her success is, in a great measure, in your hands. Have we deceived ourselves in expecting from you, a chivalrous sense of moral honor? a delicate, noble sensibility, to character, and all the decencies and elegance of character? a high respect for order and decorum, even in slighter matters? an ardent love of your studies, and corresponding industry? If we have not; if our expectations are well founded; if you shall bear us out in our hopes respecting you; then shall our efforts be animated, our labors sweetened, our success cheering; and Dickinson college revive from her desolations, a phoenix of renewed life, and spreading her lustre over your county, your state, your country—be a source of mild and enduring glory in ages to come.

University of Virginia.

To the president and directors of the literary fund:

In obedience to the act of the general assembly of Virginia, requiring that the rector and visitors of the university of Virginia, should make report annually to the president and directors of the literary fund, (to be laid before the legislature at their succeeding session), embracing a full account of the disbursements, the funds on hand, and general statement of the condition of the said university, the said rector and visitors make the following REPORT:

At their meeting in April last, the attention of the visitors was first drawn to the consideration of the act of the late general assembly, which authorized the literary board to lend, for the use of the university, a further sum of sixty thousand dollars from such monies as should thereafter come to their hands: and taking such view as could then be obtained of the expenses already incurred for the lands, buildings and accessory purposes, for the accommodation of the professors and students of the university, so far as already completed, or in a state of advancement, and the further expenses still to be incurred necessarily to complete those accommodations, they concluded it to be for the benefit of the institution to obtain the said loan. Application was accordingly made to the literary board; a sum of 29,100 dollars was obtained, and the further sum of 30,900 dollars is expected, so soon as the receipts of that board shall enable them to furnish it.

In the mean time the board deemed it incumbent to obtain, as early as possible, a correct statement of the actual cost of what was already done, and a probable one of that still to be done, estimated according to the experience now obtained. They therefore instructed their proctor to apply himself assiduously to the completion of the buildings generally, to a settlement of all accounts of the actual cost of those finished, and an estimate, according to that, of what would be the cost of those still to be finished. The completion of the buildings of accommodation, which are in four rows of about 600 feet in length each, as may be seen by the plan accompanying this report, has been pressed with as much effect as could be expected; inasmuch that there are now complete, and in readiness for occupation, six pavilions for the accommodation of the professors, 82 dormitories for that of the students, and two hotels for their dieting; and the others will all be completed in the ensuing summer. The accounts for the construction of those already finished have been actually settled; and the probable cost of the unfinished has been estimated according to the rates which the others have been found to cost.

The following is a summary view of the actual expenditures of the institution, from the beginning, of those yet to be incurred to its completion, and of the funds received, and still receivable, as nearly as can at present be stated:

	Dolls.	Cts.	Dolls.	Cts.
6 Pavilions finished, have cost	52,713	76		
17 Capitals for them, expected from Italy, are to cost by contract	2,052			
2 Hotels finished have cost	8,215	82		
82 Dormitories finished have cost	52,997	74		
			113,927	32

The following are nearly finished, and are estimated at the rates the others have cost, or at prices actually contracted for:

4 Pavilions	33,563	15		
4 Hotels	16,000			
27 Dormitories	11,952	21		
			61,515	36
Back yards and gardens			1,500	

Making the whole cost of the four rows of buildings of accommodation 176,912 88

The purchase of 245½ acres of land and the buildings on them, past compensations to the bursar and proctor, hire and maintenance of laborers, and all other accessory and contingent expenses,

24,607 77

Making a total for the lands, buildings, &c. complete,

201,550 45

To which add for interest on the loans, calculated to Dec. 31, 1821,

6,160 25

207,710 70

The funds applied and applicable to these expenditures, are:

The sale of glebe lands, 3,104, 09

A state certificate, No. 32, bearing interest, 176 77

Annuities of 1819—20—21 45,000 00

Loan of 1820 60,000 00

Loan of 1821 60,000 00

Subscriptions received to Nov. 27—21 24,676 37½

Balance of subscriptions (due 19,668 95, of which suppose 3000 lost) 16,668 95

209,626 18

From this would result a small surplus of 1915 48

207,710 70

According to the proctor's accounts for the present year (which, with the bursar's, are herewith enclosed, and) which contain minuter specifications of the expenditures;

To finish and pay for the whole of the buildings of accommodation, not yet finished and paid for, will require a further sum to be placed at his command of 53,494 79

The resources for this are
The balance of the loan of 1821, still to be received 30,900 00

The balance of subscription monies still due and separate 16,668 95

Cash in the banks undrawn, as per bursar's account, 2,501 23

Cash in the bursar's hands, as per his account 447 84

State certificate, No. 32, 176 77

From which would result a deficit, to be supplied from the annuity of 3,000 00

53,494 79

So far then as can, at present, be seen, (and we are now so near the end of this work, that there is room for little error), the funds received and receivable, will, within a small fraction, pay for the lands purchased, for the whole system of buildings of accommodation, and all necessary expenses. The building for the library, comprehending halls, indispensably necessary for other public purposes, and estimated by the proctor according to past experience to cost 46,847 dollars, will remain to be erected from the same fund of the annuity.

The anticipations of this by loans for expediting the other buildings, will have weakened it, by nearly one half its amount, by the sums of interest to which it is subject; and will consequently retard the commencement of its applications to the discharge of the sums borrowed, by annual instal-

ments, if such should continue to be the will of the legislature.

The buildings of accommodation will be finished, as before stated, in the ensuing summer, and will constitute the whole establishment, except that of the library. With the close of these works the accounts of their costs will also be closed. These will be first examined by a committee of the visitors, that nothing may enter into them not sanctioned by the board. They will then be finally submitted to the accountant of the literary board for the assurance of the public that the monies have been correctly and faithfully applied.

In the course of these works, as is unavoidable perhaps, generally in those of considerable magnitude, there have occurred instances of monies paid, not in direct furtherance of the legitimate object. The first was the case of a contract by the visitors of the Central college for a professor, while acting for that as a private establishment, and under an expectation of its immediate commencement. But that institution being afterwards merged in this of the university, and the enlargement of the plan occasioning that of the time of its commencement also, it became important that that contract should be rescinded. This was done on a just and reasonable compromise, and indemnification of \$1500. Another instance was the importation of a foreign artist for carving the capitals of the more difficult orders of the buildings. The few persons in this country capable of that work were able to obtain elsewhere such high prices for their skill and labor, that we believed it would be economy to procure an artist from some country where skill is more abundant, and labor cheaper. We did so, but on trial, the stone we had counted on in the neighborhood of the university was found totally unsusceptible of delicate work: and some from a very distant, but the nearest other quarry known, besides a heavy expense attending its transportation, was extremely tedious to work, and believed not proof against the influences of the weather; in the mean time we had inquired and learnt that the same capitals could be furnished in Italy, and delivered in our own ports for a half or third of the price, in marble, which they would have cost us here in doubtful stone. We arrested the work here, therefore, and compromised with our artist at the expense of his past wages, his board and passage hither, amounting to \$1890 56 cents.—These are the only instances of false expense which have occurred within our knowledge.

The two pavilions and their adjacent dormitories, begun and considerably advanced by the authorities of the Central college, were contracted for by them, when all things were at their most inflated paper prices, and therefore have been of extraordinary cost. But all the buildings since done on the most enlarged scale of the university, have been at prices of from 25 to 50 per cent reduction: and it is confidently believed that, with that exception, no considerable system of building within the United States has been done on cheaper terms, nor more correctly, faithfully, or solidly executed, according to the nature of the materials used. That the style or scale of the buildings should have met the approbation of every individual judgment, was impossible from the various structure of various minds. Whether it has satisfied the general judgment is not known to us. No previous expression of that was manifested but in the injunctions of the law, to provide for the accommodation of ten professors, and a competent number of students and by the subsequent enactments, imply-

ing an approbation of the plan reported by the original commissioners, on the requisition of the law constituting them; which plan was exactly that now carried into execution. We had therefore no supplementary guide but our own judgments, which we have exercised conscientiously, in adopting a scale and style of building believed to be proportioned to the respectability, the means, and the wants of our country, and such as will be approved in any future condition it may attain. We owed to it to do, not what was to perish with ourselves, but what would remain, be respected, and preserved through other ages. And we fondly hope, that the instruction which may flow from this institution, kindly cherished, by advancing the minds of our youth with the growing science of the times, and elevating the views of our citizens generally to the practice of the social duties, and the functions of self government, may insure to our country, the reputation, the safety and prosperity, and all the other blessings, which experience proves to result from the cultivation and improvement of the general mind. And, without going into the monitory history of the ancient world, in all its quarters, and at all its periods, that of the soil on which we live, and of its occupants, indigenuous and immigrant, teaches the awful lesson, that no nation is permitted to live in ignorance with impunity.

TH. JEFFERSON, Rector.

Nov. 30, 1821.

Penitentiary System.

STATE OF NEW YORK.

IN SENATE, MARCH 5.

Report of the committee on the criminal law, and the employment of convicts on the canals.

Mr. Hopkins, from the select committee to whom was referred so much of the speech of his excellency the governor, as relates to the criminal law, and the employment of convicts on the canals, reported as follows, to wit:

That the particular points and questions in the criminal law, which his excellency has mentioned, and to which, therefore, the attention of your committee has been required, appear to be the following.

1. Our experiment of a mild system of punishment, intended to prevent crimes and reform criminals, and the result of that experiment:

2. The doubt expressed whether we have not, in our anxiety for reformation, neglected the superior importance of prevention:

3. The improvements suggested to be made by the moral classification of offenders; by the adoption of solitary confinement; by the establishment of separate prisons for those who are doomed to severe punishment; by a graduation of punishments in solitary cells, and finally by abridging the duration of imprisonment.

The consideration of these subjects has led the committee to examine our whole system of punishment, whether considered as a means of prevention or of reformation; and the question of imprisonment, in particular, has led them to consider the prisons, and the means and objects of confinement in them, with the actual treatment of prisoners, and its effects; whether we have such prisons as are sufficient and proper; if not, whether we can and ought to build others; what will be the expense, and what ought to be the discipline observed in them; finally, what other punishments can, with a

proper regard to the state of public opinion, be now adopted.

For the more perfect understanding of these subjects, it seemed useful to examine the authentic history of our state prison system from the beginning, as it is contained in our legislative acts and reports, and in the reports and proceedings of successive legislative committees and special commissions, and in the reports of the treasury, and the detailed statements of the inspectors and officers of the prisons. Such documents, more especially for the last twenty years, have been examined by the committee, who are of opinion that they offer many results which cannot fail to be instructive.

It appears that since the year 1796, the whole amount of our appropriations for the building and repairs of the two state prisons, has been 535,189 83
And the total amount of expenditures for the support of the prisons, and incidental expenses, is 977,732 64

Making in all, \$1,512,922 47
The total number of convicts has been 5,069

Of which number more than half have been pardoned, that is 2,819

Of the whole number of convicts, considerably less than one-half are natives of this state and nearly one-third are from foreign countries; the rest, of course, are from the U. States.

The average number of prisoners, from the returns of the last six years, is 745. By the last returns the total present number in both prisons is 817. which is larger than that of any former year.

The actual expense of the criminals maintained in these prisons has been estimated, according to an average of the last six years for the prison in New-York, and of three years for that at Auburn, [the latter being a recent establishment,] and the committee calculate it as follows:

The New-York prison and repairs has cost \$253,346 00
Auburn do do 281,843 83

535,189 83

On which sum, to cover interest, repairs and insurance, the charge ought to be 10 per cent. per annum: say 53,518 93

Average expense per ann. of transporting convicts to prison, 9,704 00

do. the expenses of sheriffs, 9,250, suppose half for this object, 4,625 00

do. do. of district attorneys, N. B. As they have been paid the last three years by the counties, the average of those years is taken in a due proportion to the three previous years, compared with the sheriffs' bills, \$13,933—suppose half for this object, 6,966 50

Salaries of officers at the New-York prison, 12,989 67

Expense of guard at do. 7,531 33

All other expenses, [under this head come support and clothing,] 22,948 28

Collective amount of the three last items at Auburn, on an average of three years, 13,187 74

Total, 142,471 50

Which, divided by 745, the average number of prisoners, makes about \$177 81 cents per annum, as the expense of each prisoner.

For a few years after the first establishment of

Our state prison, the institution seems to have realized all the most sanguine hopes of its humane projectors. The name of it inspired some dread among criminals, and its government was conducted with a degree of zeal and attention, which often gives flattering success to new institutions, but which can hardly be expected to last always. Accordingly, in the report of 1803, we find that the labor of the convicts came within a small amount of the expense of their sustenance, and the inspectors express an opinion, "that no penal system in any state was less expensive, or more fully answered the intended purpose." But this report contains the first ominous intimation that "there will soon be a want of room."

For eighteen successive years since that time, the state prison reports exhibit a distressing struggle against embarrassments and difficulty, of every kind! They state the overwhelming number of convicts; their profligate and abandoned character; the impossibility of making their labor maintain them; pecuniary embarrassment in the affairs of the prison; enormous demands upon the public treasury, without the intermission of a year; new and fruitless endeavors to make labor productive; the fearful progress of the prisoners in corrupting one another; and, finally, fires and dangerous insurrections. The committee, in order to justify this general description, crave leave to go a little more into detail, and to quote particular examples, to justify their assertions from the official reports contained in your journals.

In 1804, the inspectors and agent mention a destructive fire; losses by bad debts; pecuniary embarrassment, and a balance for the support of the prisoners, of eleven thousand dollars beyond the produce of their labor.

In 1805, the number had greatly increased; the prisoners had cost more and earned less, than the preceding year, and of course the balance against their labor was increased.

In 1806, the officers complain that more room will be wanted. They state that the propensity to vice is much increased by indiscriminate confinement; and that "lessons of infamy," are inculcated and little reformation is seen; and they recommend that no person sentenced for less than five years, be sent to the state prison.

In 1807-8, the vices of the system seem to have developed themselves more fully. The number of prisoners was so great as to crowd the hospital with sick, and more than 20,000 dollars was wanted, beyond their labor, for their support. The report suggests the benefit of solitary confinement in the several counties, and complains of the great number of convictions which were actually cases of second offences, though not known to the court to be so at the time of trial. About this time, necessity introduced the regular practice of granting pardons to so many, as to make the total number of discharges equal to the commitments, and this has continued to the present time.

In 1809, was the first suggestion of another state prison in the interior of the state.

1810, the agent complains that the prisoners are so numerous that they cannot be employed to advantage; and yet in this year 130 pardons were granted; the number of convicts received, was 171.

In 1812, the report pressingly urges the evil of crowding so many convicts together; and remarks that the oldest and greatest offenders corrupt and demoralize the younger, and again urges the necessity of another state prison.

In 1813, another fire.

In 1814, it is stated many are committed for second and third offences; an account is given of the alarm of the citizens at the semi-annual visit of the judges, when forty or fifty of the best prisoners are usually recommended for pardon, and of course sent back into society.

In 1815 and 1816, the number of convicts continued to increase; and there is renewed urgency to have the bounds of the prison enlarged or a new one built. A suggestion is made, that there is no competent punishment for prisoners setting fire to the prison: and discouraging proofs are given of the hardened character of the convicts.

In 1817, was laid before the legislature the report of Messrs. Burt, Radcliff and Taylor, who, by a special act, had been appointed commissioners to examine into the concerns of our state prison, with liberty to visit that of Philadelphia. Your committee can do no more than to quote a very few of the observations contained in that important and very able report.

Those commissioners represented the want of room, and the consequent necessity of pardon, as one of the great evils of the establishment. They consider 450 as the greatest number that can be profitably employed at labor in the then prison.— They mention the striking fact, that of all those who had been committed for second and third offences, about two thirds had been discharged from their former sentences by pardon, and they admit that the system had failed of effecting the *great object chiefly in view*. They describe the prisoners as mutually corrupting and being corrupted by each other, and as leaving the prison more confirmed in their vicious propensities than when they entered it.

In 1818, the annual report avows that the system is "far, very far, from answering the end intended;" that humane and mild treatment has seldom reclaimed the vicious, and that we must have a better system, "not a mere plan of good living and of light punishment, but of dread and terror." The prisoners are described as the most "abandoned and profligate of mankind," and it appears that of such persons, the governor was compelled to pardon and send out about 280, in order to make room for 300 new comers. This year there was a dangerous insurrection, and a great amount of property destroyed.

In 1819, it appears that the late law for punishing offenders within the prison by whipping, had been applied in a few instances with salutary consequences.

1820, Messrs. Morse, Cooper and Campbell, who, by a joint resolution of the houses, had been appointed commissioners, presented a report upon the state prison, abounding in valuable facts and observations, which your committee have freely made use of. These commissioners admit that from some cause or other, "penitentiary punishments have entirely failed of producing the results originally anticipated from them;" and that crimes have multiplied to an alarming degree.

The prison reports of 1820 and 1821, do not vary essentially from all the foregoing, in their general character. The hope is occasionally and benevolently expressed, that the system will hereafter be so perfected as to answer the intended purpose.— But the obvious fact that it has not yet done so, is as plain from the report of 1821, now on the table of the senate, as from any previous document. In that paper the convicts are described as "desperate docs," with hearts "steeled" to moral feeling; and

of such prisoners, 240 have again been let loose upon society the last year by pardon.

It is just to observe that if the present system has failed of its object, that failure has not been for want of zeal and effort in the administration of it, directed by the wisdom and watchful care of the public councils for twenty-five years. It has been governed at different times, by persons of different religious denominations, and opposite political parties, and by successive "agents," all of whom, in turn, have been urged by motives of benevolence or rivalry, or the hopes of applause and advancement, to give it the utmost possible success. The history of their transactions is, for the most part, only a history of mortifying failures and disappointed hopes.

Neither have any exertions been omitted to remedy the defects, which, from time to time, have been observed, and to furnish motives to the prisoners for reformation. Expensive establishments have been formed for their employment at labor, by which they would acquire the means of an honest livelihood. Schools are established in the prison; a very worthy and pious clergyman is employed for their religious instruction, and rewards are reserved for the most deserving, derived from part of the avails of their labor. Classifications have been introduced according to their supposed moral characters; and finally, laws have been passed to exclude from the prisons, all who are convicted of small offences. Still the number of convicts is greater now than at any former period, and they are described in the official report as "*desperadoes*," and "*the most abandoned and profligate of the human race.*"

Upon the whole view of our state prison system, as *hitherto conducted*, your committee are compelled to adopt the conclusion, that so far as reformation is concerned, it has wholly failed; and not only so, but that it operates with alarming efficacy to increase, diffuse, and extend the love of vice, and a knowledge of the arts and practices of criminality.

In saying this, the committee do not mean to question but there may have been individual instances of persons who have led regular and moral lives after having been in the state prison. Whether any convict of a character habitually depraved, has, after his discharge, afforded evidence of a virtuous life, they have not learned, nor do they consider such questions (though sometimes urged) as important upon the present occasion. For that such cases, if they have existed, are not frequent enough to become an object of attention in the enactment of our penal code, is proven by all our experience; and upon *theory*, it would seem most unlikely that a thief, a counterfeiter, or a house breaker, should be reformed in consequence of being shut up in a spacious building, in ease and comfort, and in the society of many other thieves, and counterfeiters, and house-breakers. That a whole community of intelligent men should have expected such a result, exhibits one of those instances of public infatuation, of which examples are not wholly wanting, but which do not the less excite our wonder when the illusion is past.

The question how far this system has operated by way of *prevention*, is in a great measure included in, and answered by, what has already been stated. But as it is not unfrequently urged, that it has at least the praise of shutting out from society a large number of criminals who would otherwise be preying upon community, the committee think it right to go into some calculations, which will

show, as they think, that the number of convicts at liberty is much greater than that of those who are in confinement.

The entire number of prisoners who have been discharged by pardon, was before stated at 2,819. But of those, it is obvious that many would have been discharged by the expiration of their sentences, and that from the residue a certain deduction must be made for deaths.

The annual returns do not furnish the elements from which an *accurate* calculation can be made of the number of living convicts, according to the principles in use among those who calculate the probable duration of human life. But the committee have attempted to find the probable average time of the commitments for each year; in doing which, they allow twenty years each for the complement of the lives of those prisoners who are committed for life.

They further find, on an estimate of the deaths for twenty years past, that the average number of deaths is one to every twenty-seven prisoners each year, or a little less than 4 per cent.

Estimating, therefore, the commitments of each year by their average duration, and deducting deaths according to the aforesaid ratio, the committee calculate that the number of prisoners, who ought to have been in confinement on the 31st of December last, would be 2,080, and as no more than 817 were, in fact, in prison, it would follow that more than 1200 are at large. That is, for two convicts who are in confinement, there are *three* at liberty, who ought to be in prison, if there were prisons to contain them.

But to show more clearly the increase of our criminal population, it may be interesting to estimate, if possible, what would be the number if the same crimes were now punished in the state prison as formerly. In 1807, the inspectors stated that out of 190 committed, 114 were for small offences, and such as have not of late years, been the subject of imprisonment in that prison. This statement is the only one which the committee have found upon the subject. But if the number is now supposed to be in the same proportion as then, to higher offences, we shall find an additional corps of 1200, who are petty offenders; and the whole number of convicts would be about 3,300. But in 1807 the number of prisoners actually confined was 430, so that the increase since that time, is more than 700 per cent. while our population has only increased in the ratio of—

But without including the smaller offences, it is obvious that, upon the present system, the punishment of those who have been actually discharged by pardon for want of room, would now require two more state prisons, at an expense of half a million of dollars, besides an annual appropriation of more than \$100,000, in the whole, for their support.

In justice to our own state it is proper to observe, that more than half of our convicts are persons who come from foreign countries and neighbouring states; many of them probably attracted by the hopes of abundant plunder, and some no doubt, by the good reputation which our state prison cannot fail to have acquired in the community of felons.

What is the annual expense of supporting the convicts who are in prison, has been already stated. But if we turn our attention to those who are out of prison, and consider in what various ways they distress the community, by their thefts, forgery, fraud, and violence in all their forms; harassing the toils of honest industry, and exhausting its earn-

ings; rendering property insecure, and protection expensive; we must admit that the tax paid for the support of the prisoners, is one of the least evils of the extension of criminality.

Facts that are public and notorious confirm the committee in the view they take of this subject. Our newspapers teem with relations of crimes of every dye. Our cities, villages, and manufactories are frequently in flames; and to find secreted combustibles is no uncommon occurrence. It is understood that connected bands of horse stealers and counterfeiters, extend from Canada through several parts of the union. The mails of the United States no longer afford security. Felonies that affect the stability of our monied institutions are becoming common; and the forgery of bank paper is an art so perfected as to deceive the banks.

The committee hesitate not to state their opinion, that a government which fails to repress such a course of criminality, fails also in its highest duty—that of protection. They are equally clear in the opinion, that, after having for twenty-five years employed our sympathies and resources for the comfort of the criminal part of society, it is now our duty to look to the innocent; and that the industrious classes preyed upon by the convicts who are out of prison and taxed for the support of these who are within, and suffering from the insecurity of all their means and earnings, are now fit objects of our care.

In considering a system of punishments, the committee have had no doubt that the question ought to be simply "what will be most effectual for the protection of society under the given circumstances?" Punishments too severe are to be equally avoided with those that are too mild, for they equally fail of the object. But the committee assert the right of society to protect itself by any such means as may be most efficient; and they deny that the criminal who makes war upon mankind, has, in this respect, any rights which are not subordinate to the higher rights of the injured community.

Punishment is not for revenge; and, rightly considered, it has less reference to the subject of it than to the spectators. That punishment would be most proper, which, with the least suffering and pain inflicted upon the recipient, should make the strongest impression upon the public mind.

But to make any impression upon the minds of either convicts or the public, there must be suffering; and to make any adequate impression, such suffering as will excite feelings of terror; and the highest and best purpose of punishment is only there well answered, when the mode of punishment inspires the minds of observers, especially of youth, with a salutary horror of the consequences of criminality.

But whatever may be the individual opinion of the committee, they have borne in mind that nothing can be made effectual, which the public sentiment does not sanction. They have further considered the necessity of putting an end to that wasteful course of expenditure, which for so many years has exhausted the resources of the state upon prisons and prisoners; and they have concluded that more, perhaps, cannot usefully be done at present, than to begin a reformation which future legislatures may in their wisdom perfect, as time and experience shall enable them.

The most important alteration which they have to recommend, is the abandonment of labour as an engine of punishment, and the substitution of severe but short confinement, in cells, with solitude, silence, darkness, and stinted food of coarse quality. With the abandonment of labor in any prison,

may be give up a vast and expensive list of shops, implements, inventories of stock and bad debts, with the expenses of a guard; a separate agent may be dispensed with, and a diminution of, perhaps, half, effected in the expenses of rations for the prisoners. The necessary expense of keeping 1000 prisoners in one prison, will then be a small amount for each.

On the subject of expense, however, the committee have gone into some calculations, the results of which, they hope will not be too prolix to be submitted to the senate.

According to the report from the Auburn prison, the committee understand that, down to the last year, there have been constructed 285 cells for solitary confinement, at an expense of about \$22,000, making something less than \$80 for each cell.

An eminent master builder has been engaged to make an estimate of the expense of building cells in the yard of the state prison at New-York, and he has furnished the committee with a very detailed and satisfactory calculation, shewing that a block of 144 cells will there cost about \$24,000, or \$166 to each cell.

It appears by the Auburn report, that the rations for the prisoners, are furnished at 4 1-2 cents each, (not including the hospital,) and that they consist of a full supply of good provisions, equal to the army rations. Those at New-York are now furnished at six cents each, and the committee presume are equally sufficient in quantity, and good in quality.

It is believed to be no unreasonable estimate, if we suppose that prisoners in close confinement, without exercise, and intentionally stinted as to food, (and that food of coarse quality,) may be fed at half the above prices respectively. The experiments of count Rumford upon the economy of food and preparation would tend to the same conclusion.

In solitary confinement there need be very little or no expense for clothing; in a great majority of cases their own clothing will be sufficient, especially as the time of imprisonment is intended to be short.

But the greatest saving in both prisons will be in dispensing with the guards, which, in the two prisons together, now cost about 10,000 dollars annually.

Assuming these data, therefore, the committee offer the following calculation of the expense of keeping 500 prisoners in solitary confinement in New-York, and 500 more at Auburn:

<i>Estimate for 500 prisoners in New-York.</i>	
182,500 rations, at 3 cents	5,475 00
Hospital, suppose	1,000 00
Fuel, suppose	1,000 00
<i>Officers, viz.:</i>	
1 Agent and keeper	1,400 00
1 Clerk	600 00
Deputy-Keeper	600 00
12 Turnkeys, 500	6,000 00
Board of Physicians	250 00
Chaplain	250 00
	9,100 00
	16,575 00

Which gives to each convict an annual expense of	33 15
Add for the interest of the cost of a cell, at 7 per cent.	11 62
Making for each prisoner, which, however is exclusive of the fees of sheriffs and expenses of prosecution, and of the county expenses before conviction,	\$44 75

Estimate for 500 prisoners at Auburn.

182,500 rations, at 2 1-2 cents	4,106 25
Hospital, suppose	1,000 00
Fuel, suppose	500 00
<i>Officers, viz.</i>	
Agent and keeper	1,000 00
Clerk	600 00
Deputy keeper	750 00
12 Turnk-ys, at 350	4,200 00
Board of Physicians	100 00
Chaplain	150 00
	-----6,800 00

Which makes for each prisoner,	24 81
Add for interest of the cost of a cell, at 7 per cent.	5 60
Total amount of expense of a prisoner at Auburn, exclusive of the fees of sheriffs and expenses of prosecution, and the county expenses before conviction,	-----30 41

From this statement it would appear that the cheapness of living makes a difference of about one third in favor of Auburn; and it is also obvious, that if all our prisoners could be confined under the care of one set of officers, it would produce a further saving. But to countervail that saving, the expense of transporting the convicts (the greatest number of whom always come from the city of New-York,) must be taken into the account. Upon the whole view of this subject, therefore, the committee do not doubt but it will be the permanent policy of this state to preserve a prison in or near New-York.

There will always be a certain number of criminals whose arts and practices are so dangerous to society, that they ought never to be left at large. But if such convicts are imprisoned for life, it would be too vindictive to submit them to the severe treatment intended for other criminals, whose term of confinement would be shorter. They ought, therefore, to be allowed labor, but that labor should still be *severe*: and even then it should be allowed only as a favor, and upon the strict condition of their earning their subsistence.

Should the system recommended by your committee, go into operation, they hope and believe that the number of these prisoners for life will not be very large.

As the system so long and fully established in the New-York prison, will [with some increase of severity] answer the intended purpose, the committee think that the present manufacturing establishments in that prison should be continued. But they beg to be understood as recommending this, merely as a necessary *alleviation* of imprisonment for life, and not at all as partaking of the nature of punishment.

At the same time the committee think it desirable, that, so soon as the funds of the state will allow it, there should be built in the New-York prison a block of about 200 solitary cells, which may be done, either by taking out the floors and partitions in some part of the old prison, and replacing them with cells, or by a new building. So soon as this system shall have gone fully into effect in New-York, and the number of working prisoners shall have become considerably reduced, the committee suppose that the guard will be dispensed with, which will make a saving of nearly 7000 dollars a year. But as an additional security, they would make it *death* for any prisoner who is allowed to work, to break the prison, or escape from it.

On the whole, therefore, the plan which the committee would respectfully recommend to the consideration of the legislature is, that prisoners from any part of the state may be sent to either prison; those for life to New-York, at labor; those for limited terms of confinement, to the solitary cells, and of course to Auburn, except so many from the southern counties as there may be solitary cells for in the New-York prison.

As to the economy of this proceeding, there is one other consideration which the committee wish to present. It may be seen from the foregoing statements, that the average number of prisoners for six years past being 745, and the average expense of transportation \$9704, it follows that the average of expense upon the prisoners is at the rate of about thirteen dollars each, per year, for carrying them to prison. Now the interest of the money necessary to build a solitary cell, even in New-York, has already been shown to be but \$11 62. The committee believe that the expense of transportation may be diminished, and they intend to propose it. But on the other hand, if the terms of imprisonment shall be shortened, and numbers of those who are now at large shall be returned for second and third offences, as may be expected, it will probably follow, *at first*, that the number to be transported will be increased.

If this should be so, it would furnish an additional motive on the source of economy, for building the cells in New-York as soon as possible; because the annual expense of transporting the prisoners will still farther exceed the annual interest of the cost of cells for them. And the committee think it certain that the annual expense of transportation will be increased, till the efficacy of the intended system shall be felt in deterring criminals from crimes, or driving them off to other states and countries, from whence the major part of them came.

On this subject of expense the committee beg to be indulged in making another remark, to show how considerable, even at the lowest, is the cost to which a felon subjects the state.

The foregoing estimate for the annual expense of a prisoner in a solitary cell, in the New-York prison, is	\$44 75
Do. average of transportation,	13
Do. of other expenses by sheriffs, not susceptible of exact calculation, but suppose half of the last	6 50
Do. of district attorneys for prosecution, by calculation, according to the average of the last six years	18 00
Expenses to the county before conviction, including the charges of commitment, board in jail, compensation to poor witnesses, &c. &c. These charges are not susceptible of any calculation, but can hardly be conjectured to be less than	20 00
	-----102 25

Then it appears that every profligate who chooses to commit a crime, can subject this community to a taxation of more than 100 dollars for his support a year; and that our 800 convicts, whose support now comes to nearly 200 dollars each per annum, will still, after every practicable diminution of expense, cost as much money as would prepare 800 of the youth of our country for lives of public usefulness, by an education at the colleges.

The contemplated alteration in the method of punishment will require that laws on that subject should be re-modelled; and the committee think

they may be greatly simplified. They cannot perceive the reason of the many and various grades of punishment which we have enacted, when probably no human discernment can so graduate the turpitude of crimes, as to show why any given offence among so many, should receive such or such a particular measure of infliction, rather than one a little greater or a little less.

The committee, therefore, propose that for crimes above petty larceny, not punishable with death, there be but three grades of punishment; and accordingly they throw all offences, punishable by the state prison, into three classes, namely—the *highest*, and *lowest*, and an *intermediate class*, between those extremes.

They propose, also, that there be three grades of punishment in the cells, as particularly specified in the bill they intend to offer; and that the court passing sentence have power, according to the nature and aggravation of the case, to subject the offender to either grade of punishment, but not to control the *duration* of it, which is always to be fixed within certain limits, by law.

They propose farther, that convicts in the New-York prison, who are permitted to labor, should be subjected to a more rigorous discipline, with coarser food, but in plenty, till the net income shall meet the expenses of food and clothing.

The committee are fully persuaded that this object is easily attainable, and they recommend that it be imperatively required. And they here observe that a further reason for keeping all the laboring convicts in New-York is, that food of a coarse quality can always be there procured at a very low rate, whereas in the country no such selection of food can be made.

The committee recommend that no manufactures be carried on in the Auburn prison, unless perhaps to furnish the convicts with clothing.

They also propose that the laws should be so amended that convicts may be sent from any part of the state to either prison, according to the intended mode of punishment, and having reference also to the room which either prison may, from time to time, afford; and the better to enable the courts to know the state of the prisons in these respects, that returns of the number of prisoners, and of vacant rooms and cells, be furnished regularly to the clerks of courts.

It is hoped that these regulations if adopted, would enable the courts so to regulate the *place*, *duration*, and *severity* of punishment, that pardons will not become necessary for want of room in the prisons.

In pursuance of these ideas, the committee beg leave to recommend that a sufficient appropriation be made to finish the block of cells begun at Auburn, and not only so, but to finish it in one season. From the information of some very respectable and judicious men concerned in the government of that prison, the committee are satisfied that the necessary intermixture of mechanics and laborers with the prisoners while building is going on, tends to the destruction of all discipline; and unless, therefore, the cells are finished during the coming season, the operation of the system proposed, must be deferred for two years; and in the mean time it is probable that the prison will overflow with numbers. The views of the committee as to building of solitary cells in the New-York prison, also have been already expressed. When these improvements are once completed, the committee hope that our penal system may be so administered as to require no additional state prisons, and but a moderate annual expense. They cannot doubt that the operation of

the system will greatly diminish the number of criminals.

The committee are of opinion that the suggestion of the inspectors at Auburn, relative to the appointment by the legislature, of an annual committee to visit both prisons, is well worthy of attention. In this way, uniformity of discipline might be introduced, and the improvements in either prison be extended to the other. Besides which, your committee believe that the authority of a legislative committee would be more competent to introduce the necessary rigour of discipline and strictness of economy, than that of the local inspector can be.

The inquiries of the committee have most abundantly satisfied them that the practice of allowing visitants to see the interior of the prison and the prisoners, is of most injurious consequence. From the amount received for ticket fees, it would seem that nearly 8,000 persons in a year, or about twenty per day, had been admitted. This, to the prisoners, must be a continual amusement, besides the facilities which it cannot fail to afford for improper communications.

The committee recommend that all visitants be rigorously excluded, except in special cases, to be allowed of by the inspectors; and that spectators be only permitted to view the cells through gratings in the outer walls.

They recommend that in each prison a chaplain and physician be employed; that, on a proper certificate from the physician, convicts, whose health is suffering, may be released temporarily from the cells, the period of which release shall be added to that of their imprisonment; and that the prisoners be allowed such books of religious instruction as shall be authorized, on the recommendation of the chaplain, by the inspectors, but no other books.

The committee further recommend that provision be made for the building of solitary cells at the jails of the respective counties; and that the courts, in their discretion, have power to order criminals to be confined in those cells, and that the expense of their sustenance, not exceeding the expense of rations at Auburn, be a charge against the state treasury.

It appears that the officers of the New-York prison have for years supposed that they had not the power incident, by common law, to every prison-keeper, to correct his prisoner, within reasonable bounds, for misbehavior, and, on some application to the legislature, it has been alleged that this doctrine was indirectly countenanced.

If such is the doctrine, it is wonderful that the prisoners do not hold out at least a divided rule with their keepers in the prison. But, while the committee deny that the legislature have questioned the power, they recommend that a declaratory clause be enacted, confirming it.

The last important amendment, which the committee have to recommend, relates to the detection of former offenders, who are often indicted and sentenced for punishment, as for a first offence, though, when they arrive at the prison, they are recognized as ancient guests. In a neighboring state they have a regulation by which the attorney general is, in such case, to file an information on which the prisoner is put on trial, merely to receive the enhanced punishment due to him as a former offender. The committee recommend the adoption of a similar law.

In the bill which the committee have prepared for the consideration of the senate, are contained some additions to, and alterations of, the criminal code, which will best appear from the bill itself.

and they beg leave to observe that in the framing of that bill they have derived the greatest aid from a very able report upon the criminal law, and from a bill, which were drawn by a gentlemen now holding an executive office, and by him reported in the year 1819 to the assembly, of which he was then a member.

The committee have prepared a bill in conformity with the views herein expressed, and have instructed their chairman to ask leave to bring in the same.

Duty on Books.

In senate of the United States, January 8, 1822.

The committee on finance, to whom was referred the memorial of the trustees of the Transylvania university, signed by Thomas Jefferson, praying for a repeal of the duties on books imported into the United States,

REPORT:

That the act of congress of the 27th April, 1816, establishing the existing tariff, has included books among the unenumerated articles, at an *ad valorem* of 15 per cent.

The second section of that act exempts from duty "all articles for the use of the United States, philosophical apparatus, instruments, books, maps, statues, busts, casts, paintings, drawings, engravings, specimens of sculpture, cabinets of coins, gems, medals, and all other collections of antiquities, statuary, modelling, painting, drawing, etching, or engraving, specially imported by order and for the use of any society incorporated for philosophical or literary purposes, or for the encouragement of the fine arts, or by order and for the use of any seminary of learning."

To justify an encroachment upon this tariff, by the exemption of particular articles, we should consider its effects, and understand its bearing upon the general system. It is possible that the exemption required would be chiefly felt in the price of the article exempted, and the manufacture of paper and printing types; and that its influence would be imperceptible or trifling upon the other branches of enterprise and industry. It may then be considered in its operations upon the manufactures, the revenue and the consumption.

The constitution of the United States has placed authors under the protection of congress. Essential to this protection is the encouragement of printing. Could foreigners maintain a successful competition with the American publisher, the American author would experience embarrassment and disappointment; foreign books would inundate the literary market, and even his own productions from a foreign press might be made to impair, if not defeat his exclusive right.

The art of printing in the United States is rapidly advancing to its highest perfection.—Samples have already been produced, which will scarcely suffer by comparison with the best specimens of other nations. Still the art has to encounter embarrassments. Comparatively, our capital is small, labor high, and our skill not perfect. Such is our enterprise, that American competition has already done much to diminish profit and impede success. Remove this protecting duty, and foreigners, particularly the British, who speak the same language, whose labor is cheap, and skill matured, may overwhelm our market, and become the exclusive book makers for the United States.

Connected with this, is the duty on paper. The manufacturer of this principal article of the print-

er's consumption is protected by an *ad valorem* of thirty per cent. So long as this operates as a protection to the paper maker, it is a tax on the book maker. By this partial interference, you leave the burden, while you remove the equivalent.

The manufacture of printing types in the United States is of recent origin: such, however, has been its progress, that, in 1816, congress determined that the manufacturer required, and the consumer could sustain, an impost of twenty five per cent. But, inasmuch as this art may be considered as still in its infancy, the competition at home will not, for a long time, create a depression of the price, and this duty will, consequently, remain a tax on American printing.

In this view of the subject, it is apprehended that it would be unequal, impolitic and unjust, to single out this important branch of industry, strip it of all protection, and leave it to struggle with powerful competitors, to its serious embarrassment, and probable destruction.

But the protector of the manufacturer, and the burden upon the consumer, are not our only objects of consideration in establishing a tariff on importations. It is our principal, and, ordinarily, our only source of revenue. Flourishing as our revenues are said to be, it seems to be agreed that we have no money to spare. "Loans, which consume the future," have become necessary, and rigorous economy and retrenchment must be enjoined and practised, to prevent a recurrence to this pernicious expedient.

The exemption required would probably diminish the revenue beyond the amount of the duty repealed. Should American printing diminish, it would cause a corresponding diminution of the materials of consumption; and the import on paper and types would probably vanish almost contemporaneously with that on books. It ought, moreover, to be noticed, that in England there is a bounty or drawback on the exportation of British books of three pence sterling on the pound weight. Now, inasmuch as our duty is *ad valorem*, and their bounty is specific, not according to the value, but the weight of the books; their cheap editions may be imported into the United States at a premium which will about balance our duty of fifteen per cent. Their more expensive editions and all books in foreign languages, are chiefly wanted for our literary institutions, and for these, they are already free. The inquiry then is, what portion of the community requires this repeal? Every college, academy, and other seminary, and every corporation for literary purposes is now exempt. All members and students of these institutions are consequently exonerated of the burden of this tax. The question recurs, who is to experience the benefit of the exemption? Surely not the instructors nor students in the higher branches of literature, for they are already relieved; certainly not the members of our common schools, for ordinary British editions are compensated by a bounty; American schools books, are plenty and cheap, and those in foreign languages are not required for general use. And it is equally certain that our manufactories forbid it, and our treasury can scarcely afford it. None then but the professional gentleman who can afford to extend his library beyond the resources of American publishers, or the scholar of wealth and leisure, who would indulge his taste in selecting the most elegant and expensive editions of foreign authors, can be interested in its favor. And is it expedient at this time, to interpose this relief,

To tax foreign luxuries is a dictate of the soundest policy. Expensive and highly finished editions are as much a *luxury* as any other extravagant expenditure. A moderate duty on such books, to be limited almost exclusively to gentlemen of wealth, could never subject us to the imputation of an indifference to education. Few nations, perhaps, have done more for the diffusion of knowledge. In the endowments and support of primary schools we are second to none. Great Britain exacts an impost on all imported books, and allows a bounty on the exportation of her own. France exacts a specific duty of one hundred francs per hundred killogrammes on books in the French language. To those reprinted from French editions is added fifty per cent. and pirated editions are entirely prohibited. There is, however, a deduction of fifty per cent for *scientific memoirs*, and of ninety per cent. for books in the dead or foreign languages. Spain admits free of duty, books, maps, and charts, on the subject of navigation, when introduced for purposes of instruction. But *we* have surpassed them, and have not improbably exceeded the limits of a sound and enlightened policy.

With few exceptions, the English is our native and ordinary language. It is spoken as universally and purely as in England itself. But lately we were a part of the British empire; from thence we have derived many of our habits, customs and laws. We still esteem Great Britain eminent in arts, sciences, policy and power. Our principal and subordinate seminaries of learning are chiefly furnished with British books and our youth are taught by British authors, wedded to their own institutions, and exultingly proud of their country, constitution and laws. These means of a foreign influence have long been perceived, and have excited the jealousy of grave and intelligent politicians. Our government is peculiar to ourselves, and our books of instruction should be adapted to the nature of the government, and the genius of the people.—In the best of foreign books, we are liable to meet with criticisms and comparisons not very flattering to the American people. In American editions of these, the offensive or illiberal parts are expunged or explained, and the work is adapted to the exigencies and taste of an American reader. But withdraw the protection which our tariff affords, our channels of instruction will be *foreign*, our youth will imbibe sentiments, form attachments, and acquire habits of thinking adverse to our prosperity, unfriendly to our government, and dangerous to our liberties. Your committee, therefore, recommend the following resolution:

Resolved, That it is, at this time, *inexpedient* to repeal the duty on the importation of books.

Culture and use of the Bene Plant.

TO THE EDITOR OF THE AMERICAN FARMER.

Rose-Hill, 24th Nov. 1821.

SIR—A variety of causes have prevented that prompt attention to your Philadelphia correspondent, which the importance of his inquiry demanded, and the politeness of his address entitled him to.

In the winter of 1812 and '13, I resided, with my daughter, in Georgia. The soil, trees, shrubs, plants, course of crops, and mode of cultivation, were all different from what I had been accustomed to.—Every thing was new to me, except the manners and habits of the people with whom I associated.—They neither had big houses or big barns, but, like the inhabitants of Maryland, their hospitality was

unbounded, to all who either deserved or stood in need of their attention.

At the house of my valued friend John McQueen, esq. of Oatlands, the bene plant was first made known to me. It was about the last of Feb. that, dining with him, he requested my opinion of a bowl of fine cabbage lettuce; it deserved all the praise which I gave to the vegetable, as well as to the dressing when Mr. McQueen, smiling, informed me that the oil was of his own produce, from what made, and the value of the crop.

Captivated by the idea of introducing to the almost deserted, poor, sandy districts on the shores of the Chesapeake and Delaware, a crop which should be as lucrative as the wheat of our best lands, and flattering myself that I might be the instrument of stopping a ruinous emigration from these poor lands to the west, I procured and brought home with me about two quarts of seed.

This plant was first brought to the south by African negroes, who cultivate it in their patches as a valuable and important ingredient in their pottages, being first moderately roasted. The seed, from which the oil is made, is of the shape and about the size of the alkukeregi, or winter cherry, and is pleasant to chew, even in a raw state. The pod which contains the seed, is shaped like, and much about the size of, a tobacco pod. These pods do not ripen all at the same time, but in succession, like the cotton and oca; and, when ripe, must be gathered, or they will open and the seed shatter out; they may be easily gathered by children and infirm persons.

Experimentalist, as I acknowledge myself to be, the introduction of the bene appeared so desirable, that only a few seed was wasted, by attempting late in the season to grow it at this place. But in order to make the most of it, parcels were placed in the hands of Mr. Ridgely, chancellor of Delaware, doctor Sykes, a distinguished physician of Dover, and many others whose names are not recollected; all promised attention, but no report has ever been made to the public or me, respecting their success.

Mr. McQueen was with his family last summer, at the Saratoga springs, and he wrote from thence as follows:

"Upon my return home, I will send you half a bushel bene seed, and a box of oil that has been made ten years; we use no other kind, and think it as good as at the first. I think this plant will succeed in your climate, as the oca and tomatoes have done, as it seeds in time with us, if sown early in July.—Warm sandy soils would, I think, do best for it. I have seen it grow well upon very poor sandy land. I planted bene in 1799, my field was much mismanaged, (that year I was much absent,) and do not think it produced more than six or seven bushels per acre; but I should suppose from 10 to 15 might be expected. My crop produced about 500 bushels, for which I received two dollars a bushel, and then became interested in its manufactory. It produced two gallons of cold drawn oil per bushel; the seed when warmed and again pressed, gave nearly half a gallon more, which was kept by itself for inferior purposes. One cause of this oil's keeping so much better than olive oil, is that it is not heated in the operation. Olive oil, I understand, is boiled. Mr. Sully sent me word, it was the best oil he ever used for painting."

Invited to give an opinion, I will say, that all our sandy or light lands, or salt water of rivers, bays, or the ocean, from Florida to Long Island, in the state of New-York, will produce this plant to

advantage, greater always where the summers are longest; for, ripening in succession, it will continue to produce until checked by frost. When I speak of lands on the salts, I must be understood as meaning lands affected by a salt atmosphere; for it is perfectly understood, that heat and cold are not uniformly regulated by degrees of longitude and latitude. The moderate distance of eight miles east from the waters of the Sassafras, has destroyed every blade in a corn field, while at this place nothing was injured—and a few miles, say ten or twelve, equal care taken; peas and strawberries will be a week earlier upon salt water shores.

The whole of the peninsula of Maryland, Delaware and Virginia, from Dover down to the capes, is all more or less affected by vapours from the two bays and the ocean, and will, I think, produce good crops of bene. The warm river lands of Anne Arundel county, and from thence down the Chesapeake to the capes, diverging further from the rivers as you progress to the south, will all produce bene to advantage. The warm river and ocean land of New Jersey, which now produce such excellent crops of melons and sweet potatoes, are entitled to a fair experiment, for, in my opinion, the bene will, on them, prove a profitable crop; very rich land is not the most favorable, for it may not only run too much to stalk instead of seed, but it may grow too high for children to cut and collect the seed. It will require equal cultivation with corn, if planted in drills, from two to three plants in a hill, and the hills three feet apart.

To encourage the culture of this most valuable plant, a company should be formed in your city, which would distribute the seed, and contract to purchase for two or three years at a liberal price. The want of machinery, and of course a market, checked the culture in Georgia. There is a cautious reluctance in my fellow countrymen to attempt new crops or new modes of cultivation.

No period could be more propitious than the present for introducing this plant. Our grain is of little value, while a bottle of oil maintains its war price—offer to the farmer an encouraging price, *not to be affected by a southerly wind*, and I have no doubt, but that, in a few years, we shall export oil, equal, if not superior, to the best olive. In such a case, we shall all be indebted to the Philadelphia friend of the plough, for first proposing the subject through the medium of your valuable paper.

I now, sir, promise, through you, that nearly the whole of the seed which Mr. McQueen sends to me, shall be placed in your hands for distribution, and as I have already given my opinion of the quality of the oil, without any pretensions to correct taste, I will also send you one bottle of the oil for your own use, and one other bottle for the Philadelphia friend of the plough, and if you will instruct me how other distributions can be made, which may encourage the culture of this most valuable plant, your wishes shall be respected.

Half a bushel of seed, carefully managed, will plant a thousand acres.

I am your obedient servant, T. M. FORMAN.
J. S. Skinner, esq.

Military Expenditures.

Report of the committee on military expenditures, in the house of representatives, May 1, 1822.

The committee on the accounts and expenditures of the war department, report:

That they have examined the said accounts and expenditures, and they beg leave to detail the re-

sult of their inquiries and examinations, under the several heads of duty prescribed to them by one of the standing rules of the house

1. Whether the said expenditures are justified by law?

The committee have perceived no expenditure that is unwarranted by law, unless the extra compensation which is occasionally made to officers of the army, for services not within their regular official duties, may be considered to be of that character. It would at first seem that, although an officer in the monthly pay of the government is not bound to render every portion of his time to the public service, yet that he cannot perform such extra services without neglecting his stated regular duties; and that, most commonly, the time employed in the one is precisely so much taken from the other. But, on the other hand, it is represented to the committee, with some reason, that the practice of employing officers as clerks in the war department may, in several ways, be advantageous to the public. That, while they are better able, from their more accurate professional and local knowledge, to judge of the propriety and the economy of distant disbursements, they themselves are improved in a species of knowledge which every officer is occasionally required to discharge, and which is indispensable to the officers of quartermaster, paymaster, and commissary; and, at the same time, that these services are better done than they would be by an ordinary clerk, the cost to the government, in their extra compensation, ought to be considerably less.

The committee were also at first inclined to think that the money paid to the attorney general, under the sanction of the secretary of war, for an argument in a case submitted to arbitrators, was not warranted by law; but, on a reference to the act of congress which prescribed the duties of that officer, they find that they clearly do not comprehend the services rendered by him on this occasion, but are limited to the cases of the United States in the supreme court, and to giving legal counsel to the president and heads of departments. The reasons assigned for this disbursement, were, that the matter in controversy was of great magnitude, involving several hundred thousand dollars; that able counsel were employed by the opposite party; that no other counsel could be obtained, in whom the agents of the government had equal confidence; and that the compensation allowed was not greater than is usually paid for similar services. If the practice be deemed objectionable, the committee think that the remedy which will be most consistent with the public interest, will be to extend the duties of the attorney general by law.

2. Whether the expenditures are supported by vouchers establishing their justness, both as to character and amount?

In those cases in which the rate of the expenditure is fixed by law, such as pay, rations, and the like, the committee have been content with a slight inspection of the accounts. Where there was latitude for more or less economy, either as to quantity or price, they have been more particular in their investigation; but, where the disbursements were altogether discretionary, as in the case of contingencies, the committee have examined every voucher with the minutest accuracy. The result of their examination is, that the vouchers, in every instance, agree with the accounts; that, so far as the committee can judge, the items are, with some few exceptions, at the ordinary market rate as to price, and reasonable as to quantity. Among the

exceptions, we would mention the commutation allowance to officers employed in extra service, such as surveying Mobile bay, in lieu of transportation, quarters and fuel, and for making disbursements. This allowance was at the rate of \$1,472 for officers of the rank of captain, according, as it is said, to long established regulations, which the committee think was too large an addition to their regular pay. The character, too, of many small items in the contingent expenses of the war department, though sanctioned by usage in that and the other departments, appear to the committee to be highly objectionable, such as the purchase of books by the subordinate officers of the department, which have no connection with their clerical or bureau duties. The increased expense incurred for carpets, maps, engravings and newspapers, seem to be liable to a similar objection, though not of the same decided character.

3. Whether the disbursements have been made in conformity with the appropriation laws?

The committee know of no instance of an expenditure out of funds not appropriated therefor, except the \$60,000 expended on fort Calhoun be of this description. As the money appropriated for fortifications in 1820 was not specific as to the objects, it was at the discretion of the executive to expend it on such of the fortifications as he should select. But, if the appropriation act of 1821, which appropriated specific sums to the fortifications on the Chesapeake, at the time when the money, of which the above \$60,000 was a part, was believed by the legislature to be either expended, or about to be expended, in the Gulph of Mexico, be considered to have repealed so much of the act of 1820 as left the destination of the funds discretionary, then the expenditure of the \$60,000 on the fortifications in the Chesapeake was not warranted by law, and ought to have been returned among the unexpended balances of the preceding year. The committee deem it unnecessary to add any thing further on this subject, as the facts of the transfer, and the considerations which induced it, are exhibited to the house in the letter of the secretary of war, of the 19th instant.

4. What further provisions are necessary for the proper application of the public money, and its economical disbursement?

The committee, in the course of their examination, have not been inattentive to this part of their duty. They are persuaded that, under the most vigilant and judicious administration, there will occasionally be some mismanagement, some waste, some peculation; and the most that can be effected is to lessen the temptations and the facilities to these malversations; to provide for their early detection, and for indemnity to the public when detected. So far as concerns mere accountability, the committee consider the present system as unexceptionable and complete. But so far as regards economy, there has been considerable improvement within a few years, and there is probably room for still more. A brief statement of the course pursued in any branch of military expenditure, that of the quarter master's department, for example, may serve to illustrate the security which the public has against injury and abuse. The accounts for supplies are first transmitted to the quarter master general for investigation, who returns them to the quarter master, if he thinks them palpably wrong, or, in a doubtful case, transmits them to the third auditor with his remarks. They are examined by that officer with reference to the laws and regulations of the war department, or the contracts that may have been made. If there

are any items not embraced either by the regulations or contracts, they are specially referred to the head of the department for his decision. They are then reported to the second comptroller, and if passed by him, they are returned to the third auditor, who enters them on his books, and communicates the same to the party. The evidences of these transactions, through all their details, are carefully preserved, and so methodically arranged as to be readily referred to. If then there is any charge that is illegal or extravagant; if any defect in the vouchers, or any delinquency, they can be discovered without difficulty by one at all conversant with accounts.

With a view to economy, the committee have no hesitation in saying that contracts by the government should be confined to provisions, rations, wood, and such articles as have a stated market price to govern both the contractor and the agent of the government. But fortifications, and other permanent works, ought always to be built under the direction and superintendence of a capable and responsible public officer. Experience has shown that the contracts are seldom or never executed, unless they are advantageous to the undertaker.—Where they are not fulfilled, the contractor often proves insolvent, and when his securities are sufficient, the government has, in lieu of the work it contracted for, and the money it had advanced, a law suit that is always tedious and troublesome, and sometimes abortive. Nor can there ever be that security for the goodness of the workmanship or materials, in the case of private contracts, as when the work is conducted by a respectable officer.

The committee would further suggest, that where large sums are placed in the hands of agents and superintendents of the government, they should be required to deposit the same in some convenient and responsible bank, (to be designated by the head of the department), in the name of such person, as agent; that the money should be drawn by him in that character; and that he should send weekly or monthly statements of his bank account to the war department. Though such regulations would not always prevent the agent from using the public money as his own, it would have an evident tendency to lessen the chance of it, and to give early intimation of it when it did happen.

5. Whether any retrenchments can be made in the expenditure of the war department without detriment to the public service?

The committee addressed a letter to the secretary of war, on the 4th of March last, to inquire whether the number of clerks in the war department proper, as well as in the engineer, ordnance, and pay departments, could not be reduced; to which he replied that the number would not admit of further present reduction. His letter, with its enclosures from the engineer, ordnance, pay, and quarter master's departments, are hereto annexed, and marked A, B, C, D, and E. The present organization of the war department, by which its business is distributed into distinct bureaus, or sub-departments, requires a great number of clerks, but it has been found conducive not only to despatch, regularity, and the accountability of public officers, but, also, to economy of disbursement. The committee think that it would be a mistaken economy, which would, to save the salaries of a few clerks, run the risk of having this important branch of the national administration imperfectly executed. And although their compensation is somewhat higher than is paid in the neighboring states for similar services, yet it

is presumed the public will, in general, be compensated for their liberality, by the greater skill and respectability of its officers. None of the preceding remarks are meant to apply either to the Indian trade or Indian agencies, which have not much occupied the attention of the committee, as those subjects have been particularly submitted to several different committees of the house.

The committee think that it would check the irregular and improper disbursements to which they have before adverted, if the appropriation for the contingencies of the war department should be subdivided into specific sums for printing, stationary, fuel, and miscellanies, these several items not so materially varying in different years, as to produce inconveniences, as the advantages of specific appropriations are now universally admitted. And they also think that it would further the objects of such a change, if the disbursements were made for all the offices of the war department by one of its clerks, specially appointed for that purpose.

6. Whether any abuses exist in the failure to enforce the payment of the moneys due to the United States by public defaulters or others?

Cases of delinquency have of late years been very frequent, and much greater delay than seems necessary has taken place in recovering the money from the defaulters, and in conducting the suits against them to a termination. These suits are now placed under the direction of the fifth auditor of the treasury, but it has been suggested that it would greatly tend to hasten their decision, and thereby to prevent much loss to the United States, if they were placed under the direction and superintendence of the attorney general, whose duty it should be to correspond with the several district attorneys; direct the institution of suits against delinquents; attend to them throughout their progress; and aid by his counsel in removing such delays and impediments as may occur in their prosecution. These duties, which could be well performed only by a law officer of talents and weight of character, it is thought would be very advantageous to the national treasury.

The committee will now take occasion to remark, that the duties prescribed to them, to be completely executed, require much time and labor; and the more, because most of their examinations are made at the offices of the war department, to avoid the trouble and risque of removing so large a number of accounts and vouchers. They think it highly desirable, that the duties should be performed in the early part of the session, that the legislature may thereby be able to correct abuses, if they exist, and if they do not, to remove unfounded causes of distrust, and restore the public confidence; for, next to the evil of having a wasteful and corrupt government, is the belief that we have one. The committee think that this early investigation cannot be performed with that minuteness and accuracy which will make it useful, without increasing the number of the committee. Influenced by the preceding considerations, they offer the following resolution.

Resolved, That the standing rules of this house shall be so amended as that the committee on the accounts and public expenditures, relative to the war department, shall hereafter consist of seven members

Resolved, That the committee on the judiciary shall inquire into the expediency of enlarging the duties of the attorney general.

[A.]

DEPARTMENT OF WAR, March 8, 1822.

Sir: I have received your letter of the 4th inst.

relative to a reduction of clerks in this department, as well as in the engineer, ordnance, and pay departments.

The law of the 20th of April, 1820, allows to the war department twenty-three clerks, whose compensation is fixed at \$25,800.

Owing to the diminution of business in the section of bounty lands, the number was reduced last year to nineteen, whose compensation is \$23,400. As it is not calculated any further diminution of business will take place this year, a like number of nineteen, with the same compensation, will be necessary. Of this number, five employed in the section of bounty lands, are not more than adequate to the management of that branch of business of the department. Nine are employed in the pension office, and it is believed no reduction in the number of clerks can be made without injury to the public in that branch of the business of this department. Five, including the chief clerk, are employed in the war office proper. Of these, one is wholly employed upon Indian affairs, one in recording, one in keeping the register of letters received, and filing them, and one in keeping the warrant book.

In relation to the clerks in the pay department, I enclose herewith a report of the paymaster, by which it will appear no further reduction can be made in that department, consistently with the good of the service. It will also appear, by the same report, that a reduction from seven to three has already been made in that office since the late reduction of the army.

In relation to the number of clerks employed in the engineer and ordnance departments, I also enclose herewith, reports from the chief engineer, and lieutenant colonel of ordnance, by which the committee will see that the present number employed in those departments, are considered not more than adequate to the discharge of the business of their respective offices, and that they cannot be reduced without injury to the public.

It is proper to observe, that this department promptly reduces the number of clerks employed whenever the state of the business will admit of it, without regarding the number authorized by law to be employed.

I have the honor to be, your obedient servant,

J. C. CALHOUN.

*George Tucker, chairman of the committee
on the expenditures of the war department, H. R.*

[B.]

ENGINEER DEPARTMENT,
Washington, March 6, 1822.

Sir: In obedience to your orders of yesterday, requiring "a report whether or no the clerks in this office can be reduced," I have the honor to state, that the number employed at this time is two, and both of whom are indispensably necessary for keeping up the files of this department, and copying the various reports, letters, and other documents, concerning the engineer service and the military academy. I therefore report, that it is my opinion that they cannot be reduced without manifest injury to the service. I have the honor to be, very respectfully, your obedient servant,

ALEX. MACOMB, maj. gen.

[C]

ORDNANCE DEPARTMENT, March 7, 1822.

Sir: In compliance with your orders, to "report whether the number of clerks can be reduced," I beg leave respectfully to state: That the business of the ordnance department having recently been

considerably increased, rather than diminished, it is not deemed that a less number of clerks than now employed, can be safely dispensed with. The causes are as follow—Since the law merging the corps of ordnance with the artillery, I have caused, agreeably to your orders, the accounts of all the moneys disbursed for the ordnance service, previously to their being laid before the second auditor for settlement, to be examined, and passed (if approved) by this office; a business requiring much time and care, for its proper performance; and which, it is expected, will produce beneficial public effects.

Your transfer, also, of the charge of the lead mine lands in the western and northwestern states, to this office, has added to its business concerns; and, from their regular and unproductive state in which those mines have hitherto been left, will require considerable attention and labor, to render them as productive to the United States, as it is hoped and believed they may be made.

The extensive correspondence carried on by this department, with every (the most remote) part of the United States; with the arsenals and depots; the national armories and private contractors for arms; the military posts and garrisons, &c. also give constant and great employment for the clerks now engaged. In fact, judging from the recent and accumulated business of the office, an additional clerk could find sufficient employment; and, it may therefore be inferred, that the public business would be seriously delayed and injured, were the present number of clerks to be reduced. With great respect, I am, sir, your most obedient humble servant,

G. BOMFORD,

Lieutenant colonel, on ordnance duty.

Hon. J. C. CALHOUN, department of war.

[D]

PAY DEPARTMENT, U. S. ARMY,
WAR OFFICE, March 7, 1822.

SIR: On your orders of the 5th instant, which I have just received, requiring me to "report whether or no the number of clerks in this office can be reduced," I have the honor to state, that, since I was appointed paymaster general, the number of clerks in this office has been reduced from seven to three. With these I have discharged all the current duties of the office; and, I believe, with close application, we shall be able to meet promptly, all the duties which may hereafter be required conformably to all laws and existing regulations. The compensation required for the clerks in this office for this year, is \$4,950 less than was allowed by the act of the 20th April, 1818; and, I am convinced, the number of clerks cannot be further reduced without embarrassment and injury to the service. For a more detailed report on this subject, I take the liberty to refer to the letter I had the honor to lay before you on the 26th of June last. I have the honor to be, with perfect respect, your obedient servant,

D. PARKER, paymaster general.

To the secretary of war.

[E.]

PAY DEPARTMENT, U. S. ARMY,
WAR OFFICE, 26th June, 1821.

SIR: Agreeable to your order, I have the honor to report, after having looked into the details, that, in addition to my own labor, I believe three clerks will be constantly required in this office.

One will be charged with the examination of paymasters' accounts in detail, and keeping the records

of remittances, disbursements, &c. One will endorse the letters received, enter them in a book kept for that purpose, and copy and record letters. The other must aid in the details of estimates, assist in copying, and such other casual service as may be required, for a prompt discharge of the duties of the department. I have not yet had an opportunity to discover the full strength of the gentlemen of the office; they all appear to be intelligent and competent. I contemplate this distribution of labor, reserving a full share for my best exertions, under the limit you have given me, of "the smallest efficient force, for the current duties of the office." I am convinced, however, this arrangement will acquire our constant attendance, and will leave us no idle time, during regular office hours. I am not fully certain, that we shall be able to discharge all the duties required, but I am the more willing to make the experiment, having always found, that the less the number of men employed, if competent to the work, the better the work is done.

The pay of the gentlemen should be equal to the labor required, and I anticipate in this the three best salaries heretofore given. Col. Towson stated to me, that Mr. Frye, Mr. Ramsey, and Mr. Andrews, were the three first to be retained. I am satisfied with those gentlemen, and the current duties, at this time, are fully within our grasp. A month, however, is not a fair experiment, and I have before informed you that the records of the office are not complete. There is no letter book from the 26th of March, to the 11th of October, 1814, an important period of war; and there is no letter book from the 9th of April, 1816, to the 18th of October, 1819. The rough copies of the letters are on file, and in boxes, and should be recorded in the letter book. One of the disbanded clerks, who had been but a short time attached to the office, is sick; the other three have great merit, they served during the war and ever since. They have not yet been able to make arrangements for other pursuits. I have therefore to submit, for your approbation, that I be allowed to divide the letter file referred to, give to each a book, and allow them three months, from the 1st of July, to bring up the records.

I have the honor to be, &c. &c.

D. PARKER, paymaster general.

The secretary of war.

Appropriations for Fortifications.

DEPARTMENT OF WAR, 10th April, 1822.

SIR: In answer to the inquiries of the military committee, contained in your letter of the 28th ultimo, I have the honor to transmit herewith, reports of the chief engineer and the third auditor, which furnish the information required. It is, however, proper to observe, that, by reference to my letter of the 2d of February, 1821, to the speaker of the house of representatives, transmitting a statement of the appropriations for 1820, (see state papers 2d session, 16th congress, vol. 6, No 91), the committee will perceive, that, although there was, on the first of January, 1820, \$400,000, under the head of fortifications, undrawn from the treasury, the treasurer, as agent for the war department, was overdrawn on the same day, under the same head, \$268,306 94, which was refunded to him when the sum of \$400,000 was drawn from the treasury, and put into his hands, as agent of this department, and which left a balance in the hands of the treasurer of \$131,693 06, after de-

ducting the sum which, (as appears by the last column of the above mentioned statement, was required to meet the disbursements of 1820), left \$100,000 applicable to fortifications in 1821; which was included in the appropriation for fortifications for 1821. In addition to the sum appropriated for 1821, it appears, by reference to the accompanying statement of the chief engineer that, on the first day of January, 1821, there remained unexpended, at the disposal of the superintending engineer on the Gulf frontier, a very considerable sum which was not included in the estimate of balance of appropriation for fortifications, which comprehended only the sum undrawn from the treasury, after deducting the sum over drawn on the treasurer.

For the reasons assigned in the letter from the engineer department, I was not apprized of the existence of this balance at the disposal of the superintendent, until after the adjournment of congress; the disposition and application of which, were submitted to the president for his direction, who ordered that it should be applied in the manner stated in the report of the chief engineer.

I have the honor to be, your obedient servant,
J. C. CALHOUN.

Hon. William Eustis,
Chairman of the military committee, H. of R.

ENGINEER DEPARTMENT, April 10th, 1822.

Sir: This report complies with your instructions to furnish, so far as depends on this department, the information called for by the following inquiries, contained in a letter, dated the 28th ult from the honorable chairman of the committee of military affairs of the house of representatives, viz:

"The amount of disbursements made on account of fortifications in the year 1821, specifying the amount on each, the time when, the persons to whom, the payments were made, and the fund from which they were drawn.

"The authority under which general Swift formed contracts for the construction of fortifications at Mobile and lake Pontchartrain, and whether those contracts are considered to be in force, and are acted upon at this time, and whether any, and what, losses have been sustained under those contracts."

The amount applicable to fortifications, remaining in the hands of the treasurer of the United States, on the 1st of January, 1821, as stated in a report of this department of the 9th of January, 1821, was \$131,693 06, of which \$31,693 06 being considered necessary to complete the disbursements of 1820, there would remain, for the service of 1821, \$100,000. To this sum was added, by appropriation, \$202,000, whereby the amount available for fortifications for 1821 was augmented to \$302,000. It was discovered, however, that of the sums placed at the disposal of the superintending engineer on the Gulf of Mexico frontier, for the service of the year 1820, a very considerable balance, amounting to \$104,000, remained unexpended at the close of the year. The accumulation of so large a sum, in the hands of the engineer, was accounted for by the unexpected inadequacy of the operations of the contractors, to absorb the sums, which it had been deemed necessary to provide to meet the engagements of the government under their contracts. Owing to the distance and the uncertainty of the mail conveyance, the engineer's report of the circumstance, although dated on the 23d of Jan. was not received here until early in March.

This balance being applicable to the service of the year 1821, it was determined to appropriate a portion of it to the Chesapeake, and leave the residue for the Gulf service. Directions were accordingly given for the transfer of \$60,000 to the treasurer of the United States, in order that it might be redrawn at Norfolk; but, in consequence of a misunderstanding, that arrangement failed. The funds being wanted immediately at Norfolk, it was desirable to avoid the delay that would attend the renewal of the arrangement. It was, therefore, proposed to effect the object in view, by directing captain de Russey, the agent for disbursements on the Gulf frontier, instead of transferring the \$60,000 to the treasurer of the United States, to transfer \$30,000 of it to the appropriation for the Rigolets, and the remaining \$30,000 to the appropriation for Mobile Point; then to draw from the treasury, on account of those appropriations, corresponding amounts to those transferred to them, and to issue them to col. Gratiot, the agent for disbursements at Norfolk, Virginia, but to charge them to captain De Russey, and to credit him on account of those appropriations, for his disbursements of the sums transferred to them as above stated: thus the books of the treasury would show the legitimate application of the sums so drawn from those appropriations, to exonerate capt. de Russey from accountability to the general appropriation for fortifications, whence was derived the \$60,000 transferred to the appropriations for Rigolets and Mobile Point, as he would now become accountable to the latter for the same, colonel Gratiot, to whom the accountability would then attach, was authorized to give receipts in favor of captain De Russey, for the sums issued to him in pursuance of this arrangement, and to disburse them on account of the general appropriation for fortifications.

This arrangement was submitted to the secretary of the treasury last summer, during your absence, and, being sanctioned by him, was carried into effect.

The contracts of Mobile and lake Pontchartrain were formed by general Swift, under the sanction of the war department. Previous to the year 1821, the appropriations for fortifications were made in a gross sum, without designating any special sum for any particular work. Under the authority of the general appropriation, the president having determined to commence the works in question, general Swift, then chief engineer, recommended their construction should be by contract, under a belief that they could be executed more economically by that, than by any other mode; this opinion was founded in part on the belief, that, in a country so destitute of resources necessary for the erection of such works, that the enterprize and individual interest of a contractor would be the best means of overcoming the difficulties which would be presented. The contracts were formed upon public notice, and upon the lowest bid. It is proper to observe, that those contracts were formed before the passage of the law prohibiting the formation of contracts, unless upon existing appropriations adequate to their fulfilment.

The periods stipulated for the completion of the contracts have expired in each case; that for Mobile Point, on the first of July last. There being very considerable advances remaining unliquidated at the expiration of the contract for Mobile Point, Mr. Tiltonson, and Mr. Gouverneur, securities for col. Hawkins who had died some months before the expiration of the contract, applied to the department for permission to execute the work on the original terms, to save themselves from the responsibility

which attached to them on account of those advances. The request being deemed reasonable and advantageous to the government, they were informed that, on making satisfactory arrangements for the execution of the work within a reasonable time, the permission requested would be granted to them. The arrangement has not yet been completed, and they have been informed, recently, that unless it should be made within a moderate period, a forfeiture of the contract would be declared, and the bonds, consequently, put in suit. The progress of the operations of the Rigolets' contract being very satisfactory, the contractor has been permitted to continue them, believing it to be for the public interest that the contract should not be forfeited, as there is every prospect of a successful execution. The work at Dauphine Island, under the management of general Starke, a gentleman of capital and business habits, who has been employed as the agent of the contractors, with the approbation of the department, was progressing, at the time of its suspension, by the withholding of the appropriation, to the entire satisfaction of the department; and, as it is understood, that he is willing still to fulfil the contract, should an appropriation be made, it is believed it would be for the interest of the government to continue the contract.

No losses have been sustained under those contracts, nor is it probable there will be any, as the security held by the government for their faithful execution, and the advances made to facilitate it, is ample for both.

In pursuance of your instructions to furnish the additional information requested by the honorable chairman of the military committee, dated the 6th instant, viz: "through what han! the contract for the works of Dauphine Island and Mobile Point have passed and who is at this time responsible for them;" I have the honor to report, that the contract of Dauphine Island is still in the hands of the original contractors, Messrs. Harris and Farrow, who, together with their sureties, are responsible for it.

The contract for Mobile Point was originally made with colonel Hopkins, and, at his death, with the consent of the department, was transferred to colonel Hawkins, who being also deceased, his representatives and securities are responsible for its execution.

Respectfully submitted.

ALEX. MACOMB,

Maj. Gen. Chief of Engineers.

The hon. J. C. Calhoun, secretary of war.

Naval Court Martial.

Proceedings of a general court martial, assembled on board the United States' ship Independence, at the navy yard, in Charlestown, Massachusetts, on Wednesday, the 20th day of March, in the year of our Lord one thousand eight hundred and twenty-two.

PRESENT:

Captain Thomas Tingey, president.

Captains Charles Morris,

Lewis Warrington,

Jno. Orde Creighton,

Thos. Macdonough,

Robert T. Spence,

John Downes, and

Wm. C. Aylwin, judge advocate.

Members.

Captain John Shaw appeared, and the following orders of the hon. secretary of the navy, for convening this court, were read:

Navy Department, March 2d, 1822.

Sir: A general court martial, to consist of yourself, as president, captains Charles Morris, Thomas Macdonough, Lewis Warrington, and Robert T. Spence, as members, and Wm. C. Aylwin, esq. as judge advocate, are hereby authorized and required to assemble, on the 20th day of this month, for the trial of captain John Shaw, upon the charges and specifications herewith enclosed, preferred against him by captain Isaac Hull, of the navy of the United States.

The members of the court and judge advocate, will be directed to report to you personally, in Boston, on the 20th inst.

I am, very respectfully, sir, your most obedient servant,

SMITH THOMPSON.

Capt. Thomas Tingey U. S. Navy, Washington.

NAVY DEPARTMENT, March 4. 1822.

Sir: To the general court martial, of which you are president, ordered for the trial of capt. John Shaw, and such other persons as shall be regularly brought before the said court, I have added capts. John Orde Creighton and John Downes, as members, and directed them to report to you in person, in Boston, on the 20th inst.

I am, very respectfully, sir, your obedient servant,

SMITH THOMPSON.

P. S. The court is to be convened on board the U. S. ship Independence.

Capt. Thos. Tingey, U. S. Navy, Washington.

The president, members, and judge advocate, thereupon severally took the oaths prescribed in this behalf by the act of congress "for the better government of the navy of the United States."

Captain John Shaw was then arraigned on the following charges, and specifications thereof, exhibited against him by captain Isaac Hull, of the United States' navy:

Charges, and specifications thereof, preferred against captain John Shaw, of the navy of the United States by captain Isaac Hull, of said navy.

Charge first. Treating with contempt his superior officer, being in the execution of the duties of his office.

Specification first. For that the said captain John Shaw, on or about the seventh day of October, in the year eighteen hundred and twenty, being then in the command of the U. S. ship Independence, lying in the harbor of Boston, did write and send a contemptuous letter to captain Isaac Hull, commandant of the navy yard at Charlestown, Mass. of the purport following, to wit:

U. S. ship Independence, October 7th, 1820.

Sir: Your interference with flag officers, and your intention, as you have informed me, to use every exertion to destroy that grade in our service, has induced me to make known to you my intention of opening a correspondence on this subject with every flag officer in the service, together with the hon. secretary of the navy, to whom I shall give, in the fullest extent, my opinion. I believe, sir, it is well known that stationary naval yard officers are adding yearly to the intrinsic value of their estates while the case is quit the reverse with a commanding naval officer afloat; and why, and upon what principle, you have decided to oppose this grade, in my opinion, can emanate from no other motives but ambition, and a desire to deprive us of the emoluments which, by law and our present naval regulations, we are entitled to.

If, sir, your ambition aspires to a broad pendant, allow me to assure you that the ship of the line which I now have the honor to command is entire-

ly at your service, in exchange for the command you now have the honor to hold.

The same proposition I intend making to the navy department, for the purpose of meeting your views and gratifying your feelings, as you were pleased to express to me this morning.

Allow me, sir, to acknowledge my perfect satisfaction of the candor you made use of in mentioning your intention: in the same spirit I assure you that I shall make use of all my personal influence, connected with the flag officers of the several stations, to suppress your position and opinion on this particular subject.

I am, sir, with due respect, your obedient servant,
JOHN SHAW.

P. S. Enclosed I send you a copy of my orders from the navy department to take command of this station.

Isaac Hull, esq.

Commanding the navy yard, Charlestown.

Thereby imputing to him, the said capt. Isaac Hull, unworthy motives in his interfering with flag officers, and in respect to his exertions to destroy a grade supposed by him, the said capt. Shaw, to be in existence in the navy of the United States.

Specification 2d. For that the said captain John Shaw, on or about the twenty-second day of May, in the year eighteen hundred and twenty-one, did write and send to him, the said captain Isaac Hull, being his superior officer, and then commandant of the said navy yard, a contemptuous letter, of the purport following, to wit:

Charlestown, May 22d, 1821.

[Private, confidential.]

Allow me, sir, to congratulate you on the signal victory you have lately gained over the broad pendant which, for several years, has been flying from on board the Independence.

The uneasiness and vexation it has so long occasioned to you are now happily removed, and the board of naval commissioners will, no doubt, receive your warmest gratitude; and the poor old flag, were it susceptible of feeling and capable of expression, would, no doubt, before this, have returned you its thanks for your kindness in being instrumental in its timely rescue from destruction by the howling of the winds and pelting of winter storms.

I have the honor to be your obedient servant,
JOHN SHAW.

Captain Isaac Hull,

Commanding the navy yard, Charlestown.

Charge second—Unofficer-like and ungentleman-like conduct.

Specification 1st. For that the said captain John Shaw, on or about the seventh day of October, eighteen hundred and twenty, being in command of the U. S. ship Independence, then laying in the harbor of Boston, did address a letter to captain Isaac Hull, his superior officer, of the the purport and effect set forth in the first specification of the first charge; thereby charging him, the said captain Isaac Hull, with improper motives in relation to his conduct referred to in said letter.

Specification 2d. For that the said captain John Shaw, on or about the twenty-second day of May, in the year eighteen hundred and twenty-one, did address to captain Isaac Hull, his superior officer, a letter of the purport and effect set forth in the second specification of the first charge; thereby evincing a mean spirit of revenge, alike disgraceful to an officer and a gentleman.

Specification 3d. For that the said captain John Shaw, on or about the fourteenth day of Jan. last,

on the Boston station, with a view to degrade and vilify the character of captain Isaac Hull, did put in circulation reports relative to the conduct of said captain Isaac Hull, as commandant of the navy yard in Charlestown, Massachusetts; by which reports he was charged with mal-administration of his office aforesaid, without ascertaining the truth of such reports, and without communicating the existence thereof to the said captain Isaac Hull.

Specification 4th. For that the said captain John Shaw, on or about the fourteenth day of January last, with a view to cause the correctness of the conduct of captain Isaac Hull, as commandant of the navy yard at Charlestown aforesaid, to be suspected and improperly drawn in question, and, without ascertaining the truth of certain reports in relation thereto, which he, the said captain Shaw, alleged to be in circulation, did wantonly address a letter to the hon. secretary of the navy, of the purport and effect following, to wit:

"U. S. ship Independence, January 14, 1822.

"Sir: It is with much regret that I inform you that there are reports in circulation, both in and outside the navy yard, Charlestown, relative to the mal practices and public plunder which have been committed there for several years past by that villain Fosdick, and that there is much said, with freedom, of others as coadjutors in this nefarious business. As to myself, I know nothing of the transaction, but will hazard an opinion that, if Fosdick's conduct should be strictly investigated, according to law, much real benefit might arise to the service, and much fraud be detected.

"I have the honor, sir, to be, respectfully, your obedient,

JOHN SHAW.

"The hon. Smith Thompson, secretary of the Navy."

He, the said captain Shaw, thereby endeavoring to implicate him, the said captain Hull, as a coadjutor in the nefarious business of said Fosdick, herein referred to.

Specification 5th. For that the said captain John Shaw, on or about the twenty-fifth day of January last, having been directed by the hon. secretary of the navy to make known the names of the persons referred to in the letter set forth in the preceding specification, did address to the said secretary a letter, of the purport and effect following, to wit:

"U. S. ship Independence, Boston, 25th Jan. 1822.

"Sir: I have the honor to acknowledge the receipt of your letter of the 19th instant, by which I am directed to make known to you, without delay, the names of the persons which were alluded to in my letter to you of the 14th instant, who, for years past, have been believed to be partakers in the system of fraud which has existed in our naval affairs on this station. The gentlemen in question, and to whom are imputed the crime of fraud, in part concerned with Mr. Fosdick, are captain Isaac Hull, commanding the Charlestown navy yard, and Amos Binney, esq. navy agent; and for the ground on which my communication of the 14th instant was founded, I beg leave to refer to you the official communication of lieutenant Abbot to the department, under date of the—inst.

Permit me, sir, to again remark, that I have no personal knowledge of any acts of impropriety imputed to either of the above named gentlemen, as they must have been committed before my arrival here.

"I must, however, beg permission to express an opinion, that an investigation of Mr. Fosdick's conduct, before a tribunal of men on oath, would expose a combination in the frauds of which he has

been detected in the administration of our naval concerns on this station.

"I regret that the numerous reports in circulation compel me to make representations unfavorable to the character of a brother officer; and I assure you, sir, that nothing but a sense of duty I owe to the service, and a desire to give those implicated by these reports an opportunity to acquit themselves, has influenced me to a measure, which my candid and open conduct must convince you could originate from no other but the motives I have assigned.

"I have the honor to be, &c. JOHN SHAW.

"The hon. Smith Thompson,

Secretary of the navy, Washington."

Thereby wantonly and maliciously insinuating, that if an investigation of the conduct of said Fosdick were had before a tribunal of men on oath, that he, the said captain Hull, would be exposed as a party in the fraud of said Fosdick.

Specification 6th. For that he, the said captain John Shaw, with the malicious intent of defaming the character and conduct of captain Isaac Hull, did, on or about the 22d day of Jan. last, write and send to the honorable secretary of the navy, a scandalous letter, of the purport following, to wit:

"U. S. ship Independence, Boston, 22d Jan. 1822.

"Sir: A report is now current among the officers of the navy, and has been long since circulated by many citizens of the country, that the frigate Constitution, under the command of captain Isaac Hull, when in Europe, during the winter of 1811 and 12, after landing Mr. Joel Barlow, (our minister), in England, proceeded shortly after, with despatches from that gentleman, to France; and that captain Hull received on board his ship several passengers, for which he charged from twenty to twenty five guineas each the passage. That he, captain Hull, was repeatedly employed in this way, and passed and re-passed between a port in France and Portsmouth, England, with passengers, for which he received as a fee of admittance on board his ship, a sum either in money or valuables, equivalent to that paid by the persons carried in the first instance.

"This circumstance can be fully proven, if deemed necessary, by several officers of the navy and citizens, now in the United States, who had the honor (if it can be called an honor) to be numbered among the passengers. One gentleman, who applied to captain Hull for a passage, and who, by the misfortunes of—, was without the means to pay for it, candidly stated his situation, and that his future prospects depended on success, but found his supplications entirely unavailing, until seconded by the offer of his watch, which the captain accepted and granted the passage as a mark of favor.

"I have frequently conversed on this subject with captains Crane, Sinclair, Bainbridge, and others, who corroborate the above reports. A course of conduction so derogatory to the character of an officer and gentleman (characters which ought to be inseparable) I feel it to be my duty as a captain in the navy to lay before you. If captain Hull is innocent, he has it in his power to call on the officers who served with him at the period referred to.

"I have the honor to be, respectfully, your obedient servant,

JOHN SHAW.

"The hon. Smith Thompson,

Secretary of the navy, Washington."

When, in truth and in fact, he, the said captain Hull, never did charge nor did he receive from any passenger, the sum of twenty or twenty-five guineas, either in money or valuables equivalent thereto, but merely received a sum sufficient to indemnify him for the stores laid in for the consumption of

such passenger: and when, in truth and in fact, he, the said captain Hull, was not repeatedly employed in passing and re-passing between a port in France and Portsmouth, England, with passengers, for his private emolument, as set forth in said letter: and when, in truth, the said captain Hull did not refuse to receive as a passenger a gentleman in misfortune, until he gave said captain Hull his watch for his passage, as set forth in said letter: and when, in truth and in fact, the reports set forth in said letter were never corroborated by captains Crane, Sinclair, and Bainbridge, and others, in conversation with him, said Shaw, as by him, in said letter, was alleged: and when, in truth and in fact, all the said allegations, insinuations, and reports therein contained, are utterly false and without foundation.

Specification 7th. For that the said captain John Shaw, during the months of December and January last, regardless of his duty as an officer, and character as a gentleman, did meanly listen to reports referred to in the preceding specifications of this charge, relative to the character and conduct of captain Isaac Hull, as commandant of the navy yard at Charlestown aforesaid; and, with a view to gratify a base spirit of revenge, did conspire with, and countenance, lieutenant Joel Abbot, of the U. S. navy, and others, in giving currency to said false and malicious reports.

Specification 8th. For that the said captain John Shaw, in the months of January and February of the present year, contrary to his duty as an officer, did expose to view, and suffer chaplain Cheever Welch, and other officers of the navy, to examine and peruse his official communications with the navy department, and the letters received by him from the hon. secretary of the navy, and, in particular, the letters set forth in the preceding specifications of this charge, in order that the reports therein referred to might be put and kept in circulation.

Specification 9th. For that the said captain John Shaw, on the twenty-seventh day of January last, regardless of the character and proper feelings of an officer and a gentleman, did enclose to master commandant Wm. B. Shubrick an unsealed letter, addressed to "captain Isaac Hull, commandant navy yard, Charlestown," enclosing copies of letters set forth in the preceding specifications of this charge, and written by him, the said captain Shaw, to the secretary of the navy; and with which letters the duty of said master commandant Shubrick did not require him to be acquainted. Thereby endeavoring to give publicity to the scandalous reports referred to by him, said captain Shaw, in said letters.

ISAAC HULL.

U. S. navy yard, Charlestown, February 14, 1822.

U. S. SHIP INDEPENDENCE,

Navy Yard, Charlestown,

Thursday, 11th April, A. D. 1822.

The court met pursuant to adjournment—all the members present. Captain Shaw appeared, and, being asked whether he was now ready to proceed on his defence, he replied that he was. Thereupon the defence was produced and read by his counsel.

The audience were then directed to withdraw, and the judge advocate summed up the evidence. The court proceeded to deliberate on the evidence adduced, as well as the several matters urged by the accused in his defence, and found that the first and second specifications of the first charge were proved, and adjudged him, the said captain John Shaw, guilty of the first charge, of "treating with contempt his superior officer, being in the execution of the duties of his office."

The court further found that the first specification of the second charge was proved; that the second specification, so far as it charges the accused with writing the letter therein referred to, is proved; and that the residue thereof is not proved.

The court also found that so much of the third specification of the second charge is proved, as alleges that captain Shaw put in circulation the reports therein referred to, without ascertaining their truth, and without communicating them to captain Hull; and that the residue of said specification is not proved; and that the fourth, fifth and sixth specifications of the second charge aforesaid, were proved.

The usual hour of adjournment having arrived, the court adjourned, to meet on board this ship to-morrow, at 10 o'clock, A. M.

U. S. ship Independence,
Friday, 12th April, 1822.

The court met pursuant to adjournment; all the members present.

The court resumed their deliberations on the evidence adduced, and the grounds of defence relied on by captain Shaw, and found that the seventh specification of the second charge was proved; that so much of the eighth specification thereof was proved as alleges "that captain Shaw, contrary to his duty as an officer, did expose to view, and suffer chaplain Cheever Felch, and other officers of the navy, to examine and peruse his official communications with the navy department" therein referred to; and that the residue of said specification was not proved; and they further found that so much of the ninth specification of said second charge was proved, as alleges "that the said capt. Shaw, regardless of the character and proper feelings of an officer, did enclose to master-commandant Wm. B. Shubrick an unsealed letter, addressed to "capt. Hull, commandant navy yard, Charlestown," enclosing copies of the letters referred to, and with which the duty of said master-commandant Shubrick did not require him to be acquainted," and that the residue of said specification was not proved.

The court adjudge him, the said captain John Shaw, guilty of "unofficer-like conduct," but not guilty of "ungentleman-like conduct," set forth in the second charge exhibited against him. And thereupon sentence him to be suspended for the term of six months, to commence from the time of the approval of this sentence.

THOMAS TINGEY,
President of the Court.

WM. C. AYLWIN, *Judge Advocate.*
Approved, 23d April, 1822:

SMITH THOMPSON.

=====
Case of Lieut. Abbot.

Washington, March 7, 1822.

SIR: I have the honor to enclose a charge, with the specifications, against Joel Abbot, a lieutenant in the navy of the United States—and to request that the case may be brought under the cognizance of a court martial.

In support of the charge and specifications, I beg leave to submit the following written testimony, viz:

Paper No. 1. A letter addressed by lieutenant Joel Abbot to the secretary of the navy, bearing date the 11th of January, 1822, enclosing a communication seriously implicating the official conduct of captain Isaac Hull, of the navy, and others.

Paper No. 2. A letter written by Joel Abbot to the secretary of the navy, bearing date 19th of Jan. 1822, touching the character of captain Isaac Hull and others.

Paper No. 3. A letter from Doctor Samuel R. Trevett, jr. to the secretary of the navy, bearing date the 23d of January, 1822, and enclosing a communication from lieut. Abbot to him relative to captain Isaac Hull and others.

Paper No. 4. A paper without date or signature, but in the hand writing of Doct. Samuel R. Trevett, jr. of the navy, containing information given by him to me, touching the conduct of captain Isaac Hull and others.

Paper No. 5. A letter from lieutenant J. Percival; of the navy, to me, dated 10th February, 1822, mentioning the proposal that had been made to him by lieutenant Joel Abbot, to withdraw the charges against captain Isaac Hull.

In addition to this documentary evidence, I beg leave to mention the following persons as witnesses:

- | | |
|------------------------|--------------------------|
| George Blake, esq. | Purser Deblois |
| Amos Binney, esq. | Charles F. Waldo, S. M. |
| Charles Bradbury, esq. | Henry Tolman, |
| William Parmenter, | Francis Wyman, |
| John A. Bates, | Francis McKenna, |
| Capt. Isaac Hull, | Thomas Child, |
| George Bates, | Wm. S. Rogers, |
| Robert Knox, | Robert C Ludlow, |
| Josiah Barker, | John Binney, |
| Aza Bucknam, | Abraham Walton, |
| James Bogman, | Stephen G. Clark, |
| Jonathan Pierce, | Zachariah R. Fuller, |
| Jeremiah Sprague, | Capt. John Sha -, |
| Capt. Wm. B. Shubrick, | Doct. S. R. Trevett, jr. |
| Wm. M. Caldwell, | Lieut. Henry Ward, |
| John Percival, | Jacob Mull, |
| Jacob Pearson, | Wm. Keating. |

I have the honor to be, with great respect, sir, your most obedient servant,
D. PORTER,
Navy Commissioner.

HON. SMITH THOMPSON,
Secretary of the Navy.

Charge and specifications against Joel Abbot, a lieut. in the navy of the United States.

Charge.—For scandalous conduct, tending to the destruction of good morals, in violation of the 3d article of the act of congress, entitled "An act for the better government of the navy of the United States," passed April 23, 1800.

SPECIFICATIONS.

1st. In that, moved by a spirit of envy or base motive, he hath, upon the Boston station, and within a year now last past, scandalously attempted to take from his superior officer, captain Isaac Hull, his good name.

2d. In that he has, during the time and on the station aforesaid, made numerous scandalous and false insinuations against the official character and conduct of his superior officer, captain Isaac Hull, calculated to stamp his name with opprobrium and infamy.

3d. In that he did, during the time and on the station aforesaid, on or about the 11th day of Jan. last past, address a letter to the secretary of the navy, covering a communication, written in his own hand writing, or by his direction and request, containing numerous, false, scandalous, and malicious charges against his superior officer, captain Isaac Hull, calculated to deprive the said captain Hull of his honorable fame.

4th. In that he hath, during the time and on the station aforesaid, scandalously insinuated that capt. Isaac Hull has been concerned in a game of speculation.

5th. In that he hath, during the time and on the station aforesaid, scandalously insinuated that capt. Hull was connected with a certain person of the name of Fosdick, in fraudulent transactions against the navy department; that the said capt. Hull protected by his official power and influence the said Fosdick while he was committing frauds against the government of the United States; that the said captain Hull knew of such frauds, and participated in the fruits thereof.

6th. In that he hath, during the time and on the station aforesaid, scandalously insinuated that capt. Isaac Hull caused those "who ventured to oppose, to scruple, or reluctantly to acquiesce in the game of speculation, to feel the effects of his displeasure in their emoluments, their feelings, or in their situations;" and that captain Hull, with others having power in their hands, attacked every honest man "in the yard, considering every honest man" as a barrier to their fraudulent designs.

7th. In that he hath, during the time and on the station aforesaid, scandalously insinuated that capt. Hull, having attached property of Fosdick's, to the amount of \$90,000, permitted, or caused, the liberation of the said Fosdick, upon the payment of \$58,000 only; thereby, scandalously and falsely, insinuating that captain Hull produced or caused the liberation of the said Fosdick, to the injury of the public interest, from base and sinister motives.

8th. In that he has, during the time and on the station aforesaid, scandalously stated as follows: "I have heard that copper has been seen in Boston, with the navy yard mark, and that the necessary measures have not been taken to recover it," which words, taken in connection with those which precede and follow them in the letter referred to in the 3d specification, are calculated to convey the impression that captain Hull knew of property having been purloined and taking out of the yard under his command, and where such property was after having been so purloined and taken out, and yet did not take the necessary means to recover it; thereby insinuating that the said captain Hull was guilty of gross neglect of duty.

9th. In that he hath, during the time and on the station aforesaid, scandalously and maliciously asserted that his superior officer, captain Isaac Hull, permitted incorrect surveys for several years upon the copper; "that proper surveys for several years have not been held upon the copper;" that an exact account of every other article has been taken, such as weighing of the iron, &c.; but the copper has not been so surveyed although returns have been made of it, and that it appeared to him "to be intended that this article should escape *too minute* an examination;" thereby insinuating that captain Hull was guilty of neglect of duty, and permitted, allowed, made, or caused to be made, erroneous returns of the copper, from base and dishonorable motives, with a view to conceal from the knowledge of the government numerous alleged frauds and speculations.

10th. In that he hath, during the time and on the station aforesaid, scandalously insinuated that his superior officer, captain Hull, used or caused to be used, unjustifiable and highly reprehensible means in getting, attempting to get, or obtain for a certain person of the name of Fosdick, numerous situations in the yard under his command, with a view to more extensive speculation; that captain

Hull manifested a wish to place the said Fosdick in every subordinate situation in the yard under his command, which involved trust and responsibility for public stores, in order to give him a wider field of action, and afford him more extensive opportunities of committing frauds and speculation upon the public, in which the said captain Hull was to participate.

11th. In that he hath, during the time and on the station aforesaid, falsely and scandalously insinuated that captain Hull united in a combination with Fosdick and others, to attack, and endeavor to drive from the yard, every honest man.

12th. In that he hath, during the time and on the station aforesaid, falsely and scandalously insinuated that captain Isaac Hull was fraudulently concerned in a plot or contrivance to get Fosdick appointed assistant store keeper, to the exclusion of Mr. Waldo, and endeavored to get him appointed purser, to the exclusion of Mr. Deblois.

13th. In that he hath, during the time and on the station aforesaid, falsely and scandalously insinuated that captain Isaac Hull, and a certain person by the name of Fosdick, were concerned, together with the bucksters and shops outside of the yard, in a way that must have led them to become intimately acquainted with each other's character, and implying that they were both alike dishonest, and that the said captain Hull was so entangled in the concerns of the said Fosdick, that he was obliged, from considerations of personal interest, to cloak his frauds and wink at his obliquities.

14th. In that he hath, during the time and on the station aforesaid, scandalously insinuated that capt. Isaac Hull, with fraudulent and artful intent, endeavored to prolong the investigation in the case of Fosdick, in order that he might receive \$300 for what might have been done in three months, but which took four or five months.

15th. In that he hath, during the time and on the station aforesaid, scandalously insinuated that capt. Isaac Hull connected himself with Mr. Amos Binney in establishing a confidential clerk in a store near the navy yard, with a view to practice, conveniently, frauds and speculations upon the public.

16th. In that he hath, during the time and on the station aforesaid, scandalously insinuated that capt. Isaac Hull, still plotting and contriving with Binney to cheat and defraud the public, took in to his office, after the removal of Fosdick, a clerk brought up by Mr. Binney, still in the pay of Mr. Binney; and, with similar fraudulent intents, took another of Mr. Binney's clerks in the store keeper's office.

17th. In that he hath, during the time and on the station aforesaid, falsely and scandalously insinuated that captain Hull, by his example, encouraged others to depredate on the public, whereby Mr. Rogers, Mr. Ludlow, and Mr. John Binney, realized large estates.

18th. In that he hath, during the time and on the station aforesaid, falsely and scandalously insinuated that captain Isaac Hull was guilty of oppression in not allowing to officers chamber-money, firewood, and candles, allowed them by the department.

19th. In that he hath, during the time and on the station aforesaid, falsely and scandalously insinuated that captain Isaac Hull was guilty of disobedience of orders in not making to officers certain allowances, when he had a positive order so to do.

20th. In that he hath, during the time and on the station aforesaid, falsely and scandalously insinuated that captain Isaac Hull treated the officers of the yard, or some of them, with cruelty, and oppression, and harshness, when they made applica-

tion to him for certain allowances to which they were entitled.

21st. In that the said Joel Abbot, during the time and on the station aforesaid, after having acknowledged, in the presence of Geo. Blake, esq. that it was not in his power to sustain the charges he had made against captain Isaac Hull, or any one of them; that he knew nothing against the character of captain Hull; that he could produce no witness or witnesses to support the charges, or any of them, against captain Hull; after having been requested by his superior officer, captain David Porter, (charged and clothed with special powers to investigate the alleged charges against captain Hull), to name his witness and witnesses, and declining to name them, or any of them; and after having been further required by said captain David Porter, on or about the 4th day of February last past, to bring forward his testimony to support the said charges, or to withdraw them by 12 o'clock of the ensuing day, before breakfast, called on lieutenant J. Percival, of the navy, and did then and there scandalously and basely propose to the said lieutenant Percival to withdraw his charge against captain Hull upon conditions calculated, if accepted, to degrade the said captain Hull.

22d. In that the said Joel Abbot did, during the time and on the station aforesaid, scandalously combine with captain John Shaw, of the navy, to injure and defame the character of his superior officer, captain Isaac Hull.

23d. In that the said Joel Abbot did, during the time and on the station aforesaid, scandalously combine with surgeon Samuel R. Trevelt, of the navy, to injure and defame the character of his superior officer, captain Isaac Hull.

24th. In that the said Joel Abbot did, during the time and on the station aforesaid, scandalously combine with Cheever Felch, a chaplain in the navy, to injure and defame the character of his superior officer, captain Isaac Hull.

25th. In that the said Joel Abbot did, during the time and on the station aforesaid, scandalously combine with lieutenant Henry Ward, of the navy, to injure and defame the character of his superior officer, captain Isaac Hull.

26th. In that the said Joel Abbot did, during the time and on the station aforesaid, scandalously combine with Charles F. Waldo, a sailing master in the navy, to injure and defame the character of his superior officer, captain Isaac Hull.

27th. In that the said Joel Abbot did, during the time and on the station aforesaid, scandalously combine with captain John Shaw, surgeon Samuel R. Trevelt, jr. chaplain Cheever Felch, lieutenant Henry Ward, and sailing master Charles F. Waldo, all of the navy, and with others, to injure and defame the character of his superior officer, captain Isaac Hull.

28th. In that the said Joel Abbot did, during the time and on the station aforesaid, in a letter addressed by him to surgeon Samuel R. Trevelt, jr. of the navy, bearing date the 19th January, 1822, use the following words: "I am very confident that there can be established a connection between captain Hull and Fosdick, that must damn captain Hull if he is brought to a court martial." (the latter word erroneously written Marshall), which words were highly disrespectful to his superior officer, and highly scandalous.

29th. In that the said Joel Abbot did, during the time and on the station aforesaid, in a letter ad-

ressed by him to the honorable Smith Thompson, secretary of the navy, bearing date 19th January, 1822, use the following words: "I am acquainted with such facts and circumstances relative to the conduct of captain Hull, that I dare say that, if he should be brought to court martial, he must inevitably be disgraced;" and the following: "I beg leave to remark that things have got to such a crisis, that capt. Hull cannot remain on this station much longer without being himself or leaving others disgraced;" thus scandalously, and with deliberate malice, attempting to injure and defame the character of his superior officer, captain Isaac Hull.

D. PORTER, Navy Commissioner.

*United States' ship Independence,
Navy Yard, Charlestown, Mass.
Tuesday 7th May, A. D. 1822.*

The court met pursuant to adjournment, all the members present.

The reading of the whole of the record having been completed, the court proceeded to deliberate on the evidence adduced, as well as the matters urged by the prisoner in his defence—and, having fully considered the same, found that so much of the first specification is proved as alleges that the prisoner "that, upon the Boston station, and within a year past, scandalously attempted to take from his superior officer, captain Isaac Hull, his good name." The court further find that the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth specifications are proved—that the fourteenth specification is not proved—that the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth, specifications are proved—that so much of the twentieth specification is proved, as alleges that the prisoner, "during the time and on the station aforesaid, falsely and scandalously insinuated that captain Isaac Hull treated the officers of the yard, or some of them, with harshness when they made application to him for certain allowances to which they were entitled;" and that the residue thereof is not proved—that so much of the twenty-first specification is proved as alleges "that the prisoner, after having been required by his superior officer, captain David Porter, (charged and clothed with special powers to investigate the alleged charges against captain Hull,) to name his witness and witnesses, and declining to name them, except one, did, early in the morning of the fifth of February last past, scandalously and basely propose to the said lieutenant Percival, to withdraw his charges against captain Hull, upon conditions calculated, if accepted, to degrade the said captain Hull." The court find that the twenty-second specification is not proved; they find that the twenty-third specification is proved; the court find that the twenty-fourth specification is not proved—that the twenty-fifth specification and the twenty-sixth are not proved—that so much of the twenty-seventh specification is proved as alleges "that said Joel Abbot did, during the time, and on the station aforesaid, scandalously combine with surgeon Samuel R. Trevelt, jr. to injure and defame the character of his superior officer captain Isaac Hull," and that the residue thereof is not proved: The court thereupon adjudge him, the said lieutenant Joel Abbot, guilty of the charge of "scandalous conduct, tending to the destruction of good morals," preferred against him, and sentence him to be suspended from rank, pay, and emoluments, for the term of two years, from the time of the approval of this sentence: and that the finding of this court on the charge and specifications exhibited against him

and also the sentence pronounced, when approved, be transmitted to, and publicly read at, each of the naval stations in the United States.

THOMAS TINGEY,
President of the court.

WILLIAM C. AYLWIN, Judge Advocate.

Approved, May 15, 1822:

SMITH THOMPSON.

Indian Affairs.

A report of the secretary of war, of the measures hitherto devised and pursued for the civilization of Indian tribes, within the United States.

HOUSE OF REPRESENTATIVES, FEB. 11, 1822.

Department of state, 8th February, 1822.

The secretary of war, to whom was referred the resolution of the house of representatives, "requesting the president of the United States to cause to be laid before this house any information which he may have of the condition of the several Indian tribes within the United States, and the progress of the measures hitherto devised and pursued for their civilization," has the honor to transmit the enclosed table, marked A, containing the number of schools established under the patronage of the government within the Indian country; the number of scholars at each; the time of their commencement, where fixed, and by whom established, with remarks on their progress, present condition, &c. By reference to the table it will appear that there are eleven principal schools with three subordinate ones, in actual operation, and that three are in a state of preparation, and that the number of scholars, at the last return, at the principal and subordinate schools, amounted to five hundred and eight. On these schools there has been expended \$15,327 56, of which \$7,447 56 have been on account of buildings, and the balance, \$8,380, on account of the expense of tuition. It is made a condition of the subscription on the part of the government, that the schools should be established within the Indian country, and that the system of education, in addition to reading, writing, and arithmetic, should, for the boys, embrace instruction in agriculture and the ordinary mechanic arts, and for the girls, the common domestic industry of that sex.

It was thought advisable, at the commencement of the system, to proceed with caution, and to enlarge the sphere of operation, as experience should indicate the proper measures to be adopted, by which an useless expenditure of public money would be avoided, and the system adopted for the civilization of the Indians have the fairest trial. Experience has thus far justified those which have been adopted; and it is accordingly intended to give, this year, a great activity to the funds, of which a much larger portion may be applied to tuition, the necessary buildings at so many points having already been erected.

Whether the system which has been adopted by the government, if persevered in, will ultimately bring the Indians within the pale of civilization, can only be determined by time. It has been in operation too short a period to pronounce with certainty on the result. The present generation, which cannot be greatly affected by it, must pass away, and those who have been reared under the present system of education must succeed them, before it can be fully tested. As far, however, as civilization may depend on education only, without taking into consideration the force of circumstances, it would seem there is no insuperable difficulty in effecting

the benevolent intention of the government. It may be affirmed, almost without qualification, that all of the tribes within our settlements, and near our borders, are even solicitous for the education of their children. With the exception of the Creeks, they have every where freely and cheerfully assented to the establishment of schools, to which, in some instances, they have contributed. The Choc-taws in this respect, have evinced the most liberal spirit, having set aside six thousand dollars of their annuity in aid of the schools established among them. The reports of the teachers are almost uniformly favorable, both as to the capacity and docility of their youths. Their progress appears to be quite equal to that of white children of the same age; and they appear to be equally susceptible of acquiring habits of industry. At some of the establishments a considerable portion of the supplies are raised by the labor of the scholars and teachers.

With these indications, it would seem that there is little hazard in pronouncing, that, with proper and vigorous efforts, they may receive an education equal to that of the laboring portion of our community. Still, however, the interesting inquiry remains to be solved, whether such an education would lead them to that state of morality, civilization, and happiness, to which it is the desire of the government to bring them, or whether there is not something in their situation, which presents insuperable obstacles to such a state? To answer this inquiry, we have but little experience. There is certainly much encouragement to hope for the best, from the fact that the Cherokee nation, which has made the greatest progress in education, has also made the greatest towards this desirable state, but the experience which it affords is yet imperfect. They have adopted written provisions for their government, to a copy of which, with an extract of a letter from the rev. Mr. Steiner, a respectable Moravian, who has visited the nation at the interval of twenty years, and states the progress which they have made in that time, and which accompany this report, marked B, I would respectfully refer the house, as furnishing the best testimony of the actual progress which that nation has made towards civilization. The zeal of the Cherokees for improvement, and the progress which they have made, are further evinced from the liberal provision for a school fund, for which the last treaty with them, ratified on the 10th of March, 1819, stipulates, and the fact that there are now established in the nation six schools, (two of which are upon the Lancasterian system) containing in the aggregate about 230 scholars. Notwithstanding these favorable appearances, many obstacles, difficult to be surmounted, will impede the progress of the Indians to a state of complete civilization.

Without adverting to others, the political relation which they bear to us, is of itself of sufficient magnitude, if not removed, to prevent so desirable a state from being attained. We have always treated them as an independent people; and however insignificant a tribe may become, and however surrounded by a dense white population, so long as there are any remains, it continues independent of our laws and authority. To tribes thus surrounded, nothing can be conceived more opposed to their happiness and civilization than this state of nominal independence. It has not one of the advantages of real independence, while it has nearly all the disadvantages of a state of complete subjugation. The consequence is inevitable. They lose the lofty spirit and heroic courage of the savage state, with-

out acquiring the virtues which belong to the civilized. Depressed in spirits and debauched in morals, they dwindle away through a wretched existence, a nuisance to the surrounding country. Unless some system can be devised gradually to change this relation, and, with the progress of education, extend over them our laws and authority, it is feared that all efforts to civilize them, whatever flattering appearances they may for a time exhibit, must ultimately fail. Tribe after tribe will sink, with the progress of our settlements and the pressure of our population, into wretchedness and oblivion. Such has been their past history, and such, without this change of political relation, it must probably continue to be. To effect it, many difficulties present themselves. It will require the co-operation of the general government and the states within which the Indians may reside. With a zealous and enlightened co-operation, it is, however, believed that all difficulties may be surmounted, and this wretched but in many respects noble race, be ultimately brought within the pale of civilization. Preparatory to so radical a change in our relations toward them, the system of education which has been adopted ought to be put into extensive and active operation. This is the foundation of all other improvements. It ought gradually to be followed with a plain and simple system of laws and government, such as has been adopted by the Cherokees, a proper compression of their settlements, and a division of landed property. By introducing gradually and judiciously these improvements, they will ultimately attain such a state of intelligence, industry and civilization, as to prepare the way for a complete extension of our laws and authority over them.

Before I conclude, I would respectfully refer the house of representatives for more full and detailed information, in relation to the progress made by the Indians in civilization, to the report of the rev. Doctor Morse, which was laid before the house in pursuance of a resolution of the 22d January last.

All which is respectfully submitted.

J. C. CALHOUN.

To the president of the United States.

Extract from the report of the superintendent of the establishment, made by the American board of commissioners, &c. at Brainard in the Cherokee nation, dated October 1st, 1821.

There are belonging to the two schools taught in this place, ninety six Cherokee children of both sexes, about two thirds males. All of whom are boarded, and many of them clothed, at the expense of the establishment. Many promising children we have been obliged to reject or put by, until those now in school should be prepared to go out and make room for them, as we cannot accommodate and profitably teach more than we have had. Of those who attended last year, three have finished their course and left the institution, and six others have left the institution who could read and write. Twenty-four have entered the past year.

At the local schools we board but few scholars, not to exceed eight or ten at each school, and at present, not more than four or five at Taloney. As some of the scholars who board at home have a great distance to walk, they are not all constant attendants, and the number of those who attend at all, is not so great as when the schools first commenced. The average number attending the two local schools, the year past, has been between forty and fifty. Public worship is attended at each of those schools on the Sabbath, at which numbers of the

parents as well as children attend; and some have made a public profession of the christian religion.

The children of the schools continue to manifest an aptness to learn, a willingness to labor, and a readiness to submit to all the rules of the school. The Cherokees, we think, are fast advancing towards civilized life. They, generally, manifest an ardent desire for literary and religious instruction.

Extract from the report of the superintendent of the establishment made by the American board of commissioners, &c. at Elliott, in the Choctaw nation, dated Dec. 21, 1820.

Since the last report, 38 scholars have been admitted to the school. Ten have left, and one has been dismissed for misconduct. The number now in school is 74. Six more are considered as belonging to it, but are at home on a visit. Of the whole number 60 are males and 20 females. All these board in our family and are entirely under our direction; excepting that ten, who live in the neighborhood, go home on Saturday, and return generally on the Sabbath morning.

Fifty of the scholars now belonging to the school could not speak our language when they entered. These have all made progress in proportion to the time they have been here, and several of them now speak English fluently. Others, who have not advanced so far, can read correctly, and will soon acquire the spoken language. Sixty-five now in the school began with the alphabet. Twenty-eight of these can read with facility in the testament. All the scholars have been accustomed, from the first, to write their lessons on slates, and when advanced, to write on paper. Thirty-nine write a plain hand, without a copy. Nineteen others can form letters with tolerable accuracy. Ten have made some progress in arithmetic, and two, who were considerably advanced when they entered school, have attended to grammar and geography.

The boys, when out of school, are employed as circumstances may require, in the various business of the farm and family. Each one, who is of sufficient size, is furnished with an axe and a hoe. We cultivated the past season about fifty acres of corn and potatoes, most of which was planted and hoed by the boys.

The girls are in two divisions, and are employed alternately, in the kitchen, and in sewing, spinning, knitting and other domestic labors.

We acknowledge, with gratitude, the kind providence of God, in raising up patrons by whose generous aid, in co-operation with the government, we have been enabled to extend to so many children of the forest the blessings of civilization, and to lay a foundation for more enlarged operations. An increasing desire is manifested by the natives to have these advantages more widely extended. Many full-blooded Indians have made applications of late to have children admitted to the school. They are willing to submit them entirely to our direction. Strong desires are expressed to have other schools opened.

B.

Extract of a letter from the rev. Abraham Steiner, to the secretary of war, dated,

SALEM, N. C. 25th Jan. 1822.

HONORED SIR—I would not willingly intrude on your time, but, observing the agitation in congress concerning the Indian affairs, and fearing the benevolent and humane plan of government for civilizing the Indians to be at stake, I cannot forbear to say a few words on the subject.

I have been, many years ago, somewhat among the northern Indians; twice I have been among the Creek nation of Indians, but am chiefly acquainted with the Cherokees, among whom I have been seven times for a longer or shorter period. The last time I was among the Cherokees is two years ago. Just twenty years ago, I first saw and visited them, and I can assure you, sir, that, though I had expected to see some signs of civilization among them, that it far surpassed my expectation, comparing the people with the state I first saw them in. There were, and are now, established respectable schools in that nation, and well supported with scholars of both sexes, and it is only to be regretted that the several establishments must be limited in the number of scholars, for want of means, since the natives are highly in favor of schools, and offer more children than the several establishments are able to receive. Many of their youths can read and write, and I found among them, more especially half-breeds, as much knowledge as is commonly met with in persons in the same grade in civilized life. Besides the public school institutions, some of them support private schools in their neighborhood.

What interested me much was their advancement in agriculture, and their comfortable and decent mode of living, compared with former times. Surely, we cannot say that it is uniformly so, but it is among them, nearly, as it is among their white neighbors, some are industrious and advance in wealth and decency, whilst others go on careless in the way of their fathers, and remain poor beings. I have been with some who live altogether like our substantial farmers, in a very comfortable, nay, decent way, and their houses and furniture correspond with their advanced situation. In short, as far as I know, the Cherokees are advanced in civilization the farthest of the several tribes. This has been brought about not only by means of benevolent associations, who have instituted and continue the good work, but greatly by the friendly countenance, the aid and the measures pursued by the government, which have contributed so richly towards rescuing our red brethren, the aborigines of the land, from their degradation. There is now a fair prospect of success, and the time is hailed with pleasing emotions, as not far distant, when these sons of the forest will be useful citizens. Why let not the plan be fully tested? And why destroy the fruit of the plant before it has come to maturity, or nip it in the bud? The government being so much interested, I think it not irrelevant to say that the institution at Brainard is a very useful one, which is supported by the board of foreign missions, together with two other schools, on a smaller scale, at Taloney and at the Creek Path. The Baptists have also an establishment in the mountains, under the care of the rev. Mr. Posey.

The Moravian society at Salem, in North Carolina, have long since had, and now have, a mission establishment at Spring Place, not far from the Cone-saga river, near Joseph Vann's, on the great road leading from Georgia to Tennessee, where a post office is established. According to the latest accounts from there, from fifteen to twenty children are there educated at the cost of the society. They learn to read, to write, to cypher, and are also instructed in husbandry and useful arts. Many have gone forth from that institution evincing the usefulness of their instruction in their improvement. The rev. John R. Smith is the missionary and teacher at that place, and last year we paid a hand, a very moral character, to cultivate the land around the establishment, and to afford the youths an op-

portunity to be instructed therein; and for the present year, we have engaged another such character for the same purpose. About thirty miles further south, not far from the Coosa river, we have made, a year ago, another establishment, where the rev. John Gambold now resides as missionary. We expect to have an assistant for him soon as a teacher. At that place is a close settlement of Indians, with fine plantations, on which are waggons and teams, ploughs and all implements of husbandry, and some good buildings of hewn logs. Permit me also to notice, that a good portion of Indians have embraced christianity, and walk worthy of their high calling.

REMARKS OF MR. METCALFE, OF KEN.

(IN THE HOUSE OF REPRESENTATIVES),

Upon the subject of Indian civilization.

Mr. Speaker: I would not object to any direction which it might be the pleasure of the house to give to the bill for the purpose of affording an opportunity of a more full and thorough investigation of the amendments proposed by the committee on Indian affairs, were it not too late in the session for delay, and because it is important that the bill should pass, whether the amendment be adopted or rejected.

Perhaps, said Mr. M. an apology is due to the gentleman from Virginia, who, being a member of the committee, was not consulted touching the proposed amendment. This bill was not referred to the committee until yesterday, and as the session is nearly at a close, it was expected by all the warm friends of the bill, that the committee would not fail to report it on this day. My own duty on another committee, and the shortness of the time allowed, prevented the regular meeting, this morning, of the committee on Indian affairs, and therefore it was, that I consulted such of the members only as could be found in the house at the moment, and obtained the consent of a majority, to the amendment proposed.

Let it be recollected, said Mr. M. that, by the authority of the house, it has been made the special duty of this committee to inquire into the progress which has been made in the civilization and happiness of the Indian tribes, under the system which has been devised and pursued for that purpose. It is, therefore, my duty to communicate to the house the result of those inquiries. Here Mr. M. adverted to the 13th section of the act of 1820, by which the sum of 15,000 dollars, annually, is appropriated for civilizing purposes; for presents, &c. He objected to this expenditure, upon the ground that it was no longer necessary; that the Indians derived no benefit from it; and because no satisfactory account could be obtained of its application, to whom paid, or for what purpose. He then adverted to the act of 1819, appropriating the sum of 10,000 dollars, annually, for the instruction of the Indians in agricultural pursuits, and to educate them; and read a communication from the president, shewing (if the president was not himself deceived, as Mr. M. supposed he might be), that a considerable portion of this sum had been applied to the erection of buildings in the Indian settlements, which, in his opinion, ought not to be tolerated. And he also objected to the employment of Dr. J. Morse, and to the sum paid for his services, under the provisions of this law. But, said Mr. M. that we may know something of the situation of those people, and their numbers; that we may be well in-

formed of the nature and condition of the materials upon which we are about to operate, I will take the liberty of adverting to extracts from the report of Dr. Morse, which was referred to the committee for that purpose.

In New England there are nine tribes, 2,247 souls. In New-York ten tribes, 4,849 souls. In Pennsylvania thirty years ago, three tribes, 1,300 souls, number at this time not known. In Ohio, fifteen tribes, 2,047 souls. In Michigan and the N. W. territory, thirty-six tribes, 27,480 souls. In Indiana and Illinois, fourteen tribes, 15,522 souls. Southern Indians east of the Mississippi, twenty tribes, 66,487 souls. Total number east of the Mississippi, twenty tribes, 120,283 souls. North of Missouri and west of the Mississippi, thirteen tribes, 41,350 souls. East of the Rocky Mountains to the Mississippi and between Missouri and red river; or west of the Mississippi to the Rocky Mountains, thirty-six tribes, 105,021 souls. Between Red and the Rio del Norte forty-two tribes, 105,021 souls. West of the Rocky Mountains, eighty-seven tribes, 145,600 souls. Whole number west of the Mississippi 337,341. Total number in the United States besides about 5,000 in Florida, and ten tribes, (number not known), inhabiting the upper Mississippi, 457,642 souls.

Now, said Mr. M. how to civilize and refine, and christianize, these our red brothers and sisters is the question; a question truly of considerable magnitude, the solution of which appears to be attended with no inconsiderable difficulty. The past and the present history of this matter sheds a faint gleam of light, by which to guide us in future.—Here Mr. M. referred to Loskiel's history of the missions among the Indians in North America about 150 years ago. At that period the author informs us that much had been done for the edification and refinement of the Indians; that vast numbers of them were at that time a pious and exemplary people, rapidly increasing in civilization, and in christian knowledge. By reading their subsequent history, however, we are irresistibly drawn to the conclusion, that their spiritual fathers wrote with an eye to their own exclusive benefit and emolument, making those upon whom their heavy contributions were levied, the dupes.

Mr. M. now referred to Bouchette on Canada, giving an account of the condition of the domiciliated Indians of St. Regis, who, for centuries, had been blessed with resident Catholic missionaries as their spiritual fathers; and, instead of progressing in civilization and refinement, or in christian piety and virtue, were still a lazy, dirty, and degraded band of savages, unchristian, immoral, and vicious, in the extreme.

Mr. M. said he would now refer to the history of the various tribes, or remnants of tribes, in the interior of our own country, by reading extracts from the report of doctor Morse. The rev. E. Kellogg writes the following account: "The Passamaquoddies and Penobscots are catholics, and under the care of catholic priests, who receive a stated stipend from the state treasury. They have made no other than incipient improvements in any thing which pertains to civilized life; and are sadly given to intemperance." So much for the Indians in the state of Maine. Now for those in the state of Massachusetts. "All the Indians remaining in this state reside on their respective reservations at Marshpee, Herring Pond, Mariba's Vineyard, and Troy, on the south east part of the state, from 50 to 100 miles from Boston. The state, by a board of overseers, exercises a guardian care over them,

as to their lands and civil rights and privileges. And the corporation of Harvard college and the society for propagating the gospel among the Indians and others in North America, provide for their religious and moral instruction, having charity funds in its treasury, appropriated for the use and benefit of the Indians, the former 12,000 the latter 9,000 dolls. A stated missionary, the rev. doctor Fish, is supported at Marshpee. The rev. doctor writes that, "among them there are a few who are eminently pious; considerable numbers decent in their lives, and not a few shockingly profligate. The state of morals low. Intemperance, with its concomitants, is found among them. The number of pure blooded Indians is extremely small, say 50 or 60, and is daily decreasing. The mixture of blood arises far more from their connection with negroes, than with the whites; their number is diminishing on account of their vices." The rev. Mr. Thatcher writes as follows: "It is true we think we see but little good in preaching to these people. Did we not take into consideration the evils which we probably prevent, who would not be discouraged and give up the cause, saying I have labored in vain, and spent my strength for nought?" In Rhode Island it is said their condition is not quite so bad.

Of those in Connecticut, it is said "that the few now remaining in this state have made but few advances in any thing which pertains to civilization, and are gradually wasting away, after the manner of other tribes, now extinct. The state has assumed the care of their property, in like manner as the other New England states have provided for their Indians. They have such advantages of religious and moral instruction as they are willing to receive, which are few, and the effects proportionably small. Those Indians, especially at North Stonington, and at Groton, are said to be, with very few exceptions, intemperate and improvident; of course, poor and miserable. They manufacture mats, brooms, baskets, and so on, which they generally sell for ardent spirits." Such are the results of long experience, as we have it from the mouths of individuals who are employed to civilize and to convert them to christianity, and who are compensated for their services by public or private donations. Shall this government take up and follow the hopeless example?

"The Six nations, residing in the state of New York, in number 4,575, remain on their respective reservations, containing, in all, about 265,315 acres of land." "Many petty depredations, and thefts, and trespasses, are committed by them and the whites upon each other." To this testimony may be added that of honorable members from New York, who inform us that, instead of advancing in civilization, or in piety, they are rapidly degenerating into vice and corruption.

Of those in the state of Ohio, it is said: "The Wyandots came from the country near the Quebec, about two hundred and fifty years ago, when the French had dominion of Canada. They maintained a Roman catholic missionary among them. By these missionaries they were nearly all baptized, and nearly all the aged ones still carry crucifixes in their bosoms, under their shirts. Between the years 1803 and 1810 the presbyterians supported a missionary among them, on the Sandusky river. A few converts were made, who were put to death by the catholic Indians on account of their religion."

From this I infer that it is improper to impose a tax upon our protestant citizens for the support of Catholic missionaries, and equally as improper to

tax the catholic for the purpose of supporting protestant missionaries. To preserve our holy religion in its purity, we must let it make its own way, with the smiles and friendly countenance of the government beaming upon every sect and denomination, without giving pecuniary aid to any one. "The number of Cherokees, inclusive of whites, blacks, and mixed blood, is estimated at 11,500. In the treaty of March, 1819, they ceded a part of their territory to the United States. Among other reservations is one of a tract of land, of twelve miles square, to be sold by the United States, and vested by the president in the most profitable stock, as a school fund for the Cherokee nation."

For a population not half equal to that which is contained in a small county in one of our states, this appears to be an ample provision. Our own citizens, in any part of this union, would rejoice to have such a school fund as this.

The Choctaws, it is said, are also well provided for.

Now, said Mr. M. what are we told by that distinguished fellow citizen, whose keen and penetrating intellect, and whose long experience enables him to speak to us the language of wisdom, and to afford us so much light upon this momentous subject? [He then read from the Literary and Scientific Repository, the following extract of a letter from gov. Cass.] "The lessons of experience upon this subject are too important to be disregarded. In the zealous efforts which are now making to meliorate the condition of the Indians, we have much to learn from the history of the progress and result of the same experiment which was made by the Jesuits. We cannot bring to the task more fervid zeal, more profound talents, more extensive or varied acquisitions, nor probably a deeper knowledge of the principles of human nature. But, so far as respects any permanent or valuable impression, they have wholly failed. Very few of the Indians profess any attachment to the christian religion: and, of those who make this profession there is *not probably one* whose knowledge is not confined to the imposing rites, and external ceremonies of the Catholic church. A more vivid impression appears to have been made upon the Wyandots than upon any others; and they preserved for a longer term than any other tribe, traces of the indefatigable exertions of their spiritual fathers. But, even with them, superior as they are in intellectual endowments, and placed by their local situation in contact with a Catholic community, the subject is forgotten, or, if remembered, it is remembered only by a few aged and decrepid persons, like other traditional legends of their nation."

Upon these remarks, said Mr. M. no commentary can be necessary. I will now pass to one more extract of a letter, from Mr. Sibley, an intelligent Indian agent, of long experience among that people, to Dr. Morse, which I have taken from his report:

"I have noticed Indians observing with much apparent interest the effects of our agricultural skill, our fine gardens, abundant crops, and numerous comforts and conveniences. A very sensible Osage, the Big Soldier, who had twice been at Washington, once said to me, when I was urging the subject of civilization upon him: 'I see and admire your manner of living, your good warm houses, your extensive fields of corn, your gardens, your cows, oxen, work horses, waggons, and a thousand machines that I know not the use of. I see that you are able to clothe yourselves, even from weeds and grass. In short, you can do almost what you please.

You whites possess the power of subduing almost every animal to your use.' But, after this acknowledgment, on his part, of our superior skill in the various arts, and this candid expression of his admiration, he continues thus: 'You are surrounded by slaves. Every thing about you is in chains; and you are slaves yourselves; I fear, if I should change my pursuits for yours, I should become a slave.—Talk to my sons; perhaps they may be persuaded to adopt your fashions, or at least to recommend them to their sons; but for myself, I was born free! and wish to die free!! I am perfectly content with my condition. The forests and rivers supply all the wants of nature in plenty; and there is no lack of white people to purchase the products of our labor."

Such, said Mr. M. is said to be the language—such the sentiments of the Indians, generally. And what a commentary is this upon the speculations of the theorist; upon him whose fanciful notions give direction to all his actions. What a lesson to the proud presumptuous man, who never thinks of doing good to thousands, and tens of thousands of nearer, and dearer, and much nobler objects immediately around him, who are fairly within the sphere of his action, and in need of his assistance; but is continually casting ahead, before the light breezes of his own inordinate vanity, pretending to vie with his maker in acts of universal benevolence. Yes! of universal benevolence. How have his imaginary castles been upset and demolished by those plain, but irresistible and self-evident truths, which have fallen from the lips of an Indian.

When the forests no longer abound in game, nor the rivers with fish, in sufficient quantities for the sustenance and support of the Indians, he will abandon the life of the hunter for that of the agriculturist, and not before. As long as furs and peltries are in demand and can be had by following the chase, that long there must, and will, and ought to be, hunters; and, were it in our power, by forced measures, or otherwise, to withdraw the Indian from the recesses of the wilderness, from the pursuits of the chase, and learn him to become a tiller of the ground, what would be the consequence?—Would not the white man become a hunter in his stead? And thus, while, with such eager solicitude, we urge and press and force, if we could force, the Indians into a state of civilization, do we uncivilize, or, rather, savagize, an equal number of our citizens. Would not this be the inevitable result? No one, it is presumed, will, or can, deny the fact. And is it not a fact worthy of most serious consideration? I candidly acknowledge that, for my own part, I have no great partiality for such a change, or rather for such an exchange, even were it in our power to accomplish it.

But, I am persuaded that the civilization of the Indians, if effected at all, is to be the work, not only of time, but of necessity. Yes, sir, of sheer, of stern necessity: Slowly progressive in its march, and by degrees almost imperceptible, it will, within the time, and to such extent as their great and good Spirit shall direct, come to pass.

Let us be careful to throw no obstacles in the way. On the contrary, let us set them a bright example, and that example will have its attractions. We are much the strongest party; therefore, let justice, peace, and mercy towards them, be our motto. It is our duty to treat them with humanity and tenderness, and not to abuse the power we possess, by wielding it to their injury and destruction. And, sir, if we go beyond this, if we must and will draw upon our country's treasury to help them on,

let it only be done, when there is at least a reasonable prospect of attaining the great object we have in view.

Much of the treasure of this people has already been wasted in vain and futile attempts to civilize the Indians. I say wasted, because its application has had no good effect upon them, and has subserved no other purpose, except to fill the pockets of a few favored individuals, who are interested in deceiving us, and all of whom now unite in one general cry for more money—more money—give us more money and the public land, and the good work shall be done! Not that any good is likely to be done so as to be discernable to those who live in our day, and generation. Oh no! But perhaps some small traces of the good effects of our honest, and disinterested efforts, may be visible to those of our posterity a few centuries hence, who delight so much in looking back through the dark mists and shadows, as they are closing behind them—through the twilight of uncertainty, for the purpose of desecrating, and of contemplating the virtues, and the generosity of their ancestors; and of profiting, as individuals of a similar cast always have done, as they now do, and always will do—very little by any good example.

How various are the pursuits of various men.—One man is engaged, deeply and ardently engaged, in contemplating the scenes which have long since gone by, and over which time—bald pated time! is about to throw, or perhaps has already thrown, its impenetrable mantle, for the purpose of hiding those scenes forever from the view of mortals.

Another devotes his whole life most earnestly and zealously to the study of some plan, or scheme, or project, by which he fondly hopes to add very greatly to the future stock of human happiness, and of human grandeur, and of human glory, and thereby to procure for himself a name immortal. While, on the other hand, such men as myself, limited, extremely limited no doubt in their views, and fully sensible of their own weakness, without looking quite so much at the past, or pretending to form any very extensive plans for the future, confine their humble and feeble exertions, principally, to that, which, in their opinion, will redound most to the honor and interest of their compeers; especially of those upon whom their acts are to have an immediate, and certain effect—returning thanks occasionally, to be sure, for the good with which their ancestors were blessed, and praying for the good of posterity, but without once losing sight of what they consider a great, a paramount, and an indispensable duty, which they owe to the present generation.

Such men as these, Mr. Speaker, will necessarily inquire of you, how do we raise the revenue out of which this civilizing cash is to be furnished? They will not forget, that it is raised in part by an indirect tax upon articles of the very first necessity; and in part by taxing those articles from the use of which our citizens derive a very considerable portion of all their comforts, and of all their enjoyments; that it is a tax upon articles of necessary consumption, a matter of very doubtful policy at any time. For, in proportion to the increase of such a tax, do we depress our own productive citizens, and discourage and check the increasing population of our own country. Yes, of our own country! endearing name, but always lost sight of when we are chasing a shadow, or pursuing a phantom, from which no good is to be realized. He that will not provide for his own household, is said, by the highest authority, to be worse than an infidel.

SUP. TO VOL. XXII—8.

We have a numerous household, consisting of nearly ten millions of souls, for whom, if we do not provide, let us not deprive them of the means which they are industriously striving to provide for themselves.

The citizen of this republic who rears a numerous family in decency, were he to sit down and calculate the amount of taxes annually paid by him upon the articles of sugar, molasses, tea, coffee, pepper, spices, muslins, calicoes, cloths, and so on, an endless list, would be lost in astonishment. Yes, he would be lost in astonishment.

I know, Mr. Speaker, that we represent a magnanimous and a generous people. Of taxes they will not complain if imposed for humane, and benevolent, and useful purposes, and applied accordingly. But we are deceiving ourselves, and the people are deceived, in supposing that we promote the cause of humanity, or add any real substantial benefit to the Indians by this idle application of our money—this wanton waste of the nation's treasure. A word or two in relation to those Indians who are dispersed and scattered over that vast region of wilderness beyond the borders of our settlements. And here I do not mean to travel with you upon the waters of the Rio del Norte or along the shores of the Pacific. Nor do I intend at present to run across the path of my honorable and highly respected friend from Virginia, by disturbing his infant colony at the mouth of the Columbia; though I may hereafter stand at his back, when it shall become necessary to support him in opposition to the emperor Alexander. But, confining myself to the Indians on this side of the Rocky Mountains—what do they think of our civilizing systems? Let them answer for themselves. The words of a principal chief of the Fox tribes, as related by Mr. Sibly, will shew you their aversion to our laws, and the repugnance they feel to what we call civilization. "The Great Spirit, said Wah-hal-lo, put the Indians on the earth to hunt, and to gain a living in the wilderness; and I always find that, when any of our people depart from this mode of life, by attempting to read and write, and live like the white people do, the Great Spirit is displeased with them, and they soon die."* Here we discover that submission to laws, however mild and equitable in their provisions, is, in their estimation, the most intolerable bondage. The various cords and links by which, under the social compact, all civilized societies are united, they look upon as so many galling chains, as the very badges of slavery, and therefore not to be endured. These wild, but proud and lofty spirits, in dignantly spurn what they are led to consider a dull and ponderous load. Mr. Speaker, I know not how to hold the mirror up to nature. But little of my time has been devoted to the study of her laws. I cannot pretend to say, whether, in the organization and construction of the interior man, there is so great a difference that the white and red man cannot be brought to think and act alike, under similar circumstances. But I will say, that all our attempts to make them think and act alike under circumstances so dissimilar, is not only vain, but, if I may be pardoned for the expression, it is, in my opinion, an exceeding folly, if not presumption.

There are certain animals which, in their exterior appearance, bear as strong a resemblance to each

* The address of the Indian chiefs to the president, during the present session of congress, is well known to contain similar sentiments; they could not think of bruising their hands by labor.

other as does the white man and the Indian, and yet, by nature, they are wholly irreconcilable. Not to mention certain quadrupeds of this description, I will barely point to some of the feathered tribes. The wild duck, for instance—how soon it dives to hide from you! The partridge conceals itself while the shell is yet upon its head. But more especially the turkey. Do we not see, what we very properly call the wild turkey, often brought into life by, and raised with, those of the domestic breed, without ever having seen one of its own kind? And yet we find that, as soon as it arrives at sufficient strength and maturity, scorning the barnyard, though strewed with abundance, it leaves the roost of its companions, and, bounding aloft, it perches on the top of some distant towering tree—on the branches of the proudest monarch of the forest within its reach. This is repeated again and again. Wandering from the side of the gentle brood, he strolls in pursuit of other objects, which, though he has never seen, he is, by the irresistible force of nature, led to believe do somewhere exist. With desire keen and strong he seeks, and, if successful, he bids farewell, a long farewell, to all his old companions, and returns to them no more. And thus it is that whole broods have, from time to time, been brought into life and raised upon the farm, and have as invariably disappeared. Where are they now to be found? Though I will not indulge in the afflicting belief that such a destiny as this does really await our red brethren, yet I do most sincerely believe that such is the barrier which nature interposes between the two people, together with the powerful force of habit operating upon them, that all our attempts to civilize those Indians, who are dispersed and scattered in the wilderness, will be fruitless and unavailing. And, therefore, in plain and common language, I do most respectfully give it as my humble opinion, that we had better mind our own business—yes, we had much better mind our own business. And equally vain will be all our attempts to civilize those within the interior of our country, and surrounded by our settlements, unless we first remove certain artificial obstacles which we must see, and perhaps can remove. I mean, that we must radically change our present system of policy—the political relations existing between them and us. We may educate them, instruct them in agricultural and mechanic arts, furnish them with the implements of husbandry, and try to convert them to christianity; and, after all, unless we secure to them the benefit and protection of our laws and municipal regulations, and in this way engraft them, like so many twigs upon the stalk, or upon the branches of the stalk of the republic, all our efforts will be without effect.

If the states, respectively, in which the small tribes or remnant of tribes remain, will not consent to the removal of these artificial obstacles, and suffer our civilizing experiments to be fairly made, for one I despair of success; and, abandoning all our projects as idle, and even visionary, I will not vote my country's treasure to any such purpose. Encompassed around about by such a power as this, what can they do, while they remain, not independent communities, but dependent upon our will, and yet without the pale of our laws? Aliens in their own country, they can do nothing; they may recede, they cannot advance. If the government will give them, individually, a just and reasonable portion of their lands—of their respective reservations, laid out in its proper metes and boundaries, and take them under the jurisdiction and control of the

laws, gradually extending to them such rights and privileges as shall be reasonable, perhaps something may be done. Otherwise, viewing all our projects as a mere mockery, I am prepared to give it over.

In support of these views Mr. M. said he would refer honorable members to the inaugural address of the president, on the 4th of last March, and also to the report of the honorable secretary of war, during the present session of congress, as well as at the session of 1818. It is but right, said he, to give the Indians fair play. Encourage them to the exertion of their own faculties, of their own energies; but do not impose heavy contributions upon our white citizens, from which the Indians are, in truth, to derive no profit, no advantage, but which goes to the special and exclusive benefit of those who can, with the greatest facility and convenience, obtain access to your treasury.

SOCIETY OF UNITED BRETHREN.

IN SENATE, FEB. 22, 1822.

The following resolutions, moved on a previous day by Mr. Benton, of Missouri, being under consideration, viz:

Resolved, That the secretary of the treasury be directed to lay before the senate a copy of the patent (if any such there be in the treasury department) which issued under an act of congress, of June 1st, 1796, conveying to the society of United Brethren, for propagating the gospel among the Heathen, three tracts of land, of 4000 acres each, to include the towns of Gnadenhatten, Schoenbrunn, and Salem, on the Muskingum, in the state of Ohio, in trust to said society, for the sole use of the christian Indians formerly settled there.

Resolved, That the president be requested to cause to be collected, and communicated to the senate, at the commencement of the next session of congress, the best information which he may be able to obtain, relative to the said christian Indians, and the lands intended for their benefit in the above-mentioned grant; shewing, as correctly as possible, the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the said lands have inured to their sole benefit, and, if not, to whom, in whole or in part, have such benefits accrued.

Resolved, That the secretary of the senate furnish a copy of the above resolutions to the society of United Brethren for propagating the gospel among the Heathen, addressed to the president of the society, at Bethlehem, in Northampton county, in the state of Pennsylvania.

Mr. Benton said, that he would undertake to shew, by a dry detail of historical facts, the propriety of adopting them.

He said, it happened about an hundred years ago, that the followers of the sectarian Schwenkfeld were expelled, by the reigning elector from the electorate of Saxony; and about the same time a Dr. Spangenburg, theologus adjunctus in the university of Halle, lost his place in the university on account of some dispute with the divines. Being out of employment, these individuals united in a project to cross over to the British colonies in America for the purpose of civilizing and converting the Indians; and, addressing themselves to governor Oglethorpe, then in London, received from him the means of transportation to Savannah, in Georgia. Arrived at that place, they immediately commenced their labors among the Creek Indians; founded a church and a school at a place called

Irene, five miles from Savannah, and had the greatest success, according to the published accounts, in teaching and converting the natives. The noise of their employment and success drew others from Germany, and with the increase of laborers was duly extended the field of action. They spread to the north, and entered the colony of Connecticut, being invited, as the history of the mission reports, by the Indians themselves. Mr. B. said, that he could not gainsay the alleged fact of the invitation, nor was it material to the point in hand; but he could say, that such an invitation implied a contradiction of every spring of human action, there being no principle in the breast of man, either civilized or barbarian, which can impel him to invite another to make an attack upon the articles of his faith and the sanctity of his God. Be that as it may, Mr. B. said that the Brethren (for by that name they began to be known) established themselves in the village of Shekomeko, which, if it now stands, will be found between the rivers Hudson and Connecticut, some fifty miles west of Hartford. It was a principal town of the Mahikander tribe, and the Brethren immediately established a school and a church, and had the most wonderful success in teaching and converting. To do justice to their labors, Mr. B. said that he would read the account given of it by their own historian, Loskiel.

He read "In July the new chapel at Shekomeko was finished and consecrated; some of the elders of the congregation of Bethlehem being present. The congregation usually met every forenoon to hear a discourse delivered upon some text of scripture. Every evening an hymn was sung. A monthly prayer day was likewise established, on which accounts were read concerning the progress of the gospel in different parts of the world, and prayer and supplication made unto God for all men, with thanksgiving. The prayer days were peculiarly agreeable to the Indians; especially because they heard that they were remembered in prayer by so many children of God in other places. Both on those days and on all festival days, Shekomeko was all alive, and it may be said with truth, that the believers shewed forth the death of the Lord both early and late. One day above one hundred savages came thither on a visit, and one of the missionaries observed, that, wherever two were standing together, our Lord Jesus and his love to sinners, the cause of his bitter sufferings, was the subject of conversation."

Mr. B. said that the history went on to shew that the converted Indians increased in number and grace until they became an example to the people of Connecticut. He mentioned particularly the case of a certain justice of the peace, as related by Loskiel, who came to Shekomeko to find out whether any thing was going on there contrary to the laws of the colony, and who was made ashamed of himself by the godly walk and conversation of the Indians, and returned home rebuked and edified by their example.

Mr. B. said that, continuing to increase in numbers and to widen their theatre—the Brethren appeared in Pennsylvania among the Delawares and Shawnese, then in great numbers upon the Susquehanna river and in the neighborhood of Philadelphia. He mentioned Nain, Shamokin, Bethlehem, Nazareth, and many other places, as founded at this time and filled with converted Indians, and read from Loskiel to shew that a single congregation consisted of five hundred converts and that the schools were thronged with girls and boys, divided into regular classes, and making wonderful pro-

gress in their studies. He alluded to the opinion of Dr. Franklin about these establishments, but passed on to the Muskingum, on the Ohio, where the vanguard of the Brethren arrived about the year 1770. Here they founded the towns of Gnadenhatten, Schoenbrunn, and New Salem, and were proceeding with their usual success, as testified by the historian, when the settlements were broken up, and themselves dispersed by the troubles of the revolutionary war. It was not until after the return of peace in 1783, that they could return to their labors, and about this time they began to attract the notice of the American government, and to receive from it promises of aid, in consideration of their great success in teaching and converting the Indians. He read from Loskiel, to shew that the Brethren were now full of courage and confidence; that the schools and churches flourished; that the young especially exceeded the old; that their converts, in the whole, had amounted to 1500 persons, "which they considered to be a stock large enough to be a light of the Lord shining unto many heathen nations, for the eternal salvation of their immortal souls."

Mr. B. said, it was to these Indians that the resolutions referred, for their use that 12,000 acres of land was granted, and it was their present number and actual condition which he wished to learn. He said, it was about this time that the Brethren, with others, became incorporated, under the act of the general assembly of the state of Pennsylvania, by the name of "*The society of United Brethren for propagating the gospel among the Heathen.*" The usual privileges to sue and be sued, to have and to hold real and personal estate, were imparted to it, and it was to this society that the land in question was granted, in trust, for the sole use of the christian Indians of the towns he had mentioned.

Mr. B. adverted to the resolutions which he had submitted, and to the nature of the inquiry which they contemplated. He said, the grant conveyed nothing but the use of the land, and that upon a precise limitation. If the use had failed, the limitation had attached, and the ground returned to the grantor. He said it would have been idle in him to undertake to put the senate upon this inquiry, without being able to suggest a failure of the use; he therefore made the suggestion, but without going into particulars, hoping that the senators from Ohio, so much more competent than himself, would do the senate that favor.

Mr. B. said he was a friend to the Indians and an enemy to the abuse of charities. He believed that great abuses had been committed on public and private charity, in the name of humanity to Indians. He did not include all missionaries in this censure. He knew that the best men upon earth had engaged in that business from the purest and most disinterested motives. He knew that the early history of North and of South America was full of such examples—examples of men who, braving all dangers and hardships, died at the stake in flames and tortures, martyrs to their zeal to carry the light of the gospel into the darkest regions. Still he believed that great abuses had been committed, and he could hold it but little short of an abuse to attempt, at this day, with the experience of 300 years before our eyes, to raise money from the weak and credulous for the purpose of converting the Indians. He said we had the experience of 300 years, and every year of it would furnish illustrations of the truth of his position; but he would only go back two hundred, and that for the sake of a single example. Canada was then just discovered—the

French held it—Henry the IV. was then on the throne, and the Jesuit, father Cotton, was his confessor. This Jesuit conceived the design of converting the Canada Indians, and the first question with him was to raise the ways and means. Man, said Mr. B. is an excitable animal, and woman still more so, and above all, a Frenchman and a French woman. The Jesuit knew this: so he addressed himself to the ladies of the court and of the city of Paris. The effect was electric. High and low rushed into the project. Enemies in every thing else united in this. Mary of Medicis, wife of the king, and the marchioness Verneuil, his mistress, vied with each other in the profusion of their donations. The duchesses D'Aiguillon and Lesdeguieres, and the countess Guercheville, figured in their train. The gazettes of the day were spangled with the names and titles of female patronesses of missions. Money, clothes and valuable effects, flowed in upon the Jesuit. Young ladies were even sent to Canada to nurse the sick christian Indians, and that superb establishment in Quebec, the *Hotel Dieu*, was founded by the duchess D'Aiguillon for an Indian hospital. To repay so much liberality the Jesuit missionaries sent back the most wonderful accounts of their success. According to their reports the Six nations, and divers other nations, were converted, and the Island of Orleans, (below Quebec), contained six hundred Indian monks and nuns, regularly divided, male and female, into two distinct societies.* The zeal of the ladies rose to frenzy, and father Cotton had to moderate it.

Mr. B. said that the French Calvinists, all the while, insisted that the Jesuits were doing no good to the Indians, but acquiring much power and riches for themselves—for which they were, of course, stigmatized by the Jesuits as the enemies of the Indians. On which side the better reason was, might be guessed at from the fact, that, when the English government succeeded to the sovereignty of the Canadas, they found the Jesuits in possession of very few converts, and in the enjoyment of very large revenues; no less than forty-four thousand dollars per annum, which went to the British crown upon the extinction of the order some years ago: and there ended the charities of Parisian ladies in favor of converting American Indians.

But, Mr. B. said, it was not father Cotton and the ladies only who had tried this business and failed in it. All the kings of France, from the discovery of Canada in 1600, to the cession of that province and Louisiana in 1763, had made the same experiment, with the same wonderful success in the beginning, and the same miserable result in the end. In the reigns of these kings, the missionaries covered the valley of the Mississippi, and carried their adventurous zeal to the shores of Lakes Superior and Winipeg, and to the banks of the Saskatchewan river, every where converting nations, and building chapels, and bringing to their altars innumerable worshippers of the only true and living God. And yet, what is the present fruit of all this labor? If a traveller on the banks of the Mississippi should inquire for the monuments of that time, and of that work, he might be pointed to the walls of

a fallen down house in the village of Kaskaskia, and told "that was the Jesuits' college;" he might be pointed to a stream of water below St. Louis called *La Riviere des Peres*, (river of the fathers), and to another above, called *La Riviere des Moines*, (the river of the monks)—and informed that these walls and these names are the only vestiges which now remain of all the labors of that powerful order in this magnificent valley.

Mr. B. pointed to Lake Superior, and said it was the same thing there. The site of the chapel which contained 800 worshippers in the time of Charlevoix, was now unknown. Nay, more: the knowledge of the fact that missionaries had ever been there, was itself in danger of being lost. He had the authority of sir Alexander McKenzie, for asserting that this knowledge, even thirty years ago, was confined to the stream of tradition and to the memory of some superannuated old men. If such had been the fruit of missions patronized by such men as Henry the 4th and the duke of Sully, Louis the 13th and cardinal Richelieu, Louis the 14th and the great Colbert, led by an order who, for energy and devotion, have been styled the Janissaries of the papal throne, Mr. B. said, that he, for one, was ready to despair of any great success from our empty pockets and discordant forces.

Mr. B. said, that he had covered more ground than the terms of the resolutions required, and he had done so designedly. He had seen in a gazette of the city the copy of a constitution, and a list of the grand dignitaries of a vast society announced for the conversion of Indians.—The list embraced all presidents and ex-presidents; all secretaries of war, and treasury, and navy; all judges and governors, generals and commodores, preachers and school-masters, and all members, present and to come, of both houses of the congress of the United States. As a member of the senate, he found himself included in the list, certainly without his knowledge, and equally certain without his approbation. He had, therefore, made this exposition of his sentiments to shew that he did not countenance the views of the society. He was laid under a necessity of doing so, for the constitution and list is printed in this city; the elections are said to have taken place in this city; all is done, as it would seem abroad, in our very presence; and, if we do not except to the procedure, we agree to it: silence gives consent. And what impositions may not be practised? The ninth article creates a committee of ways and means—five the complement and three the quorum. This committee is enjoined "to devise and prosecute to effect the measures most practicable and best adapted to supply the society's treasury with the necessary funds to carry on its operations." This quorum of three are the soul of the society; they are to raise the wind! How? Nobody knows. Who are they? Nobody knows. What may they not do in the name of this redoubtable society! They may run subscriptions through all parts of Europe and America, and who could have the courage to refuse a mite to such a formidable array of beggars? The weak and credulous would give what was due to their children, their servants, or their poor neighbors, under the delusive idea that the great men whose names they saw were seriously engaged in converting Indians, and would faithfully apply all that was received to that object.

Mr. Brown, of Ohio, said, in answer to the call thus made on him, by the gentleman from Missouri, that he could only observe that he was unable to give an estimate, tolerably correct, of the value of the property in Ohio, possessed by the United Bre-

*"Le desir d'imiter la reine des vierges, faisoit embrasser le celibat a un tres grand nombre des filles; et la conduite edifiante de ces epouses de Jesus rendoit respectable, parmi les sauvages, un etat qui, peu d'annees auparavant, y avoit ete meprize."—Charlevoix, *Histoire de la Nouvelle France*, vol. 2, p. 55.

thren. He believed that the cultivated portion of their grant was comparatively small, and, to all appearance, the revenue derived from it could not be very considerable; he was uninformed what might have been the amount, as well as its application. The state of Ohio, for several years, exempted the land from taxation. In the course of the time, since the first Moravian mission was sent to the Tuscarawas (now fifty years or more), it would seem, from their own accounts, that their zeal for propagating the gospel had been so successful as to assemble a large congregation of Indians, whom they had converted to christianity, which congregation has now become nearly extinct; owing to massacre, wars and dispersion, together with many of the vices that usually attend a degraded community, so that the unfortunate Indians, in that region, under the special protection of the Brethren, have dwindled to a few families; comprehending, in all, perhaps, twenty individuals, inhabiting a wretched hamlet called Goshen, on the Tuscarawas branch of the Muskingum; exhibiting, like the persons of the natives, an appearance of squalid wretchedness. They have among them a resident from the society, and are said to cultivate a common field in a rude and imperfect manner. This remnant shows no symptoms of mental improvement; but, on the contrary, many marks of their degradation appear in their idleness, want, and habits of intoxication among the men. As the condition of these Indians, to whom the professed benevolence of the United Brethren has been extended, seems, said Mr. B. in no way improved, the ostensible object of that mission, in which Mr. Heckewelder spent above forty years, has totally failed.

Mr. LOWME, of Pennsylvania, observed that, on hearing the resolutions read, he had no objections to their passage. He was always in favor of information on every subject where there was any allegation of mismanagement, or, as in this case, a failure of the use. Of the present case he knew nothing on either side, and he should not have said a word, had not it been for the general remarks of the gentleman from Missouri, which appeared to him to have been perfectly gratuitous—at least, he was not able to see their application to the resolutions now under consideration. He did not like discussions of this kind to be brought before the senate, unless arising out of the business immediately before us. Should it become necessary to discuss this subject, he, (Mr. L.), believed it would not be difficult to give a very different view of the subject from that given by the gentleman from Missouri. Without denying the facts adduced, Mr. L. said he could produce other facts which would place the subject in another light, and he had long found it necessary, in coming to a correct conclusion, to hear both sides. If there have been mistakes on this subject, it is not surprising, and from those very mistakes information would be derived. It was likely that those engaged in this benevolent business had, at the first, kept too much out of view the necessity of teaching the Indians agriculture and the common arts of civilized life. The proceedings of the different missionary societies shew that this error is now corrected. He did not intend to engage further in the discussion. He would not have said a word had it not been that an inference in favor of such general remarks might have been drawn from the circumstance of their being permitted to pass in silence.

The question was then taken on the adoption of the resolutions; and they were agreed to.

INDIAN CIVILIZATION.

Letter to a member of congress in relation to Indian civilization, by the domestic secretary of the United Foreign Missionary society.

Respected and dear sir—Having understood by a letter from Washington, that the impression has been uttered on the floor of congress, that 'Indian civilization forms no part of the objects of missionary institutions,' and that 'the establishments at Brainerd and Elliot are a miserable farce,' I would respectfully invite your attention, for a moment, to the following facts and remarks.

The objects of the United Foreign Missionary society are to civilize and christianize the American Indians—and the managers are convinced, from their own experience, as well as that of kindred institutions, that each of these objects can be more easily and successfully attained, when combined, than when separately attempted. The history of eighteen centuries testifies, that no pagan nation ever became civilized to any important degree, until it had renounced its idols, and abandoned the whole train of superstitious rights connected with its idolatrous worship; and that no one ever became evangelized without acquiring, in some measure, the arts and habits of civilized life. Whether the object, therefore, be to civilize or christianize, both must be carried on with an equal and united effort. Under the impression of these truths the board, in forming their general principles, or system of operations, combined the two objects, as you will evidently perceive, by a perusal of the following sections:

First. At all the missionary stations under the care of this board, it shall be the object to promote, not only the knowledge of christianity, but also the arts of civilized life. Besides the branches of learning taught in common schools, the boys shall be instructed in agriculture and the mechanic arts; and the girls in spinning, weaving, sewing, knitting, and household business.

Second. In every establishment, it is expedient that there be a superintendent and an assistant, who shall be ministers of the gospel; a schoolmaster, a farmer, a blacksmith, a carpenter, and such other mechanics as shall be found necessary, all of whom shall come under the general denomination of missionaries. The number shall be increased as occasion may require. At every station there shall be either a physician, or a person acquainted with the practice of physic."

There are eight other sections, all of which are conformable to the two I have quoted.

The substance of these general principles was communicated to the public in the third annual report. In the same report it was stated, that, in the mission family which had just gone to the Osages of the Arkansas, there were two clergymen, one physician, two teachers, two farmers, a carpenter, and a blacksmith.

The fourth report, in relation to the family which went out last spring to the Osages of the Missouri, states as follows:

"Besides the superintendent and assistant, there are among the males of the family, a minister of the gospel, who goes out as a teacher, with the privilege of preaching whenever his health will permit, and the circumstances of the mission require, a regularly educated physician and surgeon; a person capable of manufacturing machinery, performing most kinds of blacksmith's work, and teaching sacred music; a carpenter and millwright, a shoemaker, a waggon-maker, and two farmers. The

females, collectively, are qualified to teach all the branches of industry pursued by that sex in this country; most of them have had considerable experience in teaching common schools; and two or three have taught in seminaries of a higher order."

In speaking of the mission at Tuscarora, the same report says:

"The whole of the nation now residing at Tuscarora, have taken a decided stand in favor of the christian religion. They have already made considerable progress in acquiring the arts and habits of civilized life. Having, in a great measure, abandoned the chase, as the means of subsistence, they depend, for their support, principally, upon the produce of their soil. They occupy comfortable dwellings; and, in passing through their village, you behold waggons, ploughs, and other implements of husbandry, arranged around their doors. Some of their youth have made considerable proficiency in the elementary branches of an English education. One of their young men, hopefully pious and of promising talents, is stationed at a seminary in this city; and another, perhaps equally pious and promising, at the foreign mission school, in Connecticut.

"From our missionary at this station, we learn that the Indians had recently manifested more than ordinary solicitude for the general improvement of their village and their nation. Among other efforts for this object, they are preparing to erect a new council-house and church, of larger dimensions, and of more convenient structure, than the one they now occupy. They have already furnished all the timber and boards required for the building; and they hope to finish it early in the ensuing summer.

"A school for the children of the tribe has been taught for several years by the missionary and his wife. As an additional teacher, the board have lately appointed Miss Elizabeth L. Brown, of Homer, in the county of Courtland. She will probably commence her labors in the course of the present month; and it will be her particular duty to instruct the young females of the nation in the art of sewing, knitting, spinning and weaving."

In relation to the Seneca station, the same report remarks:

"The property of the board in the Seneca village, consists of two dwelling houses and a school house, together with the use, for an indefinite period, of the ground on which they are erected. It is in contemplation to build an addition to the house now occupied by Mr. Young, for the purpose of accommodating the minister and of embodying many of the Indian children in the missionary family. It is also in contemplation to erect a workshop within an enclosure, of sufficient extent for the deposit of boards and timber; to furnish the necessary tools; and to give to the nation free access to the establishment, for the object of making and repairing their farming utensils and household furniture."

I might easily multiply these extracts; but enough have been given to show, in the first place, that "Indian civilization" constitutes a leading object of this society, and one, of which the managers can never lose sight; and, in the second place, that this subject forms a prominent topic in our annual reports. When the last report was written, it was not officially known to the board that the mission sent out to the Osages of the Arkansas had arrived at their destined station; and the numerous family, bound to the Osages of the Missouri, had not yet embarked at Pittsburgh. Of course, no account could have been given of the progress of civilization among those tribes. But the missions

among the Tuscarora and Seneca tribes, are of longer standing; and to strangers and others who have visited them, it is a matter of surprise, that they should have made such rapid progress in laying aside their savage customs, and acquiring the habits, arts, and industry of civilized life. During the last summer, they were visited by two very respectable gentlemen, (a physician and a merchant), and several ladies from Charleston, S. C. who were highly gratified with the good order of the schools, the proficiency of the scholars, and the general state of civilization and improvement among the Indians. They left behind them, for the benefit of the mission, a handsome donation, as a testimonial of the gratification they had received; and took with them to Charleston a number of elegant specimens of penmanship from the hands of the Indian youth. While passing through the city, one of the gentlemen called on me as the official organ of our society, and expressed the lively sense which he and his whole party entertained of the usefulness of our operations among those tribes.

At Tuscarora there is a regularly organized church, which contains *twenty-three* Indian communicants, whose life and conversation correspond with their religious profession. Our missionary in speaking of this tribe says—"On some accounts, this poor people are superior to any village of white inhabitants, with which I am acquainted.—The sabbath is almost universally regarded and honored among them. There is not a village in the state, where so large a proportion of the heads of families punctually attend the preaching of the Gospel." Again—"There appears to be among these Indians an increasing sense of the importance of education and industry. A large proportion of the families are industrious. During the past winter the children have been punctual in their attendance at school, and have made very encouraging progress."

The visit to Brainerd and Elliot, by a member of our press, (as stated in the letter which has called forth these remarks), was probably made in the infancy of that establishment. The uniform testimony given by the missionaries, and by gentlemen who have occasionally visited those stations, is of a very different character. They concur in representing those nations as making great and rapid improvement in civilization. An extract or two from the documents which first came to hand, will sufficiently support this remark. The journal of the mission at Brainerd, under date of the 1st of November, 1820, presents the following pleasing intelligence.

"The council, (of Indian chiefs), have made a law to compel parents to keep their children at school, when once entered, until they have finished their education, or to pay all expense for clothing, board and tuition. They have also given the superintendents of each mission authority to take out of their schools such children as they shall think proper, and with the consent of their parents, put them to such trades as are attached to the missions; and, when such children have learned a trade, they are to be furnished with a set of tools at the expense of the nation.

"They have also divided their country into eight districts or counties; laid a tax on the people to build a court house in each of these counties, and appointed four circuit judges. The Cherokees are rapidly adopting the laws and manners of the whites. They appear to advance in civilization, just in proportion to the knowledge of the gospel. It, therefore, becomes all, who desire the civilization of the

Indians, to do what they can to send the gospel among them."

In the spring of 1820, Adam Hodgson, esq.* a distinguished merchant of Liverpool, visited Elliot and Brainerd, on a journey from Natchez, on the Mississippi, to Richmond, in Virginia. An account of his journey I find in a London publication now before me, from which I beg leave to present a few passages, that you may learn the opinion of an intelligent foreign traveller, upon the subject now in question. After mentioning his arrival at Elliot, he adds—

"Soon after my arrival, we proceeded to the school, just as a half-breed, who has taken great interest in it, was preparing to give the children "a talk," previous to returning home, sixty miles distant. He is a very influential chief, and a man of comprehensive views. He first translated into Choctaw, a letter to the children, from some benevolent friends in the north, who had sent it with a present of a box of clothes. He then gave them a long address in Choctaw.

"As soon as the school was over, the boys repaired to their agricultural labors; their instructor working with them, and communicating information in the most affectionate manner; the girls proceeded to their sewing and domestic employments, under the missionary sisters. They were afterwards at liberty till the supper bell rang, when we all sat down together to bread and milk, and various preparations of Indian corn; the missionaries presiding at the different tables, and confining themselves, as is their custom, except in cases of sickness, to precisely the same food as the scholars. After supper, a chapter in the bible was read, with Scott's practical observations. This was followed by singing and prayer; and then all retired to their little rooms in their log cabins.

"In the morning, at day-light, the boys were at their agriculture, and the girls at their domestic employments. About 7 o'clock, we assembled for reading, singing, and prayer; and soon afterward for breakfast. After an interval for play, the school opened with prayer and singing, a chapter in the bible, and examination on the subject of the chapter of the preceding day. The children then proceeded to reading, writing, accounts, and English grammar, on a modification of the British system. The instructors say they never knew white children learn with so much facility; and the specimens of writing exhibited unequivocal proofs of rapid progress. Many spoke English very well.

"The immediate object of the settlement of Elliot, is the religious instruction of the Indians. The missionaries are, however, aware that this must necessarily be preceded or accompanied by their civilization; and that mere preaching to the adult Indians, though partially beneficial to the present generation, would not probably be attended with any general or permanent results. While, therefore, the religious interests of the children are the objects nearest to their hearts, they are anxious to put them in possession of those qualifications which may secure to them an important influence in the councils of their nation, and enable them gradually to induce their roving brethren to abandon their erratic habits for the occupations of civilized life. The general feelings of the nation at this moment are most auspicious to their undertaking. The community at large is most solicitous for civilization. In this they have made some progress; many

of them growing cotton, and spinning and weaving it into coarse clothing.

"Of three districts or towns into which its 15 or 20,000 souls are divided, one has appropriated to the use of schools its annuity, for seventeen years, of 2,000 dollars per annum, received from the United States for ceded lands; another, its annuity of 1,000 dollars per annum, with the prospect of 1,000 more; and one has requested the United States not only to forbid the introduction of ammunition into the nation, that the hunter may be compelled to work, but to send their annuity in implements of husbandry. At a recent general council of the chiefs, 1,800 dollars in money, and upwards of eighty cows and calves, were subscribed for the use of schools, and the total contribution of the Choctaws to this object exceeds 70,000 dollars.

"I was highly gratified by my visit to Elliot—this garden in a moral wilderness; and was pleased with the opportunity of seeing a missionary settlement in its infant state, before the wounds of recent separation from kindred and friends had ceased to bleed, and habit had rendered the missionaries familiar with the peculiarities of their novel situation.

"The sight of the children, also, many of them still in Indian costume, was most interesting. I could not help imagining, that before me might be some Alfred of this western world, the future founder of institutions which were to enlighten and civilize his country—some Choctaw Swartz, or Elliot, destined to disseminate the blessings of christianity and refinement from the Mississippi to the Pacific, from the Gulph of Mexico to the Frozen Sea. I contrasted them in their social, their moral, and their religious condition, with the straggling hunters, and their painted faces, who occasionally stared through the windows; or, with the half naked savages of another tribe, whom we had seen in the forests a few nights before, dancing round their midnight fires, with their tomahawks and scalping knives, rending the air with their fierce war-whoops, or making the woods thrill with their savage yells. But they form a yet stronger contrast with the poor Indians whom we had seen on the frontier—corrupted, degraded, and debased by their intercourse with English, Irish, or American traders."

I might, sir, conduct you with our interesting traveller, from Elliot to Brainerd, and multiply quotations to the same general purport; but, more than enough, I am sensible, has already been given, to convince a gentleman of your humanity and candor, not only that the disinterested efforts which are now making to civilize and christianize the Indians of our country, deserve not the opprobrium which is said to have been cast upon them, but that they merit the approbation and the support of the community. The present system of combining the two objects of civilizing and christianizing the Indian tribes, is already "in the full tide of successful experiment;" and I cannot but deeply regret, that a measure should find its advocates in congress, which appears to be calculated to give a powerful check, if not to erect an insurmountable barrier to both.

Upon this country, sir, rests a responsibility in relation to the Indian tribes, of deep and tremendous import. "Sovereigns, from time immemorial, of the interminable forests which overshadow this vast continent, this injured race have gradually been driven by the white usurpers of their soil, within the limits of their present precarious possessions. One after another of their favorite rivers has been reluctantly abandoned, until the range of the hunter is bounded by lines prescribed by his invader, and the inde-

*Of the house of Rathbone, Hodgson & Co.—
Ed. Commercial Advertiser.

pendence of the warrior is no more. Of the innumerable tribes, which, a few centuries since, roamed fearless and independent in their native forests, how many have been swept into oblivion, and are with the generations before the flood! Of others, not a trace remains but in tradition, or in the person of some solitary wanderer, the last of his tribe, who hovers, like a ghost, among the sepulchres of his fathers—a spark still faintly glimmering in the ashes of an extinguished race." Alas! sir, shall the sword of avarice, or the strong arm of civilized power, still pursue this unhappy people? Shall the unceasing and relentless force of emigration drive them from forest to forest, until the last remnant, struggling for existence, shall fall on the verge of the Western Ocean, or perish in its flood? Will not the voice of humanity prompt us to arrest this unremitted progress of extermination? Does not the glory of our country require, that we extend to those who still survive, the hand of friendship, convey to them the blessings of social life, and raise them to a high and happy destiny? And how, sir, shall this be accomplished? Break down the restrictions which have happily been placed upon Indian trade, and you will let loose upon the untutored tenants of the wilderness, a horde of selfish and unprincipled adventurers, to pollute, debase, deceive and destroy. But continue and enforce those restrictions—encourage and aid the missionary institutions of our country, and you will find a host of pious ministers, teachers, farmers, and mechanics, who will go forth to the work of civilizing the Indians, with no other motive than that of promoting their temporal and eternal benefit, and expecting and wishing no earthly remuneration for their privations and their toils. Adopt this course, and you will have agents who will carry on the noble designs of the government in relation to the Indian tribes, with a spirit of disinterestedness, perseverance and fidelity, which, in any other way, or on any other principle, cannot be found. Adopt this course, and with cheering hope you may look forward to the period when the savage shall be converted into the citizen—when the hunter shall be changed to the agriculturist or the mechanic—when the farm, the work shop, the school house, and the church, shall adorn every Indian village—when the fruits of industry, good order, and sound morals, shall bless every Indian dwelling—and when, throughout the vast range of country from the Mississippi to the Pacific, the red man and the white man shall every where be found mingling in the same pursuits, cherishing the same benevolent and friendly views, fellow citizens of the same civil and religious community, and fellow heirs to an eternal inheritance in the kingdom of glory.

I am, sir, very respectfully, yours, &c.

Z. LEWIS,

*Domestic Secretary of the United
Foreign Missionary Society.*

INDIAN ELOQUENCE.

The following speech was delivered by Shun-kah-kih-gah, (the Child chief) to major BENJAMIN O'FALLON, agent for Indian affairs on the Missouri, at Fort Atkinson, on the 10th June, 1821, on the subject of the Pawnee Loups, plundering and insulting some Americans on the Arkansas river:

My father—I have come, accompanied by the chief of the Republics and a few Braves, uninvited, to see you. Before I left my village, I was not certain that I should see you, but the interest of my nation and my feelings urged me to depart: on my way to this place, I was constantly uneasy, lest I

should not see you, and be obliged to return disappointed to my village; but God is kind, he enables me to see you, and my heart rejoices.

I did not leave my village in the dark, but with the knowledge of my people, and after having consulted my chiefs and warriors.

My father—I come to tell you truth, but it will be unpleasant to your ears; a part of my nation, the Pawnee Loups, have shut their ears against your words, and plundered, insulted, and perhaps killed your people. A few nights since they came to my village three times, with two of your medals, two flags and a quantity of goods, to dance the *calumet*, (make presents), and triumph at the expense of the whites whom they plundered. My heart was wavering; three times it was divided, but the recollection of your words, and my promise to you when you first visited my nation, induced me to send them off, preferring to go naked, sooner than to accept of clothing or any thing which had been stolen or taken forcibly from the whites.

My father—I come to tell you truth, and as red skins seldom tell the truth, I am in hopes you will listen with more attention to what I am going to say—before you came to this land, we had but a short acquaintance with your people; we looked upon them as the most favored, but the weakest children of the Great Spirit; and as those who first came amongst us, quarrelled about our skins as hungry dogs over a naked bone, we were in the habit of treating them as dogs—yes, my father, until you come among us, we considered ourselves to be the first nation on the earth; we had always appeared so conspicuous as almost to obscure the other nations around us, but when you came to this land followed by so many war chiefs and soldiers, whose glistening arms appeared like a long-tailed fiery son of heaven, I almost shrunk within myself; I thought I discovered my mistake, and, consulting the safety of my people, I opened my ears to your words, and became an American, and since I have been an American, my influence with my nation weakens, as you hesitate to punish every insult offered your people.

Before you came here, one band of my nation, (Republics), to which this chief belongs, were in the habit of ill-treating the whites, robbing and spilling their blood with impunity; but, after you came here, you visited their village, they cried for peace, and you discovered such a favorable change that you drew a veil over the past, which pleased me much, because I was in hopes that a period was put to our difficulties with the whites; I was in hopes that we would keep our eyes and ears open, to promote the peace and quietness of each other, but I have been most egregiously disappointed. I cannot express my disappointment at the conduct of the Pawnee Loups, who, when you reproached us for our cruelty to the whites, exultingly boasted of never having wronged them, have now went, and not only plundered and insulted them, but, I believe, spilt their blood.

My father—I believe that I can see farther than most of red skins; hence I see that your forbearance will increase the tears of the good, and the wickedness of the wicked; hence I see, my father, that our union is to be disturbed, and our trade and intercourse with you be interrupted; hence I see that a period is to be put to the peace and prosperity of my mighty nation, a nation that has triumphed over every thing between this and the setting sun. I feel for my nation; and, since I have left my village, forbearance will induce some of my

young men to follow the example of the Loups, and that they will ultimately suffer.

My father—Since I refused to permit them to dance the calumet in my village, they have been abusing both you and me; I felt myself so much injured that I could not forbear coming to see you, in hopes of being redressed. When I threatened them with you, they laughed and say it is not true; meaning, that they have heard the thunder of heaven, until they are no longer afraid of it. If you do not make an example of the Loups, I fear it will be impossible for me to restrain some of my young men, who are constantly mingling with them; the chiefs of the Loups, and some of their leading men, are disposed to listen to your words. They wish to hold you fast by the hand, but, unfortunately, the chiefs of the red skins are not like yours; they can punish their young men when they please. With their tongues, and by example, they endeavor to govern their people; and with their arms they endeavor to punish their enemies. I do not wish you to destroy the Loups, because they have some of my blood; but it becomes you, if you consult the interest of your people, my interest, and the interest of the land, to send some of your warriors against the Loups, not to destroy, but to make them atone for what they have done, which will induce them to listen to your words, the words of their chief, and respect your people.

My father—I have listened attentively to what you have said, and I believe it to be all true; when I return I will recount it to my people, word for word, as it come from your mouth. I will then go to the Loups, and tell them what you have told me to tell them, and then I will return to my band, and with the grand chief, (Long Hair,) who is my brother, govern it as well as it is possible for red skins to do under similar circumstances.

My father—Since I first heard your words, I have always been thinking of you; you appear to be always before me; whatever bad thoughts enter my head, and I lay down to sleep, you visit me in my dreams, and you chase them from me; what a pity it is that red skins have such treacherous memories. When they come to see you, they appear to be all attention, their ears burst open to hear all you have to say; but when they get out of your sight, like a dream they recollect the past.

My father—I am afraid of you, so are all red skins who have seen you; if they say not, *they lie*. Those who act wrong, are still afraid of you, but unfortunately they fear you as a *spirit*, not as a *host*. I have been told that the great American chief restrains those warriors, and that you, altho' a great chief, have not the control of them. If it be true, my eyes have not deceived me; I have often thought that if you could wield the destiny of nations, no wind coming over the neglected bones of your murdered countrymen would disturb your ears with their *cries for revenge*. It is the spirit of your neglected dead, seeking for revenge, which encourages the thoughtless red skins to follow up the blow, in hopes to exhaust your patience, and hasten the approach of the day of retribution.

My father—I have listened to your words, and have sense enough to know your good intent; but to give peace and happiness to this land, you must appease the spirits of the dead. They sleep by day, but they are constantly flying on the mist of night, to disturb and arouse the slumberous warrior from his bed; how long the present state of things will exist, remains for you to say; I am a red skin, and have not foresight enough to tell.

Scr. to Vol. XXII—9.

My father— I begin to fatigue your ears. I am almost done. I am a man of but few words, but my feelings have been strong on this occasion; and have perhaps carried me farther than usual. I am going to return; you may expect to see me at the time proposed, accompanied by the chiefs and principal men of my nation. I wish you to recollect that I only aspire to be your friend, and wish to *live* in your estimation.

Domestic Slavery.

HOUSE OF REPRESENTATIVES, MARCH 27, 1822.

In committee of the whole on the bill to provide for the delivering up of persons held to labor &c. Mr. Colder's motion to strike out the enacting clause being under consideration—

M. COLDER said he had not come to the subject with so much preparation as he could have wished. He had not expected that the bill would have been taken up at this time. In order to remove any impression that he was influenced by prejudices and misguided sympathies, he begged leave to state, that he wished to go no further on this subject than the constitution would permit him. He would go further. He did not believe that universal emancipation in this country was possible. Would to God it was. Before he could determine whether the bill ought to pass, it was necessary to inquire whether it was reasonable for the holders of this species of property to ask for any remedy beyond what was provided by the law of 1793. Where was the man who could ask a legislature to go further than that law did—when a person, who is under an obligation to render service and labor to another, no matter whether white or black, may be seized without any warrant and dragged before a magistrate. Sir, as extensive as were the powers given by this law, what was the practice under it? Negroes under color of this law have been seized and dragged before some magistrate, fit for the purpose, in some remote corner, a certificate has been made out, and the wretches, manacled, are carried and sold to the West Indies. The law has been made the means of supplying the market with slaves. This was not mere fiction.—In the city which he, in part, represented, from a public street, a man, with a family, a respectable man, differing in nothing from the other citizens, except that his color was a little dark, has been seized, and, under color of this law, sold to a distant part of this union for a slave, till, at length, humanity restored him to what was his country. But let me examine further the existing law on this subject. Any person claiming a right to the labor and service of one who has escaped into another state, can, without any warrant, lay his hands on him, and carry him before a magistrate, and, upon proof to the satisfaction of such magistrate, either by oral testimony or affidavit taken before a magistrate of the state from whence the fugitive is alleged to have escaped, a certificate is to be granted, which is a sufficient warrant for removing the said fugitive from labor, to the state or territory whence he or she has fled. And is not this enough? The gentleman from Maryland thinks not. He will please to recollect that no distinction is made in the provisions with respect to color. Let me put a case. I do imagine, sir, that an individual, from a remote part of the United States, comes with a certificate from a magistrate, that I am bound to his service for a certain number of years; suppose that the requisite evidence and certificate is obtained in some obscure corner of the state where I reside,

What prevents my being carried through the union fettered and manacled like a slave. And, after this has been done, what is my remedy? Why the scoundrels who have done it incur a penalty of five thousand dollars! And is the value of liberty in this country to be estimated at five thousand dollars? Are we about setting a price upon liberty? Sir, is this to be endured. The gentleman from Virginia thinks that any evil which may arise, from entrusting the execution of this law to inferior magistrates, may be prevented by the states passing a law prohibiting these magistrates from carrying the law into execution. But they must first remodel their courts of justice; and is it reasonable to subject them to all this inconvenience?

Mr. Wright said that the gentleman from New York appeared not to have read the bill. He hoped he would do himself the justice to read it. He would find all his important objections vanish. We have gone further than the constitution requires us. The constitution declares that fugitive slaves shall be delivered up, upon claim of the party entitled to his labor and service. But the bill requires the party to produce proof before he can make his claim. He appreciated the sincerity of those who were anxious to become the guardians and protectors of the negroes. Their affection of piety did not deceive him. He had heard of a man who was so pious that he stole a bible. Gentlemen at the north were mistaken about the manner in which slaves were treated. He wished they could be present at the meeting between him and his negroes, when he should return home. We keep them better—they are fed better than the peasantry at the north. In Md. we sell nothing we need; but the Dutch eat nothing that they can sell. The gentleman from New York has told us a frightful story about a negro being seized, manacled, sold to distant slavery. He did not know whether such things might not be done at New York. But he knew that if any person should attempt to do such a thing in Maryland he would raise a hornet's nest about him. The gentleman thinks the present law affords all reasonable security to slave holders. Why, that law has served little else than to encourage kidnapping. He had known many a villain instigate a negro to run away for the purpose of getting a reward for bringing him back. Mr. W. thought the bill placed sufficient guards against the abuse of the powers which it proposed to confer. The person claiming a fugitive slave was required, before he went in pursuit of him, to give a bond conditioned to bring such slave before the justices to whom application had been made for a certificate. The honorable gentleman from New York, (Mr. Colden), pays us a very poor compliment to suppose we would treat as slaves persons who are not slaves. If he thinks there will be one case of abuse under this law, let him use his ingenuity to make the bill better. Let him guard it in every possible way. But, Mr. Chairman, we do not kidnap. We often set slaves at liberty. I have manumitted a great many myself. If the gentleman knew how we treat them, he would not have made the remarks nor the motion. Would he have them all manumitted? That, sir, would be dangerous to the country and not at all beneficial to them. I have known those, who were fine fellows while they were slaves, as soon as they were free, become the most abominable villains and end their crimes on the gallows or in the penitentiary. The constitution guarantees to us the services of these persons. It does not say slaves; for the feeling of the framers of that glorious instrument would not suf-

fer them to use such a word on account of its incongeniality—its incongeniality to the idea of a constitution for freemen. It says "persons held to service or labor." This bill goes further. It is more particular and explicit than the constitution or former law. According to that we can go any where after slaves and catch them where we can. What has been the consequence? People have been killed in redeeming their property. In New Jersey, sir, most disgraceful scenes have taken place, and I hope her representatives will do something now to blot out this stain upon the character of that respectable state. How do those who keep these slaves from their owners treat them? Sir, they keep them hard at work; and if they complain or flinch, they threaten to send them back to their masters, where in fact they are better clothed and fed. How can the provisions of this bill be more just? If any person should be unlawfully seized, he will have trial and redress, from the person claiming and arresting him, before a court. He will never want for able and zealous counsel to argue his case in Maryland.—I know the enthusiasm of the young bar there to defend the oppressed. I was myself counsel to an abolition society; and I can assure the gentleman from New York that he will not find any where more readiness to protect the injured than there is in Maryland.—Mr. Chairman, I hope some means will be provided to arrest fugitive slaves without danger to their owners. Two gentlemen from Baltimore went after a negro whom they seized and identified; but, in bringing him away, they were seized upon and slain, and the slave set at liberty. I ask for the protection of the constitution. We have a right to our slaves, whether we treat them well or not; but we do treat them well—it is for our interest to treat them well. Why do those quakers take such care to keep their horses well, (for I never saw a quaker have a poor horse)—why, Mr. Chairman, do they keep their horses fat? Because they are more able to work.—For the same reason we keep our slaves well, and so will every man who knows his own interest. I do hope that the gentleman will assist us by his ingenuity to perfect the bill so as to put a stop to these unpleasant occurrences.

Mr. Nelson, of Virginia. I am really surprised at the warmth with which gentlemen opposed this bill. When I see the gentleman from New-York, who usually speaks and acts in so calm and temperate a manner, delivering himself in this vehement and impassioned language, I give up all hope of a candid and fair discussion of the bill before you. He seems on this occasion to be not less excited than my ardent friend from Maryland, Mr. Wright. I regret that a course should be pursued which will revive, upon a smaller scale, the question which has heretofore fearfully agitated this house and this nation. The gentleman speaks of chains, racks and tortures, in discussing a bill whose object is to restore harmony, and to remove the causes of dis-sension. Let us discard these feelings; I call upon this house to discard them. Let us go peaceably and deliberately to work to provide for the recovery of our property without the violation of the law. What does this bill propose? That the officer of the state where the fugitive is found shall arrest him; that he shall be brought before a judicial tribunal; and the question of identity there settled. Is the old law better than this? Is anarchy better than government? Is it better to have a civil war, for I shall not go further than the gentleman from New York, if I say civil war), than to have an orderly and peaceable mode of enforcing the rights

which we have under the constitution? If confusion, anarchy and civil war be better than peace, then gentlemen are justified in refusing any further protection to our right in the labor of persons bound to our service.

Mr. *Chambers*, of Ohio. This is a bill calculated to electrify the feelings of this house and the nation. It revives the question of personal liberty; I shall endeavor to be cooler than the gentleman from Va. who has just set down. I will call the attention of the house to this bill and to the constitution. If they agree, then I must own that I do not know either of them. I have not, till to day, examined the bill, and perhaps other gentlemen are in the same predicament. I am sorry the bill was laid on the table this session. It is calculated to excite afresh those angry feelings which are hardly yet subsided. This bill gives power to seize persons upon the testimony of a single witness, and upon the warrant of a justice of the peace, who may be as corrupt a scoundrel as exists. There is no chance for bringing an action for redress upon the spot where the outrage is committed. This comes very near a suspension of habeas corpus.

Mr. *F. Johnson*, of Ky. moved that the committee rise.

Mr. *Woodcock*, of N Y. would vote for the bill if properly amended, but in its present shape should vote to strike out the first section. He hoped the committee would rise to give the friends of the bill an opportunity to amend, so that the principle might be fairly tested. Several voices, "try the principle."

Mr. *Johnson* withdrew his motion.

Mr. *Colden* concurred in the sentiments of his colleague, Mr. *Woodcock*.

Mr. *Woodcock* moved to rise, and the motion was carried—ayes 61, noes 40. The committee had leave to sit again—Ayes 77.

Internal Improvement.

The following communication from *Condy Raszet*, esq. was addressed to the chamber of commerce of Philadelphia, and published by their request, as a document containing important information to the citizens of Pennsylvania, and highly honorable to the patriotism, intelligence and good sense of the author.

STUBENVILLE, Ohio Sept. 5, 1821.

SIR—In making a communication which may, perhaps, be interesting to the merchants of Philadelphia, I know not to whom I can with more propriety address myself, than to the president of the chamber of commerce. During a short visit to this country, to which I was led by business, I have devoted some attention to the trade of the western states, particularly with the view of ascertaining the influence which the completion of the *New York grand canal* would have upon those portions of them which border on the lakes. The result of my observations has been a conviction, that the importance of this great work not merely to New York, but even to *Philadelphia*, and other cities, is not duly appreciated by the great body of citizens who are ultimately to be benefited by it, and I have thought that some information upon the subject, derived from personal observation and from conversations with intelligent men, might be acceptable to those, who, during the last session of our legislature, manifested so laudable a zeal for the internal improvement of the state.

The canal in question, when completed, will extend from the Hudson river, near Albany, to Buffalo, at the northeastern extremity of lake Erie, a distance of about 350 miles, and will thus open a cheap water communication between New York and those immense tracts of country which border upon the great lakes Erie, Huron, Michigan and Superior, or which are watered by the numerous rivers which flow into them. The country also bordering on lake Ontario, by means of an inconsiderable portage, will also be connected with the canal, and even a portion of those states, whose natural outlet has hitherto been the Ohio river, will, by means of canals and locks on their improvable streams, find New York to be their most profitable market.

Without, however, extending our views too far into futurity, and anticipating things which cannot exist until population and improvement shall have rendered productive the vast regions of which we have spoken, let us confine our remarks to those events which may be looked for within a short period of time. It is ascertained, *beyond a doubt*, that, by the canal, the expense of transportation from Cleveland, in Ohio, which is 200 miles west of Buffalo, to the city of New York, will not exceed *one dollar per barrel*, and intelligent persons at Erie, are of opinion that, from that place, it will not be more than *fifty cents*. *One half of a cent per pound* may, therefore, be considered as the *maximum* of freight between New York and any point on the shore of lake Erie, and thus will that country be placed upon a footing, as to the expense of carriage to market, with those counties which are situated at the distance of one hundred miles from Philadelphia. The whole population on the lake, between Cleveland and the town of Erie, and of the western counties of Pennsylvania, which are immediately interested, are literally alive to the subject, and foresee, in the completion of the canal, an accession to their wealth and population, such as they have not before witnessed.

But it is not merely those who reside on the very borders of the lakes that are to be benefited by the canal. If a sure market for the produce of the country is opened at the principal towns on the lakes, at the *New York prices*, less the expense of transportation, and a moderate profit, which will assuredly be the case, its influence will be extended for a hundred miles and more into the interior. Turnpike roads, which can be made cheaply in this country, will extend themselves like arteries from the lakes, and some of the improvements in inland navigation, which are already attracting the attention of the people of Ohio, will be commenced.

An excellent turnpike has already been completed in this state, of upwards of forty miles in length, extending from Warren to the mouth of Ashtabula river; and between Cleveland and the river Ohio, the Cayahog, which empties itself at the former place, could be connected by a canal of 8 or 10 miles in length with the Tuscarawas, the main branch of the Muskingum. By these artificial aids, transportation to the lake will be effected, even by land, at the rate of *half a cent per pound* for 100 miles, and although this charge might amount to a prohibition upon some of the rude products of agriculture, yet there are others which would bear a land carriage of double the distance. Flour, salted beef and pork, hams, bacon, butter, lard, cheese, pot and pearl ashes, flax, linseed oil, whiskey, clover seed, deer skins, tallow, honey and maple sugar, would be exported in great abundance, and in return therefor, an immense market would be opened for coarse

salt, salted staid, mackarel, and other fish, queen's ware, iron, nails, lead, shot, fish oil, paints of all kinds, rice, mahogany, burr mill stones, salt petre, and the unlimited variety of foreign commodities and domestic manufactures, which usually make up the assortment of a country store. I have specified the foregoing articles, because, from their bulky nature, they are those of which the consumption is chiefly affected by a low rate of transportation. There are some of domestic, and many of foreign origin, which have always borne the expense of land transportation. Wool, bees-wax, feathers, ginseng, tow and linen cloth, and furs, are amongst the former—Dry goods, hardware, fancy articles, and certain groceries, amongst the latter; but in proportion as the means of exchanging one for the other are afforded, will a greater quantity of the one be produced and a greater quantity of the other be consumed. so that twice or thrice, or ten times the amount of goods may be sold to certain parts of the country, than there used to be, when a small part only of their productions could be sent to market. In fact, there are no limits to the commercial demands of a trading people but what are prescribed by their own inability to purchase, and just in the degree that the cheapness of transportation multiplies their saleable products, will their trade be extended.

New Orleans, as you know, has heretofore been considered the natural market of the western country. It must, no doubt, ever continue to be so for a great portion of its products; but the great glut to which it is liable at a season of the year when produce perishes by keeping, renders a choice of two markets an object highly desirable for all those who are so situated as to be able to command it. By casting your eye upon the map, you will perceive that the upper parts of Indiana and Illinois, and the whole territory of Michigan, must look to the lakes, and even the inhabitants of their middle sections, may find it to their interest to open communications with those great waters, through their numerous rivers. The head waters of the Scioto and Miami rivers are not distant from others which empty into lake Erie, and it may reasonably be expected that a connection between some of them will be opened before many years. The project of cutting an entire canal from Sandusky bay, south, to the Ohio river, which is not 200 miles distant, is a favorite one with many of the citizens of this state. *There is not an intervening hill, it is said, and abundance of water could be derived from the Scioto and Sandusky rivers, as feeders.* Such a work would at once open to the New York market, the whole of the fertile state of Ohio, which already contains a population of more than half a million of souls; but it is an undertaking to which the wealth of the country is not adequate. The subject also of connecting lake Erie with Le Beuf and French creeks, by a canal of fifteen miles in length, to be constructed between the towns of Erie and Waterford, is now agitated in the western part of Pennsylvania, and, if the measure be as practicable as it is represented, there can be nothing to retard its execution.

The country through which the grand canal passes, is said to be thickly settled, as is also a great portion of those parts of New York which are adjacent to the lakes of Ontario and Erie. The north-western corner of Pennsylvania is not very densely peopled, but is gaining population every day, with the improvement of the roads, which are going on there pretty rapidly. Ohio contains on the lake shore, and for 40 or 50 miles south of it, within

the bounds of *The Connecticut Reserve*, an extensive and industrious population, chiefly composed of emigrants from Connecticut, who have given to some part of this tract, in twenty years, an appearance which would do honor to a country of double its age. To the westward of this reserve, comprising the northwest quarter of Ohio, is an extensive body of public lands, which have not yet been sold, as the Indian title was only extinguished so lately as the year 1818. This *New Purchase*, the name by which it is known, including within its limits the rivers Sandusky and Miami of the lakes, is represented to contain a body of lands of the first quality, and, as it will soon be in the market, is already attracting the attention of emigrants, as holding out stronger inducements to settlers than are presented at any place, to which New Orleans is the only accessible market. The facilities to emigration, which will be afforded by the New York canal, cannot fail to people the lake country in a most rapid manner; for, although the soil in general is not as rich as that which is to be found in a more southern latitude, yet the produce of an acre will command more of those comforts of life, which must be brought from a distance, and which constitute the chief incitement to industry. I mention these things to show, that, as soon as the canal is finished there will be an immense trade ready to pour in upon New York, and that every succeeding year will witness its extension.

Having thus endeavored to point out the importance of this great chain of water communication to our sister city, the next question which presents itself is, cannot Philadelphia become a partaker with her in these great benefits, and thus derive, from the exertions of New York, advantages little inferior to those which will be enjoyed by her own citizens? I answer in the affirmative, and that the evident course to be pursued by our capitalists, is to continue the grand canal from the city of New York, across the state of Jersey, and thus connect the Hudson with the Delaware. This measure has been frequently spoken of, independent of its connection with the grand canal, as one calculated to promote the prosperity of the two cities, and a law incorporating a company for the purpose has been already enacted by the legislature of New Jersey. By such a canal, New York and Philadelphia would be brought so near to each other as to constitute but one market, and traders from the lakes and elsewhere, would have no inducement to give any preference to one city over the other, except that which should be dictated by the mercantile maxim of selling where they could get the highest price, and of buying where they could do it cheapest. If New York, from the extent of her capital, from the economy of her navigation, or from the advantage of her local position, should be able to deal upon better terms, she would undoubtedly monopolize the trade; but this never can be the case, for the cheapness of transportation, which could hardly exceed five or ten cents per hundred, would produce such an equalization of price, that the difference between the two cities would, at no time, be greater than what is oftentimes found between the stores of two merchants in the same city.

But there is another circumstance which would operate in favor of Philadelphia, by the construction of the Jersey canal. Owing to the ice, the navigation of the grand canal will be wholly interrupted between the middle of December and the first of May, as I am informed, and possibly that of lake Erie a little longer. A great portion of the spring supplies of foreign goods must be sent out in March

and April, and land carriage must be resorted to. This indeed will always be preferred for those valuable commodities, to the cost of which a trifling addition is made by the expense of two or three cents a pound, for it will be found that the risk of damage and loss by change of carriers and by accident on the water, will more than counterbalance the saving in the freight. Assuming this as granted, it must appear evident that, upon equal terms of dealing, foreign goods will be purchased at the place nearest the residence of the purchaser. The whole of western Pennsylvania, a part of the state of New York, and the whole of the western states, are nearer to Philadelphia than to New York, and a turnpike road between the former place and Pittsburgh is completed, whilst one from the same city to Erie is in progress. I am also informed that a turnpike road, in continuance of the one from Philadelphia to Meadville, is in contemplation, to run from the latter place to Cleveland. These improvements will give a decided preference to Philadelphia, with many of those merchants residing on the lakes, who have hitherto looked to New York alone for their supplies.

I am aware of the views entertained by some of our fellow citizens, of opening a communication between the New York canal and the Tioga river, a branch of the Susquehanna. This measure, it has been thought, after the completion of the Union canal, which will connect the Susquehanna with the Schuylkill, would intercept a portion of the descending produce, and draw it to Philadelphia. There can be no doubt but that this would be the case to a certain extent; but no upward navigation could be relied on during the summer, without an extensive system of locking on the Susquehanna and Tioga rivers, and Philadelphia would, therefore, lose its share of the return trade in those bulky commodities, which afford employment to her tonnage, and rent for her warehouses.

Whilst I am on the subject of internal trade, it may not, perhaps, be irrelative to say a few words upon the commerce which New Orleans is destined to share with the Atlantic cities. In former years, the great bulk of the surplus productions of the west, descended the Ohio and Mississippi rivers; but, owing to the difficulty of the ascending navigation, few commodities were received in return, and the proceeds of the descending cargoes were remitted to the eastern cities, to be there invested in foreign and other merchandise. As relates to exports, as has been remarked, the same course must necessarily continue, at least as relates to the great mass of the productions of Kentucky, Indiana, Illinois, and the more southern and western states. As it regards, however, the *return trade*, the case is materially altered.

The expeditious and cheap navigation of the western waters, by the introduction of steam boats, enables the country, at least as high up as Cincinnati, to support itself from New Orleans with many of those articles which used to be derived from Philadelphia and Baltimore, or which could not be procured at all. Sugar, coffee, brandy, spirits, claret, salt, iron, salted fish, foreign fruits, and many other articles more valuable, are now brought to Louisville, in 14 or 15 days, at a freight of about 1 to 1½ cents per pound. As the capitals of the merchants at New-Orleans increase, this trade will be extended by consignments made to the principal towns on the rivers, where already wholesale dealers are established, which will, in a great degree, obviate the disadvantages experienced by New Orleans on account of the unhealthiness of

its climate. As a steam boat can descend from Louisville to New Orleans in 5 or 6 days, an order for merchandise can be executed in much less time than if transmitted to an eastern city, and as the market of New Orleans, like that of the West India Islands, is liable at times to be overstocked with merchandise of every description, the western merchants can, occasionally, be supplied from thence, upon better terms than at Philadelphia or Baltimore. Even the article of tea is occasionally brought up from New Orleans, which, it must be evident, could not be afforded there as cheap as in the cities into which it is imported direct from China, but upon the principle of forced sales. But, although this ascending trade is daily increasing, it must continue to be chiefly confined to those commodities, the cost of which, compared with their bulk and weight, is inconsiderable, and can never engross the great mass of those valuable articles, which constitute, by far, the most profitable and extensive branches of commerce. The products of China and India, the dry goods, hardware, and fancy articles of Great Britain, France, and of many other countries of Europe, as they can be afforded, from the greater competition of capital and tonnage, in the Atlantic cities, cheaper than they can be at New Orleans, so the wholesale dealers of the west must ever find their account in drawing them from the former.—Some trade, however, to which we have been accustomed, must inevitably be lost, and it is, therefore, the more incumbent on our merchants to facilitate the opening of every channel, which may afford a value to the surplus products of the west, and a vent for the commodities which they may import from abroad.

Of the New York grand canal, about 100 miles are completed, and are now navigated. Two horses can draw upon it a boat, carrying from 60 to 100 tons, at the rate of four miles an hour; and there is every reason to believe that the entire work will be accomplished within two, or certainly three, years from this time.

If the foregoing information should be interesting to my fellow citizens, I shall be amply rewarded for the labor of collecting it.

P. S. Since writing the foregoing, I have conversed with an intelligent fur trader, just arrived from Mackinaw, who is acquainted with the geography of the country on the west side of lake Michigan.—He states that the head waters of the Illinois river approach so near to that lake, that, in the spring of the year, boats, carrying from ten to fifteen tons, can descend to St. Louis, which is not 200 miles distant by land, without any portage whatever, and that an intelligent officer of the army assured him, that 100,000 dollars would open a complete navigation between lake Huron and the Mississippi, through the Illinois. My informant also stated that a complete water communication exists, with the exception of three miles portage, between the same two waters, by the Fox and Quisconsin rivers, the former of which flows into Green bay, a harbor visited during the last month by the lake Erie steam boat, with a party of gentlemen from Buffalo. It is true those north western regions are not yet peopled, but what will not the enterprize of our citizens attempt? It would hardly be credited, and yet it is true, that a contract was made some time ago at Mackinaw for the supply of 200 head of cattle for the use of the *Hudson's bay company*, to be delivered at Bigstone lake, near the head waters of the river St. Peters, which is, probably, 1500 miles or more from St. Louis, in the neighborhood of which they were to be procured.

Circulation of Money.

FROM THE DEMOCRATIC PRESS.

Mr. Binns—I send you a curious calculation of the effect of the “circulation of money,” which I request you will insert in your paper. It displays, “with a pencil of light,” the vivifying effect of even a small sum of money, briskly circulating from hand to hand, in promoting industry and happiness, by the advancement of the internal trade of a country.—Your readers can readily draw a contrast between the beneficial results herein stated, and the paralysing ones that would flow from a transmission of the sum to a foreign country for the purchase of any of the articles herein presented in any stage of the progress.

A Friend to National Industry.

The circulation of money, is the frequent transition of money from hand to hand, as a remuneration of mutual services. A mere exchange, or transfer of money, deserves not, in our judgment, the name of circulation, and cannot produce any of the results we expect from the circulation of money, unless it be transferred as a reward or remuneration of mutual services.

The following instance seems well calculated to illustrate the true nature and complexion of the circulation of money, and the advantages derived from its momentary possession in the course of social transactions.

A. Pays to his butler ten guineas, as the monthly amount of his board and other wages. This money is for the butler the net reward of his labor, and the twelfth part of his yearly income. The whole sum is, therefore, for him clear profit,

£. s.
10 10

B. The butler, pays with this money a bill he owes to his shoemaker. For the latter, such part only of this sum constitutes a net gain, as he receives as the price of his labor,

4 4

C. The shoemaker, pays away the whole sum to the leather-cutter D, whose profit consists in,

5 5

D. The leather-cutter, pays his tailor's bill, amounting to ten guineas. The tailor's disbursements being previously deducted, his profit amounts to

6 6

E. The tailor, pays the ten guineas to his mercer, whose profits being generally computed at 20 per cent. he gains for his subsistence

2 2

F. The mercer, pays away the money to his grocer; ten per cent. being his usual profit, he gains

1 1

G. The grocer, pays a half year's rent to his landlord, amounting to 10*l.* 10*s.* This rent is not a clear gain, but a gross revenue. Repairs, interest on borrowed money, ground rent, &c. being previously deducted, there remains no more than three guineas, which he may expend for his subsistence,

3 3

H. The landlord, pays with this money the interest to his creditor I, which is for the latter a clear gain

10 10

I. Pays the ten guineas to a sadler for repairing his carriage, whose profit consists in

4 4

K. The sadler, pays his butcher, whose clear gain amounts to

3 3

L. The butcher, pays his lawyer, for whom the whole sum of ten guineas, excepting a small difference, would prove a neat profit, but

M. The lawyer goes in the evening to a gambling house, and loses the whole sum;

What he, therefore, might have expended for his subsistence, becomes now entirely a contribution towards the subsistence of the gambler,

10 10

N. The gambler, requests a bye-stander O, to give him a bank note of 10*l.* and 10*s.* in silver, for his ten guineas, which he does—profit

0 0

O. Being a bad paymaster, finds himself necessitated by the threats of his linen-draper to pay a bill, which has been out-standing so long, that the interest has absorbed the whole profit

0 0

P. The linen-draper, being requested by one of his neighbors to stand sponsor at the christening of his child, makes him a present of the ten guineas

0 0

Q. This neighbor, puts the ten guineas into the spare box of his child, and thus the circulation of this money is suspended for a long time.

60 18

In this instance ten guineas pass, from hand to hand, eleven times with profit, and four times without any profit to the receivers. The four cases of a barren or fruitless transfer might have been easily multiplied, but they are fully sufficient for our present purpose.

In the eleven transfers of this money from B. down to K. and to N. the ten guineas produce 60*l.* 18*s.* as a contribution towards the subsistence of the receivers, and enable them to supply as many wants of their different ways of living, as in this country can be supplied with 60*l.* 18*s.* And if we contemplate the subject in a more extensive point of view, we may say, that, in every transfer of money, as a remuneration or price of labor, the whole amount of the ten guineas is to be considered as contributing towards the living of many other persons, besides the immediate receivers of that money.—

When E. pays ten guineas to his mercer F. although the latter gains only two of them, yet the other eight guineas are likewise to be considered as the price of all the labor employed in the manufacturing of the clothes, &c. The grocer, whose profits amount to one guinea only, has long before expended the other nine guineas, which constitute the price of labor of an unknown number of persons, employed in the culture and production of his commodities, in the shipping of, and trading with them. In this point of view, 115*l.* 10*s.* may, therefore, be placed to account, instead of 60*l.* 18*s.* as a reward for useful services or price of labor, forming part of the subsistence of an indeterminate number of men.

Those 115*l.* 10*s.* form, in consequence, the whole produce of this circulation of ten guineas or of this series of occupations of freemen, rewarded with money. The productive class of the people had no immediate share in the 60*l.* 18*s.* which, in the above instance, eleven persons earn from each other in the eleven transfers of money. Their share is comprised in the 54*l.* 12*s.* which are to be added to the above sum, when the whole produce of this circulation is taken into the account. Yet the whole of these 54*l.* 12*s.* does not fall to their share, but as much only as they receive, as price of their labor, included in the prime costs of the commodities or materials of industry, which form the objects of this elevenfold transfer of money. An indirect share in the 60*l.* 18*s.* is also secured to them, since all the different receivers of the above ten guineas will be obliged to employ some part of what they earn from each other, in the purchase of provisions or materials of industry.

To trace the results of the circulation of money

through all the various branches of the trading intercourse of men, would be a task as foreign to our purpose as disproportionate to the room we can allot to theoretical discussions. We shall, therefore, confine ourselves to point out a result of the circulation of money, for the productive class of the people, which has escaped the observation of Smith, Stewart, Pinto, and other celebrated writers on this subject, and yet seems extremely important.

It is evident, that the circulation of money occasions a two-fold labor in the production of the provisions, which are necessary for the support of society. The first labor is that by which the husbandman gains the surplus of produce, or overplus of his own consumption; the sale of which, to such persons as have only money to offer in exchange, brings this money into his hands, and enables him to purchase the services and commodities which he stands in need of. Without the use of money, a husbandman, after having obtained by barter the services and commodities he wanted, sits quietly down, well convinced, that, by the mutual exchange of services and commodities, he has conveyed nothing into the hands of his fellow-citizens, where-with they might encourage him to additional labor. The husbandman, who exchanged flax, wanted by his neighbor, for wool, which he needed, will consume this wool for the supply of his wants. His neighbor will also consume the flax and not offer it back to him in exchange for corn. Or let us suppose, that the husbandman rewarded the man who wove his wool into cloth, with provisions; in this case the weaver will consume the latter, and thus have nothing left, the offer of which might encourage the husbandman to additional labor. Thus the husbandman labors but once for the weaver, and the weaver but once for the husbandman. But where money circulates, the husbandman does not exchange the overplus of his produce for that of his neighbor, but for money, wherewith he can pay the weaver and all other industrious members of society; who, with the money thus earned, encourage him to that second or additional labor, by which the productive class of the people gains back the money spent for the supply of the secondary or subordinate wants. And thus begins a circulation from and to the husbandman, which, while it invites him to an increased display of his productive powers, multiplies also the means of subsistence, and fructifies population in its purest and most prolific source. 11.

Female Patriotism.

The *Washington Reporter*, of the 31st Dec. 1821, contains an address delivered on the 17th of the same month, by Mrs. *Katherine Duane Morgan*, at a public examination of the *Franklin School*, recently established in that borough. The good sense and truly republican sentiments that may be found in the subjoined extracts from the address, will, we presume, recommend them to the attention of our readers.

After some prefatory remarks, Mrs. Morgan proceeds thus:—

“Observe our sex, how they persevere in relation to any circumstances attending the decoration of their persons—do you, or can you, suppose that perseverance was granted for this purpose? most assuredly not. Then, if nature has not only gifted them liberally but sufficiently for the glorification of our Father in Heaven, in whom lies the error? The immediate response must be—in those who

are entrusted with rearing and instructing the tender and susceptible minds of children. Alas! I must here lament the disgraceful neglect of the morals and minds of females. Mothers, by their instructions and examples—yea, and fathers, by their smiles of approbation, rivet on the pliant minds of their offspring, a love—I am almost tempted to say, an idolatrous love of extravagance and show in dress; which, implanted in infancy, “grows with their growth and strengthens with their strength,” till, at length, instead of endeavoring to attain knowledge that would enable them to pass through the world happily and usefully, sacrifices to vanity, that which, in many cases, should be appropriated to the liquidation of just debts.—In order to gratify this inordinate passion for finery, which so unhappily and generally prevails amongst us, even poverty’s gripe has been pressed more closely; and the very constitution impaired, (“for madness rules the hour”) from want of proper nutriment. Meeting with a group of females, according to custom, the subject of crapes and Leghorns was introduced; one of the ladies mentioned that she had just seen Mrs. *Dasher*, (the model of our belle monde, going down street in an elegant new crape and an all-conquering, virtue-possessing Leghorn, which was trimmed in the tip of the mode, and cost *only* \$22! what a happy woman Mrs. *Dasher* must be, said the lady—she certainly must be, thought I, especially as she has a large family of children, and her husband applied last court for the benefit of the insolvent law. Her attendant was that popin-jay of fashion, young *Dandy*, who, as rumor goes, has not in the world \$100 worth of property, either real, personal, or mixed: his ruffles are of the finest cambric, and the other articles of his attire are of equally costly materials; he makes sufficient money by his business, perhaps, to discharge his washer-woman’s bill, and pay his barber—what a prime, useful and exemplary member of a republic he is!! The next persons spoken of by our junco, were the two Miss *Simpers*, who in beauty are surpassed by few; their parents are in very indigent circumstances, their father is almost coatless; and their mother is obliged to resort to divers—out-of-the-way—extraordinary contrivances, to decorate her daughters; for what? all who know them, know they are ignorant and vain; and that well would it have been for their own peace and the respectability of their parents, had the same pains been taken to improve the interior of their heads which have been bestowed in adorning the exterior, with braids, plaits and curls. Their situation is known to every one—none are deceived but themselves—some pity, more despise them. The last exemplification of this kind of greatness, this levelling system in appearance, regardless of the purse or consequences, to which I shall advert, was mentioned by one of the coterie, and is furnished by the wife of Mr. *Weak*, an industrious and decent man. Mrs. *Weak*, moderate soul, must have a crape robe; for her cousin’s husband had brought one over the mountains for his wife, and, of course, she ought to be allowed to get one also; for who is her cousin more than she is, although her husband does keep store! The good natured *Weak* already owed for a Leghorn bonnet which his wife had purchased: contrary to all his remonstrances, to have it she was resolved, and he of course must pay for it. Poor fellow! “You have paid too dear for your whistle!” the storekeeper frequently demands payment, but in vain; the unfortunate mechanic cannot get money for his work; and the merchant cannot take

such trade as the tradesman receives. The consequence of his wife loving crape and Leghorn better than her husband's peace, or her own duty, is that suit is brought, and judgment confessed on the justice's docket: he endeavors to make up the money by offering for sale various articles of barter, received in payment for his work, at half he had allowed for them; but his efforts are fruitless—the stay permitted by law has elapsed; nay, even the last day granted the constable to return the execution, has arrived; what now is to be done? why, poor man, he sells the watch that he had purchased shortly after he became a journeyman—it had cost forty, but all he could get was twelve dollars; this paid the balance due on his wife's *summum bonum*, and the justice and constable humanely agreed to take the costs in trade or work.

The enquiry—What is to be the final scene of all this extravagance, which has become a national calamity? it is not foreign from, but immediately connected with, or rather a part of the business of the instructors of youth. Although the constitution very properly guarantees the right of voting regardless of property, does it follow that all must dress in an equally expensive manner? National considerations apart, common sense would say, let each individual clothe himself as best suits his circumstances and his comfort. What rational enjoyment can a father or mother, laboring under the pressure of debt, have, even in the magic charms of cambric and broadcloth, or crape and Leghorn, when viewing a large, helpless and ignorant offspring, and knowing that, if time gave the mandate to the pale messenger to strike at his bosom, and send his spirit to the realms of final settlement, his children, having been taught to set an undue value on dress, and to estimate all by external appearance, would be in a worse situation than that of common paupers. Mistaken father—to have so lost sight of your duty! Infatuated mother—the unfortunate victim of an erroneous education! Thrice hapless progeny—what misery and mortification have thy falsely calculating parents been accumulating for you! Rouse ye guardians of Columbian youth—rouse from this shameful torpor—this insanity befitting bondmen and bondwomen, who can have no object for honorable exertion; but disgraceful to the sons and daughters of a republic!

Would I were possessed of the eloquence of Hortentia, who nobly plead in behalf of the Roman women before the Triumviri, you should be reminded of the history of women, to be the distant and humble imitators of whom, would at least be one step towards real respectability. Shall the half suppressed smile of self sufficient ignorance, abash virtue? Are we not to act correctly, because the more wealthy have not set us the example? Shall the arrogance of sordid wealth, acquired, perhaps, by ignoble means, and unassociated with one solitary estimable quality, drive us from the paths of duty? Shall we thus prove ourselves to be no less their inferiors in understanding than in fortune? It may, with too much truth, be said of many affluent citizens, and their families,

"So much they hate the crowd, that if the throng,
"By chance, go right, they purposely go wrong."

Our country gives us freedom to act independently. Are we not failing in our duty to that country, in not judging and acting for ourselves, as far as reason directs? Let us turn to the pages of history, and learn our duties, as daughters, wives, mothers, and allow me to say as *patriots*, from the great Cornelia, mother of the noble Tiberius and

Caius Gracchus; from the virtuous Volumnia, the mother of Coriolanus; from Octavio, the upright wife of Anthony; from the heroic Lucretia; from the brave and tender Portia, who, in the hour that was even a trial to man, was trusted by her husband, Marcus Brutus, and was found worthy of his confidence; from the lovely and pathetic Licinia, wife of Caius Gracchus; from Chelonia, who affords a striking example of the affection of a daughter, and of the noble constancy and love of a wife in the day of sadness and calamity; from the venerable and generous Archidomia; from the patriotic Agesistrata, the noble mother of a noble son—the murdered Agis; from the intrepid and sagacious Timocle, and from a constellation of others, whose virtues have furnished history with some of its brightest pages. So that woman, if the faculties of the head, as well as of the heart, with which God has endowed them, are tutored by wisdom and friendship, may not only cease to be the contemptible, helpless and ignorant mortals they are too frequently found, but may become ornaments to the world, and benefactors to mankind; instead of the evanescent butterflies of a day, or the gaudy dolls of an hour—they become as Heaven designed them—the instrument of God's benevolence to man, implanting virtue in infancy, cherishing it in youth, and adding fresh vigor to it in manhood. Let us, by our merit, endeavor to gain the same influence over our husbands, that the Spartan women, of old, possessed with theirs, which was so great that it became a matter of astonishment to the women of other countries. The secret which enabled them to rule, as it was termed, was imparted by Gorgo, wife of Leonidas, in her answer to a woman of another nation, who asked, "how happens it that you women of Lacedemon are the only women in the world who rule the men?" "Because," replied Gorgo, "we are the only women in the world who rear and instruct the children so as to make them men." If they performed their duty as mothers, as wives, and as patriots, with such affectionate solicitude, and admirable ability, could their husbands withhold from them their respect and their gratitude? One of the earliest lessons they taught their children, was that

"A day, an hour of virtuous liberty,
"Is worth a whole eternity in bondage."

Does our conduct tend to impress that noble truth on the mind of the rising generation? I am constrained to say most certainly not—what woman, arrayed in all the pomp of imported fashion, (concealing beneath its gaudy trappings the shackles designed by England, not only to enrich herself, but to enslave our sons), can expect to persuade our youth that she is anxious to hand down to them the constitution, pure and free as we have received it from the illustrious band that conceived, planned and carried it into execution? surely none can be so wild, or so unthinking, as to expect credit on such terms, for patriotism!

Happy would it be, had we a Solon amongst us; or a law somewhat similar to one passed by him, declaring "any one infamous who stands neuter in time of sedition," and that "he shall forfeit his country, his house and his estate." We are not guilty of sedition, 'tis true, but we are guilty of what will (in my opinion) as certainly destroy the liberties of this nation, unless the American women, hand in hand,

"With aiding patriots stem the raging tide,"

Which, if unchecked, will soon sweep, in its current, our liberties, and our laws, into the noxious whirlpool of aristocracy, the boiling ocean of

monarchy, or the still more dreadful dead sea of despotism.

As society is composed of every variety of materials, and as persons, more censorious than wise, necessarily form a portion of the compound, I am not unprepared for being condemned as being a politician, or as improperly interfering in what is called men's business; but, surely, every female in the country, who has male relations, (throwing philanthropy altogether out of view), feels, or ought to feel, a great interest in the durability of our present form of government. Would I not be offering one of the greatest insults to the understanding of any American female, to suppose her indifferent whether our country be governed by a representative system, or by that disgraceful monster, that open violator of the most sacred ties established by God and man, George the fourth, who, if we may judge from his conduct, intends to lay claim upon the score of services, to being third in command in the Pandemonium, for he has rivalled even Milton's

"Moloch, horrid King, besmeared with blood
Of human sacrifice, and parents' tears."

For myself I can offer in extenuation, if extenuation is thought necessary, that I have not only a father, sisters and brothers, but a husband and seven children, and all these ardently loved relatives, I would rather see hewers of wood and drawers of of water, under this government, than peers and peeresses of a nation governed by such a monarch as George the fourth. Not to speak of other governments, the constitution of England, which is the object of servile admiration to many of those who attach odium to the woman guilty of loving her country, its liberty and laws, yes, the constitution of that very England supposes women not only capable of thinking rightly on public affairs, but of wielding the political destinies of the nation. I cannot for a moment seriously believe that any of you would hesitate to relinquish your superfluities, rather than see our children deprived of their liberty, and who, if they should imitate the noble, brave and wronged sons of the land of the shamrock, wreathed harps and sweetest melody, in endeavoring to gain their patrimony, would be punished by the confiscation and sale of their property, to defray the expenses of a war waged to subdue the "rebels." Such is the conduct of England, yes, such, and even more atrocious, has been her conduct ever since the reign of Henry the second, in the eleventh century, to the inhabitants of that land of genius and enthusiasm, hapless Hibernia, the native and ancient seat of hospitality and honor.

And what better have the United States to expect?—Can you imagine she will act towards us with magnanimity or good faith? Ask the young Napoleon. Alas! weeping, he will point to the indignant surges bursting upon Helena's rocky sides, as though they wished to hide in ocean deep this sable mark of English faith and honor. Would she act as a civilized enemy or as a barbarian? Let the burning of the United States' capitol, containing the national library, be undeniable testimony of her civilization!

Would she observe the laws of humanity or of nations? Receive the answer from the insulted ghosts of our countrymen, sighing in the midnight blast for revenge, and shrilly shrieking in our ears, "let the youth of Columbia remember the massacre of the American citizens at Dartmoor."

Mrs. Morgan here recommends, in energetic terms, the necessity of substituting American for

foreign goods; and, after adverting to the evils which have, in various instances, resulted from indulging in "luxury and misguided ambition," she concludes this subject with the following impressive/appeal:—

"I address myself to you, women of this heaven-favored land, in the name of the good and brave, who died for what I fear none of us justly appreciate—the independence we enjoy, and let me beseech you not to lend your aid in depriving posterity of that liberty, which heaven designed for all. Remember that you will be called to account for sins of omission as well as those of commission.—Add not then, I implore you, to the list the sin of not supporting the liberties of the commonwealth."

Obituary Notices.

GENERAL STARK.

FROM THE NEW-HAMPSHIRE PATRIOT, MAY 13.

The immortal Stark is no more! He surrendered his mighty soul to the God who gave it, on Wednesday, May 8, 1822, aged 93 years, 8 months and 24 days; his last illness was short but extremely distressing—fourteen days previous to his death he sustained, as was supposed, a paralytic shock, which discovered itself in choking and inability to swallow while eating; after this he ate no more; and, during his remaining time, he was speechless, although it was apparent to his watchful friends and relations who stood around him, that he retained his senses to the last. Until the last attack, he had ever been able to walk about the house, and in pleasant weather out of doors.

His funeral obsequies were attended by a large concourse of people, at his late residence in Manchester, on the bank of the Merrimack, on Friday last. Rev. Dr. Dana, of Londonderry, addressed the Throne of Grace in a fervent and excellent prayer. His remains were interred with military honors in the cemetery which, within a few years, had been enclosed at his own request: it is situated on a mound, being the second rise from the river, and can be seen for a distance of four or five miles up and down the Merrimack.

John Stark was born at Londonderry, N. H. Aug. 28, 1728, old stile, corresponding with April 17, N. S. His father was a native of Scotland, and was educated at the university of Edinburgh; married in Ireland, and emigrated to America at the beginning of the last century. He made his first settlement at Londonderry, but soon after removed to Derrifield, (now Manchester), and settled on the east bank of the Merrimack, near Amoskeag falls. On the breaking out of the seven years war, John Stark, then 21 years of age, his brothers William, Amos, Eastman, of this town, and John Stinson, of Londonderry, while out on a hunting excursion on the upper branches of this river, were surprised by the Indians. Stinson was killed on the spot; Eastman and John Stark were taken prisoners, and William Stark escaped. Stark was conducted by the Indians to St. Francois, and from thence to Montreal, where, after remaining four months in captivity, he was purchased by Mr. Wheelwright, of Boston, and returned home by way of Albany.—Soon after he engaged a company of Rangers, of whom he was first commissioned lieutenant, and afterwards captain. Here he found a field suited to his daring and adventurous spirit—he remained in this service until the close of that war, during which he retained the confidence and friendship of the British general lord Howe, until the death of

that nobleman, who was killed while storming the French lines. In that sanguinary and doubtful contest, Stark was always found cautious on a march, vigilant in camp, and undaunted in battle—and it was probably owing to the experience he here acquired, that invariable success attended, so far as he was concerned, his battles of the subsequent revolution, which separated these states from Britain.

At the close of the French war he returned to his father's house, was soon after married and remained in the enjoyment of domestic life, until the report of the battle of Lexington spread, like an electric shock, through the country. When this report reached Stark he was at work in his saw mill at Amoskeag falls: he stopped his mill, went immediately to his house, took his musket, and, with a band of heroes, proceeded to Cambridge. The morning after his arrival, he received a colonel's commission, and in less than two hours he enlisted eight hundred men! On the memorable 17th June, at Breed's Hill, the British soldiery first felt the destructive hand of the backwoodsmen of New-Hampshire. Stark, during the whole of this engagement, evinced the most consummate bravery and intrepid zeal for his country, and his name and heroism will live forever in the annals of that eventful period. The night after this battle, the works on Winter Hill were commenced, and so zealous were the soldiery, that on the morrow they presented a bold and commanding front, that kept the British in awe, and prevented further depredations.

After the British evacuation of Boston, Stark went to the northern post to assist the retreating army from Quebec. On the arrival of the army at Ticonderoga, the important point of Mount Independence was assigned to his command, and the arduous task of fortifying that peninsula.—After the British quit the lakes, he joined general Washington in Pennsylvania, preparatory to the battle of Trenton. And here it may be important to notice an event which was related on the day of his funeral by a venerable companion in arms then present, and in whose veracity the most implicit reliance may be placed. It is well known that, just previous to this important action, the American army was on the point of being broken up by suffering, desertion and the expiration of the term of enlistment of a great portion of the troops. A few days previous, the term of the New-Hampshire troops expired: Stark was the first to propose a re-engagement for six weeks—he, for the moment, left his station as commander, and engaged as recruiting officer—and it is added, that not a man failed to re-engage. He led the van of that attack—and the event is well known. Seven days after he was with general Washington at Trenton, when Lord Cornwallis, with 12,000 men, nearly hemmed them in: by consummate address the impending fate of the Americans was avoided—Washington fell on the enemy's rear at Princeton, and so broke up the British plans, that the enfeebled American army was enabled in turn to hem up the British in the environs of New York.

In 1777, the overwhelming force of Burgoyne drove the Americans from their strong post at Ticonderoga—universal alarm prevailed in the north at the rapid approach of the British. Stark was found ready to meet and conquer them. He voluntarily marched to Vermont, and, at the head of undisciplined, but ardent troops, he immortalized his name by planning and consummating the attack at Bennington—the most extraordinary and most expected event of the whole revolution, in

which two different corps of British, Hessian and Indian "invincibles" were attacked and beaten in rapid succession, the first in their redoubts, and the second while coming up to the relief of the other. This victory, from a state of the lowest depression, inspired Americans with the highest confidence; Stark, with myriads of other volunteers, joined general Gates at Saratoga, and by his exertions aided in the overthrow of Burgoyne. He was of the convention which negotiated the British surrender, but was decidedly averse to any other treaty than a surrender at discretion.

The following year the northern frontier was assigned to his command with a feeble force; still, his old friends, the militia, prompt at his call, presented such an attitude as secured the frontier from assault. In 1779 he was at Rhode Island and principally employed with general Gates in surveying the country from Tiverton to Point Judith to guard against attack. Late in the season, however, he joined Washington with the northern army, who was enabled to make good his winter quarters. In the year 1780 he was with Washington at Morristown and in the battle of Springfield; that season terminated with general Lincoln's disaster at Charleston and the treason of Arnold. In 1781 he again had charge of the northern department, and kept the enemy in close quarters with a small body of militia; the surrender of Cornwallis this year closed the war.

For the materials of this hasty sketch, our obligations are due to major Caleb Stark, his eldest son, who participated with his illustrious father in many of the perils of the revolution.

At the conclusion of the war, general Stark, like the Roman Cincinnatus, retired to the pursuits of domestic life, mingling with the industrious and hardy yeomanry of New England, and aspiring to none of the honors or emoluments of public office, but reaping, in common with his countrymen, the fruits of that immortal struggle, which made us a free people. For the last few years of his life, he enjoyed a pecuniary bounty from government—a free-will offering of the nation to one of its most distinguished defenders.

Such was general Stark. The last surviving general officer of the revolution, the first and most intrepid hero of our state, of whom she may justly boast as unsurpassed in cool and determined bravery. He has gone the way of all the living. His character in private life was unblemished. His manners were frank and artless, though tinged with an eccentricity peculiar to his family alone. To sum up all, he was that "noblest work of God, an HONEST MAN."

TIMOTHY WALKER.

The same paper contains an obituary of the hon. *Timothy Walker*, of Concord, N. H. another patriot and soldier of the revolution, who died at the age of eighty-five. The united ages of six of his contemporaries, who acted as pall bearers at his funeral, amounted to five hundred and seven years—the oldest of whom was ninety-two and the youngest seventy-five.

Judge Walker was a native of Concord, and the son of the first clergyman settled in that town. He was graduated at Cambridge, Mas. in the year 1756; and at the time of his death must have been among the oldest alumni of that university.

"At the commencement of the revolution, (says the writer of the obituary), a period of much doubt and peril, when most men were agitated and many

trembled for the fate of the colonies—Walker was found among the most active and animated supporters of the revolution. He feared not the result of the contest—his enthusiasm was on the side of freedom and his country. In almost every town of the country there were many still loyal to the British crown, and who, though in common with their fellow-citizens they felt its unhallowed oppressions, were yet willing to endure them. To counteract their exertions, was required the utmost vigilance of every friend of liberty. At this critical moment, when the alternative presented of abandoning the country, or arresting her inbred enemies—when personal friendships must be sacrificed at the altar of freedom, and the charities of private life be broken off in watchfulness of public enemies, Walker was eminently useful.—Through his patriotic vigilance and that of his co-peers, the opposition was silenced and subdued. His firmness and energy gave him a conspicuous rank among the worthies of that era. He was entrusted with various duties by the government, and in 1776, was a member of the committee of safety for the state, who, in the recess of congress, exercised the powers of that body. He commanded a regiment of minute men in New Hampshire, was afterwards paymaster of the New Hampshire forces, and served a campaign at Winter Hill, under general Sullivan. He was a member of the convention which formed our excellent constitution, was afterwards frequently elected to the legislature, and was ever found an understanding advocate of the country. He was for several years chief justice of the court of common pleas, and was respected for his uprightness and candour.”

Thus are the pillars of the revolution, one after another, in rapid succession, crumbling into dust; and the inevitable day must soon arrive, when the few surviving patriarchs of that memorable and glorious era must descend to the tomb. But their names, their achievements, and their virtues will live after them; and happy will it be for our country, if the principles, of which they were the stern and strenuous advocates, shall, at this period of new doctrines and new fashioned republicanism, be deemed worthy of imitation by their successors.

MAJOR DENNY.

Died, at Pittsburgh, on the 22d July, 1822, in the 61st year of his age, major Ebenezer Denny, a revolutionary officer. He was born in Carlisle, Pennsylvania. At the age of 16, he sailed from Philadelphia to the West Indies, in a letter of marque, and, during an eventful cruise, evinced a prudence and courage above his years: He attracted the notice of the ship's officers, in a severe action with two British armed vessels, off Martinique, and was promoted to the command of the quarter deck.—But his native sense of justice recoiled from that service: he soon afterwards received, unexpectedly, a commission of ensign in the Pennsylvania line, and shared with that “line of Ireland,” in the hardships and forced marches of '81. In Wayne's engagement with the British infantry, in sight of the whole army of the enemy, near Jamestown, on the 6th July, all the officers of his company, except himself, were disabled the first fire. He was at the siege of York, and the night the redoubts were stormed and taken, was in the detachment detailed to cover the approach of La Fayette. After the capitulation, when a corps of the allies were ordered to take formal possession of the enemy's forts, he was selected to carry the American standard on

the occasion, and plant it on the British intrenchments. He was at the evacuation of Charleston, and suffered severely from the fever prevailing among the troops in the Carolinas.

In '84, when congress authorized the raising of ten companies to garrison the western posts, he was re-commissioned, was appointed adjutant of the 1st regiment, and performed the duties of brigade major, and frequently of quarter-master, in Harmar's campaign. When major-general St. Clair took command of the army, he was appointed his aid: in the defeat of the 4th November, '91, the remains of the wretched and devoted army were indebted for their preservation, in a great measure, to the active and efficient assistance he afforded the commander-in-chief.

He was present at the treaty of fort Washington, and assisted the United States' commissioners on the occasion, when 300 Shawanee warriors were shaken from their treacherous purpose, by the self-possession and commanding address of gen. G. R. Clark. In '94, he commanded a battalion of men at Presquisit, to protect the north-western frontier of Pennsylvania, and favor gen. Wayne, by cutting off the intercourse between the “Six Nations” and the hostile Indians.

In the late war, the government applied to him to supply the north-western army with provisions: he did so in a manner that justified their confidence, and with an energy and efficiency which received the acknowledgments of gen. Harrison; the progress of whose arms were greatly facilitated by these obscure but vital services.

In the execution of his own contract in Pennsylvania, he forgot the contractor in the patriot, and made heavy sacrifices to furnish troops assembled on sudden emergencies, at remote points, when the want of notice released him from any obligation to supply them. In the settlement of his accounts, he withheld nothing but his application to be remunerated for such losses. He commanded the first volunteer company raised west of the mountains—a troop of horse; and enjoyed the confidence of his fellow-citizens in many civil offices of trust and honor.

He was a man of sound, manly and practical understanding, pure morals, plain and simple dress and appearance; his manners and conversation were frank and singularly unpretending, and his integrity proverbial.

FUNERAL PROCESSION.

From the Goshen Patriot, July 22, 1822.

On Saturday, the 20th, the battalion of cadets from West Point, to the number of 210, encamped in the village. They were received and treated with as much respect and attention, as could reasonably be expected from so small a village as Goshen. On Sunday, about 100 of them attended church in a body, and made a very handsome appearance.

On Monday morning, the 22d, the people began to assemble in crowds, at an early hour, to witness the public solemnities which were announced to take place on that day. At ten o'clock the preparations commenced. The cavalry, the infantry, the cadets, the mourners, the clergy, survivors of the Mink sink battle, officers and soldiers of the revolution, military officers in uniform, civil and judicial officers, gentlemen of the bar, medical society, masonic brethren, &c. &c. all collected and moving from different points, at the same time, to join the

procession, formed a most sublime, interesting, and solemn scene.

Under the judicious management of major Worth, marshal of the day, and his aids, all confusion and disorder was prevented, and every branch of the procession took its appointed station in the line without the least interruption.

The procession was formed immediately after 12 o'clock. The bones of the brave men, who fell a prey to the merciless savages and painted tories, at the battle of Minisink, having been deposited in two plain mahogany coffins, at the house of James W. Carpenter, were brought out, shrouded in black, surrounded by 16 grey-headed officers and soldiers of the revolution, as pall bearers, and placed each upon a separate hearse drawn by two white horses.

Thirteen of the sons of those who fell on that disastrous day—major Tusten, capt. Barker, H. G. Wisner, esq. Moses Thomas, esq. Michael A. Jones, Jonathan Bennett, Samuel Bennett, John Little, Alsop Vail, Samuel Vail, Jared Mesher, Wm. Baker, and John Knap, followed as chief mourners, and besides them there were a long train of remote connections.

All things being ready, the mournful music struck up, and the line moved off with a slow and solemn step. Both sides of the streets were lined with spectators, from one end to the other, nearly a mile—every house was full, and every sloop was crowded. The whole procession, which was something like a half a mile in length, moved with great regularity and precision, and minute guns were fired, and the bell tolled during the march.

When the procession arrived at the place of interment, the battalion of cadets first encircled the vault, which had been hewn out of a rock on the south side of the church—next to them were drawn up, in succession, the different societies and the military; and then the citizens, who had only been spectators. A stage was erected near the vault, where the solemn services were performed. Here we beheld an interesting spectacle—gen. Hathorn, who commanded that unfortunate expedition, as a colonel, forty-three years before, now verging upon eighty—on his left, major Poppino, who was an officer under him in the same battle, now 96 years of age, and Thomas Waters, about 60, also in the same battle. Although 96 years of age, major Poppino walked with the procession, and was one of the pall-bearers.

As soon as the procession was formed around the vault, the solemnities were opened with prayer, by the rev. Mr. Fisk. The rev. Mr. Wilson then delivered an address upon the occasion. He first took a view of the scriptural authority applicable to the case—spoke of the removal of the bones of Jacob, of Joseph, and of others, recorded in scripture—he gave us a history of the battle of Minisink, and the circumstances attending it—and concluded by calling the attention of the multitude to the resurrection of the dead and the day of judgment.

We understand it is the intention of the committee of arrangement to solicit a copy of Mr. Wilson's address for publication.

After Mr. Wilson concluded, the coffins were let down into the vault. Mr. Wilson then took general Hathorn by the hand—introduced him to the multitude, and read a short address, which the general had prepared, on occasion of his being appointed to lay the corner stone of the monument, but which, in consequence of his age and infirmities, he found himself unable to deliver sufficiently loud to be heard. Gen. Hathorn and Mr. Waters went down into the vault and laid the corner-

stone. Prayer was again offered up, by the rev. Mr. Cotter.

Three volleys of musketry were fired over the vault by the cadets, which closed the ceremonies.

The number of persons assembled on this interesting occasion has been variously estimated—but the best founded calculations we have heard, makes out 2000 carriages of all descriptions, averaging five persons each—and this is perhaps not too high, for most of them were two horse waggons, crowded full, some with eight or ten in—besides these, there were great numbers on horseback and on foot, so that the whole could not have fallen much short of twelve thousand.

As soon as the funeral was over the people began to disperse—no accident happened—and the whole day was spent in a manner becoming the occasion.

Although some may be disposed to make light of this business, and call it a mere catch-penny trick for the benefit of tavernkeepers; yet not so with the patriot and philanthropist—many a manly tear was shed on this occasion—we saw the big drop roll down the furrowed cheek of the grey-headed patriot, at the recollection of the past and the present; and there were few that attended the solemnities whose hearts were not solemnized.

We have here given a simple statement of facts—we attempt not to embellish—it is not an occasion which requests it. We have done our duty—the memory of the brave and the unfortunate have been honored. Better late than never.

The cadets remained at their encampment until Thursday morning, when they took up their march for Montgomery, thence to Newburg, and on to West Point. They conducted themselves with decency and propriety while here, and the people were much pleased with their uniform appearance, their military discipline, and their band of music.

British Political Catechism.

Dedicated, without permission, to his most serene highness Omar, bashaw, dey and governor of the warlike city and kingdom of Algiers; the earl of Liverpool, lord Castlereagh and co. by an Englishman.

Question. What is the present state of old England?

Answer. It exhibits the two extremes of human condition; wealth and extravagance on one hand, and want and wretchedness on the other.

Q. How does this appear?

A. The state pensioners are wallowing in luxury, and paupers are pining on alms; the ministers are all confidence, and the people all despair; the military are superbly clothed, and the poor are in rags; the court is feasting, and the cottage is fasting.

Q. What is the cause of this unnatural state of things?

A. It arises from various causes.

Q. Which is the principal?

A. The unequal and very imperfect state of our representation, in the commons' house of parliament.

Q. How is the house of commons constituted?

A. In some instances one man sends two members; 12 are returned by eleven electors; 90 are placemen and pensioners; a majority of the whole house are returned by 154 lords and commoners; 306 are sent by 165 individuals.

Q. How is the inequality of our representation manifested?

A. In this way; Newton, in Hants, has one elector and two members, but Manchester has no representative;—Midhurst, in Sussex, has one elector and two members, but Sheffield has no representative;—Old Sarum, in Wilts, has one elector and two members, and Birmingham has no representative.

Q. Is the constitution silent on this subject?

A. Far from it: *magna charta*, the *bill of rights*, and the *act of settlement*, are all very explicit upon it.

Q. In what light are these pillars of the constitution to be considered?

A. They are the supreme law of the land; and are as binding upon every branch of the government, as the common law is upon the subject?

Q. What does the act of settlement say in reference to this doctrine?

A. It asserts, that "all the kings and queens who shall ascend the throne of these realms, ought to administer the government of the same according to the laws, and all their officers and ministers ought to serve them respectively, according to the same."

Q. Ought every man to be represented in parliament?

A. The law of the land says, "that every man in England is supposed to be present in parliament, either by himself, or by his representative; and that representation shall be co-extensive with taxation."

Q. How, then, ought taxes to be raised?

A. The law of the land says, "that money shall not be taken out of the pockets of the people, in the shape of taxes, without their consent, or the consent of their representatives."

Q. Is it allowable for government to bribe, or otherwise influence electors?

A. The law of the land says, "that elections shall be free and unbiassed."

Q. Are placemen and pensioners eligible to serve as representatives?

A. The law of the land says, "that no person, who has an office or place of profit under the king, or who receives a pension from the crown, shall be capable of serving as a member of the house of commons."

Q. What is the constitutional period for which parliaments were originally chosen?

A. The law of the land says, "that parliament shall be annual."

Q. Is it legal to buy or sell seats in the house of commons?

A. *The law of the land* says, "that seats in the house shall not be bought or sold."

Q. Has any one ever been convicted of this?

A. In the year 1809, a cabinet minister was found guilty of bartering for a seat in an *honorable assembly*; for which he was punished by an expression of horror from the chair.

Q. In how many ways, then, has the constitution been violated?

A. In the unequal state of the representation—in raising taxes without the consent of the people—in bribery at election—in allowing placemen and pensioners to sit in parliament—in extending the duration of parliaments—and in trafficking for seats in an honorable house.

Q. Of what is that man guilty who breaks the law?

A. Of *disloyalty*.

Q. How does this appear?

A. From the word *law*—in the French language *loi*—fidelity to which constitutes loyalty.

Q. Who, then, is the most loyal man?

A. He who is the most faithful supporter of the laws of his country.

Q. Of what is he guilty who violates the constitution—the supreme law of the land?

A. Not of disloyalty only, but also of treason against the state.

Q. WHICH is the next powerful cause of our present distress?

A. The next cause—arising out of the preceding one—is the enormous taxation with which we are loaded.

Q. What is the amount of the taxes which are now required?

A. Seventy millions a year.

Q. How are these taxes distributed?

A. More than forty millions a year go to pay the interest of what is called the national debt.

Q. What is the amount of this debt?

A. One thousand millions.

Q. How soon might one count this debt, if it were all in one pound notes?

A. By counting sixty hours each week, at the rate of sixty notes in a minute, one might perform it in a little more than eighty-nine years!

Q. How has it been incurred?

A. One part of it in fighting *against* the Bourbons, and the other part in fighting *for* them.

Q. When will this debt be liquidated?

A. Never.

Q. How long will the interest of it be paid?

A. Not long.

Q. How are the other taxes disposed of?

A. In the payment of the civil list, placemen, pensioners, and sinecurists; and in defraying the ordinary expenses of government.

Q. Have all those who are in the receipt of this money rendered any important services to the state?

A. Many of them are only known to the country by the vast sums which they receive from it, or by the great injuries which they have inflicted upon it.

Q. Who are they, and what do they receive?

A. Take for a sample—

Lord Arden, who has, (per annum),	£39,000
Earl Bathurst,	33,000
Earl Camden,	23,000
Marquis of Buckingham,	23,000
Earl Cathcart,	14,000
Duke of Manchester,	14,000
Duke of Richmond,	12,000
Earl Hardwicke,	11,000
Lord Lake, }	10,000
Hon. Thos. Knox,	10,000

Q. Are any other demands made upon the country?

A. Yes; poor rates and tythes.

Q. What is the amount of the poor rates?

A. In 1815 it was about ten millions; but, from the increased and increasing distress of the poor, it is believed that, in the present year, twenty millions will be found insufficient.

Q. What will be the amount of tythes this year?

A. About six millions.

Q. Are they necessary to the support of the church?

A. The *church* may require them; but *christianity* does not.

Q. Is the church of England poor?

A. Not very: the bishoprick of

Durham, is worth, (a year),	£24,000
Canterbury,	20,000
Winchester,	18,000
York,	14,000

Ely, 12,000
London, 9,000
And some others a few thousands less.

Q. Do the people of any other country pay so much in taxes, &c. as we do?

A. No: the people of the United States of America pay, annually, from four to five millions sterling, in taxes of every description.

Q. How much is that per head on the whole population of the United States?

A. About twelve shillings; or *three pounds* for a man with a wife and three children.

Q. What is the average amount of taxes on each individual in this country?

A. About eight pounds a year, or *forty pounds* for a man with a wife and three children.

Q. Do the people of the United States pay any poor rates?

A. No.

Q. Do they pay any tythes?

A. Not any.

Q. Have they, then, no established church to support?

A. Nothing of the kind.

Q. Do the French pay any poor rates?

A. No.

Q. Nor tythes?

A. No.

Q. What is the plain inference from these facts?

A. That as our burthens are heavier, so are our distresses greater than those of any other country.

Q. By what other means has our ruin been accelerated?

A. By engaging in unnecessary and unjust wars.

Q. For what purpose did William Pitt enter into a war with France, in the year 1793?

A. To destroy liberty abroad, and to establish despotism at home.

Q. How much has the war against France increased the public debt?

A. Upwards of seven hundred millions.

Q. How much has the public expenditure been, in one year, during the late war?

A. In 1812, the total amount was one hundred and twelve millions, three hundred and four thousand, three hundred and ninety-two pounds, three shillings and seven pence.

Q. What have been the immediate effects of this war?

A. An advance in the price of land, and of the necessaries of life; the ruin of our trade at home, and of our commerce abroad.

Q. Why was not land reduced to a peace price, when peace was made?

A. Because a system of extravagance and increased expenditure was engrained on the war and retrenchment became the most difficult of all duties.

Q. But was it not reasonable to expect that the diminished demand for agricultural produce, consequent on the peace, would cause an immediate reduction in the price; and that this would affect the value of land?

A. This result was intentionally prevented by an infamous *corn bill*; which in its operations has kept up the value of land and the price of bread to pretty near the war maximum; whilst labor has been kept down to the peace minimum.

Q. Will the high price of the necessaries of life affect our manufacturers?

A. Very materially: for if to the usual value of labor we add the increased price of food, the cost of our manufactured articles will be proportionately advanced; and the British merchant will, in con-

sequence, be unable to come in competition with any other in the foreign market.

Q. What is to be expected, as the natural result of this state of things?

A. The manufacturers must inevitably suffer: first the employer and then the employed: the former will remove the disadvantage from himself, as long as possible, by controlling the wages; the latter must submit to his fate.

Q. But, may not the time come when both must suffer?

A. That period is now arrived, and both are fast sinking together; the one into splendid ruin, the other into degrading pauperism.

Q. But may not this distress be alleviated by some temporary expedients?

A. If by expedients are meant soup shops and subscriptions, experience has pronounced them to be worse than useless, and perfectly deceitful.

Q. What is the amount of the subscription lately set on foot at the London tavern?

A. It is now very near 42,000*l.*; which is about 3,000*l.* more than lord Arden receives every year for doing nothing; and would afford to every poor individual in the country about two pennyworth of soup.

Q. Have not some persons received more?

A. Yes; but others have got nothing.

Q. What do the poor want?

A. *Wages*, not alms; *work*, not charity.

Q. Suppose, then, government were to adopt a system of *retrenchment*, would not this give us some relief?

A. Ministers have already deceived us with pretensions of this sort; they have fallen foul on a few little mole hills, and have left the mighty mountains untouched.

Q. In what, then, can a remedy be found for the extreme distress under which we suffer?

A. In a radical reform of the commons' house of parliament.

Q. But how can a reform in the representation alone relieve us?

A. By restoring to the people their constitutional share in the government; when they will be enabled, by their representatives, to prevent all unnecessary wars, to abolish all useless places, to compound for all unmerited pensions and sinecures, to diminish exorbitant salaries, to reduce the whole expenditure of government, and to make such laws only as will promote the welfare of the country and the happiness of the people.

Q. Why is this measure never supported, if it will answer such valuable purposes?

A. This measure has been, and is still supported, by the real friends to the constitution and to the welfare of the country.

Q. Who are they that have defended it?

A. The great lord Chatham was one who was so convinced of the necessity of it, in his time, that he publicly declared, "if the house were not reformed *within*, it would be reformed *from without*, with a vengeance." And his son, William Pitt, assured the same house of commons, "that, without a reform, no honest man could be a minister."

Q. Why, then, did not Mr. Pitt support the attempts for parliamentary reform when he was minister.

A. Because he was too young and too weak to resist the blandishments of power, at the first; and because he afterwards discovered that his influence and authority were a thousand times greater in a corrupt house of borough-mongering syco-

phants, than it would have been over the real and faithful representatives of the people.

Q. Does it not seem, from this, that no minister will consent, freely, to a radical reform?

A. It does appear so; but such an event does not entirely depend upon any minister: the sovereign, or the regent acting in his name, can, at any time, change all his ministers, and can form an administration composed of such men as are friendly to reform.

Q. But is it likely that the regent will be induced to separate himself from those who enable him to gratify all his desires?

A. This must depend upon circumstances; if the alternative should ever be—as there is much reason to apprehend it will—that he must either be separated from the enemies of reform, or from the people, he surely will not hesitate to decide in his own favor, and consult his own safety.

Q. What, then, should the people do?

A. They should, one and all, petition the regent to adopt such measures as will restore to them a constitutional share in the government—a voice in their own house—by giving them a full, free and fair representation.

Q. But is it not in the power of a wicked minister to withhold such petition from the prince?

A. It must be confessed that this is too often the case. If, however, *this whole nation* should address the throne, it is hardly to be supposed that any man, however abandoned, would incur the responsibility which would necessarily attach to such infamous conduct.

Q. Are not those who petition for reform liable to be called jacobins, and to be stigmatized as factious, designing men.

A. Yes; but it is only by those who are interested in the support of a corrupt system, and by their ignorant friends. Reformers are the truly, if not the only, loyal men.

Q. Has it not been said, that public meetings have a tendency to disturb the peace of society?

A. Happily, they have an exactly contrary effect: they serve to convince the lawless orders of the people that they have friends who feel for their distress, and who labor to remove them: and thus the poor and ignorant are prevented from recurring to those illegal measures which appear to them the only remedies within their power.

Q. Is it necessary, then, that petitions should be as numerous as possible?

A. Yes; every county, city, town, village, and hamlet, every honest man in the empire, should assemble on constitutional ground, to petition for constitutional reform.

Literature.

In senate of the United States—January 3, 1822.

The committee on finance, to whom was referred the memorial of trustees of the Transylvania University, praying for a repeal of the duties on books imported into the United States,

REPORT:

That the act of congress of the 27th April, 1816, establishing the existing tariff, has included books among the unenumerated articles, at an *ad valorem* of 15 per cent.

The second section of that act exempts from duty "all articles for the use of the United States, philosophical apparatus, instruments, books, maps, statues, busts, casts, paintings, drawings, engravings, specimens of sculpture, cabinets of coins, gems,

medals, and all other collections of antiquities, statuary, modelling, painting, drawing, etching or engraving, specially imported by order and for the use of any society incorporated for philosophical or literary purposes, or for the encouragement of the fine arts, or by order and for the use of any seminary of learning."

To justify an encroachment upon this tariff, by the exemption of particular articles, we should consider its effects and understand its bearing upon the general system. It is possible that the exemption required would be chiefly felt in the price of the article exempted, and the manufacture of paper and printing types; and that its influence would be imperceptible or trifling upon the other branches of enterprise and industry. It may then be considered in its operations upon the manufactures, the revenue, and the consumption.

The constitution of the United States has placed authors under the protection of congress. Essential to this protection is the encouragement of printing. Could foreigners maintain a successful competition with the American publisher, the American author would experience embarrassment and disappointment; foreign books would inundate the literary market, and even his own productions, from a foreign press, might be made to impair, if not defeat, his exclusive right.

The art of printing, in the United States, is rapidly advancing to its highest perfection. Samples have already been produced, which will scarcely suffer by comparison with the best specimens of other nations. Still the art has to encounter embarrassments. Comparatively, our capital is small, labor high, and our skill not perfect. Such is our enterprise, that American competition has already done much to diminish profit and impede success. Remove this protecting duty, and foreigners, particularly the British, who speak the same language, whose labor is cheap, and skill matured, may overwhelm our market, and become the exclusive book makers for the United States.

Connected with this, is the duty on paper. The manufacturer of this principal article of the printer's consumption is protected by an *ad valorem* of thirty per cent. So long as this operates as a protection to the paper maker, it is a tax on the book maker.—By this partial interference, therefore, you leave the burden, while you remove the equivalent.

The manufacture of printing types in the United States is of recent origin: such, however, has been its progress, that, in 1816, congress determined that the manufacturer required, and the consumer could sustain, an impost of twenty-five per cent. But, inasmuch as this art may be considered as still in its infancy, the competition at home will not, for a long time, create a depression of the price, and this duty will, consequently, remain a tax on American printing.

In this view of the subject, it is apprehended that it would be unequal, impolitic, and unjust, to single out this important branch of industry, strip it of all protection, and leave it to struggle with powerful competitors, to its serious embarrassment, and probable destruction.

But the protection of the manufacturer, and the burden upon the consumer, are not only objects of consideration in establishing a tariff on importations. It is our principal, and, ordinarily, our only source of revenue. Flourishing as our revenues are said to be, it seems to be agreed that we have no money to spare. "Loans, which consume the future," have become necessary, and rigorous economy and retrenchment must be enjoined and prac-

tised to prevent a recurrence to this pernicious expedient.

The exemption required would probably diminish the revenue beyond the amount of the duty repealed. Should American printing diminish, it would cause a corresponding diminution of the materials of consumption; and the impost on paper and types would probably vanish almost contemporaneously with that on books. It ought, moreover, to be noticed, that in England there is a bounty or drawback on the exportation of British books of *three pence sterling on the pound weight*—Now, inasmuch as our duty is *ad valorem*, and their bounty is *specific*, not according to the *value*, but the *weight* of the book, their cheap editions may be imported into the United States at a premium which will about balance our duty of *fifteen per cent*. Their more expensive editions, and all books in foreign languages, are chiefly wanted for our literary institutions, and for these they are already free. The inquiry then is, what portion of the community requires this repeal? Every college, academy, and other seminary, and every corporation for literary purposes, is now exempt. All members and students of these institutions are consequently exonerated of the burden of this tax. The question recurs who is to experience the benefit of the exemption? Surely not the instructors nor students in the higher branches of literature, for they are already relieved; certainly not the members of our common schools, for ordinary British editions are compensated by a bounty; American school books are plenty and cheap, and those in foreign languages are not required for general use. And it is equally certain that our manufactures forbid it, and our treasury can scarcely afford it. None then but the professional gentlemen who can afford to extend his library beyond the resources of American publishers, or the scholar of wealth and leisure, who would indulge his taste in selecting the most elegant and expensive editions of foreign authors, can be interested in its favor. And is it expedient, at this time, to interpose *this relief*?

To tax foreign luxuries is a dictate of the soundest policy. Expensive and highly finished editions are as much a *luxury* as any other extravagant expenditure. A moderate duty on such books, to be limited almost exclusively to gentlemen of wealth, could never subject us to the imputation of an indifference to education. Few nations, perhaps, have done more for the diffusion of knowledge. In the endowments and support of primary schools we are second to none. Great Britain exacts an impost on all imported books, and allows a bounty on the exportation of her own. France exacts a specific duty on one hundred franks per hundred kilogrammes on books in the French language. To those reprinted from French editions is added fifty per cent. and pirated editions are entirely prohibited. There is, however, a deduction of fifty per cent. for *scientific memoirs*, and of ninety per cent. for books in the dead or foreign languages. Spain admits free of duty books, maps, and charts, on the subject of navigation, when introduced for purposes of instruction. But we have surpassed them, and have not improbably exceeded the limits of a sound and enlightened policy.

With few exceptions, the English is our native and ordinary language. It is spoken as universally and purely as in England itself. But lately, we were a part of the British empire; from thence we have derived many of our habits, customs and laws. We still esteem Great Britain eminent in arts, sciences, policy, and power. Our principal and

subordinate seminaries of learning are chiefly furnished with British books, and our youth are taught by British authors, wedded to their own institutions, and exultingly proud of their country, constitution, and laws. These means of a foreign influence have long been perceived, and have excited the jealousy of grave and intelligent politicians. Our government is peculiar to ourselves, and our books of instruction should be adapted to the nature of the government, and the genius of the people. In the best of foreign books, we are liable to meet with criticisms and comparisons not very flattering to the American people. In American editions of these, the offensive or illiberal parts are expunged or explained, and the work is adapted to the exigencies and taste of an American reader. But with draw the protection which our tariff affords, our channels of instruction will be *foreign*, our youth will imbibe sentiments, form attachments, and acquire habits of thinking adverse to our prosperity, unfriendly to our government, and dangerous to our liberties. Your committee, therefore, recommend the following resolution:

Resolved, That it is, at this time, *inexpedient* to repeal the duty on the importation of books.

Constitutional Arguments.

SPEECH OF MR. R. M. JOHNSON, OF KEN.

IN THE SENATE, JANUARY 14, 1822,

On the following amendment proposed by him to the constitution of the United States:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the following amendment to the constitution of the United States be proposed to the legislatures of the several states, which, when ratified by the legislatures of three-fourths of the states, shall be valid, to all intents and purposes, as part of the said constitution:

"That, in all controversies where the judicial power of the United States shall be so construed as to extend to any case in law or equity, arising under this constitution, the laws of the United States, or treaties made, or which shall be made, under their authority, and to which a state shall be a party, and in all controversies in which a state may desire to become a party, in consequence of having the constitution or laws of such state questioned, the senate of the United States shall have appellate jurisdiction."

Mr. Johnson said, the constitution of the United States contains a clause, prescribing the manner in which amendments may be obtained. This is conclusive evidence that the wise men who framed it were of opinion that experience would develop imperfections in the system, which might require a remedy. The models of antiquity, with all the improvements of modern times, in relation to confederated governments, were before them. The Amphictyonic council, by which the republics of Greece were united; the Achaean league, which so long governed the cities of Achaia; the confederation of the Germanic empire, and the Belgic confederacy, which prevailed in the provinces of the Netherlands all furnished examples for their improvement.

The history of these confederacies, said Mr. J. shed a light upon the subject, by which they profited. In some, the consolidation of power was so great, as to weaken the members, and endanger their liberties; in others, the federal power was not

sufficient to preserve their integrity; and disunion and carnage were the effects of their imbecility. In establishing the principles of this confederacy, it was intended to guard against these two extremes, by so dividing the powers betwixt the general and state governments, as to rest on the isthmus between consolidation on the one hand, and discord, on the other; and so to define the attributes of each as to produce harmony in all their operations.

When the struggle for independence, which had been their bond of union, was past, and clashing interests began to provoke animosities, it was obvious to all, that, under the articles of the old confederation, the general government was too feeble for the purposes of national prosperity; and all concurred in the sentiment, that some change was necessary. The only question was, how great that change should be? The difficulty, and the sole difficulty, was, to determine the proper distribution of power. How to divide the sovereignty betwixt two distinct governments, deriving their authority from the same source, each supreme within its own legitimate sphere of action, and yet so to regulate and define the power of both as to produce perfect concord, was the great political problem to be solved by the statesmen of that day. It was not to be expected, that the first experiment would perfectly effect this object. If it was anticipated by any, disappointment has followed the utopian delusion. The highest tribute of respect, however, is due to the wisdom of the patriots who framed the constitution, in so arranging this complicated machinery of a sovereignty within sovereignties, as to admit of that degree of harmony which has prevailed; but there is a limit to the intellect of man. All that wisdom and patriotism could do, they have done; but imperfections, which human sagacity could not foresee, were to be developed by experience, and the corrective applied by mutual consent.

It is admitted by all, that the states and general government possess co-current powers; that they also possess powers exclusive of each other; and that the federal constitution prescribes limitations upon both. In this complex system, disorders are to be expected; some, of an incidental nature, not easily controlled; others, that admit a remedy. After an experience of thirty-two years, it becomes our imperious duty to begin this inquiry, relative to the conflicts, between the federal judiciary and the sovereignty of the states. These conflicts are become so frequent and alarming, that the public safety demands an investigation, that it may be determined where the error lies. Unless we point out the real difficulty, and ascertain the just claims of each party we shall be overspread with Egyptian darkness. When the parties are not agreed upon the line which divides their powers, the question is, which shall preponderate, and which shall concede? The states claim authority which the federal judiciary denies; and the federal judiciary exercises powers which the states do not acknowledge to be legitimate. There is no umpire to decide betwixt them; and the difficulty is, to determine which shall submit. It is contended on the one part, that, as the general government was instituted for national purposes, its claims to the highest supremacy must be superior to those of the states; and that it is an essential attribute of national sovereignty, that its judiciary shall be the judge of its own powers, and shall have authority to overrule every other tribunal, according to its own sovereign will and pleasure. But this argument cuts like the two edged sword, and furnishes a position quite as strong in

favor of the states. It is not denied that all power not delegated to congress, nor prohibited to the states, is reserved to the states respectively, or to the people; that the states are also supreme and independent within the orbit of their powers. If, then, it is the attribute of sovereignty to judge of its own powers, where is the sovereignty of the states, if that judgment must be submitted to the federal judiciary? The argument is precisely the same in both cases, and may be called an argument in a circle.

It is contended by some of the states, Virginia for instance, that the states have *superior* claims to an exclusive decision in all cases of conflicting power. The states are the original fountain of power, a portion of which they have delegated and vested in a general government, for objects common to all. The general government is the creature of the states, and exists by their permission. Then, as it is a principle universally acknowledged, in religion and morality, that the creator is superior to the created, so it is contended that the states have the indubitable right of exclusive decision in all cases of conflict, whether they respect a violation of the delegated powers, or the exercise of that authority which is reserved to the states respectively, or to the people. To say the least of it, there is much plausibility in this argument. But it involves a difficulty as to the manner in which this right of decision shall be exercised. If each state shall decide separately, confusion would probably arise from contradictory decisions on the same point, in different states; but even this objection may have more plausibility than substance. Should the states attempt to exercise any of the specific powers granted exclusively to congress, or to arrest the general government in the exercise of power expressly delegated, the consequence might be unfortunate; but, in reviewing the conduct of the states, and marking the particular points of contact, it does not appear, from the history of our government, that the states have, in any one case, attempted this, though the federal judiciary has assumed a guardianship over the states, even to the controlling of their peculiar municipal regulations. If the states have the right of decision, there is a difficulty in giving their decision an efficacious operation. If it belongs to them collectively, there must be a regular method of ascertaining and promulgating their decisions.

In the cases of collision between Pennsylvania and the general government, much was said and written respecting the rights of the parties, and the necessity of a tribunal that could remedy the evil. It appears, from the decisions of her state courts, the periodical publications and official documents of that day, that Pennsylvania recognized and claimed an equality of right with the general government, to decide in constitutional cases affecting her sovereignty; that, in serious collisions, an umpire was necessary; and that no tribunal was more proper than this body. This doctrine is universally acknowledged as a correct maxim betwixt civilized nations, and is sometimes resorted to for the amicable settlement of disputes betwixt them. Assuming the Pennsylvania position, and the conclusion is irresistible, that the parties, being equally sovereign within their circle of power, it is a flagrant outrage to justice, a violation of every principle of equity, for one to arrogate to itself the exclusive power of judging in all cases of disagreement.

Let us now inquire into the safest and most satisfactory method of determination when these con-

licts arise. We are not left entirely to the conjectures of reason on this subject; the light of experience illuminates our path. Under all circumstances, and in every condition of society, there is a rational mode of settling differences. When they arise betwixt friends, a candid exposition of the grounds of difficulty is always the most honorable, and presents the fairest prospect of a happy result. They teach forbearance towards an enemy—much more in a case like this, where the parties are friends. We must forgive, not only seven times, but seventy times seven. This political controversy we should gladly cover with the darkest shade of oblivion; but, unfortunately, the doctrine of federal supremacy is the basis of encroachments—and the principle is established by a judicial tribunal which knows no change. Its decisions are predicated upon the principle of perfection, and assume the character of immutability. Like the laws of the Medes and Persians, they live forever, and operate through all time. We have a memorable example, in the history of the reign of Ahasuerus, of the immutability of their laws, and the manner in which the cruelty of an unrighteous edict was prevented by a countervailing decree. Haman, the prime minister, intoxicated with that inordinate love of power, which is but too common to mankind, to wreak his vengeance upon Mordecai the Jew, because he refused to bow the knee to him, procured from his sovereign a decree, which he published in every province of the empire, authorizing a general slaughter of the Jews on an appointed day. When the monarch saw that the preserver of his own life and the companion of his own bosom, were both involved in the calamities which awaited that devoted people, he would gladly have revoked his decree; but every thing done there was immutable, and the decree must stand. Yet he found means to counteract the effect of what he could not change, by issuing another decree, which authorized the Jews to bear arms in their own defence. The consequence was, that the meditated calamity was averted, and its author was suspended upon the same gallows that he had erected for the intended victim of his haughtiness. But no decrees of the sovereign people, no earthly tribunal, can avert the evils which may grow out of a supreme judicial decision. It constitutes the common law of the land; it forms the basis of future decisions, and justifies similar encroachments to the end of time. It is omnipotent in its character, and irresistible in its march. All obstacles must yield to its demands; all nature must obey its mandates—the mountains must bow, and the valleys rise, before it.

If your neighbor offend you, remonstrate gently with him alone; if he refuse to hear you, take one or two witnesses to certify the case; if he still continue obstinate, bring him before the whole congregation, where all the power resides, and there let justice be decreed. If one nation injure another, a similar course may effect a settlement. When negotiation fails, an umpire is sometimes chosen, and, in the last resort, the force of arms will decide where no tribunal can be had. But, in the case of conflicting power between the states and the federal authorities, which party must yield? Force is out of the question. The states are at least equal in the right of sovereignty, if not in the power of enforcing it; and it is unrighteous to demand submission from them without an investigation of their claims by a disinterested tribunal. Shall the weaker be compelled to yield? Right and power are not synonymous; and we should recollect that the race is not always to the swift, nor the battle to the

strong. Difficulties thicken upon us as we advance and demand interposition. It cannot be denied, that serious collisions have taken place in our system, which call for investigation. If any of the principles established by the federal judiciary operate as an encroachment upon state rights, it should be recollected that the evil is without limitation of time. An oppressive law may be repealed, and, when the oppression is felt, the repeal is certain; but here is no repeal, no corrective, no end. We may look coolly on while the work of consolidation is progressing, which must ultimately swallow our liberties; or, we may mourn the threatening desolation, without the power of arresting its progress, unless we provide a constitutional check. If in every collision the federal judiciary has been correct, and if it never shall err in future, yet the provision for appeal will be not only harmless, but beneficial. It will allay those apprehensions, and satisfy the minds of those who are disquieted with needless alarms. It will restore that confidence upon which our system of government is founded, and preserve that harmony which is essential to its prosperity. At this time there is, unfortunately, a want of confidence in the federal judiciary in cases that involve political power, and this distrust may be carried to other cases, such as the lawyers call *meum et tuum*. It is the opinion of many eminent statesmen, that there is a manifest disposition, on the part of the federal judiciary, to enlarge, to the utmost stretch of constitutional construction, the powers of the general government, at least in that branch, and by consequence to abridge the jurisdiction of state tribunals. I do not assert this to be the fact; but, if it is not, we should adopt some method, if practicable, to remove these ill-founded suspicions. The desire of extending our own power is a universal law in our nature, to which the just and the unjust, the wise and the foolish, are all subject, though in unequal degrees; and I do not design in any way to impugn the learned members of the bench, when I admit the possibility of the same propensity remaining with them. It has found its way to elevation in other countries, and to prevent its influence here, some rational method should be devised to define and regulate that power. Political power, properly divided into co-ordinate branches, and judiciously regulated, produces happy results—but, when sovereign and irrepensible, it carries in its train the wreck of human happiness; desolation marks its bloody progress, for with it moral and physical power are always blended. The blessings of a good government furnish themes of rejoicing and praise; but the curses of a bad government, bring sorrow to the heart. The history of nations furnishes us with instructive lessons, while we trace the hand of tyranny in the fall of empires; but the love of power is a principle still in operation, and no premonitions can teach us moderation. It begins with childhood, and does not cease with age. It is the belligerent principle which predominates in the social circle, and genders strife where perfect peace should reign. It is the prolific source of war with independent communities, which has spread desolation over countries and stained the whole world with blood. Uncontrolled, it is inordinate ambition; properly regulated, it is emulation. If we did not know this to be the character of man, delineated in all his history, we might indulge the hope of everlasting repose, under our mild institutions. Happy would be our lot, if every department should confine itself to the faithful performance of its own functions, carefully avoiding all interference with others, or even the

exercise of doubtful power; but the history of the present times furnishes us with memorable examples of the reverse, and teaches us to anticipate no such repose. We must take human nature as it is; and to be secure from danger, it is necessary to provide against the encroachment of power in one department upon another, and, in all, upon the rights of the people.

It is a principle interwoven, both in the theory and practice of our government, that every department which exercises political power shall be responsible to the people. Here lies our safety and our strength. Representation and responsibility must go hand in hand—bone of her bone and flesh of her flesh. The republics of Greece and Rome were ignorant of the force of this principle, and practised it to a very limited extent. After the abolition of monarchy in Athens, the *Archons* were elected annually by the people. The *Ephori* of Sparta were elected in the same way, and the Romans elected their *Tribunes*; but all those were a kind of executive officers. In each of those governments the people, *en masse*, were assembled to decide on public affairs, and each state had a senate permanent in office and independent of the people. In modern days the principle of representation has been but very imperfectly understood among the nations of Europe, except in England, where it was introduced as early as the ninth century, in the reign of Alfred, and has been perpetuated in some form to the present time. But, though the theory of representation and responsibility has been taught there, the practice has been but imperfectly regarded. It has been so limited and so defective in its operation, that its benefits are almost entirely lost and the forms only preserved. In the United States alone, whose government presents to the world a model of excellence, and is the anchor of hope to man, the theory and practice are united in every department of the government except the judiciary. This exception may satisfy the mind, that it was never designed to confide political or legislative power to that department, especially the power of repealing laws enacted by the legislative departments, both of the general government and the states. The execution of the laws is the only power intended to be confided to the court; and this will furnish ample scope for the exercise of discretion. If the judges were content to confine their decisions to cases affecting property and punishing crimes according to the laws, few would complain of their irresponsibility. If bad laws are enacted the people will correct the evil; and if, by an incorrect adjudication or misconstruction of law, individual injury should be sustained, yet the fundamental principles of our government would not be endangered.—On this principle alone can this kind of independence of the judges be tolerated with safety in a free government. The members of the legislative department of our government are directly responsible to the people and to the states—which responsibility is carefully preserved upon the principle that the trustee may possibly abuse his trust; and, to remedy the evil, the people have wisely reserved the power in their own hands. When the sedition law was enacted, this remedy was applied. The president of the United States, the governors of states, and the members of their legislatures, all hold their offices for limited terms, that they may feel their responsibility to the people, from whom their power is derived, and for whose benefit it is exercised. Why are they not all elected for life, or during good behavior? The reason is obvious. Because they exercise political power, which may

be abused. By corruption of motive, or by the indulgence of sentiments unfriendly to liberty, they may betray the trust reposed in them; and their amenability to their sovereigns, the people, is the only sure safe-guard of the rights of man. It then follows, inevitably, that the judiciary should be confined to the decision upon the laws, or that the judges should feel the same responsibility; and, if this is not done, some tribunal should be established, responsible to the people, to correct their aberrations.

It may be denied by some that the judiciary exercises legislative or judicial power. If a judge can repeal a law of congress, by declaring it unconstitutional, is not this the exercise of political power? If he can declare the laws of a state unconstitutional and void, and, in one moment, subvert the deliberate policy of that state for twenty-four years, as in Kentucky, affecting its whole landed property, even to the mutilation of the tenure upon which it is held, and on which every paternal inheritance is founded; is not this the exercise of political power? All this they have done, and no earthly power can investigate or revoke their decisions. If this is not the exercise of political power, I would be gratified to learn the definition of the term, as contradistinguished from judicial power. If the exercise of such tremendous powers be legitimate, their acts, like those of all other trustees of power, should be subject to the sanction or revocation of the people; if not by a direct responsibility, yet by an appeal to a tribunal that is responsible. If, on the contrary, this exercise of power is an act of usurpation, the case is yet more alarming; for the judges hold their offices *during good behavior*, and a bad opinion is not bad behaviour, and the opinion of a court is a law, and above all other law. A judge can be removed by impeachment for treason and other high crimes and misdemeanors; and, in case of impeachment by the other house, two-thirds of this body must concur to effect his removal. The difficulty of removing a judge in this way is such that it will seldom be attempted; and experience tells us it will more rarely succeed.

The passions and propensities of human nature, with all their imperfections, are alike common to every rank and condition; and to prevent their ill effects in a little number, where any particular excitement is more likely to become general than with a large body, responsibility is necessary, or competence in some other body to reverse their destinies. Judges, like other men, have their political views. One may be friendly to consolidation; another may err on the opposite extreme, and a third may prefer that happy mediocrity, which is always safe, and generally salutary. When these are associated upon the bench, and each under the influence of his own partiality, there will inevitably be as different conclusions among them, where state sovereignty is involved, or the extent of federal jurisdiction is called in question, as if they were members of a legislative body. Why then should they be considered any more infallible, or their decisions any less subject to investigation and reversion? Besides the differences arising from political prepossessions, the various structures of the human mind will produce a variety of opinion. One may take an expansive view of a subject, and base his decision upon truth and justice; another may be, what is sometimes called a *technical judge*, and though of equal integrity, may conceive it his duty to stick to the bark of the case, and confine himself in all decisions to the forms of judicial proceeding. This

difference in the organization of the mind must necessarily result in a difference of conclusion. Courts also, like cities and villages, or like legislative bodies, will sometimes have their leaders; and it may happen, that a single individual will be the prime cause of a decision to overturn the deliberate act of a whole state, or of the United States; yet we are admonished to receive their opinions as the ancients did the responses of the Delphic oracle; or the Jews, with more propriety, the communications from heaven delivered by *Urim* and *Thummim*, to the High Priest of God's chosen people, from the *sanctum sanctorum*. Other causes of difference might be multiplied to a tedious extent; but enough has been said to shew that judges, who, like other men, are subject to the frailties, the passions, the partialities, and antipathies, incident to human nature, should not be exempted from responsibility on account of their superior integrity, learning and capacity; or, that their decisions should be subject to revision by some competent tribunal, responsible to the people. It is believed that this is the opinion of that great and good man who penned the declaration of independence, and who now enjoys, in the shades of Monticello, the blessings of the principles which it contains.

It is not pretended that judges are worse than other men. I am proud to say, that no country was ever blest with more talents or integrity upon the bench than this; but the judicial history of all civilized nations confirms the allegation, that, under the same circumstances, judges are just like other men. The theory of our judiciary may teach us that "a judge is just, a chancellor juster still;" but experience teaches us, that perfection resides no where in this world, no, not even on the bench. We have borrowed from Great Britain the idea of judicial independence. Previous to the reign of William and Mary, the judges were tenants at the will of the monarch. The king, who was "more wise, more just, more learned, more every thing," was considered the fountain of justice, and it was his prerogative to administer it to the people. In early times he dispensed justice in his own person; but this being too laborious, he appointed his judges and fixed their compensation. The tenure of their office and the amount of their salaries were alike dependant upon his pleasure. The creature was responsible to his creator both for existence and support; and interest and necessity conspired to induce obedience to his will. The judiciary thus became an instrument of cruelty in his hands. The legislature, the army, and the court, on many occasions, were alike the implements of royal vengeance, to sustain the divine right of kings. It was the judgment of a court that doomed the immortal Socrates to drink the hemlock. When the Roman tyrant could no longer use a hired soldiery to immolate the victims of his jealousy, he resorted to courts of law. When Henry the eighth, of England would exercise a cruel despotism under the forms of a free constitution, the army, the court, and the parliament, were the potent engines that sustained him. When Mary, his daughter, compelled the protestants to seal their testimony at the stake, the court gave sanction to the murderous deeds. Her sister and successor, Elizabeth, created the court of high commission, and formally invested it with inquisitorial power. She also supported the arbitrary edicts of the star chamber. The puritans, because obnoxious to the free exercise of the prerogatives of the crown, were imprisoned and dispersed by process of law, and the judges were the supporters of her despotic power. When

she would destroy her unfortunate kinswoman, the queen of the Scots, the judges were instructed to condemn her, and by their sentence she came to the block. This horrid deed was covered by the cloak of judicial proceedings. When Charles the first determined to change the religion of Scotland, he made use of the court of high commission to effect the object. By the same judicial power, the advocates for the doctrines of the reformation have so often been divested of their religious privileges, and doomed to seal with their blood that religion which bore them triumphantly through the vale of death.

Those facts are not exhibited to derogate from the character of the judiciary, but to shew that no truth is more universally established in history; that no proposition can be more plainly demonstrated than this, that judges may oppress the people—that power cannot be safely confided any where without the guarantee of responsibility.

The occurrences to which we have adverted, transpired previous to the memorable era in the British annals, under William and Mary, when the judges were commissioned by their monarch to hold their offices during good behavior, with salaries fixed by law. This system was consummated in the reign of George the third, by providing that the commission of the judge should not be vacated upon the demise of the king. But, even in Great Britain, the judges are less independent than here; for, by an address of a majority of both houses of parliament, they may be removed; here, an impeachment for malconduct by one house, sustained by two-thirds of the other, is the only thing that can effect their removal. Nor is their power so transcendant in Great Britain, as to repeal an act of parliament by declaring it unconstitutional and void. We have improved upon their system of irresponsibility, and enlarged their powers, without any of the reasons or benefits which exist with them.— Their object is to render the judges independent of the monarch, that they may protect the people from lawless acts of his despotic power. In this country the people are the king; and the only object of rendering the judges independent of their sovereign authority, or the only benefit which can result from it, that I can conceive, is to protect the people from their own oppressors, themselves. We have given our authority to the judiciary to control us, lest we shall enslave ourselves. We transfer the power to them, because we fear the consequence of holding it ourselves; and surrender our liberties, our lives, the disposition of our property, to the judiciary, to escape the danger of oppressing ourselves.

Are we choosing guardians to control us, and prevent us from destroying ourselves in our fits of lunacy? A maniac may surrender his rights for the preservation of his person from the freaks of his own madness; but the American people are not mad. Experience has proven them to be the safe depositories of their own power. They have wisely reserved it to themselves, and as wisely exercised it, except in this case; and it is believed that they may now safely make their voice to be heard in the judiciary. Why should they hold the controlling power in every other department of the government? *Vox populi, vox Dei*; but, if the voice of the people is the voice of God, what must the superior voice of a judge be? If, under a monarchical government, an independent judiciary may stay the hand of despotic power and protect the innocent from punishment; in this nation we have no monarch, no subjects. The government and the peo-

please one; and we ask not the guardian care of our superiors to bind our hands so that we cannot wound ourselves.

But has this change in the judicial term, from tenancy at will to that of life, essentially changed the character of decisions in Great Britain? History records the mournful fact, that, since the reign of William and Mary, the courts of Great Britain have invariably yielded obedience to the monarch's will, in criminal prosecutions. The banishment and death of many of the most distinguished of the friends of liberty will confirm the declaration. The honored names of Muir, Gerald, Margatot, and Emmet, with many others that time cannot bury in oblivion, must remain the monuments of this independence of the British judiciary, which we are so proud to imitate. In controversies betwixt individuals, the effects of the change may have been salutary; but he who has depended upon the judiciary to protect him from royal malediction, has leaned upon a broken reed.

The nature and the object of the federal judiciary are subjects worthy of investigation. The salary of the judge may be increased, but cannot be diminished; and his term of office is perpetual. He may receive a reward for pleasing the legislature, but he can suffer no removal or abatement of compensation for displeasing them. Is this independence designed to give the court power to arrest the executive in a career of usurpation? Certainly not; for the people have reserved this power to themselves. Nor is it to prescribe bounds to the legislative will; for every legislator is held responsible to his constituents. Both the president and the members of congress are dependant on the will of the people; and the people have made them feel their power, when the judiciary were giving sanction to unconstitutional measures. It was never intended by this irresponsibility to give the federal courts power to limit the prerogatives of state legislatures, because they are subject to the same sovereign will of the people, who could not have designed to clothe a small number of select judges, however honest or enlightened, with the power to control that sovereignty which it was their pleasure to vest in their state authorities, where they could have the means of regulating it at their own pleasure, without danger of anarchy or despotism. Such control, vested in an independent magistracy, would be entirely hostile to every principle of self government; and the people do not fear themselves. All power rests in them, and they are responsible to no earthly tribunal for its exercise. They never intended to transfer it to those who might abuse it with impunity. They deem it safer where nature and nature's God have placed it—in themselves; and they cannot recognize a principle so obnoxious to free men, as that which gives it to others because they themselves are unworthy to hold it.

The real object of an independent judiciary, in this country, must have been to embody the best experience in legal knowledge, and produce uniformity of decision in legal questions relative to property and crimes. The science of politics is still in its infancy; and its perfection depends on principles which the progress of republican government must yet develop: but the science of jurisprudence is more established, and composed of principles which never change. The one is mutable, the other immutable. There is, therefore, not so great necessity for the same kind of responsibility in the judiciary, if their powers are confined to the proper object of their office—that of defin-

ing questions of law; but when they transcend those limits and bring to their bar every other department, both of the federal government and the states, it becomes necessary to ordain some tribunal that may guard against an abuse of their power. They assume the right of deciding upon the constitutionality of the laws of the union and of the states, and of setting them aside at pleasure.—Some of the learned in law have acquiesced in this assumption of power; but the great body of the people cannot approve it. If the constitution had provided that the judges should form a council of revision to decide upon the constitutionality of the laws of congress, and even of the several states; and that no law should be binding without their sanction to its constitutionality, and that these judges should hold their office during good behavior, without any authority in the people to remove them or revise their decisions, I venture the assertion, that the constitution would have been rejected by every state in the union. If they can declare a bad law unconstitutional, they may also declare a good law void upon the same principle. If the legislature shall pass a bad law, or refuse to pass a good law, the people will elect others in their place to remedy the evil; but the judges are not accountable to the people for their opinions. A legislative body may be changed at the pleasure of the people; but, over the court, the people hold no right of change, no power of coercion. From what source is the power which they exercise derived? From the constitution? No; that is as silent as death upon the subject; and it is doubtful whether one man of a thousand in the nation would vote so to amend the constitution as to confer this power. Is it in the theory of our government? No; it is in direct hostility to the theory of our government.

The constitution of the United States, the laws of the United States made in pursuance thereof, and treaties made under the authority of the United States, shall be the supreme law of the land; and the judges of each state shall be bound thereby, any thing in the laws or constitution of any state to the contrary notwithstanding. The senators and representatives in congress, the members of the several state legislatures, and all the executive and judicial officers, both of the United States and the state, shall be bound, by oath, or affirmation, to support the constitution. Judges, in common with other officers, being bound by oath, a duty is said to be created in them to decide upon the constitutionality of the laws of congress, state laws, and state constitutions; and when, in their opinion, repugnant to the federal constitution, to declare them null and void. Would it not be equally the duty of congress to declare the opinion of the federal judiciary null and void, in every case where a majority of congress might deem it repugnant to the constitution? For instance: the legislature, after full discussion upon the constitutionality of the measure, shall pass a law involving the best interest of the country in peace or in war. The court shall express a different opinion; and, upon every question arising under it, act in conformity to their own opinion, that the law is unconstitutional and void. Forty-eight senators, one hundred and eighty-eight representatives, and the president of the United States, all sworn to maintain the constitution, have concurred in the sentiment, that the measure is strictly conformable to it. Seven judges, irresponsible to any earthly tribunal for their decisions, revise the measure, declare it unconstitutional, and effectually destroy its operation. Whose opinion shall prevail? that of the legislators and

president, or that of the court? The court must admit that wise and good men may conscientiously differ in opinion, upon such a decision, or their own reversion will fix upon every other department of the government, the conviction of perjury; and, if any honest difference of opinion may exist, I would ask, which has the right to overrule the other? If congress were as scrupulously tenacious of their own powers, they would decree, and would deem it their solemn duty to decree, that such a decision of the court is unconstitutional and void. In that case, who must yield? and where would the confusion end? But the principal danger arises from a collision of the federal judiciary with the state sovereignties. The judges have exercised some caution in relation to acts of congress. They have generally acted upon the laws as they received them, leaving it with the members to account to their constituents for their measures. Nor have they had any temptations to do otherwise. The support of federal authority must, from the very nature of their situation, be a point for them to maintain rather than abandon. The supreme court has even decided, that congress is sole judge of the measures necessary to carry into effect the specific powers delegated by the constitution. Had the same delicacy been observed by that tribunal when state laws have been the subject of construction, it is probable the examination of judicial encroachment upon their sovereignties might never have been commenced. But a comparison of the cases will show a disposition widely different in the reversal of state laws, which proves the strong bias of the federal judiciary in support of federal power. A bias equally strong may probably exist on the other side in the state tribunals; and, in case of disagreement, which tribunal shall prevail? So far as my observation extends, the superior courts of the states would not be disgraced by a comparison with the supreme court of the United States, in capacity, integrity, and legal acquirements. It, therefore, appears to me, that justice requires an intermediate tribunal to decide betwixt them. I know of no clause in the federal constitution that gives the power to the judiciary of declaring the laws and constitution of a state repugnant to the constitution of the United States, and, therefore, null and void. No express grant, nor fair construction contains it; and, I presume, every gentleman, in and out of congress, will agree with me, that the states never designed so to impair their sovereignty as to delegate this power to the federal judiciary. But they have assumed it, and, to counteract the evils which must result from this assumption, a responsible tribunal of appeal should be provided.

The short, though splendid, history of this government furnishes nothing that can induce us to look with a very favorable eye to the federal judiciary as a safe depository of our liberties. When a law was enacted in violation of a vital principle of the constitution, that which was designed to secure the freedom of speech and of the press, the victims of its operation, looked in vain to the judges to arrest the progress of usurpation. If this power could ever be exercised to any good purpose, it would be, on such occasions, to declare the law unconstitutional, which aims a deadly blow at the vital principles of freedom; but, so far as the transactions of that day are detailed in our public records, it appears that the judiciary was a willing instrument of federal usurpation. That law was executed in all the rigor of the spirit which dictated it. The turbulence of faction found no moderation there; and the people found relief only in

their own power. The exercise of their elective franchise removed the evil, and this is their only safe dependence.

Let us now look at the conduct of the states, and the cases in which the supreme court has declared their laws unconstitutional, though the cause had been sustained by their own tribunals. The constitution delegates to the general government certain specified powers; all other powers are retained. If one instance has occurred in which any state has shown a disposition to weaken the bands of the union, let it be proclaimed in Gath, let it be proclaimed in the streets of Askelon. Congress shall have power to lay and collect taxes, duties on imports, tonnage and excises. Has any state ever opposed the exercise of this power, or denied its existence? No, not in one solitary instance. But in the case of the United States' Bank, *McCulloch vs. Maryland*, the federal judiciary has decided that the states have not the power of taxing this bank, or such part of its capital as is employed within those states, though it is acknowledged that the power of taxation, except in cases specified in the constitution, is concurrent with both governments. The constitution limits the exercise of this power to the general government. No duty shall be laid on articles exported from any state—no capitation or other direct tax shall be laid, unless apportioned among the states, according to the census taken under the constitution—all duties and excises shall be uniform throughout the United States. The constitution also limits the power of taxation to the states. No state shall lay duties on exports, imports, or tonnage. Congress has pursued its course, under these limitations, without any molestation from the state judiciaries; but the federal judiciary has imposed an additional restriction upon the states unknown in the constitution, that the states shall not tax the stock of a bank chartered by congress, and this decree must be received as a new clause of restriction added to the constitution of the U. States, by an irresponsible judiciary. Congress shall have power to borrow money; to regulate commerce; to establish a uniform rule of naturalization, and a uniform system of bankruptcy; to coin money; to determine the standard of weights and measures; to punish counterfeiters of the evidences of the public debt and current coin of the United States; to establish post offices and post roads; to constitute tribunals inferior to the supreme court of the United States; to define and punish piracies and felonies committed upon the high seas, and offences against the laws of nations; to declare war; grant letters of marque and reprisals; to raise and support armies; to provide and maintain a navy; to provide for calling out the militia to suppress insurrection, repel invasion, and execute the laws of the union.

Now, sir, among those who may be disposed to arraign the conduct of the states, or to accuse them of being turbulent and refractory, I challenge them to point out one case in which any state in the union has denied to congress the right of exercising these powers, or a single instance in which any of these powers have been usurped by a state. It has been the opinion of some of the states that these powers have been abused, and, in some instances, that they have been transcended by unwarrantable construction or implication; but in no case has a state resorted to any other means of redress than those pointed out in the constitution.

There has never been an opposition of any kind, by a state, to the exercise, by the general government, of the powers expressly delegated, except in

the late war, when Massachusetts refused to place the militia of that state under the command of officers designated by the president of the United States. In that case the court did not interfere; nor did congress deem it politic to take any measure in relation to the subject. The sources of difficulty in these conflicts lie, almost exclusively, on the other side.

The constitution contains limitations of power upon the states, and the judiciary has pronounced them trespassers upon those limitations, by declaring their laws null, as unworthy of regard. What is the nature of these limitations? No state shall enter into a treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make any thing but gold and silver a legal tender; pass any bill of attainder; *ex post facto* law; keep troops or ships of war in time of peace; or engage in war. Let me now ask, in what respect has any state violated these prohibitions? Suppose any state should enter into a treaty with a foreign power, grant letters of marque, coin money, raise an army, build a navy, or engage in war, contrary to these prohibitions. Could the court interfere? Is this the omnipotent power to which armies and navies would yield, and by whose almighty decree discordant elements should be made to harmonize? No, sir; its decrees would be impotent. This is not the guardian power that can save us when the bonds of union shall be broken, and that friendship which now unites us shall lose its charms. The subject would not be tangible to the judiciary. Some mightier power must be exerted, which congress alone could prescribe, and the arm of the executive alone could wield. The constitution has not pointed out the course to be pursued in such an event, and for this obvious reason—the union was formed upon confidence, upon integrity of principle, upon the sentiment of self-preservation; and it rests upon the honor and the interest of the states to maintain it. The limitations upon state powers were pointed out as a rule on which they engaged, upon that honor, to act; and, because they are themselves the proper judges of their duty in relation to these prohibitions, it was not necessary that any constitutional remedy should be provided in anticipation of their violation. They have a common interest in maintaining them; and, if they are violated by any state government, the people of that state, who are the common source of power to both, and have a common object to gain in the support of both governments, will correct the evil. If this should be an intellectual guarantee; if neither their interest, nor their honor, nor their pride of character in the estimation of all the world, would restrain them, they would yet be responsible to all the other states, and subject to such proceedings as the wisdom and policy of congress should dictate; but the judiciary would be idle spectators, without the power of interference.

No state shall emit bills of credit. This prohibition has not yet produced collision; but it is fairly to be presumed, from the principles established by other acts of adjudication, that, if the measures of certain states, relative to banks, were brought before the court of the United States, they would be declared unconstitutional and void. Nor would it be any matter of surprise should the supreme judiciary yet, by such a decision, obtain control over the policy of a whole community, relative to a circulating medium for any special and necessary purposes, though it might not be pretended that such currency was made a legal tender.—Kentucky has incorporated a bank for necessary

purposes. The crisis of the country demanded it, and the people have sanctioned it with a unanimity almost unparalleled. If the constitutionality of this subject were brought before the federal judiciary, I have little doubt that the law would be declared null and void; and the state, by such a decision, of persons neither interested in her policy, nor responsible to her citizens, deprived of the power of relief in these times of overwhelming difficulty.

In Great Britain, the king can do no wrong. Here, I suppose, the court must be king, and the states must submit to the doctrine that the judges can do no wrong. But, whether the states are right or wrong, the judges have no right to control their sovereignty; and a government, where this principle exists in the latitude contended for, is not worth maintaining. The fact is, that the courts were never organized for this purpose, to control the states and prescribe the limits of their powers.

No state shall pass any law impairing the obligation of a contract. This is the clause which has furnished the pretext for the federal judiciary to declare state laws unconstitutional. Like that clause which stipulates that no state shall pass an *ex post facto* law, it was not intended to give the federal judiciary authority over state laws, and between a state and its citizens. In both cases the constitution recognizes a principle of morality, founded on justice and religion. The states have pledged themselves, in the federal constitution, not to pass an *ex post facto* law, nor a law violating the obligation of a contract. Does this clause enlarge the powers of the federal judiciary? Certainly not, any more than that which provides that a state shall not go to war. Each state is the judge of its own honor and the keeper of its own conscience, and in both cases the court is alike incompetent to correct the evil. If it belongs to any branch of the general government, it is certainly to any other rather than the court; but, in my opinion, it is a point to be settled betwixt the legislature and the people of such a state. Suppose a state should pass a law to punish as a crime, an act which was lawful when it transpired. If the state judiciary should sustain it, the victim must suffer: for the federal judiciary could not interfere. The remedy is with the people of the state, and not with the general government. But, according to the construction which the federal courts have assumed, they might rescue the criminal from the sentence of the law, and bring him before the supreme court of the United States; and thus a pretext would be furnished for usurping jurisdiction in all criminal as well as civil cases arising under that prohibition. If the court has jurisdiction in one case, it has in both; but the fact is, the jurisdiction is legitimate in neither. The doctrine of control over state authorities arises from a supposition of abuse of power; but in what case has any state manifested more ambition, more love of power, more domination, than the general government? In what respect, and for what particular act, is the general government entitled to more confidence than the states? The powers of congress are limited by the constitution, and, if they transcend their powers, shall the state judiciaries interfere? They may, upon the same principle that the federal judiciary may interfere if a state shall transgress; but no state has been so forward in the exercise of power. They have left it where the constitution leaves it, and where the federal courts ought to leave it—with the people. If an umpire can be appointed to settle differences that may arise upon these points, the evil will be

arrested, but, if not, the independence of state governments is lost.

The states are entitled to confidence and it is reposed in them by every branch of the general government, except the judiciary. Here, and here alone, do they meet the opposition which is due only to transgressors. The constitution leaves with the states the power of fixing the time and place of holding elections for representatives in congress, till the general government shall deem it expedient to interfere. The election of senators is confided to the states, without power in the general government to prescribe any limitations. The state legislatures have heretofore regulated the manner of choosing electors for president and vice-president of the United States. All this shows that the whole system is founded on confidence, and that this confidence is still unimpaired in the mind of congress, and in no instance has it been betrayed. Even if a state shall be unmindful of her duty in this respect, the judiciary can never bring her to a sense of propriety.

The union is the idol of the American people.—It is regarded by all as the bulwark of safety; sacred as the ark of the covenant; and their indignant frowns would drive into obscurity the man who would attempt to weaken the bond. In adverting to particular instances in which the state authorities have been set at defiance, the case of New Hampshire shall first be noted.

In 1759, the king of England granted to Dartmouth college a charter of incorporation, without limitation of time. Education was the object; and New Hampshire was then a British colony. After the revolution, when New Hampshire had become an independent state, the legislature, by a donation of land to this college, recognized it as a corporate body. Since the adoption of the federal constitution, the legislature modified the charter, without the consent of the corporation, and the supreme court of that state sustained the act of the legislature. The cause was then taken before the supreme court of the United States, and the act of the state of New Hampshire was declared to be unconstitutional and void, on the ground that the charter of the king of England to the trustees was a contract within the meaning of that clause of the federal constitution which provides that no state shall pass a law impairing the obligation of a contract, and that the modification of the charter was a violation of this clause. By this decision the principal literary institution in New Hampshire is placed beyond the control of the legislature of that state; and an act of the British king cannot be changed by the state that has become independent of the edicts of that monarch. I will here leave the free sons of the north to vindicate their own conduct in pretending to be so independent as to presume to touch the consecrated act of their former sovereign, and proceed to the great and enterprising state of New York.

It is certainly correct in the judiciary to shew no respect to particular states, in the exercise of this high prerogative of controlling their destinies; and in the case which I am about to notice, we have a striking instance of their impartiality. I allude to that in which the supreme court set aside the bankrupt law of the state of New York, on the ground that it violated contracts. The court admitted the right of a state to pass a bankrupt law, and that such a law could not be controlled but by an act of congress contravening its execution; but that it must contain no provision impairing the obligation of a contract. The court then delivers this opi-

ni^{on}, which must be an omnipotent and immutable decree: that any such act of a state, which will release from the contract the future acquisitions of a bankrupt, is a violation of the obligation of a contract, and therefore unconstitutional; that, as the bankrupt law of the state of New York contains such a provision, it is unconstitutional and void. By this decision, it appears the state has a constitutional right to pass a bankrupt law, provided the state shall never exercise that power; but, if the power is exercised, the right is forfeited and the law is void: for the very essence of a bankrupt law is, that the bankrupt, on making a faithful surrender of his property, shall be released forever, both in person and in his future gains. To make this decision the more imposing, the court have also settled this point, that it is immaterial whether the contract in question was executed before, or subsequent to, the passage of such law—whether prospective or retrospective; in either case, the provision is unconstitutional and void. I presume the supreme court could scarcely have considered the extent to which this decision must inevitably lead. They acknowledge the right of a state to pass a bankrupt law—they deny the right of a state to exonerate from the former claims of his creditor, the property which the bankrupt may acquire after his conforming to the requisitions of the bankrupt law. If the decision is correct this exoneration does not enter into the essence of a bankrupt law. The consequence then is, that a bankrupt law, which congress may pass, containing this provision, will also be unconstitutional, for congress has no express power to impair the obligation of contracts; and none even dreamed of a bankrupt law without this provision. A state may pass a bankrupt law, and congress may pass a bankrupt law—a state shall not violate the obligation of contract, and congress has no power to violate the obligation of a contract. But the federal court has decided that a law to secure the bankrupt in the enjoyment of his future acquisitions of wealth, is unconstitutional; therefore, a bankrupt law, though passed by congress, containing the common and most important provisions of bankruptcy, must be unconstitutional, a violation of contract, and of no effect. The right of passing a bankrupt law, carries in it the right of exonerating the honest and unfortunate bankrupt, in every way, from future prosecutions on account of past transactions. It is a subject which addresses itself to the wisdom and discretion of the legislature, when, and upon what terms the principle shall be established; and, like other acts of sovereignty involving the deepest interest of the community, it will always be exercised with judgment and caution. It is the practice of many, if not all the states, to exempt, at all times, some part of the property of a debtor from execution; and I have not heard that the right was ever called in question; such as necessary parts of household furniture, the tools of a mechanic, and the farmer's implements of husbandry. But, if it is a violation of contract to limit the control over a debtor's property for the payment of debts, then this practice is unconstitutional. For the same reason the Virginia system, which exempts from sold landed estates for debt, is unconstitutional; nor can it be important whether the system existed previous or subsequent to the contract, according to the doctrine established by this decision. But it is the general opinion that the supreme court would give full operation to these provisions, if they should be established by a law of congress, and, in case of a bankrupt law, release the future gains of the bankrupt. Many

petitions are before us for the passage of a bankrupt law; and thousands of unfortunate debtors are waiting, with great anxiety, for the establishment of a general system that will release their future earnings from the claims of their creditors, on the surrender of all their present living. How disappointed will they be if you give them a uniform system, but in it extend not one solitary advantage beyond what they now enjoy. One misfortune must plunge the man of business into ruin, and no earthly power can so extricate him, as that he can save his future earnings from the merciless grasp of his creditors, to supply the calls of nature for his dependent family. But it is the state sovereignty that is a subject of judicial control; let congress adopt the same measures, and they will be federal—the case will be entirely altered.

I will now come to the smaller state of New Jersey, though not the less entitled to high consideration and respect. If patriotic devotion to the national welfare in peace and in war—if generous sacrifices to the cause of independence constitute a claim of merit, no state in the union is entitled to higher marks of honor than New Jersey. But let us notice the admonition which the federal judiciary has given this state, to retrace the steps which she has ventured to take before consulting them. In 1759, while a British colony, this state granted certain lands to the Delaware Indians, to hold in perpetuity, without being subject to taxation, but with an injunction that these lands should never be sold or leased by the Indians. In 1801, the legislature of New Jersey passed an act authorizing these lands to be sold, but without a clause expressly repealing that part of the act of 1759, which exempted them from taxation. In 1804, that clause was repealed, and the lands afterwards taxed in common with other property in that state.

The proprietors refused to pay the tax, and suit was brought against them, in which both the inferior and superior courts of the state decided in favor of the legality of the tax. The case was then carried into the supreme court of the United States, and there it was decreed, in opposition to both the legislative and judicial authority of the state of New Jersey, that the law was in violation of a contract implied in the original grant to those Indians, therefore unconstitutional and void, and those lands forever free from taxation. Now, sir, what can be more dangerous to the existence of liberty, than power lodged in a body, in no way amenable to the state for its exercise, which may set at defiance the whole constituted authority of that state, and even subvert her system of taxation upon her own domains? Was it for this that Jersey bled at every pore to resist the authority of taxation without representation—that she might submit to the same deprivation at home without the power of repairing an injury or of arresting its progress? And such is indeed her forlorn condition, and that of every state in the union, if the federal judiciary may prohibit them from taxing one part of their domain, and thus impose upon them the necessity of doubling the burthen upon other parts to make good her revenue. Such power, vested in an independent, irresponsible tribunal, may eventually swallow up the states, and leave their governments but a shadow, unless some other tribunal shall be established, amenable to the states or to the people, with power to overrule their decisions when erroneous. New Jersey is worthy of higher regard than to lie at the mercy of an irresponsible judiciary. I am proud to acknowledge the respect which I feel for her, on account of her disinterested pa-

triotism, conspicuous on all occasions; and especially for the part which she acted during the revolutionary struggle. The monuments of her glory in resisting the foes of liberty greet the eyes of the traveller with gratitude and delight; while the names of Princeton, Trenton, and Monmouth, associate with these sentiments of veneration for the character of Jersey. It is very evident, that the state granted those lands as a personal benefit to the Indians, and exempted them from taxation upon the good old principle of the revolution—a principle ever dear to Americans—that, as the Indians were not permitted to participate in the government of the state, they ought not to pay taxes for the support of that government; but when the lands were afterwards sold to those who were entitled to a representation, it was correct that they should contribute their proportion to the expenses of the state. But the supreme court has overruled the decision of the state, and established the principle, that there may be representation without the right of taxation. The conduct of New Jersey, in my mind, needs no apology; but, if necessary, I leave it with the learned members from that state to vindicate her from the charge of covenant-breaking which this decision fixes upon her.

The next in order that presents itself, is the respectable state of Pennsylvania, with whom the idea originated, of constituting this body a tribunal, to decide upon controversies, when that serious conflict existed between the two governments, in what is commonly called the *Olmstead case*. Her conduct was firm, but temperate. Congress must not mistake the motive that dictated the course which she took. She yielded, not because she was convinced, or alarmed, but because she was unwilling to use the militia which was ordered out, to shed the blood of her own children. It was the love of order. Pennsylvania is like the rock in the midst of the tempest—she is not to be shaken—she is slow in her anger, but mighty in her wrath—her blood runs slowly, unless aroused by a sense of injury, or by a serious attack upon the first principles of self-government. If such a state of things should ever exist; if Pennsylvania were assailed by foreign aggressions, or domestic usurpations, you would find her like the angry lion; and it would be as vain to attempt to move her from her ground by force, as was the command of Great Conute, the Danish monarch of England, to compel the waves of the ocean to stand still, and not encroach upon his majesty. Pennsylvania, as to the union, occupies a central position, and serves as a ballast to keep all parts steady. Among her people you see the gallant Irishman and his descendant, the silent and observing Quaker, the industrious and solid German, who, mixed together, constitute a population who know how to estimate and defend their rights. The particular merits of the case alluded to are too well known to need repetition; but to the magnanimity of the state we may ascribe its peaceful conclusion.

Let us next come to Maryland, and notice the case of *McCulloch*. In relation to this case, I shall be happy to hear, in what way this state shall be justified by her distinguished representative, who has had the opportunity of viewing distinctly the various grounds taken by the federal judiciary in the construction of its own constitutional powers. It is the case of the United States' bank, before alluded to; a case in which I deem it my privilege and my duty to dissent from the court in some of its positions. I will here observe, that I have no personal complaint against that institution, nor any

motive whatever to speak harshly of it. So far as I have had any dealings with it, the conduct of that bank has been marked with an honorable liberality, and my acquaintance with its president enables me to say with confidence, that for correctness, integrity and capacity, he is entitled to the rank which he occupies among our most distinguished citizens. But it is the principle of judicial decision that I would refer to. The court has determined that this bank has the right to locate a branch in a state without the consent of that state; that the charter of an incorporation does not involve a distinct sovereign power, but is the instrument of carrying into effect the power which originates it; that congress might adopt such means as they shall judge proper to carry their power into effect, and that the question, what means are most suitable, whether a bank or other means, is not a subject of judicial, but political investigation; that when, for the exercise of this power, congress shall deem it expedient to locate a bank, or to authorize the location of any of its branches in a state, such state has not the power to impose a tax on such bank or branch, as shall be located within its jurisdiction; with this reservation, that the principle does not extend to the real estate of such bank, nor to the proprietary right of the citizens of that state. This decision, though plausible at first view, will be found highly exceptionable upon closer investigation. The right of taxation is acknowledged to be concurrent with the states and the United States, except where constitutional restrictions are imposed; and no one pretends to say that the constitution gives any exclusive privilege to tax banks, or contains any prohibition upon that power. If the establishment of a bank by the United States is a means of exercising sovereignty, the establishing of a bank by a state is equally so; and if a tax, levied by a state upon a branch of the United States' bank, is a violation of the sovereignty of the general government, a tax levied by the United States upon a state bank is a violation of the state sovereignty.—But, during the late war, the general government did impose a tax upon state banks, and the act was sustained; now, when a state levies a tax upon a branch of the United States' bank within the limits of its jurisdiction, the law is declared to be unconstitutional, because it is an encroachment of sovereignty. The plain doctrine involved in this decision is, that the states are bound to respect the sovereignty of the United States, but the United States are not bound to respect the sovereignty of the states. The powers of the general government are omnipotent, but the powers of the states are whatever the court may please to prescribe. Such is the practical effect of this decision. The general government may tax a state bank, but a state may not tax a branch of the United States' bank within its jurisdiction; because the general government is sovereign, and the state governments are subordinate.

Ohio and Kentucky are involved in the same predicament with Maryland. The general government laid a tax upon the state banks of Kentucky, and the tax was paid. Kentucky, in turn, laid, not an extravagant, but a moderate, a reasonable tax upon the branches of the United States' bank in that state, and the court of appeals of the state decided that it was constitutional. The decision was able, and the arguments on which it was founded, were conclusive; but they considered it wise to acquiesce in the decision of the supreme court of the United States, and suffer, for the sake of harmony, this violation of their right, till they may be peacefully

restored by constitutional interposition. It may have been impolitic to have imposed this tax; but the right cannot be relinquished while the reciprocal right exists on the other side; and unless some remedy is provided to counteract the mischief that must arise, no one can predict where it will end.

In relation to the state of Ohio, I am not so ready to say that her proceeding was correct. It was at the instance of many of her distinguished citizens, that the bank located branches there; and the object of the tax was evidently to drive them back, or destroy them. I contend for the right of taxation, (not of imposing penalties), a right which belongs to the essence of sovereignty, whether the stock belongs to citizens, to foreigners, or to the United States; and the charter of the proprietors cannot impair the right. But, if Ohio was wrong, yet the proceedings, in relation to her, were an unwarranted breach of her sovereignty, and a violation of her rights as a state. She was prosecuted, and placed into the custody of the marshal—She was imprisoned and bound in chains by the federal judiciary—Her treasurer was taken by a process from the United States court; the keys of the treasury taken from him, the doors of the strong box opened, and the money taken from the coffers. But the attitude which she assumed under these proceedings, was such as to sustain her native dignity of character, while she submitted to the constituted authority of the union. It is not my intention to enter into a minute detail of the transactions, or to attempt a vindication of her conduct; but leave that to those who are better acquainted with the facts. The legal and constitutional principles involved in the case, are sufficient for the present purpose. The constitution intended to guard against the liability of a state, in certain cases, to be sued; and it appears to me, that this is one of those cases. A state can be sued only by issuing the process against its official organs, or agents; and in this way were the proceedings brought against Ohio. If we admit that, in every step, the state was wrong, yet the principle is the same; for if a usurped jurisdiction may interfere when a state is wrong, the same usurpation may also prevent her from doing right; and, right or wrong, a state is not amenable to the federal judiciary for her conduct. Ohio has evinced great ability, in contending against this dangerous principle, and in vindicating the correct and only safe doctrine on which our union can be perpetuated.

These are some of the cases in which the laws of the states have been declared unconstitutional, and the sovereignties that ordained them prostrated by the federal judiciary; and we owe it more to the patriotic forbearance of the states, than to intestine commotions have not been the result, than to a conviction in the minds of those states, that these proceedings were sanctioned by justice or by the spirit of the constitution. A remedy is necessary—a tribunal, responsible to all the states should be constituted with appellate jurisdiction, and in its decisions all will acquiesce.

In the case of *Colien versus Virginia*, the conduct of the supreme court has also been a subject of much animadversion and dissatisfaction. The most exceptionable part is the construction of their own power, which gives them jurisdiction in the case. The constitution provides that, in all cases in which a state is a party, the supreme court shall have original jurisdiction; nothing is said of appellate jurisdiction in such cases; but here, when the state was a party, the supreme court exercised, not original, but appellate jurisdiction. It would seem, by

this clause of the constitution, that it was never designed that a state should be brought before the supreme court of the United States by writ of error; especially, when she had been a party to the same case in her own courts; no, not even with citizens of other states or foreigners. The 11th amendment to the constitution provides, that the judicial power of the United States shall not be so construed as to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of a foreign state. This amendment was introduced in consequence of suits brought against Massachusetts and Georgia, soon after the formation of the general government.— Yet, the supreme court assume, not only original, but appellate jurisdiction in the case of *Cohen*, under that clause of the constitution, which provides that the judicial power of the United States shall extend to all cases in law and equity arising under the constitution, laws, and treaties, of the United States. The argument runs thus: that, although they could not exercise appellate jurisdiction where a state is a party, provided the controversy arose under any other laws, yet, when the controversy arises under the constitution, laws, or treaties of the United States, they may assume appellate jurisdiction. The plain meaning is, that the jurisdiction of the supreme court shall be confined to cases arising under the constitution, laws, and treaties of the United States, and that subject to the restrictions imposed in the other clause, confining the court to the exercise of original jurisdiction over states, and in the amendment relating to the suability of states; that is, in all cases thus arising, they may exercise jurisdiction, but when a state is a party, their jurisdiction must be original; and if commenced or prosecuted by a citizen of another state, or of a foreign state, they have no jurisdiction in the case. I have no doubt that this is the construction which ought to be given it; but the court has given a latitude of construction to the restriction which absolutely enlarges their jurisdiction, so as to embrace states and every thing else, when the controversy arises under the constitution, laws, and treaties of the United States, to the exercising of a guardian power over the states, even to the revision and repealing of their laws; and to controversies arising under state constitutions and laws, even affecting their criminal code; for the case of *Cohen* was of this last description, and the jurisdiction was also appellate. But I shall no longer dwell upon a case that has itself been the subject of a volume. [Mr. J here concluded his remarks for this day, reserving, by the leave of the senate, what further he had to say until another day.]

After Mr. Johnson concluded his remarks—

Mr. Otis begged the indulgence of the senate for a few minutes, before the resolution was laid by for the day. He did not rise now, he said, with an intention of taking any part in the debate generally. Though he felt not the power at this moment to do justice to the subject, yet it would not be difficult to shew that, so far as the gentleman from Kentucky had proceeded in his attempt to sustain his proposition, he had failed to exhibit sufficient reasons for the proposed amendment. Mr. O. thought it incumbent on every member who introduced a measure of so grave and solemn a character as an amendment to the constitution, to shew that it was justified by the abuses and inconveniences arising from the want of it, or that it was called for by some universal expression of public opinion.

Neither of these reasons in favor of the measure had occurred. The senate were told that the supreme court had committed acts of injustice—not intentional, indeed—but that it had erred in cases wherein the states of New York and New Hampshire were parties aggrieved; but we do not learn, said Mr. Otis, that either of those states were dissatisfied, or have sought redress in any mode; but, on the contrary, that they have acquiesced in the decision of the court.

But, Mr. O. said, he rose to avert only a reference to a particular case, introduced by the gentleman from Kentucky, in support of his proposition, but which, Mr. O. said, would altogether fail as an illustration of the position taken. He had not understood the gentleman from Kentucky as denying the expediency of some tribunal to decide controversies between the United States and a single state, but as recommending a course of amicable and accommodating measures in all such cases. But the case alluded to by him to justify this course was not fortunate for any purpose of illustration. The honorable gentleman had adopted the supposition that Massachusetts, during the late war, had denied the constitutional right of the United States' government to call forth the militia. This allusion had been made, indeed, with much delicacy, but he could not on that account permit the error to pass without explanation. Mr. O. denied that there had ever been any controversy between the general government and Massachusetts as to such constitutional power, or any disobedience, in fact, to the lawful requisition of the general government, though such an impression was very general and had sunk deep in the public mind. But the fact was, that the militia of Massachusetts had always been in readiness to obey the call of the general government in the emergencies contemplated by the constitution, when ordered into the field. Their controversy turned upon the right to take the command of them from their own officers. When the war took place, the whole militia were put in complete readiness, (by order of the state, and in compliance with a requisition from the general government), to take the field. They were promptly placed in a state to obey the orders of the general government. In some cases they were placed under the immediate command of the United States' officers, and in all cases were ready under their own officers. Whenever the occasion should justify it, he was ready to shew, from every document and record, and from uncontrolable evidence, that the troops of Massachusetts were always ready to perform the orders of the president of the U. States. There was, then, no subject for the coercion of the strong arm of the union in the state of Massachusetts. A regular army of the United States was what they wanted; and, had an army been marched into that state to enforce the laws of the union, according to the supposition of the gentleman from Kentucky—the question being asked, Where are your militia? the answer would have been, Here they are. All they wanted was an army with officers, and not officers without an army.

Had the honorable gentleman come with his laurels, and followed by troops, he would have found the militia of the state ready to join him, and no constitutional controversies to settle at the point of the sword. Massachusetts had shrunk from no part of her duty in the late war—she had contributed her full proportion of men and money to carry on that war, as it would be easy to shew in due time and place. He concluded the few remarks, which he studiously confined to a particular point, and

which he had made at that moment, as it dispensed him from undertaking to go fully into the debate, which he should not do, unless it took a wider range than he anticipated, saying that, although he was not then prepared for the institution of a tribunal for the settlement of controversies between the U. States and a single state, as proposed by the hon. gentleman, yet, if he would enlarge his motion so as to enable it to take cognizance in law and equity of the claim of Massachusetts against the union, it would go farther than any thing he had heard to reconcile him to vote for it.

Mr. HOLMES, of Maine, did not rise, he said, to enter into the merits of this question. He admitted that when a proposition of so solemn a character as an amendment to the constitution, came before the senate, from so respectable a source, it ought to have a solemn consideration; but he rose now merely to offer an amendment to the proposition. His friend had very ably pointed out the inadequacy of the present independent judiciary, but had failed to convince him that the senate would be a proper tribunal to create as an appellate court. He would agree, however, that the judges of the courts of the United States were too independent for the public good; the constitution in this respect had gone too far and experience had proved it.—Experience had shown that when the states come in conflict with the union, the judges lean to the interest of the general government, and usurp powers which do not legitimately belong to them. While he admitted this, however, he was not willing to confer additional and anomalous powers on this senate. He would keep in view the maxim which taught us to keep asunder the executive, the legislative, and the judicial powers of government. He was much afraid of that thirst for power which was inherent in the human breast; and that it would be dangerous to impart this mixed and incongruous power to the senate. The theory of our government was, that every branch ought to be responsible to the people—not too much so, he agreed, but sufficiently to feel and be sensible of it. Many of the states had applied this principle to their judiciary, so that when a judge exercises his duties improperly, and deserves to have the public confidence withdrawn from him, there was a mode provided by which he could be displaced. There was, Mr. H. knew, a mode provided by the constitution for bringing the judges of the United States to account; but he meant to contend, that the responsibility was too remote, so much so as to amount almost to none at all. There must be some intention to do wrong; some wilful malversation in office, to give ground for an impeachment; and even then they would always find a minority, of one-third and more of the senate so good natured as to say, that the error charged on the impeached officer, was one of the head and not of heart, and thus the power of impeachment amounted in fact to nothing.—It was in this, Mr. H. said, that the constitution was defective. It was proper that the president should, on the address of a majority of the two houses, have the power of removal. Perhaps it might be better to require more than a mere majority, and to say that two-thirds should unite in the address for removal; else, in party times, the power might be made subservient to political hostility. His proposition, Mr. H. said, went to this—it would bring the judges to a proper and salutary dependence on the power from which they emanate; and when the people, by their representatives, should say that a judge ought to be removed, it would, in all probability, be for good cause, and there ought

to be a power lodged in the president to carry their wishes into effect.

Mr. H. concluded, by moving a substitute for the proposition, conformably to the views he had submitted, as heretofore stated.

IN SENATE, JANUARY 15, 1822.

Mr. R. M. JOHNSON, *in continuation*.—In order to understand perfectly well the mystical influence of the clause in the constitution of the United States, declaring that no state shall pass laws impairing the obligation of contracts, it will be necessary to devote a few moments to the examination of the defects of the articles of the confederation, which led to the adoption of the federal constitution. Let us keep a vigilant lookout for the evils which sprung from the conduct of states in impairing the force of obligations. Mutual defence against common danger, induced the old congress to submit to the states, (during the revolutionary war), the articles of confederation, as early as the year 1776. Many of the states acceded to the articles of confederation—others hesitated—and it was not until March, 1781, that Maryland acceded; when they were ratified by all the states, as the form of government for the United States.

Self-defence and self-preservation, a sense of duty and love of country, bound the states together, by the acts of the old congress and the articles of confederation as soon as adopted. When the danger was over, by a happy conclusion of the contest, and even previously, the defects of the confederation began to unfold themselves. The old congress turned their attention to this subject as early as February, 1781, previous to the surrender of lord Cornwallis. At this time, a motion was made by Mr. Witherspoon, of New Jersey, the object of which was to give the old congress the right of controlling the commercial regulations of every state, and the exclusive right of laying duties upon all imported articles, with the consent of nine states. In April, 1783, the old congress entered into a resolution, recommending the states to vest congress with the power, to levy certain duties upon certain specified articles, to raise a revenue to discharge the debt of the revolution, and current expenses. At the same time, a proposition was made to change the rule by which to ascertain the proportions of money to be advanced to the common treasury by each state, from the value of landed property, which was the standard fixed by the articles of confederation, to that of population, which has been fixed by the present constitution.

The power of regulating trade with foreign nations, and the power to raise a revenue by the right of levying duties on merchandize for a limited period, occupied the old congress every session, in various shapes and modifications, always accompanied with an able recommendation to the states, by way of reviewing the ground, until it was finally recommended to the states to appoint commissioners for the purpose of agreeing upon a system that would sustain the general government. We discover men of great distinction laboring in this work. Mr. Jefferson, Mr. Gerry, Mr. Chase, and others, as a committee, presented a proposition to congress, on the 30th of April, 1784, to recommend to the states to vest congress with the power to restrain commerce, except in American vessels, and to regulate it with foreign nations, under certain conditions and limitations. On the 3d of March, 1786, we find congress employed in revising the acts of the several states, regulating commerce with each other, and with foreign states, recommending alte-

rations in the systems, and advising the states to adopt them. In July, 1785, we find a committee, composed of col. Monroe, Mr. King, and others, who recommended the states to vest congress with the power to regulate trade and commerce, and to amend the articles of confederation in such manner as to grant that power.

Such was the extreme difficulty in obtaining an adequate grant of power to regulate commerce, or to raise a revenue for the objects of the union, that the great and wise men of that day, in every part, were laboring in the state legislatures to effect the wishes of congress, by inducing them to ratify and confirm their recommendations relative to trade, commerce and revenue. It was on the 30th of November, 1785, therefore, that Mr. Madison brought the subject into the house of delegates of the state of Virginia, and introduced a resolution by which seven commissioners were appointed by that state, to meet commissioners from the other states, to consider how far a uniform system in their commercial regulations might be necessary to their common interest; and to report that system to the several states for their ratification. This measure may be considered as the foundation of the federal constitution. Other states adopted the same measure; and, on the 11th day of September, 1786, the commissioners from New York, New Jersey, Pennsylvania, Delaware, and Virginia, convened at Annapolis, in the state of Maryland, and came to the unanimous resolution to recommend a convention of delegates from all the states, to meet at Philadelphia, on the second Monday in May, 1787. The old congress recommended the same measure, and the states adopted it. In the able state paper which was drafted by the commissioners, recommending the convention, a summary view is given of the defects of the confederation. The regulation of commerce and the raising of a revenue, were the great objects that required federal power. It is stated that, no doubt, other objects would require attention; but, in the proceedings of the old congress and the state legislatures, up to the formation of the federal constitution, we find these great objects, and these alone, occupying attention.

I have given this minute account of the origin of our government, to ascertain the nature of our present difficulties. It is most wonderful that this mighty evil, arising from the practice of the states, in passing laws impairing the obligation of contracts, was never thought of, nor mentioned in any public document on record in the archives of this country, as one of the causes why the articles of confederation required amendment. No, sir, neither directly nor indirectly; yet, in this our day, it would appear that this evil, impairing the obligation of contracts, was the primary motive for vesting the general government with strong national powers. Not satisfied with the absolute control over trade, commerce and revenue, the states must be held to their good behavior, and give bond that they will not impair the obligation of contracts; and the execution of this trust is left to the federal judiciary.

The state of Kentucky has abolished imprisonment for debt. It was an act of the last session of their legislature—a body of men who would do honor to any age or any nation. This very act was of a character to give them never-dying fame. Crime alone, in my native state, can deprive the freemen of personal liberty. The unfortunate captive is released from his confinement; and though deprived of property by the vicissitudes of fortune, he can walk abroad in the strength and confidence of free-

dom, and exult in the fact that he is a citizen of Kentucky. The Jews had their jubilee—every fiftieth year the jail-doors were thrown open; but, in Kentucky, this new epoch of legislation has proclaimed a jubilee, not to terminate with the fiftieth year, but limited only with time itself. Yet, sir, I find the same legislature have passed a law *extending the prison bounds* to the limits of the county, under a belief that the federal judiciary will declare this law, abolishing imprisonment for debt, unconstitutional; as impairing the obligation of contracts.

The fund upon which executions shall operate is a regulation of a political character, and subject to the absolute control of the legislature. That fund may be extended or contracted at the will of the state. Land may be made subject to the payment of debts, as in Kentucky, and, *vice versa*, as in Virginia, it may be exempted. The body of the debtor may be made subject to the execution as in Virginia, or, *vice versa*, it may be released, as in Kentucky, by the recent act to abolish imprisonment for debt; and yet, such have been the doctrines of the federal courts, that serious apprehensions were entertained by the legislature of that state, that this humane system would be disregarded by the federal judges.

I hope to be indulged with a few remarks relative to the progress of this principle, which has confined the body of the debtor. In ancient and modern times, personal liberty in free states has been well secured from violation, as one of the most sacred rights which belongs to a freeman, except in the case of the power of the creditor over the debtor. To the disgrace of every age in which such cruelty has been tolerated, the most barbarous practice has prevailed, of placing the liberty of a citizen, no matter how worthy, at the mercy of a creditor, without even *prima facie* evidence of fraud or criminal conduct. In the first stage of this tyrannical system, the creditor had the absolute power and control over the life and liberty of the debtor. He might sell him for life, as well as his wife and his children. In case of cruelty, or even assassination, no punishment was inflicted for the horrid deed. Nothing was more common than to inflict the most cruel corporal punishment; and it is no fiction to state that the right of the creditor gave him a claim upon the dead body, and to deny sepulchral rights and funeral ceremonies, until the relatives or friends of the deceased should pay the debt. This was, in fact, the case in the celebrated republic of Rome. We are informed by history, that the laws of the Twelve Tables contained this degrading principle. Some few years after the abolishing of monarchy in Rome, by the expulsion of Tarquin the Proud, and while the exiled monarch was invading the Roman state to regain his power, civil commotion was so great, in consequence of the attempt on the part of the creditor to exercise his unnatural power over the liberty of the debtor, that, to save the commonwealth, the senate had to resort to the appointment of a Dictator, who had the control of all power without any responsibility. This dangerous expedient adopted by the Romans, and which continued in case of great dangers and alarm, had its origin in this despotic and anti-republican principle of placing the freedom, the personal liberty of one citizen, at the will of another. The Romans fought, and the Romans conquered. This restored public peace and tranquility; but, like all nations who are afflicted with war, the people were not freed from debt, but greatly involved. The creditors, no longer alarmed at foreign invasion, enforced with

rigor their claims upon their debtors. They enslaved, imprisoned, scourged, and chained, in the character of debtors, the brave defenders of the state. The people were alarmed. They saw the lives and liberties of their fellow-citizens at the mercy of a moneyed aristocracy. During this state of things the commonwealth was invaded—the body of the people refused to arm in its defence—those who were called upon to volunteer their services, exposed their limbs, galled with fetters, and torn with the stripes of their merciless and cruel creditors. These distractions again compelled the senate to resort to the appointment of a Dictator, to save the country. The enemies were again repulsed; but a part of the army separated themselves, and camped three miles from Rome, in a mutinous state, on the Sacred Hill. The military oath which they had taken, alone prevented them from marching against the capital of the state. They refused to serve a country where the unfortunate was not protected in his personal independence. It was on this occasion that the tribunal power of Rome was created. It is sufficient to astonish the human mind to think that the power of the creditor could ever produce such effects; and we should not readily believe them if we had not the uniform history of those times to establish the melancholy fact.—Our surprise will not be so great if we view attentively the condition of this country after the war of the revolution and the late war. The same rigor, on the part of the creditor, and with the same power, where a third of our population stood as debtors, would have produced as great commotion.—Nations are afflicted with calamities like individuals, and, like individuals, the body politic is subject to disease. When pecuniary embarrassments arrive at their highest point—when the inordinate desire after wealth destroys the finer feelings of the soul, and infuriates the creditor in the collection of his debt against the unfortunate, no calamity can be more signal; and, while we subject the whole property of the debtor in the discharge of his debts, the calamity should be mitigated by releasing the body from the degradation of imprisonment. The spirit and love of liberty have already relaxed the rigor of this system; and, as certain as the progress of liberty, and the triumphant march of christianity, so sure will this principle of universal emancipation of the person from pecuniary claims, prevail in all the countries of Christendom. Where the principles of liberty denied to the creditor the right to enslave his debtor, either for life or for a term of years, he was authorized to take his body by the *ca. sa.* and subject him to perpetual imprisonment. Next, the prison doors were opened, and the prison bounds were given, confined to a small space. These bounds are enlarging, and the time will come when they will extend to the bounds of the universe. Contract is founded upon confidence and upon property, and property is the only fund upon which contracts can rightfully operate. Take the property, but spare the body of the debtor. This is the voice of justice, of indulgence, of forbearance, of moderation, and of that clarity which breathes in a certain parable of Holy Writ. When the Lord called his servants to an account, he found one in debt ten thousand talents, and he was unable to pay. He ordered him to be sold, his wife and children, (which was according to the Roman law.) The servant fell down before his Lord, and said, Have patience with me, and I will pay thee all: then the Lord of this servant was moved with compassion, and loosed him, and forgave him the debt. This was better than a bankrupt or insolvent law to

the debtor. But, as an evidence of the necessity of law to control his inordinate desire for wealth, we find that this servant debtor found one of his fellow servants who owed him a hundred pence, and he laid hands upon him, and he took him by the throat, saying, Pay me what thou owest! and when his fellow servant fell at his feet, and requested indulgence, he would not grant it, but cast him into prison till he should pay the debt. The signal punishment which followed this cruel conduct will be remembered—he was given up to the tormentors. This measure, to abolish imprisonment for debt, may be classed among the relief measures of our state; and, as we have seen other acts of relief declared unconstitutional, perhaps this may be so declared; and thus the power of legislation will be arrested from the hands of the states, and vested in the judiciary. When judges, honorable, intelligent, and upright, can so far forget the judicial character as to give such a desolating and anti-republican construction to their powers, it will be time for the people and their representatives to awake from the slumber into which they have fallen. No matter what respect may be due to the judicial character, I hope the people never will submit to such usurpation.

Impairing the obligation of contracts.

This subject is worthy of particular notice, as it has been a source of so much complaint against the exercise of judicial power. The constitution of the United States contains a positive prohibition, on the part of the states, to pass *ex post facto* laws, or laws impairing the obligation of contracts. The one applies to crimes and the other to civil matters. The exercise of this power, on the part of the states, would be a flagrant outrage upon the fundamental principles of humanity, morality and justice; and the conduct of the states furnishes *prima facie* evidence in their favor against the charge of exercising such power. The character of a state is involved in the question, and the charge cannot be presumed, but must be conclusively demonstrated. We have a right to conclude, in the investigation of this subject, therefore, that a very plain principle of morality, inserted in the constitution, has been obscured, and the prohibition misunderstood. The consideration of character alone would be sufficient inducement to examine into the nature of this prohibition; but it becomes a more serious duty to make this examination, upon the ground that the construction given to this part of the constitution of the United States, by the courts, limits, to an alarming extent, the sovereignty of states. From judicial decisions it would appear that the states were in the habitual exercise of the practice of passing laws impairing the obligation of contracts. The states have not, however, yet been condemned for passing *ex post facto* laws; but perhaps this arises from the fact that the federal courts have not yet assumed the jurisdiction over crimes, under this part of the constitution which prohibits the passage of *ex post facto* laws; and it may arise from this very circumstance, that it has not been proclaimed to the world that the states have equally transgressed this limitation of power. An *ex post facto* law makes that a crime to-day which was innocently done yesterday; or increases to-day the punishment of a crime which was committed yesterday. To give this retrospective operation in the punishment of acts which were not forbidden by the law when committed, or in the increase of punishment of crimes previously perpetrated, is the essence of tyranny and barbarous cruelty. This is a plain principle, well understood, not likely to mislead, unless

we begin to refine upon the subject, and enter into metaphysical disquisitions as to the essence of *ex post facto* laws. In that event, I should not be surprised if we were to find an abuse of this prohibition in every change of proceedings in criminal prosecution. The time of altering the court might be considered *ex post facto*, inasmuch as it might diminish or extend the time that the prisoner had to remain in jail previous to trial. Although the preparatory steps, in such case, have never entered into the essence of the punishment fixed for crimes, yet, with as much propriety, may the judges declare the laws regulating criminal proceedings *ex post facto*, as they have done in respect to the remedy in civil cases, in collection of debts and in enforcing contracts. Of this character also are the statutes of limitation; and they have been declared to impair the obligation of contracts. Thus it is evident, that when we leave this plain and fundamental principle of morality, contained in the constitution, as to *ex post facto* laws, and laws impairing the obligation of contracts, we are all upon the wide ocean of uncertainty, and every principle of self-government is in hazard. What is the plain import of this prohibition of the constitution? It is this, that you shall not declare to-day that contract void, in whole or in part, which was made yesterday under the sanction of law. You can no more do this than you can punish to-day what was lawful yesterday. If a party stipulates to pay in horses, the law shall not provide that he may discharge the debt by a tender of wheat. If a party stipulate to pay one thousand dollars for a hundred acres of land, the law shall not permit him to pay only five hundred dollars and keep the land. It is evident that such laws would impair the obligation of the contract. When we confine ourselves to this obvious principle, here expressed, we shall meet with no difficulty. But, permit the judge to enter into his nice theoretical and metaphysical disquisition of moral principles, as applicable to the systems of states, regulating the proceedings in civil cases, limitation law, and the like, and we shall meet no difficulty in finding judges who will prostrate all such measures, which the people have solemnly declared to be expedient.—The fact is, that the people, by their representatives, have the right to exercise sovereign control over the collection of debts, the enforcing of contracts, prescribing the remedies, regulating the sessions of the courts, enlarging or contracting the fund upon which executions shall operate. In a word, a sovereign state may refuse to constitute courts of justice to enforce the execution of contracts, without violating the limitation of power contained in the constitution. In all civilized communities, courts of justice do exist, and will exist, as a matter of general policy, and a wise measure of the sovereign power of the state, and not upon that narrow principle of impairing the obligation of contracts. As an evidence of the sovereign authority of a state, who will deny the right of the supreme power of the community to suspend law process, and close the courts of justice, in case of sanguinary war for independence or existence? This principle is expressly recognized by the constitution of the state of Kentucky. If this be not a fair exposition of the federal constitution: in this respect let us see if the contrary doctrine will not lead us into difficulty and absurdity, from which we cannot as easily extricate ourselves.

A contract is made in Virginia, where land is not subject to the payment of debts. But suppose Virginia should pass a law making lands a fund to discharge debts, without any discrimination as to pre-

vious or subsequent contracts; would this law impair the obligation of such previous contracts?—Again: a contract is executed in Virginia, and the debtor removes to Kentucky, where landed property is not shielded from sale in payment of debts—upon a rendition of a verdict against the debtor, can the creditor have his *fieri facias* against the land estate of the debtor, or must the laws of Virginia operate as to the remedy in making the money?—Again: a debt is contracted in the state of Ohio, and the judgment is obtained in the courts of Kentucky—when the execution issues, must the property be sold under the laws of Kentucky, or must the property be sold for a certain portion of its value, according to the laws of Ohio? A debt is contracted within the state of New-York, and the debtor is prosecuted to judgment in the state of Kentucky; does the contract carry with it the redemption law of New-York, or must the *lex loci* of Kentucky govern? If the remedy be the essence of the contract, then it follows that the Virginia debtor would carry with him a shield to his landed estate; the debtor of Ohio a protection of his property to a certain portion of its value; the New-York debtor would have the benefit of his redemption laws; and the Kentucky debtor would carry with him, to other states, the benefit of his replevin law, and his endorsement law. So of every other state in the union. Yet the absurdity of such a system has never been contended for; which proves that the remedy constitutes no part of the contract. It is strange, however, that the doctrines of the present times should lead to these conclusions. If the remedy prescribed by a state to govern controversies, is a part of the contract, then the legislature cannot change the term of holding courts. As it respects previous contracts, the terms of holding the courts cannot be increased from three to four, nor reduced from three to two, annually; and if the public good required this change in the sessions of the courts, it must apply to subsequent contracts, and you must have courts permanently fixed, to enforce previous contracts: and such is the chaos resulting inevitably from this novel, refined doctrine, as to the limitation of sovereignty, to keep it from impairing the obligation of contracts; and these evils result from a departure from the evident meaning of the constitution, which prohibits the passage of laws impairing the obligation of contracts. The judge may, in his discretion, draw the line of demarkation between these cases and others which he may deem a violation of the constitution; but it is nothing more nor less than discretion, without any fixed principles of certainty to govern him. This law loses the character of certainty, a principle by which all freemen acknowledge to be governed. Upon the same construction of the constitution, the legislature of a state could not extend the prison bounds, by which previous contracts would be affected: and, in fine, if the remedy given by the law to enforce contracts be a part of it, then it would follow that no suit could be maintained against the delinquent party, out of the jurisdiction of the state in which the engagement was entered into; and a simple removal from one state to another would forever release the obligor. Cases of this character might be multiplied indefinitely, to show the extreme danger in attempting to limit the right of a state to make its laws conformable to the wants, the necessities, and condition of the country. The regulation of civil proceedings, and the remedies prescribed by law, must necessarily rest with the sound discretion of the sovereign power of the society; and although we may doubt their expediency, yet we cannot deny their validity,

without a total subversion of the principles of the American revolution.

The decision of the supreme court, upon the occupying claimant laws of Kentucky, prostrates the deliberate policy of that state for a period of about twenty four years, and affects its whole landed interest. The effect is to legislate for the people; to regulate the interior policy of that community, and to establish their municipal code as to real estate. It is worthy the serious inquiries of the nation to ascertain whether Kentucky has, by any act of her own, divested herself of this essential attribute of sovereignty. If she has not, an inquiry equally solemn remains, as to the remedy for this serious encroachment upon the first principles of self government. It is very difficult to discover, from an examination of the decision of the supreme court, upon what identical ground they have acted, in declaring these laws unconstitutional. The court, it would seem, has declared the occupying claimant laws a violation of the state constitution, and therefore void.

The novelty and dangerous tendency of this doctrine, would incline us to doubt whether this was the ground: yet the court say, that the compact with Virginia is made a part of the state constitution; and as these laws are violatory of the compact, they are unconstitutional. They do not, in any part of their decision, declare, or even intimate, that the compact between Virginia and Kentucky is such a compact as is recognized by the constitution of the United States; nor is there the most distant allusion, that those laws are a violation of the federal constitution. We are driven to the conclusion, that the supreme court has undertaken to decide, that these laws of Kentucky are a violation of the state constitution. If this be the case, then here is another tremendous march in the assumption of power—leading most directly to consolidation, and the consequent annihilation of state supremacy within its appropriate sphere of action.

It is sufficiently alarming to yield to the federal judiciary the exclusive right to judge of its own powers, and those of a state, when it is supposed that such state has transcended the limitations contained in the federal constitution. But if it be admitted that the federal judiciary may declare state laws a violation of a state constitution, then indeed are the states wholly at the mercy of the general government. Then, indeed, are the states tenants at will; and it is the exercise of forbearance if permitted to act. Then, indeed, they possess the external ensigns of independence without the reality.

The judicial history of our country furnishes a case in which, it was fondly hoped, this sacred principle was solemnly decided, that the federal courts could not declare state laws a violation of state constitutions; that such a question belonged exclusively to the states; that this principle was the inevitable result of the acknowledged doctrine, that a state is supreme within its own sphere of action; and, that no earthly tribunal can rightfully control its acts, but the people of the state or its authorized agents. These principles result from the decision of judge Chase.

I consider the supreme court bound by the laws and judicial decisions of each state, when confined to their municipal regulations.

The occupying claimant laws of Kentucky were enacted upon a solemn investigation of their merits, as to expediency and constitutionality. The inferior courts and the court of appeals of the state, have as solemnly declared them constitutional, and consistent with the provisions of the compact.

But suppose the supreme court has predicated this opinion upon the ground that the compact with Virginia was such as the constitution of the United States recognized as binding between states. Let us for a moment examine this position. The federal constitution declares, that no state shall enter into a compact with another state without the consent of congress. To give jurisdiction to the federal court in this case, and on this ground, the party claiming the benefits of the constitution must show how, when, and where congress has given assent to the compact. The journals of congress do not furnish any such consent. The act of congress admitting the state of Kentucky into the union, as an independent state, gives no such consent. It is a simple admission of Kentucky into the union, with certain specified boundaries. Congress cannot give consent, verbally, to any measure. We must furnish record evidence of every act of the national legislature. The nation is not like an individual in this respect. Every measure of congress must have the high sanction of record evidence, and that must be deposited in the archives of the government.—In this case we have no such evidence; and we cannot infer it by implication; nor can we resort to verbal testimony to prove it. We then have a right to conclude that congress left this compact exclusively to the parties, without negation or affirmation; and having thus left it, the federal judiciary had no jurisdiction. It belonged exclusively to the state of Kentucky and its judicial decisions, and Virginia alone had a right to complain. In such an event, the mode was pointed out by which the parties were to settle the questions of violation: "That in case any complaint or dispute shall at any time arise between the commonwealth of Virginia and the said district, after it shall be an independent state, concerning the meaning or execution of the foregoing articles, the same shall be determined by six commissioners, of whom two shall be chosen by each of the parties, and the remainder by the commissioners so first appointed."

We will now examine the case more particularly, and see what grounds exist to pronounce those laws a violation of the compact—"That the proposed state shall take upon itself a just proportion of the debt of the United States, and the payment of all the certificates granted on account of the several expeditions carried on from the Kentucky district against the Indians, since the first day of January, one thousand seven hundred and eighty-five." This part of the compact engrafts within it a great fundamental principle of moral obligation. It is a principle of common and statute law—a principle of the laws of nations—a principle of universal law, and the law of eternal justice, that the titles to real estate must be determined by the laws of the state under which they were acquired. The supreme court have avowed and asserted this principle, yet, strange as it may appear, in evading the plain import of this clause in the compact, and thus declaring our state laws void, they say that Virginia must have intended something more than the recognition of this great fundamental principle. This reasoning violates the rules of construction, which are as well settled as the principle which has just been stated, viz: That, where a statute, or any instrument of writing, is worded in clear and precise language; where the meaning is evident, and leads to no absurd conclusion, such a compact needs no interpretation—nor is any admissible. But the court, in violation of this elementary rule of construction, have declared that it would be absurd to suppose that Virginia intended nothing more than the asser-

tion of this great moral truth. They have abandoned the plain import of the words. They have eluded their force, and have penetrated the wide field of conjecture to search after their meaning; and have forced a construction which thwarts the wise, humane and equitable policy of our state in regard to occupying claimants of land.

This dangerous practice, whenever adopted, leads to judicial usurpation of legislative power. Every compact may become an endless source of misunderstanding; and extraneous considerations must govern the discretion of the judge. Indeed, sir, the more precise the terms, the greater the danger to be apprehended; since the court will not believe that such a wise body of people as Virginians, could have only intended to assert a great fundamental principle of acknowledged justice. It might be contended, with equal firmness, that the declaration of our independence intended not a recognition of great fundamental principles of self-government; but that something else must have been designed. The same fallacious doctrine may be applied to the federal and state constitutions, including their bills of rights. They all contain, assert, and recognize the great fundamental principles of free government. The same may be said of every treaty which has been concluded between the United States and foreign powers. Yet, because they assert great fundamental principles of maritime law, or laws of nations, they cannot mean to recognize them; but they must have intended to recognize some extension or limitation of the principle—or some entire different thing.

It is evident, not only from the words of the compact, that nothing more was intended than a recognition of this great and acknowledged principle; but the very next clause in the compact is a confirmation of this idea. "Nor shall a neglect of cultivation or improvement of any land, within either the proposed state or this commonwealth, belonging to non residents, citizens of the other, subject such non-residents to the forfeiture or other penalty, within the term of six years after the admission of the said state into the federal union."

Why was it necessary to provide that Kentucky should not declare a forfeiture of the real estate of a non-resident for a neglect of cultivation within the period of six years? If the seventh clause will prevent the regulation and judgment of the right of claimants under the occupant laws, *a fortiori*, it would have inhibited a forfeiture of real estate for want of cultivation. It is, therefore, evident that Virginia recognized the sovereign power of the state of Kentucky over such subjects; and nothing can restrain it but an express prohibition. It is equally evident that, if such limitation had not been expressed, the decision of the supreme court would have answered the same purpose—not for six years only, but for ever.

It is highly dangerous in a free country, to divest the people of such power, and to permit the courts to establish systems of policy by judicial decision. I see no difference, whether you take this power from the people and give it to your judges, who are in office for life, or grant to a king for life.—I contend that the people have the right to make laws to govern themselves. At all events, it would be unsafe to call upon irresponsible agents to govern them. The court has nothing to do with the policy of a measure; they are bound to execute the laws; and this is peculiarly their province.

It is derogatory to Virginia, to suppose that she intended to impose upon Kentucky so far as to limit the exercise of her sovereign power, in such a man-

ner as not to be able to control the internal policy of the state. If, by the compact, the laws of Virginia, at the time of our separation, must govern without any modification, then, indeed, you could not increase the taxes upon landed property held under titles from Virginia. Of course you must tax the citizens unequally, and place the burthen of taxation upon those holders of real estate who derive their titles from Kentucky; and thus create a privileged class in the bosom of the state. If the laws of Virginia, at the separation, must govern, then you cannot subject lands to the payment of debts where the title is derived from Virginia.—One half of the landed property of the state would be subject to the payment of debt, because held from Kentucky—the other half would be exempt, because they held under Virginia grants. Here, again, we have another privileged order in the bosom of the state. This is an inevitable consequence from the opinion of the supreme court. For they say, whatever law of Kentucky narrows the rights of the landholders, or whatever diminishes the interest of the landed estate, is a violation of the compact.

Now, sir, to subject land to the payment of debt, narrows the right and diminishes the interest of the landholder, as much as to say, that he shall pay for valuable improvements made upon his land before he shall oust the occupant and take possession of the premises. The speculators who command the funds, may go to work and purchase for a song the claims of original proprietors of land, in all cases where it has been sold under execution, and the supreme court must dispossess the *bona fide* purchaser under execution, and give it to the speculator. Then, sir, we shall witness confusion confounded. Then sir, the decision of the supreme court will cause Kentucky to take a retrograde movement of twenty-four years; and she must commence again with the lesson she has learnt from the decision of this court. This is not declamation—I wish it were—it is an awful reality.

The supreme court declares that the object of the occupying claimant laws, is to compel the rightful owner to relinquish his land, or pay for all lasting improvements previous to notice; they therefore create a direct and permanent *lien* upon the land for the value of those improvements. That, to secure the rights and interests of those lands, it is essential to preserve the beneficial, proprietary interest of the rightful owner in the same state, in which it was by the laws of Virginia at the time of the separation. This is the language of the supreme court. The system creates a *lien* upon the land for the payment of valuable improvements made thereon before notice. This doctrine of giving a *lien* upon property, under certain equitable circumstances, is as ancient as the knowledge of justice, and amongst the first principles of jurisprudence. Where landed property is sold, and a bond given for the conveyance of title, and where actual possession goes with the sale, the original proprietor has a *lien* upon the land until the purchase money is paid. And even where a transfer of the legal title has been made, the same *lien* exists, in the hands of all subsequent purchasers who are apprized of the fact of the default of the party in the payment of the purchase money. This *lien* is not limited to real estate, but attaches also to personal property in the hands of a *bona fide* creditor, in a variety of cases. Yet, this ancient doctrine must not be extended to the *bona fide* occupants of land for the work and labor which he has performed for the benefit of the successful claim-

ant. No, this is unconstitutional, in the opinion of the supreme court.

The only plausible objections to the occupying claimant laws of Kentucky are, the time fixed at which the successful claimant shall pay for valuable improvements, and when the occupant shall be subject to rents. The fact is, that the doctrine of notice alone is involved in the real question. By the common law, or rules of chancery, the successful claimant has always been liable for the value of lasting and valuable improvements previous to notice. The time, when notice should begin to operate, has been limited to the commencement of a suit, and sometimes previously, by written notice of the adverse claim. After notice, the occupant was considered a *mala fide* possessor, subject to rents, and made improvements at his peril. This is precisely the principle of the occupying claimant laws of Kentucky. The only difference is this, that; instead of leaving it with the court to say what knowledge of the adverse claim should operate as notice to the occupant, our law of 1797 has designated and fixed that period. By this act, the commencement of a suit was the point of time when notice began to operate. The law of 1812 fixes the time of notice from the judgment of eviction. The first law has been declared void, although it would be very difficult to point out any substantial departure from the rules of chancery which have governed the courts of Virginia. The law of 1812 changes the rule, so far as to limit notice to the judgment of eviction.

We will consider the objections urged against this law, which establishes the principle that the occupant shall be paid for all lasting and valuable improvements up to the judgment in favor of the successful claimant, and an exemption from rents until that event has taken place. If this principle has nothing to justify it, then, at least, the policy of the measure may be questioned. But, I think, it will be most evident, that the peculiar condition of our state, and the peculiar system of its land laws, furnish the strongest proofs of the justice and expediency of the measure. The common law principles were not applicable to the landed property of Kentucky. In Great Britain, whence we derive the ancient doctrine of notice, they had no independent conflicting claims to real estate, derivable from the same sovereign power. Their grants are unique and identical for a certain tract. The true boundary of those grants may sometimes produce a difficulty and create a law suit. Their disputes respecting real estate, generally, arise from conveyances, derivable from the same original title; and claimants frequently contend upon the rights of heirship, ancestry, &c. In these cases, the same original record is a guide for all the parties who claim the estate. In this state of fact, the commencement of a suit operates as notice to the adverse claimant; and from that period, is subject to rents as a *mala fide* possessor, and is entitled to the value of lasting improvements only to that period.

This, I presume, is also the true state of facts as regards almost every state in the union, except Kentucky; and hence the common law, or chancery rule, may apply to all such cases. In Kentucky, citizens may, and do hold different grants, of equal dignity and authority, to the same identical tract of land from the same government. Both claimants having paid the same price for the land to the commonwealth. Virginia opened a land office, to expose to sale that district of country, now the state of Kentucky. No survey was made, laying it off into sections, &c. but each individual had an

equal right, on paying the state price, to obtain his land warrant to be located when and where his judgment might direct him. When the warrant was located, a survey was the next step, and the legal title was consummated by the issue of a patent. In this way Virginia sold a much larger quantity of land than was contained within the boundary of Kentucky. Kentucky being then a wilderness, and infested with savages, it followed, as an inevitable consequence, that the claims of individuals interfered with each other—sometimes partially; and, as the claims were of unequal quantities, the larger might, and frequently did, include the smaller locations. Thus the claims of half a dozen persons covered the same tract of land with grants of equal dignity, but not of equal validity. But the misfortune was, that this validity did not depend upon record evidence alone—verbal testimony is admitted, and that scattered throughout the states of Virginia, Kentucky, &c. This extraordinary state of things might happen, that a subsequent entry and subsequent patent might succeed against a prior entry and elder patent. Sometimes the elder location and a junior patent might prevail against a junior entry, and an elder grant—and sometimes a junior entry and an elder grant might succeed against an elder location and junior patent. Where both entries are good, the elder location is paramount—where both are bad, then the elder grant prevails.

It will be discovered, from this state of the case, that the occupant took possession of the land, not as a trespasser, but as a *bona fide* proprietor; upon a title for which he had paid a fair equivalent to the commonwealth of Virginia, and held a grant for it. And here is the true reason why the occupant was not considered as a *mala fide* possessor, until a judgment of eviction was rendered against him by a competent tribunal.

The law was enacted to suppress, or rather to accelerate the termination of controversies in regard to the landed estates of the country—to encourage agriculture; to strengthen the state by population and cultivation; and to protect the *bona fide* occupant from injury, in providing a remedy by which he should be paid the value of all lasting improvements made upon land, of which he should unfortunately be divested. If the elder location, or the elder grant, had given the paramount title in all cases, as in other countries, then no difficulty would have existed as to fixing the time of notice at the commencement of the suit; and the occupant might have been considered as a trespasser from the service of the writ. The institution of suit would have apprized the occupant of all the facts necessary to ascertain the comparative goodness of the conflicting claims. But I have already shewn that such was not the state of fact in Kentucky.—On the contrary, the goodness of the location depends on the identity of the objects called for to designate the land intended. It is necessary to prove the existence of the calls in the entry at the time of the location. This identity is not sufficient; but these calls must have possessed such notoriety at the time, that a subsequent locator might have appropriated the adjacent residuum by reasonable diligence in his search after the calls of the prior entry. The greatest difficulty arose from the last requisite, as to the degree of notoriety which the objects called for should possess, to enable the subsequent locator to appropriate the adjacent residuum. The point has never been reduced to any thing like mathematical or moral certainty; but must depend, even at this day, very much upon the

wisdom and discretion of the judge. These are two great principles arising out of the land laws of Virginia. Other principles, as novel and as difficult, have grown out of the same system, amounting to some hundreds, in the modification of the various rules by which the courts have been governed. It is a science new and difficult; a branch of jurisprudence unknown to any other age or nation from the earliest dawn of civilization.

This view of the subject will, I think, present many considerations in favor of the propriety and justice of this measure; and, moreover, will demonstrate the fact, that the compact was never intended to deprive the legislature of our state, from adjusting the equitable claims of the contending parties; for, in the adjustment of such claims, the right, title, or interest, in the land, is not involved. The laws of Virginia, as to right or interest in the land, have governed the case throughout; and when the dispute has been settled, then, and not till then, does the law provide for a case extrinsic from the right or interest in the land, and changes the common law principle of notice, so as to meet the peculiar condition of our landed property. This decision of the supreme court is not the only cause of complaint with Kentucky. As early as 1807, the legislature declared, that no suits involving the right to land should be commenced after the first day of January, 1816. Yet I am informed, by a letter from Kentucky, that the circuit court of the United States for the district of Kentucky, has likewise declared this law a violation of the compact with Virginia, unconstitutional and void; making another inroad upon that ancient and universal principle of law, that the remedy including the statute of limitations, is no part of a contract; and that it devolved upon the sovereign discretionary power of a state to control the remedy, without having heretofore been considered as impairing contracts. It appears to me that we have arrived at a perfectly new era in the history of jurisprudence.— Yet this decision, as well as the former, is in direct hostility to the supreme court of our state.

The federal judiciary have declared unconstitutional and void, the laws of New Hampshire, New York, Pennsylvania, Maryland, Virginia, Ohio, Kentucky, and, in the case of the Yazoo speculators, the laws of Georgia. The district courts of the United States, in the interior of the country, have recently introduced another dangerous innovation, repugnant to the general sentiments and best feelings of the mass of the population which it affects, in the assumption of admiralty and maritime jurisdiction over our own internal trade upon the rivers of the west, more than a thousand miles from tide water; a jurisdiction which, in every country and every age, has been confined to the ebbing and flowing of the tide. These last cases are quite as glaring as those which have been before noticed; but time would not permit me to dwell upon them, nor indeed upon any considerable proportion of the cases in which the judicial arm has stretched itself beyond the province of the body which sustains it. At one period, they declared the common law of England the law of the United States in their confederated capacity, and sustained the doctrine on several occasions in criminal prosecutions, by inflicting punishments under it upon persons who had not violated any law of the country; and by this construction the extent of their jurisdiction was threatening to become boundless. But the indignation of the people, who, with one voice, condemned the proceeding, began to be felt, and the doctrine is suffered to become obsolete. Where

there are such strong indications of a disposition to extend their powers to the utmost stretch of constitutional construction, and without any power, either direct or indirect, to arrest its progress, it is evident that some interposition is necessary. It is dictated by necessity. The preservation of harmony requires it. The security of our liberties demands it; and, while the sound of freedom is melodious to an American ear, I shall console myself with the assurance that some constitutional provision will be made, if not at this time, certainly at some future day not far distant.

The amendment which I propose may not be the best that can be devised; but the necessity of some remedy is obvious; and various propositions have suggested themselves to my mind, either of which might prove efficacious.

1st. To limit and define the jurisdiction of the courts.

2d. To subject the judges to removal by an address of both houses of congress.

3d. To vacate their commissions after a limited term of service.

4th. To vest a controlling power in the senate of the United States, or some other body, who shall be responsible to the elective franchise.

On mature deliberation, the proposition which I have submitted, appears, in my opinion, the best calculated to effect the object desired; but on this point I am not tenacious. I am content to leave the selection of the mode to the wisdom of others, without giving a detail of the reasons why I consider the senate a tribunal to which the ultimate decision may be confided.

I have endeavored to examine, with freedom, the principles of our government, and have concealed neither my feelings nor sentiments. In animadverting upon the exercise of the judicial power of the United States, I have endeavored to avoid, as far as was consistent with freedom of discussion, every expression that might convey the idea of hostility, or personal disrespect to the judges. I feel nothing of that; and if I did, an occasion like the present would not be chosen to express it. It is a duty which I owe to my country, to express my sentiments freely upon public measures, which I trust will ever be discharged; and so far as individuals are concerned, I shall be as ready, at all times, to applaud as to condemn. Whatever may be the result of this investigation, I have done my duty. The perpetuation of our rights is worthy of all that vigilance which the object requires. Contrast our condition with that of all other nations, and every day's experience will confirm the sentiment, that we are God's most favored people. The wisdom of our sages, and the blood of our heroes, have confirmed to us the liberty of speech and of the press, and established the sacred rights of conscience. It is a duty which we owe to Heaven who gave them, and to posterity, whose guardians we are, to transmit these rights unimpaired. They are blessings worth more than all the blood and treasure expended in obtaining them. Our example is animating other regions; and the light of freedom here has shone to the eastern bounds of Europe, and to the southern climes of our own continent. The sun of liberty, after a long dark night, has emerged from the western horizon, and is now borne upon his wings to illumine the chambers of the east. His animating beams are again displayed on the plains of Marathon, where the modern Greeks are now emulating the deeds of their ancestors. To sanctify this continent from the pollution of despotism, our brethren of the south

are moistening the gardens of freedom with their blood. The horrors of war are cheerfully encountered, and every privation is endured with manly fortitude, to establish the principles for which we once braved the dangers of the field. If these blessings are worth obtaining at such expense, they are worth preserving; and I trust that the same spirit which actuated the patriots of the revolution, will ever excite to vigilance the heirs of their inheritance.

Congressional.

MR. FINDLAY'S SPEECH,

On the prohibition of foreign spirits.
IN SENATE—MARCH 1, 1822.

Mr. Findlay, of Pennsylvania, rose to submit a resolution to instruct the committee on commerce and manufactures to inquire into the expediency of prohibiting the importation of spirits; and as the resolution contained an important principle, it might be proper to give a brief exposition of his views in submitting it to the consideration of the senate. He said he was induced to believe that an abundance of domestic spirits for the consumption of the country could be furnished of as pure and wholesome a quality as those imported, and that the interests of the agriculturists, in the middle and western states, would be promoted by the prohibition.

He presumed it would be admitted, that agriculture was of greater public utility than any other pursuit, and, without intending to make invidious distinctions between it and other branches of industry, or to convey any reflections on the constituted authorities that had preceded us, he might be permitted to observe that he believed our statute book contains no evidence of any direct encouragement having been afforded to the agriculturists of those states, (which he would, for the sake of distinction, call the grain states), while it was well known that large sums of the public money had been expended for the encouragement and support of commerce, and some protection extended to domestic manufactures, by subjecting articles of foreign manufacture to the payment of duties, by both of which he freely conceded that agriculture had been *indirectly* aided, but not to the extent it merited. The distillation of spirits, he said, might be considered as a branch of manufactures, and one that was protected by duties on foreign spirits, but the existing duties did not afford a sufficient protection to the grain states, the growers of the raw materials for the manufacturer. He said it was not within the constitutional powers of the senate to originate a bill to increase these duties, and if they were augmented they might probably serve to encourage smuggling, without answering the purpose intended; that their total exclusion from competition with the domestic spirits would afford a more ample protection to the industry of the grain states, and the only effectual one which, he believed, congress had in their power to extend to them.

He took it to be a fact, susceptible of demonstration, that the value of the products of the grain states, was depressed equal to the cost of the foreign spirits (not including the duties) that were consumed in the United States.

He said it appeared, by Seybert's statistical annals, that the quantity of spirits imported, calculated on an average for ten years, ending with 1812, was 7,512,415 gallons, and the average of the exportations for the same period was 679,332 gallons, leaving an excess of importation over the exportation of 6,833,193 on the average calculations for ten

years; that it appeared, from other official documents, that, in the year ending on the 30th of September 1819, there was 583,789 imported, and 353,116 gallons in the year ending on the 30th of Sept. last, a small part only of which was exported; that he had not had access to any documents which might have shewn the quantity imported in any other year since the publication of the annals referred to; from these documents it appeared that the quantity of spirits imported was diminishing, and might not average as much since that period as it did in the ten years alluded to, but from which consumption of foreign spirits in our country, subsequent it might be inferred that the annual average of the quantity to that time, could not be less than four millions of gallons.

A few hundred thousand gallons, however, said he, in the estimate of our annual consumption, are not of much importance in the present view of the question. Neither is the precise value of the quantity, which nearly amounted to as many dollars as there were gallons imported. He said the importing of spirits was not like importing materials, to which we might, by industry and skill, add a value, and thereby increase the general wealth of the nation; but the value of the amount imported was drained from the productive labor of the country, without any thing being left in return. Part of them, he said for aught he knew, might be used in the brewing or adulteration of wines, which he would not dignify with the name of a manufacture, and which, instead of being protected, ought to be discouraged. But, if it should be continued to be tolerated and persisted in, domestic spirits might answer for the purpose. If, said he, the consumption of domestic spirits were substituted for that of foreign, the amount of their value would at least be saved to the nation, and the farmers in the grain states would find a profitable market for the rye and corn, and for many of their fruits, which were perishing on their hands.

Mr. F. said he was aware, that many objections might be made to the contemplated prohibition; and which, if he could fully anticipate, he did not conceive that this would be the proper time to endeavor to obviate them. He would, however, remark that it had been alleged by respectable citizens in some of the states, as appeared by various publications, that the more one nation purchases from another, the more she would sell of her own products.—He said there was a fallacy in the position, in the extent, at least, to which it had been assumed by some. He admitted, that, in commerce between nations who supplied one another, not with the necessaries, but with the luxuries of life, the position might probably be sustained, but such was not our situation. Our exports, said he, not including those shipped on debenture, principally consists of raw materials for manufacture, bread stuffs, and other articles, ranked amongst those of the first necessity, the demand for the greater part of which was limited by the natural wants of man; and he could not, therefore, discover how, nor by any process of reasoning arrive at the conclusion, that, by our purchasing foreign spirits, or any article imported, it would tend to increase the demand for, and consumption of, the staples of the grain states.—He was ready to admit, that, by navigation acts or treaties, the products of one country might be excluded from, or admitted into certain ports on more or less advantageous terms than similar products of another country; but this could neither add to nor diminish the general demand for articles of the first necessity, as this was limited by the laws of

nature, which artificial regulations could not control. If, he observed, there were no navigation acts, nor commercial treaties, and the individuals of each nation permitted, without restraint, to exchange with the individuals of any other nation, the surplus products of their industry, then every individual would, of course, direct his industry to such objects—the surplus of which he could exchange to the greatest advantage, and thus, by the citizens or subjects of every country pursuing their respective interests, those of the whole might be promoted.

But, said he, other nations having introduced navigation acts, and adopted other regulations of trade, so that the commerce of the world was restricted by various ways, it is incumbent on us, and more especially at this time, when the products of the farmers, in the grain states, do not find a market abroad sufficient to reward their labor, to adopt countervailing measures, so as to afford them a market at home, and thereby protect this valuable branch of our industry, and which, from the bounties of divine Providence to our country, might be done with the happiest effect.

From the diversity of our climate and soil we had it in our power, by duly encouraging the development of our internal resources, to furnish, among ourselves, without supplies from abroad, all the necessaries, and many of the superfluities, of life. If this should not be conceded to the extent which he had stated, there could not, at all events, “be a loop on which to hang a doubt,” but that the distillers of the grain states could furnish a supply of spirits, not only sufficient for the consumption of the country, but large quantities for exportation, if it should be required. Then why, he asked, should we, under such circumstances, permit foreigners to supply us with spirits which diminishes the demand, and, consequently, reduces the price of agricultural products? They do not act in this way towards us. Foreign nations guard, with peculiar care and strict regulations, every branch of their internal industry, and do not suffer others to compete with them on terms by which their own interests can be affected. But we permit them to supply us with the proceeds of their industry to the exclusion of encouraging our own. While this system is continued, it must tend to impoverish the middle and western states, instead of promoting the general welfare, the great and ultimate object of the constitution.

He said if the proposed prohibition, which was a measure he considered the grain states entitled to, should be deemed, by gentlemen from other quarters of the union, a concession, he for one would be ready, as he then was, to extend complete protection to the industry of the eastern and southern states, and by thus protecting the industry and consulting the interest of the different portions of the union, all sectional jealousy would be destroyed, the interest of the whole promoted, and the various parts linked together by ties of interest and reciprocal dependence that could never be rent asunder.

It might be said, he observed, that, if the measure was adopted, the countries from which we imported spirits might be induced to employ their industry in the production of bread stuffs, and thereby affect the interests of the grain states, which it is the object of the resolution to protect. He did not apprehend that this could be effected to any great extent. It was well known that the countries from which spirits were imported already produced as much grain as their capacities for its production would admit, and but a small portion of

which is distilled, as it appears from our public documents. The greater part, probably nine-tenths, of the imported spirits, are produced from other materials than grain.

Mr. F. said he was not insensible to the fact that the adoption of the measure might reduce the revenue so that it might be inadequate to meet the engagements of the government, but, in this event, we must either face the alternative of retrenching the public expenditures to the amount of the probable deficit, or the house of representatives, to whom it properly belongs, devise ways and means to supply it. The latter alternative, he observed, would be much more advantageous to the grain-growing states than the present order of things; for, as they would be furnished with a market for their rye and corn, which were at present lying useless in their granaries, (especially those who are distant from the sea-ports), they might be able, to pay taxes which they could not do under existing circumstances.

He said it might be alleged that the predilection for foreign spirits was so great and strongly confirmed in our country, that, if they were excluded, the consumption of domestic spirits could not be substituted in their place, and, of course, the object of the resolution would not be attained. For his part, he said, instead of considering this as an objection to the measure, he did not anticipate from it such a favorable result. It was one which no good citizen would regret, as it would tend to improve the public morals, and produce some of the good, without any of the evil effects of a sumptuary law.

Mr. F. concluded by observing that the subject was susceptible of more amplified and clear illustrations, but it would not, at this incipient stage of the business, say more respecting it.

MR. BENTON'S SPEECH,

On the Fur Trade Bill.

IN THE SENATE—APRIL 24, 1822.

[The bill and amendments propose to place the fur trade on liberal principles; opens it to all American citizens, and none others; vests in superintendents of Indian affairs, and Indian agents, the power to grant licenses, for two years with the near tribes, and seven years with the remote tribes beyond the Mississippi; subjects to seizure and forfeiture the goods of all traders who carry ardent spirits to trade with the Indians; and repeals the section of the former act, which subjects the trader's license to be recalled without notice or proof of misconduct.]

Mr. Benton, of Missouri, spoke in support of the bill and these amendments.

He considered the fur trade as an object of national concern, and entitled to the notice of the senate. He spoke of it in two points of view;

1. As a branch of commerce;
2. As the means of controlling the Indians.

On the first point, Mr. B. quoted several books to shew the value of the fur trade, as carried on under the Spanish government, at St. Louis; under the republic at the same place; and by the British trading companies on the waters of the Mississippi and Missouri, and on the lakes and rivers out towards the arctic region.

The work of Perrin, a French writer, sent by Napoleon to examine the resources of Louisiana, about the year 1800, estimates the furs, robes, and peltries, taken on the waters of the Missouri, at 600,000

livres tournois, annually, and those taken on the waters of the upper Mississippi at 1,200,000; the latter being almost exclusively in the hands of the British.

The work of major Stoddart, written in 1804, states the value of this trade, at St. Louis alone, to have averaged \$203,000 annually, for fifteen years before the transfer of the province, amounting, in the whole, to upwards of \$3,000,000 in that time.

Mr. B. exhibited a table, which shewed the value of the trade for the year 1816. It was taken from the office of the superintendent of Indian affairs at St. Louis, (governor Clark), and embraced all the business done within the limits of the United States by the American and British traders, and by the United States' factories, and amounted to \$441,220; of which \$29,800 was exported by the way of New Orleans; \$122,020 was taken up the Ohio river into the Atlantic states; \$253,400 was taken through the Canadas, on the line of the Illinois river, the lakes, and the St. Lawrence; and the remainder, \$31,000, was consumed in the country.

Mr. B. referred to sir Alexander M'Kenzie's history of the fur trade, and Winterbotham's view of America, to shew the value of this trade, as carried on by the North West and Hudson Bay companies. The first had amounted, annually, for forty years, to a million and a quarter of dollars per annum—fifty millions in the whole; and much of it taken from the territory of the United States. The second, being a monopoly for a long time in the hands of crown favorites, produced but a trifle, say 140,000 dollars annually, until the late earl of Selkirk purchased the charter, and came in person to push the trade. The two companies are now united. The name of the North West is merged in that of Hudson's bay, under whose charter the trade is now carried on with increased activity, and with such prospect of emolument, that the stock of the company is quoted, in the latest London papers, at 100 per cent. advance.

Mr. B. said, that the trade in the hands of American citizens had not increased for some years. A rivalry had existed between the *private* traders and the *government* traders; and the latter, having the ear of the government, had been able to prejudice the former without doing any thing themselves proportionate to the capital of 300,000 dollars, which was placed in their hands. He had not precise data for fixing the amount of the private capital now embarked, but would estimate it at 120,000 dollars for the waters of the Upper Mississippi, and 200,000 dollars for the Missouri and its tributaries. These sums were intended to cover only the stock in trade; the expenses in boats, boatmen, provision, clerks, interpreters, &c. was a distinct item, and a large one, amounting, in some instances, to 75 per cent. upon the capital.

Mr. B. said, that this view was sufficient to shew that the fur trade, as a branch of commerce, was entitled to the notice of the statesmen and to protection of the government; yet he had only presented a limited view of its value; he had confined his observations to the waters of the Upper Mississippi below the Mandan Villages; he had not carried the eyes of the senate to the Rocky Mountains, and shew them there the richest fur region in the world, belonging, by law, to the citizens of the republic, and possessed, in fact, by the subjects of the British crown. The republic owns the section of the Rocky Mountains between the latitude of 42 and 49 north, say 500 miles from north to south, and, on an average, 300 wide; the summits of the ridges penetrating the region of perpetual snow;

the valleys rich and beautiful, covered with grass, clover, wood, and wildfruits, finely watered; abounding in horses, buffaloes, antelopes, and the most valuable of the furred animals, not excepting the ermine; in a word, presenting all the characteristics of the Alpine region in Switzerland, before it was cultivated. The republic was indebted to the enterprize of Lewis and Clark for the discovery of this rich region. Several companies of American citizens had attempted to avail themselves of that discovery. Lisa, who, with 250 men, ascended the Missouri to its source in 1808, and was expelled by the hostilities of the Blackfeet Indians, supposed to be instigated by the North West company,—Messrs Hunt and Crooks, with 60 men, who crossed to the Columbia about the year 1811, and were compelled to abandon their enterprize, by the events of the war, which soon after broke out; and a company of 100 men, headed by major Andrew Henry, a companion of Lisa's in the expedition of 1807-8, now ascending the Missouri, and who will, in all probability, be attacked by the Aricara's, the roving bands of the Sioux, or the Assiniboins: tribes intimately associated with the British fur companies.

Taking the trade of the mountains into the estimate, Mr. B. computed the capital it would annually employ at a million of dollars, and that it would give employment to 2000 men. The British companies traded upon a greater capital, employed about 2500 men, and were at this time bringing out 300 regular troops from England, to be stationed convenient to the northern bend of the Missouri, which approximates to the line of their forts and trading posts on the rivers of the Western lake.

The nature of the capital would estimate the value of the trade to the country. It would consist, in good part, of articles of home growth or production—powder, lead, shot, axes, hatchets, knives, guns, tobacco, and course fabrics of wool and cotton: many of which would be got in the west, convenient to the trade, and would give a spring to the industry, which now languishes for want of aliment to feed it.

The nature of the proceeds would still further enhance the value of the trade. It would give, in return, articles of the first value and necessity—the common furs, universally in demand as the chief material for making hats, and the richer kind, esteemed, both at home and abroad, as an article of dress: worn by monarchs for magnificence, ladies and city gentlemen for beauty, and by travellers as the best defence against frost, and commanding in foreign parts, China, Japan, Germany, and Russia, twice or thrice their value in the American market.

Mr. B. contrasted the value of the fur trade with the commerce carried on with many foreign powers, and for the protection and preservation of which the republic keeps up expensive establishments of embassies, councils, and ships of war, and which consume less amounts of *American* produce, and give in return articles of incomparably less value. He particularized the commerce of Russia, which consumes \$147,000 of American produce, (taking the year 1821 as the criterion), and gives in return raw hemp or its fabrics, to the prejudice of the growers of hemp in the western states; the trade with Sweden, which takes \$154,000, and returns iron, to the manifest injury of our own districts which produce that metal; with Portugal, which takes \$147,000, and sends wine, to put our whiskey out of countenance, and discourage the grain growers; and all the ports in the Mediterranean, Levant, and Adriatic seas, taking in the whole, but 615,000

dollars, and sending back articles of taste and fancy, of little or no substantial use. Mr. B. considered all this commerce as a miserable object compared to the fur trade; yet the latter was neglected, and the richest part of it left to the quiet enjoyment of the British, to the great prejudice of the western states; while the former was cherished, at an annual expense of more than half a million of dollars, in ambassadors, consuls, and naval armaments; and the slightest interruption to it would be considered, by all the Cis-Alleganian states, as just ground of complaint and remonstrance on the part of the republic.

Mr. B. spoke of Mr. Jefferson's idea, suggested in his instructions to Lewis and Clark—the *practicability of taking the furs of the Rocky Mountains direct to China, upon the line of the Columbia river and the Pacific Ocean*. He said the problem had been resolved; it had been done; it was done by the company which crossed the Mountains in 1811, and there was no difficulty in it. The Columbia river was of easy navigation, a good harbor in its mouth, and the Pacific Ocean void of peril. The region of the mountains, so formidable to the progress of Lewis and Clark, is now traversed by various and easy passes. The first and main ridge is crossed upon a good road, made by the buffaloes and Indians, leading from the falls of Missouri to the forks of Clark's river, (150 miles); points between which the first discoverers travelled about 1200. The next bed of mountains, on which they found snow twelve feet deep in June, is now turned upon the right by descending Clark's river two or three degrees, and then passing west, over land, through an open level country, to Lake Wayton, whence issues the navigable Lautau river, entering the Columbia at a short distance, and avoiding the falls and rapids at the foot of the mountains. Mr. B. had no doubt but that East India goods would enter the valley of the Mississippi upon the same route. He would not discuss the question now, but he would say, that the sea between America and Asia was peaceful; that the tide flowed up the Columbia 183 miles; that the river was deep and gentle, periodically flooded; that the land carriage was short and easy, over a region which furnished snow for sleighs six months in the year, and convenient to the fine horses on the plains of the Columbia; that the longest part of the route was in the descent of the Missouri, (2,575 miles from the falls to the Mississippi), which, being down the stream, was nothing; that the articles to be brought in were of little weight, great value, and small bulk—such as were once carried some thousand miles upon camels, and constituted the wealth of merchants whose opulence is yet seen in the ruins of Alexandria and Palmyra, and upon every line of which the commerce of Asia had ever flowed.

On the second point.

The fur trade is the true means of controlling the Indians. The history of these states, when colonies, and ever since, is full of the proofs. The king's governors always operated upon the Indians through their traders. The French authorities in Canada, and in the valley of the Mississippi, did the same, and they both operated successfully upon them. The consequence was, that, in every war between the French and the British, the Indians came in more as principals than auxiliaries, and always took the side of the power to whom their respective traders belonged. In the war of the revolution these truths were too recent not to be known, and too convincing not to prevail. The congress of 1776, to gain the good will of the Indians, ad-

ressed themselves to the American traders. They even advanced money to purchase goods, to be sold without profit to the traders, to enable them to carry on their trade, and to preserve their influence among the neighboring tribes. The sum of 40,000 pounds sterling was voted at one time, (January, 1776), for this object; and the goods distributed to the traders at 2½ per cent. on the cost and freight. Our enemies, the British, acted upon the same principle, and with more success, because they acted with more perseverance, and had greater means at their disposal. In the late war the same results were seen. A trading house in Pensacola directed the Creeks against us; the agents of the North West company led a dozen nations against the frontiers of Ohio. The republic had comparatively but few on her side. The reason was, that she had no traders among them to gain their affections; only factories, "*to improve their moral and intellectual faculties—to convert them into farmers and christians;*" charitable institutions, without doubt, but so little capable of controlling the warlike spirit of the savage that the factories were themselves the first objects of attack on the breaking out of hostilities.

Mr. B. would not fatigue the senate with further remarks on this point. He only wished to revive the recollection of the policy observed by our ancestors, when Indian affairs were better understood than at present. He trusted that he had said enough to sustain the positions which he had assumed in favor of the fur trade, and shewn that its importance, both as a branch of commerce, and the true means of governing the Indians, entitled it to the national protection.

The bill and amendments are calculated to give it some protection. They repeal the 7th section of the act of 1802, because that section gives to superintendents and agents the power to recal the licenses of traders, *without shewing cause, and trying the truth of it*. He had heard of no license improperly recalled, but it might happen; and a trade so valuable, in which so large a capital would be embarked, should not be subject to a sudden suspension at the will of any man. They, (the bill and amendments), authorize licenses to be granted for seven years. Heretofore they were limited to two. This period was fixed when the Mississippi was the boundary of the republic; it is no longer an adequate time, when that river, ceasing to be the *ultima thule* of the trader, has become his starting point. The British companies have just had their license (charter) extended twenty-one years, and the Russians twenty; and seven years is sufficiently short for the American trader, who goes to the Rocky mountains to contend with the former, and to the Columbia river to contend with the latter. The section intended to be repealed left the trade open to British subjects; it was obliged to do so under the 3d article of Mr. Jay's treaty; but the late war had abrogated that treaty, and it was worth a war to get rid of it. The treaty of Ghent had not revived the odious privileges of the 3d article, and it was the bounden duty of congress to avail itself of this advantage, and to exclude British traders from the navigation of the Mississippi and the trade of our Indians. The bill and amendments propose to do so; they confine the licenses to American citizens, and the goods of those who have no licenses will be subject to seizure and confiscation. The bill facilitates the acquisition of licenses to American citizens; by vesting the power to grant them in officers stationed at convenient points for carrying on the trade. The governors of Michigan and

Arkansas, as superintendents, have this power. All the agents have it. A superintendency is established at St. Louis to exercise it; and this facility will give to that town the advantage which its geographical position has always claimed, and which the improvidence of Mr. Jay's treaty had conferred upon Montreal—the advantage of being the *entrepot* of the American fur trade.

Mr. B. said there was a further protection due to the fur trade, not now contemplated by the bill before the senate, and he regretted to say, not countenanced heretofore by the congress. He alluded to the military expedition to the Upper Missouri. His local position beyond the Mississippi had given him an opportunity of gaining local intelligence, and, presuming upon this, he would differ in opinion from the majority of the congress which had stopped this expedition. He applauded the policy which selected the Mandan villages for a military post, which intended to place on that point of approximation to the British establishments of lake Winipee, an adequate force to overawe her traders, and encourage our own in carrying their commerce to the region of the Rocky Mountains. He considered this expedition as a branch of that enlightened system of national defence which, embracing the vast circumference of the republic, and seizing at once all the commanding points on the lake, the gulf, the maritime and the western frontier, endeavored to provide for every part an efficient and appropriate defence. He knew that a waste of money had taken place in the ascent of the Missouri, and he was willing to go all lengths with the senate in correcting that and the like improvidences in other places; but he utterly protested against the justice of seizing upon a *circumstance* to defeat a *plan of national defence*, so honorable to the administration which had formed it, and so well calculated to secure posterity, as well as ourselves, from the calamities of a country engaged in war, and open, upon an hundred lines, by land and water, to the invasion of the enemy's arms.

Mr. B. had heard objections, founded in motives of humanity, to the system of trade which the bill contemplated. These objections were,

1. The destruction of the Indians by ardent spirits.
2. Impositions upon them in the sale of goods.
3. Exciting them to wars.
4. Retarding their progress towards civilization and christianity.

He replied to these objections:

On the first—Mr. B. admitted that ardent spirits were the bane of the Indians, and destroyed more of them than the sword; but denied that the regular traders committed this destruction. He imputed the mischief to the peddling traders, called by the French, "*coureurs de bois*," a class of running gentlemen, who had no permanent interest in the friendship of the Indians, and cared not what injury they did them. Not so with the regular trader. He visited the same tribe annually, with a large adventure of goods, and depended upon the good will of his customers for his success in trade and the safety of his life. To him nothing was more dreadful than a gang of drunken Indians—all their passions unbridled, and their unborn appetite for blood-shed and pillage left without the restraint of the least discretion. In such situations they kill even one another upon the slightest provocation, the most ancient grudge or imaginary insult. The traders are in double danger. Their property is a tempting prize, and the color of their skins revives the recollection of that long list of injuries which the red men has re-

ceived from the white.* But the bill does not leave the evil without a remedy. The trade in spirits is prohibited; bond and security are exacted from every trader. Authority is given to agents, superintendents, and military officers, to search any package, upon suspicion or information that spirits are carried out to trade, and seize and forfeit all the goods, if any be found, and to revoke the license of the trader and put his bond in suit.

Mr. B. said that this was the true remedy for the evil; it went to its root; it was the first remedy that ever did so; and the senate would do him the justice to remember that he had suggested it, and he should do the regular traders the justice to say that he had received the suggestion from them.

On the second—The apprehension is imaginary. It is in proof before the senate, that the Indians are good judges of the quality and prices of the goods in which they trade, and of the value of their own furs and peltries; that, dealing always in the same articles, they are less liable to be imposed upon by their traders than white people are by their merchants. Besides, competition is the best security against imposition, and the bill affords that security. It lays open the trade, upon easy terms, to all American citizens, and the number of traders will be sufficiently great to reduce the price of goods to the lowest rate, and to insure the highest price for furs and peltries.

On the third—Mr. B. believed this to be a modern discovery—one of the notable conceits for which the senate was indebted to the superintendent of Indian trade at Georgetown. He had met with it himself, for the first time, in those morsels of eloquence with which this officer annually regaled "the intellectual faculties" of congress. He considered it, however, as one of the forlorn hope in that troop of bug-bears which was annually conjured up for the service of the factory system and which had no existence except in the fertile brains of the superintendent. Mr. B. would refer *him*, not the senate, to *Loskiel*, a writer on missions and Indian customs—a writer with whom the superintendent must be intimately acquainted, and whose authority as a christian, he could not dispute. He would there see, (page 99), that *peace* is indispensable to the operations of a trader; that, in war, he is pursued as an enemy, and killed as a prize; that all debts which are due him are cancelled by the hatchet; and that he cannot even return for along time after peace is restored, without danger of being robbed and murdered.

On the fourth—Mr. B. considered this objection as a member of the same family to which the last one belonged. He did not think it an easy business to convert Indians into farmers and christians. Hunting had too many attractions to be voluntarily abandoned either by the savage or the civilized man. The *Pawnee* chief spoke truth to the president, when he told him "that he would never bruise his hands with digging in the ground, while he could find a buffalo to hunt or a horse to steal." He spoke the language of all barbarians. They despise agriculture. War and hunting is their passions, and labor is left to the servile bands of women and slaves. When the objects of the chase are extirpated—when the forest no longer furnishes animals for food, and skins for raiment, then, and not till then, *necessity*, the true principle of civilization, compels the hunter to turn farmer, forces him to

*The expression "Long Knives" is as familiar now upon the frontiers of Missouri as it was upon the frontiers of Virginia a century ago.

dig in the ground for his bread and his clothes, gives him a fixed habitation, ideas of separate property in the soil, and thus providing for the wants of the *body*, leaves the *mind* free to imbibe improvement. The trader facilitates this process by promoting the destruction of the game; and if American traders are not permitted to do it, the English traders will. Restraining the one leaves the field open to the other; and, such is the anti-national and preposterous effect to be produced by shutting the fur trade against our own citizens on motives of humanity and religion.

Mr. B. said that the bill contained two other provisions highly just and necessary: one introducing a better system of accountability in all expenditures of the Indian department; and the other transferring those expenditures from Georgetown, in this district, to states and cities convenient to the Indian tribes. Under the former law the factory superintendent was the organ of government expenditure, and Mr. B. had shown on a former day (debate on the abolition of the factories,) the enormous abuses which were committed in purchasing in the *east* the articles which abounded in the *west*. The superintendents and Indian agents, under the new provision, will make the expenditures, and will purchase every thing, even British dry goods, cheaper on the banks of the Mississippi and Ohio, than they have been usually bought by the superintendent in this district.

Mr. B. left the bill to the decision of the senate, trusting that they would feel an additional motive for passing it, when it was seen to be the best which the government could adopt for controlling the Indians, and tended to distribute a part of the public expenditure to the west, and to encourage one branch of its drooping commerce.

MR POINSETT'S SPEECH,

IN THE HOUSE OF REPRESENTATIVES,

On the resolution declaring the justice and the expediency of recognizing the Independence of the Nations of the South.

I shall offer, said Mr. Poinsett, no apology to the committee for addressing them on this occasion. I have resided so long in the countries we are now called upon to place in the rank of nations--am so intimately acquainted with the causes and character of the revolution they have undergone, that I feel it to be my duty to convey to the committee, as briefly as I can, the information I possess on this subject.

Sir, if ever there was an occasion that justified a revolution, that called upon a people to recur to first principles, and to seek relief from the abuse of power, by an appeal to arms, this was one. The revolution of the Spanish colonies did not arise from a mere question of abstract right, but from actual suffering and grievous oppression; from causes radical and certain, though gradual in their operation; causes that would have inevitably produced the revolution without the violent crisis to which the mother country was exposed, and which only accelerated that event. It was felt in their government, in the administration of justice, in their agriculture, in their commerce, and in their pursuits of happiness. Governed by viceroys responsible in name, but, in fact, as arbitrary as the king of Spain himself; who commanded, not only the military governors and intendants of provinces, but presided over the tribunals of justice, let any one imagine what government the miserable colonist must have enjoyed under European

Spaniards vested with such powers, and who had nothing to dread but an examination of their conduct before a tribunal two thousand leagues distant from the theatre of their injustice. The colonist could not even enjoy the natural advantages by which he was surrounded.

The eyes of a jealous and suspicious government constantly watched the progress of his industry. No sooner did a settlement betray symptoms of prosperity, than it became the subject of oppressive legislation, and was overwhelmed by a swarm of officers, who, like locusts, destroyed the fair prospects of the harvest. The trade was not only confined to certain specified articles, but to a few favored towns. Rich as these favored regions are, and capable of bringing forth the productions of every climate, possessing great facilities of internal and of foreign commerce, they were reduced to indolence and penury by absurd and oppressive restrictions on their industry, on their trade, and on their private enjoyments. Without a market for their produce, it rotted on the ground. I have seen the most fertile districts of that fine country barren and desolate--I have seen the inhabitants, surrounded by all the beauties of nature, destitute of the ordinary comforts of civilized society. To those who have followed the progress of this revolution, and compared it with our own, the difference must appear striking, and, from the civil dissensions that have agitated those countries, it has been argued by some that the Spanish Creoles were incapable of enjoying the blessings of liberty--were unfit for self-government. In making this comparison between the two countries, it ought never to be forgotten that our civil and political institutions, our habits, our customs, our laws, our rights of property, scarcely suffered any alteration by the transition from a colonial to an independent state. The principles of free government, republican principles, had deep root in this country before our revolution; and if they have grown with our growth, and strengthened with our strength, they were as well understood then as now. The Spanish colonies had never been entrusted, as we had, with any part of the internal administration, and were ignorant and unpractised in government. The means of education, I mean of a liberal and enlightened education, were withheld from the Creole; printing presses were to be found only in a few of the larger cities, where, under a rigid inspection, a gazette and an almanac were permitted to be published. The policy of Spain repressed the advancement of knowledge in her colonies--ignorance and superstition were the powerful means employed to keep them in subjection. The despot is aware that those who possess knowledge will struggle for freedom, and will achieve it--for knowledge is power. Dread of religious toleration, and of what was worse, of spoliation, excited the clergy to oppose the revolution. The influence they exercised over the minds of the people, was unbounded, and, had not a few virtuous, well enlightened priests, espoused the cause of liberty, the colonies would still have been dependent. The aristocracy formed another and a powerful obstacle to the progress of this revolution--a class that abhor every constitution founded on an equality of rights--a class that would rather be deprived of those rights, than see all participate in them; that prefer any state of suffering rather than see power exercised by their inferiors. I speak now of the mass of titled men in the colonies. Some few were distinguished for their zeal in the cause of independence.

Another, and a very essential difference between the two countries, consisted in the number of Europeans, who had distinct privileges from the Creoles, for oppression did not there fall equally on all. They were, to be sure, the smaller party; but the wealth and power they possessed, their union, their influence, the habitual respect in which they were held, their ideas of their own superiority, rendered them a very formidable body. They were aware that their proud pretensions had aroused against them a feeling of indignation; that the oppressive measures they had promoted against the interests of the land, had produced hatred and an eager thirst for revenge—and common interest and common danger united them against the Creoles. They could not suppress the revolution, but they retarded its progress and procrastinated the contest. If, therefore, we regard the little advancement of these countries, their ignorance of the principles of government, their civil dissensions, and the procrastinated struggle for liberty after all opposition had ceased on the part of Spain, it impresses us more strongly with the urgent necessity that existed, of shaking off the colonial government. It was the government that placed obstructions in the way of agriculture and commerce. It was the government, that, forgetful of its primary obligations, suffered, nay, encouraged the daily violation of the rights and properties of its subjects. It was the government, in short, that sought to keep the people in the profoundest ignorance, as the means of keeping them in subjection. A revolution proceeding from such causes, was not to be prevented by empty declarations of abstract rights, such as were made by the mother country when struggling for her own existence. The decrees of the different governments established in Spain during that period, were magnificent in promise. The colonies were told they had the same rights as the mother country, but were treated as if they had none. They were deluded with hopes that were never realized, and were mocked with the semblance of a representation. Deputies assigned them, not elected by them. At no time was there more procrustian violence and oppression, than during the interval between the invasion of Spain and the insurrection of the colonies.—These causes operated alike on all, and the revolution commenced without previous concert, almost at the same moment, in every part of this vast continent. It has triumphed not only over the opposition of the mother country, but over civil dissensions and the storms of party. In Caracas, where the revolution first commenced, its success was retarded by one of the most awful events recorded in history. The city was almost entirely destroyed by an earthquake, on the anniversary of their revolutionary movement. The clergy availed themselves of this event, and assisted by the superstition of the people, re established, for a short time, the royal authority. The brave and patriotic Bolivar kept up the spirit of the revolution. His active exertions renewed the struggle for liberty, and his zeal and perseverance restored his country to freedom. By his conduct and valor, the most formidable armament ever sent across the Atlantic, has been destroyed. His efforts have united Caracas and New Grenada into one republic, and he has spread the principles of independence, and of free government, to the shores of the Pacific.

Buenos Ayres has triumphed over the repeated and formidable efforts of the mother country to subdue them. They have had, besides, to contend

against a powerful party of royalists in the interior provinces. The wealthy Creoles of that country could not be easily roused to take an active part in a contest, the issue of which was uncertain. No doubt they preferred a national government, and freedom of commerce; but that wish was not strong enough to vanquish their love of repose and indolent habits, to urge them, in short, to long and painful sacrifices. The royalists are still in possession of some of the finest provinces of La Plata.

The interior provinces of the viceroyalty of Lima, are still in the hands of the royalists; were, I should have said—for it is reasonable to expect that the example of the capital will be followed by the provinces. Chile, agitated for some time by civil dissensions, and overrun by the army of the royalists, has at length established tranquility at home, and not only driven out the invaders, but carried the war successfully into their strong hold. The revolution in Spain is due to the efforts of this brave people. Mexico, where the revolution commenced at an early period, and where, after a desperate struggle, it appeared to be quelled, is now independent. The spirit of the revolution continued to exist among the people. Hidalgo, and the gallant men who fell in the first revolutionary movement, did not perish in vain.

To prove the utter inability of Spain to recover possession of these countries, it is only necessary to take a view of their vast extent, of their population and resources, and to compare them with those of Spain, agitated as she now is, by intestine commotions, and, for many years past, regarded as the country of Europe the most destitute of industry, of commerce, and of enterprise. The mere recital of the names which distinguish the Spanish colonies in America, extending over 79 degrees of latitude, with a space of at least 1900 leagues, interposed between its most distant settlements; the vast extent of their mountains, their magnificent rivers, the varied productions of the soil, the riches of their mines, impress us at once with the magnitude of their resources. Buenos Ayres, comprising the finest provinces of Peru, the rich mines of Potosi, and the fertile province of Cochabamba, with a population of one million and a half; coining annually upwards of five millions of dollars, exporting ten millions, and importing about the same amount. Chile, the garden of the world, possessing the most fertile soil, productive of all the fruits of Europe, and of the tropics, equally rich in the precious and in the useful metals, with a population of more than one million, coining about three millions of dollars annually, exporting four millions, and importing more than three millions. Lima, I mean the viceroyalty of Lima, including Cusco, the ancient capital of the Incas, with a population of 1,200,000 souls, coining annually five millions of dollars, importing ten millions, and exporting thirteen millions. New Grenada, containing not less than two millions of inhabitants with a trade of more than six millions of imports, coining annually three millions of dollars. Caracas, with a million of inhabitants, and about the same resources as New Grenada. These two countries have since been united under one government, the Republic of Colombia. Guatemala, the country which comprises Costa Rica and Nicaragua, and bounds on New Grenada, a fertile and well cultivated country, containing one million and a half of souls. New Spain, or Mexico, contained in 1808, a population of five millions nine hundred thousand—a population not likely to have been diminished since that period. Coining at that time twenty-

three millions of dollars annually, importing twenty millions, and exporting between twenty and thirty millions. The detached governments contained nearly a million of inhabitants, making an aggregate of 15 millions.

I will not detain the committee by going into an examination of the resources of each particular state. It will be sufficient for my purposes to particularize those of Mexico. The whole annual agricultural product of Mexico was estimated at 29 millions of dollars. The annual product of the precious metals at 23 millions; the annual product of the manufactures at 8 millions; the exports at 22 millions; the imports at 20 millions; the revenue of Mexico, for customs and taxes, amounted to not less than twenty millions.

If, says baron Humboldt, the political strength of a nation depended only upon the extent of country, and number of inhabitants, New Spain might rank with the United States. Such was the state of those countries under all the disadvantages of the colonial system, for I have purposely taken the statement previous to the revolution. Thus we see that the total population of the Spanish colonies exceeded fifteen millions; the imports were never less than sixty millions, and the exports seventy.

The estimated population of those countries is more likely to fall short of the truth, than to exceed it. The census was taken for the purposes of taxation, which induced the inhabitants to conceal their real numbers. And here let me remark, that this population is more effective; and the proportion of whites greater than has been generally supposed. The most favorable statement ever published of the population of Spain, previous to the late wars, made it amount to 10 409 879. A population much thinned by wars, and pestilence, and famine, within the last ten years. The exports of Spain amounted to about sixteen millions of dollars, and the imports to between fourteen and fifteen millions. Let me ask, then, whether it is probable that Spain, with not quite two-thirds the population, with inferior resources at all times, and those much diminished by this defection, can reconquer countries at a distance, some of them of two thousand leagues, and none less than one thousand? The history of Spain herself is an answer to this question. With a courage and energy, that a determination to be free alone could give, Spain repelled the hosts of France that invaded her territory; weak in numbers and resources, when compared to France, they successfully resisted the utmost efforts of that power to subdue them. One word, sir, on this subject. It is too much our custom to speak contemptuously of this brave and high minded people; they were long bowed down by an iron despotism. But other days have dawned on that fair country; after resisting with unexampled resolution, foreign usurpation, they have resolved to be free. Their sufferings, from the vices and defects of long servitude, ought to excite our sympathies, and their efforts to establish free and liberal institutions, entitle them to our respect.

It has been supposed by some, that the independence of these colonies would injure the prosperity of the United States; possessing a more fertile soil, and raising the same productions, they would drive us from the markets of Europe. It has been said that colonies are safer neighbors than free states, and that so long as they were bound down by the oppressive restrictions of Spain, they would neither be dangerous rivals or formidable competi-

itors. It is unwise, therefore, in us to offer them any encouragement. Not only the best feelings of the heart revolt at such a conclusion, but it is manifestly false; it is our interest that they should be free. With an extensive line of coast, with numerous navigable rivers, facilitating their internal trade, with a population of more than 15 millions, almost without manufactures, with a demand for one hundred millions of dollars, and without the means of carrying on their foreign commerce, these countries present a market for the skill and industry of our merchants, which promises the greatest advantages. Let any one look back and observe how the demand has every where increased with the increasing produce.

The wars and revolutions which have lately afflicted Europe, are known now only by their beneficial effects. Effects to be seen in the amelioration and extension of their agriculture, in the increase of their towns and villages; in the augmentation of manufactures; in the benefits of education; the desire of freedom, and in the general welfare and prosperity of the country. It is impossible to pass through any part of Europe, at present, without being struck with the improved condition of the people. An improvement which, as it advances, will augment the demand for all the productions of the west. The intercourse of the provinces of Spanish America with these countries, will augment their means of information, and will enlighten them on the subject of government, on public welfare and private happiness. With the increase of knowledge, will arise free and well organized institutions, the refinements and various wants of civilization. This cannot fail to produce a demand for all the manufactures of this country, and for all the objects of trade. I had intended to have entered, fully, into the importance of our political relations with these countries. I fear, however, that I should exhaust the patience of the committee were I to attempt it; and I feel that I should exhaust my own strength. I am compelled, therefore, however reluctantly, to waive this part of the subject. The question for the consideration of the committee is, whether we shall now adopt a measure called for by every motive of feeling and of policy, at a moment when it may give us weight and influence in those countries; a measure by which we shall at once assume the station that becomes our character, among the great republics of this hemisphere; or whether we shall wait the slow and unwilling consent of Spain, or the uncertain policy of the other powers of Europe.

The latter have refused to co-operate with us. It does not accord with their avowed principles to countenance any resistance against the abuse of power, however flagrant and unjust. In all ages Spain has been slow to acknowledge the independence of those countries which have been driven to rebellion by her oppression. It is not probable that she will pursue a different policy with regard to her colonies in America. In this particular, and in this alone, I differ from the report now under consideration. It proves incontestably the right and the expediency of adopting the measure recommended by these resolutions. It is a clear and convincing argument, highly honorable to the committee, and, as I entertain great deference for their opinion, it is with reluctance I differ from them in this particular.

The committee think it manifest, from the report of the committee of the Cortes, "that Spain had not only renounced the feelings of an enemy towards the colonies, but had been prepared a year ago to

consent to their independence, but for *particular occurrences.*" They are led to this conclusion from the terms in which the committee speak of "the measure demanded by the crisis, as one indicative of a new and glorious revolution; that it was demanded by America, and by the true interests of the Peninsula; that, from it Spain might reap advantages, which otherwise she could never expect; and that the ties of kindred and the uniformity of religion, with commercial relations, and those emanating from free institutions, would be the surest pledge of mutual harmony and close union."

I agree with the committee, "that no measure short of a full recognition of unconditional independence could have deserved the character nor been capable of producing the effects ascribed to it." But, sir, what say the documents on your table? "The American deputies, disappointed in their expectations, presented propositions, in substance, Mr. Brent tells us, the same as those that at first met the approbation of ministers, and which would have been adopted, but for particular occurrences. These propositions contain no demand for an acknowledgement of Independence; but merely for permission to establish an internal administration, dependent upon the mother country; freedom of commerce and equal rights with European Spaniards. This was, in substance, the measure first proposed by the committee of Cortes, and which was subsequently rejected by the king, "as a violation of the constitution; that public opinion was not prepared for it; that it was against the interests of both Spain and America." Something less favorable must be intended by the king, when he says that "his government, urged by the Cortes to propose the measures they may think most proper for their welfare, or a consideration of the state of these countries, they will do so immediately, and with the utmost generosity." No, sir. The recognition of the independence of the Spanish colonies would be opposed by the interests and by the prejudices of the Spanish nation. Independently of the revenue derived by the crown from those countries—a revenue of more than 8 millions of dollars, the patronage they afforded was immense. Places in Spanish America were the reward of services, and the means of corruption. The aristocracy, who profited by those places, and who regarded them as the means of maintaining their splendid establishments in Europe, will abandon, with reluctance, the prospect of wealth America presented. The clergy will exert their influence to prevent it.—America was to them a source of ambition and of profit. The possession of America extended their spiritual dominion, and augmented their temporal wealth. The merchants, who, by a code of laws, framed in the spirit of restriction and oppression, monopolized the trade of the colonies, will oppose their recognition; and the people generally will not consent to relinquish, without a desperate struggle, the dominion over the colonies, connected, as it is, with their most pleasing recollections of national honor and glory.

It is in vain to say that they are really independent. The Spaniards will not abandon all hope of recovering possession of them until they are recognized by the powers of Europe. It is well known that there are many of the former inhabitants of St. Domingo, now in France, who still cherish the hope of being restored to their estates in that island.

These motives will operate powerfully upon the Spanish nation, and, it is to be feared, will not only prevent their recognition of the independence of

these countries, but lead them to view this measure, on our part, as an unfriendly, perhaps, as a hostile act. They certainly have no right to do so according to the laws and usages of nations.—But the resentment of wounded pride is not always restrained by considerations of national law.

But, sir, this risk, even if it were less remote, ought not to deter us from adopting the resolutions on your table. It is a measure called for both by justice and policy. The conduct of the government, in relation to this contest, has given the best evidence of our respect for the rights of Spain. So long as that nation made an effort to recover her dominion over her colonies, the United States abstained from recognizing their independence. But now, when all opposition has ceased on the part of Spain; now that those countries are free from the intestine commotions which divided them into factions, and rendered it difficult to distinguish which was the legitimate government, it would be unjust to withhold it.

I hope, therefore, that the committee will adopt the resolutions now under consideration. It is due to the rights of the free and independent governments that expect it at our hands, and due to our own character and station.

MR. McDUFFIE'S SPEECH,

IN THE HOUSE OF REPRESENTATIVES—APRIL 16,
On the bill in addition to the "Act to reduce and fix the Military Peace Establishment.

Mr. McDuffie said, the gentleman from New York, (Mr. Woodcock,) had presented to the committee a project, by which he promised to realize extraordinary results. But he thought the gentleman would experience the fate of all projectors; and that his calculations, by which he had deceived himself, and unintentionally misled the committee, would be found, upon examination, to be altogether fallacious. He said, that he, too, had consulted documents, and made calculations; and, though he admitted that his were partly conjectural, as all calculations must be on this subject, yet he would venture to say that they approached as near the reality as those of that gentleman. The gentleman proposes, said he, to effect an annual saving of four hundred and forty or fifty thousand dollars, by consolidating the regiments of artillery and infantry. This consolidation would have the effect of destroying the existing proportion between the officers and men, and of disbanding considerably less than one half of the commissioned officers.—Now, said he, the whole annual expenditure for the pay and rations of all the commissioned officers in the artillery and infantry, amounts only to but little more than three hundred and twelve thousand dollars. If to this we add one hundred and twenty thousand dollars for contingent allowances, it will amount to something less than the gentleman proposes to save by a partial reduction! By what principles of calculation, a part could be made to cost more than the whole, it was for the gentleman to explain. But, Mr. McD. said, he had minutely calculated the pay and rations of all the commissioned officers proposed to be disbanded, and they amounted to less than one hundred thousand dollars; and if even fifty per cent were added for contingencies, the gentleman's four hundred and fifty thousand dollars would dwindle into one hundred and fifty. But, said he, it is a very mistaken supposition, that even this sum will be saved by the proposed consolidation. The gentleman has entirely overlooked the fact, that all the

subordinate officers of the administrative branches of the staff, are filled by details from the subalterns of the line. What gentlemen improperly denominate the supernumeraries of the army, are not, therefore, unemployed. They are efficiently and profitably employed in performing those functions, by which the expenditures of the army have been so extensively economized since the present organization has been fairly in operation. He would not pretend to speak with absolute precision, but he should hazard nothing in asserting, that at least one half of the subalterns of the line, which the gentleman's amendment would throw out of service were engaged in the performance of staff duties—duties equally indispensable to the efficiency and economy of a military peace establishment; and for which officers must be provided, to whatever point of depression we may carry the general reduction of the army. What then, said he, will be the consequence of disbanding the officers detailed from the line to perform these duties? A saving of expenditure? No, sir, but a change of the officers who are to be the objects of it. And the only difference would be, that we should have those duties badly performed, at the same expense, by officers who have no rank in the line, divested of all military pride and military experience. To this extent, therefore, he said he might safely say that the scheme of consolidation would produce positive and uncompensated evil; change without improvement, and derangement without economy.—But, said he, there is still another source of delusion in the gentleman's calculation. His professed object was to bring back the relative proportion between the officers and men, to the standard of the peace establishment of 1802. But, if he will extend his calculations a little further, he will find that his amendment will reduce the relative number of officers much lower than it was even in Mr. Jefferson's peace establishment. In that establishment there were sixty-four men to a company of infantry, and fifty-six to a company of artillery, making an average of sixty men to a company.—Now, if we divide the whole number of the present peace establishment, by the number of companies proposed to be retained, we shall find that each company will contain ninety men; fifty per cent more than the number that constituted a company in Mr. Jefferson's peace establishment. If, then, we do not carry the consolidation principle farther than it has been carried in any former administration, it will be found that this magnificent scheme of saving will almost entirely vanish. In fact, said Mr. McD. the gentleman has alarmed himself, and perhaps the committee, by exhibiting the fearful aggregate of more than fourteen hundred officers; not reflecting that two thirds of this number were officers of the ordnance and engineer corps and non-commissioned officers. No man would propose to abolish any part of either of those corps, for, if we had not ten privates in the army, it would be on all hands admitted that they must be retained. The whole number of commissioned officers in the artillery and infantry, upon which alone the amendment can operate, is four hundred and twenty-seven.

But, sir, said he, I have now done with the calculations of the gentleman from New York, and must solicit the attention of the committee to topics of infinitely greater importance. The gentleman from Tennessee, (Mr. Cannon,) seems to be quite alarmed at the idea of having any military knowledge in the country in time of peace, and exhorts us to place our entire reliance on the militia in the event of a war. These fatal and delusive

doctrines, he said, which were but too extensively prevalent, demanded the most serious refutation. A great question is now presented to us, and we should approach it with a gravity proportioned to its magnitude. We are called upon to determine what shall be the policy, the permanent and settled policy of this government in time of peace, in reference to those great national exigencies which must inevitably grow out of our relations with the other powers of the world. The theory of our government is almost completely adjusted; and the embarrassing difficulties which have been experienced in the practical operation of our system, have almost entirely passed away. But that remains to be determined, which is not less important, whether, by a liberal and enlightened policy, we shall sustain the high rank in the great society of nations, for which Providence seems to have formed us; or, by disregarding the dictates of wisdom, and the impressive admonitions of our own experience, sink into feebleness and contempt, putting to hazard all that is dear to us, and all that is interesting to the friends of human freedom throughout the world. There is not, said he, on earth, a nation occupying so important and responsible a station as the United States. The only established republic in existence, she is charged with the maintenance of those great principles, which are destined, as I firmly believe, to overthrow every despotism in the civilized world.—Sir, they do not know the people of this country, who suppose them to be actuated by a spirit of narrow parsimony, and that they will not cheerfully bear all the burdens necessary to sustain the character of the nation, and vindicate her rights. It is a slander upon them to suppose that they will not pay the price of their liberty, by making the sacrifices necessary to defend it. You could not offer a greater insult to an American, to ask him whether, when the rights and the honor of his country are assailed, he would count the cost of defending them.—I beseech gentlemen to consider the character of the people they are about to disarm. No people on earth are more high minded or more prompt to resent an insult or an injury. They possess, in an eminent degree, that lofty sense of national honor, without which no nation can be either respectable or happy. And it is for this people, rising rapidly to greatness, and having in their political institutions, as well as in their commercial relations, never ending sources of jealousy and collision, with the great powers of the civilized world, that we are called upon to adopt a policy which nothing could justify but the prospect of an eternal peace. By a strange infatuation, we seem to be so prompt to adopt measures that may produce war, as we are reluctant to prepare for it. What a scene did we exhibit but the other day, when the question of recognizing the independence of Spanish provinces was presented to us? How did we then reason?—Were there any cold calculations of probable danger? We saw nothing but a brave and oppressed people, who had been for years struggling with difficulties, which they had at length almost surmounted. We were asked if we would receive them with a fraternal embrace and introduce them into the society of nations? The heart of every American responded in the affirmative. Then, indeed, we were all Americans. With a noble disinterestedness we unanimately adopted a measure, to which we were stimulated by no prospect of gain, and which may seriously jeopardize the peace of the country. I will not say that I believe it will produce a war with Spain. I incline to believe, on

the contrary, that it will not. But it would be blindness to say there is no danger. For, though Spain is feeble and distracted, and could promise herself nothing from a war with this country, yet, with the encouragement and secret aid of other powers, she might carry on a desolating war upon our commerce. And there is one power in Europe that will be prompted, both by political feeling and commercial interest, to foment a war between this country and Spain. It cannot be disguised, however we may lament it, that America and Great Britain are destined to entertain towards each other feelings of rivalry, approaching almost to hostility and hatred.

Every historical recollection and every anticipation of our future greatness, all that is past and all that is to come, warns us that these two nations, the dis severed members of the same empire, are destined to be the Rome and Carthage of modern times. From sources the most authentic, from every respectable writer and respectable witness, we are assured that there is but one thing in which all classes and all political parties in Great Britain concur; and that is, a deep and settled feeling of hostility to the Americans. The very name is execrated. And what is the fact in relation to ourselves? What is the first lesson which the father instils into the infant mind of his son? It is, that when he grows up to be a man, he must fight the British. I do not mention this with the view of being responsible for its philosophical correctness, but for the purpose of showing what the fact really is, in relation to the mutual feelings of the two countries. And will any man flatter himself that those feelings, unlike all the other strong sentiments of the human heart, will remain forever inactive? But upon mere commercial principles, Great Britain has much to gain from a war between the U. States and Spain. Such a war would throw the whole of the carrying trade, and most of the direct trade now enjoyed by us, into the hands of G. Britain. For, however contemptible we may consider the naval power of Spain, her privateers and ships of war could so annoy our commerce, that the enhanced price of insurance would drive our shipping from the ocean, and leave Great Britain in the undisturbed enjoyment of a monopoly. Sir, said he, it is under these circumstances that we have recognized the independence of the Spanish American provinces; a measure in every respect just and magnanimous, but certainly not characterized by a cold and calculating prudence. And yet this is the moment gentlemen have selected, with what consistency it is not for me to determine, for destroying entirely the utility of the army, considered as a preparation for war. For I shall hereafter show, that the present organization of the army is of the very essence of a peace establishment; viewed in reference to war, the only object which can justify its maintenance. But we are told that the militia are capable of defending us, and that this nation ought to be taught to rely wholly upon that species of force. Sir, I do declare, upon my conscience and before God, that there is not, in my opinion, amidst all the heresies incident to this young nation, a more fatal delusion than this. We may trace its origin partly to an injudicious and indiscriminating application of general maxims against standing armies in time of peace, and partly to our classical recollections. Greece and Rome, the nations of antiquity with whose history we are most familiar, and whose achievements we most admire, were nations of soldiers. War was their trade; rapine and plunder the sources of their public and

private revenue. The whole mass of their population was trained, by perpetual wars, to the use of arms. In a word, the whole nation was a standing army; and such was the rude simplicity of the art of war, that not only was every citizen a soldier, but almost every soldier was capable of commanding. Hence the provision in the Roman laws that prohibited the consul from commanding the armies of the republic two years in succession, was productive of no great inconvenience, though in the organization of modern armies, such a regulation would be utterly absurd and ruinous. And hence, also, the absence of standing armies, distinct from the great body of the community. The defence of the republic was left, not to untrained militia, but to citizen soldiers, drawn out by conscription or voluntarily rushing to their favorite pursuit. But the habits, the pursuits, the propensities, and the entire structure of modern society are precisely the reverse of all this. Our occupations are essentially peaceful. Each individual is dedicated to the pursuit of his own private interests, and in this way, most effectually contributes to the grand aggregate of national wealth, power and happiness. This is eminently the case in the United States; and the very essence of the freedom of which we are so justly boastful, is the security and the safety with which the citizen pursues his occupation. Now, if we abandon the idea of defending the country by a standing army, we must be inevitably driven into the conscription system—a system wholly inconsistent with the state of our society—a system at once intolerably oppressive to the people, and absolutely insufficient for the great purposes of national defence. I understand the gentleman from Tennessee (Mr. Cannon) to admit, distinctly, the consequence which I have stated as resulting from his position, and to maintain the policy of the conscription system. I think a slight examination will dispel this delusion. One would suppose that no man would deny the general proposition, that, whether the country shall be defended by conscripts or regulars, they must be trained and placed under the command of skilful officers. To deny this, would be to set at defiance every dictate of reason and every lesson of experience. War, in its present state, is the most complex and difficult of all arts. There is none so extensive in its elements and so infinite in its combinations, requiring so perfect a union of theory and practice. There is scarcely any limit to the increase of physical power which an army may derive from training. There was, perhaps, never an army on earth, not excepting those of Frederic the Great or of Napoleon, that might not have been visibly improved by longer training and more experience. Then, how perfectly idle is it for us to imagine we can, with untrained militia, led by inexperienced and unskilful officers, encounter with success the disciplined troops of other nations? This would be denying the efficacy of experience and practice, in an art whose whole power depends upon them. While then other nations keep up a certain state of military skill and discipline, it would be madness in us to neglect it. Then what is the consequence? According to the views of the gentleman from Tennessee, we must train, in time of peace, our entire population. This result cannot be avoided. And thus, instead of a standing army of six thousand, we should substantially maintain one of nearly as many millions.

Sir, such a scheme, besides that it would be harassing beyond endurance, either in peace or in war, is utterly visionary and impracticable. You cannot

to a nation of freemen, of the education and habits of the Americans, to the exact and slavish discipline of soldiers in time of peace; and if you could, it would be the most expensive and ruinous preparation for war that could be devised. Disregarding the great principle of the division of labor, it would disturb all the relations and pursuits of society, and render peace but little preferable to war. So that we are driven back to the question, Whether we shall maintain a military peace establishment, organized for war, and susceptible of the utmost expansion in that event, or rely upon the militia, without training and without competent officers for the first two or three years of every war? We have heard much of the bravery of the militia, and no man will go farther than I will in doing justice to their gallantry and devotion. I rejoice in the exalted character of my countrymen, and indulge the proud belief that there is not on earth so brave and so generous a population. But they will not thank gentlemen, I am sure, for that sort of kindness which praises and then sacrifices them. When the country shall be involved in difficulty and embarrassment; when our soil shall be contaminated by the foot of an invader, who can doubt that every American would nobly and fearlessly encounter every danger, and sustain every burden, demanded by the safety and honor of the republic? But what is the just inference? Because they are brave, shall we send them to be slaughtered in an unequal conflict with the trained legions of European despots? Because they are devoted, shall we offer up their blood in disastrous and unprofitable battles, where all their heroism cannot save the arms of the republic from discomfiture and disgrace? Sir, it is a cruel policy thus to tax the noble virtues of this people—to graduate the sufferings and the sacrifices to which you expose them, by their disposition to sustain them. And after all they shall suffer, they will not even have the consolation to reflect that their sufferings have saved their country from desolation. You may find victims in abundance ready for the altar; you may build a wall of the dead bodies of our slaughtered countrymen, but you cannot, by that means, secure and defend the country. What, sir, was our experience in the late war? The blood is hardly cold that was so wastefully shed in that contest, and we are called upon to disregard its solemn admonitions. Even here, in the seat of legislation, we are surrounded with monuments, at once of the Gothic ferocity of our enemy and of our own disaster and disgrace; and before the marks of the spoiler are effaced, we seem to have lost all recollection of what we have suffered. After the experience of the late war, there was but one opinion among the statesmen who had been most active in its prosecution. They were convinced that the honor and safety of the country demanded that we should assume a respectable attitude of defence. The nation demanded it. And, sir, if the present administration, regardless of the lessons of our past experience, had not pursued their present policy, but left the country unarmed and defenceless, how heavy and awful would have been their responsibility in the event of another war!—The blood of the brave, the tears of the widow, and the cries of the orphan, would have risen in judgment against them. I do most solemnly protest against this cold hearted economy, which, to save a dollar, would sacrifice the life of a freeman. I protest against this vacillating policy, vibrating from one extreme to another, and which, to avoid those burdens we can easily bear in peace, causes

millions of money and currents of blood to be squandered in vain in time of war. This is the fatal weakness against which every nation ought to guard. We are too apt to imagine that what now is, will always continue, and to neglect, consequently, all preparation for the storm till its desolation has commenced. This is the weakness of children. But even they will not put their hands a second time into the fire, and I trust we shall not act less wisely. I will venture to assert that no nation ever suffered as much as did the United States in the late war, if we take into consideration the duration of the war, the geographical position of the country, and its latent capacities for such a conflict. And how unjust is that policy which throws the whole weight of suffering upon that disastrous period which is least capable of sustaining it. In war we tax the people though their commerce is destroyed, and the productions of their industry perish on their hands. And yet in peace we are to make no preparation to mitigate the shock.

But preparation is not only necessary to enable us to prosecute a war with success, but it is the most effectual means of preserving peace. We invite aggression by being unprepared to repel it. No truth is more fully established than this, by our own experience. What was the condition of this nation before the late war with Great Britain?—From about the year 1806 or '7, no high minded nation ever suffered so deeply and patiently. It was unmixed and unmitigated suffering—the privations of war, without its consolations. Why was it inflicted, and why did we endure it? Because, sir, we were not prepared to redress our wrongs. Our enemy knew this. He was as well apprized of our situation as we were ourselves. And how did he reason? Why, said he, "I will cut off this branch of their trade and see how they will bear it." And we, making a cold calculation of profit and loss, said, "This is not worth defending by war." Finding us tame and submissive, he lopped off another branch of our trade, and we still submitted, because a war would cost more than we could gain by it. And thus one aggression prepared the way for another, until we reached the lowest point of national degradation. At length the wounded spirit of an indignant people called for war. And what were we then told upon this floor? That, though our commerce was swept from the ocean, and thousands of our citizens were held in disgraceful bondage, we ought to submit patiently, and trust to the magnanimity of our enemy, because we were unprepared to defend our rights and avenge our wrongs. If we had commenced a formal preparation for war, I doubt not the enemy would have retreated. And if we should hereafter pursue this wretched policy of preparing for war, after we have received the injury which justifies it, we shall be the sport of every nation that can gain by destroying our commerce. For they will continue their aggressions until we are prepared to obtain redress, and then will abstain until we have again disarmed ourselves. That Great Britain did not pursue this course, I ascribe to her firm belief to the very last, that we would not go to war unprepared. But, unprepared as we were, we rushed fearlessly into the conflict. The nation resolved nobly to hazard every thing to redeem its character. And what confirms my views of British policy, the edicts by which our commerce was annihilated, and which were the prominent causes of the war, were soon repealed after it commenced. But, having commenced the war, we determined

to persevere until our rights were secured. By the favor of Providence we succeeded; but when I look back upon the sufferings we endured, and the perils we escaped, I pray to God that I may never see my country again involved in a crisis so awful.

But we are told of the dangers of a standing army in time of peace. Sir, if a standing army is at all dangerous, it is not in peace, but in war, that our fears should be excited. And the more unprepared the nation is at the beginning of the war, the less military knowledge there is diffused thro' the country, the greater will be the danger. When a country is weakened by disasters, and humbled by disgrace; when all the ordinary means of safety have failed, then is she driven by desperation to confide the utmost power, and offer the most unbounded homage to some great military chieftain who shall rise up to redeem her from approaching ruin. Then, sir, even gratitude is dangerous.—What was the fact in the late war? The military engrossed all the admiration, the rewards, and the honors of society. No one was heard of but the brave and heroic defenders of the country. But how are they now treated? With cold neglect and cruel contempt, as mere outcasts from society. Yes, those to whom in the hour of danger we almost bent the knee of homage, scarcely receive naked justice at our hands. If this is wise, it is certainly not consistent. But it shows clearly that our army is not dangerous in peace. The only objection to an army in peace, is the expense of maintaining it; and I shall now proceed to show that, whether we regard economy or the efficiency of a peace establishment, the present organization ought to be preserved. In this view of the subject, the question is, what organization will, at a given expense, give us the greatest capacity for war? It must be admitted by every one, that the success of modern wars principally depends upon the skill of the commanders. And it is equally clear that, to form officers, much time is required, in comparison with what will be sufficient to train common soldiers.—We have been told that, in the late war, the officers of the former peace establishment obtained no distinction.

Gentlemen are mistaken in point of fact. Have they forgotten the names of Scott, who was among the first to carry the terror of our arms into the frontier of the enemy? Of Gaines, whom we shall long remember as the hero of Fort Erie? and of thirty others who signalized their skill during every period of the war? But even if the fact were as gentlemen suppose, I would not admit their inference. No historical events could convince me that, as a general rule, officers can be created without much study and long experience. To be sure, as gentlemen say, we have materials enough to make officers, if this could be done by the mere imposition of hands, or the investiture of a red coat. I know we have had many such officers; but we have found, from experience, that a red coat does not always give assurance that there is an officer and a soldier under it. Gentlemen really talk as if we had only to stamp on the earth, and not only armed men, but trained armies, would rise up to defend us. The hero of New Orleans has been held up as a prop to a falling argument. But Jackson is a man of extraordinary genius, and nothing can be more unwise and unphilosophical, than to draw general conclusions from a military prodigy. Taking it for granted then, that skilful and experienced officers are indispensable, and that it is the work of years to make them; it will follow that the ex-

tent of your capacity for war depends upon the number of competent officers. Hence the importance of maintaining in peace the skeleton system, by which the military establishment can be promptly increased to double its present number without appointing a single new officer, or changing in any respect the organization of the army. It will only be necessary to place a new recruit by the side of each regular soldier, and by this simple operation the work is completed. And it is admitted that in three months raw soldiers, thus thrown in, can be adequately trained. Thus our present establishment give a capacity for war, equal to what we should derive from 12,000 men upon a war establishment. Nothing is more certain than that the present organization is the most economical, as it gives us a given military preparation for little more than half the sum it would cost, if the regiments and companies were kept full, as proposed by the gentleman from New York. While on the subject of economy, I will advert to a single fact, to shew the effect of false economy. I believe it can be shown that fifty millions of dollars were wastefully expended in the last war, for the want of such an organization as we now have. If this sum were converted into a permanent fund, the interest of it would maintain, forever, a much larger peace establishment than the present! Yes, sir, the fact cannot be too deeply impressed, that in a little more than two years of war, the mistaken system into which gentlemen would now carry us, besides the cost of blood, subjected the nation to the actual loss of a sum which would support an army of ten thousand men for as many centuries. I do then beseech gentlemen, by every consideration, to reflect upon the consequences of the proposed reduction. I beseech them, by the lessons of history, by the bloody record of our own disastrous experience, and above all, by the precept of the Father of this republic—a great and venerable name, destined, I firmly believe, to reclaim us from a downward and degenerate policy, where even reason shall fail. For, of all the great men in America, Washington alone will be found, “in war and in peace,” to have been “wise unto salvation.”

Governors' Messages.

Extract from the Message of GABRIEL HOLMES, governor of the state of NORTH CAROLINA, addressed to the General Assembly, at Raleigh, November 1, 1822.

GENTLEMEN,—Called together to consult for the general welfare, from among our fellow citizens in the various counties of the state, and well acquainted with their interests and wishes, you have ever been viewed as a most interesting body. It is with peculiar satisfaction that I once more witness your meeting, confident as I am, that under the guidance of our excellent constitution, you will steadily pursue the common good. Chosen from among the people for your knowledge of their interests and devotion to their welfare, we may with safety rely on your patriotism and firmness; never to abandon or neglect them, or suffer yourselves to be warped by sectional prejudices and local views, losing sight of the good of the whole.—For let us ever bear in mind, that the good of the whole, if not immediately, will always eventually prove the good of every individual.

I beg leave to call your attention, in a few observations, to some of the most prominent objects which claim your deliberation, without pretending

even to name many things which your wisdom will suggest as requiring legislative interference. But it will be found, that by effectively promoting a few objects of fundamental importance, others, which are highly desirable and useful, will follow of consequence, or at least with much less immediate aid.

The improvement of the navigation of our rivers—an object which has for some years occupied much of the attention of the legislature, and excited a great deal of interest throughout the state, will no doubt again come before you. It is a desirable thing to all, that every facility within the power of the state should be afforded to our internal trade. It gives excitement to industry, and produces individual and state wealth; it improves the agriculture of the country, by making it the interest of every man to add to the productiveness of his lands. As it enhances the value of the farmer's lands, it makes him content to live and labor on his fields, rather than abandon them for a trifle, and rove in quest of wealth in countries more convenient to market. It diffuses knowledge among the people, by throwing open the avenues of communication, and affording free scope to the interchange of opinions, and the circulation of useful information; and so intimately are the operations of government connected with the agriculture, the arts, and the commerce of the country, that the farmer, while his interest leads him to avail himself of knowledge within his reach relating to his avocations, will necessarily be led, in proportion to his opportunities, to a knowledge of the nature and administration of his government; taught to estimate his national blessings; to watch with an intelligent eye the conduct of those in office; and to guard against the artifices of designing and intriguing men. In fine, so general and extensive is the influence of convenient channels of intercourse, that there are but few objects of legislation of common interest, with which the subject has not some important relation.

It is therefore unnecessary to say, that I feel a deep interest in the internal improvement of the state, or to endeavor to impress more deeply on your minds its very great importance. The laudable zeal which you have so long manifested in this grand project, is an evidence that you are sensible of its importance, and will not neglect it. But as to the particular objects which should be first effected, there has, I know, been a diversity of opinion. We have, I think, all seen, that had our limited funds been originally directed to a few points of primary and more general importance, and not dispersed in small portions throughout the state, the result would have been more beneficial to every section. Had we begun at the mouths of our rivers, and proceeded upwards, every step would have given additional impulse to those immediately interested in the work, and this impulse would have continued to spread until the whole state would have felt it. For example—if the channel of the Cape Fear, between Wilmington and the Bar, could have been deepened so as to admit vessels that could cross the Bar, to come up to town with their loads, and to go out with the same freight, without the aid of lighters, it is easy to perceive to what great extent the effects would have been experienced, both in stimulating the navigation company to vigorous exertions in clearing the river higher up, and in affording better prices to the planter for his produce, and lessening the cost of salt and other articles. But the truth is, that by dividing our strength so much in attempt-

ing to effect every thing at once, we have effected, comparatively, nothing, and it is to be feared that few facilities to trade exist now that did not exist before the commencement of our improvements. And what, but the one before assigned, can have been the cause of the failure of our works? We have for several years had the services of an able engineer, who has explored our rivers, pointed out the various obstructions to their navigation, and given instructions in what manner they were to be removed; a zealous and intelligent board of gentlemen have been watching over every project, and pushing them forward by all the means in their power, and still our progress is so gradual as to be almost imperceptible. The reason is obvious. We have not concentrated our money in sums sufficiently large to effect the objects to which they have been applied. If a remedy is still within our power, it is for your wisdom to devise and apply it. I have already said more than I had intended, designing only to call your attention to the subject. The interest which I feel in improving the condition of the people, the sovereignty and strength of our country, will, I trust, claim your forbearance, and excuse the freedom and candor which I have used. The report of the board of internal improvements will shortly be submitted to your honorable body, which will afford you every information with regard to our public works.

Before we leave the subject of internal improvements, suffer me to call your attention to a subject which has hitherto been too little regarded, and to which some of the foregoing remarks have reference. I mean the opening and improving of our roads. While we are expending the public treasure in improving the navigation of our rivers, we owe it to those who live remote from navigable streams, and who, in many sections, find it necessary to go to market by land, to open roads which may intersect and unite at convenient points, and lead to good markets. By this means, too, we should keep in our own state a great deal of produce which at present enriches other states, and draw capital to our market towns, which our own produce has helped to centre in theirs. Although it is desirable that every man should have a convenient channel to carry his surplus produce to market, even though he should be adding to the wealth of another state, yet it is but justice to ourselves, that while we expend the public wealth, we should, at least, give our own markets a fair competition. While our treasure is employed in public improvements, it is, surely, desirable that those improvements should be so directed as to repay us. It is, therefore, of the highest importance, while we open rivers which lead into other states, and give the farmers inducement to carry their produce away, that we should likewise make roads to our own market towns, give our merchants a fair competition, and add to our wealth; and this is still more desirable, when we consider that it would be to the manifest advantage of the planter, by giving him a choice of markets. I might point out particular roads which seem to claim your prompt assistance; but the circumstance that some of you come immediately from them, and are, therefore, much better prepared to explain and enforce their importance, renders it useless. Your own discernment will follow the subject throughout its extensive bearings, and your wisdom and attachment to the common weal, are a sufficient guarantee that you will give it your mature deliberation, and adopt such measures as are practicable and conducive to the great ends in view. The improvement of roads

and rivers would soon enable our citizens to get out of debt, and would be the surest means, by affording a strong motive to industry, of keeping them from the ruinous and visionary schemes of speculation. Talk not of banks—of an increase of circulating medium, as a means of extricating them from their embarrassments. It will only “put off the evil day” of payment. Our countrymen, taught in the school of sore experience, begin to see the wisdom of economy, and to feel the necessity of retrenchment. They are in the very situation, then, to return to habits of industry and morality; and they will do it, and will soon rid themselves of debt, if you will offer them every inducement, and every facility in your power. They will presently get into the good old ways of certainty and safety, and will be content with a more moderate increase of wealth.

By a judicious and well conducted plan of internal improvements—by opening, so far as our resources will permit, our roads and rivers, always taking care to begin with such works as are of most general utility, the effects of which would be most extensively experienced, we should go far towards accomplishing another most important object of state policy, viz: the improvement of the agricultural condition of the country. The planting community are the very strength and sinews of the government, and in proportion as they are suffered to languish, must the government become feeble and inoperative, and all other objects of public utility experience a depression. The effect of roads and navigation on agriculture, will always be mutually felt, and if the legislature would give to agriculture even a small share of direct aid and encouragement, there is no doubt the effect would be reciprocated in a much higher ratio. With the increase of agriculture, indeed, every thing else is made to flourish. Wealth, knowledge, and virtue conspire to make us happy, and perpetuate the inestimable boon of freedom and independence. Contentment smiles in the cottage, and wealth diffuses its genial influence to all around. There is an inspiring beauty and harmony in the aspect of a well cultivated country which seem to be reflected from the countenances of the people; and I never presented to my imagination a more delightful image than that of flourishing fields, cultivated by free and happy people. Born in the country and raised a planter, I have always felt a degree of enthusiasm in contemplating this object, bordering, perhaps, on extravagance. But its importance is by no means diminished by the coolness of deliberation; its consequence, indeed, is the more obvious and home felt; for the practical and universal necessity goes into every man's door, and is experienced alike by all classes of society. Why our agriculture has been so long neglected by the legislature, and is so far behind hand with respect to some of our sister states; and whether it be not high time that you should extend to it your fostering care, appear to me to be enquiries well worth your attention. Their solution I leave to your own wisdom, and the remedy or remedies, to your own judgment, far better than mine will suggest. If the reclaiming of our exhausted lands could be commenced by offering premiums, or by any other better means, the beneficial results, I apprehend, would soon appear. Could you induce farmers to make experiments on their lands in new methods of cultivation, and the introduction of articles not of common growth, and which have been found to be profitable, not only as valuable articles of produce, but as enriching the soil, a

very great improvement would, without doubt, be thereby effected. But to you, gentlemen, with confidence and with pleasure, I submit the subject, without pretending to dictate to your wisdom or believing that I can add to your zeal for the common good.

In connection with this and the subject of education, to which I must beg leave to invite your attention at the present session, I would mention one defect which appears to me to exist generally in the education of our young men of liberal advantages: They know little or nothing of agriculture, and are not taught to hold it in proper estimation. The consequence is, that they nearly all devote themselves to the learned professions, and leave the calling of husbandry, equally as respectable and more useful, to those whom they consider their inferiors. By this defect, and these consequent mistaken notions, we lose the talents and influence of many a young man who lags and withers in one of the professions, when he might be an ornament and guide in the quiet walks of agriculture, and constitute one of that most excellent and useful class of society, *good citizens*. It is truly melancholy to witness the crowds of drones that hang upon the rear of the learned professions, burdens to themselves and burdens to society, because they are useless—and many of them, perhaps I might say a large majority, men of talents, but unhappily misapplied. I trust, if they are beyond the saving influence of the legislature, that you have it still in your power to prevent their accumulation, and to diffuse the talents of our state into more extensive usefulness. Should the legislature even practically unite in the important truth, that it is of the last moment to the stability and security of our republican institutions, that all kinds of useful knowledge should be extended to our youth, the poorest as well as the richest; it is to be hoped that they will not overlook the article of agriculture; and in the present flourishing state of our University, when its wealth has received such an addition in western lands, its number of students such an increase, its buildings receiving such improvement and extension, and its able faculty and trustees are so zealous and indefatigable in raising its reputation and extending the sphere of its usefulness, it appears to be an auspicious period to introduce the subject of agriculture within its walls, and lend it your aid. Were you even to devote a considerable sum of money to this purpose, how manifold would be the interest which the people would receive in its advantages. Young men of liberal education would leave the University with proper ideas of the dignity and usefulness of agricultural avocations, and with much useful knowledge relating thereto. They would go into the different parts of the state, and devote themselves to agriculture, and associate in societies with men of more limited opportunities, where their knowledge and their influence would be widely diffused and give a life and vigor to agriculture, of which we can easily form some conception. But I would not have you suppose that this subject is altogether neglected in our University. We have there a professorship of chemistry and mineralogy, which bear an intimate relation to agriculture; and it gives me much pleasure to state, that I have been informed that the gentleman who has charge of that department of instruction, takes a lively interest in the improvement of the agriculture of the country, and devotes a part of his course of lectures to that subject alone, and loses no opportunity of imparting to his pupils every article of knowledge which

will be of service in the business of life. I am happy that I have it in my power to make known the fact, that our University is not confined to those studies which, though of the highest importance in a liberal education, have no immediate relation to the concerns of life. I have said the more on this subject, because it derives additional importance from the fact that we are, and from our geographical situation must continue to be, an agricultural rather than a commercial people. I trust that this fact, and the intrinsic importance of the subject, will lead you to a serious investigation of it, and (for it is surely practicable,) to give it your aid and protection.

With regard to education, although we have been considering an important part of it, you are by no means to stop here. Our constitution has made it your duty to encourage and foster every kind of useful learning. Its wise and patriotic framers, who were about to burst from the thralldom of oppression, and who were sensible of the enslaving influence of ignorance, ordained it to be their own duty and that of their sons, to whom they were soon to bequeath the inestimable legacy of freedom, to diffuse learning among the people—and they, no doubt, looked forward, in pleasing anticipation, to the period when their posterity should have schools and academies erected among them—when knowledge, at least of the more ordinary and indispensable kind, should be within the reach of the child of the poorest citizen—when “all useful knowledge should be duly encouraged and promoted”—the people acquainted with their rights, sensible of their national blessings, and therefore determined to perpetuate their institutions; and to keep the soil which their fathers had purchased with their blood and treasure, the land of freedom and the asylum of the oppressed. I fear gentlemen, if those venerable fathers were to rise from their tombs, they would reproach us with supineness and neglect, and would not listen to our plea of want of power. We shall never know what power we have until we exert it; and it holds in political as well as physical strength, that it is increased by exercise. To all these subjects, then, which appear to me, I am sure, in a far more important light than my limits or language will allow me to express, let us give heed, and timely heed. Let us do something, however little—it may prove in time as a grain of inustard seed.

But whilst we are sedulous to obtain these grand objects, we should not lose sight of the fact, that these and all our blessings and privileges are liable to invasion from abroad. We have experienced the injuries of foreign nations before, and we have no reason to conclude that this is never to be the case again. It is therefore important that we should direct our attention to the training of our militia. Our militia system, as you well know, is still very defective. Let us ever recollect the advice of our political father, to prepare for war in time of peace. By far the most important part of this preparation consists in training up a body of men that will always be ready in case of war; to send into the field an efficient force. It seems to be the policy of the general government to reduce the standing army of the United States, as being too expensive and dangerous to the republic.—Whether this be sound policy or not, it certainly increases the importance of having a well organized militia. At present it is difficult to discover what advantage is derived from our system and practice, except in a few remarkable instances, where individual exertion and spirit presents a

cheering prospect amid the surrounding gloom, and shows what may be done by proper endeavors. This is a subject of no small moment, and I trust will receive a share of your deliberations. It is to be hoped that we may never become a nation of soldiers by profession; or neglect the delightful arts of peace, while we pay some regard to those of war. And while we prepare for our enemies, we should cherish towards them generosity and forbearance, adopting the sentiment, “be able for thine enemy rather in power than use.”

Extracts from the Message of JOHN BROOKS, governor of the state of MASSACHUSETTS, to the legislature, transmitted Jan. 1, 1823.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives:

I embrace the present moment to offer you my congratulations on the commencement of a new year, and on your reassembling to engage in the important duties of legislation.

Although no form of government is so rational in itself, nor so well calculated in its operations to render a people happy, as is that of a representative republic; yet there is none that demands greater wisdom and integrity in its administration. The public interests require continual watching; and the changes which time and the progress of civilization and the arts gradually effect, are to be met and provided for with discriminating care. That Massachusetts should have sustained an honorable career from the humble condition of an obscure colony, through the lapse of two centuries, and under various forms of jurisprudence, to her present elevated standing in point of population and wealth, of learning and the arts, is to be referred, under the favor of Divine Providence, to the judicious adaptation of her laws to the multifarious wants and circumstances of the people. Different degrees of increase and prosperity, indeed, have marked different periods of her progress. But under events and aspects the most inauspicious, improvements have never been stationary. An invincible progression in numbers, and in moral and political strength, has never ceased to encourage her hopes and indicate her course. Recently, however, under the present order of things, a freer scope has been afforded for developing her moral and physical faculties.

A short time only had elapsed after the first founders of Massachusetts had begun their settlements, before political and commercial jealousies on the part of the British government became apparent; and at every period of her colonial existence her interests were sacrificed to the avaricious and domineering spirit of her parent country. But a course of conduct thus selfish and oppressive, though designed to impede the growth of the colony, and to insure its dependence on and subservience to Great Britain, ultimately defeated its own purposes. Subjected as the colonists were, to the unbending rigor of the colonial system, a limited commerce only was allowed them; and even the stinted share of traffic they were permitted to prosecute, was encumbered with regulations far less calculated to remind them of their filial relation, than of their inferiority and subjection. Incentives to extensive enterprise were thus denied to her merchants, and the accumulation of capital, which a liberal commerce only can effect, was rendered impracticable. But while made to feel the weight of power, and to submit to the humiliation of colonial restrictions, they were led by a very natural

train of thought, not to investigate the nature of magna charta and the constitution of England merely, but the broad principles of all legitimate governments founded on the natural rights of men; and ultimately to form an estimate of the value of self-control. In the meantime, habits of industry and economy were formed, and the skilful management of their circumscribed interests was acquired; and thus the colonists became fitted for acting their part well as subjects, and to sustain with honor the separation that awaited them.

But the acquisition of independence failed to fulfil the public anticipations. The states by mighty and united efforts had become independent and free. Peace soon disclosed truths which had hitherto been but partially believed, that the boasted union of the states under the confederation, had resulted from the pressure of common danger, and that something was yet wanting to complete the revolution and insure the general welfare. The vital defect, nevertheless, was long felt and deplored, before the national will ordained a remedy. The beneficial effects produced almost instantaneously, by the operations of the national government, were wonderful and incalculable. The sudden restoration of public and private credit, the animation given to enterprise and industry, in the various branches of political economy, and the general amelioration in the condition of the people, which, I presume, are in the recollection of most of you, were occurrences which transcended the hopes of the most sanguine. Massachusetts shared largely, for a while, in these results. But the regular order of peaceful commerce was destined to derangement. A long series of astonishing phenomena ensued, involving the destruction of governments, the extinction of nations,—and a change in the habits and occupations of a large proportion of the human family in the civilized world. The citizens of this state, observant of the character of the times, and yielding to the allurements of emolument attached to the neutral flag, availed themselves freely of their neutral rights. The preternatural excitement however, effected in one branch of enterprise, left others to languish; and commerce, after suffering unexampled vexations from the belligerents, was driven from its ordinary channels in times of peace, and, eluding the sober calculations of the experienced merchant, became the subject and the victim of chicane and speculation.

But notwithstanding an incalculable accumulation of wealth under the American flag while its neutral character was maintained, it was not until since the late war, that terminated with so much glory to our nation, that the individual states have been permitted freely to explore and cultivate their respective resources. And it is worthy of remark, that although seven years of peace have elapsed, yet time scarcely sufficient has been allowed to surmount the embarrassments necessarily arising from an abrupt transition from a state of war to a state of peace, and from a spirit of deep speculation and adventure, which had been generated by the peculiar circumstances of the times.—From causes to which it is needless now to advert, Massachusetts has felt less severely, or with greater facility recovered from those embarrassments than some of her sister states, although her maritime position and vocations expose her to the deepest suffering on the occurrence of foreign war.

From every just consideration, therefore, she ought to cherish a love of peace; it being a condition most congenial to her moral feelings, and most

favorable for the cultivation of her means of enjoyment and greatness. The fisheries, one of her great sources of subsistence and emolument, must in time of war be annihilated; although in a time of peace they give lucrative employment to thousands of the hardiest of men, and constitute the greatest and most permanent nursery of seamen for our gallant navy, which is the pride of the United States, and the support of their commerce and honor abroad.

The martial energies of our country have never been questioned; and her ability to sustain the arts of peace is now fully demonstrated. To you, gentlemen, as representing the feelings of the people, the appeal may be safely made, as to the result of the experiment in this commonwealth. The enemies of the revolution represented us as possessing neither the intellectual, nor the moral, nor the physical elements, for constituting and supporting an independent government. But what are the facts? Our naval and military triumphs, our commerce, which, under the fostering care of a paternal government, has spread over the world, and is now gladdening the human heart in every clime; and above all, the contentment, the good order and social happiness enjoyed by more than ten millions of free citizens, give the answer.

Among the public evidences of the success that has attended the exertions of the people of this state in internal improvements, and which are sure pledges of continued prosperity, we may refer to the general aspect of the country, as connected with agriculture and rural economy; to the number and admirable structure of our bridges, to the goodness of the roads in every part of the state, and to the various and expensive canals and locks on the Connecticut and Merrimack rivers, and more especially the Middlesex canal, that unites the latter with the waters of Boston harbor. If it were necessary to adduce further proofs of the successful enterprise and industry of the citizens of this community, we might also refer to their navigation and tonnage, which are now presumed to be exceeded in amount by only one state. And it is apprehended that we should not deviate materially from the reality, in assuming that, with a population equal to about one-twentieth part of the population of the United States, Massachusetts contributed, in the year just ended, nearly one fourth part of the whole amount of revenue derived from commerce to the national treasury. While these considerations serve to evince the importance of the commerce of this state to the Union, it should induce us to appreciate our resources, and by every possible effort to augment their value.

While the distinguishing results now noticed are primarily derived from the fisheries, and from other natural advantages peculiar to our local situation; it is cheerfully conceded that those advantages are called into more effective operation by the powerful energy of the United States' code of commercial law. The coincidence of the means of raising revenue, and of giving impulse to national industry, is happily illustrated in the existing tariff. If our national commerce be extensive, if the products of our agriculture are furnished with a ready market, and if our manufactures are multiplying and improving with a rapidity hitherto unknown, we can scarcely too highly appreciate the wise policy of the national government: unless the authority of facts and experience be discarded, we cannot hesitate to acknowledge its soundness and efficiency. And although the existing laws respecting commercial revenue may be, and unques-

tionably are, susceptible of a more perfect adaptation to the manufacturing interest, and might be made, in point of revenue, more productive, yet the strongest conviction rests on my mind, "that the interest of every part of the Union requires that this subject should be touched with the greatest caution," and not without a clear foresight "of the effects to be produced by the slightest change."

The facilities for sustaining extensive manufactures are scarcely less distinguishing for this community, than are our advantages for commerce.— Facts are fully illustrative of this truth. By recurring to the laws of the commonwealth, it is found, that one hundred and forty-nine acts have, at different times, passed the legislature, and are now extant, for incorporating manufacturing companies, with an aggregate capital amounting to more than sixteen millions of dollars; and it is presumed to be within your knowledge, that nearly all these establishments are now in successful operation.— In reviewing the diversified concerns of the people of the commonwealth, I feel entire confidence that your deliberations will result in measures calculated to promote their best interests.

By recent accounts from Europe, and some of the prisons in the neighboring states, a machine, denominated the "tread or stepping mill," has been introduced into some of the penitentiaries, as a mode of employing convicts. How far this new description of punishment may have answered the expectations of those who have had recourse to it, I have not been sufficiently informed to assert. It is favorably spoken of; and on a subject that has hitherto disappointed, in some measure, at least, the hopes of the humane every where, every hint indicating improvement, seems to merit consideration. Referring you, gentlemen, to that part of my communication to the legislature on the 10th of January last, relating to the state prison, I recommend the subject at large to your consideration.

In conclusion, I should feel myself wanting in respect to you, gentlemen, and to my fellow citizens generally, were I to omit expressing, on this occasion, the heartfelt satisfaction that has been derived to me from the reiterated expression of their confidence. To one who had devoted the first moments of manhood to the service of his country and the cause of freedom, such tokens of remembrance and regard, are peculiarly grateful; and they have been more precious to me, not only as they indicated a generous approbation of humble efforts to be useful, but have sanctioned the immortal principles which originated and perfected the revolution. But conscious that the claims of nature to exemption from the care and anxieties of official responsibility cannot be resisted with impunity, I deem it an imperative duty to announce my determination to decline being considered a candidate for re-election to the office of chief magistrate; devoutly imploring the benediction of Almighty God on all the interests of the commonwealth, and tendering to you, fellow citizens, my sincere wishes for your personal happiness.

JOHN BROOKS.

Council Chamber, Jan. 1, 1823.

LEGISLATURE OF NEW YORK.

The two houses of the legislature of this state formed a quorum yesterday, when the session was opened by a message from his excellency the governor, of which the following is a copy:

Gentlemen of the Senate, and of the Assembly—

The situation in which we are at present placed

is peculiarly interesting and highly responsible; and while addressing the first legislature convened under our new constitution, from a situation to which, by the favorable opinion of my fellow citizens, I have been elected, and in obedience to the commands of that constitution, presenting and recommending for their consideration some of the various subjects which will necessarily claim their attention during this their first session, I feel, sensibly, such peculiar interest and high responsibility.

In the performance of the duties of my station, I am satisfied that I shall receive every requisite aid and support from your united exertions for the public good; and while we have this object only in view, whatever difference of opinion shall exist relative to the adoption of means to promote the welfare of the people, by whom we have been selected as agents, and entrusted with power, I feel a confident expectation that the judgment of charity will be extended towards each other for the motives by which we are governed, and I claim the kind indulgence of my fellow citizens for the errors which I shall unintentionally commit; and while society must be governed by the limited capacity of human beings, subject to the conflicting temporal interests and frailties of human nature, errors will unavoidably occur, and even correct measures and conduct be pronounced erroneous.

Resting in the consciousness of a correctness of my motives, and relying on the support of a superintending Providence, I shall endeavor, to the utmost of my ability, to promote the welfare of the people, and the best interests of the state.

There has been only one period since the declaration of our independence, that the legislature of the state of New York have been called upon to perform such high and responsible duties as at this session will devolve upon you; and when we reflect upon the conduct of those who formed the first constitution of this state, and organized a government, every well ordered mind must be led with gratitude to bow before the throne of grace, returning fervent thanks to the God of heaven and of earth, who raised up for us in that time of need, men eminently endowed with great intelligence, integrity, and superior, I had almost said inspired, views of the rights and liberties of man. The checks and balances of the old constitution of this state were admirable, when judged with reference to the time in which it was adopted, just emerging from a state of colonial dependence, and while desperately, and almost convulsively struggling to break the fetters of transatlantic despotism; almost every man in the community at that time possessing high ideas of the necessity of a strong executive power and great legislative independence; and although we have amended what we have deemed its errors, and what, in the present improved state of the community, were really such, yet the candid mind cannot but admire and applaud its great comparative excellence.

I could not, gentlemen, withhold, at this time, and on this occasion, the expression of my affection and veneration for those men, great in intellect and honesty, several of whom were personally known to many of us, who, having placed and seen their country in prosperity and the enjoyment of liberty, have gone to sleep with their fathers until the great day of retribution.

This government has, by the late amendments, been adapted to the present feelings and views of the community, the only proper standard by which a good government can be formed, and no time for

its reorganization could be more auspicious than the present. The peaceful state of the country, and absence of any asperity in party contentions, will enable you to obtain the benefit of each other's candid views of every measure; and although it is obvious, that in the enactment of laws in compliance with the new provisions of the constitution, and the reorganization of the government, many unexpected difficulties and embarrassments must unavoidably occur, yet, by mutual forbearance, when you may differ in opinion, and by great attention and circumspection in the adoption of measures, these will vanish.

To you, as the first legislature assembled for the purpose of reorganizing this government, clothed with plenary powers to apply the provisions of that constitution, and limited only by its articles, the people look for wisdom, prudence and self-government; and I do not hesitate to indulge a confident expectation, that their hopes will not be disappointed.

The principal portion of your time and attention will probably be devoted to passing such laws as have become necessary under the existing constitution. I have, therefore, thought it proper to confine myself to such prominent subjects of legislation, as will probably, under such circumstances, be presented to your consideration.

Among the various and highly interesting subjects claiming your attention, the most important is the arrangement and organization of the judiciary. It is one that ought to be approached with great caution, but with full and competent decision. It must be acted upon with firmness, yet with the greatest discretion. Its responsibility to the community fully retained, and its independence amply secured, so that no executive, legislative or other influence, can be brought to bear upon it in such a manner as to have a deleterious effect upon its deliberations or decisions. The division of its labor so made, that it is within the reasonable limit of human power to attend to its duties, that the execution of the laws may be enforced, justice extended to all and denied to none—its pecuniary support provided for, with such liberality, that the most intelligent and best men may not feel as if they are doing themselves and their families injustice by accepting the most responsible and highest public stations in the gift of the government. The supreme court, now to be composed of three judges, is to receive its most considerable aid in the discharge of certain of its duties by the establishment and appointment of circuit judges, pursuant to such division of the state into judicial districts as you may deem it advisable to make, and upon whom that important branch of our jurisprudence, the holding of courts of oyer and terminer, and *niis prius*, will principally rest. Those judges may also, at the will of the legislature, be considered and made assistants to the chancellor. The powers given to them, and the duties they are required to perform, as specially stated in the constitution, with such as may be assigned to them by law, are of a character deeply interesting to the welfare of the state.

It will become your province to divide the state into districts, according to the 5th section of the 5th article of the constitution, and to invest them with such additional powers as you may deem proper, and may fall within the range of legislation.

An able, faithful, and impartial judiciary is not only the greatest ornament of the state, but the best security against tyranny and oppression; on its intelligence, firmness and integrity, the lives,

the property, and liberties of the people, in a great measure depend. This state has never failed duly to appreciate its importance as blended with its prosperity and honor—and while we are careful not to indulge in large and extravagant compensations to our public officers, it will not be denied, that the independence of our judges is promoted in no small degree by the permanency and adequacy of their salaries—thus enabling them on the one hand, to devote their whole time and attention to the discharge of their judicial duties, and on the other, to be above the reach of any temptations to neglect them. This consideration derives additional force, from that part of the constitution which disqualifies them from accepting, or being candidates for any other office from the legislature, or the people, during their continuance in their judicial stations.

While on this subject, permit me also to remark that legislative provision appears to be necessary with regard to the powers vested in the court of probates by the old constitution, and with regard to the manner of vesting them under the new, and of regulating appeals therefrom;—whether such regulations will render provisions concerning the office of surrogate necessary, must be submitted to your wisdom and discretion.

It will be requisite to declare by law the time and manner of electing militia officers, and of certifying their election to the executive.

The attention of the legislature has frequently been called to the important and interesting subject of regulating the militia. It has become more interesting because of the variety of opinion which always have, and still do exist, in relation to the necessity of attention to it. But I have always entertained the opinion that it is not possible to maintain a government perfectly free, without a reliance on a militia for defence against insurrections and sudden incursions, and for volunteer aid in the formation of armies, when we may be afflicted with war; and in order to accomplish these objects, unremitting attention ought always to be paid to the organization and discipline of the militia. I therefore recommend a full examination of our militia laws to your consideration.

There are at present a very considerable number of officers for whose appointment no constitutional provision exists, other than a general power delegated to the legislature, to regulate the manner of making such appointments, and to limit their duration. Among these are the office of surrogate, auctioneer, commissioner to take acknowledgements of deeds, justices in cities, and some others not deemed necessary here to enumerate, but which will, doubtless, in the discharge of the duties imposed upon you by the constitution, receive their proper share of your labors and attention.

That part of the constitution which declares that the proceeds of all the public lands, with certain exceptions, belong to the school fund, and shall remain perpetually and exclusively appropriated to the support of common schools throughout the state, requires attention.

The tracts thus set apart for that purpose contain nearly one million of acres. Most of these lands, however, remaining unproductive at this time, I submit to the legislature whether the wise and patriotic intentions of the framers of our constitution will be best promoted by allowing them to remain in their present state, or to direct a sale of the whole or a part equal to a principal, rendering an interest sufficient to make good the annual deficiency in the present school revenues. The

subject of education is interesting to the happiness of every government and people, but more especially to a republic, having for its basis and permanency the intelligence and virtue of the people. To recommend it to your anxious care is, I have not the least doubt, anticipating your intentions.

During the recent elections under the new constitution, difficulties have arisen at some of the polls, with regard to the true construction to be given to the article which defines the right of suffrage. The intention of the makers of the constitution ought to be realized, and it is with you, as far as may fall within the scope of your constitutional powers, to pass explanatory laws enabling the inspectors correctly to ascertain the citizens entitled to vote, and thus prevent improper exclusions by hasty and unadvised decisions during the election. The right of suffrage is of the highest value to the citizen, as all our civil institutions, and the purity and correct administration of our laws, in a great measure depend upon its legitimate or constitutional exercise; any forced construction, therefore, whereby this right might be unjustly refused or usurped, ought to be guarded against by the enactment of laws, conformably to the spirit and intention of the constitution.

The criminal code which has so frequently attracted the attention of the legislature, may still be considered, in many respects, susceptible of important improvements. During the last autumn, whilst engaged in my official duties as one of the justices of the supreme court, I visited the prison at Auburn, and from the representation of the inspectors, connected with actual observation, I am perfectly persuaded, that experience there, authorized by a late statute, has fully demonstrated, that solitary confinement without labor, and where the prisoner is restricted in his diet, limiting such imprisonment in its duration, according to the nature of the offence, presents the best means of reclaiming the offender; and, according to the benign intentions of our penitentiary system, of fitting him for future usefulness, in case he should thereafter be restored to society. I recommend this highly interesting subject to your serious and mature deliberation, in the hope that you will come to such results as will effectually insure the important object intended by the introduction of this humane and valuable principle into our criminal code.

It gives me much pleasure to state that the canal system, so wisely adopted and successfully pursued in the state, promises to realize the expectations of the community. The convenience already afforded to the inhabitants, by the facility with which the products of the country may be brought to market, has exceeded the most sanguine hopes of its warmest supporters.

From a general view of the state of the treasury, it appears that the receipts during the year ending the 30th November, 1822, were \$915,705 39; which together with the sum remaining in the treasury on that day, amount to \$1,032,919 42. The payments during the same period, were 924,094 89; leaving a balance in the treasury of 108,824 53; of which, however, only \$27,453 66 can be applied to the ordinary expenses of government, the residue being appropriated for specific purposes. The public debt on the 1st of Dec. 1822, amounted to \$5,423,500, of which 4,243,500 are for monies borrowed to complete the canal.—Several specific sources of revenue, such as the duties on salt, sales at auction, the commutation for the tax on steam boat passengers, and the canal tolls, are appropri-

ated to the extinguishment of the canal loans and the interest thereof. It has not yet as been found necessary to resort to any other sources of revenue to meet the payment of the interest, the principal being irredeemable, by the terms of the loans, for several years.

The difficulties existing between this state and the state of New Jersey, concerning our territorial and jurisdictional limits, still remain unadjusted, and it is very desirable that measures should be adopted to terminate a controversy between two sister states, which in so great a degree interrupts the harmony and intercourse that ought to exist between them: whether the aid of the congress of the United States should be required in this delicate affair, or whether it is not more discreet and proper that a further attempt should be made at negotiation, or compromise, in the appointment of commissioners, are subjects affecting the character and interests of the state, and must be submitted to your wisdom and discretion.

Before I conclude this communication, I submit to you the propriety of directing a revision of all the public statutes of the state. The adoption of the new constitution has rendered many of our statutes inapplicable to the present state of things, and many others, particularly in our penal code, are distributed into so many volumes, though relating to the same subject, that references to the different laws are rendered extremely difficult.—In a new revision these difficulties might be removed, by condensing into one statute each subject of legislation, and arranging them under proper heads, so that the people at large might clearly comprehend them; besides, much might be gained by omitting several obsolete statutes now appearing in our statute book. Various other improvements might be suggested, but they will readily occur to the legislature, should the subject receive a discussion. Whatever other matters are necessary to be submitted, will be communicated by special message.

Notwithstanding the commercial metropolis of this state has during the summer been visited by one of those afflicting dispensations of divine Providence, which not infrequently prove the scourge of a dense population, we have reason to be thankful that the pestilence has been stayed, and health, and business resumed their wonted influence in that city.

By a report or communication of the mayor of the city of New York to the common council, made on the 25th of November last, and by that officer recently transmitted to me, it is proposed to erect a public hospital for fever patients, at a convenient distance from the city, to prevent the spread of the disease; and to which, it is confidently expected, persons will, without reluctance, suffer themselves to be removed, as the situation would be more healthy, and afford them pure air, good nurses, and the best medical advice and attendance. While an establishment of this sort would be of the greatest advantage to the metropolis, it would have the additional recommendation that its doors would necessarily be open to receive nonresident patients who might take the infection while in the city; and it being manifest that such a measure must essentially contribute to alleviate the distresses of a portion of our fellow citizens, if not prevent the ruinous consequences of the disorder to the city and country altogether, and thus, in a precautionary, as well as philanthropic point of view, promote the welfare and prosperity of both, their interests in that respect being mutual. It is submitted to your

consideration whether some legislative assistance ought not to be afforded to encourage so humane and useful an undertaking.

I congratulate you also, fellow citizens, upon the prosperous condition of our country. We have maintained peace with all nations; our foreign relations have continued undisturbed, and the high reputation of our national government is still the theme of every patriot, and the admiration of the world.

The prosperity of our state, in its agricultural, manufacturing and commercial relations, and the many other blessings which by divine Providence we are permitted to enjoy, call for our most sincere aspirations of gratitude and praise; and while I shall earnestly pray for their continuance, I pledge myself to unite with you in every measure to preserve the honor, secure the rights, and perpetuate the freedom and happiness of our beloved country.

Albany, Jan. 7, 1823. JOSEPH C. YATES.

Franklin and Adams.

At a public meeting lately held in Albany, to take measures in aid of the cause of the Greeks, the honorable Mr. Van Ness, in a speech which he made in support of the question before the meeting, alluded to the foreign aid received by this country in our struggle for independence, in the following terms:

"What would America have done in 1775, without the loan of arms and ammunition, which a few merchants generously advanced on the credit of a government which was then supposed by many as ephemeral in its existence, and that it soon would be crushed into nonentity by the strong arm of power. Dr. Franklin, with the powers of argument, like his own electricity, at once clear and irresistible, satisfied the Dutch merchants of the propriety of the loan; and his memory will be honored by every patriot forever."

The learned and venerable Judge Vander Kemp has addressed a letter to Mr. Van Ness to correct an error of fact in the passage above extracted, the material of which is as follows:

"The fact is, the compliment you intended to pay, is justly due to *John Adams*, and not to *Dr. Franklin*. Nevertheless, he was there respected, admired as a patriot, and still more as a philosopher. The Dutch were tolerably well informed of the situation of the thirteen States; they considered America as the future temple of civil and religious liberty—as the altar for the purest sacrifices of arts and science—as the refuge for all that was wise and good in sinking Europe.—But except that Franklin obtained a *secret claim by private correspondence*, he had no share whatever in persuading the Dutch to send their money to America, or even to provide it with ammunition and arms. The latter was owing to enterprising Dutch merchants, ready to send a vessel to hell (as one of them told Frederick Henry) at the risk of singeing her sail, if there was a prospect of advantage. Amos Tean dispatched three vessels with such cargoes, on his own account. The first, that the Dutch were well acquainted with the practical situation of America, was not the work of Franklin, but effected by the pensionary Van Berckel, the undaunted Baron Vander Capellen *tot de Pol*, and that brilliant luminary, John Luzac. The patriotic labors of two of our eminent statesmen, governors Trumbull and Livingston, were published in Dutch by *Junius Brutus*, who, in a concise manner, drew a parallel between the republic of America and that of the United Provinces—laid open the basis of their confeder-

ation—answered the objections, and gave the preference, if any was due, to that of the thirteen United States. Thus, individuals defended our noble cause in public prints and the state assemblies.—Individuals eternized our achievements with gold and silver medals—but the nation, as far as it deserved the name of republican, favored the American cause. The majority of the merchants in Holland; the majority of the freeholders in Friesland; the most eminent men in talents and wealth, promoted our triumph. While many opened their purses liberally, a few drew manly their sword.

"Franklin did not procure to America the Dutch loan; but his courtesy and kindness towards me can never be forgotten: *it was John Adams, by whose skilful negotiations this loan was obtained, and would have failed without him.* John Adams had, during his long residence in that country, gained the hearts, esteem, the confidence of all with whom he conversed. Merchants, nobles, patricians, men of talents and learning, surrounded him, listened to him, admired him, and were instructed by him. The Capellens, de Gyzelaer, Van Berckel, John Luzac, P. Pauls, Calkoen, the Van Staphorst, the Willinks, and de Neufvilles, were among them.

"His affability, republican firmness, integrity, and patriotic virtues, gained him their affection—acquired him their public encomiums and festivals, and made him master of their purses, notwithstanding the intrigues of a powerful court. Scarce was the loan opened, when Capellen Van de Pol signed 30,000 *gl.*; Capellen Van de Marsch 30,000 more, and many patriots smaller sums of their scanty revenue. John Adams loved and revered the Dutch. He taught them to respect and admire the Americans more and more, and the Almighty crowned their wishes and heard their prayers for our final success in the consolidation of our glorious independence. I know you will thank me, sir, for correcting this error. Thou art an American, with some Dutch blood in your veins. You are willing, sir, to give honor to whom honor is due. I cordially unite with you in gratitude to that worthy patriot, Benjamin Franklin, and you will not withhold the praise due to John Adams. I remain, with esteem, yours sincerely.

FR. ADR. VANDER KEMP.

Oldenbarneveldt, 30th Nov. 1822."

BATTLES WITH MICE.—A French paper of Oct. 8, has a curious account of the ravages of mice on the borders of the Rhine. It had already had occasion to speak of them before, and they were then stated to have attacked the seeds, and done much mischief. In the circle of Lower Rhine, in consequence of a public recommendation to construct ditches for their destruction, 44,053 had been taken in 8 days in the environs of Wurtzburgh, without their numbers appearing to be diminished. In the neighborhood of Kreuznach, the authorities required of the inhabitants a weekly tribute of a certain number of these animals; and while the men of property hunted them in a kind of chase, the poor were hawking them about the streets in bags, at 20 kreutzers (15 sols) a hundred. [It was an archbishop of Mentz, Hatto II. who is reported in history to have been eaten by rats, for his cruelty during a famine, to the poor, whom he lodged in a great barn, and burnt them all in the night, saying, that those were the rats that devoured his corn. Pursued by these divine executioners from place to place, he fled for shelter to a castle on an island in the middle of the Rhine, where they swam after him, and never left him till they had eaten him alive.]

Law Cases.

OPINION OF JUDGE TUCKER,

Pronounced in the circuit court of the county of St. Louis, Missouri.

Stephen Glasscock }
 vs. }
 Enoch Steen. }

The plaintiff having obtained a judgment of this court against the defendant, sued out a writ of *capias ad satisfaciendum*. To this a return is made, in substance, as follows: "That the sheriff did not take the body of the defendant, because he had entered into bond with security for the payment of the judgment, at the end of two years and a half from the date."

The plaintiff moves for an *alias* writ of *capias ad satisfaciendum*.

The defendant relies on the statute of the last session of the legislature of this state providing for the stay of executions.

The plaintiff contends that the statute is unconstitutional and void:

1. As impairing the obligation of contracts;
2. As authorizing a tender of property instead of gold or silver;
3. As delaying the administration of justice and right.

The statute enacts that proceedings shall be staid for two years and a half, on all executions, whereon the plaintiff shall not endorse that he will take property in payment at two thirds of its appraised value, the defendant giving bond with security for the payment of the debt, or pledging real property therefor. Where this is done, the sheriff is directed to release the person or property taken in execution.

Let us take up the objections to the law in the order in which they stand, and consider

1. Whether it impairs the obligation of contracts?

Authorities on this question are rare, but as far as authority may govern on such a point, they are conclusive.

A law essentially similar to this was passed in North Carolina in 1812. By the supreme court of that state it was pronounced unconstitutional and void, in the case of *Crittenden vs Jones*, (*American Law Journal*, vol 5, page 520) as impairing the obligation of contracts. In deciding that case it is shown by the court that the practice of passing such laws, was the evil against which the constitution meant to guard, in prohibiting the states to pass laws impairing the obligation of contracts, and that it was so received and understood at the time.

In the course of his argument the judge observes, that "the right to suspend the recovery of a debt for one period, implies the right to suspend it for another, and as the state of things, which called for the first delay, may continue for a series of years, the consequence may be a total stagnation of the business of society, by destroying credit and confidence among the citizens."

I believe it would be difficult to find an instance in which such a state of things has not been kept up by such remedies, and has not continued to increase until they were laid aside.

The same judge tells us, on the authority of history, that no sooner had the use of such expedients ceased, in consequence of the adoption of the federal constitution, than "public credit was reanimated, the owners of property and the holders of money freely parted with both, well knowing that

no future law could impair the obligation of contracts."

In the same book, (page 507), judge Washington says, "What is the obligation of a contract? It is to do or not to do a certain thing; and this may be either absolutely, or under some condition, immediately or at some future time or times, and at some specified place. A law, therefore, which authorizes the discharge of a contract by a smaller sum, or at a different time, or in a different manner than the parties have stipulated, impairs its obligation, by substituting, for the contract of the parties, one which they never entered into, and to the performance of which they of course never consented.—The old contract is completely annulled, and a legislative contract imposed on the parties in lieu thereof. That a law which declares an existing contract to be void, impairs its obligation, will, I presume, be admitted by all men who can understand the force of the plainest terms; or, if not so, I should be curious to know in what manner the obligation of a contract can be impaired. And if this be the effect of such a law, in what respect does it differ from another, which declares that a debt, consisting of a specified sum, and due at an appointed period of time, shall be discharged at a more distant, or indeed a different time, or with a smaller sum? The degree of injury to the creditor may not be so great in the one case as in the other, but the principle is precisely the same."

Such is the language of authority on this subject. In a late case, judge Haywood, in Tennessee, has pronounced on the same principles, that such a law impairs the obligation of contracts, and is therefore void; and he too bears the strongest testimony, from his own observation, to the tendency of such laws to increase the evils they profess to remedy. And here we find the reason of the constitutional provision.—Human ingenuity cannot imagine any other motive for it than to prevent laws of this sort. The object was two-fold.

1. To protect the people of the several states from the errors of a short sighted policy, goaded by distress, and rushing blindly upon measures, the evils of which are not to be foreseen, but by those master statesmen whose services the local governments might not be capable of appreciating, or at all times have at their command.

2. To preserve peace among the states by insuring the free collection of debts, the obstruction of which is numbered among the causes of war.—That this was in the contemplation of the framers of the constitution is manifest. See the *Federalist*, pages 37 and 431. In the latter passage the author speaks of the "fraudulent laws which had been passed in too many states," and of the "constitutional guards" which had been provided against them. Where shall they be found, but in this clause? and where do we find the motive to this law, but in the alledged necessity to do something to keep all the money from being carried out of the country? Or, in other words, to keep the merchants of Philadelphia from recovering their debts here. But for the federal constitution, the law in question would justify, and might produce, an appeal to arms. The constitution forbidding that, sought to render it unnecessary by declaring that the states should not make laws impairing the obligation of contracts.

In opposition to these authorities it is contended that the occasions of justice require that the legislature should be at liberty to avail themselves of the light of experience, in adapting remedies to rights, and in regulating the proceedings; that

this has always been practised; that the actual remedies, therefore, afforded by existing laws, although, perhaps, in the contemplation of the parties to a contract, cannot be regarded by them as the essence of it; and, consequently, that to change the remedy is not to change the contract. Were this argument as conclusive as it is specious, it would not weigh much against the clear and strong evidence of an universal practical contemporaneous exposition, and would only show that the convention had illy chosen the terms which they used.—But what does argument prove? That to change the remedy is not to change the contract; to destroy the remedy is not to destroy the contract. Granted; but this does not prove that to impair or destroy the remedy does not impair or destroy the obligation of the contract.

The moral obligation of a contract is in the conscience of the party. With this the law can have nothing to do. It can neither increase nor diminish it. The only obligation on which the law can act, is the legal obligation, and it can only act on that by giving or withholding sanctions and remedies. It is in these the legal obligation consists. To say, therefore, that the law shall not impair the obligation of contracts, is to speak, of course, of their legal obligation, which alone the law can impair, and is to say that it shall not impair the remedies in which alone that obligation is to be found.

It is a part of the history of the constitution that this clause at first contained a prohibition to 'alter contracts.' The phrase was doubtless changed, because a nonen's consideration would show that contracts cannot be altered by any power but that of the parties themselves. Abolish the remedies, destroy the evidences; forbid the execution; yet the contract remains. It is registered in heaven, and must continue the same forever.

The contract itself, therefore, and the moral obligation of the contract are alike impassive to the power of the law. And yet we are told that we shall construe the constitution as if intended to protect what cannot be assailed; as carefully guarding contracts on that side, where the very nature of things interposes an impassible barrier, and leaving open the only avenue by which danger can enter. The law does not deal in abstract morality. It does not say merely that a man ought to pay his debts. It says he shall pay them, and declares its readiness, and provides its remedies to oblige him to pay them. If it takes away these remedies, and refuses to oblige him to pay, it surely takes away all the obligation it can create or destroy.

The objection is here urged that this construction would make the existing remedies unalterable as to existing contracts, however necessary to the purposes of justice the modification might appear. The answer to this is obtained by asking "what are the purposes of justice?" To ascertain and to enforce the rights of parties. We look to the laws to enforce our rights. Its remedies are ready, but we must first show the case which entitles us to the use of them. He who is interested to dispute our pretensions has a right to be heard. Justice requires this, and prescribes some delay. It is fairly a matter of discretion to say how much is necessary. But when legal investigation is gone through; when the enquiries of justice are answered, it is no longer a question of much or little. It is then ascertained that the demands of the party ought to have been long since satisfied, and instead of prescribing farther delay, instead of withholding appropriate remedies, and clogging

rights no longer questioned, with new and unexpected conditions, justice may rather be supposed to lament that she had not been more lynx-eyed in the discovery of truth, and that her authority had been so long suspended during the process of investigation. In every instance we are obliged to do some injustice to avoid a greater; to deny a right for a season, lest we should precipitately enforce a wrong. To modify remedies, therefore, in this view, is not to impair the obligation of contracts, it is to regulate the means of ascertaining them. If enforced a soon as ascertained, the wilful denial of right cannot be imputed. As soon as it is known to be right, it is no longer denied. But the modification of remedies does not stop with the judgment. This is true. Justice is not only watchful not to award what is wrong, but to see that her behests are obeyed. How long a time shall be necessary to carry them into effect; how long it shall be before the acts of her ministerial officers, done in virtue of her authority shall be finally inspected, and ratified or annulled, is again a fair matter of discretion. Remedies may also be modified as to their form. About this justice is indifferent. But justice requires that they shall be effectual. *Prima facie*, all final process is so. The attachment in chancery has been found as efficacious as the *ferri facias* at common law; and the immunity of land from sale for debt is seldom inconvenient, where the writ of *capias ad satisfaciendum* is backed by strong jails. Some one of these writs may well be taken away, and adequate remedies remain. A due respect to the obligation of contracts requires adequate remedies, and requires no more. It leaves the legislature free to choose whether the performance shall be compelled by imprisonment, or extorted by sequestration, or accomplished through the intervention of an officer, by actual seizure and sale, but it does not allow that that which has been long due, shall not be paid for two years and a half to come.

And this is the answer to what has been said of the power of the legislature to take away the *capias ad satisfaciendum*, from which is inferred, as of course, a power to change its operation. No matter what remedies they take away, if they leave others which are adequate, the constitution is not violated, for the obligation of contracts is enforced. Not so where they render all inefficacious.

But the court can only act by writs given by law, and these might be all abolished.

Let this be so—and if power constituted right, the argument would be unanswerable. But it would only prove that there is a mode by which the legislature might violate the constitution without the co-operation of the judiciary. The same thing may be said of the alleged power to repeal the law establishing the terms of courts. Such laws would execute themselves. Evading the authority of the courts they would only defy that of the people and of God. But here the courts are called upon to act. Their judgment is unquestioned; their process issues; its mandate is disregarded; and they are required to ratify what is done, and excuse what is omitted. If they do this, they too become parties to the violation of the obligation of contracts.

2. But it is farther objected, that this law contravenes that provision of the constitution of the United States, which prohibits the states from making any but gold and silver a tender in payment of debts. To make any thing else a tender, is commonly understood to mean that the creditor shall take that or nothing. The evil is in forcing

it upon him. Both in that case and in this the means used, do not amount to absolute compulsion. Nothing more is done than to withhold the debt, and drive him, by necessity, to agree to take something else in discharge of it.—Where the alternative is to take the thing tendered, or lose the debt, the law is sure of producing its effect, and, therefore, in the certainty of the mischief, differs from one which holds out inducements not so strong; but where they happen to be adequate to the purpose, the mischief is the same in quality and degree. The evil of tender laws is the denial of rights, unless the party will accede to terms for which before there was no stipulation. Why shall he recover at all? Why any specific sum? Because the other party contracted to pay. But the other party contracted to pay also at a certain time, and this is as much a part of the contract as the sum. Both are equally the objects of his rights, and both are secured by the same engagement. On what principle can we impose conditions on the performance of one part of the contract, and not on the other. I can see no difference between compelling the party to wait for his money and compelling him to lose a part of it, unless he will accept the tender.—In neither case do we literally tell the plaintiff that he shall lose his debt unless he assents. We only measure the degree of compulsion by the probability of opposition. If a loss of 10 per cent, or a delay of two years and a half will not do, we may as well try 20 per cent. loss, and five years delay. We still keep clear of the letter of the constitution, according to the above mentioned construction, for this is not yet precisely what is generally called a tender. The thing tendered is not offered as an equivalent for the thing to be lost. We may go on to 99 per cent. or 99 years, and still there is said to be no legal tender. But constitutions are not to be so expounded. The comprehensive views of such instruments do not admit of that technical nicety which pares down words to their narrowest meaning. They must be interpreted and administered in their spirit, and in doing this we must say that the constitution forbids, that a creditor shall be compelled to take any thing but gold or silver in payment of his demand, by any denial of justice in whole or in part. Construe the instrument literally, and it forbids the *tender*; the very *offer*. But we know there is no evil in the offer. The interference of the legislature to enforce it is the thing prohibited, and there is no exception in favor of one mode of interference rather than another. In every case the party is not absolutely obliged to take the thing tendered. If he prefers, he may lose his debt. But he will hardly make this choice. Nor would he choose to lie out of it for fifty years, or twenty, or ten, or five, or perhaps for two and a half. If so, he will take the property, and then we are told it has not been made a tender. The highwayman, in like manner, may say he does not rob his victim. He only presents his pistol, and demands the purse, which the other may refuse to give, if he prefers to be shot. He will hardly make this choice. Nor would he choose to be stabbed with a sword or dirk, or to be beaten with a cudgel, if the robber had no other weapon.—This would depend on his strength and courage. But where is the difference between the different weapons, when they have served their turn. To make a man give up his purse by saying, 'you shall be shot,' 'you shall be stabbed,' 'you shall be beaten if you do not,' is robbery; and to make a man take property in dis-

charge of a debt, by saying, 'you shall lose it, or 'you shall not have it for twenty years, or ten, or five, or two and a half, if you do not take it,' is making it a tender.—There is no more harm in the mere offer than in mere begging. The offence in the one case, and the wrong in the other, are found in the means of enforcement. No matter what their nature or degree, when the end is accomplished the mischief is done, against which the law, in the one case, and the constitution, in the other, sought to protect us.

3. A third objection to this law is taken from the constitution of this state, which declares that "justice and right ought to be administered without sale, denial, or delay."

The question meets us at the threshold; "What is delay?"

We may find the answer in the history of this clause, and we may find it in the nature of the thing itself.

This clause is taken from magna charta, in which the king, whose courts are the fountains of justice and right, declares that he will not deny, or sell, or delay, justice and right to any.

The reason, as we learn from the contemporaneous history of England, was this, that the king had been accustomed to interfere in the administration of justice, and to issue his mandate to the judges to stay proceedings against those whom he chose to protect.

"These words," says lord Coke, "have been excellently interpreted by later acts of parliament, that, by no means, common right or common law should be disturbed or delayed, no! though it be commanded under the great seal, privy seal, order, writ, letters, message, or commandment, whatsoever, either of the king or any other, and that *justices shall proceed*, as if no such writs, letters, order, message, or other commandment, had come to them."

We see here what this provision was intended to prevent; and may justly conclude that it was copied into our constitution for the same purpose.—The only question is this: "On whom was it intended to operate?" On those who, but for this restriction, would have had power to delay the administration of justice and right, or on those who had it not? On the former certainly. That is, on the legislature. Give any other direction to the operation of these words, and they are wholly superfluous. The kings of England indeed acted by particular mandate, and the legislature acts by general laws. But the evil is not less for being universal. There it was bounded by the particular case of the individual whose interest was favored; here, when the views of an individual are to be favored, the whole frame of the government must be disordered, and all the streams of justice choked up.

When we look to the nature of the thing itself, we are again told of the occasional necessity to nodify remedies.

This cannot embarrass us, unless we shut our eyes to the distinction between deliberation and delay. I have already, incidentally, remarked on this. But if the argument is unsatisfactory, if deliberation is delay, then deliberation itself is unconstitutional, for "justice shall be administered," says the constitution, "without delay." Let it be so; let justice be done. But what is justice? What are the facts? shall we take the plaintiff's word for them, or send for the defendant, and witnesses, and a jury? The constitution guarantees all this, this then is not delay; yet time is lost; and

shall the defendant then be received to say that because he has thus long been indulged, because he has baffled justice by a disengenious denial of truth for a time, that, *for this reason, AND FOR NO OTHER*, he shall be indulged two years and a half longer.

An extreme case is here put. The legislature, we are told, might set the terms of court fifty years apart, and this, it has been argued, would be constitutional. It would be a most unconstitutional abuse of the constitutional function; but there would be no courts to pronounce upon it. It would, in truth, be not so much a violation as a destruction of the constitution. It would be a dissolution of the government; yet it is sought to justify this act, by likening it to that.

But within such limits as the legislature may be expected to allow themselves, in prescribing the forms and seasons of deliberation, there is always room to suppose that less time than is allowed would be inconvenient. But when deliberation is gone through, and right is ascertained, there is no pretext for delay beyond the physical necessity of allowing some time to do what is commanded, and the obvious propriety of preserving a controul over ministerial officers, acting by the authority of the court. Beyond this point all hesitancy is gratuitous, and is delay within the meaning of the constitution.

Now what is here done? The cause is tried; the rights of the parties are investigated; truth is developed; justice is ascertained; judgment is pronounced finally and irrevocably; and execution has issued. The process of the court goes forth as formerly, commanding the sheriff to do that which has been pronounced to be justice and right. A *co-ordinate* member of the government steps in, and commands him not to obey the process, and the court is called on to yield an active compliance to this degradation of its authority and delay of justice and right. Shall we do so? Can we regard our oaths, and obey the mandate of any earthly power, commanding us to delay the administration of justice and right, ascertained by legal investigation, and witnessed by the record?

It must not be. The law is clearly unconstitutional and void, and the motion must be sustained.

In making this decision, I have not questioned the power of the legislature to modify or take away any of the writs known to the law, provided that adequate remedies are left. I shall not question that the "*capias ad satisfaciendum*" is the most exceptionable and can be the best dispensed with. But here I have no choice. They all remain, but the legislature have said that none of them shall be executed. I have been forced to decide whether the constitution shall be obeyed, when it says that justice and right shall be administered without delay, which cannot be unless such final process as is known to the law be enforced. I have no hesitation in saying that it shall be. Technical difficulties shall not deter me from the performance of this duty, nor will I seek to evade it by technical sophistry. Let right and justice be done.—*Feb. 1822.*

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Opinion of the same, delivered at the same sitting of the court—on loan office certificates.

The state of Missouri }
vs. }
William Carr Lane. }

The legislature of this state, at their summer session made all debts due to the state, or to any

county, and all fines, and the fees and salaries of all public officers, payable in the certificates of the loan office.

The defendant was convicted of an assault and battery, fined and committed to custody, until the fine and costs should be paid. Having paid his fine, he now tenders the amount of the costs in loan office certificates, and prays to be discharged.

This motion is resisted on the ground that these certificates are "bills of credit," within the meaning of the constitution of the United States, and that the provision, prescribing that costs shall be payable in that currency, is unconstitutional and void.

To this objection two answers are made.

1st. That the legislature have the right to prescribe the fees of clerks and sheriffs, and a full constitutional competency to reduce them at pleasure, and to make them payable in any article they may think proper.

2d. That the certificates of the loan office are not "bills of credit."

In discussing the first point, let us assume that the certificates of the loan office are "bills of credit" within the meaning of the constitution of the United States.

In what does the evil of such bills consist?

It consists in throwing into circulation a currency destitute of intrinsic value, or of value less than the nominal, and in the destruction of confidence in public faith, resulting from the obvious truth, that a government which anticipates its revenue without measuring the degree of anticipation by the extent of its credit, and fills the channels which should bring wealth into its coffers, with evidences of its own debts, deprives itself of the means of meeting its engagements.

It is not necessary that I should go into any reasoning to show how these things are evils. It is enough for our present inquiry, that they were so considered by the authors of the constitution, and its most enlightened commentators.

I shall at present only glance at the vast and fluctuating inequality which they must produce between the domestic medium, and that in which foreign debts must be paid; the insecurity to the holder of such paper; the gambling spirit which will be employed in speculating upon it, according to the occasional predominance of confidence or doubt, and the reckless and desperate extravagance into which the holders will be tempted.

These are the mischief's which, as we learn from history, and from writers on the constitution, were imputed to "bills of credit." They plainly shew that the evil was less in their existence than in their circulation; and we find accordingly, that the issue, and not the creation, is prohibited.—We must admit, indeed, that unless permitted to circulate, they will not be created. But it is equally clear that it would have been in vain to prohibit the creation, if the circulation were permitted. Such a prohibition could not have been enforced.

The issue of 'bills of credit' does not consist in the single act of their delivery; for if no means were provided to enable the holder to apply them to valuable purposes, no one would care to have them.

It would seem therefore that the arrangements and contrivances intended to give them an exchangeable value, and to promote their circulation, enter into the nature of what is called issuing them. The principle of these are not likely to become subjects of judicial investigation, because

each individual is, for himself, willing enough to carry them into effect.

Men will always be ready to pay their taxes and fines in such paper, and it is not to be expected that the ministerial officers of the government will object to receiving it for debts due to the state.

Whatever we may think, therefore, of such regulations, they must pass unquestioned, unless in the end the legislature itself should doubt the constitutional duty, and the constitutional right, to pass laws and make appropriations for the redemption of unconstitutional pledges.

It is only when private rights are assailed that the judiciary are called upon to interpose the shield of the constitution.—And this may well be, although the attack be made on private rights resulting from public duties.

Whosoever the operation of an unconstitutional law becomes detrimental to the interest of an individual, in such a way as to bring that matter to the view of a court; as soon as it is pronounced to be unconstitutional, its operation, as to him and the matter in controversy, must cease. The constitution prohibits the issue of bills of credit, and by an implication of the strongest necessity, if not by the very force of the term issue, prohibits all contrivances to promote their circulation and to give them currency; all regulations for that purpose are therefore contrary to the constitution and void, and such rights as (but for their operation) would be perfect, continue unimpaired.

There is another point of view in which the unconstitutionality of the regulation in question would seem to be independent of that of the loan office itself.

Supposing the loan office constitutional, still its paper is not gold or silver, and nothing but these can be made a tender in the payment of debts. It is here contended that the very thing owed is paper—This is clearly a mistake. The fee bills of the officers continue to be taxed in dollars and cents, and the law has no where called this paper by these names. If they were put to their action, they must necessarily sue for so many dollars and cents. If they should demand so much loan office paper, the action might be defeated. How then can we say that the debt is in that which must not be demanded and cannot be recovered; or that we can, consistently with the constitution of the United States, permit a tender of paper when the judgment is for specie: The demand once ascertained, and judgment rendered, it is like any other judgment. It is a new debt and the court cannot look to its origin.

Waving this last view, which may savor too much of technicality, we return to the conclusion drawn above, that the mischief of bills of credit is in their circulation, and that all contrivances for their circulation is contrary to the constitution.

This brings us directly to the question, whether the certificates of the loan office are bills of credit, within the meaning of the constitution of the United States.

Before I proceed to examine this, it is proper to remark on one or two points which incidentally present themselves.

Great pains have been taken to circulate an idea, that the judiciary of this state are interested to declare the loan office unconstitutional. The absurdity of this notion is so glaring, that its folly almost excuses the wickedness of the attempt to unsettle the confidence of the public in the tribunals by which this question must be decided. That all

public officers were interested, that the law should not pass, is unquestionable.—That those whose salaries were fixed by the constitution, should view with indignation an invasion of their chartered rights, by cutting off the springs from which alone the funds for their payment could be supplied, was to be expected. But now that the law has passed, to imagine themselves interested to affect the depreciation of the only currency in which they can hope to receive their salaries, would be foolish in the extreme. Two years nearly must elapse before any thing else can find its way to the treasury. Whether their object be to make the best of their oppressed and calamitous situation, or to conciliate those on whose good pleasure their tenure of office is to depend; it must be their individual interest to give currency to the medium in which they are to be paid, and to countenance the law creating it.

These remarks are not made as the ground of merit in the opinion I am about to pronounce.

He must be an unworthy pupil of the common law, on whose judgment, in the investigation of a great question of common right, personal considerations would weigh even as a feather.

Another topic on which I wish to touch is this. The monstrous doctrine that courts, though convinced of the unconstitutionality of a statute, are still bound to carry it into effect, is the natural offspring of misrule and the parent of anarchy, but seems to be not without its advocates among men whose years and services entitle them to such respect, that indignation is sunk in astonishment.

If the judges are expected to enforce laws which violate the constitution, the oath to support it is a mockery and an insult.

If the statute and the constitution are at variance, one is void. The statute and the makers of the statute, are both the creatures of the constitution, which alone gives authority to enact them, and cannot be understood to give authority to enact what it forbids.

The constitution is the supreme law of the land, and while it creates a legislature to enact statutes of a general nature, which may be repealed by the legislature, it expressly declares, that the enactments of the constitution shall not be repealed by that body.

If the authority of the constitution is not to be regarded, when it prescribes the mode in which constitutional amendments are to be made, why shall we regard that part which prescribes the manner of enacting ordinary laws.

If the legislature is not bound by the constitution, which gives them the power of making laws, the people will not be bound by the laws.

The judiciary and the legislature are both the creatures of the constitution, and co-ordinate. Can this be? if the legislature can destroy the constitution, and the judges, at the same time, bound to support, but not at liberty to do so?

The constitution of the United States is a compact between several states—Shall it be in the power of one of the parties to avoid it?

The result to which these considerations would lead, is stigmatized as an assertion of judicial supremacy; but there is no such claim in this department. There is here, as elsewhere, the right and duty which devolves on every officer, not merely ministerial, who is called upon to give effect to the acts of others; to disregard them if unconstitutional in his opinion. It is, the necessary effect of being the last to act.

For this doctrine we have the high authority of Mr. Hamilton in the *Federalist*, page 421. His language is this, "Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the constitution, has arisen from an imagination that the doctrine would imply a superiority of the judicial over the legislative power. It is argued that the authority which can declare the acts of another void, must necessarily be superior to the one whose acts are declared void: as this doctrine is of great importance in all the American constitutions, a brief description of the grounds on which it rests cannot be unacceptable.

"There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void: no legislative act therefore, contrary to the constitution, can be valid: To deny this, would be to affirm that the deputy is greater than his principal, that the servant is above his master, that the representatives of the people are superior to the people themselves. That men acting by virtue of powers, may do, not only what their powers do not authorize, but what they forbid.

"If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the constitution.—It is not otherwise to be supposed, that the constitution could intend to enable the representatives of the people to substitute their will for that of their constituents. It is far more rational to suppose that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be, regarded by the judges as a fundamental law. It must therefore belong to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity, ought of course to be preferred; in other words, the constitution ought to be preferred to the statute.—The intention of the people to the intention of their agents.

"Nor does the conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both. And that, when the will of the legislature declared in its statutes, stands in opposition to that of the people, declared in the constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental.

"The exercise of judicial discretion in deciding between two contradictory laws, is exemplified in a familiar instance. It not uncommonly happens that there are two statutes existing at one time, clashing, in whole or in part, with each other, and neither of them containing any repealing clause or expression. In such a case it is the province of the courts to liquidate and fix their meaning and operation; so far as they can by any fair construction, be reconciled to each other, reason and law conspire to dictate that this should be done; where this is impracticable, it becomes a matter of ne-

cessity to give effect to one, in exclusion of the other. The rule which has obtained in courts for determining their relative validity is, that the last in order of time shall be preferred to the first. But this is a mere rule of construction, not derived from any positive law, but from the nature and reason of the thing. It is a rule not enjoined upon the courts by legislative provision, but adopted by themselves, as consonant to truth and propriety, for the direction of their conduct as interpreters of the law. They thought it reasonable, that between the interfering acts of an equal authority, that which was last the indication of its will, should have the preference.—But, in regard to the interfering acts of a superior and subordinate authority, of an original and derivative power, the nature and reason of the thing indicate the converse of that rule as proper to be followed. They teach us that the prior act of a superior, ought to be preferred to the subsequent act of an inferior and subordinate authority; and that accordingly, whenever a particular statute contravenes the constitution, it will be the duty of judicial tribunals to adhere to the latter and disregard the former.

It can be of no weight to say, that the courts, on the pretence of a repugnancy, may substitute their own pleasure to the constitutional will of the legislature: This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication on any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise *will* instead of *judgment*, the consequence would equally be the substitution of their pleasure, to that of the legislative body. The observation, if it proved any thing, would prove that there ought to be no judges distinct from that body."

He presently after remarks on the independence of the judges, that, "it is equally requisite to guard the constitution and rights of individuals, from the effects of those ill humours which the acts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency in the mean time to occasion dangerous innovations in the government and serious oppression of the minor part of the community."

He afterwards adds, that "it is easy to see that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the constitution, where legislative invasions of it have been instigated by the major voice of the community."

I humbly, but confidently trust, that this portion of fortitude will seldom be wanting in men bred up in the nature of the common law—and that calculations upon their want of firmness will be always disappointed.

I might well rest myself on this authority, but do not wish to pass, without animadversion, a still wilder doctrine which is sometimes advanced. It is said, by those who do not believe themselves, but are content to take their chance of being believed by weaker men, that the constitution is not a thing fixed and permanent, but fluctuating with the changing will of the majority which first created it; that it binds while it pleases, but no longer. But whence comes the right of this majority to bind at all, but from the consent of the minority to be so bound; from the consent of each individual to be bound, when in the minority; by others, for the sake of his equal chance to bind others, where

he may happen to be in the majority? And where shall we find this indispensable consent but in the constitution, that very instrument which expressly qualifies the consent, by declaring that in certain cases, and for certain purposes, the will of a mere majority shall not bind.

Constitutional restraints on the power of legislation are so many stipulations of the whole community, that that necessary power shall not be exercised for certain purposes. They are restraints imposed by general consent on the majority for the time being, for the benefit of the minority. Of what avail are they, if an occasional majority may disregard them? this doctrine, professing the spirit of democracy, which refers all legitimate government to the consent of the governed, assumes the right to government, not only without their consent, but in violation of the express engagements of the governors. It results in manifest usurpation, and affords a new illustration of the incontestible truth "that where law ends, tyranny begins." If there be a single individual in society, for whom there is no law, there is no safety for any; and if the power of legislation be placed in the hands of men, who, in its exercise, are subject to no law, despotism reigns, and property, liberty and life are insecure; property is always attacked first, the rest are sure to have their turn.

I have said thus much because I am anxious to rescue from the impending general destruction of principle, one which is the strongest safeguard of all the rest, and is always most vehemently assailed where the most mischief is intended.

We come then to the interpretation of the phrase, bills of credit in the federal constitution.

I know of no one thing, originally known, and precisely distinguished from all other things of the like kind by that name, as far as my very limited means of research enable me to go in seeking its origin. It was first applied to the very frequent, but variously modified issues of the American governments of the Anglo American colonies, known in common and popular language as "*paper money*," such appears to have been its received meaning at the date of the federal constitution, and among the authors of that instrument.

Mr. Madison, in the *Federalist*, uses indifferently in the same passage the words 'bill of credit, paper money, paper medium, and paper currency; the subject is frequently touched on in the course of the work, but most always in such a way as to shew, that the constitutional provision on the subject was one which needed not to be vindicated or explained.

It seems to have been understood and approved by every body, and is, in general, only referred to, as one of those valuable principles, the loss of which should not be hazarded, by too anxious an adherence to objections on points of less moment: the passage I have mentioned is too striking to be omitted.

The extension of the prohibition, (to coin money,) to bills of credit, must give pleasure to every citizen, in proportion to his love of justice, and his knowledge of the true springs of public prosperity; the loss which America has sustained since the peace, from the pestilent effects of paper money, on the necessary confidence between man and man; on the necessary confidence in the public councils; on the industry and morals of the people, and on the character of republican government, constitutes an enormous debt against the states, chargeable with this unadvised measure,

which must long remain unsatisfied, or rather, an accumulation of guilt, which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice, of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed that the same reasons, which shew the necessity of denying to the states the power of regulating coin, prove, with equal force, that they ought not to be at liberty to substitute a paper medium in the place of coin. Had every state a right to regulate the voice of its coin—there might be as many different currencies as states; and thus the intercourse among them would be impeded; retrospective alterations in its value might be made, and thus the citizens of the other states be injured, and animosities kindled among the states themselves. The subjects of foreign powers might suffer from the same cause, and hence the union discredited and embroiled by the indiscretion of a single member! No one of these mischiefs is less incident to a power in the states to emit paper money, than to coin gold or silver. The power to make any thing but gold or silver a tender in the payment of debts, is withdrawn from the states, on the same principle with that of striking paper currency.

In this remarkable passage we find that the prohibition to issue 'bills of credit,' which, in the constitution, is placed between that to 'coin money' and that to 'make any thing but gold and silver a tender in payment of debts,' is referred to the same principle which occasioned the other two. The argument drawn from the mischiefs to be avoided, can only apply to such paper as might be issued on the credit of any state to serve the purposes of paper money, and will equally apply to all such paper in whatever form. It may be remarked too, that of the different names here given to 'bills of credit,' three are currently and commonly applied to the certificates of the loan office, even by those who most warmly advocate their constitutionality. The expediency of the issue has been contended for on the alledged necessity for 'something to serve the purposes of money among ourselves,' for a 'domestic currency,' a 'domestic medium' of paper. The phrase, 'bills of credit,' has not been used by the advocates of the measure, for an obvious reason. But this caution proves nothing, any more than the particular phraseology of the certificates, which contain indeed no promise to pay, but merely a pledge that they shall be receivable in payment. It is impossible to take any practical distinction, between a promise to pay, what never will be paid except by way of discount, and a promise to discount. If there be any difference, it is, that paper, which can only be discounted, will be more surely and eagerly thrown into the channels of revenue, and will more effectually destroy the public credit, by intercepting every dollar in its way to the treasury, than if there were a chance of receiving any thing for it, after the opportunity of paying it away for taxes had passed. The only difference, therefore, which can be discovered between these certificates and the old paper money of the states, is one which might aggravate one of the greatest mischiefs with which that was chargeable. It may be admitted, however, that where a state has issued paper to near ten times the amount of her annual revenue, this difference can be of no importance.

It is interesting to look at the evils which had been ascertained by experience to flow from "bills of credit" and compare them with those which we experience.

We are told of their "pestilent effects, on the necessary confidence between man and man." The effect with us is such that all confidence is utterly destroyed, inasmuch that no transaction is made on credit, and the few who might command the confidence of others, dare not trust their own resources. Those who have money, fear to use it in purchases which they would gladly make, and which might relieve the necessities of others.

The functions which credit formerly performed in contracts, must now be performed by money, and thus a much larger sum than formerly is necessary for the intercourse between man and man, while a great part of what is actually in the country is withdrawn from circulation.

We are told of the "pestilent effects of paper money on the necessary confidence in the public councils;" of this too we have the fullest experience.

The mere project of a loan office reduced the auditor's certificates to twenty-five per cent. discount. The certificates themselves have never been above thirty-three and a third; they are now taken in payment of goods at fifty, and forty five dollars, in specie, may sometimes be had for one hundred of paper. This is the work of a few months.

We are told of the 'pestilent effects of paper money on the industry and morals of the people.' On this subject let us look to the listlessness, the broken-hearted indifference to exertion, which, under the pressure of great pecuniary distress, (the strongest incentive to exertion, where every ray of hope is not excluded), pervades the hardy population of this fertile country. Let us look, for its effect on morals, to the criminal docket of this court at this term; offences, the offspring of wantonness, of folly, of desperation, of a cultivated contempt for the rights and feelings of others, and disregard for the opinion of the world, and disrespect for what men have been accustomed to hold respectable, and in short of a total deprivation of the moral sense, and dissolution of moral obligation, encumber our proceedings and disgrace our records.

When those considerations, which induced alike the prohibition to "coin money" and to issue 'bills of credit,' are spoken of, we are told that the intercourse among the states might be impeded. This was one of the alleged advantages of this measure.

Kentucky had got the start of us in the paper money system, and her citizens, finding there was nothing else to be had at home for their products, brought them here and sold them to us at reduced prices; the advantage of this to the consumer was overlooked, and we determined to adopt the paper system, to exclude the commerce of Kentucky.—This purpose has been accomplished. The price of produce has been so reduced, that that of Kentucky comes here no longer.

Instead of the practice of nations foreign to each other, to exclude each others products in order to improve the market, we have destroyed the market to exclude foreign products, and the farmer and consumer both suffer. The supply of necessities was formerly great, and the price was consequently low: the supply is now becoming scanty, but the price is lower than before. This was an evil worth guarding against. The constitution of the United States ought to guard us from it. We have renounced its parental care, and sought our own destruction. Its parental authority alone can save us.

We are told that retrospective alterations in the

value of the currency might be made; of this too we have had some experience.

There was first an issue of two hundred thousand paper dollars, with a pledge to give it value, that one tenth should be annually destroyed. The strong implication that no more should be issued was disregarded, and, in a few months after, one hundred thousand were added. The depreciation to fifty, from thirty-three and a third per cent. discount, was the consequence.

The borrowers, who had paid their debts with it at the latter rate, could not overlook the advantage of discharging with three dollars a debt, for the loan of that which had served them the purpose of four. The injustice to those who had thus received in payment was disregarded. It was natural to suppose they were creditors, and when a state resorts to expedients of this sort, creditors are not apt to be favored. The proneness to this injustice in small communities, in times of general pecuniary embarrassment, was one of the mischiefs against which the constitution sought to guard us.

"A faction" (says Mr. Madison, in the Federalist) "is a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."

The remedy he proposes, and the only one he admits to be practicable, is the extension of the government over so large a number of people, and so great an extent of territory, as to render such combinations impracticable. To illustrate this he says:

"A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the union, than a particular member of it."

Surely Mr. Madison could not have recommended the constitution to the people, with the proud confidence in its excellence, if he had understood it as leaving it in the power of the local legislature of a remote corner of the union to adopt measures which he has stigmatized with an asperity so foreign to the general mildness of his character, deportment and style.

It is apparent then, from our own experience, that the certificates of the loan office are within the mischief contemplated by the constitution in the prohibition of bills of credit.

They are equally within the letter—they are bills—they are issued by the state—they are issued on credit of the state; and though in terms they are evidences of debt, yet in fact they are advances of the credit of the state. Not that the state in fact receives credit in the transaction, for credit in one sense implies confidence. But the machinery of government is put in motion to exact from the whole community a sort of 'forced loan.' I have already said that I know of no one thing originally, and precisely distinguished from all other things of the like kind by the name of a bill of credit. I have already referred to the origin of the phrase, and am at a loss to think of one of more comprehensive fitness. It seems to be a new arrangement of known words, adopted as the general name of all evidences of debt issued to those to whom no debt was due, for the mere purpose of communicating credit. Such may be granted by an individual, without injury to any one but himself, if he be solvent—not so when issued by a state. They then become inevitably a circulating medium varying in

value with all the fluctuations of the public councils, and, if issued to an amount near equal to that of one year's revenue, are sure to derange commerce, unsettle confidence, and impoverish the treasury—they are therefore forbidden. The name is remarkable for its comprehensiveness and precision. Most others might have seemed to interfere with the power of the states to give bona fide evidences of actual debts. The common and popular phrase 'paper money,' would have been inaccurate—the paper is not money, though it is so natural to those, who use it as such, to call it so, that even the legislature speak of paying fees and salaries in it, without saying whether it is to be taken at par or not.

In short, we see in the certificates of the loan office all the mischiefs which occasioned the prohibition of bills of credit, and all the circumstances which gave rise to the adoption of that name, and are constrained to pronounce them within the meaning of that prohibition; the loan office itself an unconstitutional institution, and all statutory contrivances to promote the circulation of the paper, unconstitutional, void, and of no effect.

RELIGIOUS WORSHIP.

(Reported for the Steubenville Gazette.)

At the term of the supreme court of Ohio, in Columbiana county, October, 1821, an action of trespass and false imprisonment, brought by one Shade against Kerns and several others of the Methodist society.

The defendants, by Mr. Wright, their attorney, put in the following plea as a defence to the action, viz.

"That, at the time and place mentioned in the declaration, the defendants, with others, were assembled together for the purpose of religious worship and transacting other business belonging to the society of Methodists, to which they belonged; and, being so assembled, and in the performance of said duties, just before the said act complained of by the said plaintiff, he, the said plaintiff, entered the said religious assembly, and then and there turbulently and riotously disturbed the said assembly in the devotions and exercises aforesaid; whereupon the said defendants, to prevent said disturbance, seized, arrested and detained the said Shade in custody, for the space of six hours, as by law they might; they, the said defendants, in said seizure, arrest, and detention, using no more force than was necessary for the effecting said object; which is the same identical trespass complained of in the declaration, and none other or different."

To this plea, the plaintiff, by Mr. Laird, his attorney, put in a demurrer, (which admits the facts pleaded to be true, and relies on their insufficiency in law.)

The defendants' counsel relied upon the third section of the law of the state for the prevention of certain immoral practices, vol. 18, reprinted, page 44, which is as follows:—"That if any person shall at any time interrupt, molest or disturb, any religious society, or any member thereof, when meeting or met together for the purpose of religious worship, or of performing any other duties enjoined on or appertaining to them, as members of such society, the person or persons so offending may be arrested and detained in custody not exceeding six hours at any one time, and shall be fined in a sum not exceeding twenty dollars."

The cause was tried in the court of common pleas, before the president, Tappan, and his as-

sociates, at August court, and before Judges Peas and Hitchcock in the supreme court, to which it had been brought by appeal. The counsel contended that, at common law, as well as by the statute, every religious society had a legal right to protect itself in time of worship from disturbance, and to arrest and confine, during the continuance of the meeting, any person who should be so lost to all sense of propriety and decency as to persist in interrupting and disturbing them—that in such cases they were not bound to send for a justice of the peace or other magistrate, make a complaint, and obtain a warrant for arrest, because the delay attending such course would render totally inefficient the protection intended by the legislature, as, in many cases, no magistrate or constable would be at hand, and the congregation prevented from pursuing their worship, which the law was intended to guard against; and if the disturbance took place on Sunday, the most usual time of assembling for worship, the meeting would certainly be broken up, as no court could lawfully be held to try the offender on that day. That the right to arrest and detain was intended to protect the worshipper while at his devotions—while the fine of twenty dollars was intended as a further punishment of the offender. It was admitted that the fine could only be imposed by the magistrate in the usual way.

The court of common pleas adjudged the plea a good defence, both at common law and the statute. The supreme court sustained the demurrer, and adjudged the plea bad, inasmuch as the statute did not authorise the *disturbed religious assembly to arrest and detain the offender*, but had entrusted the exercise of that power to a magistrate on view or complaint, as a *punishment for the offender*!—The court said that at common law such society would have a right to protect themselves by confining disturbers, while they continued refractory, or until the meeting broke up; but that, as this plea appeared to have been drawn under the statute, it could not be sustained.

It is not the object of the reporter to comment on these decisions; their effect will be obvious to most thinking men; but to make it public in order that the people, if they are dissatisfied, may bring the matter before the legislature now in session. The construction of the law, given by the highest court in the state must be considered as correct and binding, unless the legislature shall declare its own meaning unequivocally.

From the Richmond Enquirer, of Dec. 6, 1821.

GENERAL COURT OF VIRGINIA.

As the case of the *three seamen*, who sued for a *habeas corpus* to discharge them from the mittimus awarded by a *state magistrate* under an act of congress, has excited considerable interest, both here and elsewhere, we have applied for a copy of the opinion of the court, and now submit it to our readers:

Ex parte William Pool and others on a writ of habeas corpus.

On the 31st of October, 1821, William Pool, Matthew Thompson and Asa Wilson, presented their petition to the superior court of Henrico county, setting forth that they were imprisoned by the jailor of the said county, and that such their imprisonment was not authorized by law; they therefore prayed a writ of *habeas corpus ad subjiciendum*, which was awarded. By the return to that writ, it appeared that the petitioners were

sailors, who had regularly signed a contract, within the intent and meaning of the act of congress, passed the 20th of July, 1790, by which contract they had agreed to perform a voyage or voyages, not yet finished, or the contract concerning it altered or otherwise dissolved; that the petitioners had deserted from the ship or vessel, and being brought before Joseph H. Mayo, a justice of the peace for the county of Henrico, before whom the facts aforesaid were proved, the said petitioners were committed to the jail of the county aforesaid, until thence discharged by due course of law. In addition to the facts stated in the return, it was proved to the said court, that the petitioners are citizens of the United States. Whereupon, with the consent of the petitioners, the questions arising upon their case were adjourned to the general court, for its opinion, whether the petitioners ought to be discharged from the custody of the said jailor.

Upon the case thus stated, the following questions have arisen and been argued at the bar:

1. Had the superior court of Henrico jurisdiction to award and discharge, under a writ of habeas corpus, in cases where the petitioners are confined under colour of the authority of the United States?

2. Is that part of the act of congress, passed July 20, 1790, which directs the justice of the peace to commit the petitioners under the circumstances before stated, made in pursuance of the constitution of the United States?

3. What is the legal effect of the contract made by the petitioners with the master or commander of the vessel mentioned in the return; and how is the same affected by the commitment set forth in the case?

Upon the first question, it is the unanimous opinion of this court, that the writ of habeas corpus may be properly issued by a state judge, on the application of any party, who, by proper affidavit, shews probable cause that he is unlawfully restrained of his liberty; that the question whether the law authorizes his confinement, is to be decided by the laws of the state, considered as a member of the United States; that we are to consider all persons lawfully restrained of their liberty, who are confined in obedience to the constitutional laws of this state or of the United States. In the practical application of these principles, the state judges will not discharge a party, whose commitment is regularly made, with a view to a prosecution in the courts of the United States, for an offence actually committed and cognizable therein; neither will the judges of the state courts, as such, admit the party to bail. Whether they will look beyond the warrant of commitment, when made by any other than a judge of the courts of the United States, and inquire into the fact, is matter of sound discretion to be regulated by the circumstances of each particular case. But it is the opinion of this court, that the state courts and judges have concurrent jurisdiction with the courts and judges of the federal court, in all cases of illegal confinement, under colour of the authority of the United States, when that confinement is not the consequence of a suit or prosecution pending in the courts of the United States, in which the allegation upon which the commitment is made, will be tried. As therefore the commitment in question is connected with no such regular suit or prosecution, it is the opinion of this court, that the superior court of Henrico had jurisdiction of the questions arising in this case.

In considering the second question proposed, the

general power of the congress of the United States, to authorize the arrest and commitment of offenders against the laws of the United States, by persons, designated as holding offices under the state governments, has been brought into review. It has been contended that the congress of the United States possesses no such constitutional power, because the warrant to arrest, and the decision upon evidence, that the accused ought, (by the laws of the United States), to be committed for trial in the courts thereof, are judicial acts; that those who perform them, exercise a portion of the judicial power of the United States, which power, can, constitutionally, be exercised by such courts alone, as have been, or may be established by the constitution of the United States, and laws made in pursuance thereof. And it is farther contended, that the commitment, ordered in the present case, is embraced by the principles of this objection.

Upon the question, how far, and in what manner, a justice of the peace of the state of Virginia may decide that a party, brought before him, shall be committed to jail for trial, and to order his commitment accordingly, without exercising the judicial functions, with which he is clothed by the state, there is a diversity of opinion among the judges of this court, and we have come to no definitive conclusion, whether the act of commitment, as required to be performed by the act of congress, called the judicial act, be strictly ministerial only, or partaking, in part, of the judicial character, as those acts would be characterized by the the common law and laws of Virginia,—but a majority of the court are of opinion, that, whether such acts of commitment be strictly ministerial or not, as they would be defined by the common law, they are not such acts as the constitution of the United States intended to vest exclusively in the courts therein provided for. While it is admitted, that we may fairly refer to the common law, and to the sages thereof, for aid in determining what is the precise meaning of the first section of the third article of the constitution of the United States, it is perfectly manifest, that a literal adherence to the common law definition of juridical power, followed in every case, would impose a meaning on the article in question, which never entered into the heads of the framers, or any one practically engaged in carrying the constitution into effect. To state a single instance, the administration of an oath. If any one act, as an auxiliary to the administration of justice, has been uniformly called by the common law writers, a judicial act, it is this one of administering an oath; and yet, can any man in his senses believe, that the framers of our constitution intended, that every custom-house officer, commissioner of the revenue or excise, commissioner to take depositions, commissioner in bankruptcy, and to settle various other incidental and occasional matters, should hold his office during good behaviour, and at stated times receive for his services a compensation not to be diminished during his continuance in office? Most or all of these officers and special commissioners have been authorized to administer oaths, and have done so, without an insinuation that they were exercising the judicial powers of the union. The remark made on this part of their duty, applies equally well to various other things of a seemingly judicial nature, which they are in the constant habit of doing. The commissioners to decide upon the claims on the Louisiana fund did exercise, and the commissioners now deciding on the claims on the Florida fund, must exercise quasi judicial powers; a general view of

which subjects is sufficient to shew that the term judicial power, as used in the constitution of the United States, must be understood to mean what those terms imparted at the time; not by resorting to any rigid, technical definition, but to their natural import, understood with reference to the subject matter in allusion to which they were used. Thus understanding the terms, we are of opinion, that the constitution directs, that all the regular and permanent duties, which properly belong to a court in the ordinary and popular signification of that term, shall be performed by the courts, described in the constitution; the judges of which courts shall hold their offices during good behavior, &c. There is, therefore, nothing in the constitution which prevents a ministerial officer or other person, by law directed to do and perform any act, which may be necessary to bring an accused party before a court, possessing the judicial power of determining on his guilt or innocence. We are, therefore, of opinion, that commitments made under the aforesaid act of congress, by the persons therein described, are lawful and right, provided they pursue the authority under which they act. But we are not to be understood as affirming that the congress of the United States can give jurisdiction to, or require services of any officer of the state governments as such. The direction may be the opinion of the court; but what we have affirmed and do affirm, is, that congress may authorize any citizen of the United States, to perform any act which the constitution of the United States does not require to be performed in a different manner.

We are then to inquire, what is the legal effect of the contract made by the petitioners with the master or commander of the vessel, and how that is affected by the commitment complained of? The first question here presenting itself is, by what authority but the congress of the United States define the obligation of the contract in question? The answer is, that, by the 31 clause of the 8th section of the 1st article of the constitution of the United States, the congress have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.—And by the 17th clause of the same section, they have power to make the laws necessary and proper for carrying the power first mentioned into effect. It is believed that the regulation of the seamen, to be employed in the merchant service, may be assumed to be necessary without entering on the controverted ground, to which it is supposed that these words, necessary and proper in some cases, lead. It is not perceived that this commerce, over which the congress possess the entire control, could otherwise be carried. The right then to give a rule on this subject being established, the question recurs, what is that rule as it relates to the case before us? The answer is, that a seaman, who regularly signs a contract, is, by the law, bound to specific performance, and may not elect to pay damages for non-performance, as in ordinary personal covenants: nor is this effect of an engagement for personal services unknown to the statute laws of Virginia: the law is to be understood to be the same, in respect to apprentices, to servants, under the act of 1785, and to foreign seamen, under the act of 1805, as well as to soldiers belonging to the army, and sailors belonging to the navy.—These are all mentioned together, because we know no difference between the effect of an engagement, constitutionally defined, by act of congress, and one defined by the laws of this state.

In any of the cases above supposed, as well as the very case before the court, the master or commander, as the case may be, may, by himself, or with others, his assistants, pursue, and, by force, bring back his deserted apprentice, servant, sailor, or soldier. The particular provisions of the act of congress, which authorized the interference of the justice of the peace, may be said, in some sort, to be a restriction upon the rights of the captain, since, impliedly at least, it would seem to deny the right of using the house of correction or common jail for the purpose of safe keeping his deserted sailor, without having the case examined by the person authorized by the act of congress; but, perhaps, the better opinion is, that the act of congress designed to give the jailor, who might act as an assistant to the captain of the vessel, a protection against the charge for false imprisonment, should the sailor, in truth and in fact, not be under the obligation charged upon him. The imprisonment directed by the act of congress, is for no determinate period, is not inflicted as a punishment, and is not directed with a view to any trial, for any offence whatsoever. We cannot, therefore, regard the execution of this part of the act of congress, as the prosecution of a public offence. And while the powers exercised by the magistrates are, at first view, of a seeming judicial character, and would, perhaps, be so defined by the common law, we are justified in saying that the case did not present such a judicial question as was necessary or proper to be carried into court, by formal process; using the term court, in the sense we have before stated it to have been used, in the constitution of the United States. If the nature of the duty required to be performed, rendered it doubtful in the minds of some, whether it were necessary to carry it into a regular court, or to be tried by a jury, the legislature of the state of Virginia, in the act of 1805, answers the question almost, if not entirely, in the words of the act of congress, and directs the same proceedings; it is true, that the act of 1805, provides for the case of foreign seamen only; this is explained by the fact, that the language of the act of congress does not apply to contracts, made without the jurisdiction of the United States, as to which the *lex loci* would give the rule. But both laws ameliorate the condition of the sailor; first, by requiring the contract to be reduced to writing, and, secondly, by requiring the consent of the justice of the peace, before he shall be thus restrained of his liberty. We understand the nature of a sailor's engagement, to bind him to specific performance, by the commercial laws of the civilized world. By the laws of Westbury, a sailor, who received part of his wages and deserted, was to be hanged; and when a sailor engaged himself to two captains, the first had a right to take him from the second, and compel him to go the voyage: These laws, with those of Oleron, now form the basis of the maritime codes of Europe, and, in some degree, are supposed to be adopted by the constitution of the United States, as they were certainly resorted to by our courts of admiralty, previous to the adoption of the federal government; and it has been again and again determined, by the courts of admiralty in this country, that the act of congress alters the general maritime law, only so far as it gives a new rule, and the rights, as well as the obligations of the mariner, are clearly subjects regulated by these maritime laws, and acted on every day in the courts of admiralty. The act therefore which has been done in this case, might well

be done by individuals appointed by law, or persons designated by general description. If, therefore, Joseph H. Mayo, (being one of the persons designated), has pursued his authority, his act must be effectual to every legal intent and purpose. The commitment is made in precise conformity with the act of congress, and petitioners have not suggested, that the facts on which it was grounded do not exist; they must, therefore, be remanded to the jail of the county of Henrico, there to remain until the vessel to which they belong, and named in the proceedings, shall be ready to proceed on her voyage, or the captain shall demand their discharge; which is ordered to be certified to the superior court of law, for the county of Henrico.

Judges Semple and R. E. Parker dissented from that part of the foregoing opinion, which determined that persons, exercising functions under a law of the United States, were not officers of that government, and to be appointed as such; and judge Daniel, concurred in the court's opinion, for reasons somewhat different from those assigned.

HALVES OF BANK NOTES.

Martin, vs. Bank of the United States.—This was an action brought in the circuit court of the United States, held in Philadelphia, in October term, 1821, before *Bushrod Washington*, chief justice, for the recovery of five hundred dollars, the halves only of which had been received by the plaintiff, from his agent in Cincinnati, the corresponding halves being lost. The notes were remitted after the publication of a notice by the directors, that the bank would not pay cut notes unless all the parts were produced. The demand of the plaintiff was for the full amount of notes.

On this subject the judge laid down the following principles of law:—

A bank, or promissory note, is the evidence of a debt due by the maker to the holder of it, and nothing more. It is also the highest species of evidence of such debt, and in fact the only proper evidence, if it be in the power of the owner to produce it:—But, if it be lost or destroyed, or by fraud or accident, has got into the possession of the maker, the owner does not thereby lose his debt, but the same continues to exist in all its vigor, unaffected by the accident which has deprived the owner of the means of proving it by the note itself. The debt still existing, the law permits the party, when better evidence is lost or destroyed, or not in his power, to give inferior evidence, by proving the contents of the lost paper, and if this be satisfactorily made out, he is entitled to recover.

If the evidence be not lost, but is merely impaired by accident, or even by design, if such design be not to injure the maker or to cancel the debt, the principle of law is the same. Cutting a bank note in two parts, does not discharge the bank from the debt of which the note was but the evidence, nor does it even impair the evidence itself, if, by uniting the parts, the contents of the entire note can be made out. If one of the parts of the note should be lost or destroyed, the debt would be no more affected than if the entire note had been lost or destroyed. In the first case, the difficulty in proving the right of the owner to the debt is diminished; but if the whole note be lost, it may have got into the hands of a bona-fide owner, and therefore the loser may not be entitled to the debt of which it was the evidence. But against the real owner of one-half of the note there

cannot be any opposing right. The finder or robber of the other half part cannot assert a right to the debt, because he cannot prove that he came fairly by the evidence of it.

The question is whether it was competent to the bank to notify the holders of her notes, that, in case they should be voluntarily cut into parts, she would not pay them, unless all the parts should be brought together.

But, upon what principle is it that one party to a contract can prescribe terms to absolve himself from its obligation, without the assent of the other? I know of none. If the bank could dictate to the holders of her notes the condition stated in this notice, upon the performance of which, and not otherwise, she would pay them, she might, with equal authority, prescribe any other condition, and declare in what case she would pay, and in what she would not. The note is the evidence of an engagement by the bank to pay a certain sum of money to the bearer of it, and the general law of the land declares, that if such note or a part of it should be lost or destroyed, the debt shall nevertheless be paid upon satisfactory proof being made of the ownership and loss. Thus sanctioned, these notes pass from hand to hand: and if the bank can, nevertheless, discharge herself from her obligation to pay them, unless both parts of the note be produced, or unless the note be produced entire, (and there is no difference between the two cases) then the arbitrary declaration of the bank must be stronger than the law. This observation applies with equal force to every other species of contract, where one of the parties to it attempts to prescribe to the other the rules of evidence by which alone he will be governed.

If the court is correct in their opinion upon the first point, it follows that the law as much compels the bank to pay the owner of half a note, where the other half is lost, as to pay in the two cases supposed; and so, the right of the bank to prescribe terms in the one case, if admitted, would be equally valid in the others. There can be no difference, unless it be that in the one, the notes were voluntarily cut, and in the other they were torn by accident; but the owner of the debt being also the owner of the paper which is the evidence of it, he had a legal right to cut it, and by doing so, he could not impair its obligation, unless he intended to do so. In all these cases, the note is cut with a view to the security, not to the destruction of the debt, by dividing the chances of preserving the part of the evidence of it, in case the other parts should be lost. The defendants do not forbid or condemn the practice, even if it could, for a moment, be admitted that they had a right to do either. That is not the *gravamen* stated in the notice—it is the production of one of the parts for payment unaccompanied by the other part. That is the case in which the bank declares she will not pay, and in which the law pronounces she shall pay.

I am of opinion that judgment should be entered for the plaintiff.

Peters, (justice) delivered his opinion, entirely concurring with that of judge Washington.

Judgment for plaintiff for the full amount of the notes.

UNCHARTERED BANKS.

In the court of appeals [Virginia]—Feb. term, 1822.
WILSON vs. SPENCER.

Judge Roane delivered the resolution of the court. This is an action of debt, brought in the county court, by the appellee, upon a single bill. The defendants pleaded two pleas, stating, in substance,

that that bill was given to the president of an unchartered bank, established contrary to the provisions of the statutes in such case made and provided, and that it was given in consideration of bank notes, emitted by the said bank, in equal violation of those statutes. These pleas were demurred to, and the facts therein stated, are consequently admitted. The county court gave judgment for the plaintiff, on the demurrer, and that judgment was affirmed by the superior court: from which judgment of affirmation, an appeal was taken to this court.

It is not easy for this court to perceive, on what grounds this judgment can be justified:—Although the act of February 24th, 1816, (2 rev. co. 111) was not in force, when this bill was given, the act of 1805 was, (see 2 rev. co. pa. 111, ch. 207, § 2.) and the bill was given for a consideration utterly prohibited by that act. It was given for a consideration, prohibited under severe penalties: and the cases cited for the appellant, incontestably prove, that any contract founded on an act forbidden by a statute, under a penalty, is void, although it be not expressly declared to be so; and that no action lies to enforce it—Whatever might be said, in relation to an action brought to recover the amount of the bank notes, given as the consideration of this bill, in favor of the holder against the bank,—in favor, as might be argued, of an innocent indorsee, or holder of the said notes—it is clear that no action will lie, on a bond given to secure the payment thereof, in favor of the bank—the party more emphatically offending against the policy of the act.—It is this last mentioned party who is now asking the court, to give its aid to violate the provisions of an act of great public policy and utility. There can be no ground for such a pretension, unless we consider the act of 1805, as repealed at the time, and as having no binding force or authority.—In relation to a law of this importance and character, and of such long-standing in our code, we ought not lightly to imply such a repeal. It should be shewn to be repealed, either expressly, or by a strong and necessary implication.—The only ground on which that inference is attempted to be supported in this case, arises from the suspension of the act of Feb. 24th, 1816. That act was additional to that of 1805, and created further penalties and forfeitures for its infraction: but it left the act of 1805, in full force. In making a further declaration, in the act of 1816, that notes, bills, &c. issued contrary to its provisions, should be null and void, it cannot be inferred, that those made contrary to the act of 1805, are valid. The suspension of the former act does not necessarily carry with it the repeal or suspension of the latter: nor did a particular provision of the act of 1816, § 7, specially prohibiting suits, by the banks therein contemplated, interfere with similar prohibitions, resulting, on general principles of law, from the inhibitions contained in the act of 1805. A suspension of the act of 1816, therefore, did not suspend, repeal or interfere with the provisions of the act of 1805: nor does a recognition, contained in the suspending act, of a right in the banks, therein mentioned, to close their transactions, in conformity with the provisions of the act of 1826, annul or apply to the prohibitions contained in the act of 1805. That suspension left the banks aforesaid, on the ground they occupied, before the passage of the act suspended; but did not place them in a better situation; and, far less, as was argued, did it legalize and charter those associations. It left those banks free to arrange their matters, if they could, without suit; and unaffected by the severe and additional restraints and penalties of the act of

1816. It did not mean to interfere with the original act, when it only purported to suspend, in part, another act, more effectually to suppress the circulation of notes, emitted by uncharted banks. The suspension only operated up to the point embraced by the last act, and did not go beyond it.

Under the admission that the prohibition in the act of 1805, is not repealed, the counsel for the appellee concedes, that in regard to individual cases, the law would be decided against him: but he claims an exemption for his clients, on the ground of the extent of this confederacy to infringe the laws, and of what he is pleased to call, a disease of the body-politic.—There may be cases, in which the still voice of the law may not be heard, nor the power of the civil officer be competent to execute its judgments.—That, however, is an extreme case, partakes of the nature of a revolution, and, in point of magnitude, is not shewn to exist in the case before us. But where would gentlemen draw the line in such cases? we know of no such boundary in the case before us. All that we know, is, that certain associations of individuals have set them selves up, in open violation of the laws, to exercise a high function of sovereignty, at most only confided to the power of the legislature.

We are, therefore, unanimously of opinion that the judgment, in this case, is erroneous, and that it should be reversed, and entered for the appellants.

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COUNTERFEIT BANK NOTES.

Extract from the minutes of the superior court.

EASTERN DISTRICT, GEORGIA, }
Superior court, January term, 1822. }

State } Indictment,
vs. } Passing counterfeit bank notes.

Calvin and others, }
By CHARLTON, judge.

Bills of indictment have been found against the prisoners, for offences which may subject them to an imprisonment in the penitentiary for a longer period than the term mentioned in the 16th section, 11th div. of the penal code. That section is in these words, "Every person charged with a felony, or any offence which may subject him, on conviction, to an imprisonment in the penitentiary for the term of three years, shall be furnished, previous to his arraignment, with a copy of the indictment, and a list of the witnesses who gave testimony before the grand jury." After the arraignment of these prisoners, their counsel applied for copies of the indictment, as a matter of right, under this section of our penal code. I was then of opinion that the application came too late, for, though the language of the section was imperative and mandatory upon the prosecuting officer of the state, yet it was right, *ex debito justitiæ*, only previous to arraignment. In other words, that the prisoners might refuse to be put upon their arraignment until furnished, as this section directs, with "a copy of the indictment, and a list of the witnesses who gave testimony before the grand jury;" but that the neglect or omission to demand this copy of the indictment and list of the witnesses on the arraignment, was a waiver of the right, and left it discretionary with Mr. Solicitor General, after arraignment, whether he would or would not furnish a copy of the indictment and list of witnesses.

This section of the penal code was borrowed from the criminal law of England, in relation to treason; and the opinion I expressed, when the application was made in behalf of the accused, has since been

strengthened and confirmed by reference to English authorities—By the stat. 7, W. 3, E. 3, it is enacted, That the prisoner shall have a copy of the indictment, (which includes the caption), but not the names of the witnesses, five days at least before the trial, that is, upon the true construction of the act. *before his arraignment*; for then is the time to take any exceptions thereto, by way of plea or demurrer—Post 229, 230: Dougl. 590 By consenting to the arraignment, the prisoner admits that he has had a copy of the indictment, or waives the benefit he might otherwise claim under the section referred to, of the penal code of Georgia. The statute of William also directs, in cases of treason, [it enumerates], that the prisoner shall have a copy of the panel of jurors, two days before his trial. This statute is as imperative as the law of this state, and still it has been decided, “if there is any objection to this copy, it must be objected to before the plea. For the copy is given the prisoner to enable him to plead; therefore, by pleading, he admits that he has had a copy sufficient for the purposes intended by the act.”—4. state trials. 668 A similar concession is involved under our system of criminal law, by neglecting or omitting to demand copies of the indictment and list of witnesses, on the arraignment; for, at that period, the prisoner pleads orally, which it is the duty of the clerk to place upon the minutes. One of the counsel for the prisoners, Wayne, has since expressed his acquiescence in the decision of the court, and has referred me to a case in Salkell, in support of it. The doctrine now, on this point, is settled, and will remain unshaken until subverted by legislative interference. Another motion has been made by Mr. Solicitor, before me, at chambers, to permit him, by order of court, to endorse upon these bills of indictment, the names of five additional witnesses, one of whom could not have given testimony before the grand jury, because he was then in Charleston.

The motion is opposed and resisted by the counsel for the prisoners, upon a variety of grounds, by Wayne and Cuyler, because of its hostility to a decision of this court in a case tried at the last term, in which it is said the court determined, that no witness could be examined at the trial of the accused, whose name is not on the indictment among the list of witnesses who gave testimony before the grand jury; by Mr. D'Lyon, because the decision in the case referred to, was subsequently acted upon and confirmed in Gates's case, to whom a new trial was awarded, at the same term, upon the objection, that a witness was sworn and examined on his trial, whose name had not been endorsed on the bill of indictment among the list of witnesses who gave testimony before the grand jury; and because, adding these names now, would operate as an amendment or alteration of the record, which could not be done in a criminal case; by Mr. Wilde, because indictments were not within the statutes of Jeoffail; and these additional names upon the record would, as contended for by D'Lyon, operate as an amendment; and because the motion, if acceded to by the court, deprives the prisoners of all the kind and merciful benefits the penal code intended for them—the principal of which was, that the prisoner might have time to inquire into the characters of witnesses.

Mr. Habersham, of counsel for the prosecution, did not believe that the decision of the court in the case referred to, went to the extent urged by the counsel for prisoners; and if it did, it ought to be considered as a *msi prius* adjudication, which, given under the impulses and suggestions of the

moment, amidst the heat of forensic discussion, was always liable to errors; and if it contained any upon the ulterior and grave reflection of the court, it was its bounden duty to correct those errors, by its judgment delivered *seriatim*. It might be done on this motion, and the public justice required that it should be now conclusively settled and understood, whether, under a sound construction of this section of the penal code, witnesses, upon whose testimony the state might rely for a conviction, were prohibited from being sworn and examined before the petit jury, because they were not found in the list of witnesses who gave testimony before the grand jury.

Mr. Bond, the solicitor general, said this motion could not be fairly viewed, if it was thought that it assailed the beneficent intention of the legislature of Georgia. The intention of the law was, and its reason was, to enable the prisoner or the accused, to enquire into the character of the witnesses; that this motion, if granted, afforded an opportunity of making such inquiry, and that, therefore, the intention of the legislature (which is directed to be the foundation of every exposition of the penal code) being ascertained, this motion could not be considered in violation of it. It was also urged in behalf of the motion, that the application to record the names of these witnesses, did not militate against the decision in the case mentioned, because the witness in that case was rejected upon the objection, that no sufficient notice had been given of the intention to place her name on the indictment, among the names of witnesses, who had given testimony before the grand jury; and that the distinction was supported by a decision of my predecessor. Upon the weight of these reasons in support of, and against the present motion, I have now to decide—1st. Whether such was the intention of the legislature, as it is contended for by the solicitor general; and 2dly, whether that intention, as contended for, is in accordance with the decisions of this court.

1. As to the intention of the legislature.

It has been mentioned (and therefore I am at liberty to say), that the penal code of Georgia was framed by Mr. Harris and myself, under the appointment of the then governor of the state. We felt anxious to adapt the criminal law of our ancestors to the republican institutions of this country; and with that feeling as the pole star of the duty confided to us, we endeavored to place the accused upon as high a scale of dignity as was dictated by the wide difference between a citizen of a republic and the subject of a monarchy. We consequently infused into the system (which the legislature of Georgia did us the honor to adopt) every principle of mercy and indulgence, which that contrast suggested. We placed a citizen of Georgia, or any person committing an offence against her good order and government, (which inflicted upon him or her, a penitentiary punishment for the term mentioned in this section of the code) upon the same footing as a subject of England, charged with treason. We considered that the best men, under the soundest impressions of moral, religious and political obligations, might commit the crime of *treason*, who would, from their souls, abhor and be the first to punish the unfortunate creature who had committed the offence of *petit larceny*.

Under this impression, we also thought (at least I did) that the privileges intended by the statutes of England, to persons charged with treason, ought to be extended to persons charged with felony, which subjected him to a penitentiary offence

In short, that reason required the same indulgencies to the one that were awarded to the other. In *foro cæli*, there could be no distinction. Hence the introduction of this sect into the penal code. It was an adoption of the humane provisions of the British statutes, in relation to treason, which ought to apply to an American citizen, charged with a felony. The statutes of England to which I allude, are the statutes of W. 3, c. 3, and 7, Ann, c. 21. The statutes of W. require, as before stated, that the prisoner shall have a copy of the indictment before his arraignment; and the statutes of Ann, that the prisoner shall not only have a copy of the indictment, but a list of the witnesses to be produced, and of the jurors impanelled, with their professions and places of abode, the better to enable him to make his challenges and defence.

The reasons of the indulgencies are, that the prisoner may enquire into the characters of the witnesses and qualifications of the jurors.

These were the reasons which influenced the framers of the code, and, as I presume, the legislature of Georgia.

2. As to the decisions of this court.

I certainly decided at the last term, in the case so repeatedly pressed upon my recollection, that a witness who had not been sworn to give testimony before the grand jury, could not be sworn and examined on the trial of the accused, before the petit jury. My reasons for this decision was founded upon the reason assigned by the British law, that the accused ought to have an opportunity of inquiring into the character of the witness. The sudden and unexpected presentation of the witness prevented this inquiry, and therefore she was rejected. This was the decision in the case, and it must, or ought to be, remembered by every person who heard the opinion. But suppose that notice had been given by Mr. Solicitor, that he intended to apply for a witness's name, to be recorded on the bill, which notice allowed time for inquiry as to character, was not this a compliance with the requisition and object of the penal code? My predecessor has said that it would be, and, *cessante ratione, cessat et ipsa lex*. Mr. Wilde, of counsel for the prisoners, has pressed upon me the maxim *stare decisis*, that it is better erroneous decisions of the court should be adhered to, than to be dependent upon the contrarious, oscillating opinions of this court.

I answer, *stare decisis*—and, upon that maxim, this case, under the present motion, shall be decided. It is therefore ordered, that the name of the witnesses mentioned in the motion of Mr. Solicitor, be recorded in the list of witnesses on these bills of indictment, who gave testimony before the grand jury.

MARINE COURT, NEW-YORK,

APRIL 29th, 1822

Timothy Laye, vs. Alexander Cartwright.

Interesting decision, as to the captain's right on board a merchantman, to chastise his seamen; also, of the mate on board the same, and when and how he may exercise that right.

This was an action of assault and battery, alleged to have been committed by captain Cartwright, the defendant, master of the ship South Carolina Packet, recently from St. Croix, upon Laye, the plaintiff, who was steward of the ship. I appeared in testimony, that on the outward voyage the cook was sick, and Laye, being the steward, was

next in order, assigned by the captain to act in his place.

One morning he spoiled the breakfast by his slovenly cookery—burnt the rice, so that it was not eatable; and boiled the mackerel and potatoes together, in dirty water, and in a dirty kettle, which had not been cleaned after the preceding day's cookery. The captain, for his punishment, lashed him up by his thumbs to the main shroud, and there kept him about two hours. Finney, the first witness, made out the punishment to be severe and cruel; he said the plaintiff could not stand fairly upon his feet, and was so far suspended by his thumbs, that when taken down, they were swollen to that degree, he could not use them, in consequence of the severe infliction. The exact truth of the case, however, seemed to be, that the plaintiff was not so tightly bound by the thumbs, as to occasion any great degree of pain; and could stand perfectly upright and free upon his feet; and that none of the crew heard any complaint from him whatever, after he was let down; the single witness aforesaid, only excepted. It was also alleged, that the captain committed another assault and battery on the plaintiff, on the return voyage.

Edward Burr, Esq. conducted the defence, and summed up to the jury in a handsome style for capt. Cartwright. Mr. Rose addressed the jury on the part of the plaintiff. Mr. Justice Swanton, who presided at the trial, then proceeded to recapitulate the testimony, and charge the jury upon the law of the case. The questions to be settled by the jury, his honor remarked, were, first, whether the chastisement which the captain inflicted, was unnecessarily severe and disproportionate to the offence. That the captain of a vessel had a right to inflict chastisement on one of his crew, when the conduct and due management of the vessel rendered it necessary, was not to be questioned, and it would appear, that, in the present case, the conduct of the steward was reprehensible, and justified some chastisement. It was in evidence, that the steward of a vessel should understand, and when called upon by the captain, in a case of necessity, such as sickness and the like, perform the duties of the cook, and so, next to him, in case of necessity, one of the crew, or the crew in rotation. The steward here had certainly not done his duty, and the captain, as he had a right to do, tied him up by the thumbs to punish him. If, however, the punishment was excessive, the jury must find a verdict against the captain. It had also been proved, that the captain, on a certain occasion, had kicked the plaintiff after he had ordered him, and while he was going down the companion way; but it appeared, moreover, that as he was going down, the plaintiff loitered and talked back to the captain. On this latter point, it might be doubtful, whether the plaintiff should not recover, as the kicking, if they believed the witness, did not appear to be necessary; but the jury must decide according to their own view of the case. The jury retired about twenty minutes, and returned with a verdict not guilty.

Another cause then came on of the same plaintiff, against Thomas Roland, the mate, also for assault and battery, and involved still nicer points of law. Laye, in this case, alleged that the defendant had, in several instances, during the voyage, violently beaten him. There was no testimony that Roland the mate, had struck him, or kicked him in three several instances; and had there been no contradictory testimony, or had the jury placed the fullest reliance on the plaintiff's witness, a verdict

for a considerable amount might have been found for the plaintiff. That he had been struck by the mate, there was no question; and the point of law raised, was, whether the mate, under the circumstances, had a right to chastise him.

Mr. Rose, for the plaintiff, contended strenuously, that the mate had never a right, in any circumstances whatever, to strike a hand at all; but must, in all cases of his misconduct, report him to the captain, who might chastise him, if the circumstances of the case demanded punishment.

Mr. Burr, on the other hand, contended (and the court charged the jury accordingly,) that there certainly was circumstances in which the mate was just ifed in striking a hand, to enforce obedience. For instance, when the captain was sick, or on shore, and it was necessary for the mate to compel some duty to be done immediately. In such cases it would be justifiable. So, even if the captain were on board, and the mate superintending on deck, and some necessary duty on which the salvation of the ship depended, was to be done instantly. There the mate would have a right to compel instant obedience by blows. Generally, however, his honour remarked, when the mate might have time, without danger to the vessel, to report the delinquent or disobedient man to the captain, that he might deal with him, he would not be justified in inflicting punishment himself. The jury, after about half an hour's absence, came in with a verdict of six cents damages for the plaintiff, and costs.

The details of the testimony in the forgoing cases, are not particularly given. A due understanding of the points of law involved, is all that is considered of essential importance. Many have been of opinion, that a master of a merchant vessel has no right, in any case, to flog a hand on board, and that the mate certainly never could exercise such authority. The law on those points, however, will be found correctly given as above; and when it is added, that the able counsel for the plaintiff, himself, conceded that such was the law, and did not for a moment attempt to contest it, so far at least, as regards the captain of a vessel, the public may look upon the opinions of the court, in the two cases as above expressed, as speaking the law of the land with entire correctness.

FROM THE NATIONAL GAZETTE, OF JAN. 1822.

Decision of the supreme court of Pennsylvania, in the case of the corporation of St. Mary's church (Roman Catholic) in the city Philadelphia, on a proposed alteration of its charter.

Tilghman, chief justice;—

"The trustees of the Roman Catholic society worshipping at the church of St. Mary," have proposed certain alterations of their charter, the lawfulness of which has been submitted to this court, by virtue of an act of assembly, passed the 20th day of March last. This corporation was instituted by an act of assembly, passed the 13th of September, 1783, and consequently was not authorized to procure an amendment of its charter under the general provisions of the act of 6th of April, 1791, entitled "act to confer on certain associations of the citizens of this commonwealth, the powers and immunities of corporations or bodies politic in law." It was necessary therefore to resort to the supreme power of the legislature, by whose authority, expressed in the act of the 20th March, 1821, this religious society was empowered to improve, amend, and alter the charter of

incorporation, granted by the act of 13th September, 1783, in the same manner, and with the same privileges and powers, as corporations established by virtue of the act of 6th April, 1791.

We must examine the last mentioned act, therefore, in order to understand what is our authority and what our duty on the present occasion. And, on reference to it, we find, that, in the first place, it authorizes any number of persons, citizens of the commonwealth, who have associated themselves for any literary, charitable or religious purpose, to acquire the rights of a corporation on such terms and conditions as they may think proper, provided the instrument of incorporation be submitted, first, to the attorney-general, and, afterwards, to this court, and both express their opinion in writing, "that the object, articles and condition, therein set forth and contained, are lawful." It is then provided, by the second section, "that as often as the corporation, established by virtue of that act, and the successors thereof respectively, should be desirous of improving, amending or altering, the articles and conditions of the instrument upon which they were respectively formed and established, it should be lawful for such corporations respectively, in like manner, to specify the improvements, amendments or alterations which should be desired, and the same to present to the attorney general and supreme court, who should, in like manner, certify their opinion touching the lawfulness of such improvements, amendments and alterations."

On application for amendments, under this act of assembly, difficulties may arise, which do not seem to have entered into the contemplation of the legislature. When a society wishes to be incorporated, an instrument is prepared and signed by the members of the society individually, so that the unanimous desire of the signers appears clearly to the court. But, when alterations are proposed, the case is different. It is scarcely possible to prove that every *individual*, who has rights or privileges under the charter, has assented to the alterations. And yet, the expressions of the act are, that it shall be lawful for the said corporations, *in like manner*, to specify the improvements, &c. This is all very well, and every thing goes smoothly, while there is no difference of opinion in the members of the corporation. But, suppose there should be a difference, and that what is proposed by one party, should be objected to by the other.

A difficulty of that kind arose, when many of the members of this religious society of St. Mary, in their individual capacity, applied to the court for an alteration of their charter, at the last March term, and were opposed by the trustees in their corporate capacity. The court then decided that it was not authorized to certify its opinion, touching the lawfulness of the proposed alteration, because the proposal did not come from the trustees, in whom were vested the corporate powers of its society. The reasons which induced the court to come to that conclusion, appear, in the opinion which was then delivered, and it is unnecessary to repeat them.

Since the last term, new trustees have been elected, who differ in sentiment from their predecessors, and now the proposal for alteration comes from the trustees, under the seal of the charter.—But another difficulty is started up.—This corporation consists of eight lay, and three clerical members. The laity are for an alteration, but the clergy dissent. What is to be done in this predicament? Is the court bound to consider the proposal, for alteration of the charter, as the act of the corporation, because it is presented under the

corporate seal; or may it look beyond the seal, and inquire in what manner, and by what authority it was affixed? undoubtedly it may and it ought: suppose amendments should be voted at a meeting of the corporation, not lawfully convened, and some of the members who were absent, should dissent. Suppose a meeting lawfully convened, and then the majority should force the minority to retire, after which they should pass a resolution for amendment. Suppose, by the constitution of the corporation, a certain quorum should be required to do business, and a number, less than the quorum, should pass resolutions for amendment, and affix the seal. Or suppose the constitution provided that the assent of certain members should be necessary, and the others proceeded to act without their assent. In all these cases it is too clear, to admit of argument, that the court would do flagrant injustice if it suffered the seal to preclude an examination of the truth.

In the case before us, irregularities are complained of, and the power of the lay members to propose amendments, altering the fundamental articles of the charter, against the will of the clergy, is denied. It will be necessary, therefore, to analyse the charter, to consider the power possessed by the different members, and examine how that power has been exercised. But I will previously remark, that should the rights intended to be secured to any persons, by the charter under consideration, be effected by the proposed alteration, the act of assembly, by virtue of which we now sit in judgment, should be liberally construed for the protection of those persons. For the people of the United States, and of this commonwealth in particular, have shown a high regard for chartered rights.—One of the grievances set forth in our declaration of independence was, that the King *took away our charter*; and, in the case of "the college, academy, and charity school of the city of Philadelphia," the legislature of Pennsylvania set memorable example of good faith and integrity. During the heat of the revolutionary war, the charter of the college was prostrated by an act of assembly, passed the 27th Nov. 1779, for an alleged breach of charter committed in the year 1764. It is worthy of observation, that the legislature which passed this act was friendly to learning, and, though it destroyed the college, erected in its place, a seminary founded on a larger plan and calculated to be more extensively useful, on which it conferred valuable endowments. Nevertheless, when the warmth, which probably occasioned the destruction of the college, had subsided, and the people had time to reflect calmly on the injustice of taking away a charter, *without trial*, the act of 1779, so far as it affected the college, was repealed, with strong expressions of disapprobation.

To return to the charter in question, which bears date the 13th Sept. 1783, it is to be observed, that so long ago as the 23d Jan. 1760, the legal estate of the lot on which St. Mary's church now stands, was vested in Daniel Swan and others, *in trust for the members in unity with the Roman Catholic congregation*. This appears by the declaration of trust, of Swan and others—and it is presumed that this property has been legally vested in the present corporation, (although no deed of conveyance appears to have been given in evidence), because it is mentioned in the charter. Between the years 1763 and 1770, St. Mary's church was built, and since the year 1800 it has been much enlarged. The expense of these buildings was defrayed by individual subscriptions, and it is supposed that

the ground was purchased in the same manner.—It is in evidence also, that the clergy were not backward in contributing. The act of incorporation, after a recital that the members of the religious society of Roman Catholics, inhabiting the city and vicinity of Philadelphia, and belonging to the congregation worshipping at the church of St. Mary, had requested the legislature to pass a law to incorporate them, and enable them to manage the temporalities of their church as other religious societies had been enabled to do, proceeds to incorporate them by the name of "the trustees of the Roman Catholic society, worshipping at the church of St. Mary, in the city of Philadelphia," and authorizes the trustees to lease, sell, or otherwise dispose of, the real estate, except the church called St. Mary's, and the lot of ground, grave yard and appurtenances thereto belonging. The act then appointed three priests (then pastors of the church) and eight laymen, as the *first trustees*, and declares that the *future trustees* shall be and consist of "the pastors of the church for the time being, *duly appointed*, not exceeding three in number, and of eight laymembers of the congregation worshipping in the said church, to be appointed and elected in the manner therein after directed," as follows:

The lay-members are to be chosen by ballot, and "every member of the congregation holding a pew or part of a pew in the church, and paying for the same not less than fifteen shillings by the year, and not being in arrears for the said contribution more than six months, is entitled to a vote. The election is to be decided by a majority of the votes thus qualified. It is to be annual, and the lay trustees, so chosen, are to continue to be trustees until the next election.—"And if the pastors of the said church, *duly appointed*, shall on any day of such election, exceed the number of three, they shall, among themselves, agree which three of them shall be trustees for the ensuing year, and shall openly declare, in the presence of all the electors so met, at the time of concluding the said election, the names of all the said trustees and members, who shall be so appointed and chosen trustees of the said corporation, and their names shall be entered on the books of the said corporation, for that purpose to be kept, and the said trustees so appointed and members so chosen trustees as aforesaid, shall be and continue trustees until the close of the next election." Those trustees and their successors are to meet, from time to time, and transact the business of the society, "of the time and place of which meeting due notice shall be given to all the trustees, at least one day before, at which meeting the *eldest pastor present shall be president*, and if seven of the said trustees shall attend, they shall form a quorum or board, and shall have power, by a majority of voices present, to make, ordain, and establish such rules, orders and regulations, for the management of the temporal business, the government of their schools, and disposing of the estate of the said corporation, as to them shall seem proper."

This is the substance of the charter. Let us now see what proceedings have been had, in order to procure the proposed alteration.

The election of the present trustees took place the 24th April, 1821. At that time there appeared to have been three pastors; the right rev. bishop Conwell, and the rev. Mr. Cummsky and Mr. Hayden. The board met the day after the election, present the three pastors before mentioned, and all the eight lay members. The rev. Mr. Cummsky was declared president, and took the chair. At that meeting the lay members entered a protest

against the appearance of the bishop, or of Mr. Hayden, at the board, or their participating in the transaction of business, for which they assigned their reasons. They add, "that they do not intend to oppose the continuance of the bishop, or of the rev. Mr. Hayden, at that meeting, but they cannot consent to recognize either of them, in any official character, or consider them entitled to exercise any of the functions or privileges of a member."—It does not appear that the bishop ever attended the sittings of the board after that meeting, but the rev. Mr. Cummysky, against whom no protest was entered, attended, and presided at meetings held on the 25th, 26th and 30th April, and on the 3d and 8th of May, being the only pastor present. He was present too at a meeting on the 14th May, at which was also present the rev. Mr. Hogan, a Roman Catholic priest, whose faculties had been withdrawn by the bishop on the 12th December, 1820, and had not been restored to him.

It is stated in the preamble of a resolution passed by the board, at a meeting on the 28th May, that the rev. Mr. Hogan "had resumed his station as pastor of the church, and, according to seniority, took the chair, at the meeting on the 14th May, and presided over the board, and the rev. Mr. Cummysky having also attended that meeting, was placed, in order, on the right hand of the president's chair, but thought proper, during the sitting, to express his disapprobation and dissatisfaction at being superseded, and afterwards fully confirmed the same by absenting himself altogether from the board, although several meetings had been held, and had also absented himself from St. Mary's church and neglected discharging his pastoral functions."—After this preamble it was resolved, "that the rev. Mr. Cummysky cannot any longer be considered as a pastor of St. Mary's church, and consequently not a member of the board of trustees of said church, having voluntarily vacated his seat at the said board, and neglected and refused discharging his pastoral duties in the said church."—At this meeting no pastor was present, and Mr. Cummysky, having been served with a copy of the resolution, never afterwards attended.

The resolution for making the alterations in the charter, which are now before the court, was passed at a meeting held the 9th July, 1821, at which were present the rev. Mr. Hogan (and no other clergyman) and seven lay members. Before this meeting Mr. Hogan had been excommunicated by the bishop. The counsel for the lay trustees have denied the right of the bishop to excommunicate Mr. Hogan, or even to withdraw his faculties, without trial, and on this subject there was much learned argument on both sides. But I shall give no opinion on this point, because I think it unnecessary, and therefore improper, as Mr. Hogan is not personally before the court, and especially as proceedings in nature of *quo warranto* have been commenced against him, to try the right by which he claims to exercise the office of a trustee of St. Mary's church. In my view of the case, it is immaterial whether Mr. Hogan was a lawful pastor or not, because even though he were, yet he was not the sole pastor; and if there were other pastors, who were unlawfully excluded from the sittings of the board of trustees, by the lay members at the time when the resolution for alteration of the charter was passed, their proceedings cannot be valid.

That there was such an unlawful exclusion, of at least one pastor, (the rev. Mr. Cummysky) I can have no doubt. As to the protest against the bishop, and Mr. Hayden, it is contended that it was no

exclusion, but only a denial of their right to sit as trustees, to which they were not obliged to pay any regard. It is said too that there was no intention to exclude them forcibly, and it may be so. It must be confessed, however, that those gentlemen were placed in a very delicate situation considering the nature of their offices; decency forbade their entering into warm altercations with the laity, and there are some expressions in the protest ("that there was no intention to oppose their continuance at that meeting") which rendered it rather doubtful, what treatment they might expect, if they appeared at another meeting. I give no opinion on this part of the case, and shall confine my observations to the exclusion of Mr. Cummysky only.

It was not denied that he was a pastor *duly appointed*, as I think it was not asserted that the lay members of this society had ever before exercised, or even claimed the right of *appointing or removing* a pastor. When the charter speaks of pastors *duly appointed*, it refers to the rules and discipline of the Roman Catholic church. Something was said, in the argument, of the danger of a foreign head of an American church. But our laws have expressed no apprehension of any such danger, and if our Roman Catholic brethren do, in their conscience, believe, that the power of *conferring*, or of *withdrawing* the sacred rights of the clergy, has been handed down in sure succession from the holy apostle St. Peter, to the present pontiff, Pius the 7th, the people of the United States of America have seen nothing in this belief, either criminal or dangerous to civil liberty. Neither has it been remarked, that, during our revolutionary struggle, or on any trying occasion since, the members of that church have been less patriotic than their fellow christians of other denominations. Their priests, therefore, are entitled to, and will receive the same protection as other clergy.

Questions, concerning the rights of the Presbyterian clergy, have several times come before this court, particularly in the cases of *M'Millan* (in error) *v. Birch* (1 Bin. 178), and *Riddle, &c. v. Stevens* (2 S. & R. 537). In the latter case, these were my expressions, and I adhere to them:—"Every church has a discipline of its own. It is necessary that it should be so, because, without rules and discipline, no body, composed of numerous individuals, can be governed. But this discipline is confined to *spiritual affairs*. It operates on the *mind and conscience*, without pretending to *temporal authority*. No member of the church can be fined or imprisoned. But he minister or lay man, he may be admonished, reprov'd, and finally ejected from the society. So may he retire from it at his own free will. Under these restrictions, religious discipline may do much good, without infringing civil liberty." And, in the same case, it was the opinion of the court, that according to the laws of the Presbyterian church, it was not in the power of the congregation to remove their minister; but that the presbytery alone could do it, with a right of appeal, first to the synod, and, in the last resort, to the general assembly.

From all the evidence which we have had of the rules of the Roman Catholic church, the lay members cannot remove their pastor. How was it then, that Mr. Cummysky ceased to be a pastor of St. Mary's church, or by what authority did the lay members of the corporation declare, that he had forfeited his office of trustee, which belongs to him *ex-officio*, if he remained pastor? The reason assigned is, that he had absented himself from the meetings of the corporation, and neglected his duty as pastor. For neglect of pastoral duty, they had

no right to condemn, or even to try him; and as to declining to attend a few meetings of the corporation, that surely could not amount to a forfeiture of his trusteeship. He was never called to explain or justify his conduct—no charge was exhibited against him—He never resigned his office—but, upon the principle of an *implied* resignation, he was expelled from the board. In this proceeding, the respectable gentlemen who compose the lay part of the corporation (and I know that among them there are men truly respectable) certainly went too far in so important a business as an alteration of *fundamental articles*; not only has every member a right to be present, but every member should have explicit notice, that the subject of amendments was to be acted on. I am decidedly of opinion, therefore, that the resolution in favor of an alteration of this charter, passed in the absence of Mr. Cuminsky, was unlawful.

Here I might stop—But another question of much importance to the peace of this society, has been brought forward, and wishing sincerely for its peace, I think it my duty to give an opinion on it. Suppose the three pastors to be present, and a vote in favor of amendment to be carried by the lay members, who make a majority of the board, the pastors dissenting and protesting against it, would that be a case in which this court ought to sanction the amendments? In considering this question, I shall avoid all technical and nice distinctions, and endeavour to ascertain the real nature and intent of the charter. It is to be presumed that the act of assembly, which incorporates this religious society, was drawn in conformity to their desire, and the structure of the corporation plainly shows, that the greatest harmony and confidence subsisted between the laity and their pastors. The laity were to elect eight members, to whom were to be added their pastors for the time being, not exceeding three in number, *duly appointed*; that is appointed according to the rules of the Roman Catholic church. These 11 trustees were to meet together, with power to transact all the temporal business of the church—*seven* made a quorum, and all questions were to be decided by a majority of voices present. But it was provided, that the oldest pastor present should preside.

We have here then, two distinct classes of people, each deriving its power from a source different and independent of the other. The laity being by far the most numerous part of the society, were entitled to a majority in the corporation, and they had it. But the clergy, tho' fewer in number, were entrusted with a degree of power, which, if prudently exerted, would always give them sufficient influence. No provision was made for an *alteration of their charter*, because no alteration was intended. It by no means follows, therefore, that a majority of the whole number of trustees, can alter the charter, because a majority could manage the ordinary business of the society—and this will be more evident, when we consider the nature of one of the alterations now proposed, which is nothing less, than to strike the whole body of clergy out of the charter—to annihilate them—How can it be supposed, that any thing like this was in the contemplation of those persons who may be called the *founders* of this church; those who purchased ground and built the chapel? Having taken such anxious care to place their pastors in a reputable situation in the body corporate, can it be imagined that they intended to leave it in the power of their successors to expel them? And if it was not so intended, how can it now be done?

I grant that, if the clergy had consented; if even

a majority of the clerical trustees had consented, there would be no good objection to the alteration. Because, although the charter does not provide for it, yet, in the nature of things, it must be supposed that all human institutions may in the course of time require alteration. And when the question for alteration comes on, there is no rule so convenient, as to decide by a majority: That is the rule of the common law, applied to corporations—The civil law requires two thirds—I agree, therefore, that in corporations, where there is no distinction of classes, a majority of the whole corporation would be sufficient. But where there are different classes, the majority of each class should consent, before the charter can be altered.

I have mentioned before, that the act of March, 1821, authorizing this society to alter their charter, referred them to the act of April, 1791, for the mode of doing it; and I have also said, that the act of April, 1791, does not seem to have contemplated a difference of opinion in the corporation, with respect to the propriety of the alteration, because it has made no express provision for such a case. We must therefore act upon such principles as best suit the nature of the case. Had it not been, that the clergy exist as a distinct body of men, in this corporation, I should be for certifying the opinion of the court, in favor of the amendments or alterations, required by the majority, at a meeting regularly convened. But as the case is, I think there should be a majority of both classes. I cannot believe that the legislature would have acted on any other principle, or that it intended to vest this court with power to act on any other principle. For the clergy have valuable rights secured by this charter,—the right of taking part in the management of those funds, from which their support is derived. These are rights of which the law takes notice, and which the courts are bound to protect. On these conditions was the charter prayed for and accepted, and one is authorized to say that it would have been accepted on any other conditions. The clergy and laity were both before the legislature, and both were parties to the grant of incorporation.

But the laity have no cause for alarm, should no alteration of charter take place—Should the clergy be so imprudent as to throw unreasonable impediments in their way, they may always put them down by a vote of 8 to 3. Such is the power of the lay members, that, if exercised with prudence and moderation, it will insure the accomplishment of all reasonable plans. But if matters are pushed to extremity, great difficulties may arise. The lay part of this congregation is greatly divided, though the majority appears to be with the present trustees. But if such measures should be taken, with the fundamental principles of the Roman Catholic church, it may be a serious question what is to become of the real property of the corporation. From what has appeared to the court, the ground on which the chapel stands, is held in trust for a *Roman Catholic* congregation.

The site of the old chapel, (which has been enlarged,) was conveyed to the rev. Mr. Harding, in fee simple, in the year 1763, "for him to build and erect a chapel thereon," (these are the expressions of the deed:) whether there has been a formal conveyance from him or his heirs, to the corporation, I know not—It appears, however, that it was supposed to be held in trust for this society, because the charter provides that the trustees shall have no power to sell it. But the charter was granted to a religious society of *Roman Catholics*, and before the charter, the ground and chapel was held in trust

for a religious society of *Roman Catholics*.—Now if a majority of this congregation should insist on employing pastors contrary to the rules of the church, and the minority should choose to persist in remaining *strict Roman Catholic*, in the sense of the word at the time of that incorporation, what is to become of the chapel and ground adjoining? That is a momentous question, on which I have not formed an opinion—but I mention it, in order to show this congregation, that there are cogent reasons for reconciliation. On both sides of their unfortunate division are found men of the most respectable character—on both sides there probably have been faults, and, with the exertion of that christian charity which is incumbent on both, there may yet be a reunion.

As my opinion on the matter of law submitted to the court, is in favor of the pastors of this church, these reverend gentlemen may, perhaps, not thank me for going out of my way, when I offer a few words for their consideration. It is scarcely possible that the Roman Catholics of the United States of America should not imbibe some of that spirit of religious freedom which is diffused throughout the country. If those who govern that church exercise their power with great moderation; if they are not too forward in assuming the direction of temporal affairs; if they consult the reasonable desires of the laity, both in the *appointment* and the *removal* of pastors, in all human probability they may long retain their dominion. But if things are carried with a high hand—if, trusting to the authority of the church, they disregard the wishes of their congregations, it is easy to foresee how the matter will end. That church possesses neither property nor temporal power in this country. The laity have both. In a struggle, therefore, between the two orders, the issue cannot be doubtful.

With respect to the proposed alterations of the charter, I am of opinion, that, under the circumstances of the case, the judges of this court ought not to certify that they are lawful.

Opinion of the chief justice and judge Duncan, delivered February, 1822, by chief justice Tilghman.

Commonwealth,
at the instance of Wm. Hogan,
vs.
Israel Deacon.

It appears that the rev. William Hogan, who has been brought before us, on this habeas corpus, is detained by the keeper of the prison of the city and county of Philadelphia on two commitments by alderman Badger, dated 18th January, 1822. In one of these commitments it is said, "that William Hogan was charged on oath with having, within the said city, on the 13th January, 1822, prevented and disturbed, by his presence and acts, the regular Catholic worship at the church of St. Mary's; and the celebration of mass by the clergy of said church." And in the other it is said, "that he was charged on oath with intending, within the said city, unlawfully to disturb the pastors of St. Mary's church in the celebration of divine service, and to excite and promote, by his acts and attendance, noise and disturbance in the said church, so that the pastors thereof might be prevented from performing divine service therein." Our habeas corpus act, gives us power to investigate the truth of the circumstances of the case, and determine whether, according to law, the prisoner ought to be bailed, remanded or discharged. We have therefore indulged the parties with an investigation of the circumstances of the case, to an extent which would have been un-

warrantable, had it not been, that a great number of people took a warm interest in it, for although, in form, it is a prosecution by the commonwealth, vs. William Hogan, yet, in fact, it is a dispute between the members of a large religious congregation, touching rights which they consider of very great value. From the extensive field of argument which was occupied by the counsel on both sides, we may suppose it was their expectation that we should now give a decided opinion on the merits of the controversy; but, on mature reflection, we think that such an opinion would be unseasonable and improper. The question is, whether William Hogan should be discharged, remanded or admitted to bail; if he is not discharged, he may be bailed, because he is charged with a bailable offence. There is not a doubt but the disturbance of the public worship of any religious congregation is an indictable offence. This has not been denied; indeed it is a principle in support of which every religious society has an interest.

We should not be justified, therefore, in discharging Mr. Hogan, unless we were satisfied, *without doubt*, that he has not disturbed the public worship in St. Mary's church. But this is more than we can say, and more than we ought to say, considering that the parties are at issue on many contested facts. Not only is the behaviour of Mr. Hogan in St. Mary's church, on the 13th January last, to be taken into consideration, but also the laws and discipline of the Roman Catholic church in the United States of America; much of which is only to be known by parol evidence. It would be unwarrantable, therefore, in us, who are now acting in a course of summary proceeding, to decide, without the assistance of a jury, facts in which the vital interests of this church are involved. We have no hesitation in saying that William Hogan cannot be discharged, but must enter into recognizance, with proper security, for his appearance at the next mayor's court. But a more important question remains. The counsel for the prosecution have insisted on his being held to security for his good behaviour, in order to preserve the church from future disturbance. We should have no doubt of the propriety of rigorous security for Mr. Hogan's good behaviour, if it were the case of a man who had behaved rudely and notoriously in church, and threatened to do so again. But it is not so. He used no force or violence of any kind, nor did he make any indecent noise. It is in truth a very singular case. Mr. Hogan is a Roman Catholic priest who once, without doubt, was a regular pastor of his church, and claims to be so still, and in this claim he appears to be supported by a majority of the congregation. But his faculties have been withdrawn by the bishop of the diocese, and he has been publicly excommunicated. Under these circumstances he appeared at the altar in the vestments of a priest, and refused to withdraw when required by the bishop. His presence, as is contended by the prosecutors, prevented the celebration of mass according to the rules of the church, and, therefore, the public worship was interrupted; on the contrary, this rule is denied by those who support Mr. Hogan, and they say, moreover, that the proceedings of the bishop in withdrawing his faculties, and excommunicating him, were irregular and void. I wish to draw a veil over the scene which was exhibited in church, and therefore will not describe it. It does not appear, however, that either party had a deliberate intention of exciting tumult, or of disturbing the public worship by violence.

We see plainly enough that each intended to assert and preserve its rights without breaking the peace, and the avowed object of this prosecution is to decide, whether Mr. Hogan has a right to perform divine service in St. Mary's church. It might seem hard, therefore, if we were to assist the prosecutors, in a mode of proceeding which would either confine Mr. Hogan in prison until the trial of the indictment, or prove ruinous to him and his securities, in case he could find security, and the trial should go against him. If the prosecutors are right, the bare appearance of Mr. Hogan at the altar would be a forfeiture of the recognizance for his good behaviour. We think, therefore, that the justice of the case will be best attained by not requiring security for good behaviour. To this then there can be but one objection. What is to become of that part of the congregation who cannot, in conscience, be present when mass is celebrated by Mr. Hogan. This would indeed be a very serious objection if they had no other place of worship. But fortunately they have, the church of St. Joseph is open to them; this trial may be expected to come on in March; now if those who are opposed to Mr. Hogan will, in the mean time, do, as they did once before, on our recommendation, abstain from going to St. Mary's church, it will be conduct, which cannot detract a particle from their rights, conduct of which no christian must be ashamed, and even their adversaries must commend. For it can be attributed to no other motive, than a sincere desire to preserve the peace, and I may add, the character of their church. When this right is decided, we still indulge the hope, that this congregation may be united as brethren. For surely in a christian congregation, the hope of reconciliation cannot be desperate; upon the whole, we order that William Hogan shall enter into a recognizance for his appearance at the next mayor's court, to answer the charges that have been made against him, himself in the sum of \$500, and two good sureties in the sum of \$250 each.

Immediately after the delivery of this opinion, Mr. Hogan entered into recognizance, with security, and was discharged.

FROM THE RICHMOND ENQUIRER OF DEC. 11, 1821.

An important decision was made in the court of appeals on Tuesday last, in the case of Lewis vs. Fullerton. We have applied for a copy of the opinion, which we now submit to our readers.—While that decision is very important to our citizens, bordering on the state of Ohio, in relation to the emancipation of their slaves in that state, it contains some important principles, bearing upon the decision of the supreme court, in the case of Cohens vs. Virginia.—It decides that the laws of one country attempted to be asserted in another, are with an exception that they do not violate any moral principle in that other, or the policy of that other, or any right or interest derived under the law of that other.—This limitation of the *lex loci*, in relation to the force of the laws of the District of Columbia, within this commonwealth, arising under the case of Cohens, goes to cut up their authority by the roots. The authority of their laws cannot be asserted in that case within this commonwealth, without encountering all of these objections.

LEWIS AND FULLERTON.

Statement of the case.

This was an action brought by Lewis, an infant, in the supreme court of Cabell, against the repre-

sentatives of his former master. His object was to recover his freedom which he claimed on the ground that his mother Milly had become entitled to her freedom prior to his birth, on some of the grounds stated in the opinion of the court—One of these grounds was a deed of emancipation, executed in her favor by that master, (John Rodgers), within the state of Ohio, and which did not conform to the provision of the laws of Virginia, on the subject of emancipation—Rodgers, a resident of Virginia, had gone into the state of Ohio to reclaim Milly who had run away from him; and she sued out a writ of habeas corpus against him, in one of the county courts of that state, and was discharged from his custody, in the most summary manner. This discharge is also relied on as another ground of the plaintiff's claim. After this, and when Rodgers was, probably, under some degree of coercion, he executed in Ohio the deed aforesaid, and she at the same time indented herself to him for two years; and was brought back by him into the state of Virginia, where, after this time, the plaintiff was born.—The superior court gave judgment, upon a special verdict, for the defendants, and, on an appeal, their judgments was unanimously affirmed by the court of appeals.

Lewis vs. Fullerton.

The court is of opinion that there is no error in the opinions of the superior court, impeached by the 2d and 3d exceptions. The reasons in support of those opinions are so clear and self evident, that they need not be adverted to.

Nor is there any error in the other opinions of that court, objected to by the appellant, and which go to the merits of his title.

The appellant claims his right to freedom on three grounds:—1st, on the right to freedom alleged to have been acquired by his mother, prior to his birth, by having sojourned within the state of Ohio, and as is further alleged, been there employed by her master: 2dly, on the ground that her right to freedom was prior to his birth, established by the judgment on the writ of habeas corpus stated in the record:—and 3dly, he claims it under the deed of emancipation contained in the proceedings; and which was also executed prior to the birth of the appellant. It is readily conceded that if his mother's right to freedom was valid and complete, prior to his birth, on any of these grounds his right to freedom follows as a necessary consequence.

Under the first inquiry we must throw entirely out of view the subsequent residence of the mother within the state of Ohio, with the alleged consent of Rodgers her former master. Whatever may be the effect of a residence therein, for a great length of time, and with the assent aforesaid—whatever may be the effect of this circumstance in relation to a person who may thereby have become one of the permanent members of that state, the residence now in question is of a far different character.

There is no evidence in this case of the mother's residence within the state of Ohio, prior to the appellant's birth, but that she was once seen, on a Sunday, working at a sugar camp therein, in the absence of her master, and without any evidence that it was with his permission. In reference to this evidence, the court below was asked to instruct the jury, that, if they should find that she was employed by her master within that state, in making sugar, or any other local service, not merely transitory, and for however short a time, they must find a verdict for the plaintiff. The judgment of the superior court refusing to give that instruction, was, in our opinion, entirely correct. Such an occupa-

tion for a short time, and even for the benefit of the master, and probably in his presence, could never operate an emancipation of his slave. It could not so operate, when the *animus revertendi* strongly existed in him, both in relation to himself and to his slave. There is indeed but a shade of difference between such a residence as this, (if indeed it can be called a residence), and the mere right of passage through the state: and such a construction as that now contended for, would whittle down to nothing, the right of the citizens of each state within every other state, guaranteed to them by the constitution. Such an occupation cannot be said to carry with it evidence of the assent of the master that she should cease to remain his property, and become a member of the state of Ohio, without which the regulations of that state, on the subject of emancipation, cannot attach.

As for the 2d ground of claim, under the judgment upon the habeas corpus, it has been truly answered, that judgment has not affirmed the mother's right to freedom. Even if it had, and this mode of proceeding was legalized by the laws of that state, (as it seems not to be by the laws of this), in favor of a slave against his master, those laws are not found in the case before us: and even if they were, it might well be questioned whether the judgement aforesaid could have concluded the right of the master in the present instance. The right of our citizens under the constitution, to reclaim their fugitive slaves from other states, would be nearly a nullity, if that claim was permitted to be intercepted by a proceeding like the one in question; a proceeding of so extremely summary a character, that it affords no fair opportunity to a master deliberately to support his right of property in his slave. Such a proceeding ought not, therefore, to be conclusive on the subject.

As to the deed of emancipation, contained in the record, that deed, taken in connexion with the evidence offered to support it, shews that it had a reference to the state of Virginia. It is stated to have been made by John Rodgers, a resident of the state of Virginia; and the testimony shews, that it formed a part of a contract whereby the slave Milly was to be brought back, (as she was brought back), into the state of Virginia. Her object, therefore, was to secure her freedom by the deed, within the state of Virginia, after the time should have expired, for which she indented herself, and when she should be found abiding within the state of Virginia.

If then this contract had an eye to the state of Virginia for its operation and effect, the *lex loci* ceases to operate. In that case it must, to have its effect, conform to the laws of Virginia. It is insufficient, under those laws, to effectuate an emancipation, for want of a due recording in the county court, as was decided in the case of *Givens vs. Mann* in this court. It is also ineffectual, within the commonwealth of Virginia, for another reason. The *lex loci* is also to be taken, subject to the exception, that it is not to be enforced in another country, when it violates some moral duty, or the policy of that country, or is inconsistent with a positive right secured to a third person or party by the laws of that country, in which it is sought to be enforced. In such a case we are told "*magis jus nostrum, quam jus alienum servemus.*" Hubs. 2. tom. lib. 1 lit. 3.—2 Fonb. 444.—That third party in this case, is the commonwealth of Virginia: and her policy and interests are also to be attended to. These turn the scale against the *lex loci* in the present instance.—For want of being emancipated agreeably to the

provisions of our act on that subject, the duty of supporting the old and infirm slaves would devolve upon the commonwealth. That burthen is only to be borne by the master, in relation to the slaves "so emancipated;" that is, emancipated agreeably to the provisions of the act—(1 rev. code. pa. 434).—Even yet, and notwithstanding a late alteration of the law upon this subject, that burthen must be born by the commonwealth, at least for a time.

For these reasons we are unanimously of opinion to affirm the judgment.

From the Charleston City Gazette, of Jan. 25, 1832.

The following opinion, for its novelty and importance, is worthy of being circulated through the medium of the press. Every case which decides the indefeasible rights of the citizen, and proves the protecting power of the constitution, enlarges and strengthens the foundations of our civil liberty. Slight innovations, if unresisted, become precedents; and are imperceptibly increased, until little less than a political convulsion can restore the institutions of the country to their pristine purity. The recognition and application of the principle, that all power is derived from the "mighty hands of the people," must be grateful to every friend of the great political experiment of a representative democracy.

S. & M. Allen, }
ads.

The State. }

This was an application to the court of sessions, in Charleston, spring term, 1831, for a prohibition to restrain the tax-collector of that district, from enforcing an execution, which he had issued against S. & M. Allen, for the sum of ten thousand dollars, being a tax imposed by the last clause of the appropriation act of 1820, which is in the following words: "That a tax of ten thousand dollars be, and the same is hereby, imposed upon every person or persons, who shall, after the passing of this act, open or keep open any office for the sale of any lottery tickets, or who shall sell within this state, any lottery tickets in any other lotteries than those which are authorized by the law of this state.

And it shall be the duty of the tax-collector, in the district where such lottery offices are opened, in default of the person or persons keeping such offices, to return the same and pay the tax imposed by this law, to issue his execution as in other cases of defaulters." Some short time after the passage of this act, the office in question was opened for the purpose of selling lottery tickets. The proprietors having refused to pay the tax, this execution was issued—application was then made to the court in Charleston for a prohibition, which was refused by the presiding judge, and this was a motion to reverse that decision, and for an order that a prohibition should be issued.

NOTT, justice, delivered the opinion of the court. In support of this motion, the two following grounds are taken:

1st. That the tax was not due at the time the execution was issued.

2d. That the act, subjecting a person to an execution, without any legal trial and judgment, is unconstitutional and void.

In determining the first question, it is not pretended that this court can set limits to the discretion which the legislature may exercise in selecting the subjects of taxation. Neither is it denied, that they have the power to fix the time when the tax shall become due, and to prescribe the mode

by which it shall be collected. We are merely to give construction to the law; to declare what the legislature have done, and not what they can or may do. It is admitted that this is an annual tax—it is necessary, therefore, to fix a period when it shall commence. If the act had fixed a time when this particular tax should be paid, there would have been an end to the question. But as there is no particular time mentioned, we must look to the general provisions of the law in relation to other subjects of taxation for the construction with regard to this. And as far as we are able to trace the acts of the legislature back, it appears that the first day of October has always been the period to which the assessment have been made to relate.

The quantity of land and the number of negroes owned, the amount of money at interest on that day, and the amount of professional income received during the year, terminating at that period, have always constituted the basis of taxation. To this rule there has been at most but two exceptions.—One is the tax upon stock in trade, the amount of which is, by an express provision of the act, to be estimated on the first day of Jan. The other the tax upon theatrical exhibitions, shows, &c. which, by a similar provision, becomes due whenever it shall be demanded by the clerk of the court, and which, from the nature of the tax itself, must have been an execution, because it is to be paid per diem, and not per annum. Whenever a new subject of taxation is introduced, it must be governed by the general provisions of the tax of which it is a part, and not by the exceptions, unless the nature of the tax should tend to a different conclusion. Indeed this is the only practical construction which can be given to the law; for the tax-collector is required to complete his collections and settle his accounts by the first of May, after which, according to his construction, a person might erect as many lottery offices and sell as many lottery tickets as he pleased, with impunity. In answer to this, however, it is said that the tax collector might proceed at any time, when an office should be opened, to collect the money, and to issue an execution for that purpose, whenever the tax is withheld, in the same manner as is directed in the clause relative to plays, shows, &c. But the act gives the tax-collector no such authority as is given to the clerk in the clause alluded to. When he has closed his accounts, there is an end of his authority for that year. It is also further contended, that, unless he may demand the tax whenever the office is opened, it may be altogether evaded, because it might not be open on the 1st of October. But I do not know that it would be necessary that the office should be open on that day to render the proprietor liable to the tax. Professional income is not received on the first day of October, yet the person is liable to be taxed for the amount of income received during the preceding year. But suppose that by this construction the tax may be eluded, it is no more than may be done with respect to almost every other tax.—Suppose a person should purchase lands and negroes on the second day of October, and sell them on the last day of September following, or should lend money and receive it back in the same manner, it will be seen that he would receive the annual profits of his lands, the labor of his negroes, and the interest of his money, and yet evade the tax. But that results from the terms of the law itself, and not from the administration of it. The assessment of this tax could not have had relation to the October preceding. First, because the law of the act is prospective; and, secondly, because this office

was opened after the passage of the law. I am therefore of opinion, that the tax was not due, and that the execution was prematurely issued. This view of the subject, so far as regards this case, dispenses with the necessity of giving any opinion on the other ground. But as the tax collector may feel authorized to proceed to collect the tax at the end of the year, unless an opinion is given on the other ground, the court has thought it best to decide the whole case.

The second ground presents the two following questions for our consideration.

First—whether, supposing this to be a tax as it is called by the act, the collector can enforce the payment of it, in this summary manner, or whether the fact on which the relator's liability is predicated, must first be established by the verdict of a jury, and second, whether it must not be considered rather in the nature of a penalty than a tax, in which case it is still more confidently contended, that the part of the act authorizing the tax collector to issue an execution without a trial by jury, is unconstitutional and void. The clause of the constitution, under which the relators claim this privilege, is in the following words—"No freeman of this state shall be taken, or imprisoned, or disseized of his freehold liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land."

In order to a correct decision of the first question, it is only necessary to settle the meaning of the words in the constitution, "*the law of the land*," and on that subject little more need be said, than to refer to the commentaries on magna charta, from whence they have been copied. Dr. Sullivan, in his lectures, after commenting upon various parts of magna charta, says, let us next consider the end of this part, which is an exception running through the whole, "*nisi per legale iudicium parium suorum, vel per legem terræ*," that is, *by the common law*, which does not in all cases require a trial by peers. Sul. sec. 490. In page 491, he observes "the statute (that is magna charta) speaks in the disjunctive, *per legale iudicium parium suorum aut per legem terræ*." Now the *lex terræ*, *the common law*, in the universal practice of it, allows these exceptions &c. And, in pages 493 and 4, he enumerates several cases, where the courts of law may proceed to give judgment *per legem terræ* without the intervention of a jury—as in all cases where a person makes default, or confesses judgment, all cases of demurrer and special verdicts, cases of contempt &c.—and concludes with the words of lord Coke. The due process of the law is *lex terræ*—see also the case of *Zilstra vs. the corporation of Charleston*—1st. Bay, 390. To these may be added the confinement of persons for safe custody, who are accused of high crimes and misdemeanors, all cases in the courts of equity and in the courts military, maritime, and ecclesiastical, the proceedings of which are carried on without the intervention of a jury; distress for rent also, is another case within the exception. And last, though not less satisfactorily established, distress for taxes. All these, and many others that might be mentioned, are carried on by the well known and established principles of the common law, or *lex terræ*, without the aid of a jury. This method of collecting taxes, is as well established by custom and usage as any principle of the common law. A similar practice prevailed in all the colonies from the first dawn of their existence; it has been continued by all the states since their independence, and had existed in England

from time immemorial. Indeed it is necessary to the existence of every government, and is based upon the principle of self preservation. I do not consider it as deriving any support from that provision in the constitution, that all laws then in force should continue so, until altered or repealed. I cannot believe that the authors of that instrument intended to give effect to laws, the provisions of which are in direct hostility to the constitution itself. That clause was introduced, I presume, through abundance of caution, to remove any doubt which otherwise might have been entertained, whether all existing laws might not have been prostrated by the abolition of the old constitution. I think, therefore, that any legal process which was originally founded in necessity, has been consecrated by time and approved and acquiesced in by universal consent, must be an exception to the right of trial by jury, and is embraced in the alternative, "*the law of the land*"—such I consider to be the summary proceedings allowed in the collection of taxes. And I should think the proceedings in this case authorized by the law of the land, if I could consider the sum required to be paid, as a tax—but, the second question presents the case in a very different shape—the sum of ten thousand dollars is imposed upon every person who shall "open or keep open any office for the sale of lottery tickets, or shall sell any lottery tickets," &c. It is not laid upon the property, it is not laid on the person, nor on the income. It is not measured by the value of the property, nor the amount of the proceeds derived from the office, but is in fact a penalty on the act of opening, keeping open an office, or selling the tickets; it is not limited in its operation within any definable bounds, but may be ramified into as many ten thousand cases as there are persons concerned in the act of selling. The act also in substance declares its object to be the suppression of vice. It appears to me, therefore, as much a penalty as the sum of one hundred pounds, formerly inflicted upon a person who should be convicted of killing a negro. And the question is whether it is to be considered a tax, merely because the act has called it so. If the nature of the thing can be changed by merely changing the name, every penalty may be converted into a tax. And there can be no doubt but that the numerous assaults and battery, and other misdemeanors with which our courts are crowded, would have been fruitful sources of revenue to the state, but it would be a commutation much more friendly to the civil list, than to the liberty of the citizen. And if they had not been willing to have renounced the one to have secured the other, the article of the constitution now under consideration, need never to have been penned. If it is to be considered in the nature of a penalty (and I can have no other view of it) it is a direct and manifest violation of the constitution. It is the last clause of the act, and, in all probability, was introduced near the close of the session, a period of time, of all others, the least propitious to that due deliberation with which the acts of that body are usually marked. I cannot believe that there was an individual member of that legislature, who would deliberately consent to authorize a tax gatherer, at his arbitrary will and pleasure, to adjudge a man guilty of an act that would subject him to a penalty of ten thousand dollars, and issue his execution, either against his goods or his person, for the amount, without even the semblance of a trial. I have already shown what is to be understood by the law of the land; the constitution intended to impose a restraint upon the legislature as well as upon the other departments of the government; and it would have been idle to

impose upon them a restraint which it was in their power to remove, by performing the very act which it was intended to prevent. The constitution, says judge Patterson, is the form of government delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established; it fixes the limits to the exercise of legislative authority, and prescribes the orbit within which it shall move; it says to the legislature, so far shalt thou go and no farther. Our constitution prohibits the legislature to "deprive any man of his liberty, except by his peers or by the law of the land." Yet, this act gives to the tax-collector authority to adjudge the person accused guilty of the act charged against him without a trial by jury, or in any other form, and to enforce the payment of the penalty by imprisonment, if he has no property out of which the money can be made. And if there is any principle of constitutional law by which it can be justified, I have yet to learn where it is to be found. I do not contend that the legislature could not impose such a penalty, (or lay such a tax, if that phraseology is more agreeable, though I think it incorrect), nor that they can prescribe the mode of compelling the payment of it; but that the liability of the party must first be established by a jury of his country, and not by the arbitrary fiat of an individual. The motion therefore must be granted.

ABRAHAM NOTT.

B. F. HUNT, for the motion.

HAYNE, attorney general, contra.

LIABILITY OF BANKS.

From the Washington City Gazette.

The following case, recently decided in the circuit court, is on a point of general interest to the community:

James Gettys
vs.
Bank of the Metropolis. } Trover, to recover a note drawn by Henry Drain in favor of Patrick Dowling.

It was proved that the note had been deposited in the bank of the Metropolis for collection by Patrick Dowling, who endorsed the same; that an order was afterwards given by Patrick Dowling to the bank to deliver the note to the plaintiff, having assigned it to the plaintiff, who received the note, endorsed his name on it, and left it in the bank for collection; that the note was protested when it became due, and, more than a month after the protest, Patrick Dowling called at the bank and demanded the note, describing it as Henry Drain's note, of the teller of the bank, who, not knowing any thing of the parties whose names appeared on the note, delivered it to Patrick Dowling. The amount of the note was afterwards settled between Henry Drain, the drawer, and Patrick Dowling, and the latter thereupon delivered up the same to the former, who destroyed it.

Under the above circumstance, the court, (on the prayer of Mr. Jones, counsel for the defendant), instructed the jury that they must be of opinion, from the evidence, that the bank had been guilty of gross negligence, and had not used the caution and circumspection which a prudent man would use in the management of his concerns, and that an actual loss had been sustained by the plaintiff by such negligence, before the plaintiff would be entitled to a verdict—

Verdict for the plaintiff for the amount of the note and interest.

DISTILLED SPIRITS.

United States, } District court
 vs. } for the district of Massachusetts,
 Rix. } June, 1821.

The case was an information by G. Blake, esq. district attorney, against 18 pipes of distilled spirits—T Rix, claimant.

This information was founded upon the provisions of the 41st and 43d sections of the act of congress of March 2, 1799, "regulating the collection of duties on imports and tonnage."

By the first of these sections it is, among other things, provided, that the surveyor, or other chief officer of inspection, at each port of the United States, shall give to the proprietor, importer or consignee of any distilled spirits, wines or teas, a particular certificate, (the precise force whereof is prescribed in the same section of the act), which certificate shall accompany each cask, chest, vessel or case of distilled spirits, wines or teas, wherever the same may be sent, within the limits of the United States, as evidence that the same has been lawfully imported.

By the other section, to wit, the 43d, it is, among other things, provided, "that, if any casks, chests, vessels or cases containing distilled spirits, wines or teas, which, by certain preceding provisions of the act, ought to be marked and accompanied with certificates, shall be found in the possession of any person, unaccompanied with such marks and certificates, it shall be presumptive evidence that the same are liable to forfeiture; and it shall be lawful for any officer of the customs or of inspection, to seize them as forfeited; and if, upon the trial, in consequence of such seizure, the owner or claimant of the spirits, wines or teas seized, shall not prove that the same were imported into the United States, according to law, and the duties thereupon paid or secured, they shall be adjudged to be forfeited."

With reference to the several enactments here referred to, it was alleged in the information,

First, that the casks of distilled spirits in question were of such description as were required by the act to be marked and accompanied with the usual certificates. And,

Secondly, that, on the 29th day of April last, they were found, by the seizing officer, in the possession of a person unaccompanied by such certificates, and hence, according to the words of the law, that they were liable to forfeiture.

In answer to these allegations, the claimant filed two several pleas, viz:

1st. That the casks of spirits in question were not, at the time of seizure, of such description as were required by the act to be marked and accompanied with certificates. And,

2d. That they were not found in the possession of a person unaccompanied with certificates, as alleged and set forth in the information.

Upon each of these pleas (the seizure having been upon the land) an issue was taken to the jury.

On the part of the United States it was then shewn, by the testimony of sundry witnesses, that the casks in question were filled, at the time of the seizure, with a species of distilled spirits; and that each of them had been regularly marked at the custom house in Boston, in conformity with the requirements of law, as containing *foreign gin of the first proof*, imported in *ship Packet, Turner, master*—all the original marks and numbers remaining as at first, without any change or obliteration. It was furthermore proved, on the part of the prosecution, that the claimant, being present at the seizure,

was requested by the seizing officer, to produce the certificates which were required to accompany the casks; that, in answer to this demand, the claimant declared that he had the proper certificates, and that he would go to his house for them, and bring them down to the custom-house for the inspection of the collector. The seizing officer requested him to do so, assuring him, at the same time, that he would go immediately to the custom-house in order to meet him there. The casks were, accordingly, removed by the seizing officer to the store usually employed by the collector as a place of deposit for merchandise under such circumstances; and thereupon, the seizing officer went to the custom-house, according to the arrangement which had been previously made with the claimant, as above stated, in order to wait there his arrival with the certificates. It appeared, however, that the claimant did not, on that day, nor at any time afterwards, produce the said certificates at the custom-house, as he had proposed to do; and in fact that nothing further was heard of any such documents, either by the collector, or any other person representing the United States, in behalf of the prosecution, until they were produced before the district judge on the second day of June following, when an application was made to the said judge, by the claimant, for a delivery of the merchandise, upon giving bond for the appraised value thereof, in conformity with the provisions of the law in such cases.

Such were the circumstances of the case as disclosed in evidence by the district attorney at the opening, in behalf of the prosecution; and these facts it was insisted, on his part, were sufficient to afford *prima facie* evidence in support of the two material allegations in the information.

The original *custom-house marks* upon the casks appearing to be such as are usually required and employed in designating foreign distilled spirits at their entry, upon importation, it was contended, were not only evidence, *prima facie*, but absolutely conclusive, as against the claimant, that the spirits contained in said casks were such as were required by law to be marked and accompanied with certificates; and hence that the averments in the information, so far as related to the question involved in the first issue, were supported.

With regard to the second question, it was insisted by the district attorney, that the nonproduction of the usual certificates, upon demand, at the time of the seizure, and the omission to exhibit them, for such a length of time as that before stated, must be considered as sufficient legal evidence, that the casks were, in fact, unaccompanied with the proper certificates, within the true intent and meaning of the words of the statute; and hence, that there existed presumptive grounds for the seizure and for forfeiture, so far as to devolve the burthen of proof upon the claimant, and to make it incumbent upon him to shew, according to the express terms of the law, "that the said casks of spirits were imported into the United States according to law, and the duties thereupon paid or secured."

It being the opinion of the court that such was the legal operation of the evidence already adduced on the part of the prosecution, the counsel for the claimant immediately exhibited, before the court and jury, sundry documents, (there being seventeen in number), purporting to be the original certificates which were issued from the custom-house, at the time when the casks were entered there and marked; and, upon examination of these certificates, (no question having been made as to their genuineness), they were found to correspond

respectively with the marks upon seventeen of the eighteen casks in question, so as to admit of no doubt that they were originally intended to accompany each of the casks respectively, in conformity with the directions of the statute.

Here it was contended by the counsel for the claimant, that they might safely leave their case; that the production of these certificates at the trial was sufficient to satisfy the law, upon both the points in issue; as shewing, *conclusively*, not only that the casks, in the proper *acceptation* of the word, were accompanied with the necessary certificates, at the time of seizure, but also, that the spirits which were contained in them, (at least in seventeen of the eighteen), "*had been duly imported into the United States and the duties thereupon paid or secured.*" On the other hand, further evidence was now introduced on the part of the United States, shewing very clearly and satisfactorily, that, notwithstanding the apparent conformity between the casks and the certificates, yet that the contents of the former, at the time of the seizure, were essentially different from what they were at the time of their being marked, and at the issuing of the certificates; that the spirits now contained in the casks, instead of being *genuine Holland gin*, of *first proof*, according to the purport of the marks and certificates, were, in fact, a species of mixed, adulterated spirit, composed, (in the opinion of the witnesses), partly of foreign and partly of domestic manufacture; and although not much reduced, merely as to *proof*, yet so affected by the mixture as to have lost about fifty per cent of the market value of the article as at the time of its original importation. Upon this evidence, it was contended by the district attorney that, in legal contemplation, the certificates must be considered as having lost, entirely, their original force and efficacy; that, by changing the contents of the casks, without obliterating the marks thereon, and surrendering the certificates, as is expressly required by the statute in such case, the claimant had been guilty of a fraud upon the law; and had thus, by his own wrong, forfeited all the protection and benefit which were intended to be given to him, by the official documents here alluded to.— Upon a careful examination and comparison of the various minute provisions of the statute, in relation to the subject of *imported spirits*, it was argued by the district attorney, that, in requiring the *marks and certificates* here referred to, it was much less the intent and policy of the law merely to designate and identify thereby the particular casks or vessel containing the *spirits*, than it was that the officers of the revenue, in different parts of the United States, might be enabled, by the aid of these indications, and by a comparison of the actual contents of the cask, wherever found, with the marks and certificate accompanying it, to ascertain the fact of its lawful importation, and that the duties thereupon had actually been paid or secured at the custom-house. Hence it was insisted, that if, by the voluntary act of the party, the contents of the casks had been essentially changed, so as no longer to correspond with the description given by the *marks and certificates*, it was quit immaterial to consider whether this change had been effected by the introduction of other foreign distilled spirits, or of domestic spirits, or by whatever other kind of mixture; for that, in either case, the original purpose of the certificate was defeated, so that the claimant could not now avail himself of it as a portion of legal evidence, having even a tendency to prove that the present contents of the casks had been "*lawfully imported, and the duties secured.*"

Upon these grounds it was argued by the district attorney, that, even if it had appeared in evidence at the trial, that the *certificates* now produced in court, were found accompanying the casks, at the time of seizure, still that, by reason of the change of *contents*, and their consequent non-conformity with such *certificates*, the latter must be regarded as a mere nullity, having no more force than waste paper; and thus that, in legal contemplation, the case was precisely the same, as though the casks had been found, literally, "*unaccompanied with any certificates whatsoever.*"

This construction of the act having been fully sanctioned by the opinion of the district judge, and the counsel for the claimant being unprepared with any other evidence, besides that which was supposed to result from the beforementioned certificates, in order to prove that the spirits in question had been regularly "*imported into the United States, and the duties thereupon secured,*" the cause was committed to the jury upon the foregoing facts and circumstances; when the opinion of the judge, upon the several points which had arisen at the trial, was expressed to the effect following, viz:

1st. That, even if the certificates now produced were genuine, and found, in every respect, to comport with the marks and contents of the casks, still, that the circumstance of their non-production, upon the demand of the seizing officer, and their being kept back for such a length of time by the claimant, must be deemed sufficient in point of law to maintain the "*averment that the casks were found unaccompanied with the proper certificates,*" so as to justify the seizure and to raise a legal presumption of their liability to forfeiture, which could only be removed by the production of satisfactory proof on the other side, "*that the distilled spirits contained in them, at the time of seizure, had actually been imported into the United States, and the duties thereupon paid or secured.*"

2d. That a person having in his possession a cask of *distilled spirits*, which has once passed from the custom-house, and is accompanied by the *marks and certificates* required by the law in such case, has no more right, without first obliterating such marks and surrendering the certificate, to change, essentially, the contents of such a cask, than he has to alter the marks, or to erase and falsify the certificate itself—that, to do this, in either case, is to tamper with an important public regulation; that it must be regarded as a fraudulent act of the party; and, like the forging or falsification of a deed, or any other instrument, must forever debar him from the privilege of resorting, afterwards, to the original voucher as affording the evidence of his rights.

3dly. As a conclusion from the foregoing positions, it was laid down distinctly by the judge, that if, from the strong proofs which had been produced on the part of the prosecution, it should be the opinion of the jury, that any part of the spirits contained in these casks were of foreign manufacture, or, in other words, were such as were required by the law to be *marked and certificated*; and that the contents of the casks, at the time of the seizure, were *essentially different* from what they were when the certificates were issued, then that the certificates ought to be rejected as wholly inapplicable, as affording no evidence whatsoever that the spirits had been legally imported and the duties secured. In fine, that whatever might be the inconvenience or injury resulting to the claimant from this construction, it was such, and such only, as had been brought upon him by his own indiscretion or fraud, in attempting to pervert the purposes of an impor-

tant public document; and that he had, therefore, no reasonable grounds for complaining of any hardship.

The foregoing statement having been intended only for the purpose of making more generally known a *judicial construction*, which has been given, for the first time, perhaps, to certain important provisions of our revenue laws, which appear hitherto to have been but little understood, or, at least, regarded, by a portion of the traders in this and other districts, it would be foreign from the object to enter into an examination, at this time, of the views that were taken of the case by the jury, who sat at the trial. Suffice it to say, that their verdict, which was a special one, was drawn up in such a form as will afford an opportunity for a full and deliberate revision hereafter, before the appellate courts, of all the important legal points which were involved in this inquiry.

In the mean time, it is presumed, that, in regard to cases of the description here alluded to, the revenue officers of this district will be governed in their proceedings by the principles which were laid down by the district judge.

The execution was conducted by George Blake, esq. district attorney. J. T. Austin and D. Webster, esq's for the claimant.

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FROM THE FLORIDIAN.

In the case reported below, the governor, according to the Spanish custom, appointing an assistant or law adviser, selected Mr. Mitchell, by whom the decision of the court was pronounced.

The heirs of Vidal vs. John Innerarity.

A petition was filed in this case, praying the court to have John Innerarity cited to appear and show cause why the decrees of don Jose Callava, late governor of West Florida, should not be carried into execution. Upon the return day of the citation, John Innerarity, the defendant, appeared, and prayed time to prepare his defence, which was granted him. At the expiration of the time allowed, he, through his counsel, prayed for further time, which was also granted. The court having met on the day appointed for the hearing, and the case being called, Mr. Acre,* of counsel for the defendant, filed a plea to the jurisdiction of the court, which brings up the question, not only whether this court can legally entertain the suit, but whether there is a competent tribunal in the country to try the case. In support of his plea he took the following grounds—First, he conceded that the governors of the Floridas acted in a judicial capacity, and had done so time out of mind, until the promulgation of the constitution of the cortes of Spain, some time in 1820; and, as the constitution of the cortes was in force in Spain at the time that the sovereignty of Spain over the Floridas was ceded to the United States, it was a part of the law of the Floridas. By that constitution, the judicial power, before exercised by the governors, was taken from them and given to other tribunals; and, as a deduction from these premises, governor Jackson could not sit as a court, only having the powers of the governors of the Floridas, the captain general of Cuba, and the intendant, as limited and prescribed by the constitution of the cortes, published some time in 1820. Mr. Brackenridge, on the part of the petitioners, contended that the Spanish government, of which

the judiciary is part, has ceased, although the laws and usages are still in force. The error of opinion on this subject, he said, arises from not distinguishing these things. The powers executed by the officers of Spain are retained, not the officers; and an entirely different distribution made of them, to which the president was authorized by the act of congress. That the Spanish constitution is not in force here, because not promulgated until Spain had parted with the sovereignty, and because it merely provides a form of government; it is not, therefore, applicable to us. He contended, from the act of congress, and the governor's commission, it was undoubtedly the intention of the president to give the same powers as had formerly been exercised by governor Claiborne, in Louisiana, on taking possession of that country, under similar circumstances. The constitution of the cortes, he said, must not be referred to, to ascertain the powers of the captain general, intendant, and governors of the Floridas—for, in that case, he went on to show, that the country would be left without civil government of any kind. According to that constitution, the captain general is only a military officer, and the governors of the Floridas are military officers under him—as intendant, he would have no power.

The very able and satisfactory discussion this question has undergone, by the gentlemen of the bar, by which the court was not only delighted, but instructed, has stripped it in a great measure of its difficulty—it, however, remains one of the first importance to the rights of the people of this country; and, as such, has received the most anxious consideration and attention of the court. Judicial power is an important trust—its execution often painful, and it does not hold out sufficient attractions to cause it to be sought after, especially by those who are duly and truly impressed with its awful responsibilities. It now becomes necessary for the court to inquire whether there exists sufficient judicial power in this country, since the change of sovereignty, to carry into effect the decrees of the late governor of West Florida; if there is, where is it vested? It was not seriously contended that jurisdiction did not rest somewhere; but the difficulty, on the part of the defendant's counsel, consisted in pointing out the tribunal. By referring to the act of congress, entitled "An act to carry into effect the treaty between the United States and Spain," the 2d section of which is in these words, "And be it further enacted, that, until the end of the first session of the next congress, unless provision for the temporary government of the said territories be sooner made by congress, all the military, civil, and judicial powers, exercised by the officers of the existing government of the same territories, shall be vested in such person and persons, and shall be exercised in such manner, as the president of the United States shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion: and the laws of the United States, relating to the revenue, and its collection, subject to the modification stipulated by the fifteenth article of said treaty, in favor of Spanish vessels and their cargoes, and the laws relating to the importation of persons of color, shall be extended to the said territories. And the president of the United States shall be, and he is hereby authorized, within the term aforesaid, to establish such districts for the collection of the revenue, and, during the recess of congress, to appoint such officers, whose commissions shall expire at the end of the next session of congress, to enforce the said laws, as to him may seem expedient."—There is no stipulation in the treaty that the

*Mr. Acre did not furnish the court with an abstract of his argument—possibly some points of it may have been omitted.

sovereignty of Spain over the Floridas should continue to force one moment after the signing of the treaty, and certainly not after the time limited by it for its ratification—in morals and good faith, the sovereignty was, from that time, in the United States, *de jure*, and Spain had only the government *de facto*. The act of congress to carry into effect the treaty, had relation back to that time, as is fully expressed in the ratification, not only of Spain, but the United States; and the United States are only bound to maintain the inhabitants of the ceded country in the enjoyment of their liberty, property, and religion.

We will here read the commission given by the president to major general Andrew Jackson, and see what powers it has pleased the president to invest him with, which commission is in the following words, viz:

“James Monroe, president of the United States of America, to all to whom these presents shall come, greeting: Whereas, the congress of the U. States, by an act, passed on the 3d day of the present month, did provide, that, until the end of the first session of the next congress, unless provision be sooner made, for the temporary government of the territories of East and West Florida, ceded by Spain to the United States, by the treaty between the said parties, concluded at Washington, on the 22d day of February, 1819, all the military, civil, and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner, as the president of the United States shall direct, for maintaining the inhabitants of said territories in the free enjoyment of their liberty, property and religion: Now, know ye, that, reposing special trust and confidence in the integrity, patriotism, and abilities, of major general Andrew Jackson, I do, in virtue of the above recited act, appoint him to exercise within the said ceded territories, under such circumstances as have been, or may hereafter be, prescribed to him, by my instructions, and by law, all the powers and authorities heretofore exercised by the governor and captain general, and intendant of Cuba, and by the governors of East and West Florida, within the said provinces respectively, and do authorize and empower him, the said Andrew Jackson, to execute and fulfil the duties of this present appointment according to law; and to have and to hold the same, with all its powers and privileges, until the end of the next session of congress, unless provision be sooner made for the government of the said territories, so ceded by Spain to the United States. Provided, however, and it is the true intent and meaning of these presents, that the said Andrew Jackson, or any person acting under him, or in the said territories, shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons whomsoever, any title or claims to land, within the same.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereon affixed. Given under my hand, at the city of Washington, the 10th day of March A. D. 1821, and of the independence of the United States of America the forty-fifth. JAMES MONROE.

By the president:

JOHN QUINCY ADAMS.”

From this commission we collect the fact that it was the will and intention of the president to invest governor Jackson with all the civil, military, and

judicial powers exercised by the officers of the Spanish government over the Floridas, before the change of sovereignty, as he was empowered by the second section of the act of congress before recited—with such limitations, and subject to such instructions, as it might please the president from time to time prescribe. The said powers, given as aforesaid, are limited only by the following instructions and reservations of the president, which are, that the governor of the Floridas shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons whomsoever, any title or claims to land within the same. From the exceptions themselves, we arrive at the conclusion, that all the civil, military, and judicial powers are given—with this further exception, such parts of them as are conferred on others—for all the above powers are vested somewhere, being absolutely necessary to carry on the government.

The argument of the defendant's counsel against the jurisdiction of this court is predicated on the supposition that the constitution published by the cortes of Spain is in force in this country; and, if we can show that it is not, it totally fails. We will here give a succinct history of this constitution, and show that it is not in force.

Some time in the year 1812, Ferdinand VII. king of Spain, was a prisoner in France; the cortes, during the king's exile, framed the constitution and published it in Old Spain; some sections of Old Spain adopted, and others rejected it. But it was never promulgated in any of the trans-marine provinces of Spain, or any decree under it, during the time of Ferdinand's absence, so far as we have been able to learn, after diligent research and inquiry. On the 4th day of May, 1814, Ferdinand VII. having previously returned to Spain and assumed the royal functions, by a solemn decree, promulgated over his whole empire, dissolved the cortes, annulled all their decrees, and made it treason in his subjects, or any of them, to attempt to carry the constitution or decrees under it into effect. In this situation the government of Spain remained at the conclusion of the treaty between the United States and Spain, signed by their respective plenipotentiaries on the 22d day of February, 1819. The ratification of this treaty was unaccountably delayed on the part of Spain till the 24th of October, 1820. By the 16th article of the treaty, it was to have been ratified in six months next after the 22d of February, 1819, viz: on the 22d of August, 1819, or sooner, if possible. And in the ratification, Ferdinand VII. by the consent and authority of the general cortes of the nation, declared that the ratification should be as valid and firm, and produce the same effects, as if it had been done within the determined period, viz: the time prescribed by the 17th article. This of itself is sufficient to exclude the idea that the constitution of the cortes is in force in this country. If any thing else is wanting, we have the fact that the constitution of the cortes was only promulgated in the island of Cuba some time in the month of January, 1821, (about three months after Spain had parted with the sovereignty of the Floridas), and, if it was promulgated in these provinces, it must have been after that time, and long since Ferdinand VII. in ratifying the treaty by the consent and authority of the general cortes of the nation, had parted with the sovereignty, &c. It cannot be seriously contended by the defendant's counsel, that any act of Spain, after the ratification of the treaty, could be considered in force in the country ceded, by virtue of the procla-

mation of the executive of this country. Such a construction and such doctrine is incompatible with the sovereignty of the United States over the Floridas. But it is said the proclamation declares that all the laws and municipal regulations of Spain are in force. It must be remembered that the first part of that section of the proclamation alluded to, states that the government of Spain has ceased, and that of the United States has commenced. These words qualify those general words relied on, and limit them to mean only so far as is compatible with the change of sovereignty. As well might he contend that Spain can legislate at this time for the Floridas. Legislation, being one of the attributes of sovereignty, must exclusively belong to the sovereign power. Can it be seriously contended that the constitution of Spain is in force here, as one of the laws and municipal regulations, continued in force by the proclamation of the governor, founded on the act of congress to carry into effect the treaty? We have now clearly proved, we believe, that the constitution of the cortes is not in force here. By the second section of the act just referred to, the president of the United States is authorized to have the civil, military and judicial powers exercised in *such manner* as he may direct; for, it cannot be contended that he has not authority to place the judicial power wherever he pleases.

We will now proceed to show that the president did not consider the constitution of the cortes as in force in this country; and for which purpose, it is only necessary to refer to the president's instructions, contained in the governor's commission; wherein he takes from him the power of granting or making concessions of lands, or confirming those previously made.

Now, if he considered the constitution of the cortes in force in this country, to have given these instructions, or expressly to have limited his powers in these particulars, would have been useless and unnecessary, as the constitution of the cortes took away from the captain general, the intendant, and governors of the provinces, the power of granting lands. Therefore, on conferring on maj gen. Jackson the commission of governor of the Floridas, to exercise the powers of the captain general and intendant of the island of Cuba, and governors of the Floridas, he did not intend that those powers should be limited and prescribed by the constitution of the cortes, but that he should exercise them as they were exercised on the twenty-second day of February, eighteen hundred and nineteen—the day on which the treaty was signed. We, therefore, think governor Jackson has the power to carry into effect the decrees of the late governor of the Floridas. The counsel for the defendant, in his very able and ingenious argument, suggested that, as the president had appointed a judge of the United States for West Florida, possibly his tribunal might have jurisdiction of this case. He admitted, however, that he could not have jurisdiction, unless it was positively given him by statute, or the express instructions of the president. From the commission read, and the deductions already made, it fully appears that the jurisdiction of this case had been conferred on the governor, and cannot be presumed to be given to the judge. Having seen the commission of the judge, he is expressly required, by instructions contained in it, to consider himself as governed by the laws of the United States: and the inquiry now is, What laws of the United States are extended to the Floridas, taken in contradistinction to the Spanish laws in force here. From the second section of the act,

intituled "An act to carry into effect the treaty between the United States and Spain," before read, we find that only such laws as relate to the revenue and the importation of people of color are extended to the Floridas.

And as these subjects have been expressly accepted, and taken out of the general powers of the governor, it is fair to presume that these subjects, and the cases arising under the two laws of the U. States, expressly extended to this country, are alone the legitimate objects of the judge's jurisdiction, until the contrary be shewn from any instructions he may have from the president of the United States. In short, the judge's jurisdiction is not defined by any act of congress, and he can exercise no jurisdiction that is not expressly given him by the president's instructions.

In conclusion, we will add, there are technical objections to the plea filed in this case. In a plea to the jurisdiction of this court it is necessary to shew that there is another court in which effectual justice may be administered. The plea under consideration wants that requisite, which alone ought to be sufficient to warrant this court in taking jurisdiction, lest there might be a failure of justice. We are perfectly satisfied that this court have jurisdiction, and therefore over-rule the plea, and order the defendant to proceed to shew cause, if any he has, why the decree of don Jose Callava, late governor of West Florida, should not be carried into execution.

From the Charleston Courier, Oct. 31, 1821.

S. R. Cannon, }
 Indorsee, } Tried before judge Colcock,
 vs. } at Branwell, April 7, 1821.
 James Beggs. }

This was an action of assumpsit on a note, in the following words, viz: "due Thomas Newman, esqr. on demand, three hundred and ten dollars—1st Nov. 1810, signed by defendant and indorsed to the plaintiff. On this note there was a credit for \$109, 56, paid 5th Dec. 1815."

The only question in this case was, when interest should commence. His honor the presiding judge charged the jury that interest would only commence from the time of a demand made, of which the only evidence was the payment on the note, from which it may be inferred or presumed, a demand was made, and the jury found interest from that time only.

The plaintiff appealed, and will move for a new trial.

1st. Because his honor erred in charging the jury that a demand was necessary to entitle the plaintiff to interest.

2. Because this note or due bill, (differing from common notes payable on demand,) acknowledged a debt due at the time, and therefore ought to have carried interest since, (as it is submitted), the demand had relation to the *payment of the principal*, and not to the *accruing of interest*.

There being a difference of opinion on this subject, I have been led to investigate it with some diligence, and the result is, that I am confirmed in the opinion given below: That the plaintiff is entitled to interest only from the time of the demand. Mr. Chitty in his treaties on bills, speaking of interest, says—"when interest is made payable by the bill, &c. itself, there is no doubt of its being recoverable, and as, according to several cases, in general, payable on all liquidated sums from the instant the principal is due, it is recoverable on all bills of exchange and notes of hand, payable at a

day certain, or *after demand* if payable on demand—6 modern rep. 138—5 Vesey jun. 803—in some cases it is said that interest is payable from the date of the note, &c. He then observes, “but it is generally understood that a bill or note carries interest only from the time of the demand of payment, unless the delay was occasioned by the defendant; as being out of the kingdom at the time it was due;” and then follows the reason on which the doctrine is founded—“For interest being in the nature of damages for non-payment, it would be unreasonable to suffer the holder by his own laches to acquire a benefit, and to subject the drawer, acceptor or indorser, to damages, when they were guilty of no default.” Chitty, p. 318, 295; and for these positions refers to high authority; which, upon examination, will be found to support them. In 7 Term. Rept. p. 124, Farquai vs. Morris, in a case on a bond in which no time of payment was mentioned, and no interest reserved, the court said the debt is due at the date, and interest must be calculated from that time. The first position is also to be found in the case of Thomson vs. Ketcham—7 Johnson, p. 189, 192. But these were not cases payable on demand; nothing was said as to any time or place of payments; and, in speaking of liquidated demands drawing interest, the same thing is meant; where two sit down to adjust an account and strike a balance and it is done, and the balance acknowledged, without saying any thing about payment, the debt is due immediately, and interest allowed from the time. In 2 Black. Rep. p. 761, Blaney, assignee of Bradley vs. Hendricks, et alios, which was a case on an account stated, it was decided that interest from the date be allowed; and in that case Gould, Blackstone and Nares say, interest is due on all liquidated sums from the instant the principal becomes due and payable.—Therefore, in all bills of exchange, notes of hand payable at a certain day, (*or after demand*, if payable on demand) interest is due. It is then apparent that a note, payable on demand, is not considered as carrying interest from the date, and is distinguished from cases where no time is mentioned. But it is contended that it should carry interest from the date because it is a debt due in presenti through solvendum in futuro. I ask if this is not equally the case with every note of hand in which the maker says I promise to pay one year after date for value received; is not this as much an acknowledgment of debt immediately due; there is a promise to pay and acknowledgment of value received; the debt then exists at the date of the note; but, in such case, interest is allowed only from the time the note is payable. Why not apply the same principle to the due bill which is also payable at a future time, (viz: on demand); is it not a bill of exchange; here the note was immediately transferred by Newman to Cannon; it was a draft on himself payable on demand; had it been on his banker there would have been no doubt that interest would not be allowed until the demand—why? because it is said the drawer undertakes to demand—so, in this case, I say the payer, by the terms of the contract, or due bill, undertakes to make the demand.

Justices Richardson, Gannt and Bay concurring.

To reconcile the above decision with what appears, at first sight, inconsistent with it, viz: that a note or due bill, payable on demand, is barred, by the statute of limitations, in four years from date, and not from demand, it is only necessary to copy a part of the opinion of the late judge Grimkie, in

the constitutional court at Columbia, in the case of Woodward vs. Admors, of Drennan, April term, 1815—“This was a summary process on a note payable on demand, dated, 12th December, 1803, but never sued until Feb. 1811, and the only question was whether it was barred by the statute of limitations. The defendant pleaded that he had not promised within four years. The rule is that, in indubitatus asst. this plea is good, for the nature of the action shews that a debt was due at the time the promise was made, 12 Mod. 444; but if the duty had arisen from a collateral matter, which created no debt till demand, then such plea would not be good, but should the actio non accrevit infra sex annos, 1 Esp. 156, B. N. P. 151, Ballant. Limit. 216, 217, (a.) The time of payment is part of the contract, and if no time be expressed, the law adjudges that the money is payable immediately.—This is the positive rule of the common law, and is a general principle in the construction of contracts—8 John. 189. I am of opinion that the motion be not granted.”

NEW AND NICE CASES.

From the Richmond Complier of Oct. 25, 1821.

In the year 1813, Mrs. Eve Wright, of the city of Williamsburg, by her will, emancipated all her slaves, in number then about 20; of which there were then 9 or 10 adults; the others were infants.—The executor of Mrs. Wright, imagining that there could be no question but that the will gave unconditional freedom to these people, furnished each of them with a copy of the will, and endorsed a certificate on the back thereof, that the bearer was one of those emancipated by the will, and stating also the age of the individual.

These people removed to Richmond between the period of Mrs. Wright's death, in 1813, and the year 1819. In the latter year, they were brought before the overseers of the poor as persons who had been emancipated, and remained in the state more than 12 months; and according to the act of assembly, (1st revised Code, page 436), had forfeited their right to freedom.—The overseers of the poor, however, decided upon the terms of the will, that they were not absolutely free, but had an inchoate right to freedom, and discharged them.

These persons were then arrested as slaves going at large and hiring their own time, (see revised code, page 442), and brought before our hustings court, who, upon hearing counsel, decided they were not slaves, but free persons, and, therefore, not to be proceeded against in any other character, and directed their discharge.

In 1820, to place the right of these blacks to freedom beyond question, the executor of Mrs. Wright executed deeds of emancipation to all of them; and the greater number of them have resided in Richmond up to this period.

The police of the town have recently taken notice of their situation, and they were a few days since directed to appear before the mayor—upon enquiring into the condition of those who remain, it is found that there are 16 or 17 persons, whose right to freedom is brought into question; and they may be thus classed: three who are adults and were so at the death of Mrs. Wright, and have forfeited their right to freedom—eight who are infants and were in being and emancipated by the will of Mrs. Wright—five who are infants and who have been born since the death of Mrs. Wright, and who are descendants of two females included in the first class as having forfeited their right to

freedom—two of these were born before their mothers had incurred this forfeiture, *provided* the will of Mrs. Wright gave them freedom; and three after the forfeiture had been incurred, but before it had been declared.—If, however, the will of Mrs. Wright did not give an absolute but only an imperfect right to freedom; then since the execution of the deed of emancipation by the executor, one only of these five infants has been born, and that before its mother had incurred the forfeiture.—Of these latter persons, two are infants in their mother's arms, and if the mothers are declared and sold as slaves, and the children considered as free, the mother is to be separated from her infant child not more than seven or eight months old. The right to freedom of the infants included in the 2d class, is reserved by the act of assembly, until twelve months after they respectively arrive at the age of 21 years—(see 1st revised code, page 436, section 61st.)

The only difficulty in the case, relates to the infant children born since 1813. Their counsel intended, on the 13th inst. to move the hustings court to have them registered as free born blacks. The act of assembly is silent in relation to persons in this situation, and speaks alone of "emancipated slaves" and "emancipated infant slaves."—Upon this motion to have these persons registered, the following questions arise:—1st. Ought the court to permit this register? If they do, they virtually decide these persons may continue to reside in Virginia, as of right;—And this leads to the 2d inquiry: Whether a child, born between the period of the emancipation of his or her mother and that at which, by remaining in the state, she forfeits her right to freedom, is entitled to remain in Virginia, after he or she arrives at the age of 21 years, for a longer period than 12 months, without forfeiting his or her liberty?—A third question also arises: Can a child, born after the forfeiture of freedom accrues, but before there is any legal and judicial declaration thereof, thus remain?

It is contended, that the child follows the condition of the mother at the time of *his* birth; that in both the 2d and third queries, the mother was absolutely free at the time of the birth of the child; that being so, the child was born free; never was emancipated; never was a slave to be emancipated; that this act of assembly is a highly penal one and must be construed strictly; that the forfeiture of freedom by the mother was intended as a punishment for remaining more than 12 months; that this punishment is entirely personal and cannot be visited on her unoffending offspring; and, lastly, that all the descendants of the emancipated slaves must be taken and considered as the descendants of a free person, until, by some legal and judicial determination and act, the condition of the emancipated person is changed.

The motion was not submitted by the counsel for the blacks on *Saturday*, being, at the request of the attorney for the commonwealth, postponed until the next court, without prejudice to these persons.

Mr. Robert G. Scott appeared for the blacks, and Mr. Upshur for the commonwealth.

===== CASE OF A SLAVE.

From the Village Record, November 21, 1821.*

The trial of *John Read*, for the murder of *Peter Shipley*, came on at the late sessions of the court of oyer and terminer, in this county. The case, from the particular circumstances attending it, had ex-

cited an unusual degree of interest. The prisoner had been tried in May last for the murder of *Samuel G. Griffith* and acquitted.

On Monday the 5th inst. the trial commenced before his honor judge *Darlington*, president, and judges *Ralston* and *Davis*, associates: counsel for the commonwealth, *Dick*, assisted by *Barnard* and *Duer*; for the prisoner, *Bell* and *Tilghman*.

The following is a brief, and, we believe, a fair statement of the case.

Read, the prisoner, a black man, two or three years ago, came into Pennsylvania from Maryland; said he was free, although an attempt was made to hold him in slavery; frequently declared himself afraid of kidnappers, and often went armed. He married in Pennsylvania and has one child, hired a house in Kennet township, and worked about the neighborhood.

On the night of the 14th Dec. 1820, his wife was from home; he was alone; lay down, but felt uneasy and could not sleep; got up and made a fire; about midnight he thought he heard persons walking about the house; one at length rapped smartly at the door; he asked what they wanted? the person answered they had authority to search, and had come for stolen goods. *Read* told them to go away, he believed they were kidnappers; if they were not, he had no stolen goods, and if they would wait till morning, they might search. Soon after they began to force the door, he rolled a barrel of cider against it, told them if they attempted to come in he would kill them. They prized the door off the hinges, and it fell over the cider barrel: at the instant he heard the click of a pistol cocking; then said *Read*, "it is life for life," one of the persons said, "rush on him *Shipley*, damn the negro, he won't shoot." A person attempted to enter, he shot him; another attempted to come in, he struck him with a club; the man fell on his knees, as he rose, *Read* struck him once or twice; then seizing his gun, he ran to the neighbors and told them the kidnappers had attacked his house; that he had killed two—asked for more powder, as he was afraid they would pursue him. He made no attempt to escape. After being arrested and in custody, one witness testified that he heard *Read* say, that, after he got out of the house and to the fence, on looking round, he saw one of the men trembling; that he went back and beat him until he thought he was quit dead.

When the neighbors came upon the ground in the morning, they found Mr. Griffith lying on the bed, in the black man's house, dead. Mr. *Shipley*, the overseer, for whose murder the prisoner was now on trial, had got up, carried him there, taken his pocket book, and watch out of his pocket, and put them in his own, and then went to a neighboring house about 100 yards off, and prevailed upon Mrs. *Harvey* to let him in. There he languished eight days and died.

The club was found in the house close by the cider barrel, two pistols loaded, one of them cocked; a whip and pair of gloves were found at the door; a pair of handcuffs and a rope were found in the pocket of Mr. *Shipley*; a third pistol in the pocket of Mr. Griffith. There were but two wounds upon Mr. *Shipley*.

It appeared sufficiently clear, that *Read* was the child of *Maria*, formerly an African queen, recently a slave, and no proof of his manumission was shewn. He was claimed by Mr. Griffith, from whose service he had absconded. Having learnt where he was, Mr. Griffith, his overseer, Mr. *Shipley*, and two assistants, *Minner* and *Pearson*, came to the house

* Published at West Chester, Pennsylvania.

occupied by Read about midnight, and made the attempt which resulted in the death of both Mr. Griffith and Mr. Shipley, as related.

The principal points disputed were, whether Mr. Griffith intended to take Read out of the state without taking him before a judge, in violation of an act of assembly.

2d. Whether Read knew his master.

3d. What right could Read, as a slave, acquire of self-defence in Pennsylvania.

4th. Whether he returned, as stated that he confessed to one witness, from the fence and beat Shipley.

It is impossible for us, our limits do not admit it, to go into the particular arguments, in relation to the facts and the law, as will be perceived, when we state that the cause began on Monday the 5th, and continued until Tuesday the 14th—occupying the court and jury nine and ten hours each day.

It was fully and ably argued. Mr. Dick, for the prosecution, took up about one hour and a half in a sensible and argumentative address. He was followed by Mr. Bell, on behalf of the prisoner, in a maiden speech, distinguished for clearness, method and force. Mr. Tilghman, for the prisoner, began to speak on Monday afternoon at three o'clock, and spoke until half past 7. The deep and fixed attention of a crowded audience, for four and a half hours, shewing the power of genius, in in chaining in fetters of eloquence the human mind. The courage and humanity of Mrs. Harvey in rising at the mid-hour of the night, although alone, and taking in a stranger, who was moaning at her door for assistance, were adverted to, with much force and beauty, accompanied by the quotation from Walter Scott:

"Oh, woman! in our hour of ease,
Impatient, coy, and hard to please,
And variable as the shade
By the light quivering aspen made:
When pain and anguish wring the brow,
A ministering angel thou!"

Mr. Duer began his argument in conclusion, on the part of the commonwealth, on Tuesday morning. He contended that the master had a right, under the law of congress, at any time and place, and at any hour, by himself or his agent, to seize his slave; that the slave had no right to resist his master; that his house was no protection—that, therefore, the master and the deceased Shipley, his overseer, were in the exercise of a legal right, and Read, in resisting, in the perpetration of a wrong—that Read must have known his master, and that, therefore, the killing, in resisting the legal attempt to arrest him, was murder in the first degree. Mr. Duer spoke for two and a half hours.

Judge Darlington then summed up the evidence, and laid down the law in a charge of an hour and a half.

He adverted to the delicacy of his situation, having been on the other trial attorney for the commonwealth—but remarked that his regret was considerably diminished, by the consideration that the jury were the judges of the law, as well as the fact, in the case before them. He gave a full and lucid exposition of the whole law on the subject. In respect to the construction of the act of assembly of 1820, on which much reliance was placed, he differed from the opinion of judge Ross, delivered at Norristown. The counsel for the prisoner had contended that, by this act, the attempt to take any person claimed as a slave out of the state, without taking him before a judge to prove his right, was declared a felony; that, from the time and circum-

stances of the attack, no doubt could exist but that it was the intention of the party to take Read out of the state in violation of that act; that they were, therefore, in the commission of a felony, and Read was justified in resisting to the death.

The counsel for the commonwealth maintained, that this act was intended to prevent kidnapping or man stealing; that it did not apply to a master, who intended to arrest and reclaim his runaway slave, whom, by the act of congress, he was authorized to arrest or seize, when and where he could.—But judge Ross had decided that the act had reference to masters seizing their slaves, and taking them out of the state, without going before a judge. Judge Darlington was of opinion that such was not the construction, inasmuch as the law so construed inflicted the same penalty, 7 years imprisonment in the penitentiary, upon the acknowledged master, reclaiming his slave and taking him away, as upon the kidnapper, who should attempt to carry off a freeman; and this opinion was confirmed by the construction of the supreme court of the old act of assembly in relation to the same subject.

He then examined the evidence, and weighed it with great perspicuity and impartiality, expressing his opinion that there was not conclusive proof, that Read knew his master or overseer; and intimating very clearly, that the witness who testified that the prisoner confessed he returned and beat the deceased, until he thought him quit dead, was mistaken.

The jury immediately, on the court opening in the afternoon, returned to the box with a verdict of manslaughter.

The next day he received his sentence of 9 years imprisonment in the penitentiary.

Doylestown, Penn. March 19. During the second week, a cause was tried which interested the feelings and excited the strong curiosity of the farmers—of the millers—indeed, of the community at large. *Wm. Williams*, of Buckingham, came into court to claim damages of *Thos. Paxson*, for obstructing the water on his own premises; diverting it from its natural course, and using it to the injury of the said Williams.

The principal facts are these:—Williams owns a grist mill, turned by a light stream of water, which passes thro' the plantation of Paxson, immediately before it falls into Williams' mill pond. Some three or four years since, the predecessor of Paxson pulled down his old barn, thro' the yard of which the stream in question was conveyed, and erected a new barn, a few rods distance from the old one, but on the opposite side of a public highway.—Paxson changed the course of the water, conducted it across the highway, thro' the yard of the new barn, for the convenience of watering his cattle, &c. and occasionally, by damming, flowed part of the water over his meadow; but delivered the surplus into its natural channel, where it passed the line of his own land, on its passage to the mill of Williams.

Abraham Chapman and Jona. Condy, esqs. were counsel for the plaintiff; Levi Pawling, and Jos. Pickering, esqs. for the defendant; and most learnedly, with great ingenuity, faithfulness and zeal, did they advocate and defend the respective interests of their clients.

The principles of law which appeared to be clearly established, were, that the owner of the soil, had a right to every thing over his land, from the heavens to the centre of the earth; that he had a right to use the stream of water for any purpose his convenience might require, on his own land—delivering

them into their natural channels, when they crossed his lines: he must not divert them from their courses into limestone vaults, or other sinks, where they would be lost to the adjoining proprietors; nor must he waste the water, nor abuse his privilege in any way, to the manifest injury of his neighbor below; as, for such malicious abuse of privilege, he would be amenable to the laws, and subject to the payment of heavy damages. An intelligent jury received the judge's charge, and, after an absence of about two hours, returned into court with a verdict for the defendant.

[*Trenton Federalist.*]

THE CASE OF JUDGE CLARK.

FROM THE NATIONAL INTELLIGENCER

We proceed to give a statement of the facts in the case of Judge Clark, of Kentucky, who was formerly a representative in congress from that state, and is a citizen of the most respectable standing. Though it is true that this is a case immediately concerning the interests of that state only, it is of so much importance to the general principles it embraces, as to bring it home to the bosoms of all. It is for this reason we allot so much space to it.

The following is a copy of the opinion of Judge Clark, which reached Frankfort at the moment that the legislature was in session:

FROM THE WESTERN CITIZEN.

Opinion delivered by Judge Clark, at the Bourbon circuit court.

Williams vs. Blair, &c.

The object of this motion is to quash a recognizance, entered into by the defendant, with security, before the clerk of this court, upon a judgment previously obtained by the plaintiff against him.—The contract was made on the 12th day of November, 1819, and for the payment of \$219 67½ to the plaintiff. By the terms of the recognizance, the defendant is allowed the period of two years to pay the debt and costs, and for that time execution is to be staid.

The motion is made by the plaintiff upon the grounds, that the law, authorizing the recognizance and stay of execution, is a violation of the constitution of the United States, and of this state, and therefore void. The act authorizing the proceedings, passed the 25th day of Dec. 1820, is entitled, an act to regulate endorsements and executions. By this law the defendant is entitled to a stay of execution for two years, upon entering into a recognizance with good security before the clerk; unless the plaintiff will agree to receive, in satisfaction of the judgment, notes on the bank of Kentucky or its branches, or notes on the bank of the commonwealth of Kentucky, or its branches.

In deciding this question, I am not unmindful of the delicate situation in which a judicial officer is placed, who, in the course of his official duties, is compelled to determine the constitutionality of a law made by the legislature of the state of which he is a judge, and the heavy responsibility he must incur, by permitting passion or prejudice to influence his opinion.

I was particularly anxious to avoid a decision of this question at this time; the same question is depending before the appellate court, and will probably be decided in a short time. The opinion of that court would give uniformity of decision to the circuit courts. The opinion of this court can have no influence except in this circuit. As the question, however, is pressed, whatever may be my wishes, it is my duty to decide it.

SEP. TO VOL. XXI—20.

The 10th section of the 1st article of the constitution of the United States, among other things, contains the following provisions—"No state shall coin money, emit bills of credit, make any thing but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts."

The people of the United States have, by this section of the constitution, placed the private contracts of men out of the reach of legislative control, nor can a state constitution, by its provisions, diminish, in the slightest degree, the obligation of obedience on the part of the state legislature, to this clause of the federal constitution. As to the subjects thus enumerated, the states have parted with their sovereign power, and a legislative act, which in the slightest degree impairs the obligation of a contract, is absolutely void and inoperative.

The convention that formed the constitution of Kentucky, sensible of this, have made all its parts harmonise with these great provisions in the constitution of the United States; for the 18th section of the 10th article, declares that no *ex post facto* law, nor any law impairing contract, shall be made. The 13th section of the same article declares that right and justice shall be administered without sale, denial or delay.

It is under these provisions the constitutionality of the endorsement law must be determined.—To a correct decision, it is necessary to know what is meant by the term "contract," and what, in legal understanding, is the obligation of a contract?

A contract is a transaction in which each party comes under an obligation to the other, and each, reciprocally, acquires a right to what is promised by the other. From this definition, it is evident that, when one party, by covenant, agreement, or otherwise, stipulates to do a particular thing, as the payment of a sum of money, by a particular time, the other party acquires a right to demand a performance, and the obligation of the contract is, that performance shall be agreeable to the terms stipulated.

It needs no argument to prove, that a law to release one party without the consent of the other, in whole or in part, from the payment of a sum of money which he has stipulated to pay, or a law to change the day of payment to a shorter, or a more distant day, would impair the obligation of the contract. It is equally clear that if one party, without the consent of the other, is permitted to do the thing in a different manner, or at a different time from that agreed upon, and thereby mitigate at his own will and pleasure the terms of the contract, the obligation is not preserved.

Test the case under consideration by these principles, and how does it stand? The defendant, by his writing, promised to pay the plaintiff the sum of \$219 67½, by a given day; the terms of the contract gave him a right to demand the payment of the money agreeably to the promise, and the defendant was under a legal, as well as moral obligation, to pay what he contracted to pay. The endorsement law, however, intervenes between them, and, without consulting the will or the interest of the plaintiff, declares, that the defendant may, if he thinks proper, have two years in addition to pay the money, and during that time the process of law to enforce justice is denied. This, according to my understanding, is a palpable violation, not

only of the spirit, but the letter of the constitution.

The laws that exist when a contract is made, conform to all the essential parts of the contract, a part of it. For example, the rate of interest fixed by law, when the contract was made, shall be the rate of interest at the time of performance, notwithstanding a different rate has been fixed by law in the interim. And it will not be contended that the legislature possess the constitutional right of increasing or diminishing the rate of interest upon contracts made before the passage of the law.

When the contract under consideration was made, the law not only subjected the estate of the debtor, but his person, to execution in satisfaction of the debt. It is a principle of the common law, and coeval with the existence of courts of justice, that the property of the debtor shall go to satisfy his debts; and parties, in making their contracts, have an eye to the property as a fund out of which the debt can be made, and the law considers it as much a part of the contract, that the estate of the debtor shall be subject to execution in payment of the debt, as if it were in terms so expressed in the contract. The law, therefore, when the contract between these parties was made, annexed to it as an implied part of the contract, that, upon failure of the defendant to pay, his property should be liable for the debt.

It is contended for the defendant that the law in question affects only the remedy and not the right, and that it is the peculiar province of the legislature to prescribe the rules by which contracts shall be enforced, and redress had for injuries occasioned by fraud or negligence. This proposition is certainly correct, provided the right is left unimpaired; but the legislature in prescribing the remedy, must keep within the pale of the constitution, and if the remedy prescribed will (as in this case) impair the contract upon which the action is founded, or divest an individual of a vested right, the law will be unconstitutional and void.—To prove that this law affects the remedy only, the statute of limitation is referred to by way of analogy, and it is contended that, by the settled course of decision in this state, as the limitation laws go to the remedy only, this case is virtually settled. The analogy between the cases is not perceived. Limitation laws do not go to the essence of the contract; the remedy only is affected. It is only a rule of evidence founded upon the presumption, from the lapse of time, that the debt has been paid or the duty performed. Very different is the endorsement law, which declares that, unless the creditor will agree to receive, in payment of his debt, the notes of the bank of Kentucky, or the notes of the bank of the commonwealth of Kentucky, the debtor shall have a right to replevin for two years; when it is manifest, that, by such replevin, the legal obligation to pay the debt is destroyed or suspended, and for that time the performance is enlarged and the terms of the contract essentially changed.

By the 10th section of the 1st article of the constitution, before referred to, the legislature of this state had no power to make any thing a legal tender in payment of debts but gold and silver coin. Yet the endorsement law declares that the creditor shall be delayed in having justice administered to him for the space of two years, unless he will relinquish his right to demand gold and silver, and accept of paper in discharge of the debt. There is, in principle, no difference between this law, and one extending the right of replevin for fifty years;

the difference is in expedience only; for if the legislature can authorize a replevin for two years, it can be extended to fifty. Indeed, upon the principle of the endorsement law, a law authorizing a debtor to pay his debts by instalment, or in property, would be constitutional. This would be really reducing the constitution to a dead letter.

How idle would it have been in the convention who framed the constitution of the United States, to have declared that no state should emit bills of credit, make any thing but gold and silver coin a tender in payment of debts; pass any bill of tender, *ex post facto* law, or law impairing the obligation of contracts, and at the same time leave with the states the power of doing, indirectly, what they declared should not be done directly. The acknowledged wisdom of that body forbids such a supposition.

The section in favor of personal security, and private rights, was added, as will be seen by a reference to the history of that time, to protect the citizen, not only from endorsement, suspension, instalment, and property laws, but all laws which interfered with the private contracts of men. The frequent interference of the state legislatures with the private rights of individuals, the property laws of some, and the suspension laws of all, had, in a great degree, impaired public faith, and destroyed the regular course of business.

It is urged in argument for the defendant, that, if this law was in violation of the constitution, the court had no right to determine, and to quash the recognizance. The second clause of the 4th article of the constitution of the United States furnishes the answer—it is in these words: "this constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges, in every state, shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding."

A case analogous to this, has been decided by the supreme court of North Carolina. During the late war, the legislature of that state passed a law providing that any court rendering a judgment against a debtor for debt or damages, between the 31st day of December, 1812, and the 1st day of February, 1814, should stay the execution until the first term of the court after the last mentioned day, upon the defendant's giving two freeholders as security for the debt. The supreme court of that state declared the law unconstitutional upon the grounds that it impaired the obligation of contracts. The court, in giving its opinion, says, "whatever law relieves one party from any article of a stipulation, voluntarily and legally entered into by him with another, without the direct assent of the latter, impairs its obligation, because the rights of the creditor are thereby destroyed; these are ever correspondent to, and co-extensive with the duty of the debtor.

The opinion I have expressed on this subject, I am aware, is different from that entertained by some of the most enlightened and patriotic citizens of this state: And I believe the general court, composed of two judges, at the last term, were of opinion that this law was not within the prohibition of the constitution, and so decided. The opinion of that court, though highly respectable, is nothing binding on this: I am therefore unwilling to yield my fixed and settled opinion upon this great con-

stitutional question to such authority, however imposing it may be.

The judgment of the court is, that the recognizance be quashed, and the defendant pay the plaintiff the costs of this motion.

HOUSE OF REPRESENTATIVES OF KENTUCKY.

Saturday, May 18, 1822.

Mr. *Slaughter* moved the following preamble and resolution, which was adopted, and a committee appointed accordingly, viz.

"Whereas this house is informed that judge James Clark has, at the present term of the Bourbon circuit court, whilst acting as judge of said court, given a decision in contravention of the laws of this commonwealth, called the endorsement and replevin laws, and therein has grossly transcended his judicial authority and disregarded the constitutional powers of the legislature of this commonwealth: Therefore,

Resolved, That a committee be appointed to inquire into the decision of the said judge, and report thereon to this house."

Tuesday, May 21.

Mr. *Slaughter*, from the committee appointed to take into consideration the decision of James Clark, a circuit judge, in relation to certain laws of this state, reported as follows:

The committee to whom was referred the resolution touching the conduct of judge James Clark, in relation to a decision delivered by him in the Bourbon circuit court during the present term, upon the replevin and endorsement laws of this commonwealth, beg leave to submit the following report and resolution:

Your committee have ascertained, to their satisfaction, that judge James Clark, did, at the present term of the Bourbon circuit court, in the case of *Williams vs. Blair*, upon a motion to quash recognizance entered into by the defendant with security before the clerk of said court, upon a judgment previously obtained by the plaintiff against him, deliver an opinion which was immediately published in a newspaper called the *Western Citizen*, a copy of which opinion, believed to be correct, they herewith exhibit as part of this report. In this opinion the court sustains the motion to quash the recognizance, and the judge, in his general reasoning, intimates an opinion upon other subjects, not strictly before him. The principles and doctrines assumed in this opinion, are, in the opinion of your committee, incompatible with the constitutional powers of the legislative department of this government, subversive of the best interests of the people, and calculated in their consequences to disturb the tranquility of the country, and to shake public confidence in the institutions and measures of the government, called for by the condition and the necessities of the people. That the judicial department has a power, beyond control, to defeat the general policy of the state, deliberately adopted by the representatives of the people, within the pale of their authority, is a position which your committee are not prepared to admit; and, therefore, think it is the duty of the legislature to avert the evils about to be inflicted on the commonwealth, by the only appropriate remedy within their power. Your committee, upon a full consideration of the whole subject, submit for the consideration of the house the following resolution and address:

Resolved by the general assembly of the commonwealth of Kentucky, (two thirds of each branch thereof concurring), that the hon. James Clark, one of the circuit judges of this commonwealth, ought

to be removed from office; and that the following address be presented to the governor, in order that his removal may be effected:

To his excellency John Adair, governor of the commonwealth of Kentucky.

According to the provisions of the constitution, the senate and house of representatives, (two thirds of the members of both houses concurring therein), present you this address, requiring you to remove from office the honorable James Clark, one of the circuit judges of this commonwealth, for the following cause, which they have caused to be stated at length on the journals of their respective houses.

[Here follows the above opinion.]

Mr. *Wickliffe* moved to dispense with the rule of the house, to refer to a committee of the whole the papers relative to judge Clark, and make an order citing him to appear at the bar of the house on Friday next, and shew cause why he should not be removed from office.

A long discussion arose on these propositions, involving, in some degree, the merits of the main question, in which Messrs. Pope, Fletcher, Worthington, Yancy, Luckett, Allea, Wickliffe, Kincaid, Bruce, Cosby and Catlett, participated, when the rule was dispensed with, 63 to 32, the papers referred, and an order made for judge Clark to appear and shew cause why he should not be removed from office.

Friday, May 24.

The speaker laid before the house a letter from judge James Clark, as follows:

Frankfort, May 24th, 1822.

Sir: I have attended here on this day in consequence of a summons from the honorable body over which you preside, to answer an accusation against me. The summons was not served on me until Wednesday evening last at Paris, where I had been for some time engaged in the discharge of my official duties: It will be therefore perceived, that I have had no time allowed me to respond to the charges. I respectfully request that time be given me, until Monday next, to present my defence in writing.

I have the honor to be, &c.

JAMES CLARK.

The hon. Geo. C. Thompson, &c.

Time was given accordingly.

Monday, May 27.

The speaker also laid before the house a letter from judge James Clark, covering a response to the charges against him. The reading dispensed with, and it was referred to a committee of the whole.

The house then resolved itself into a committee of the whole, Mr. Yantis in the chair, and took up the charges against judge Clark, together with his response. The report of the select committee, the opinion of the judge, the resolution for his removal, and the response to the charges were read.

Messrs. *Slaughter*, *Shannon*, *Worthington*, and *Allen*, addressed the committee in favor of removing the judge, and were answered by Messrs. *R. C. Anderson*, *Pope*, and *Cosby*. During the discussion, which occupied the whole day, Mr. *Pope* offered the following resolution as a substitute for that before the committee, which, however, was subsequently withdrawn, viz:

Resolved, That, as the decision of judge James Clark is subject to revision in the appellate court, it is unnecessary and inexpedient for the legislature to interfere.

The committee then rose and reported the original resolution to the house as follows:

Resolved by the general assembly of the commonwealth of Kentucky (two-thirds of each branch thereof concurring) that the honorabl James Clark, one of the circuit judges of this commonwealth, ought to be removed from office; and that the following address be presented to the governor, in order that his removal may be effected, &c.

Mr. Yancy, offered a few remarks in support of the resolution.

The question was then taken, and there were, for removing the judge 59, against it 35. There not being the constitutional majority of two-thirds, the resolution was declared to be rejected.

The following are the Yeas and Nays:

YEAS—Messrs.

Alexander	J. G. Hardin	O'Bannon
Allen	M. Hardin	Patterson
J. S. Anderson	Hearld	Payne
Brooking	Hughes	Pearcy
Bruce	English	Pendleton
Catlett	Jackman	Rudd
Clarke	Johnson	Sandford
Cockerill	Kincheloe	Selby
Cooper	Litton	Shannon
Craig	Lecompt	Slack
Coombs	Lee	Slaughter
Dejarnett	Lynch	Stone, of Wayne
Desha	J. Mason	J. Taylor
Duncan	May	Thompson
Eaves	M'Clanahan	Wiley
Fletcher	M'Cracken	Witherspoon
Goode	Miller	Worthington
Gordon	Mullins	Yancy, and
Green	Morton	Younger.
Griffith	Noland	

NAYS—Messrs.

Mr. Speaker	Howard	Smith
R. C. Anderson	Kincaid	Speed
Bradford	Lockett	Stone, of Madison
Brents	Logan	Talbott
Butler	Love	Taylor
Calhoun	Luckett	C. H. Taylor
Cogswell	B. Mason	Todd
Cosby	M'Connell	Warfield
Cowan	M'Millan	White
Crawford	Moore	Wickliffe and
Davis	Murray	Yantis.
Gaither	Pope	

The following is the clause of the constitution of Kentucky, under which legislative proceedings took place:

"3. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; but for any reasonable cause which shall not be sufficient ground of impeachment, the governor shall remove any of them on the address of two thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address, and on the journal of each house. They shall at stated times receive for their services an adequate compensation, to be fixed by law."

It only remains to add, that the key to the unusual excitement caused by this opinion is to be found in the fact, which is stated in the Louisville Advertiser, that this opinion of judge Clark was supposed to have an indirect bearing upon the charter of the bank of the commonwealth.

A majority of the senate is said to have been opposed to the proposed removal of the judge.

Response of judge James Clark, to the charges exhibited against him in the house of representatives, at their extra session in May, 1822.

To the honorable speaker of the house of representatives.

Sir:—I have received a summons from the honorable body over which you preside, to attend and answer an accusation against me. I have also seen a copy of the report and resolution of the committee raised upon the subject, by which I am fully apprized of the nature of the accusation, and to which I beg leave to offer the following response.

I did, during the last term of the Bourbon circuit court, in a case in which Williams was plaintiff, and Blair and others were defendants, give a decision upon the laws of this commonwealth, usually styled the endorsement and replevin laws, in which I held, that the law which gave to the defendant a stay of execution for two years, upon his entering into a recognizance, in the clerk's office, with security, to pay the money at the end of that time, unless the plaintiff consented to receive bank paper in payment of the debt, was unconstitutional and void; which opinion has made its appearance in all the public prints, especially in the Western Citizen, printed at Paris, at the earnest solicitation of the editor and other citizens; and to that I refer for what the decision contains.

This decision was given after the most mature deliberation which I was able to bestow, and from a firm conviction of the correctness of the principles there mentioned; and I must have been not only faithless to my own conscience, but to the constitution of the United States and the dignity due to the judicial office, had I expressed any other opinion, under the conviction I had upon the subject.

I should be sensibly alive to an accusation hinting corruption, or arraigning my motives, and would meet it with a bold and flat denial; but I am gratified to find that no such ground is taken in the report and resolution. The grounds there assumed, are, that I have maintained principles and doctrines incompatible with the constitutional powers of the legislative department of this government, and subversive of the best interests of the people; and that I have intimated an opinion upon other subjects, not strictly before me. In reply to these two allegations, I must respectfully insist that I have done neither.

In support of the correctness of the opinion delivered, I have nothing farther to add, except to say, I am wholly at a loss to find, in any part of it, an intimation of an opinion upon any subject not necessarily growing out of the case before me.

As I understand the report, it is based upon the ground, that I have no right, as a judicial officer, to refuse to carry into execution, what I may conceive to be an unconstitutional act of the legislature. I shall firmly, but respectfully, contend, that I have this right, as well upon principle as upon precedent.

The constitution of the United States, under which this decision was given, declares itself to be the *supreme law of the land*, and that the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding. 2d clause, 6th article, C. U. S.

Permit me respectfully to ask, why is this solemn charge expressly directed to the judges in every state, and not the legislature, if the judge cannot decide a law of a state to be against that instrument? The charge is futile and inoperative, a mere dead letter.

It would be a phenomenon in jurisprudence, to bind an officer by a solemn oath to effectuate the provisions of the constitution against conflicting

laws of his own state, if the very act of passing these laws is to seal his lips, and annul the obligation imposed upon him to see that the constitution is not violated.

This provision evidently supposes that, from some cause or other, provisions might creep into the laws or constitutions of states, repugnant to that supreme law. If this supposition is not contained in the expressions referred to, it will be difficult to assign an adequate motive for placing them there.

If every law of the state is to be taken, from the mere act of enactment, as accordant with the constitution, it was more than simple in the convention to require the judge to disregard that which he was bound to consider right. The judge then, in the case of discrepancy between the two, must speak and decide; and severe indeed must be his fate, if, for doing so, he is to be censured or disgraced by the constitutional authorities of his country.

The constitution of our own state adopts the same principle. It closes the last article with these emphatic expressions: "To guard against the transgression of these high powers, which we have delegated, we declare that every thing in this article is excepted out of the powers of the general government, and shall ever remain inviolate; and that all laws contrary thereto, or contrary to this constitution, shall be void."

The same observation will apply here, which I have used with regard to the constitution of the United States. The instrument itself supposes there may be transgressions against it, by the functionaries of government; hence it declares that this section is to guard against them. It provides against laws enacted by the legislature, (as all laws must be), which are contrary to the constitution. What wisdom could there be in providing against unconstitutional laws, if none such could exist? If the bare enactment sanctions them, and proves them to be agreeable to the constitution, then the convention provided against nothing at all, or there must be numerous void laws in force, the constitution notwithstanding, and no functionary of the government dare to say they are void.

The official oath of the judge, imposed as well by the constitution as the laws of this state, requiring him to support the constitution of the United States and of this state, does not permit him to stand by mute, or effectuate the provisions of laws which his sober judgment tells him are within the prohibition of the constitution. Embarrassing indeed, on a contrary hypothesis, would be the situation of every judge, and no one could hold the office, unless he could satisfy his conscience, by the opinion of others, that his oath is not violated.

The history of our country accounts for these provisions in the constitution. The combination of legislative, judicial and executive powers in a monarch, and the omnipotence of a British parliament, were the complaints of the revolution, and the dangers against which we struggled. Upon the achievement of independence, the states adopted forms of government, in which they generally declared, that these different departments should be kept separate, both as to men and powers.—Hence arose the natural result, that one department would not, and could not effectuate the unconstitutional acts of another; and previous to the constitution of the United States, or of this state, many decisions by the judiciary had taken place, refusing to carry into effect unconstitutional laws;

and it was in reference to, and in full sanction of this authority in the judges, that these causes were introduced in both constitutions. It was for the purpose of charging the judges still to remain on the watch-tower, and guard against every invasion of the sacred instrument. If this is not the allusion and design of these provisions, I am incapable of ascertaining their meaning—for I am at a loss to know upon what principle of logic it can be maintained that the judge is to be bound by the constitution, as the supreme law of the land, and also by the acts of assembly, and yet, when they come into collision, reject the supreme, and effectuate the inferior rule. This authority of the judiciary has been exercised ever since the revolution, and is considered, by all jurists, too well settled to be shaken.

In pronouncing a law, which is incompatible with the constitution, to be void, the judiciary does not assume a superiority over the legislature. It merely affirms the paramount obligation of the fundamental rule. It announces only that the will of the people, as expressed in their constitution, is above the will of any of the servants of the people. To give, on the contrary, efficacy to a legislative act, which violates the constitution, would be to proclaim that the will of the legislative servants of the people was above the will of the people themselves.

If we consider the subject upon the score of authority there cannot exist a doubt; and I refer to the printed reports of all the states, many of which I have not at this time an opportunity of consulting. For a contemporaneous construction of the constitution upon this subject, I refer to that excellent book, called the Federalist, page 246.—The power, and indeed the duty of the judiciary, to disregard all legislative acts prohibited by the constitution, is fully discussed and recognized by that great statesman, Mr. Madison, who was one of the framers of the federal constitution. I also refer to a letter of the late col. George Nicholas, of this state, to his friend in Virginia, justifying the conduct of the citizens of Kentucky as to some of the measures of congress. He was personally known to some of the members of the honorable body over which you preside, and his great worth and constitutional learning known and duly appreciated by all. The 34th page contains the following remarks.

"The complete independence of the courts of justice, is peculiarly essential in a limited constitution. By a limited constitution, I understand, one which contains certain specified exceptions to legislative authority; such, for instance, as that it shall pass no bill of attainder, no *ex post facto* laws, and the like. Limitations of this kind can be preserved in practice, no other way than through the medium of the courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the constitution, void. Without this, all the reservations of particular rights or principles would amount to nothing.

"Some perplexity respecting the right of courts to pronounce legislative acts void, because contrary to the constitution, has arisen, from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged, that the authority which can declare the acts of another void, must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance to all the American constitutions, a brief discussion of the grounds on which it rests cannot be unacceptable.

"There is no position which depends on clearer

principles, than that every act of delegated authority, contrary to the tenor of the commission under which it is exercised, is void; no legislative act therefore, contrary to the constitution, can be valid. To deny this, would be to affirm that the deputy is greater than his principal, the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

"If it be said the legislative body themselves are the constitutional judges of their own powers, and that the constructions they put upon them are conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, when it is not to be collected from any particular provision in the constitution. It is not otherwise to be supposed that the constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose that the courts were designed to be an intermediate body, between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges as a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act, proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity, ought, of course, to be preferred; or, in other words, the constitution ought to be preferred to the statute—the intention of the people, to the intention of the agents."

In the case of Vanhorn's lessee against Durrand, (2 Dallas), judge Patterson, in delivering the opinion of the court, says, a "constitution is the form of government, delineated by the mighty hand of the people, in which certain first principles of the fundamental laws are established.—The constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the legislature, and can be revoked or altered only by the authority that made it. The life giving principle and the death doing stroke must proceed from the same hand. What are legislatures?—Creatures of the constitution; they owe their existence to the constitution; they derive their power from the constitution; it is their commission, and therefore all their acts must be conformable to it, or else they will be void. The constitution is the work or will of the people themselves in their original, sovereign and unlimited capacity. Law is the work or will of the legislature, in their derivative or subordinate capacity. The one is the work of the creator, the other of the creature.—The constitution fixes limits to the exercise of legislative authority, and prescribes the orbit in which it must move. In short, gentlemen, the constitution is the sun of the political system, around which all legislative, executive and judicial bodies must revolve. Whatever may be the case in other countries, yet, in this, there can be no doubt, that every act of the legislature repugnant to the constitution, is absolutely void." See also, upon the same principle, the cases of Marbury vs. Madison, 1 Cranch 137; and Fletcher vs. Peck, *ib.* 87; state of New Jersey vs. Wilson, 7 Cranch 164; Sturges vs. Crowninshield, 4 Wheaton 122; Dartmouth college vs. Woodward, *ibid* 518.

The reports of decisions of our own court of appeals furnish many decisions in which that court has disregarded acts of the legislature, because they were, in the judgment of that court, in violation of the constitution.

It was not until the year 1801, that the decisions of our court of appeals, except in land cases, were published. In that year, and in the 64th page of the printed decisions, in the case of Stiger vs. Rogers for the commonwealth, that court decided a law, giving a summary remedy and damages against a man for detaining public property, unconstitutional, and refused to act under it. And in the next case in the same book, Enderman vs. Asby, a law, giving a summary trial and damages against a person who dealt with a slave without the consent of the owner, was held void, as it deprived the accused of trial by jury. In 1802, and page 150 of the same book, in the case of Caldwell vs. the commonwealth, so much of a law as gave damages against Caldwell, for detaining money which he had received as clerk to a board of commissioners for granting head right claims to land, was, in like manner, held to be unconstitutional and void.

Shortly after the passage of the law which authorized the issuing executions against securities in injunction bonds, appeal bonds, &c. in case of a decision against the principal without any suit against the security, the constitutionality of that law was questioned, and the court of appeals held, that it was a violation of the rights secured to the citizens by that instrument; and those provisions have remained dead letters on our statute book ever since.

In the case of Morgan against the register of the land office, (Hardin 609), decided in the year 1808, when that court was composed of judges Edwards, Trimble, Wallace and Bibb, on a question whether the court would award a *mandamus* to the register, the following opinions are expressed:

"Ours is a government organized by assigning to the different departments their respective limits. That each department shall be confined within those limits, is essential to the nature and existence of the government. That the constitution is supreme and controls and binds down every department, is one of those plain propositions, no longer contested among those who regard the principles upon which written constitutions are constructed.

"By the same rule, therefore, by which the legislature would be restrained from giving to this court a jurisdiction not warranted by the constitution, this court must feel restricted in the exercise of such jurisdiction.

"If the issuing the *mandamus* is an original, and not an appellate jurisdiction, this court has not the right to issue it, and the legislature cannot give it, they being equally bound by the constitution, as the fundamental and paramount law, controlling every legislative act which is repugnant to it."

In the year 1815, in the case of White, &c. vs. M'Bride, the sheriff of Mercer county, (4 Bibb, 61), the opinion of that court, delivered by judge Owsley, held the law which authorized the imposing fines by a court martial on the Shakers, for not attending ordinary musters, unconstitutional and void, as the religious tenets of that society forbid them bearing arms; and the property seized by the sheriff for such fines was restored.

In the year 1818, the same court, in the case of Carson vs. the commonwealth, (1 Marsh, 250), held that so much of the law which authorized the county court, without the intervention of a jury, to hear and decide the charges against those who

failed to give in a list of their taxable property, was unconstitutional, and the cause was remanded for trial by jury.

In the year 1819, the case of *Banks vs. Oden*, (1 Marsh. 551), in an opinion delivered by Judge Rowan, the right and duty of the judiciary to disregard an act of the legislature, within the prohibition of the constitution, is expressly asserted by that court. The same doctrine is maintained and discussed more at large, by the same judge, in an opinion delivered by him in the case of the commonwealth vs. Morrison and others, (2 Marsh. 99.)

A still latter decision, in the case of *Ely vs. Thompson, &c.* declares unconstitutional the law which authorized a summary trial and punishment, by a justice of the peace, of a free person of color, for an assault committed on a white person; and the justice and constable, who acted under the law, were held liable to an action of trespass.

These form a portion of the causes which have come before the court of appeals, involving the constitutionality of laws passed by the legislature; from which it is clear, that, notwithstanding the changes that time has made in the members of the court, it has always been held the bounden duty of the judges to decide whether a law was or was not constitutional, whenever the rights of the litigants presented the question; and that it has always been held, that the constitution was supreme, and the judges bound by their oaths to enforce it, and to protect the rights of the citizen against laws passed in contravention of its provisions. Lamentable indeed would have been the situation of the citizen, in many of these cases, if the judges had felt themselves bound to enforce the laws, until the legislature should have thought proper to repeal them.

If further illustrations of the general and received opinions of our public men, upon this question, were wanting, I might refer to many decisions of inferior tribunals, in accordance with the view I have taken; I might, in particular, mention the decisions of many justices of the peace, and of our circuit courts, that the first law increasing the jurisdiction of justices of the peace from five pounds to fifty dollars, was unconstitutional, because it deprived the party of trial by jury; and, in consequence of these decisions, the law was amended so as to provide for a jury trial before a justice of the peace.

I might also refer to the proceedings of the general assembly, at their last session, against Judge Mills. One of the charges against him was, in substance, that he had refused to permit the counsel for the person tried for wearing concealed arms, to argue before the jury, that the law prohibiting the wearing concealed arms was unconstitutional, and therefore void, although the judge had been, in the progress of the trial, called upon for his opinion, and had determined that the law was consistent with the constitution. But least I weary your patience, let these references suffice.

After this train of decisions, and many others which might be referred to, I was not prepared to expect, that I should be arraigned before the representatives of my country, on a charge of having travelled beyond my official duty, when I was expressing the solemn and conscientious convictions of my best judgment, on a matter of private right, depending before me in a regular judicial proceeding; one in relation to which I had taken time to deliberate, from the preceding term, and one in which I was pressed for a decision.

It is true I was informed, that the same question was depending in the court of appeals, and that a decision was expected; but it is well known, that when new questions are argued in that court, the causes go off on other points, and the questions are left open for further investigation. To have held up an opinion, deliberately formed in a cause depending before me, and to have left for another tribunal the responsibility of meeting the question, would have been not only a dereliction of official duty, but, in this particular case, a delay, if not a denial of justice; and I have now reason to believe that I was mis-informed as to the probability of a decision of that question by the court of appeals; for I have not been able to learn, since I came to this place, of any case in that court, which presents the same questions decided by me, which have given rise to this proceeding.

Let it be recollected, that I am the judge of a subordinate court only; that my decision is subject to revision by the appellate court, and that an appeal has been entered, and the cause now in progress for the decision of that court. Can it be proper, does it comport with the constitution of our state, that the general assembly should take up a question depending before the appellate court between two citizens, in a matter of private right, and by a prosecution against the judge who rendered the decision, because that decision was in favor of one of the parties, throw the whole weight of their influence and power in the scale of the other? It cannot be disguised, that a direct resolution, instructing the court of appeals to reverse the decision, would not be better understood.

I may here ask why it is, if, since the organization of our government, few years have elapsed without some of the laws passed by the legislature being declared unconstitutional, no instance is to be found in which the general assembly have been asked by any member to exercise this power of removing a judge from office, for their judicial encroachment, as it is now termed? Have our statesmen, heretofore, been less vigilant, less wise, and less devoted to the interests of our country, than those of the present day? Shall those men who assisted in forming our constitutions, those whom we have heretofore boasted of as the pride of our state, and patterns for emulation, be cast in the shade by the doctrines advanced on this occasion?

If I am told that I have touched on a favorite branch of the law, with the general assembly, and that they should be careful of its preservation, and make an example of the first judge who dared to differ from them in opinion, I reply, that other judges have had parts of this system of laws before them, before they came before me, and have held them unconstitutional. At the March term of the Hardin circuit court, in the year 1821, Judge Booker decided the laws which authorized the sale of property on a credit unconstitutional and void, in two cases, in one of which James Hodgins was plaintiff, and Small and alias defendants; in the other, Reid and Miller are plaintiffs and Schlater and Gilman are defendants. Judge Oldham gave a similar opinion, in the Jefferson circuit court, at the April term, 1821, in which Barbour was plaintiff and Hansford and Barret were defendants. And in the same year, Judge Broadnax gave a similar decision, in the Union circuit court, in a case in which Casey and others were plaintiffs and Moore was defendant.

Those decisions have not only been given on a branch of the same system of laws, but upon a different section of the same law brought before me in the case which I decided. These decisions were

publicly given, have been generally known, and the records containing them, seen by many. I cannot, therefore, persuade myself that I am to be made the first victim, for pursuing doctrines so long in use, so matured by experience, and so entirely incorporated in our constitutions and in the political and judicial histories of our country.

I will not detain you by descending upon the happy results of the doctrines contended for, as evinced in many cases which have arisen under our government in the progress of time, nor on the consequences that are to be apprehended from enfeebling the judicial department of the government. If for a difference of opinion between the general assembly and the judges, where their motives cannot be impeached, they are to be removed from office, is it not to be apprehended that they will, in future times, become the subservient creatures of the predominant party in the general assembly, and their decisions upon constitutional law become as fluctuating and changeable as the varying temper of the times?

Conscious that, in the decision I have rendered, I have done nothing but my duty, whether the conclusion I have come to be right or wrong; and resting on the integrity of my motives, which have not been impeached by my accusers, I commit my case to the intelligence and integrity of the representatives of my country, without troubling them further on the subject.

I request that this may be considered my response to the report and resolution of the committee, and shall trouble them with no further defence.

JAMES CLARK.

Frankfort, May 27th, 1822.

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Court of King's Bench, Westminster, April 27.

FREEMAN vs. THE EAST INDIA COMPANY.

The solicitor general moved for a rule to show cause why the verdict in this case should not be set aside and a new trial granted. He stated that it was an action of trover tried before the lord chief justice, at Guildhall, to recover the value of a quantity of indigo, now lying in the warehouses of the East India Company. The indigo in question was part of the cargo of the ship *Cerberus*, bound from Calcutta to England, which was wrecked off the Cape of Good Hope—but from which the indigo, with other goods, was saved by the exertions of the master and mariners. The captain, acting *bona fide* for the benefit of the owners, caused all the property saved to be surveyed and put up to public auction, where the indigo was purchased at the market price of the commodity in London. It appeared that the wrappers were wet, but none of them were taken off to ascertain whether the indigo had received injury. Before the arrival of the goods in England, the price had risen, as fairly speculated on by purchasers; and in consequence of this rise the owners of the vessel sought, in this action to maintain that the captain had no authority to sell, and that therefore the purchasers had no right to retain. The lord chief justice was strongly of this opinion, and the jury confirmed it by their verdict.

The solicitor general now contended that the captain had a right to sell, and that the sale was therefore, valid. In general, indeed, a captain was, a mere carrier, but under some circumstances he was compelled to assume the character of supercargo and agent. It might be necessary for the interests of the owner, or, where the cargo was insured, of the underwriters, that the captain should have

this discretionary power in cases of wreck. There was no difference in principle between this case and that where goods were damaged, or where they were of a perishable nature; and it would be absurd to contend that where some small portion, as a single package, for example, was uninjured, the captain was bound to transmit it to his owners. At all events, here was a sale in market overt, which transferred the property, even if the captain had no right to sell it; for it would be most prejudicial to the interests of commerce if a purchaser, buying goods at the public custom house from one who had all the appearance of a general authority to sell, should be liable to have his bargain wrested from him, because, in offering to sale one particular lot, the captain had exceeded his powers.

The court, however, were unanimously of opinion that the direction of the lord chief justice was right. A captain might hypothecate the ship and cargo, but beyond this he could not proceed unless there was an absolute necessity for sale. In cases where the goods were perishable, or where the materials of a vessel wrecked were alone saved, or where it was a sale of part of the cargo which was necessary for the purposes of the voyage, the character of agent was forced upon him, and he might unquestionably sell. But here the voyage was ended by the wreck, the goods were not perishable, and might and ought to have been transhipped to England. A sale in market overt, would indeed change the property, but with this one important exception—that it would be of no effect if the purchaser was acquainted with the infirmity of the contract. The rule was, therefore, refused.

===== Imprisonment for debt

ABOLISHED IN KENTUCKY.

An act to abolish imprisonment for debt and subject equitable interests to execution.

[APPROVED DEC. 17, 1821.]

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That all laws which authorize a *capias ad satisfaciendum* to be issued against the body or bodies of any debtor or debtors, shall be, and the same are hereby repealed.

Sec. 2. Hereafter no person or persons shall be arrested upon any original or mesne process, or required to give bail, unless upon an affidavit being filed with the clerk of the court, or justice of the peace from which such process is to be issued, stating that the plaintiff or plaintiffs verily believes, that the person or persons against whom such process is about to issue, will leave this commonwealth, or move his property out of the same, before judgment, or otherwise abscond, so that the process of the court, after judgment, cannot be executed; and, upon such affidavit being filed, the clerk shall endorse that bail is required, and in what sum.

Sec. 3. From and after the passage of this act, any person or persons who may have been committed to close jail, or to the bounds, upon order requiring bail, or upon any *capias ad satisfaciendum*, may, upon giving reasonable notice of such application to the person or persons at whose suit he or they may have been committed, or to his, her, or their agent or attorney in fact or at law, if any such be in the county, if not, upon filing notice in like manner in the office of the clerk of the court whence such process issued, apply to a justice of the peace for his discharge, and upon such justice being satisfied, that the person or persons so applying

tice shall issue an order to the jailor, to discharge such person or persons from custody; and upon such person or persons being discharged under the provisions of this act, the plaintiff or plaintiffs, or person or persons beneficially interested in said demand, in the execution of which the person or persons so discharged, may have been in custody, may have a new execution against the property of such person or persons so discharged, without suing out a *scire facias* to revive his judgment.

Sec. 4. When any person or persons arrested under an order requiring bail, or a writ of *ne exeat*, shall desire to be discharged from custody, by taking the oath prescribed by the acts for the benefit of insolvent debtors, it shall be lawful for such person or persons upon giving reasonable notice to the party at whose suit he or they were arrested, his agent or attorney, if in the county, if not, upon filing such notice in the office from which was issued the process by virtue of which he or they may be in custody, of the time and place of such application, to apply to a justice of the peace for his or their discharge; and upon rendering a schedule of his or their property, and taking the oath aforesaid, the justice of the peace shall issue an order to the officer in whose custody such person or persons may be, to discharge him or them; and the property contained in such schedule, shall be vested and disposed of in the same manner, and the same proceedings shall be had thereon as are now authorized in the case of insolvent debtors.

Sec. 5. When any estate, real, personal or mixed, is held or covered by mortgage, deed of trust, or other incumbrance, all the right, title and interest which the mortgagor or grantor has in said estate, shall be subject to execution and sale, in the same manner as estate of the like kind now is, when the owner thereof has a legal title to the same; and the purchaser or purchasers shall take said estate subject to the *bona fide* lien, or claim which the mortgagee, *cestui que use*, or other claimant may have upon said estate; and the sheriff or other officer making sale thereof, shall convey to the purchaser or purchasers thereof, all the right, title and interest which the defendant or defendants in the execution may have to the same: *Provided, however,* that when any mortgaged or trust estate as aforesaid, in lands or tenements, shall be sold under execution, the mortgagor, grantor of the trust, or trustee, *cestui que trust*, or other person to whom a beneficial interest may have been reserved out of such estate, may redeem the whole or any part of the same at any time within two years from and after such sale, by paying to the purchaser or purchasers of such estate or any part thereof, his, her or their purchase money and interest, in money equivalent in value to that for which the property sold for at the day of sale: *And provided,* that when the estate sold as aforesaid is personal and movable, the purchaser or purchasers of such personal property shall give bond with good and sufficient security, to be approved of by the officer making the sale, in the full amount of the value of the property sold, conditioned not to remove said property or any part thereof out of the state, nor otherwise dispose of the same, until he, she or they shall pay off the mortgage, satisfy the trust, or discharge any other incumbrance to which said property was liable and subject at the time of the sale. Said bond shall be made payable to the commonwealth of Kentucky, and shall be returned to the office from which the execution issued by virtue of which the property was sold; and upon the condition of said bond being broken, the party

injured by such breach may sue for the same, in the like manner as suits are authorized to be maintained upon other public bonds or officers' bonds; and the said bond may be sued upon as often as the condition thereof shall be broken.

Sec. 6. Whenever an execution of *feri facias*, founded upon any judgment or decree, or upon any bond having the force of a judgment, shall issue to the proper officer, and be returned as to the whole or any part thereof, in substance, that the defendant hath no effects in his bailiwick to satisfy the same, the proper court or courts of chancery shall have jurisdiction on bill filed to subject to the satisfaction of such judgment, decree or bond, any choses in action belonging to the debtor, and also any equitable or legal interest in any estate, real, personal or mixed, which the debtor may be entitled to, and to that end may bring other parties before the court, and make such decree as may be equitable, under the jurisdiction hereby conferred: *Provided,* that nothing in this act contained shall be construed to extend to those articles in possession of a defendant which are exempted by law from execution.

Sec. 7. If the defendant or defendants, mortgagee, trustee, *cestui que trust*, or other person to whom a beneficial interest may have been reserved out of said estate, should not redeem the said estate so sold, within two years, according to the provisions of the fifth section of this act, that it shall be the duty of the court from which the execution, decree or order of sale issued, under which the sale was made, upon motion, of which ten days' notice in writing shall be given to the original debtor and the person who may be in possession of said estate, to award a writ of *habere facias*, if the court shall be satisfied that the estate has not been redeemed, and that the estate is not possessed by any person having a right in law and equity to the same.

Sec. 8. If the person or persons authorized by the fifth section of this act shall not within two years redeem said estate, so sold, according to the provisions of said fifth section of this act, that then and in that case, he, she or they, shall be liable to the purchaser for all damages he, she or they may have committed, after said sale, on the premises.

Debate on Manufactures.

IN THE HOUSE OF REPRESENTATIVES—JAN. 29, 1823.

The bill "for the more effectual protection of manufactures" being under consideration in committee of the whole; and *Mr. Cambreleng* having, as heretofore noticed, questioned the accuracy of the comparative statement of the present and proposed duties, submitted by *Mr. Ton*—

Mr. Ton, of Pennsylvania, observed, that he was not disposed to take the advice of the gentleman from New York, (*Mr. Cambreleng*), and withdraw the bill for the reasons given: that the proceeding was a novel one, and this call for information by the gentleman, not because he wanted it himself,—but, because he thought he could give it to others,—that there could be no getting on with business, if such reason was sufficient to stop its progress. It may every day happen, that a gentleman, not a member of a committee, introducing a bill, may know more of a subject than the committee themselves; and as possible it may be for a gentleman to suppose himself capable of setting right the ignorance of others, in a matter known as well to them as to himself. *Mr. T.* said, that the duties proposed on the coarse goods pointed

out by the gentleman from New York, (Mr. Cambreleng,) were supposed by the committee to amount to a prohibition, and so intended. Mr. T. said, that on the part of the committee of manufactures, he would attempt a brief exposition of the reasons which weighed with them in proposing an increase of duties on some foreign articles.—It was not solely nor chiefly for the benefit of the manufacturer, that they wished to give an efficient preference to domestic industry, at least as far as respects articles of common indispensable use, the materials of which are the product of our own soil. He would not say that all parts of the country were equally interested, but he believed that while the provisions of the bill were of vital importance to some great sections of the country, they could never be injurious to the interest of any part.

We possess, said Mr. T. the materials inexhaustible, of iron, lead, glass, and the almost unlimited means of producing wool, hemp, flax and cotton, and surplus provisions to feed workmen enough to supply manufactures for a whole continent. Yet, disregarding all these advantages, we have paid, or must pay, to foreign nations, for the last two years, taking both together, one probably being a year of importation about as far above, as the other has been below, the common average—

For woollen manufactures	\$19,044,014
Cotton do.	14,716,615
Linen do.	6,084,954
Hemp, and manufactures of it	3,892,262
Iron, and manufactures of iron	8,259,698
Lead, and manufactures of lead	1,102,341
Glass and earthenware	2,354,069
	<hr/>
	\$55,453,951
Average for one year	\$27,726,975

Exceeding, by above eight millions of dollars, the yearly expenses of government and the interest of the national debt—and which sum is exclusive of all re-exportations. This enormous tribute, said Mr. T. we pay for articles that we might have at home without any cost to the nation—articles, to the composition of which, a portion of the cottons excepted, not one shred nor particle goes from our country, fabricated by workmen who are not permitted to eat, drink or wear, any produce of our soil. And we, robbed of our money by foreign industry, contending with all the mischiefs of a diminishing and beggarly supply of the circulating medium of commerce, some of our people even petitioning against the grievance of paying postage on letters, and struggling with all the evils of debt and dependence, in order to give wealth and power to foreign governments, profit a d employment to foreign manufacturers, and to supply a market to foreign farmers for their provisions, while one half of our own are absolutely worthless, and perishing on our hands for want of consumers. The immensity of amount of the necessaries of life requisite to sustain the workmen, with their families, employed to fabricate the foreign goods which we consume, it would be superfluous to attempt to calculate. But the inevitable distress and ruin consequent upon a system like ours, and falling upon those sections of the country, whose only surplus production worth mentioning, is grain, and whose only means of paying for foreign manufactures is with grain and its immediate products, may be made evident; as may, also, the necessity of applying some considerable part of the surplus productions of our soil to the only profitable use they can be applied to; that is, the support of the home

manufacturer. It may be assumed that the case mentioned is the case of one half of the Union, whose only surplus production of the soil, worth naming, is grain. Whether this estimate of one half, exceeds or falls short of the fact, cannot be material to the validity of the inference. Then, from the great extent and fertility of lands brought under cultivation since the year 1790, taking into view the great improvement in mills, roads, canals, and in the science and practice of agriculture; taking also into view the acquisition since, of the extensive and fertile territory west of the Mississippi, we may safely calculate that the capacity of our country for producing grain, if not the actual produce itself, is more than quadrupled during the last 32 years. Probably, to state the increase at six-fold, would be nearer the fact. Yet, in the year 1790, before the general war in Europe, we exported, in wheat, rye, and corn, and flour, and corn meal, reducing what went in bushels to barrels, at the usual rate of five to one, 1,280,325 barrels. This account, as to part of the items, includes, to be sure, the exports for about a month beyond the year; but that is unessential; the exportations of 1790 were not beyond the common average of the times, nor nearly equal. Taking the average of five years, from 1790 to 1794, both inclusive, we exported the yearly quantity of 1,421,325 barrels. Yet, in the present time, with all our immense increase of means and extension of territory, we have exported, in grain and flour, in the year 1822, 1,098,768 barrels only; and, in the year 1821, 1,360,453 barrels of beef and pork; the exports for 1790, were 89,066 barrels, and the average for five years from 1790 to 1794, was 132,894 barrels a year. The same articles, in 1822, 166,962 barrels; and, in 1821, 133,534 barrels. If, said Mr. T. foreign nations would consent to take our flour and provisions in pay, or part pay, for their wares, the consequences of our present system might not be so intolerable; yet, when they persist in rejecting every thing of the kind from us, that equal protection which is due from the government to every class of citizens, prescribes the necessity of providing them with the means of procuring the manufactured necessaries of life in exchange for the only articles they have to sell.

As to the particular duties, he said, imposed on foreign manufactures by this bill, the first paragraph adds five per cent to the existing duties on woollen goods, with a *minimum* price of eighty cents per square yard; yet excepting from the operation of the minimum, those most common necessary articles of blankets, flannels, worsted and stuff goods. Whatever other objection may be made to this item, there will probably be none on the score of inequality; for wool is, or may easily be the production of every part of the country.—The manufactures of it are used in every part.—No one will say, that our country is incompetent to supply itself with every description of this necessary article, even if the duty were prohibitory, instead of a trifling addition.

The duties on cottons are left by the bill as they stand by the existing laws, except a *minimum* price of 35 cents per square yard on checked and striped cloths. The chief motive for this, is to stop a pernicious fraud now perpetrated upon us by foreign manufacturers, counterfeiting our cottons, and palming upon us, under the guise of American, a most vile fabric, thereby discrediting our factories and cheating our people. The duty of twenty-five per cent, imposed by the bill on manufactures of silk, flax and hemp, is the very same that is

recommended by the secretary of the treasury, for the purpose of revenue; with the addition, as to hempen and linen cloths, of 25 cents per square yard, similar to that on cottons. Leghorn and silk hats are placed at forty per centum, being an addition of one third to the present rate of duty, with a *minimum* price of one dollar each, for obvious reasons. They are chiefly articles of mere fashion.—We imported during the last year, hats, caps and bonnets, to the amount of more than seven hundred thousand dollars. Above six hundred thousand dollars worth of these commodities came from Leghorn and Malta. All the wheat which they will ever receive from us in ten years, cannot pay for one year's supply of the straw we get from them. On lead, and the manufactures of lead, an addition is proposed of one cent per pound to the present duty, because we have it in our country in the greatest profusion. In the vicinity of the Mississippi and Missouri rivers, particularly the former, there are miles in extent, where, take up the earth without selection, 100 pounds of it will produce more than eighty pounds of the metal, with fuel at hand in abundance. Besides, the people of that part of the country are indebted to the government for lands, or desirous of purchasing, and have no other means of payment; so that the immediate profits of giving efficient protection to this manufacture, will centre in the public treasury. On hemp the bill raises the duty from thirty dollars to forty-five dollars per ton. It is an article which, the committee believe, must be protected, and the cultivation of it encouraged at any expense, for the sake of the public. It is an article, the skilful culture of which requires practice. Materially to increase even the quantity raised at home, cannot be the work of one nor two years. We have already built, or are building, twenty-four large ships of war. Our whole domestic supply of hemp is not sufficient to equip one of these ships, and never can be under the present system of importation. What, Mr. T. asked, would be the consequences, and what disgrace to our legislation, in case of a war with a nation that furnishes this necessary article, or with any other nation which might have influence enough to stop this importation? We might, when war comes, as prudently rely altogether upon our enemies for a supply of cannon for our navy. On bar iron, the addition proposed is only five dollars per ton, and that only on hammered iron, without touching the rolled. It would, Mr. T. thought, be hard to give a satisfactory reason why so low a duty was inserted, when it is notorious that the country is more than able to supply all that is wanted, of as good quality, and generally better than the imported.

It has been objected already, and will no doubt be repeated, that, by adding to the duties on foreign articles, we but add so much to the price to the consumer, enabling the home manufacturer to pocket the difference. As to all manufactures, said Mr. T. of which we possess the raw material in abundance, the rise in price, which, he admitted, may happen at first on some things, will be certainly followed by a permanent reduction; if we may be permitted to judge from the experience of foreign countries, or from what little experience our laws have hitherto permitted us to acquire in our own country on the subject. Many articles, even now, it is believed, are furnished by our own workmen better, to a degree beyond the extent of the duty, and cheaper than imported rival goods. On this head, one article, that of coarse cottons, has been often mentioned, and cannot be too often

mentioned, because it is the only manufacture which has ever received from our laws the same protection which other nations give to their domestic industry—a prohibitory duty. Besides, it is the very article and the very duty selected by the enemies of protection to manufactures from all quarters, as a specimen of pernicious legislation, as oppressing the poor and plundering the farmer, for the purpose of giving to the manufacturer a premium for laziness, or a privilege of extortion. There can be no mistake in this matter. I will, said Mr. T. read the very words of the Salem protest, made to our predecessors on the subject: “The duty upon East India cotton is indeed enormous, and practically amounts to a *total prohibition*. The coarser fabrics of cotton in the British East Indies cost about six cents a square yard, and were formerly imported in large quantities into the United States, and supplied the poorer classes of citizens with necessary, though humble clothing. The tariff directs all such cottons to be estimated at the cost of twenty-five cents per square yard, and levies upon them, therefore, a duty of one hundred per cent, or a sum equal to their original cost.—During the years 1802, '3 and '4, the average imports from the British East Indies was about three millions and a half of dollars, of which, a little short of three millions were goods paying an *ad valorem* duty, being principally white cotton goods. In 1807, the goods paying *ad valorem* duties from the same place, had increased to upwards of four millions. In the same year, fifteen ships were employed in the trade, from the town of Salem alone. In the past year, two only have been so employed; and, for the four last years past, no cotton piece goods have been imported into this town for home consumption, the duty alone amounting to a *prohibition*. The sacrifice of this branch of the trade alone, has very seriously affected the whole mercantile community engaged in East India commerce—and has been no where more sensibly and injuriously felt than in Salem. It has operated, too, as an excessive tax upon the poorer classes of the community, who have been compelled to buy domestic fabrics to supply their wants, at higher prices, which their narrow means could ill afford. It has, also, annually, struck off from the revenue of the government the whole duty upon seven-eighths of the importations of East India cotton, that proportion having been absorbed by the domestic consumption.” Thus far the Salem memorial. The memorial from the United Agricultural Societies of Virginia, presented about the same time, on the same subject, contains the same protest in still stronger terms, against this doubling of the price of coarse cottons, for a bounty to the manufacturer, to the injury of the poorer class of the community, by whom goods of this quality are exclusively required.

Now, said Mr. T. if the consequences thus threatened have actually followed; if the poor have been plundered, and the farmer laid under tribute to the manufacturer by this prohibitory duty on imported coarse cottons, then we may believe, with the gentleman from N. York, (Mr. Cambreleng,) that the protection of our coarse woollens, by duties upon the imported, will only augment the price to the poor consumer. But if the very reverse has been the effect of giving to our own manufacturers a monopoly of the article, and the price has been diminished even in a greater degree than the duty has been raised; let us expect the same, or nearly the same good effect from similar duties on other imported wares, which we can make as good, or better at

home. What then is the price of coarse cottons, since the monopoly given to our factories by the prohibitory duty of 1816? We have the proof on our own files, and the fact is notorious to the whole country, that we now have, and have had constantly, since the exclusion of foreigners from our market, that necessary article, at a price which, taking into view its superiority in quality, is now reduced to one half, Mr. T. would say to less than one third of what we formerly paid for the same goods, when they were imported from foreign nations; and this Mr. T. believed would turn out to be the fact, even after making every allowance for the reduction in price of the raw material. Then, said Mr. T. it appears, that the oppression upon the poor man, by excluding foreign low priced cottons, has come in substance to this, that he can now purchase for five dollars, clothing, which before cost him ten; and, if he lives near a factory, may have constant employment and wages for himself and family. And the farmer, who was to be plundered by the manufacturer, has not only the same advantage of purchasing cheaply, but the still greater advantage, if he lives near enough, of a constant market for the surplus products of his farm.

MR. HOLCOMBE'S SPEECH.

SECOND DAY.

Mr. HOLCOMBE, of New Jersey, rose and addressed the house as follows:

I rise, Mr. Chairman, with peculiar embarrassment, to offer myself, for the first time, to the house on a subject which has been so often discussed, not only upon this floor, but in every town, and village, and city in the Union, that the very name of tariff has become odious to many ears—a term of reproach, and almost a by-word. But, notwithstanding these facts, it is a subject of the deepest interest, and is yet popular with a great majority of the American people. It is my intention to advocate the bill. And let it not be insinuated of me, as it heretofore has been of others, that interest stimulates the discussion. The feeble connexion which I may once have had with manufacturing establishments is forever dissolved, and I now stand in my place as a common representative of the citizens of the United States, to defend one of the most interesting questions of national policy, as I conscientiously believe it to be, that can possibly be agitated at this time, upon this floor.

The true manufacturing question, or the policy of founding the commercial interests and permanent revenue of this country upon its manufacturing industry, is not novel. It is, indeed, coeval with the government. Allow me, Mr. Chairman, to call your attention for a moment to the early history of the tariff. Soon after the peace of '83 had recognized our right and rank as an independent nation, the creation of a revenue, adequate to the necessary expenditures of the government, became a subject of interesting inquiry to the politicians of that period. A resort to direct and indirect taxation was inadmissible, and, indeed, impossible. The precious metals had deserted the country—a circulating medium was wanting. From customs alone, it was evident, the country was to derive its revenues. And the insufficiency of customs, accruing from a commerce supported wholly by agriculture, was certain and palpable. The wretched and ruinous state of our colonial commerce was yet vividly recollected; and the inferences from it were irresistible; and hence, in the numerous systems of revenue and tariff, which

were projected at that period, the protection of manufacturing industry formed an essential—nay, an indispensable provision. The report of the secretary of the treasury, Mr. Hamilton, is still familiar to the public. And it cannot be questioned, had the principles of this celebrated paper (for its details were remarkably defective) been adopted into a system of permanent policy, we should have forever avoided the necessity of publishing to the world the degrading and extraordinary fact, that, after a course of unexampled, and almost uninterrupted prosperity, for thirty years, the commercial revenues of the most enterprising people in the world, were insufficient to meet, in the time of profound peace, the necessary expenditures of the cheapest government upon earth. But the fact is notorious—it has become history.

It was my intention here, Mr. Chairman, to have rapidly reviewed the history of the tariff from the commencement of the wars which grew out of the French revolution to the present period; and to have accounted for the bitterness and hostility which distinguish, otherwise, the most liberal and enlightened of the statesmen of our country on the subject of the tariff. But presuming that the committee is entirely familiar with the subject, and fearful of trespassing upon your patience, I shall call your attention immediately to the following propositions, which I mean to defend:

1st. The protection of manufacturing industry, by means of commercial restrictions, is indispensably necessary to develop and sustain the wealth and power of nations.

2d. A further and liberal extension of the tariff (perhaps such as is contemplated by this bill) will increase the American manufacturer to supply, hereafter, not only domestic consumption, but to compete profitably with other nations in foreign markets.

Upon these general principles I shall defend the bill. I do not profess to be familiar with its details. Nor is it particularly necessary, after the able and luminous exposition which they have received from the honorable gentleman who reported the bill.—I wish, however, my opinions to be distinctly stated, and fully understood. The manufacturing interest of this country is no longer a subject of partial legislation and contingent protection; but constitutes, at this moment, one of its great interests, and is equally entitled, with commerce and agriculture, to the most effectual and permanent protection. And it further appears to me to be the obvious policy, as well as the imperative duty of the government, (in order to protect this great interest,) to commence, immediately, a system of prospective, but ultimately of entire exclusion from our shores, of every article of foreign fabric, the material of which we either possess, or can abundantly create. My object is to award to our manufacturing interest the same certain and exclusive protection which we have long since awarded to our commerce and agriculture.

I will proceed to the consideration of the first proposition. That the protection of manufacturing industry, by means of commercial restrictions, is indispensably necessary to develop the resources and wealth of nations. The testimony of history, in sustaining this proposition, is ample, uniform, and conclusive. I now appeal to its strongest facts.

At an early period of modern Europe, several nations became wealthy and powerful, by introducing and protecting, within their respective territories, manufacturing establishments, as the basis and sources of an extensive and enterprising com-

merce. Of these, the most distinguished were Genoa and Florence, Venice and Holland. Venice, won from the waters of the Adriatic sea, became the mistress of the south of Europe. And Holland, reclaimed from the marshes of the German ocean, continued for centuries the pride and wonder of the north. Time and revolution it is true, have swept away their former institutions, and merged, in many instances, their very existence in the nations around them. But their examples will forever remain in history, as brilliant memorials of what the genius, industry, and enterprize of free communities can effect, when aided and protected by enlightened legislation.

But the most extraordinary example which the world presents, of the policy and results of protecting manufacturing industry, is unquestionably that of England. I am fully aware, Mr. Chairman, that the example of England is trite on this subject, and revolting upon this floor. But I will detain you but a moment. And, in hurrying you to the point which I have in contemplation, if I cannot carry you over this barren subject by new paths, I will at least remove from those already beaten, as far as I am able, every thing offensive and annoying. But of England—never before existed a nation so wealthy and powerful,—a comparatively barren island in the northern ocean, has become the garden of the world. A nation, destitute of mines, by her admirable policy, has diverted to her shores the gold and silver, the wealth and tribute of every climate and region under heaven. There is no sea but what is visited by her marine. And the standard of her sovereignty waves in every quarter of the globe. Never before on earth was swayed a sceptre like hers, so mighty and efficient, so fearful and tremendous. The genius of the great Napoleon, with Europe at his feet, sunk beneath its influences. And the power of the Roman empire, in its proudest days, was feeble in comparison with it. And whence, Mr. Chairman, has this great supremacy among nations been derived? By what means or magic has it been achieved? Simply from the policy of protecting—of effectually protecting, the industry of her citizens from all foreign competition; of adopting since the days of her revolution the principles of the bill which I have now the honor to advocate. Let me not be told of the vice and misery of her manufacturing districts; of her taxes, her poor houses and paupers. These are all acknowledged. But they are the necessary, the unavoidable consequences of her ambitious and interminable wars—the immediate results of the operation of her national debt. Extinguish this, and you collect at this moment around the laboring population of England more of the comforts and necessities of life than have ever yet fallen to the lot of any other people, with the exception of our own citizens, in the world.

The policy of Spain is the reverse of that of England. Here the doctrines of the author of the *Wealth of Nations*, the unrestrictive system, has been, for ages past, in full and free operation. And what has been the result? The finest country in Europe, into which the gold and silver of Mexico and Peru, and the wealth of both the Indies, have flowed in a full and uninterrupted stream for three centuries, has gradually sunk from the elevation of her imperial grandeur, below the level of the secondary powers of Europe, and at length into utter bankruptcy. Recollect, Mr. Chairman, that I speak with reproach only of her commercial system—of her wretched tariff. And I avail myself, with the highest satisfaction, of this opportunity of expressing,

in the presence of the representatives of the American people, my admiration of the sublime and interesting spectacle which the Spanish nation at this moment presents, and has been, for years, exhibiting to the world. At a period the most unexpected and unhopéd for, the entire population of this extensive and beautiful region, arose, at once, into new life; and, bursting asunder the chains which the superstition and tyranny of ages had riveted around them, erected, on the ruins of the sternest and gloomiest despotism upon earth, a government of virtual representation and constitutional liberty. Imperishable be her institutions! and may the spirit of revolution, which was first enkindled upon our altars, and which has gone forth from her borders, be unextinguished, until every despotism in Europe be overturned; and the rights, and independence, and happiness of every nation and people, and kingdom under heaven, be established upon the only basis which the progress of enlightened opinion shall consent to regard as legitimate,—the basis of liberty and equality!

But to return to the subject. Look for a moment beyond the Pyrenees. At the convention of Paris, France was exhibited to the world fallen, degraded and in chains, at the feet of the sovereigns of Europe. Her great chieftain in captivity; her armies beaten and dispersed; her pride and military spirit humbled in the dust. She seemed forever struck from her commanding attitude in Europe, and to have retrograded at least half a century in the politics of Europe. And such indeed were the confident predictions of statesmen and essayists, particularly of the politicians of this country and Great Britain.

Now mark the result! Before these very predictions had reached the extremities of the world—before the armies of their deliverers had ceased to outrage the presence of the French people, a system was already in operation, which instantaneously insured the regeneration of France. Embarrassment disappeared from every department of the state. A new army was organized; a formidable navy created; a splendid and expensive government and court established and supported; and the immense tribute of foreign indemnification extinguished with a celerity that appeared like the operation of magic. And in less than six years from the period of her signal overthrow, France arose again to her former elevated standing, the same great, efficient and distinguished nation as before. And to what causes, Mr. Chairman, are we to attribute this sudden, this extraordinary regeneration? Was it because the vine covers her hills, or the olive her vallies? Was it because her soil was the richest—her climate the healthiest, or her population the most ingenious in Europe? No, sir! it is her admirable commercial system, to which we are to look for the solution of the question. A system which protects the industry of France,—and secures to her own citizens the distinguished blessings which the bounty of nature hath lavished upon them. A system, sir, an approach towards which, is indicated by the bill under consideration.

An imaginary line separates the kingdom of France from the Netherlands. But if the Andes had arisen, or oceans rolled between them, their respective boundaries could not have been more distinctly, or strongly, or palpably marked! On the one side is a population, active, industrious and happy—on the other, poor, indolent and wretched. France protects the industry of her citizens—Holland has departed from the system of her forefa-

thers, and by means of her new doctrines, paralyzed the energies of the most industrious people in Europe.

It is unnecessary to pursue such facts farther.—History, both ancient and modern, without a solitary exception, attests the truth of the proposition which I have attempted to illustrate, that the protection of manufacturing industry, by means of commercial restrictions, is indispensably necessary to develop and sustain the wealth and power of nations.

Allow me now, Mr. Chairman, to call the attention of the committee, for a few moments, to the second proposition.

A further extension of the tariff (perhaps such as is contemplated by the bill upon the table,) will enable the American manufacturer to supply not only the domestic consumption, but compete profitably with other nations in foreign markets.

The manufacturing question is very different from what it was ten years ago. It then was, whether we should foster and promote our infant establishments. It now is, whether we shall sustain and extend our matured ones. It then was, whether we could manufacture any article as profitably as we could purchase it. It now is, whether we cannot, by additional protection, sell profitably abroad, as well as in the domestic market, the fabrics which we produce.

This may probably be regarded as a new, as it certainly is a very interesting view, which this national question begins, legitimately, to present.

But, are its objects, Mr. Chairman, visionary or unattainable? If the uniform testimony of every nation which has existed, be not entirely delusive, and the experience of a thousand establishments in our own country, which have struggled into existence in despite of every species of depression, be not utterly fallacious, they are already within our reach.

Packages of American goods are at this moment shipping to the South American markets. The rise, indeed, and progress of these southern republics, may be regarded as particularly auspicious to the policy I am advocating. Commercial treaties will shortly be concluded between them and us; and, from the precedence which we have taken in recognizing their independence, we shall constantly be entitled to the regard and privileges of the most highly favored nation. And, from the genius of their population, and the infinite variety of their productions, there is no question but that an extensive and profitable market may be opened to our marine, if we will permit our merchants to adventure it.

I am fully aware, Mr. Chairman, how lightly these remarks—speculations, if you please, are regarded by many to whom they are addressed.—But, I recollect, and the house well remembers, when congress was first petitioned to protect our cotton manufactures, with what keenness and derision the idea was contested, that we should ever be able, or at least for a long series of years, to manufacture such articles as profitably as we could purchase them. And yet, sir, in the shortest possible period—shorter, indeed, than the most sanguine friend of the tariff could have ventured to predict or imagine,—the muslins of India disappeared, and our fabrics, substantially better, cheaper, and equally abundant, forever superseded their use. And will not the same splendid results crown similar acts of legislation, for the protection of every article of legitimate manufacture in this country?

The progress which we have already made in manufactures, is a fact as surprising as it is congratulatory, if we regard, for a moment, the feeble protection which has been awarded them; and the difficulties which, at every step, they have had to oppose and vanquish. It is, seemingly, but yesterday—and, indeed, it is little more than thrice three years since, it was as universally believed throughout our country, that we were as incapable of competing profitably with the foreign manufacturer, as of combating successfully the “mistress of the ocean,” upon her own element. The success of Waltham, however, and unnumbered other establishments, which adorn the valleys and villages of our country, have dissipated, effectually dissipated, the one delusion; and the *gallant Hull, triumphant over all his enemies, has forever buried the other, with the wreck of the Guerrière, in the depths of the Atlantic.*

I will now, Mr. Chairman, briefly examine; or rather, I will glance over the principal objections which have been urged against the manufacturing system in this country: It has been denounced and held up to public odium, as a system calculated to benefit the few at the expense of the many. Experience, in every country heretofore, and in this country, as far as the experiment has been made, has proclaimed, in the most unequivocal manner, the inconclusiveness of the objection.

The spirit of the bill is, and its ultimate operation must be, to destroy, (by multiplying rival establishments,) not sustain monopoly; to lessen, (by promoting competition,) not increase inordinate profits; to advance the interests, not of individuals, but of the community. And that such, indeed, will be its eventual operation, may be strongly, if not conclusively inferred, from the hostility manifested towards it, by the manufacturers themselves; by the proprietors of such establishments as have been enabled, by means of large capitals, to withstand the shock of European competition, and continue to realise profitable dividends. And in fact, objections like the one under consideration, might be urged with as much force, and more propriety, against the navigation of the North, and the agriculture of the South, and every other great interest of this country, which depends upon the exclusive protection of the government. Yes, sir, in free communities, competition destroys monopoly, and profitable markets insure abundance. And, were it possible at this moment to exclude from our shores every article of foreign fabric, the material of which we possess in abundance, there is scarcely a doubt, (such is the infinite industry, skill, and enterprize of our citizens,) that, in half a dozen years—nay, possibly in a much shorter period—we should be as cheaply and as abundantly supplied as at present. But the more correct policy, unquestionably is, to obtain these ends by more progressive means.

Another objection which has been urged, with great force and plausibility, against the manufacturing system, is its supposed tendency to contract commerce, and, of course, to lessen the revenue.—And this indeed, Mr. Chairman, the impairment of the revenue, is the most formidable objection which the manufacturing system has ever had to combat on this floor, or in this country. Direct taxation, in all its forms, is so odious to the American people, that, rather than submit to its exactions, they will tolerate any system of revenue, however ultimately ruinous it may prove.

But is the objection entitled to the consideration which it has received? No, sir. It is an axiom in

political economy, utterly incontrovertible, that the interests of the revenue are advanced by whatever tends to promote domestic industry and wealth.—Such is the idea—its exact expression I have forgotten. Examples, without number, might be adduced in confirmation of this doctrine; but, fearful of trespassing upon the patience of the committee, I cannot pause to collect them, and will merely observe, in passing, that manufacturing establishments create—understand me, sir, *create*—purchasing *communities* of foreign productions, which directly advance, in proportion to their population, the interests of the treasury. The costly bonnets of Italy, and the silks of France and China, find, already, an extensive market in our manufacturing districts. And the consumption of the ordinary necessities of tea, coffee and sugar, are doubled and trebled in a community whose expenditures may be always accurately rated, by their capacity to purchase. And thus, sir, the injury which the revenue sustains, by the lessened importation of one article, (the article manufactured at home) is fully, if not more than repaired, by the increased consumption of others. And such is, and must forever continue to be, the obvious and necessary operation of every legitimate manufacturing establishment in our country.

Another objection to the manufacturing system (and this is the last one which I shall notice,) is its alleged operation upon the morals of society, in inducing vice and misery.

Whatever truth this objection may have in its application to the limited extent of European countries, and the crowded and peculiar population of their cities, it is entirely lost in its bearing upon the manufacturing establishments of this country, which are scattered over an immense territory, and whose population bear, and will forever continue to bear, small relative proportion to the rest of the community.

Manchesters and Birminghams, those theatres upon which such fearful scenes of vice and misery have been exhibited, we have no right to apprehend will ever arise amongst us. Our immeasurable territory forms our everlasting protection. Oppression may reach, but not permanently, the American laborer. He is a freeman, who possesses the right and capacity of changing his residence and employment, whenever his disposition may lead him to pursue his happiness elsewhere. For him there is a land of promise and refuge blooming in the west.

The European, on the contrary, is a slave, who is chained, by the severest fate, to a single spot, and compelled, by the sternest necessity, to pray for the wretched privilege of earning his daily and scanty subsistence. For him there is no transition, but from the workshop to the poor house—there is no refuge but the grave.

But, even in England, where this objection applies with its full force, and where man is exhibited in *masses of misery*, as the suffering population of her manufacturing districts have been aptly and strongly termed—yet even here, (unexpected as the fact may be,) we are assured by her ablest statist, that vice and pauperism characterize more certainly her agricultural than her manufacturing population. At any rate, it will not be denied, in our country, wherever such establishments have been successfully located, that instead of vice and crime, and pauperism gathering in their circles, the country has flourished around them, and the comforts and independence of the people been constantly advanced.

Why has the tide of emigration from New England ceased to flow? Is independence no longer to be won in the wilderness of the west? Or is its frontier still swept and desolated by the savage? No, sir. The motive for emigration is extinguished. New England has become, or partly become, a manufacturing district—and the poor man has again found, around the home of his fathers, *constant employment* and *liberal wages*—those certain and inexhaustible sources of the happiness of individuals, and the wealth and glory of nations,

A few moments more, Mr. Chairman, and I will cease to trespass upon the indulgence of the committee.

The situation of our country is truly felicitous. Blessings, indeed, of every kind, surround us.—Glory has crowned the past; and the future is glowing with the most brilliant destinies. Never were there institutions in politics, more admirable than our own. They embrace the wisdom of every age and the perfection of every system. And, independently of the blessings which we have created for ourselves, what has not the bounty of nature lavished upon us?

Our mighty rivers, our capacious bays, our inland seas, indicate capacities for commerce which have never been surpassed, nor equalled. Our mountains abound with coal and iron—the agents and materials of our future manufacturing superiority. And the extent and variety of our soil, productive in all the great staples of commerce, aided too by facilities for internal communication, which are as gratifying as they are unbounded, will forever distinguish our agriculture.

To promote the industry of this great nation—to develop its resources—to mature, sustain and extend its existing interests and institutions, are the objects of the present bill.

Our manufacturing industry, let me repeat again, is no longer a subject of partial protection, or contingent legislation; but constitutes one of the great interests of the country, and is fully entitled to the most efficient and permanent protection. Let the bill, therefore, Mr. Chairman, pass; pass without embarrassment or amendment. Go further; and resolve, from this moment, to exclude from your shores every species of foreign fabric which you can profitably manufacture at home. Nay, sir, go one step still further: and, as intimately and essentially connected with your manufacturing policy, establish a liberal and enlightened system of internal improvement, accommodated to your immediate wants, and commensurate with your future necessities, and which has been urged upon your consideration by the voice and will of your constituents, as fully, and unequivocally and universally expressed, as they ever have been upon any question of great national expediency. And there is no state of prospective wealth and independence which we cannot reach: There is no eminence of national power and glory unto which we will not attain.

MR. TATNALL'S SPEECH.

MR. TATNALL, of Georgia, addressed the chair—he expressed himself as fully sensible of the liberality and friendly politeness of the honorable gentleman from Massachusetts (Mr. Baylies,) in yielding the floor to him, on the present occasion. The object of that gentleman was to take up the bill in detail, for the purpose only of changing some of its features. *I am willing to receive this bill in no shape. I am therefore not inclined to enter upon the discussion of the propriety of any amendments that may be*

contemplated. I am altogether opposed to the system which it is intended to uphold; and am desirous of testing, at once, the sense of this house, whether it is prepared to enter upon the policy, so boldly recommended upon this occasion, of encouraging our domestic manufactures by the imposition of duties completely prohibitory of foreign importations.—His objections to this bill were two-fold; first, because of its operation in relation to the people generally of the United States; and secondly, because of its bearing upon the particular district of the country from which he had the honor to come.—He would briefly state his general objections to the policy of this bill; and, in the course of the few remarks with which he would burthen the attention of the committee, he would endeavor to take some slight notice of the arguments urged in its favor. In the first place, said Mr. T. I would remark, that to authorize us to pass this bill, gentlemen should not only convince us that it is calculated to benefit the manufacturing interests; but they must also place it *beyond a doubt*, that the other classes of laborers in our country will not be injuriously affected. The capacity of the government to benefit may be unlimited. Not so its power to injure. It may have a right to advance the interests of manufactures. It can have no right to interfere with the prosperity or check the progress of agriculture and commerce, particularly as the two latter cover a space, in importance, of incomparably greater extent. As far as he could inform himself, and as far as his reflection upon the subject extended, he was satisfied, that instead of its being proved that the agricultural and commercial interests would not be injured, it was clear to his mind that the contrary would be the effect. Nay sir, (said he) I am satisfied that this has already been the case to a partial degree; *I know*, at least, it has been so in regard to *agriculture*, in the quarter of the country in which I reside. He could not therefore give his assent to the bill. On the contrary he felt it his duty to raise his voice against it—he regarded it as unjust and grievous; unjust, as it is *partial legislation*, intended to benefit a few; and grievous, as it promises to seriously afflict the interests of every other portion of our community.—No burthens should be imposed, but for the support of the government, and these should bear equally upon the shoulders of all. Any other principle is oppressive and unjust. If you give a bounty to one class, you must take so much from the *common stock*. You cannot encourage *all*—for to take from a common stock to encourage all, would be preposterous. To be just, therefore, you must not interfere. The attention of the government must not be directed to a single object. Nineteen twentieths of the people of this country are engaged in agriculture and commerce, either directly or indirectly. Is it just then to pass a bill which shall cramp their efforts or lessen their profits, simply to benefit the remaining twentieth? Sir, said Mr. T. this is a matter of too serious consideration to be disregarded by this committee. Gentlemen may deny the fact of injury to these interests. They may make long speeches in this house, and write long treatises out of it—but they will argue and write in vain.

I assert the fact of injury, and I do so upon the very best ground. I call upon gentlemen to show me a *single instance* of the agricultural or commercial portions of our country acquiescing in such an opinion as they advance. *Every man is supposed to understand his own business best*; and if this maxim be correct, there can be no doubt what effect a

system of bounties and protecting duties will have upon these portions of the national community. No sir, the *only proofs* to the contrary are to be found in the feeble whinings and flimsy arguments of some of these very manufacturers themselves. Pass such an abominable bill as this, and depend upon it, sir, a whole nation will thunder disapprobation in your ears. I say *abominable*, and hope that I may be permitted to pronounce it so. Those who know me, know that I am not inclined to be personally offensive upon improper occasions. It is not my fault, sir, (said Mr. T.) if, in condemning the *fruit*, the goodly character of the *tree* also should be supposed to be implicated. The agricultural portions of our country, as well as the commercial, *have not been silent* on this subject. They have frequently laid before you their strong protests against the system upheld by this bill. And are we to dictate to them what measures shall be adopted to promote their own interests? If our community could be compared to a family of children, ignorant of their own good, and incapable of providing for their own wants, then indeed it might be well enough to stretch forth the parental care of the government. But, as freemen, we must acknowledge that our government is founded upon a contrary principle. *We think the people capable of managing their own concerns. Our government is an agency, not a guardianship.* He would grant that it is the *only* government established upon such a principle.—But it is no less true on that account. Let the people, therefore, alone. When they find they cannot live by agriculture or commerce, let them try something else. But he entreated they might be allowed to do as they please. If they prefer the plough to the shuttle, or the spade to the needle, why, in heaven's name, let them alone. It is not necessary, in order that all their wants might be supplied, and all their interests be defended, that gentlemen should officiously interfere to compel a part to leave the active pursuits of husbandry for the purpose of sitting cross-legged on a tailor's board. Depend upon it, sir, (said Mr. T.) the people of this country are sharp-sighted enough to do what will conduce to their benefit. There is no nation in the world having to an equal degree the intelligence, enterprize and calculating qualities of this nation. The people of this country will never extend their industry in any direction further than they may find it conducive to their profit. If then the interests of the country are arrayed in opposition to this manufacturing scheme, why should we attempt to aid its operation? When it becomes the interest of this nation to become a manufacturing nation, then will the object of gentlemen be accomplished. Gentlemen must wait until natural effect is produced by the *natural cause*. It is idle to attempt to force it. You might as well attempt to compel from the tree the production of its fruit at an immaturity of age, when nature forbids it.

Where, sir, (said Mr. T.) is the necessity of taking any step at all on this subject? Why are we attempting an innovation on the system which wisdom has hitherto pointed out to us? Look at this nation—in infancy indeed; yet with all the strength of manhood; the growth of but a few years, and yet spreading over a vast empire, and enjoying in every portion of it, plenty, if not opulence! Why should we change our policy? Have we not increased in population and wealth, in a degree unexampled in history? And is this entirely owing to any great superiority of our climate or our soil? Is France, is England, is Italy, unblest in these particulars? No, sir; but France, England, and Italy,

want the happy influence of our free government, and the bright sunshine of our liberal policy. We have none of their restrictions; none of their monopolies, and none of their aristocracies, that feed like a canker upon the prosperity of their people. Adopt, however, the system proposed, and said Mr. T. it requires no prophet to predict that, in a few years you will have each of these evils, and then your prosperity will be withered and your country will be ruined. Depend upon it, sir, said Mr. T. we cannot with safety attempt the diversion, by artificial means, of a part of the stream of labor, without materially affecting the depth and force, and utility of the whole stream. We must have an eye to the general interests of the country, otherwise we shall find ourselves like Spain, with the materials of wealth in our possession, yet poor, degraded and impotent. Give space for the activity of every branch of industry, and we may flourish; limit it, and we must decay. Enterprize is the very soul of industry; but enterprize must be unshackled; it must move through your country as free as the winds that visit it.

It is not necessary for our prosperity that we should become a manufacturing people. Why should a different policy be pursued by nations, from that pursued by individuals in society? Does every man weave his own stuff, and make his own coat? Does he tan his own leather, and make his own shoes? No, sir, we all gain by interchanges of labor. To flourish as a nation, we need not do every thing.—Let us furnish materials; let others fabricate them. With them mechanical labor may be cheaper. With us the agricultural pursuit may be the most profitable. Let us, therefore, employ them as our mechanics. In regard to the application of mechanical labor, said Mr. T. I have my doubts if we can cope with them. Foreign, i. e. European nations, have a surplus population. This is not the case with us, and will not be as long as we shall have immense forests still waiting for the axe of the husbandman.

Mr. T. remarked, that it was the common cant of the day to call every act in favor of manufactures, an act to promote domestic industry. Such a title was imposing; and although men of sense and discrimination were not to be won by names and titles, yet still with the mass of the people such an idea was calculated to produce a feeling favorable to the bill. Gentlemen, said he, would make us believe that a portion of the industry of the country had been *slumbering* for years past, and that it had been roused into action by their exertions. This is not the case. Their exertions, at best, only tend to give a new direction to industry. It is taking from one class to add to another; it is perhaps making, or, (if gentlemen prefer the term,) manufacturing a sickly manufacturer out of a sturdy husbandman. Keep away the inducements, which you would hold out, and you leave to its free exercise the industry of the one class; hold them out, and you encourage the labor of the other. In either case, taking the correctness of the position as granted, and you find domestic industry exercised. The only difference is in the subject of its application.

Mr. T. was also opposed to the bill from its oppressive character. The imposition of protecting duties operates as a bounty to manufactures. Now, sir, said he, the consumer, in every instance, pays this amount. Where he consumes domestic articles, he pays it to the manufacturer; and, in addition to this, he is saddled with the expense of the government. And who, pray sir, are the consumers? Or, in plainer terms, who form the great mass of

your population? The manufacturers? No, sir; they form but an inconsiderable portion of your population. The benefit then is enjoyed by the few, and the burthen by the many. Is not this tyranny? Yes, sir, and tyranny of the most shameful kind! The creation of these manufactories by legislative acts, and the forcing, as it were, this class upon our national community, was as odious in his view, and as grating to his feelings, as would be the quartering and distribution of a military body among a peaceable community. In either instance the feelings of the community are in opposition. In either instance their integrity is violated, their comforts are curtailed, and their interests are assailed. Both cases are equally abhorrent to our nature as free-men.

Mr. T. also thought every principle of policy was opposed to the bill under consideration. A strong reason against one of the principal features in the system proposed, is that all competition in the market would be destroyed—consequently, the purchaser would be at the mercy of the seller. It does really seem to me, said Mr. T. that some gentlemen, when acting in this hall, are entirely forgetful of the plain common sense principles which govern them at home, not only in their private individual capacities, but as members of the community. Is there one of you, said he, that is dependent upon a market, for the daily supply of your families, that would consent to give an exclusive privilege of furnishing that market with meats and vegetables, to one or two monopolists, or in short to any limited number? Would you not strenuously oppose such an arrangement, and in short, do not the regulations of all your markets, strictly guard against such a monopoly, and even go so far as to prevent persons from purchasing any considerable quantity of articles, so as to materially affect the influence which a competition would produce? And, in the name of common sense, where is the difference in this case? The principle is the same. Principles are immutable. The effect in that case, (were these regulations not enforced,) would be to make you pay double for your supplies. The effect in this case will be the same. Would you deem it an argument against such salutary regulations, that a contrary procedure would certainly enrich the few sellers in your markets? Would not you, and the great mass of purchasers, feel indignant at the suggestion? But here, in this hall, where wisdom is most needed, forsooth it must be least used! The plain principles of common sense are here below our notice. We are too refined for these. We cannot condescend to use them. Nothing sublimity will answer for our purposes. We must have some splendid theory to govern us here!

Sir, said Mr. T. these fantasies should be expelled from these walls. They are only calculated, by heating our imaginations, to mislead our judgments. There is no essential difference in the two cases which I have just assimilated to each other. The subject to which you apply the principle for which I contend is precisely the same in its character, only differing in extent—the one is a small community, the other a large one—the one a city, the other a nation.

Mr. T. said, he confessed he did not wish to see the manufacturing interest thrive to any great extent in this country, even if it could do so without the assistance of the government. The history of England, and the little experience we have had in this country, serve to convince us that the benefits of such an interest is confined to a very few. They reach not the mass of individuals employed in the

pursuit, but are confined to a few, a *very few capitalists*. In fact none but great capitalists can conduct the operations. Gentlemen may deny this; they may say that great means may be required, yet the *combination* of many individuals may furnish these. He would answer them, by saying, these will always dwindle down in number to a very few, however numerous they may be at first. In fact, said he, a large number of persons is not calculated to manage any concern. It will always be the object to reduce the number of proprietors as low as possible, as who will confide in others as implicitly as in himself? We all like to have as complete a control as possible over our own affairs. What is the consequence then? the greater capitalists eventually monopolize the whole. Now sir, said Mr. T. it is the policy of our government to discourage every thing which has a tendency to limit the possession of wealth to a *few*—yet this evil has always attended manufacturing countries. He appealed to the present state of England; he appealed to our own country for the truth of the remark.

The owners of these establishments will be wealthy; but who are the persons who will perform the labor? Why sir, a population more fit for the fetid atmosphere of despotism than for this free country; a poor, weak, servile set, ready to go or come at the beck of each lordly proprietor; prepared to obey in every particular, whether to weave a yard of cloth or give a vote at an election. A population, in short, as slavish in reality, as the negroes of the southern states. The gentleman from New Jersey (Mr. Holcombe,) appears to think differently. He seems to regard this class of the community with singular respect. He tells you that New England is, and has for some time past been, a manufacturing nation; he repels (what he deems) the foul aspersion cast upon a manufacturing community, and he points as in triumph, to the achievements of the gallant Hull! Sir, said Mr. T. I fully sympathise with that gentleman in the feelings which he pours forth, and the admiration which he expresses in regard to this distinguished warrior. But, let me ask the gentleman, does he expect to find a Hull—does he expect to find a hero of this gigantic mould within the sickly circle of a manufactory? No, sir. He must look for him through the expansive fields of your agricultural community, or on the boundless wave of the ocean! Genius or valor must not be fettered by restraints, or circumscribed in action. Sir, I shall not attempt to depict the population which we should have in the event of our country becoming filled with manufactories. I shall not attempt to draw the contrast between these wretches with which gentlemen are proposing to fill this nation, and the other classes of their countrymen, the sturdy yeomanry, who, during our late contest, breasted the invasion of our enemy, and the brave and enterprising seamen who lighted up every sea with the splendor of your stars! Every one must see the difference which will exist; every one must see the degeneracy which will ensue. The preservation of *individual independence* among our citizens is essential to the continuance of our free institutions. If we have, as yet, in the northern states, (and I am willing to believe it,) escaped contamination, it is only because the *agricultural influence* is happily still greatly predominant. This influence will daily, however, become less operative. The present state of the manufacturing class, in the largest manufacturing country in the world, affords of itself testimony of *this certain result*, too powerful to be resisted. For my part, sir, said Mr. T. I could with

pleasure witness the combustion of almost every manufacturing establishment as they may be erected. I might deeply sympathize in the loss of individuals; but the individual's loss would be the public's gain.

Mr. T. had another objection to the encouragement of manufactories. It is their interest to promote a war. A state of war is favorable to a more complete monopoly. They thrive most when the country suffers most. From the wealth of their proprietors, their influence over the government and its measures, would be as dangerous as it would be extensive; and God help us sir, said he, when a moted aristocracy (as a gentleman once forcibly remarked on this floor,) is to "ride rough-shod" over our country.

Another effect of this system, is the influence which it will have in reducing our revenue, and in introducing direct taxes, oppressive in their effect and odious in their character. Mr. T. said he must differ from some gentlemen in regard to its influence upon our revenue. He was confident the calculations upon our revenue would fail, for he was sure the almost total exclusion of foreign articles must be the consequence. We must then resort to direct taxation; and as the expenses of our government are multiplying every year, we may expect to have a taxgatherer daily spying upon the privacy of our dwellings. The train of evils, sir, will be great; direct taxation, serious injury to agriculture, the stagnation of our commerce, and the consequent destruction of our navy! These are evils which (with due deference to others who differ,) he could not think existed merely in his imagination. And are we, said he, prepared to encounter them? He could easily understand how an individual should sacrifice himself for the benefit of his country, but the doctrine was not a good one, in his view, which required the sacrifice of a country for individuals. Are we again, he asked—he *emphatically asked*—are we prepared to encounter these evils? Look at the extent of the public debt. It is a disgrace to our country, and a standing libel upon the economy of our government. And do we ever expect to pay this debt by extending bounties to manufactures, and excluding the importation of foreign articles? If we do, said he, we must adopt a different kind of "*sinking fund*" from that with which we have been so long gulling the good people of this country.

Another objection to this system of bounties, or prohibition of foreign importations, (for it is all the same thing,) is, that the government cannot *secure* to the object intended to be benefited, the benefit intended. You may give bounty upon bounty; the state governments will impose tax upon tax—and where is this to end? The consumers of the articles manufactured, have not only, therefore, to give the manufacturer a profit for his labor, and to defray the expenses of the general government, but they have also to support the expenses of the *state governments*. As fast as your general government confers a benefit, your state governments sponge it up by taxation. This fact already exists. The manufacturing establishments in our country are already taxed by their respective state governments. The sooner, therefore, we retrace our steps, the better.

Besides sir, said Mr. T. I am not certain that the manufacturing establishments in our country *require* the aid which is now asked. They have many advantages over foreigners. The raw material is cheaper; the expense attending the shipping and unloading, and the freight and insurance, are se

much gain to them; and, besides this, the duties imposed for the support of the government (which are now greater than the revenue requires,) are added. These advantages, he thought, should be deemed sufficient; and so, indeed, he was informed they were. I am told, said he, the manufacturing interest *does not* need any thing further from the government; and I am led to believe that those who are now calling for assistance, have either *local difficulties* to contend against, or are too impatient to be rich, to await the slow progress of a gradual laborious accumulation of wealth. The husbandman must "toil and sweat" for his daily bread, and must be contented with a very moderate profit; but these gentry must, with a stroke of the political wand, have a mine of gold at once at their command! That some of these applicants for legislative aid, stand in need of assistance, he could readily believe; and that many of them want CAPITAL AND INDUSTRY BOTH, he could readily suspect. But he would reply to them as he would to any lazy beggar who relies more upon the aid of others than upon his own industry and enterprise—he would say, "*go and work, and if one kind of employment will not support you, try another.*" If, however, he was not mistaken in this particular, and that the manufacturers generally throughout our country were to be regarded as petitioners for the further extension of favors, it proved them to possess a degree of modesty truly remarkable! Just after the war, they prayed for relief; they appealed to your sympathy, and assured you they only wanted a law of temporary operation in their favor. That was granted. They next asked a *continuation* of that law—that was also granted: and now, emboldened by their success, they ask you for a further encouragement in the shape of additional bounty! And this, too, when it is undeniable that, in all the establishments properly and ably conducted, the profits exceed those of *any* other description of labor in the country. He was credibly informed that such establishments yielded 7, 10, 15, 20, and even, in one instance, as high as *thirty* per cent.! Neither the agricultural nor commercial interest of this country yields a profit of more than five per cent. The agricultural interest, in the quarter of the country in which he himself lived, does not yield *that*, and this is supposed to be the most thriving part of our agricultural community. He alluded particularly to the *cotton planters*, on the seaboard of South Carolina and Georgia.

He really hoped that the committee was not prepared to treat this present unreasonable application in any other manner than with marked disapprobation.

I am not, Mr. Chairman, said Mr. T. unfriendly to ALL manufactories. To those which furnished materials, *essential* in a time of war for our national defence, I would extend every necessary protection of the government. The general interests of the country are here concerned, and we ought all therefore be willing to yield up something for their support. It is a tax paid for our defence. He would however, draw a strong line of distinction between the *essentials*, such as powder, cannon and arms of every description, and the *mere necessaries*, such as clothing and other materials of comfort, a scarcity of which might produce inconvenience, but could not be fatal.

Mr. T. here took occasion to remark, that the statement made by the honorable chairman of the committee on manufactures (Mr. Tod) of the comparative rates of the present and proposed duties, was calculated to mislead a common observer. On

a subject of such great national importance, and on which the feelings of the various parts of our country are so highly excited, he could not but think it wrong to produce such a statement as had been presented under the direction of the honorable chairman, as a manual for the use of the house.—The statement presents a view of the subject in three distinct columns, under three distinct heads, viz: '*present duties,*' '*proposed duties,*' '*rate of additional duty.*' Now, for example, said Mr. T. with regard to *coarse woollens*, one would naturally look under the *third* column for the '*rate of additional duty.*' This is there given as '*one fifth*' whereas, upwards of *90 per cent* will be paid Under the head of '*proposed duties,*' indeed, are to be found the words '*and minimum price of 80 cents per square yard.*' But this is not sufficient; the calculation should have been *extended out entire*, and not in a partial manner.

If the omission was unintentional, the carelessness was culpable; and if intended, it was uncandid, unjust and highly reprehensible.

I have now sir, said Mr. T. stated my general reasons against the bill before us. I have, however, some *local* considerations which weigh with me in strengthening my opposition to it. I must, therefore, intrude a few moments more upon the attention of the committee.

The operation of this bill, sir, would be oppressive in the extreme upon the southern district of this country. I mean the slave-holding states. The articles which are most wanted by them, are those upon which the *highest ad valorem* duty is enforced. I will instance coarse woollens and cottons, whose *minimum* value is made to bear particularly upon the character of goods needed by the southern planter. Iron and steel, articles necessary for his plantation purposes, are also highly taxed—so, also, are cotton bagging and osnaburgs—the latter material being used by the planter for the summer clothing of his negroes.

Such, sir, is the tendency of the bill before you; such will be its unjust pressure upon a portion of the country already greatly distressed. This distress is not imaginary. Of its real existence any gentleman can readily satisfy himself by casting his eye over the advertisements of any southern newspaper. It is felt, and sorely felt, in every quarter, and by every class of agriculturists in the south.—We do not, said Mr. T. complain upon slight occasion. No, sir, the southern states have never been querulous in their character. Whenever the national benefit has been the object, they have freely yielded up all that you have required. They went to war to protect from search the merchant vessels of the north—they went readily to war to protect the seamen of the north from British impressment. They could gain nothing *local* by the late war.—The general national honor, and the local interests of the north, were all they yielded their treasure for—were all they bled to preserve. You heard no complaint during the war, you have heard none since, where the improvement of the public revenue furnished the *only* ground for imposing additional burdens upon them.

We have in the south no antipathy to the use of domestic articles. Furnish us with goods at the same price with foreigners, and the people will give you the preference. But it is impossible the southern planter can ever afford to give you the price at which you offer at present to furnish your goods. To compel him, therefore, to buy at your market, is TYRANNY; and the taking advantage of his necessities, to exact from him a higher price

than the value of the article, is ROBBERY; and robbery of the most impudent kind! What, sir, are we to have our property thus pitifully filched from us? Are we to be stopped, as it were, upon the public highway of our industry, and robbed of our little earnings? Will you adopt a system so fraught with distress to a whole country, to fatten a few monopolists? Are you prepared, by passing this infernal bill, to add a poverty which is already wearing one portion of our country to the bone, for the purpose of supplying the appetites of a few pampered nabobs? Such a policy is disgraceful to a free people. It is inconsistent with our institutions, and will be destructive of our happiness. And is it thought that we will tamely submit to this treatment? No, sir, we cannot. *By heaven, sir, we will not!* The principle of compulsion is abhorrent to the nature of freemen. *We must buy at the market pointed out to us!* Sir, said Mr. T. it is a tyranny which I pronounce execrable, which it would be disgraceful in us to submit to, and is disgraceful in others to attempt to inflict. Sir, said Mr. T. I cannot consent to become the victim upon which the greedy spirit of a moneyed aristocracy shall feed! No, sir, if I am to yield my liberties up, let it be to some man distinguished for superior genius and generous ambition, whose views are not confined to the sordid accumulation of wealth. Let it be (if you please) to some foreign Napoleon, whose fame is decked with the splendor of a thousand victories! If I am fated to kneel before majesty, let me at least see something that I can admire; let me not have to bow down and humble myself before the 'golden calf!'

Mr. Chairman, (continued Mr. T.) I will not trouble the committee with any further remarks.— If I have been deemed too warm, I hope my feelings will be attributed to an honest source. I view the system which gentlemen are attempting to establish, as subversive of the general interests of the nation, and as cruelly oppressive to some portions of our country. I regard it as not only *impolitic*, but as *tyrannical*—and, where impolicy and tyranny are the prominent features of any bill presented to this house, I trust it will not be deemed incumbent upon any one to treat it with respect or forbearance.

I will close my remarks, sir, with moving to strike out the *enacting clause* of the bill now under consideration.

MR. CAMBRELENG'S SPEECH.

Mr. CAMBRELENG, of N York, thanked the gentleman from New Jersey, (Mr. Holcombe,) to whom he had listened with great pleasure, for directing the attention of the committee to the early history of this government. In the proceedings of the congress of 1789-90, there were circumstances peculiarly applicable to the present question and to this discussion. We find the patriots of that day debating for days—nay, weeks together, whether the duty should be five or seven and a half per cent, so cautious were they in legislating upon the essential interests of their constituents, so anxious to guard the rights and privileges of their fellow citizens from unnecessary encroachment. At the present day, gentlemen talk familiarly of 90 and 100 per cent, and of prohibitions! But the times are changed. The wise and deliberate legislation of other days is no longer in repute. We are unconsciously assuming magnificent attributes; fancying ourselves wiser than the ten millions of freemen, whom we represent, we boldly undertake, by abrupt and violent laws, to control and direct, at

our caprice, their capital, enterprise and labor.

He again thanked the gentleman for reverting to earlier times, for, since then, another important change had occurred in our legislation. The superintendence of commerce and manufactures was once confided to one and the same committee. In those times they marched hand in hand together. But now we have a committee on manufactures, which, not satisfied with the care of that branch of industry, with unsolicited liberality, condescends to preside over, enlighten and govern the three great interests of agriculture, manufactures and commerce.

Mr. C. said he would further direct the attention of the gentleman to the period, when the encouragement of manufactures in this country was considered as incidental to the collection of revenue. In a revision of the tariff, the first object was revenue; the second, so to regulate it as to favor, wisely and moderately, the manufactures of the country. But now, for the first time, we are presented with a tariff, which, so far from having a view to revenue, aims a direct blow at some of its most productive sources. For the first time is it, with a full treasury, broadly proposed to tax the people of this country, for the sole purpose of fostering a few manufactures, and these acknowledged to be among the most flourishing branches of industry in the nation.

I regret, said Mr. C. that whilst the gentleman from New Jersey was eulogizing the beneficial results of the restrictive system; admiring the splendid spectacles exhibited in foreign lands; and visiting, in his course, the numerous monarchies of Europe,—I regret that, whilst he was ranging the elevations of the Pyrenees, he had not for a moment rested upon the Alps; that, while he mourned over ruined republics, he had neglected to notice free and happy Switzerland. The gentleman had contrasted the policy of Spain and Venice. He had enlarged upon the present ruined condition of Spain—but he omitted to tell us what had become of the wealth and power of desolated Venice!

The gentleman from New Jersey had particularly directed our attention to the splendid example England now presents to the world of the triumph of the restrictive system. The gentleman had altogether mistaken the origin of England's wealth and power, and he had omitted to tell us, that, through the agency of this very system, the wealth of the nation had been the more rapidly transferred from the mass of the people to the hands of a few: he had omitted to tell us, that the weight of this artificial system, a system of excise and restrictions, is now pressing heavily upon the middle and poorer classes of the people of England. I trust, said Mr. C. that we shall never see this nation exhibit such an unnatural association of splendor, wealth and power, with misery, want and taxation. Yet, sir, notwithstanding these fatal, but necessary consequences of excise and restrictions, are we constantly admonished to look to England, and to imitate a policy, productive of all the evils which can afflict and subdue mankind. But, continued he, in relation to her wealth and power, had the gentleman marked the present condition of England attentively; had he looked to the existing foundations of her wealth and power, it might have occurred to him, that all the consequences of her system are not yet revealed. It might have occurred to him that this magnificent structure might vanish with the destruction of her artificial system, and leave her, on a larger scale, the picture of ruined Venice.

The gentleman from New Jersey, said Mr. C. has reiterated the *old* argument, (repeated yesterday by the chairman of the committee on manufactures) that we are indebted to the tariff of 1816 for the ample supply and low price of manufactures.

Those who fancy themselves able to guide the destinies of nations, and to watch the approach of political storms with a prophet's eye, believe that there is some magic in their laws, and attribute to them alone the changes which are perpetually occurring in the industry of nations. Elevated in their views, they overlook the simple, natural and manifest causes, which lead evidently to the results they perceive. Thus it is, that gentlemen, in this instance overlook the facts, that the raw material has fallen from 33 to 10 cents per pound; that the wages of the laborer have also diminished; while the genius of Arkwright has been gradually spreading its creative influence throughout the christian world. This country was designed by nature, if ever country was, for this manufacture; the raw material is here in rich abundance, and the chief impediment to the prosperity of the manufacture had been removed, in the substitution of machinery for manual labor. He proceeded to observe, that the 25 per cent minimum valuation of 1816, whilst it created a monopoly, which congress did not at that time intend, was altogether needless as an encouragement to the manufacture. But, said he, uselessly or not, the minimum valuation had been adopted; the faith of the nation was pledged to the manufacturers for its continuance. He would be now unwilling to abolish it, but he should have been more unwilling to have established it originally. Its existence had a tendency to keep the manufacture from falling as low in price as it would without it; and the 10 to 20 per cent annual dividend upon the capital employed, is proof incontrovertible that *capital is still flowing into that channel, and that the supply of the manufacture is not equal to the demands of the country.*

But granting all that gentlemen require; granting that the tariff of 1816 has produced, of itself, this result, as to cotton manufactures, with what propriety can they urge it as an argument in favor of a prohibitory duty on woollens and linens? Is there a prospect here of a like success? Has machinery been so entirely substituted for the labor of man in these manufactures? Have we the surplus population to authorize us to make the experiment? Have the manufactures of woollens and linens, in other countries, sprang up like the cotton manufactures as it were in a day, under the genius of Arkwright? No, sir, they are the slow work of time and experience. Before gentlemen tax the people of this country with duties of 50 and 100 per cent, they would do well to deliberate on the experiment they are about to make—on the formidable and permanent monopolies they are about to establish.

But let us waive all argument for a moment, and call the attention of the chairman of the committee on manufactures to the bill itself, which is certainly at war with the very principles in which it is said to be founded.

The object of the bill, as expressed in the title, is "further to encourage certain manufactures."—Is it to encourage the manufacture of cordage that the chairman of the committee proposes nearly to double the duty on hemp, the raw material? Is this duty to encourage one of the most important and extensive manufactures of the country, the mainstay of commerce and one of the great instruments of war? Is it to encourage manufactures that

it is proposed to double the duty on lead? Next we have bar iron, midway between a raw material and a manufacture. In 1790, Mr. Hamilton doubted the policy of imposing any duty at all on this article. It is used as a raw material in the most extensive and valuable manufactures of the country; for all implements of agriculture and for ship building. Is it proposed to increase the duty on bar iron, to encourage these essential manufactures? It was unnecessary to go further into detail. He would, however, suggest to the chairman of the committee the propriety of amending the title of the bill, that it might accord with its principles and provisions. That it might be entitled "A bill for the further encouragement of certain manufactures, and for the destruction of many."

And what, sir, said Mr. C. are those weighty causes which have produced this call upon the house, at a moment of profound peace, of general prosperity, and with a full treasury, to tax the people of the United States, further to encourage branches of industry, the most flourishing and profitable in the country? We are, with prophetic gravity, informed that the country is on the verge of ruin; that exchange is against us; that our specie is rapidly leaving us, and that there is an alarming *balance of trade*. We are deluged with the essays of those devoted to the cause of manufactures, to persuade us that nothing but the intervention of congress can save the country from approaching ruin. And these grave arguments were yesterday reiterated by the chairman of the committee on manufactures. This, sir, is not the first nation which has been ruined by these speculations. These speculations on specie and the balance of trade are among the superstitions of mankind; they have occasionally, for two centuries, afflicted even statesmen with the most gloomy apprehensions. There is no novelty in the lamentations of the day. If the gentleman from Pennsylvania (Mr. Tod) is fond of such researches, he will find the originals in many a French and English quarto. France, impoverished, desolate and wretched, at the close of the wars of Louis XIV. is supposed by one grave historian, to have been brought to this verge of bankruptcy and ruin by the exportation of specie to the East, and the balance of trade! In Europe, and particularly in England, rapacious ministers have, from time to time, made use of these superstitions to impose additional taxes on the people. Here, they have been introduced to answer the purposes of personal ambition and individual interest. Their consequences might be fatal to our confederacy: exciting an unnatural jealousy between the north and the south—between our fellow citizens in the west and those on our Atlantic border; creating perpetual hostility between brethren of the same great family, who should pursue their labors in harmony and fellowship. Mr. C. proceeded to observe, that it must be in some measure idle to speculate on the exchange between two countries, in one of which silver is the currency established by law; while in the other it is a mere article of merchandise. The existing premium upon specie bears no proportion whatever to the existing and nominal rate of exchange.

But our specie is leaving us. Gentlemen do not perceive that specie is performing eternal circles in executing the offices of trade throughout the world. They lament its departure from the country, but never enquire whence or how they came hither? They seem to derive no consolation from the knowledge, that the specie we have, whatever be its amount, was obtained through the agency of

that commerce whose interests and rights this bill proposes to trample upon.

But the most alarming evil we have yet to notice—the *balance of trade*. It is unnecessary, said Mr. C. to fatigue the committee with detailing the manifold errors of those who undertake to ruin the nation, through the frightful agency of this apparatus; and he would leave it, with a remark or two. According to this novel system, we are debited with our imports, and credited with our exports. The entire value of the commerce of the nation is omitted in the account. And who, but one inspired, can estimate with accuracy the millions which commerce is annually adding to the wealth of the nation, through its labor, its freight and its profits? Who can estimate the value of all these to the most enterprising of commercial nations? These millions, which it is impossible even to estimate, are annually added to the amount of our returns, and, according to the theory of gentlemen, augment the balance of trade against us. In a ratio to the increased activity and prosperity of our commerce, is this unfavorable balance of trade nominally augmented. Thus, by a singular perversion of all calculation, the signs of our prosperity are changed into alarming omens of approaching ruin to the nation. In years of peace and prosperity, this nation has always, in the aggregate, imported more than it has exported: and such must inevitably be the case with every nation, where commerce is worth pursuing.

But these, said Mr. C. were unprofitable speculations; and he should not have indulged even in these remarks upon them, but for the perseverance with which they had been again enlisted in the debate. These are not the serious arguments against which we have to contend: we are called upon, said he, by an authority, and one which he highly respected,—by the highest authority in the nation, *to tax the people of this country with a system of restrictions, because, however wise in the abstract, other nations will not adopt the free system.* What he deemed to be the error here, is not, in this maxim, but in the application of it, as he would show, to the bill to which reference was made.

As this continued Mr. C. is the boundary between the two parties, and as we here approach the point in which the question turns, he would ask the particular attention of the committee. It was the more important, because the best interests of the nation depended upon a wise discrimination between two classes of restrictions, which gentlemen were perpetually blending together, although they were entirely different in their operations on industry.

Sir, said Mr. C. there are two classes of restrictions: the one, external in its character, and *defensive*—the other, internal and *offensive*. He was very far from contending against the propriety and wisdom of the first class. It is one of the great duties and attributes of every government, to watch over the interests of the nation confided to its care; and whenever a foreign government passes a law, or issues a decree, calculated to agitate the industry of our country, or to throw its capital and labor out of existing, into new channels, it becomes our duty, as it is unquestionably our right, to meet such law or decree with rigorous and prompt restrictions. But gentlemen are bound to show us this foreign law or decree, when they call on us to perform this duty. Whenever they do so, we shall be ready to go with them, hand in hand: we shall never be behind them in any measure truly intend-

ed! to protect the industry of our country from injury, through the act of any foreign government. And now let us apply this well established principle to the bill in question. What are its prominent features? A large increase of duties is proposed on iron, hemp and woollens. Had the high authority to which he had referred, communicated to the house the knowledge of any foreign decree or law, touching these articles? Has the chairman of the committee on manufactures, the knowledge of such decree or law? There is no such decree or law in existence. And yet, we have been called upon to adopt these measures, which nothing but some such necessity could require or warrant.

Mr. C. then proceeded to shew what were the laws of Russia, Sweden and England, relating to hemp, iron and woollens. Russia, he said, grants no bounty, she charges, whether wisely or unwisely, an export duty on hemp. Sweden grants no bounty, but charges an export duty on iron. The very reverse of the causes which should authorize counteracting restrictions. England grants no bounty on woollens; and there is no *new* law or decree of England granting a bounty on any one article embraced in this tariff. The bounties on linens and glass are of ancient date; some as old as the reign of Queen Anne; and these the British government would willingly abolish, but it cannot. But, even if it could be shewn that a bounty was granted, he should contend it was for the benefit of this country, unless it was under a *new* act, and calculated to disturb some *existing* branch of industry in our own country. He again called on gentlemen to point out the foreign act or decree calculated to disturb any existing branch of industry in the country, and he, for one, should be ready to meet it. Such would be of an external character, and strictly within the province of the national government, whose right and duty it was, he repeated, promptly to counteract every hostile movement of a foreign government.

But when a foreign people, without the assistance of their government, simply through the agency of nature, or from the experience of ages, from their wealth or population, are enabled to supply our wants at a cheaper rate than they can be supplied within our own country, it would, he submitted, be unwise in us, as legislators, to attempt the unprofitable experiment of creating or sustaining the home supply, through the instrumentality of restrictive or prohibitory laws. Here we leave the class of defensive and wise restrictions behind us: we reach the class of offensive and unprofitable restrictions. It is not upon foreign governments we make war; but we commence a speculative and blind warfare upon the knowledge, ingenuity, enterprise, and industry of mankind; and the expense of this experimental war, we raise by heavy taxes upon our fellow citizens. This is that famous system of *internal restrictions*, which favors some branches of industry at the expense of others, and capriciously transfers capital and labor out of existing, into new employments: and this is the essential principle of the bill in question. Gentlemen should recollect that the industry of the country is at all times sufficiently agitated by the natural and political vicissitudes incident to nations; and that the abrupt transfers of capital and labor, the consequence of these agitations, ought never to be multiplied by legislation. Such is the experimental system: a system harmonious with the forms of European governments; springing from, and matured through, a necessity for taxation.

But, said Mr. C. whatever may have been the sys-

tem or practice of European monarchies in this novel mode of sporting with the rights and property of men, we should recollect that we are legislating for a confederacy of free states, associated for the purpose of common defence. He was not disposed to discuss the meaning of words, or to say much of constructive or incidental powers. He was aware that all constitutional doubts were generally received by the house with levity. He regretted to see it—he regretted that, in the short term of thirty years, there seemed to have arisen an increased desire to enlarge powers of the national government. He would remind gentlemen, who were disposed to indulge in this magnificent scheme of government, that, during the short period of our political existence, we had witnessed the growth of many incidental and constructive powers, of a gigantic form. He would warn those who were disposed to give this creative character to the constitution, to forbear, lest the weight of these mighty limbs should bear down the venerable trunk, from whence, we are told, they derived their origin. He believed with the gentlemen from Virginia, (Mr. Smyth), that it was never contemplated by the framers of the constitution, to confer on this confederated government the absolute power to make one section of the Union tributary to the other, or to bind the Atlantic states in a vassalage to those which might arise in the west.—Had the broad principles now assumed been advocated in the convention which framed our constitution, we should not now be assembled to deliberate or legislate.

This is an untimely call upon the nation to make sacrifices for the benefit of particular branches of industry. The lamentations which we hear, are but the subsiding echoes of the calamities incident to war. Agriculture, manufactures and commerce were necessarily subjected to the agitations arising out of the former restrictions, the violent convulsions of our late war, and the abrupt transition from war to peace. When peace returned, all were depressed; but all are now rapidly recovering under its genial influence, and the industry of the nation is gradually approaching that regular and settled character, which most contributes to the happiness and wealth of the nation. It is not necessary for us to disturb the people of this country by furnishing new inducements to speculation and ruin. No revision of the tariff, at least on the principles recognized in this bill, is required by the country. We have been constantly changing and augmenting our duties during the last thirty years: this fluctuating policy is injurious to all classes. All that our manufacturers require, is more uniformity and stability in legislation: the rate of duty is not so important as its permanency.

He trusted the government would guard the rights and interests of every branch of industry in the nation; that it would ever continue what its framers intended it to be—parental in its character: and that it never would become, by an abuse of its powers, express or incidental, absolute and despotic.

Rodgers' Marine Rail-Way.

Message from the President of the United States upon the subject of Commodore Rodgers' Marine Rail-Way, or Inclined Plane.—Jan. 27, 1823, read and referred to the committee on naval affairs.

To the House of Representatives of the United States—

I transmit herewith, a letter from the secretary of the navy, containing one from captain John Rod-

gers, president of the naval board, accompanied by a description of the Inclined Plane, Dock, and Fixtures, for hauling up ships, and an estimate of the cost of materials and workmanship necessary for the completion of a dock and wharves, proposed to be connected with the Inclined Plane constructed at the navy yard, Washington, and recommend the same to the attentive consideration of congress.

It is confidently believed that this invention combines advantages so highly useful, as to justify the appropriation required.

JAMES MONROE.

Navy Department, Jan. 17th, 1823.

SIR: I have the honor to submit to your consideration a letter received from captain John Rodgers, president of the naval board, accompanied by a description of the Inclined Plane and Dock, and a specification of their properties and advantages for building, preserving and repairing ships of war of every class.

I have carefully examined the subject detailed in these papers, and fully accord with the president of the naval board as to the utility and great importance of the Inclined Plane and Dock, for the purposes mentioned in the specification; and I recommend the same to your favorable consideration, with a view to obtain your sanction to an application to congress for an appropriation of a sum of money sufficient for the construction of a dock and wharves, in connection with the Inclined Plane erected in the navy yard, Washington.

I transmit, herewith, an estimate of the cost of materials and workmanship deemed necessary by Mr. Doughty, the naval constructor, for the completion of the dock and wharves contemplated to be constructed at the navy yard, if the same shall meet your approbation, and an appropriation be obtained for the object.

A model and draught of the dock and wharves are deposited in this department, and they will be submitted to examination, and the several parts be fully explained by captain Rodgers, at any place that may be designated as most convenient for the purpose.

I have the honor to be, with great respect,

Sir, your most obedient servant,

SMITH THOMPSON,

The President of the United States.

Washington, 23d Dec. 1822.

SIR: The accompanying description and specification as to the properties and advantages of the Inclined Plane and Dock, for preserving, building and repairing ships of every class, are respectfully submitted to your consideration. The invention is of so much national importance, in my estimation, as to induce me to request that you will be pleased to examine it particularly; and, should the result of such examination, produce in your mind the same conviction that it has in mine, I would, respectfully, request of you to lay the subject before the President of the United States, who will dispose of it in such a manner as the best interests of the nation may, in his opinion, require.

The experiment made at this yard, under many disadvantages, has established the fact, that a ship of any magnitude may be hauled up on an inclined plane, and placed under cover, perfectly protected from the sun, rain, &c. without incurring the least risk; and universal experience proves, that a vessel placed in such a situation, may be preserved for almost any length of time. The frigate Potomac, the vessel hauled up, may be seen under a house at

the navy yard, where she may be preserved, *without further expense*, until she shall be required for actual service.

The whole plan, which is shown in the drawings herewith, embraces a dock and wharves on each side, in addition to the inclined plane and house, as now erected in this yard. Such dock and wharves would afford all the advantages and facilities of any other dock now in use, intended for the repair of vessels, while they can be completed for less than one sixth of the expense of such as are used by other nations, for similar purposes. It is believed that the sum of \$40,000 would be sufficient to complete the dock and wharves.

From various experiments made since the Potomac was hauled up, it has been satisfactorily ascertained, that by using friction rollers, as suggested in the specification, the time required and power necessary to haul a ship up, may be diminished so far, that the expenses of the operation would not amount to a sum worthy of any consideration.—With a plane having the inclination of the ways on which ships are ordinarily built, 130 men with three three-fold purchases, (falls of ten inch rope) would, I am fully persuaded, be sufficient to haul up, at the rate of four feet in a minute, the largest three decker in the world, and this too, without straining her in the slightest degree.

I have the honor to be, with great respect,

Sir, your most obedient servant,

JOHN RODGERS.

HON. SMITH THOMPSON,

Secretary of the Navy.

General description of "Rodgers' Marine Rail way, or Inclined Plane, Dock and Fixtures, for hauling up ships."

Two walls, of stone or brick, solid or arched as far as high water mark, or a double tier of piles, firmly driven and so braced transversely, diagonally and horizontally, that each pile by which the plane or rail way is supported, shall receive its necessary proportion of the weight it is intended to bear in a perpendicular direction, without in any degree being liable to the effect of lateral pressure, which is to be carefully guarded against. These walls, or tiers of piles, are erected or driven parallel to each other, at such distance apart, depth and height, and projecting so far into the water, as to adapt them to the largest size vessel proposed to be hauled up for repair or preservation, or to be built and launched. They are raised or driven so as to form inclined planes, (precisely) of the same height and inclination. The inclination may be as much as half of an inch to a foot, or more if necessary: though the greater the inclination, the greater must necessarily be the purchase to haul up a vessel. Above high water mark, on fast ground, strong pillars of stone, or substantial wood piles, must be used, and the walls or tiers of piles may be extended at pleasure.

On these walls or tiers of piles, two platforms or rail ways are erected, fixed and braced so as to be immovable, the inner sides forming clear uninterrupted parallel lines, of 20 inches width, more or less, and constituting what is called the ways.—These ways may, and for very heavy vessels ought to be, plated with iron, or other metallic substance. The surface may be perfectly smooth, or grooved so as to admit cylinders on the male and female groove, or friction rollers. The sides of the cradle, which move on these ways, and come immediately in contact with them, ought also, for very heavy vessels, to be plated underneath with iron,

or other metallic substance, and may be perfectly smooth, or grooved so as to admit cylinders on the male and female groove or friction rollers, adapting them to the ways, and easing the friction. The inner sides of the ribbands to be fixed with friction rollers, and the outer sides of the slides plated with iron, or other metallic substance—or the outer sides of the slides may be fixed with friction rollers, and the inner sides of the ribbands plated.

In the experiment made of hauling up the frigate Potomac, it was the object of the inventor to demonstrate the correctness of the principle at the least expense, consistently with public utility. He was fully apprized of the various means, hitherto discovered and used, by which friction and the attraction of cohesion might be overcome; but he was at the same time sensible, that the adoption of those means would unavoidably involve additional expense. Perfectly confident of success without them, from a full persuasion that the principle was correct; a confidence arising from his own long and deliberate reflections on the subject, and from a successful experiment on a small scale, he made the experiment of hauling up the Potomac in the presence of the President of the United States, senators and representatives, heads of departments, foreign ministers, and a numerous concourse of citizens, without any apprehensions as to the result, using only for both slides and ways, wood of perfectly smooth surfaces. He well knew that two soft yielding bodies, pressing against each other with a weight equal to 1,700 tons, would occasion great friction and cohesion. Yet, notwithstanding these great disadvantages, the experiment fully confirmed his anticipations, and the ship was hauled up with comparative ease and perfect safety.

By rail ways or inclined planes, thus constructed, ships of every class, from a first rate down to a schooner, may be drawn up with ease and convenience, under a house above high water mark, either for preservation or repair; or a ship may be built under a house, having such ways attached to it, and launched with more facility and ease, and at the same time without any of the risks of straining or hogging her, incident to every mode of launching now in use.

They have important advantages over the docks now in use, of hauling up for preservation one or more ships, according to the extent of the plane; while, at the same time, the space between the rail-ways, at the outer part of the planes, projecting into the water, forms a complete wet and dry dock for repairing vessels of every denomination, with the greatest ease, convenience, and expedition.—To make the outer part of the plane a dry and wet dock, nothing more, it will be observed, is necessary, than to build a narrow wharf on each side, 20 or 30 feet wide, according to the depth of water and strength required, parallel to the inside of, but embracing both tiers of piles, so as to form a gun wharf on one side, and a spar wharf, or wharf for any other purpose, on the other side, of such dimensions as may be required. The inner part of the dock thus formed, ought to be faced with stone, by which means it will be rendered permanent.—In the experiment already made in hauling up the frigate Potomac, of 1700 tons weight, including the chains, beams, &c. confining the cradle in which she was suspended, there was nothing to give efficiency to the piles on which the planes or rail ways rested, but wooden braces or shores to prevent lateral pressure; of course, the two wharves before mentioned would, in addition to them, not only render the work permanent, but insure it against

the effect of lateral pressure. In some situations, building several successive planes abreast of each other, at the required distances apart, might be found expedient, and probably more economical, than to give them great extent in length. For instance, three planes properly constructed, the centre one proportionably stronger than either of the others, because it would have two ways, one on each side, would admit of one or more vessels abreast, and there would be a saving in the cost.

FOR HAULING UP.

Beam pieces of sufficient size and length, and scarfed in the middle for convenience, are placed athwart the vessel, through each lower gun-deck port, projecting sufficiently from the sides of the vessel so as to embrace, with firmness, the sides of the cradle on which she is drawn out of the water; and to effect this by uniting all parts firmly, blocks under the beams, of size to corresponding to the sheer of the vessel, are placed so as to make the plane of the lower surface of the slides of the cradle correspond with the surface of the plane on which she is hauled up. To these beams, blocked and wedged according to rise and fall of the tide, or length of piles, and secured both above and below, as well as laterally, by braces connecting them to the vessel, so as effectually to prevent their yielding, in any degree, from the position they are meant to maintain, and connected underneath by the slide part of the cradle, on each side the cradle is firmly attached.

The cradle consists of various parts, shown in the drawings; and among others, the following:

The slides, which come immediately in contact with the ways.

The wooden braces, or shores, auxiliary to, and supporting the chains, to sustain the upper works of the ship, independent of the chains; thereby relieving the chains of the weight of all that part of the ship above the lower gun-deck beams.

The vertical slings, composed of chains of iron, of strength adapted to the size and weight of the vessel to be hauled up. They embrace the vessel from her keel to her lower gun-deck ports. They are shackled to the keel-straps, and are thence taken up to the beams, to which they are attached by a strong screw shackle by screws and wedges, or by wedges alone: the latter is, probably, the better mode. Strong beam stirrups are shackled to the chains, admitting of wedging, &c. to tighten the chains. The keel-straps pass under the blocks, to which they are firmly bolted or screwed; the blocks prevent the keel from galding; they have each a jog on one side, and are let down so as to jog, alternately, starboard and larboard—so that, when the chains are secured or wedged to their proper positions, the vessel is perfectly steady on her keel. All these fixtures are put on when the vessel is afloat.

The vertical slings, which form so essential a part of the cradle, and constitute so great a portion of the expense, if made full large for a frigate, will answer for hauling up a 74 or 100 gun ship.—The height of those ships being so much above the rail way, admits two or three tiers of shores or wooden braces, from the sides to the end of the cross beams, instead of one, as is used in a frigate—thus taking off from the slings all the weight of the vessel above the lower gun-deck.

The purchases for hauling up a vessel may be multiplied at pleasure; but it would not be advisable to apply any main purchase that should not embrace the whole body of the ship, so as to avoid every possible injury from a strain on any particular

part of the ship. The main purchases used in hauling up the Potomac, embraced the whole body of the ship. The side purchases were attached to the slides.

Steam or horse power may be used in hauling up; though men will be found abundantly sufficient—and they are manageable, and will be generally the cheapest.

Iron chains may be used instead of rope for the main purchases; though either will answer well.

The wharves heretofore mentioned being finished, a coffer dam is formed across the entrance of the dock, (or, in this state, more properly a slip.) The gate made, hung, and shut, the water is pumped out, the foundation laid for the vessel, and the dock will be complete.

Sloops, or other small vessels, if similar docks and planes are not constructed for their particular use, may with facility be repaired, or preserved in the docks and planes intended for larger vessels.

Small vessels may, and perhaps large vessels might, be hauled up, upon skids, with or without rollers. It is thought, however, for vessels larger than a sloop of war, that a rail-way will be found greatly preferable.

Advantages of Rodgers' Marine Rail-way, or Inclined Plane, Docks, and Fixtures, for hauling up ships.

For repairing ships, this invention combines all the advantages of a dry dock.

For building, no preparation hitherto known is equal to it: because, while it furnishes all the facilities of a building slip, upon the most approved construction, it has in launching, a decided preference over every other means heretofore practised. A vessel built on the inclined plane may be launched without incurring the slightest risk of hogging. She would descend the plane gradually, bearing equally upon it until she becomes completely water-borne. There can be no plunge, as is the case from a slip.

For the preservation of ships not wanted for immediate service, it is confidently believed that no plan can be superior to it. A ship, when built, may be suffered to remain on the stocks until she is wanted; or a ship afloat may be taken up with perfect ease and safety, and placed in a state of preservation under cover, protected from the sun, rain, &c. and all the evils thence arising.

It may, then, safely be affirmed, that this invention combines all the advantages of all the various and most approved means heretofore used for repairing, for building and preserving.—That for launching, it is greatly preferable to any plan heretofore practised or made known; and the experiment made in hauling up the Potomac, has demonstrated beyond all question that any ship, however large, may by the means embraced by this invention, be taken out of the water, and moved up on fast land, any distance required, with perfect ease, and without incurring the slightest risk of straining the ship, or otherwise injuring her in the slightest degree.

All practical men concur in the opinion that many and great advantages arise from building ships under cover; and that mechanics can, in the same period of time, taking the year throughout, do more work when under cover, and protected from the scorching sun and rains of summer; the piercing cold, frost, snow, sleet, and rains of winter, than they can possibly do, exposed to all these disadvantages, will not, it is presumed, be contended by

any person of any experience. Mechanics will work under cover for reduced wages: at 12½ per cent less wages they can make more money—because they lose no time.

They can perform at least 20 per cent more work throughout the year, under cover, than they can do if exposed to the weather.

By building under cover there is, then, a mutual gain on the part of the mechanic and his employer. The mechanic makes more money, and his employer gains in reduced wages and in having 20 per cent more work done in the same time at such reduced wages. Suppose the wages of mechanics, building in the ordinary way, to amount to 100,000 dollars; by building under cover you save 32,500 dollars, or 32½ per cent, whatever the wages may amount to.

This, however, is not all. The gain of time is a highly important consideration; and this the employer gains. In time of war the gain of a single day, and sometimes the gain of an hour, is all important.

On examining the invention, it will be found that none of these important advantages have been overlooked. It embraces them all, and in the best and most improved way.

A ship built under cover is known to be far more durable than one built in the ordinary way. If circumstances would permit her remaining under cover until she should become thoroughly seasoned, or should her timbers be thoroughly seasoned before she is built, there would be no computing her increased durability. Her repairs there in twenty years would, probably, not be equal to 75 per cent of her original cost; whereas, built in the ordinary way, they might, in that period, be safely estimated at 150 per cent more than original cost.

If the system of building under cover had been adopted at the commencement of the navy of the United States, say in 1798, there would have arisen by this period, a saving, certainly not less than *five millions* of dollars, arising from the increased durability imparted to the vessels by building them under cover; exclusively of the saving of 32½ per cent in the first cost of the vessels, as heretofore stated.

In the United States we have no docks; nor have we any way of preparing our ships for repair, but by heaving them down; a process tedious, very expensive and highly dangerous, particularly to large ships, which are always, in a greater or lesser degree, injured by it; nor is it possible to place a vessel hove down in such a situation as to enable the mechanics employed in her repair, to work on her to the best advantage: much time will unavoidably be lost.

The advantages and economy of docks, upon the principle of this invention, in repairing ships, when compared with the ordinary mode in the United States of heaving down, are innumerable. The vessel can be taken into dock with perfect ease and safety, and there placed in the position most favorable for her thorough examination and repair, from her keel up. Every facility to a minute examination and repair, and every advantage to the mechanics in performing their work, is afforded.—Putting aside the risks and the loss of time in heaving down, it may be safely stated that the labor of repairing in a dock of this description, would be at least one third less than the labor of repairing a vessel hove down.

Docks upon the principle of this invention are preferable to the docks in ordinary use; because when the ship shall be taken into dock, and the gates or entrance way closed, there would not be

more than half the usual quantity of water to pump out. Their cost, too, is infinitely less, while their durability will be equal.

The cost of the rail way, and house over it, if the whole should be charged to the invention, would not exceed the expense of heaving down a 44 twice, if the additional labor of repairing in this way be included; nor would it exceed the cost of repairing a ship, built in the ordinary way, after remaining five years in ordinary afloat.

The rail way, with the house, dock, and all the fixtures for hauling up, would not, it is confidently believed, cost exceeding 100,000 dollars. It is indeed believed that 95,000 dollars would be sufficient to construct them of sizes sufficient for the largest sized ship; and this estimate is predicated upon an extent of rail way sufficient to admit of one such ship being laid up in ordinary in a state of perfect preservation above the dock; while the dock would admit the repair of another at the same time.

One dock at each navy yard in the United States—and one set of fixtures for hauling up at each, would probably be sufficient for some time to come.

The fixtures for hauling up; that is, the cradle, composed of vertical slings, beams, &c. particularly described in the specification and drawings, may be estimated to cost 8,000 dollars; the actual cost of the slings, beam, stirrups, and keelstraps complete, being

\$6,989 28

And the beams and blocks estimated at

\$8,000 00

But the whole cost of the rail way and house should not be charged to this invention, because they furnish conveniences which must be provided, whether the rail way and house be erected or not. Among these conveniences may be enumerated a shelter for masts, spars, boats, water casks, guns, &c.; also two wharves. For these conveniences, which may fairly be estimated at one fifth the cost of the rail way and house, the invention is justly entitled to credit.

For the preservation of ships not wanted for immediate service, the invention claims justly, it is conceived, pre-eminent advantages, by providing the most effectual means of preservation, and by reducing many hundred per cent the annual expense of taking care of them.

It will, it is presumed, be at once conceded, that no better plan of preserving ships than that of taking them out of the water, and placing them in a situation perfectly dry, under cover, protected from the sun, rain, snow, sieets and piercing winds, yet admitting a free circulation of pure dry air, can be devised; and that no argument can be necessary to sustain a position so self-evident: It is proper, then, to proceed to show the annual saving in expense.

In estimating the value of the annual saving, we must consider—

1st. The annual expense saved in the care necessary to be taken of them.

2d. The annual deterioration avoided by placing the vessels in a situation where, like the furniture of a house, they can sustain no injury.

Suppose a navy to consist of twelve ships of the line, twenty heavy frigates, and twenty sloops of war; that, of this navy two ships of the line, six frigates and ten sloops, are all that is required for active service; leaving ten ships of the line, fourteen frigates and ten sloops, to be laid up in ordinary, and preserved until they shall be wanted for service.

The following table shows the cost, at this time,

in the United States, of keeping in ordinary, afloat, one ship of the line, one 44, and one sloop. It also presents an estimate of the annual deterioration, which is confirmed by experience. It then shows the annual expense to which, if laid up in ordinary, under cover, as is provided for by the invention, they would be subject; and, deducting the amount of these expenses from the amount accruing, if in ordinary afloat, the annual saving is shewn in each class of vessels.

Rate of vessel.	Number of men required.	Afloat in ordinary.					Under cover, &c.		
		Pay, rations, repairs and contingencies.	Medicines and hospital stores.	Whole annual expense.	Annual deterioration.	No. of watch-s.	Annual expense.	Annual deterioration.	Whole annual saving.
		dolls.	dolls.	dolls.	dolls.	dis.	dolls.	dolls.	
74	25	9,932 50	250 9,182 50	10,000	3 900 0	18,282 50			
44	18	6,302 75	269 7,002 75	6,000	2 600 0	12,402 75			
Sloop	10	3,564 50	100 3,664 50	2,500	1 300 0	5,864 50			

The number of men, stated in the above table, is the number at this time allowed. Some of them are, however, occasionally employed on objects not justly chargeable to the ships. We will therefore make a deduction from the expenses above stated, proportioned to the services rendered on objects other than the ships—twenty men for a ship of the line, fifteen for a forty-four, and seven for a sloop, would probably be sufficient to ventilate, and to keep the ships clean, dry and tight. On this ground, instead of the annual saving, as above exhibited in the table, a reduction in the saving is admitted, so as to bring down the annual saving,

In a 74, to : : : : \$16,000
 In a 44, to : : : : 11,000
 In a sloop, to : : : : 4,500

Then the saving annually in keeping ten ships of the line, fourteen frigates, and ten sloops, under covers, such as are provided on the marine rail way, would be—

10 ships of the line, at \$16,000	\$160,000
14 frigates	11,000
10 sloops	4 500
	<hr/> \$359,000

In making this estimate, the temporary sheds erected over vessels afloat in ordinary, for the preservation of their upper works, the wear of cables, &c. have not been taken into consideration. These would form a considerable item, for which the invention should have credit, because it provides a much more effectual covering for the whole body of the vessel, than the temporary sheds, which protect only their upper works, and renders the use of cables utterly unnecessary.

It has been stated above, that one dock at each navy yard in the United States, would probably be sufficient for some time to come. But economy would probably suggest the having three docks at each yard; one for the largest sized ships; one for frigates; and one for sloops of war: so that a vessel of each class might be repairing at each yard, at one and the same time.

A dock, as heretofore observed, with an extent of rail way, admitting one ship of the line to be laid up under cover, and another to be repaired at the same, together with a house over the whole, and all the fixtures for hauling up, would not cost exceeding \$100,000.

A dock, &c. adapted to a frigate, would cost considerably less; and one adapted to a sloop of

war would cost still less. Though in one for the largest size ship, any vessel of inferior size may be repaired.

Docks with rail ways, &c. of size adapted to vessels still smaller than sloops of war, would probably be found advisable. Their expense, compared to the value of the vessels, would be inconsiderable.

By a system of docks for repairing, connected with rail ways and houses for building, and for hauling up and preserving vessels in ordinary, adapted in their dimensions to the several classes of vessels, you would, at all times, be enabled to build to every advantage; to repair most effectually and economically, and to keep in a state of perfect preservation and constant readiness for service, all vessels not required for immediate service, together with their masts, spars, boats, water casks, guns, &c. all under the same cover, ready to be put on board at a moment's warning. You may thus calculate your actual naval force, with as much precision as you could count your muskets in an armory.

Advantages of "Rodgers' Marine Rail-way, dock, and fixtures, for hauling up," briefly enumerated.

In building ships.—A saving in labor of at least 32½ per cent; a durability so much greater, as to be equal in 20 years to at least 75 per cent, and a great gain in point of time.

In repairing.—When contrasted with the plan of heaving down—every risk is avoided, 33½ per cent gained in the labor—a more perfect examination, repair, and greater despatch also gained.

In ordinary.—When contrasted with vessels in ordinary afloat; decay effectually guarded against—ships kept in a state of perfect preservation, so as to be prepared for service at the shortest notice, and so great a reduction in the actual annual expenses, that they would not be more than one-twentieth part of what they are at present.

In launching.—Hogging and every possible risk effectually guarded against.

The inventor, after having made every inquiry in his power, as to expenses of the navies of other countries, and examining minutely the expenses of our own navy, has no hesitation in expressing, in the most decisive terms, his opinion, that, by adopting in its full extent the proposed system, the United States would save, annually, in time of peace, a sum fully equal to one fourth of the annual expense now incurred in building and repairing ships of war; and that the expense of keeping them in ordinary, afloat, would be reduced so far, that they would not exceed one-twentieth part of the expenses at this time incurred.

With a plane having the inclination of the ways on which ships are ordinarily built, 140 men with three three-fold purchases, (falls of ten inch rope,) would be sufficient to haul up, at the rate of four feet in a minute, the largest three-decker in the world; and this, too, without straining her in the slightest degree.

From the best estimate that can be formed at this time, it is believed that a dock can be attached to the rail way and house, as now constructed in this yard, and completed, so as to give all the advantages of a wet and dry dock, for the sum of 50,000 dollars, as shewn in the estimate herewith, prepared by Mr. Doughty, the naval constructor. It is, however, believed that this estimate is too high, as labor and materials of every description appear to be estimated at from five to seven per cent higher than will be found to be the actual cost.

Estimate of the cost of the materials and workmanship of a Dry Dock, to be built within the "Inclined Plane," as per draught and model.—Prepared by Wm. DOUGHTY.

WHARVES.

26,400 cubic feet of logs	a 25 cts.	\$6,600 00
2,250 do. do. for ties	25	550 00
800 feet of eight inch plank	24	192 00
360 do. three do do	9	32 40
14,970 lbs. of square iron for bolts	7	1,047 90
2,000 treenails	30	60 00
1,400 days of workmanship	1 50	2,100 00
200 perches of stone, for sinking wharf	1 00	200 00

10,782 30

COFFER DAM.

39,480 feet eight inch plank,	a 24	9,475 20
798 cubic feet of logs	25	199 50
3,000 lbs. square iron bolts	7	210 00
6,533 feet of 4 inch plank	12	783 96
1,000 lbs. spikes	10	100 00
150 perches stone, for sinking boxes	1 00	150 00
400 cubic yards of earth for filling between coffer and wharves	25	100 00
2,070 days workmanship	1 50	3,105 00

14,123 66

DOCK.

23,798 cubic feet of logs	a 25	5,949 50
21,499 lbs. of iron	7	1,504 93
7,550 feet of 8 inch plank	24	1,812 00
400 do. 4 do. do.	12	48 00
9,000 do. 3 do. do. platform and steps	9	810 00
5,000 do. 3 do. do. for stages	9	270 00
5,200 do. 6 do. do. for bottom	18	2,736 00
5,875 lbs. of spikes	10	587 50
2,200 days work	1 50	3,300 00
400 days caulking	1 50	600 00
Oakum, &c.		300 00
Composition metal, &c. for gate		300 00

18,217 93

Contingencies.—Moving timber, making platforms, tallow, &c. &c.; 1,340,509 gallons of water to be pumped out,

9,102 cubic yards of excavation, a 25 cts. 2,275 50

6,876 11

Total expense of dock	25,094 04
Do. do. wharves	10,782 30
Do. do. coffer dam	14,123 66

Grand total 50,000 00

Philadelphia Water-Works.

Report of the Watering Committee to the Select and Common Councils of the city of Philadelphia.—Jan. 9, 1823.

The great work at Fair Mount, with which the watering committee have been entrusted, being now brought to a conclusion, so far as it is contemplated at present to extend it, the committee think it will be acceptable to the councils, as well as to their fellow citizens, to have a detailed account of

the nature of the work, its value, with its cost in time and money.

The small and expensive supply of water by the steam engines, induced the watering committee, in the fall of 1818, to inquire into a more economical means of furnishing the city, which it was found could be obtained by the erection of a dam and other works at Fair Mount, on the river Schuylkill, if permission could be had from the Schuylkill Navigation Company, who had an act of incorporation for the improvement of that river, and if the right of White and Gillingham to a water power at the falls, about five miles above the city, could be purchased. Both these objects, it was found, could be obtained; the first, by an agreement with the Navigation Company, to erect locks and a canal on the west side of the river, opposite Fair Mount, at the expense of the city; and the other object, by a purchase from Messrs. White and Gillingham, of their water power, for 150,000 dollars.

When arrived at this stage, the subject was submitted to the councils of the city, who unanimously approved the measure; and, with a feeling of public spirit, (which, while it relied upon the good sense of their fellow citizens for support, in the prosecution of so important a design, was nevertheless willing to encounter all the responsibility of commencing it,) appropriated 350,000 dollars to the object. The same disposition has been continued in subsequent councils, to whose steady support the watering committee are indebted for their own regular progress for the execution of their important task.

On the 19th April, 1819, the work was commenced by capt Ariel Cooley, with whom a contract was made for the erection of the dam, the locks and canal, the head arches to the race, and the excavation of the race from a solid rock, for the sum of 150,000 dollars. This work is a monument to his memory; and he had nearly completed it when he was taken off by a disease, supposed to have been contracted by his exposure to the sun and night air, at the closing part of his work. His talents, his integrity, and his general worth, will long be held in grateful remembrance by the citizens of Philadelphia.

It will be proper in this stage of the report, to state the nature of the work that was to be accomplished, and to expose certain of its difficulties. The river is above nine hundred feet in width—one fourth of which, at the bottom, on the eastern side, is supposed to be rock, covered with about eleven feet of mud; the remainder is of rock. The greatest depth is thirty feet at high water; and it gradually shoals to the western shore, where the rock is left bare at low tide. The river, whose average rise and fall is six feet, is subject to sudden and violent freshets.

Mr. Cooley determined, where rock was to be found, to sink cribs, formed of logs, about fifty feet up and down stream, by seventeen or eighteen feet wide, which were sunk and filled with stone, and securely fastened to each other above low water, having the up stream side planked from the bottom to the top; and the space immediately above filled to some extent with earth, small stones and other matter, to prevent leakage. In that part where mud was found, the dam is made of quarry spalls and earth, and raised about fifteen feet higher than the other part of the dam, which is an over-fall for the water; the base of this mound is at least one hundred and fifty feet, and its width on the top twelve feet; and the whole of the top, and of the up-stream side from the water edge, is paved to

the depth of three feet, with building stone, to prevent washing by water and injury from ice. Between the mound dam and the over-fall, there is sunk on the rock, in twenty-eight feet water, a stone pier, twenty-eight feet by twenty-three feet, which supports the end of the mound, and protects it from injury by ice or water. The contraction of the river by the mound dam, suggested to Mr. Cooley the idea of forming the dam in a diagonal line running up stream, and when nearly over to run the rest of the distance at a right angle toward the shore, so as to join the head pier of the guard lock, on the western side, by which means a large over-fall was created, and the rise above the dam, in cases of freshet, considerably abated. The whole length of the over fall is twelve hundred and four feet; the mound dam, two hundred and seventy feet; the head arches, which will presently be mentioned, one hundred and four feet, making the whole extent of the dam, including the western pier, about sixteen hundred feet, and backing the water up the river about six miles. The water power thus created is calculated to be equal to raise into the reservoir, by eight wheels and pumps, upwards of ten millions of gallons; the lowest estimate of the quantity of water afforded by the river in the dry season, is four hundred and forty millions per twenty-four hours, and, as it is calculated, allowing for leakage, waste, &c. that forty gallons upon the wheel will raise one into the reservoir, the quantity raised would be eleven millions of gallons per day.

On the west side of the river there is erected a head pier and guard locks, whence there is a canal extending five hundred and sixty-nine feet, to two chamber locks, of six feet lift each, by which the boats ascend or descend; and below these locks there is a canal into the river four hundred and twenty feet long. The locks are built of dressed stone; the upper canal is walled on the east side, and on the west is rock; the lower canal is formed of the stiff mud of the river and covered with stone. The whole of the outer front of the locks and canal is protected by a wall on the upper part, and on the lower with stone thrown on the bank to prevent washing. On the east side of the river the whole of the bank was a solid rock, which it was necessary to excavate to the breadth of one hundred and forty feet, to form a race, and a site for the mill houses, running parallel with the river. The length of the mill race is four hundred and nineteen feet; the greatest depth of the excavation sixty feet, and the least sixteen feet; the gunpowder used, alone cost the contractor upwards of 12,000 dollars. At the upper part of this excavation were erected the head arches, three in number, which extend from the east end of the mound dam to the rock of the bank—thus forming a continuation of the dam.

On the west of the excavation are erected the mill houses, forming the west side of the race, which is supported on the other side by the rock rising above it seventy or eighty feet perpendicularly. The south end or wall of the race, is also of solid rock; and the mill houses are founded on rock, so that nothing can be contrived more secure in all respects.

The race is about ninety feet in width, and is furnished with water through the head arches, which allow a passage of water of sixty-eight feet in breadth, and six feet in depth, to which the race is excavated below the over fall of the dam, and of course room is allowed for a continual passage of four hundred and eight square feet of water: These arches are on the north of the race, and the mill

buildings being on the west, the water passes from the race to the wheels, which discharge the water into the river below the dam. The gate of the centre arch is upon the principle of a lock gate, and admits the passage of boats, &c. into the race; at the south end of the mill buildings there is a waste gate, eight feet wide, by which (the upper gates being shut) the water can be drawn off to the bottom of the race. A ground plot and elevation of the works are annexed, upon reference to which the situation of the dam, locks, mills, &c. will be seen at a glance.

The mill buildings are of stone, two hundred and thirty-eight feet long and fifty-six wide. The lower section is divided into twelve apartments, four of which are intended for eight double forcing pumps—the other apartments are for the forebays leading to the water wheels. The pump and forebay chambers are arched with brick, and are perfectly secure from the inclemency of the winter. Those now in use are kept warm by means of two large iron stoves heated to great advantage and economy with Schuykill and Lehigh coal. A gallery will be erected, extending the whole length of the building, from which all the wheels may be seen at one view. The centre part of the buildings is one hundred and ninety feet by 25 feet, with circular doors to the pump chambers, and a range of circular windows over the arch ways of the wheel rooms; on a line with the cornice of the central part is the base course of two pavilions, with doric porticos, which terminate west front. One of these is used for the office of the committee; and the other is the residence of an old and faithful servant of the corporation, who has the general care of the property at Fair Mount. On the east front, immediately over the pumps and forebay rooms, is a terrace, two hundred and fifty-three feet long, and twenty-six feet wide, paved with brick and railed, forming a handsome walk along the race, and leading by steps at the end to the top of the head arches, mound dam and pier.

In the erection of the mill buildings, Mr. John Moore was employed as the mason; and to his care and skill we are much indebted, not only for the excellence of the work in appearance, but for its substantial properties; it being ascertained that in the whole extent of the foundation along the race, under a six feet head of water, there is no leak.—Mr. Frederick Erdman, the carpenter, also deserves particular notice, for his part of the work, which has been most faithfully done, and to our entire satisfaction.

It has been from the commencement determined for the present, to erect only three wheels and pumps, which are now completed, and with them the most important part of the duty of the committee. The first of the wheels is 15 feet in diameter, and 15 feet long, working under one foot head and 7 feet fall. This was put in operation on the 1st July last; and it raises one and a quarter million of gallons of water to the reservoir in twenty-four hours, with a stroke of the pump of four and a half feet, a diameter of sixteen inches, and the wheel making eleven and a half revolutions in a minute. The second wheel was put in operation on the 14th of September last; and is the same length as the first, and sixteen feet in diameter; it works under one foot head, and seven and a half feet fall, making thirteen revolutions in a minute, with four and a half feet stroke of the pump, and raising one and one third million of gallons in twenty four hours. The third wheel, which went into operation on the 24th of last month, is of the same size as the se

cond, and works under the same head and fall, making thirteen revolutions in a minute, with a five feet stroke of the pump, and raising one and a half million of gallons in twenty-four hours. It is not doubted that the second wheel can be made to raise an equal quantity; thus making the whole supply upwards of four millions of gallons in twenty-four hours. For the calculation of the water power, and the application of it to the pumps, with much valuable information in other matters connected with the works, we are largely indebted to Mr. Thomas Oaks, a gentleman of science and practical knowledge, now employed as the engineer of the Schuylkill navigation company.

The wheels are formed of wood, and put together with great strength. The shafts are of iron, weighing about five tons each. The great size and weight of the wheel give it a momentum which adds greatly to the regularity of its motion, so necessary to preserve the pumps from injury under so heavy a head as they are required to work, which is a weight of 7900 lbs. the height ninety-two feet.

The wheels being sunk below the usual line of high water, it might be supposed that they would be obliged to stop at that time; but this seldom happens except in the spring tides, at the full and change of the moon, which upon the average stops them about sixty-four hours in a month. It is found that they are very little affected until the back water is about sixteen inches on the wheel. The excellence of the work in the wheels and gates, with the whole arrangement of the mill works, does the highest credit to Mr. Drury Bromley, whose attention has been most assiduous, and whose skill is of the first class.

The pumps are the work of those ingenious engineers, Messrs. Rush and Muhlenberg. They are placed horizontally, according to a design of Mr. F. Graff, and are worked by a crank on the water wheel, attached to a pitman connected with the piston at the end of the slides. They are fed under a natural head of water, from the forebays of the water wheel, and are calculated for a six feet stroke—but hitherto it has been found more profitable to work with no more than five feet. They are double forcing pumps, and are connected, each of them to an iron main of sixteen inches diameter, which is carried along the bottom of the race to the rock at the foot of Fair Mount, and thence up the bank into the new reservoir. At the end of the pipe there is a stop-cock, which is closed when needful for any purpose. The shortest of these mains is two hundred and eighty-four feet long; the other two are somewhat longer. The reservoir next the bank is one hundred and thirty-nine feet by three hundred and sixteen feet, is twelve feet deep, and contains three millions of gallons. It is connected at the bottom with the old reservoir, by two pipes of twenty inches diameter, with stop-cocks. This reservoir contains four millions of gallons. All the water being raised into the reservoirs, one hundred and two feet above low tide, and fifty-six feet above the highest ground in the city, is thence conveyed to the city in a mode which will be pointed out when the committee speak of the iron pipes.

On the 24th of October last, the steam engines were stopped, and it is believed will never again be wanted. The satisfactory test to which the dam was exposed on the 21st of February last, by an ice freshet, which rose eight feet above the overfall of the dam, and which is supposed to be the greatest that has been ever known in the Schuylkill, has quieted all fears as to its safety, and done away all the objections that ever could be raised to a resort

to water power, where nature had kindly done so much.

In another report, the committee will submit the usual estimates for the coming year: in this place, they deem it proper to state the cost of the whole work done since the ordinance passed, April 18th, 1819, viz:

Purchase of White & Gillingham	\$150,000
Erection of the dam, locks, head arches, race, and piers, including estimate of damages for overflowing by the dam	181,000
Three pumps	11,000
Mil] houses, mills and other work connected with them	74,250
Iron raising mains	4,480
New reservoir	8,600
	426,330

A comparative view of the advantage of water power over steam power, will close this part of the report.

By an estimate made by Mr. Graff, and exhibited to councils, with the report of the committee on water power, on the 5th of Feb. 1818, it appeared that the cost of working one steam engine and pump for one year was 30,858 dollars; and it has been found, that with this expenditure, not more than 1,600,000 gallons could be raised in 24 hours; a very inadequate supply for the population of the city, consisting of above sixty thousand souls—without a gallon being afforded to the adjoining districts, containing an equal number, and for whom until the present period there was no provision except by means of wells. If, therefore, it were required, at the same rate of expense, to raise an equal quantity with that at present afforded by three wheels, the cost would be upwards of 70,000 dollars; but estimating the cost at only double that of one engine, it will amount to 61,716 dollars.—From this is to be deducted the interest on the capital expended in erecting the water power and works, which was 426,330 dollars, and was principally borrowed at an interest of five per cent, and amounts to 21,316 dollars annually, and also the expenses for wages, fuel, oil, &c. estimated at 1500 dollars annually, amounting together to 22,816 dollars, which being deducted from the sum of 61,716 dollars, leaves a clear annual saving of 38,900 dollars, equal, at an interest of five per cent, to a capital of \$778,000.

As before stated, it is not doubted that the water power is sufficient to work five wheels and pumps, in addition to the three in operation, which would raise an additional quantity of more than six millions of gallons; and estimating the saving on this quantity in the same ratio as before stated, the amount would be 193,000 dollars more, equal to a capital of upwards of two millions of dollars, and showing the whole saving or profit to be 142,000 dollars annually—a sum nearly double the amount of the city taxes, exclusive of interest on the city debt, which will soon melt away by the operation of the sinking fund.

The uses and importance of this water, it is impossible sufficiently to value. The additional cleanliness of the city; the supply of the neighboring districts, for culinary purposes, as well as for purposes of refreshment; the great advantage in cases of fire; the ornament of fountains in the public squares so wisely provided by our great founder; the benefit to manufactures, and the establishment of water power in the city for various purposes,—may be named among the advantages of this new

work; but above all are we to place its effect upon the health of a great and growing community,—which, of itself, would justify a much greater expenditure.

Necessarily connected with this subject is the distribution of the water, after it has been raised to the reservoirs, and the committee therefore detain councils a little longer, whilst they show what has been done on that head.

The former inadequate supply of water, derived through the wooden pipes of conduit, from Fair Mount, and the constant vexation and expense, occasioned by the bursting of those in the streets, had long turned the attention of the committee to the propriety of substituting iron pipes, but the experiments which had been made were not encouraging, and therefore it became desirable to get information from abroad; several attempts were made without success until the summer of 1818, when, through a respectable house in London, Mr. J. Walker, an engineer of much eminence, made a report which was submitted to councils, with a report from the committee, on the 11th of November, 1818, and both were ordered to be printed.

At the same time some of the iron pipes were procured, and the information derived was so satisfactory that it determined councils to commence the work with laying down a large iron main from Fair Mount to the junction of Chesnut and Broad-streets. An appropriation was made of 70,000 dollars for this purpose at that time, and other appropriations equally liberal, have since been added for iron pipes.

The work was commenced at the old reservoir at Fair mount, into the bottom of which there was inserted a bell muzzle pipe of thirty inches diameter, tapering off to twenty-two inches; this size pipe was continued along Hunter-street, which was filled up to a proper level for the purpose, at the expense of the city, and thence on the old canal bank as nearly level as possible, to Callowhill-street, 2661 feet—the pipe was then diminished to twenty inches diameter, and continued along Callowhill to Broad street, and thence along Broad-street to Chesnut-street, 6009 feet. The opening into the reservoir is closed when required by a stop-cock—The whole quantity of wooden pipes from Fair Mount and through the city, was about 32 miles in extent; all of which in process of time will have to be removed, and iron substituted; but in the mean time the committee have deemed it right to lay down some important mains, even where the pipes do not actually require taking up: for instance there is placed a ten inch iron main on the south side of Chesnut-street, extending from Broad to Water-street; and contracts have been made for pipes of the same size to be laid next season, on the north side of Chesnut-street, which will thus furnish an ample supply to both the north and south part of the city.

In High-street six inch pipes are laid on the south side, from Broad street to Water-street, and are nearly completed on the north side, and will be entirely so early in the spring. Front-st. from Chesnut-street, with an eight inch iron main is laid to Union-street, and will be completed early in the season from High to South-street—the pipes for both the abovementioned sections being all prepared. Walnut from a little west of Sixth-street to Water-street, is laid with six inch iron pipes, and some other streets are laid partially where it was found to be necessary: the whole quantity of iron pipes now laid is 35,205 feet, and in no instance has a leak been discovered. The contrast between this

and former experience with the wooden pipes is highly gratifying.

The straight pipes are made in lengths of nine feet each, with what are called spigot and faucet joints: other pipes, of a circular form to pass round corners, are made of different lengths, as may be required, with easy turns, by which it is obvious the passage of the water is much facilitated. A drawing of the different kinds of pipes is annexed.

The laying of the pipes is very easy, care being taken to keep them firm in their bed—the hub, or large end of one laps about four to six inches over the small end of the other, leaving a space of from one fourth to one half of an inch all round, which is first caulked in with a ring of plaited hemp, to prevent the lead running into the pipes; then a pair of nippers, with a joint in the lower part to fit all round the pipes, and having an opening on the top for the lead and another for the escape of the air, which will be shown in the annexed drawing, is affixed next to the opening on the outer part of the pipe, so as to prevent the lead coming out in front, which is further secured by a ring of clay outside of the nippers, and formed into a cap at top, into which melted lead is poured, forming a ring of lead three or four inches in depth. When the lead is cold, the clay and nippers are removed, and it is then upset with a hammer and chissel, which completes the joint.

Although the iron pipes cost more in the first instance, yet with the experience this city has had with wooden pipes, there can be no hesitation in adopting iron in preference to the latter. The cost of iron pipes, it may be satisfactory to mention, is as follows:

22 inch pipes, per foot	\$6 25
20 do do	5 00
16 do do	3 33 1/3
10 do do	2 40
8 do do	1 66 2/3
6 do do	1 10
4 do do	64
3 do do	45
1 1/2 do do	40

These prices do not contain the prices of lead, laying, &c. as the difference of situation makes so material an alteration. The 20 and 22 inch main cost seven dollars and forty-two cents per foot, on the average, but this includes the filling up of Hunter street, &c.

The greater part of the pipes now laid or in hand were made in the United States, and the committee have never imported any when they were to be had here, except as samples, for the benefit of our manufacturers. In the first contract for the large main, only one offer was made that could be accepted, and after the acceptance of the contract the person who proposed for it preferred making only the twenty-inch pipes, which induced the committee to import the 22-inch pipes. Since that time none others were imported until the last summer, when one of the contractors failed in his performance, owing to an accident to his furnace, and the other contractor could not undertake to make more during the season, in which the committee had made arrangements to complete High and Front-streets. An offer being made to contract for the quantity thus deficient, to be obtained from England, an engagement was made for the deficiency, and the contract has been fulfilled. The sum paid to the manufacturers here for iron pipes, and those now contracted for amounts to 97,814 dollars and 20 cents, and the cost of those imported amounts to 16,940 dollars and 31 cents.

The committee cannot close this report without presenting, in the most distinct manner, to the notice of both the councils and the city, Mr. Frederick Graff, for many years superintendent of the water works, whose taste in the design and whose judgment in the arrangement of the works at Fair Mount, with his indefatigable zeal for the public interest in every department, have attracted the regard and thanks of the committee, and entitle him to those of the councils. All which is respectfully submitted.

By order of the committee,

JOSEPH S. LEWIS, chairman.

January 6, 1823.

Portraits of Hawley and Hancock.

From the life of James Otis, by William Tudor, esq. of Boston

HAWLEY.—The legislature of this year (1766,) received an addition of three eminent members, who were returned to it for the first time: Joseph Hawley, John Hancock and Samuel Adams. Major Hawley, a representative from Northampton, acquired a very remarkable influence in the public councils. Perhaps Massachusetts can boast of no citizen in all her annals more estimable. He continued in the legislature until 1776, and during that period, it has been said, that no vote on any public measure either was, or could have been carried without his assent.

Joseph Hawley was born 1724, educated at Yale college, and followed the profession of the law in Northampton, where he died in 1788, aged 64 years. As a lawyer, he possessed great learning,—able as a reasoner, and a very manly, impressive speaker. He was at the head of the bar in the western counties of the province. He had studied with diligence the principles of law, as connected with political institutions. This had prepared him for a clear perception of the effects that would have resulted from the execution of the ministerial plans against the colonies; and caused him to take the most ardent and decisive part against the stamp act, and the whole series of arbitrary measures which followed it. The adherents of the administration dreaded him more than any individual in his part of the country, and as usual endeavored, although most completely in vain, to injure his character. They succeeded indeed, in this official persecution, in throwing him over the bar, to which he was however soon restored.

The almost unexampled influence acquired by major Hawley, was owing not only to his great talents, but to his high minded, unsullied, unimpeachable integrity. His enemies sought to undermine his reputation, by calumniating his motives, as was their manner towards every distinguished man on the patriotic side. They said his conduct was factious and principles ruinous, and that the only object which he and his coadjutors had in view, was to bring themselves into power under a new order of things. The imputation of selfish, sordid views was insupportable to a man of his character. He therefore at once resolved and pledged himself never to accept of any promotion, office or emolument under any government. This pledge he severely redeemed. He refused even all promotion in the militia; was several times chosen a counsellor, but declined; and would accept of no other public trust but the nearly gratuitous one of representing his town. A modest estate which descended to him from his father and uncle, was ad-

quate to support his plain style of living, and he had no desire to accumulate wealth. His character was so noble and consistent, that his fellow citizens reposed unhesitating confidence in his integrity; they believed that all the honors and wealth of the mother country would be insufficient to corrupt him; while they saw daily that he sought nothing from his own party. His talents, judgment and firmness came in aid of his reputation for disinterestedness, and gave him on all occasions the power of an umpire. The weight of his character was sufficient to balance all the interest which several gentlemen of great respectability in the western countries exerted in favor of the administration. The country members followed his opinions implicitly, and the most powerful leaders in the legislature would probably have been unsuccessful if they had attempted to carry any measure against his opinion.

The ascendancy which was allotted to him by the deference of others, was a fortunate circumstance for his country. Never was influence exercised with more intelligent, devoted and inflexible patriotism. He made up his mind earlier than most men, that the struggle against oppression would lead to war, and that our rights at last must be secured by our arms. As the crisis approached, when some persons urged upon him the danger of a contest, so apparently unequal, his answer was, "we must put to sea,—Providence will bring us into port."

Major Hawley did not appear in the legislature after the year 1776, but he never relaxed his zeal in the service of his country, and was ready to contribute his efforts to the public service. By his private exertions, he rendered assistance at some very critical and discouraging periods. At the season when the prospects of the American army were the most gloomy; when the Jerseys were overrun and the feelings of many were on the verge of despondency, he exerted himself with great activity and success to rally the spirits of his fellow citizens. At this time, when apathy appeared stealing upon the country, and the people were reluctant to march on a seemingly desperate enterprise, he addressed a body of militia, to urge them to volunteer as recruits. His manly eloquence, his powerful appeals to their pride, their patriotism, their duty, to every thing which they held dear and sacred, awakened their dormant feelings and excited them to enthusiasm.

On another occasion he rendered a service of much higher moment, and may be said not only to have prevented, but to have radically destroyed an incipient insurrection. At a time when the burthens and distresses of the war had produced great discontent, and even disaffection in some quarters—and Samuel Ely, a notorious demagogue, had by his factious and treasonable efforts, gone far to organize in the western part of the state, an almost open resistance to the government, delegates from a large number of towns met in convention at Hatfield. The legislature sent Messrs. Samuel Adams, Stephen Gorham, and general Ward, as commissioners to meet them, and avert, if possible, the threatened danger. It was a moment of peril and anxiety. Major Hawley was a delegate from Northampton. At the opening of the meeting, the elements of mischief were visible in all its malignity, and seemed ready to burst into open fury. Hawley with the deepest solicitude, which in great minds is the certain foundation of coolness and self-possession, addressed this convention, consisting of two hundred. His spotless and lofty integrity, be-

fore which even the most callous demagogues shrunk abashed, prepared the way to that triumph which his masterly talents achieved. Argument, satire, pleasantry, alternate appeals to their passions and to their reason,—all managed with consummate address and irresistible energy, gradually subdued their inflamed, refractory humor, and finally moulded them entirely to his will. They not only renounced all their dangerous intentions, but agreed to sign a humble petition to the government, promising future obedience, and praying for an act of indemnity for the past; and, to make the victory more complete, and to show the danger was entirely destroyed, they were brought, with the exception of five persons, to sign the petition, excluding Ely, the leader of the disturbance, from the indemnity.

Major Hawley was a sincerely religious and pious man—but here, as in politics, he loathed all tyranny and fanatical usurpation. He was, near the close of his life, chosen into the senate of Massachusetts. Though he would not have taken the trust at any rate, he seized the opportunity to give his testimony against the test act, which, till a recent period, was a stain in the constitution of that state. In a letter upon the subject, he asked if it was necessary that he should be called upon to renounce the authority of the king of Great Britain, and every foreign potentate? and whether it could be expected, that, having been a member of the church for forty years, he should submit to the insult of being called to swear that he believed in the truth of the christian religion, before he could take his seat.

With all these powerful talents and noble feelings, he was not exempt from a misfortune that occasionally threw its dark shadows over them.—He was subject, at particular times, to an hypochondriac disorder, that would envelope him in gloom and despondency. At those seasons he was oppressed with melancholy, and would lament every action and exertion of his life. When his mind recovered its tone, the recollection of these sufferings was painful, and he disliked to have them remembered.

Major Hawley was a patriot without personal animosities; an orator without vanity; a lawyer without chicanery; and a gentleman without ostentation; a statesman without duplicity, and a christian without bigotry. As a man of commanding talents, his firm renunciation and self-denial of all ambitious views, would have secured him that respect which such strength of mind inevitably inspires; while his voluntary and zealous devotion to the service of his countrymen, established him in their affection. His uprightness and plainness, united to his affability and disinterestedness, gave the most extensive influence to his opinions; and, in a period of doubt, divisions and danger, men sought relief from their perplexities, in his authority, and suffered their course to be guided by him, when they distrusted their own judgments, or the counsels of others. He, in fine, formed one of those manly, public spirited, and generous citizens, ready to share peril and decline reward, who illustrate the idea of a commonwealth, and who, through the obstructions of human passions and infirmities, being of rare occurrence, will always be the most admired, appropriate and noble ornaments of a free government.

JOHN HANCOCK, the son and grandson of eminent congregational clergymen, was born at Quincy, near Boston, in 1737, and graduated at Harvard

SUP. TO VOL. XXII.—24.

college in 1754. His father died when he was a child, and he was then adopted by his uncle, Thomas Hancock, the most opulent merchant in Boston—a man of enlarged views and public spirit, who bequeathed some considerable legacies to different institutions. This benevolent uncle took the entire charge of his young relation, and received him into his counting house on the completion of his education at the University; and, after a few years, sent him to England, to see that country, and to become personally acquainted with his correspondents. He died of an apoplexy in 1764, leaving his nephew to succeed to his very extensive mercantile concerns, and heir to the largest estate in the province. This sudden possession of wealth turned the eyes of the whole community towards him; his conduct under this trying prosperity, secured universal esteem and good will. It made him neither giddy, arrogant nor profligate; he continued his course of regularity, industry and moderation. Great numbers of people received employment at his hands, and in all his commercial transactions, he exhibited that fair and liberal character which commonly distinguishes the extensive and affluent merchant.

The natural influence which he acquired from his habits and his possessions, rendered him extremely popular, and he had been often called upon to act in the affairs of the town. At length he was placed in the legislature,* and this event decided his future career. The stake which he pledged in the large fortune under his control, was a proof of his sincerity in the principles which he professed, which had great weight with minds of the common order, and was quite obvious to even the meanest capacity. He was gradually engrossed by political concerns, and very early became highly obnoxious to the administration. Their enmity was shown in several attempts at insult and oppression, such as seizing his vessels,† calling upon him for excessive bail, &c. all of which only produced more decisive testimonies of popular attachment to him, and a closer conviction in his breast of the intolerable abuses with which his country was menaced.

In the legislature, Hancock was upon every important committee—so that all leading measures had his sanction, though he seldom wrote any of the reports. He had the full confidence of the patriotic party, as they believed him to be unchangeably devoted to their cause; yet, on one oc-

*“I was one day walking in the mall, and accidentally met Samuel Adams. In taking a few turns together, we came in full view of Mr. Hancock’s house. Mr. Adams, pointing to the stone building, said—‘this town has done a wise thing to-day.’ ‘What?’ ‘They have made that young man’s fortune their own.’ His prophecy was literally fulfilled—for no man’s property was ever more entirely devoted to the public. The town had that day chosen Mr. Hancock into the legislature of the province. The quivering anxiety of the public, under the fearful looking for, of the vengeance of the king, ministry and parliament, compelled him to a constant attendance in the house; his mind was soon engrossed by public cares, alarms and terrors; his business left to subalterns, his private affairs neglected, and continued to be so to the end of his life.”—*MS. letter from President Adams to the late W. Tudor, esq.*

†The insolence of the commissioners of the customs led them to offer those impolitic and vexatious offences, which were the immediate cause of much popular excitement.

case, there was a difference of opinion between him and Adams, on some proposition of Hutchinson, in regard to removing the general court to Boston, which created a temporary schism in the party, and a long alienation of friendship between those eminent men. They were reconciled to each other, several years afterwards, and filled the two first offices of the state together, during a considerable period.

General Gage issued a proclamation, in June 1775, a few days before the battle of Bunker Hill, offering a pardon to all rebels, excepting Samuel Adams and John Hancock—"whose offences (said the edict), are of too flagitious a nature to admit of any other consideration than that of condign punishment." This virulent proscription, which was intended to ruin them, widely extended their fame. A few others, it is well known, were secretly proscribed, and would doubtless have fallen victims to ministerial vengeance—but Adams and Hancock were the only two expressly excepted from all hope of pardon, and irrevocably denounced. The alternatives to which their fate was restricted, embraced the two extremes of human disgrace and glory! they were either to be execrated and executed as traitors, or they were to aid in establishing a nation, and to be honored as the benefactors of their country and mankind.

Hancock was president of the provincial congress of Massachusetts, until he was sent as one of the delegation from that province to the congress which met at Philadelphia, in 1775. In 1776, he had the honor to be president of that immortal assembly which signed the declaration of independence.*—He continued in congress till 1779, when ill health forced him to resign. He was an usually chosen governor of Massachusetts, from 1780 to 1785, when he was succeeded by Mr. Bowdoin for two years. In 1787, he was again elected to the same office.—He was also made president of the convention for the adoption of the federal constitution, and continued to be chosen governor of the state, till his death, which took place Oct. 8th, 1793, in the 56th year of his age.

Few persons have enjoyed greater or more invulnerable popularity than this distinguished patriot; and there are not many men who have been so truly entitled to this kind of favor, which, unfortunately, is not always an unequivocal testimony of merit. His character and his fortune rendered his influence of great importance, and he threw the whole weight of both into the scale of his country. If he had kept aloof, and devoted himself to the care of his property, he might have accumulated a vast stock of wealth; but he so disregarded his own affairs in his attention to public engagements, that had his estate not been very large, he would have died as poor as any of his colleagues. He was consulted, when it was contemplated to burn the town of Boston, in order to force the enemy to evacuate

*Without reference to general views, a signature to that instrument, was, to the individual, on personal considerations only, of the most momentous import. The only writing, however, which appears trembling, is that of Mr. Hopkins, who had been afflicted with the palsy. Hancock seems to have had in mind an official proportion in the dimensions of the name; and the force with which it is written, shows that it was never intended to be erased. Those who are fond of relics, may be glad to know, that the pen with which these signatures were made, was preserved, and is now in the cabinet of the Massachusetts historical society.

it. He answered that although the greater part of his fortune consisted of buildings within the town, yet, if its destruction would be useful to the cause of his country, that this circumstance should be no impediment to its being set on fire immediately.

The greatest fault in his character, was a peevishness and irritability that often grieved his friends, but which was forgiven on reflecting, that this failing was not owing to a bad heart, or a mean spirit, but to perpetual ill health. His constitution was naturally feeble, and he was for many years afflicted with the gout. The greater portion of his life, indeed, was past in physical suffering—his mind rose superior to this misfortune in the discharge of his public duties: and as he never relaxed from these, while it was possible for him to continue his efforts, his family and his acquaintance, bore with indulgence a natural consequence of infirmities, under which a less powerful mind would have sunk entirely.

In private life he commanded the esteem of those persons who differed from him in political opinions. His beneficence never failed. In his exterior he exhibited the characteristics of a gentleman—dressing with elegance, according to the fashion of the day; keeping a handsome equipage, and being polite and affable in social intercourse. He was renowned for his hospitality; strangers who were entitled to it, received a ready welcome, and a large circle of acquaintance became frequent guests at his parties, which were distinguished for all the requisites, *material* as well as *personal*, which are necessary to convivial enjoyments, among the refined classes of civilized society. He possessed many valuable qualifications for public life, a knowledge of business and facility in despatching it, and a ready insight into the character of men. As an orator, he was not remarkable; he seldom made an elaborate speech, and the only discourse of his in print, is the oration on the 5th of March, 1774.—But as the president, moderator, or speaker of an assembly, whether it was a town meeting or a house of representatives, he was not surpassed by any person of his time. His voice was powerful—his acquaintance with parliamentary forms accurate, and his apprehensions of questions quick; he was attentive, impartial and dignified, and in these situations, inspired respect and confidence wherever he presided.

Towards the close of his career, as parties grew up under the new constitution, some respectable men were dissatisfied with his administration as governor, but the amount of his popularity as signified by numbers, was not perceptibly diminished. In the adoption of the federal constitution, though president of the convention which discussed that instrument, he did not at the beginning take a very decided part; yet, towards the close of the session he lent all his influence, which was very important, to procure the ratification of the new system.—There were still, however, strong prejudices against him, arising rather from a dislike to particular individuals who surrounded him, than to his own proceedings. Men who were lukewarm or inimical to the federal government, obtained an ascendancy over his mind, which was invidiously manifested at the last journey of Washington to Boston, in 1789. The governor was unfortunately persuaded to start some ill timed questions of etiquette respecting his meeting with the President, which was wholly unexpected by the latter, and tended to mar the pleasure of his visit. At that moment of joyous enthusiasm, when infancy and age were exulting, the one, that it had been born soon enough, and the

other, that it had lived long enough to see the beloved chief: when the people and the magistrates, both sexes, and every profession, poured forth in processions, with overflowing hearts, to greet the most venerated man in the nation, this coldness of the governor inspired universal dissatisfaction.—He himself regretted this mistake, and subsequently endeavored to remove its impression. In fine, his talents may be estimated to have been rather useful than brilliant or profound; his habits and appearance were those of a gentleman; his feelings and principles those of a patriot; his morality and benevolence those of a sincere professor of christianity; he abandoned the care of private interest to devote his time to the welfare of the public; his bodily infirmities could not subdue the energy of his mind, and the part which he took having been adopted from a sense of duty, was inflexibly sustained: he outlived the proscription of his enemies, to be cherished and honored by his fellow citizens, and his name, which stands the leading signature in the national charter, is conspicuously and indelibly stamped in the history of his country.

Speech of Mr. Phillips.

SHARPE vs VIALLS, clerk

The speech of C. Phillips, Esq. as delivered at the court of King's Bench, in an action between *Sharpe v. Vialls*, clerk, to recover damages for a malicious prosecution, for stealing *beef and bread*—value, two pence—on Thursday, December 12th, 1832, before the Lord Chief Justice, and a special jury.

My lord, and gentlemen of the jury.

The jury had heard from my learned friend, that this action was brought to recover compensation in damages, in consequence of a prosecution, maliciously preferred—that is, preferred without any probable cause to warrant it, from the absence of which, malice, though not distinctly proveable, was still presumable and inferential. I need not state to you, that the grounds ought to be strong indeed, to warrant any man, in putting another on his trial on a charge of felony. The principles of constitutional law are too well known in England, to require any statement on the subject. My charge to day, against the defendant, is, that he did institute such a prosecution against my client; not only without any probable grounds to warrant it, but upon grounds the most absurd, the most cruel, the most oppressive, and the most capricious,—a proceeding not only repugnant to his character as a clergyman, but detestable in the eyes of every human being. Gentlemen, I feel, however, that I have much to combat, in advocating the cause of humble poverty, against pampered oppression—I have to charge that oppression upon a character, where the virtues, and the charities of life, are presumed to dwell—I have to fear, also, lest the language which I must hold towards the individual, may be misconstrued into any disrespect, to his venerated profession—most assuredly I mean no such a thing—but when I find a man in lofty station, struggling to prove, that he owes his rank rather to fortune's blindness, than to personal deserving, and when I find him hiding the world's heart under a religious garment, it is my duty to overcome the pain, which the exposure gives me—a duty, to the rank, such conduct has dishonored—a duty to the church, thus more endangered by its own professors, than by all that infidelity can urge against it.

I shall proceed to detail to you the facts—hear them if you can with gravity—think of them, I trust you will not, without indignation. The plaintiff is a poor man, living by the labor of his hands. The defendant, Mr. Vialls, is a clergyman of the church of England, of ample fortune, and its usual attendants, a large establishment. It happened that in October of the last year, the defendant was employed in the garden of Mr. Vialls, as undergardener, and on the 31st of that month, it being Sunday, he dined with his aunt, at Camberwell. They had a small round of corned beef for dinner, and, upon his departure, his aunt, with much hospitality, pressed him to accept a slice of it. He accepted it, returned home, and placed it in an open tool box in the garden, the usual depository for the under gardener's dinner. About 11 o'clock, the Parson went to take the air in his garden; he proceeded with the sagacity of an old pointer to the tool-house, and made a dead set upon the poor man's beef. [Laughter.] He was not contented with the title of it, or he might perhaps, have pleaded prescription [Continued laughter.] But he swept it at once, entire and whole, into his breeches pocket. [The laughter here was loud and prolonged.] Out of the Doctor's own lips, I shall prove this ludicrous disposal of the beef. The poor man was earning an appetite, which it seems, breakfast could not take away from the Parson. The Doctor proceeded directly to his house—he dived at once into the kitchen. "Follow me," said he to the astonished cook, "follow me to the larder, and bring the carving knife with you." [Laughter.] The cook followed with tremulous apprehension, the scullion retreated in silent consternation. Arrived at the kitchen, he cast a look at a round of beef which had already done duty in the family, cut a measured slice from it, with much caution, performed the like operation upon a loaf of bread, and then stalked away without uttering a syllable. "Lord bless us," says the cook, "how hungry my master is—breakfast just over, he's taken to the luncheon." Not for a luncheon, however, was the beef intended; all that day, and all that night, it was the Parson's companion, and next morning the cook received a summons to attend his dressing room; there, spread out in state, he showed her the slice he had cut off the round, and the beef he had manœuvred out of the tool-box—so cut to match, that you could scarcely distinguish between them. "Won't you swear," said the Parson, "that these two slices are from the same round?" "It's impossible that I can," said the cook, "beef's beef all the world over." "I can," said the parson; "here's a slice that came off my round, and I'll swear it did, because I found it in the tool box." "Your round," said the cook, "was safe in the larder; the door was locked, and the key was in my pocket." There was a reason too, which the Doctor assigned for claiming the beef, and which, as it has at least, the merit of originality, I shall mention. Indeed, he repeated it before a jury.—I know the beef to be mine from its complexion! Gentlemen, perhaps he might. I dare say there was a lily whiteness about the fat, and a modest saltpetre aurora like redness about the lean, familiar to the eyes of a Doctor of Divinity.

Gentlemen, the next appearance of the cook was before a magistrate, where she distinctly swore to the utter impossibility of any access to the beef, without her knowledge, and she solemnly denied that such access was ever afforded. The cook having failed, the butler was resorted to. The Parson produced to him the slice from the round, and asked him whether it was not his property? "No,"

said the butler. "God bless me," said the Parson, "what a fool you are, not to swear to beef!" He then produced the slice from the tool box. "At all events, Joe, you will have no hesitation in swearing that this, and the other, came from the same round?" "N," replied Joe, "I'd rather say they did not, because the one is much drier than the other." The old mathematician, when he solved the problem, and exclaimed *eureka*, never felt one-tenth portion of the parson's extacy—"It's the same, Joe, it's the same—it's only drier, because I carried it in my breeches pocket."—[Laughter.]

His next resource, gentlemen, was the plaintiff himself. The plaintiff was bewailing the robbery of his dinner, little foreseeing he was to be considered a thief, he told at once, that he got the beef from his aunt at Camberwell; but parson Vials was not to be satisfied, nor would he even make enquiry. Day after day, the man came to his work, and day after day, the parson beset him, tormenting him hourly with the same questions; at length his patience was quite exhausted, and he said, as I am told, in the presence of the butler, "sir, I told you the name of my aunt, and where she lived; I'll answer you no more upon the subject: I am ready to prove my innocence before any tribunal in the world." In the mean time, gentlemen, the beef was hourly affording the parson another opportunity of lecturing upon the mutability of human affairs; in other words, it was getting musty; despatch was necessary. The parson sent it down, with a strict command that some of the servants should dine on it. The butler rejected it, as he was to be a witness; and the kitchen maid swore she'd not make her stomach a receiver of stolen goods; and the unfortunate cook will tell you that she boiled it herself, in order to prevent a robbery in the scullery.—[Laughter.]

Will you believe, gentleman, that upon these grounds, against the speaking evidence of the man's daily return to work, against the oaths of his own servants, against common sense, merely because he had a cold round in his larder—this prop of the church, who keeps his lordly mansion, his equipage, and his retinue, determined to prosecute this helpless peasant, on a charge of robbery? A charge so laid, as to subject him to transportation. Did you ever, gentlemen, hear of such a case as this? I remember to have heard of one, and but one, which occurred in another country. It was not in Ireland, gentleman, though Mr. Gurney's smiling would seem to say so. It happened in America about fifty years ago. Johnny Hook, gentlemen, was a Highlander. He lived in one of the most economical parts of Scotland, until he arrived at years of discretion, when, of course, he emigrated.—[Laughter]. He arrived in America about the period of the revolution, having brought with him, from Scotland, a little stout bullock, which I dare say, he thought an apt emblem of his countrymen.—[Laughter.] Patriotism is said to be a hungry quality, and unappily for Johnny Hook, the American army encamped in the very field where his bullock was grazing. The bullock was soon sacrificed to the appetites of the invaders of the field, and the setting sun beheld but its last rib in existence. At the conclusion of the war, Johnny set off from the farm, and brought his action against the commissary general, for the price of his bullock. The defence was conducted by the inspired Patrick Henry—a name immortal in America, and, which should never die wherever talent and genius are held in estimation. He touched the chords of the juror's hearts, and when he had pictured before

them the perils, and privations which the American army had undergone, the achievements and victories they had obtained, he exclaimed with a feeling which soon became contagious. "But who is this man who disturbs a nation's devotion, and at the very moment when they are, with uplifted arms, returning thanks to the God of battles, exclaims, beef, beef, beef!"

In America, the name of Johnny Hook will never die. Genius has touched it, and made it immortal—but what was Johnny Hook, when contrasted with parson Vials?—as a candle to the sun. From the moment that the parson glanced his keen, wordly tithe-discerning eye into the poor man's box, his very imagination appears to have become possessed. Throughout all creation he could see nothing but beef! This rounded world, with all its rich varieties, was in his mind nothing but—a round of beef; his roses and his lillies became transformed into bullocks—not a text could he think of, except the flesh pots of Egypt. Beef became to him what ale was to Boniface, his diet and his dream, his garment and his pillow,—in short, whether the parson was eating or thinking, dreaming or preaching, it was all the same—he saw nothing, said nothing, thought of nothing, but beef, beef, beef! The disease, innocent at first, became at last malignant—it excited all his sympathies, and he avowed by his holy hatred of persecution—by his love of christian charity and forbearance—by his abhorrence of all sinful appetites in the poor—by his reprobation of all luxury out of the pale of the church—that he'd grind the devoted beef eater to the dust! If he relented but for a moment, the mutilated round swam across his memory, and with it came the train of its perfections. Oh, it was a round fit for a rector's appetite—a round the very corporation might have envied—a round to bid defiance to the whole common council after a fast day—

The round was a picture for painters to study,

The fat was so white and the lean was so ruddy.

And then his Roman indignation burst into soliloquy—"I'll make an example of the miscreant—I'll make it a city business—I'll have the monster tried at Hick's Hall—I'll retain a judge to prosecute him—the deputy recorder shall prosecute him—I'll go further, the court of Aldermen shall be on the Bench, and he shan't have even a chance, for I'll have him indicted five minutes before dinner—the rascal shall become a perfect pythagorean, and take a distaste to the whole animal creation.—[Laughter]—even in Botany Bay, he won't have the hardihood to look a bullock in the face." [Continued laughter.]

So far this may appear a jest, and as such so far you see I have not been unwilling to treat it. But what will you say, when I tell you that he actually put it into practice? What will you say, when I tell you that he took three whole days to deliberate, and then, though the poor man returning to his garden to his daily work as usual, actually had him arrested on a charge of felony! Yes! when the poor peasant, with all the boldness natural to innocence, day after day presented himself before him—when he was bending in toil over the sluggish soil of its more insensible proprietor, he had him arrested on a charge of robbery! And who did this—a man of wealth—and a man of God!—the very "Dives" of the Bible, "faring sumptuously every day," and grudging to poverty even the crumbs from his table! Who was the magistrate before whom he brought him? A Sergeant-at-law—his own father-in-law!—the son-in-law accused, and the

father-in-law committed him; and, indeed, they were right not to let the glory of the achievement go out of the family.—Imagine, gentlemen, you behold the spectacle—the parson sweating to the complexion of the penny worth—the butler endeavoring to coax him into reason—the cook maintaining the inviolability of the larder—the serjeant threatening to bundle her out of the office, until at last amid the Babel of the contes', and the alternate ascendancy of "beef!" "Church!" "New-gate," and "Botany Bay!" he was confined to five hours imprisonment by these twin ornaments of law and divinity.

At length his friends heard of his situation—he was then necessarily admitted to bail, and bound over to meet his charitable "pastor and master" at the sessions. Let us pause here, gentlemen, and reflect on the situation of my client, during the interval. Turned out of his service, on a charge of robbery—that robbery, the robbery of his own master—unable to procure employment under the doubt—obliged to spend the last shilling of his little savings, amounting to twenty pounds, in preparations for his defence—with many weeks before his innocence could be vindicated, and with the certainty, that even in a case of an acquittal, the fact of his having been tried, would cling to him forever—weigh these sufferings of a poor man and an innocent man, and then say what a rich man and a guilty man, should pay for their infliction. The interval, however, might have had its value—it might have awakened in the prosecutor some compunctions of humanity—did it do so?—no, for four weeks did he brood over the serpent egg of his malignity; for four weeks, night after night, did he lay his head upon his pillow, after praying to the Almighty (if such men ever pray), to be forgiven on the terms of his own forgiveness! I will suppose for a moment, the worst against my client—I will suppose that this charge might have been true, and that the poor man, goaded by hunger, and tempted by opportunity, had taken the rich man's beef, "value one penny"—ought he not, as a minister of the gospel, to have forgotten and forgiven it—ought he not, as a man, to have thanked the power that placed him above temptation, and dropped a tear for the unfortunate! But when it was false, false on the very face of it—and adopted upon grounds which even a drivelling idiot would have discountenanced, and stubbornly persevered in against the combined oaths of every one consulted, in what terms shall we express our disgust and indignation?

At length the long expected sessions came—at ten, to a moment, the parson was in attendance; day after day he missed not a minute—and at least for half their period, upon the steps of the prison house, was this sleek emblem of orthodoxy to be seen, elbowing the thieves and convicts as they passed, and piously preparing to add an innocent man to their number. He was saved all trouble in procuring his attendance—he surrendered himself at once, not attended merely by his bail, but by the indignant crowds who had known him from his infancy, and who now pressed forward to attest the industrious honesty of his life. The cause was called on, and without compunction did this reverend clergyman, upon no other grounds except those I have stated, depose to a charge of felony against my client! His wealth—his rank—his character—his sacred station—all were thrown into the scale against the poor man. What mattered it that he had risen to industry with the morning sun, and that its brightest noon could not reveal a speck upon his character. What mattered it that he had

smoothed the sorrows of a parent's age! There stood a minister of the gospel—a man whose functions placed him above suspicion; there he stood, with the very book in his hand from which he should preach the forgiveness of injuries, burning on my client the brand of an ungrateful felony! Awful to the poor man was that moment; his country, his liberty, his character, (the poor man's only wealth,) at hazard; the little world in which he lived—all were witnesses of his shame and degradation. If he were convicted, the utmost penalty of the law must have fallen upon him, and fallen justly, because to the civil crime, a breach of trust was added; even on an acquittal, pains and penalties must have followed—the expenses he was put to! a fearful issue!—but what did it signify to this follower of the apostles? The poor man might have rotted in a dungeon, but he had a splendid palace in which to riot. The man might have tossed upon a bed of straw; but he had his silken canopy and his bed of down. The poor man might have traversed the returnless ocean; but he had the luxuries of life around him—the hoarded coffer and the groaning board, to some souls, the poet tells, afford ample compensation for the scorn of mankind.

Gentlemen, do I use strong language! I am not ashamed to do so in this rascally transaction. I mean not to use measured language. Though when I meet a minister of the gospel, with the patent of his election stamped upon his life—humble amid the homage which his merits gains him—poor like the dying Fenelon, from his charities—pious, not in his preaching, but in his acts—a link, as it were, between the earth which he instructs, and the heaven, to which he leads, teaching the happiness of the one and typifying the purity of the other—though I can admire such men even in my inmost heart—yet I will not extend my reverence to that vermin sanctity which burrows its way under the foundations of the temple, and eats the bread of the shrine it has endangered. Gentlemen, I need scarcely tell you the result of the prosecution. The prosecutor swore, as might have been expected, to the identity of the beef—to the identity of the bread—and after establishing his full claim to the pennyworth, he called up his household to corroborate him. One of them has been turned out of his service since, the other has a second opportunity to-day. What they swore then—I take for granted they will swear now; and if they do, I defy any man of conscience to say that this man had probable grounds for his prosecution—recollecting, as you will, that all was communicated to him before the sessions—nay, before the arrest. What was the result? The jury rose indignantly, interposing between the accused and the mortification of a defence—he was at once acquitted.

Parson Vials departed happy, I would have supposed, in the escape of innocence, if he had since offered the slightest compensation—if he had even tendered the expenses to which his caprice had put my client; but he has not done so; he chooses again to come before the public, again to meet, I trust, the merited rebuke of an honorable jury. The only point in which such a man can be made to feel, is his purse; and I hope it will at last be opened to the claims of the poor. The trial over, my client and his prosecutor both departed; the one to his lordly mansion, the other to his home of desolation—the one exclaiming, *populus me sibilat*—the other ruminating on all the woe to which poverty is subject, and the wickedness which

may thrive even under a consecrated garment.—The day of retribution, however, is at last arrived; and at your honest hands I confidently claim it—I claim it, not merely for expenses incurred; for imprisonment endured; for character involved; for oppression exercised; but I claim it in addition, for the agony of mind which the plaintiff must have suffered when he saw himself attainted before the world as a felon. But if I wanted an aggravation in this case, do I not find it in the station of the defendant; in that education which should have meliorated his heart; in that wealth, of which, as a clergyman, he was but the almoner of heaven; in that sacred office which should have pressed on him the assumption of benevolence? What would the world say, and naturally say, when they saw such a prosecutor? Would they not say, that glaring indeed must have been the guilt which forced him to depose to it? Would they believe that it was assumed upon the grounds too ridiculous for credulity; grasped at, at first, with a disgraceful promptitude, and afterward pursued with as disgraceful a perseverance, got up by a kind of family arrangement; dragged before the public against all evidence; against the daily return of the accused to work; against the impossibility of access; against the dissimilarity of the article; against the unanimous testimony of every witness who was examined. Gentlemen of the jury, I shall leave this case to you. If you think that innocence should be accused; character involved; expense accumulated; imprisonment endured, and felony imputed, upon grounds like these—dismiss my client; but if you hold probity in respect, though clothed in rags, and oppression in horror, though it be robbed in lawn,—I call on you to say so by your conscientious verdict.

The jury instantly returned a verdict for the plaintiff—damages £50.

The Plymouth Pilgrims.

From "*Collections Historical and Miscellaneous, and Monthly Literary Journal,*" published at Concord, New Hampshire.

An account of the voyage of the Plymouth Pilgrims, from their leaving Leyden, in Holland, till their arrival in New England, and settlement of Plymouth.

[Collected by the reverend THOMAS PRINCE, principally from governor Bradford's History of the Plymouth people and colony, from 1602 to 1646, in 270 MS. pages in folio. It is greatly to be regretted, that this first and valuable history of the pilgrims, was never published, and still more that the manuscript is now supposed to be lost beyond recovery. It was deposited with Mr. Prince's valuable collection of papers in the library of the old south church in Boston, and was either destroyed or carried away by the barbarians of the British army, who converted the old south church into a riding school.]

On the deck then the pilgrims together knelt down,
And lifted their hands to the source of each blessing,

Who supports by his smile, or can blast with a frown,
To him their returns of thanksgiving addressing.

His arm through the ocean had led to the shore,
Where their perils were ended, their wanderings were o'er.

All hushed were the breezes, the ocean at rest,
Was bright in the radiance that linger'd at even,
The prayer of the pilgrims arose from each breast,
Each tongue uttered forth hallelujahs to heaven.
The arm of Jehovah had led to the shore,
Where their perils were ended, their wanderings were o'er.

UPHAM.

"About the 21st July, the English voyagers at Leyden leave that city, where they had lived near twelve years; being accompanied by most of their brethren to Delph Haven, where their ship lay ready, and sundry come from Amsterdam, to see them ship'd and take their leave: they spend the night in friendly, entertaining and christian converse. And July 22, the wind being fair, they go aboard, their friends attending them; at their parting, Mr. Robinson falling down on his knees and they all with him. He with watery cheeks commends them with most fervent prayer to God; and then with mutual embraces and many tears they take their leave, and with a prosperous gale come to South Hampton, where they find the bigger ship from London, Mr. Jones, master, with the rest of the company, who had been waiting there with Mr. Cushman seven days. Seven hundred pounds sterling are laid out at Southampton, and they carry about 1700 pounds venture with them; and Mr. Weston comes thither from London, to see them despatched.

July 23. King James gives a warrant to his solicitor, sir Thomas Coventry, to prepare a new patent for the incorporation of the adventurers to the northern colony of Virginia, between 40 and 48 degrees N. which patent the king signs or Nov. 3d, styling them the council for the affairs of New England and their successors.

July 27. Mr. Robinson writes to Mr. Carver and people letters, which they receive at Southampton; and the company being called together, theirs is read among them, to the acceptance of all, and after-fruit of many. Then they distribute their company into the ships, and with the approbation of the masters, choose a governor and two or three assistants for each, to order the people and provisions.

Aug. 5. They sail from South Hampton, but reach not far before Mr. Reynolds, master of the lesser ship, complained she was so leaky he dare proceed no farther; upon which they both put into Dartmouth, Aug. 13, where they search and mend her, to their great charge and loss of time and fair wind, though had they staid at sea but three or four hours more she had sunk right down. About Aug. 21, they set sail again; but having gone above a hundred leagues beyond the land's-end of England, Mr. Reynolds complained of her leaking again; that they must either return or sink, for they could scarce free her by pumping; upon which they put back to Plymouth; where, finding no defect, they judged her leakiness owing to her general weakness: they therefore agree to dismiss her, and those who are willing to return to London, though this was very grievous and discouraging. Mr. Cushman and family returning with them, the rest taking what provisions they could well stow in the larger ship, resolve to proceed on the voyage alone.

Sept 6. They make another sad parting, and the greater ship sets sail again; but about half seas over meets with cross winds and many fierce storms—which often forces them to hull for divers days together, not being able to bear a knot of sail; make her upper works very leaky, and bow and wrack a main beam in the mid ship; which puts

them in such fear, as the chief of the company enters into serious consultation with the ship officers about returning: but a passenger having brought a great iron screw from Holland, they with it raise the beam into its place; and then committing themselves to the Divine will, proceed.

Nov. 6. Dies at sea, Wm. Butten, a youth and servant to Samuel Fuller, being the only passenger who dies on the voyage.

Nov. 9. At break of day, after long beating the sea, they make the land of Cape Cod, whereupon they tack and stand to the southward, the wind and weather being fair, to find some place about Hudson's river for settlement. But sailing this course about half the day, they fall among roaring shoals and breakers, and are so entangled with them; as they find themselves in great hazard, and the wind shrinking upon them at the same time, they bear up for the cape, get out of those dangers before night; and the next day into the Cape harbor, where they ride in safety.

Nov. 11, *Saturday*. Being thus arrived, they first fall on their knees and bless the God of Heaven, &c. But their design and patent being for Virginia, and not New England, which belongs to another jurisdiction, wherewith the Virginia company have no concern; before they land, they this day combine into a body politic by a solemn contract,* to which they set their hands, as the basis of their government, in this new found country; choose Mr. John Carver, a pious and well approved gentleman, their governor for the first year: and then set ashore fifteen or sixteen men, well armed, to fetch wood and discover the land: who, at night return, but found neither house nor person.

Nov. 13, *Monday*. The people go ashore to refresh themselves, and every day the whales play round about them, and the greatest store of fowls they ever saw. But the earth here a company of sand hills; and the water so shallow near the shore, they are forced to wade a bow shot or two to get to land; which being freezing weather, affecteth them with grievous colds and coughs, which after proves the death of many, and renders the place unfit for settlement.

Nov. 15. While the shallop is fitting, captain Standish, with sixteen men well armed, set out on the cape to search for a convenient place to settle. William Bradford, Stephen Hopkins and Edward Tilly are of the number adjoined to the captain for council. When they had marched a mile southward, they see five or six savages, whom they follow ten miles till night, but could not overtake them, and lodge in the woods. The next day they head a great creek, and travel on to the valley, wherein is a fine, clear pond of fresh water, a musket shot wide and two long. Then they come to a place of graves; then to the remainder of an old fort or palisado, which they conceive has been made by christians; and then into a harbor opening into two creeks, with a high cliff of sand at the entrance, the western creek being twice as large as the eastern. Near which they meet with heaps of sand, dig into them, find several baskets full of In-

dian corn, and taking some, for which they purpose to give the natives full satisfaction, as soon as they could meet with any of them; return to the pond, where they make a barricado and lodge this night, being very rainy: and the next day, wading in some places up to the knees, get back to the ship to the great joy of their brethren.

Nov. 27. The shallop being fitted, twenty-four of their men, with Mr. Jones and nine sailors; thirty-four in all, set forth on a more full discovery of the aforesaid harbor. But the weather growing rough, and the winds cross, they are soon obliged to row for the nearest shore, and then wade above their knees to land. It blows, snows and freezes all this day and night; and here some received the seeds of those fatal illnesses that quickly seized them. The next day, they sail to their designed port, but find it unfit for shipping, land between the two creeks; and marching four or five miles by the greater, are tired with travelling up and down the steep valleys, covered half a foot with snow, and lodge under pine trees. The next morning, return to the other creek, and thence to the place of their former digging, where they dig again, though the ground be frozen a foot deep, and find more corn and beans, make up their corn to ten bushels, which they send, with Mr. Jones and fifteen of their sick and weaker people to the ship; eighteen staying and lodging there this night. Next day, they dig in several such like places, but find no more corn, nor any thing else but graves; discover two Indian wigwags, but see no natives. And the shallop returning, they got aboard at night; and the next day, Dec. 1, returned to the ship.—The corn they found happily serves for their planting on the spring ensuing, or they would have been in great danger of perishing. For which they gave the owners entire content about six months after. Before the end of November, Susannah, wife of William White, was delivered of a son, who is called Peregrine, being the first born since their arrival, and, [as Mr. Prince concludes,] the first of European extract in New England.*

Dec. 4. Dies Edward Thompson, servant of Mr. White, the first that dies since their arrival. Dec. 6, dies Jasper a boy of Mr. Carver's. Dec. 7, Dorothy, wife to Mr. William Bradford. Dec. 8, James Chilton.

Dec. 6. They send out their shallop, with ten of their principal men, viz: Mr. Carver Bradford, Winslow, capt. Standish, &c. with eight or ten seamen, to circulate [circumulate] the bay, and find a better place; though the weather is very cold and the spray of the sea freezes on them, that their clothes look as if they were glazed, and feel like coats of iron. This night they get to the bottom of the bay, see ten or twelve Indians ashore, busy a cutting upon a grampus. By reason of the flats, they land with great difficulty, make a barricado, lodge therein, and see the smoke of the Indian fires that night about four or five miles from them.

Dec. 7. This morning they divide their company, some travelling on shore, eight others coasting in shallops by great flats of sand. About ten o'clock, the shore people find a great burying place. Part thereof encompassed with a large palisado, full of graves, some paled about, others having small poles turned and twisted over them. With-

*In allusion to this contract, the following toast was given at the second centennial anniversary of the landing of the pilgrims at Plymouth, which was celebrated at that place, Dec. 22, 1820: "The solemn contract of the pilgrims in Cape Cod Harbor, Nov. 11th, 1620—and the several editions of it—1776, 1780, 1783, 1820—may it never become obsolete!"

*He died at Marshfield, July 22, 1704. The first born in Massachusetts colony was Elizabeth Patch, who died at Salem, Jan. 14, 1715, aged 87. The first in Rhode Island colony was Mary Godfrey, who died at Newport, April 14, 1715, aged 77.

out the palisado, were graves also, but not so costly. Then they came to four or five wigwams, but see no people. Towards night, they hastened out of the woods to meet the shallop, and making a signal for her to bear into a creek, she comes in at high water to their great mutual joy, having not seen each other since morning; but found no people nor any place they liked: and at night made another baricada, and lodge therein.

Dec. 8. At five this morning they rise, and after prayer, the day dawning, and the tide high enough to call them down to the shallop, they suddenly hear a great and strange cry, one of their company running towards them, and calling out *INDIANS! INDIANS!* And, therewith, arrows come flying among them. Upon discharging their pieces, the Indians soon get away, the English following a quarter of a mile shouting, return to their shallop, having left six men to keep her, and not one of the company wounded, though the arrows flew close on every side. Upon which they gave God solemn thanks; then sail along the coast about fifteen leagues; find no convenient harbor, and hasten on to a port, which Mr. Coppin, their pilot, assures them is a good one, which he had been in, and they might reach before night. But after some hours sailing, it begins to snow and rain. At mid-afternoon, the wind rising, the sea grows very rough, they break their rudder, [and] it is as much as two men can steer her with a couple of oars. And the storm increasing, the night approaching, and bearing what sail they can to get in; they break their mast in three pieces, their sail falls overboard in a very grown sea, and they are like to founder suddenly: yet by the mercy of heaven, they recover themselves, and the flood being with them, strike into the imagined harbour: but the pilot being deceived, cries out, *Lord be merciful! my eyes never saw this place before!* He and the mate would have run her ashore, in a cove full of breakers, before the wind; but a steersman calling to the rowers, *about with her or we are cast away;* they get her about immediately: And, Providence showing a fair sound before them, though it be very dark and rains hard, they get under the lee of a small rise of land; but are divided about going ashore, lest they fall into the midst of savages. Some therefore, keep the boat, but others being so wet, cold and feeble, cannot bear it, but venture ashore, with great difficulty kindle a fire; and after midnight, the wind shifting to the N. W. and freezing hard, the rest are glad to get to them, and here stay the night

Dec. 9. In the morning, they find the place to be a small island, secure from the Indians. And this being the last day of the week, they here dry their stuff, and fix their pieces, rest themselves, and return God thanks for their many deliverances, and here the next day they keep the christian sabbath.

Dec. 11. Monday. They sound the harbour, find it fit for shipping, march to the land, see divers cornfields, and running brooks, with a place they judge fit for habitation, and return to the ship with the discovery to their great comfort.

Dec. 15. The ship sails for this new found port, comes within two leagues of it, when a N. W. wind comes fair, and she arrives in the desired harbour. Quickly after the wind chops about; so that had they been hindered but half an hour, they would have been forced back to the cape again.

Dec. 18. Monday. They land with the master of the ship and three or four sailors; march along the coast, seven or eight miles, but see neither

wigwam or navigable river, but only four or five brooks of sweet fresh water running into the sea, with choice ground formerly possessed and planted; and at night return to the ship. Next day, they go again to discover; some on land, and others in the shallop, find a creek into which they pass three miles and return.

Dec. 20. This morning, after calling to heaven for guidance, they go ashore again to pitch on some place for immediate settlement. After viewing the country, they conclude to settle on the main, on a high ground, facing on a bay, where corn had been planted three or four years before; a sweet brook running under the hill, with many delicate springs.—And a great hill they intend to fortify; which will command all round whence they may go across the bay to the cape. And here being in number twenty, they rendezvous this morning; but a storm rising, it blows and storms all night, continues so tempestuous for two days, that they cannot get abroad, and have nothing to shelter them.

Dec. 21. Dies Richard Britterige, the first who dies in the harbor.

Dec. 23. Saturday As many as can, go ashore; cut and carry timber for a common building.

Dec. 24. Lord's Day. Our people ashore are alarmed with the cry of savages; expect an assault, but continue quiet. And this day dies Solomon Martin, the sixth and last who dies this month.

Dec. 25. Monday. They go ashore again, felling timber, sawing, riving, carrying; begin to erect the first house, about twenty feet square, for their common use, to receive them and their goods: and leaving twenty to keep a court of guard, the rest return abroad at evening. But in the night and next day, another sore storm of wind and rain.

Dec. 28. Thursday. They go to work on the hill, reduce themselves to nineteen families, measure out their lots and draw for them. Many grow ill of grievous colds from the great and many hardships they had endured. *Dec. 29* and *30*, very cold and stormy again; and they see great smokes of fires made by the Indians, about six or seven miles off.

Dec. 31. Lord's Day. Though the generality remain aboard the ship, almost a mile and a half off; yet this seems to be the first day that any keep the sabbath in the place of their building. At this time we therefore fix the era of their settlement here, to which they give the name of Plymouth, (the first English town in all this country, in a grateful memory of their christian friends, they found at Plymouth in England, as of the last town they left in their native land.

Prince's N. England Chronology.—pp. 70—80.

Note. The landing of the Fathers at Plymouth, according to Old Style, was on Dec. 11, but the anniversary is observed on the 22d annually. The face of the rock on which they landed was, in the year 1775, taken from its original bed, and placed by the side of a "liberty pole, which at that time was erected near the court house, and where the rock still remains. It is distinguished by the name of "*Fore Fathers' Rock.*" The base of it yet continues in open view, in its original situation, at the head of the longest wharf in Plymouth, built on the precise spot which uniform tradition assigns as its site. There is a tradition as to the person who first leaped upon the rock, when the families came on shore, December 11, 1620: it is said to have been a young woman, Mary Clinton.— See Coll. Mass. Hist. Soc. 2d series vol. III. p. 174.









