

THE WEEKLY REGISTER.

Vol. 1.]

BALTIMORE, SATURDAY, FEBRUARY 29, 1812.

[No. 26.]

"——— I wish no other herald
"No other speaker of my living actions,
"To keep mine honor from corruption
"But such an honest chronicler."

Shakspeare—HENRY VIII.

Printed and published by H. NILES, Water-street, near the Merchants' Coffee-House, at \$5. per annum.

To the Public.

It has been a custom, from the infancy of time, for the managers of periodical magazines to halt at certain convenient *stopping places* on their literary journey, for the purpose of holding a little familiar chat with the friends who have accompanied them on the way. To take a retrospect of the dangers and difficulties he has surmounted, emboldens an editor to look forward with hope and confidence to those he has still to encounter; and if he should be happy enough to have kept his companions in a cheerful disposition to pay the *travelling expenses*, he resumes his course with increased alacrity. In the language of a late accomplished scholar, we have arrived at our first *turnpike*; and now may be permitted to count the *milestones* we have passed, and describe the route which we shall take for the future.

In his original contract with subscribers, the editor gave them the privilege of withdrawing their patronage, if after the 13th No. they found the work not to answer their expectations. It affords him a high gratification to say that very few, indeed, availed themselves of this indulgence; and it is no small cause of triumph, to add, that in the short space of six months, a *third* edition of some of the first numbers of the REGISTER was rendered necessary to supply the continued increase of his subscription list. While these proofs of liberal approbation flatter his prospects of interest, they are at the same time well calculated to excite and keep alive a spirit of persevering industry, and a proud ambition still to enhance the value of his labors.

The strong current of political matter which began to flow in upon us, soon after the commencement of this publication, has rendered the *first volume* less various in its contents than, from the prospectus, it may have been expected to be. But the editor acted from a sense of duty in preferring these objects of immediate and general interest, to others speculative in their nature, or of more remote concerns. A single volume of a connected series cannot offer, in all its parts, a fair example of the grand design of the whole. In the progress of the work the editor hopes that every description of reader may find something to attract his regard, something "which may deceive the burthen of life, or invigorate the enthusiasm of literature."

With respect to the *mechanical* execution of the work, the editor has made such arrangements as allow him to promise without fear of disappointment, that the second volume will exhibit a beauty of *typography* not exceeded in any work, and which from its *smaller size* will greatly augment the *quantity* of matter, though already much more considerable than that of any other magazine, published at price.

With respect to the literary department, the editor speaks with pride of the associates engaged to aid him. They are men, who, to all the elegant ac-

quirements of genius and learning, unite the rare accompaniment of a prompt and never-weary industry. They are resources upon which he can at all times draw without a dread of *defalcation*.*

A large stock remains on our shelves for the second volume. The *series of Revolutionary State Papers* commenced in this volume, will be continued as soon as leisure serves; together with the entire journal of the *Stamp Act Congress*, of glorious memory.

On our *naval and military* affairs, we shall select a few of the *speeches* from both sides of the house, which appear to contain the most comprehensive views of the subjects. In the number laid off are those of Messrs. *Cheves, Quincey, Calhoun, Stanford and Nelson*.

In *Statistics* we have a rich variety of articles, original and selected.

Of *History*, there are many interesting articles on hand; among the rest an account of the invasion of *Portugal*, by the author of the history of the invasion of Spain; a history of the attack upon *Copenhagen*, by another hand, as also a narrative of our war with *Tripoli*.

For our *Geographical* department, we have an account of *Venezuela* ready for the press; some notices of *Canada*, which in the present situation of our affairs will not fail to be interesting, are nearly prepared for insertion.

The *Philosophical and Miscellaneous* departments shall be adorned with all the elegant variety of which our resources are capable, and under the latter head we shall hereafter devote an occasional page or two to "Sunday Readings."

To close this tedious harangue, the editor will apply to himself the language of Burke, used on a very different occasion: "I faithfully engage by night or by day, in town or in country, at the desk, or in the forest, without regard to convenience, ease or pleasure, to devote myself to the service" of my numerous patrons.

The Title, Index, &c. shall be given with the next number, if possible.

H. NILES.

* It has been a cause of frequent regret that more room could not be afforded for *original* articles. The reason is, in part accounted for in the preceding paragraph: besides to a large portion of our readers, the REGISTER assumes the character of a newspaper, while many receive it chiefly as a *book* of reference. These interests clash with the desire of others (and, indeed, with our own inclination) that it should be more devoted to *miscellaneous* and *original* communications, of which we are able and willing entirely to fill the work—but the views of all must be subserved; and by the arrangements made to get in *more matter*, we hope to satisfy every description of readers in a very short time. The second volume will probably contain from a *fourth* to a fifth more matter than the first.

By the terms of the contract between the editor and his patrons, there is now due from each (except of those who have paid in advance) the sum of *five dollars*. Subscribers in Baltimore will be immediately waited upon—those resident in the neighborhood of an agent (see page 175 and below) will please to apply to him for their bills and receipts—and those who have no agent in their vicinity will be kind enough to make remittances by mail, or some other safe conveyance, as soon as convenient. On the general payment of the little sums due to the editor, is the foundation of his hope to increase the value and adorn and beautify this work. Expenditure will be lavished "*pari passu*" with the ability afforded.

To avoid mistakes and preserve a check upon the numerous accounts of the office, the editor requests that no money may be paid but upon his own receipt, or the receipt of a gentleman whose name is recorded as an agent. It is designed, however, to furnish these gentlemen with the accounts belonging to their respective neighborhoods; but, in some instances, they may have forwarded the names of subscribers with whose bills they may not be furnished, in which case they will be pleased to supply the deficiency.

SUPPLEMENTARY LIST OF AGENTS.

At *Bloomington*, Pa. John Park, esq. P. M.—at *Elizabethtown*, Geo. Mr. John Smith—at *Batavia*, N. Y. David E. Evans, esq. In the city of *New-York*, Mr. Francis Hall—at *Poughkeepsie*, N. Y. Major Bailey—at *Hamilton*, N. Y. John Adams Smith, esq.—at *Chillicothe*, O. Samuel Williams, esq.—at *Fredricksburg*, Va. Mr. William F. Gray—at *Edgefield*, C. H. S. C. Jesse Simpkins, esq.—at *Hopkinsonville*, Kr. Thomas Ashbury, esq. P. M.—at *Jennings*, Va. William Woodford, jun. esq.—at the *Brick Meeting House*, Md. Ellis Chandler, esq. P. M.—at *Fredricksburg*, colonel Stephen Stoner.

The editor claims the indulgence of any gentleman who has kindly undertaken to act as an agent for the Weekly Register, if his name has been inadvertently omitted. If mistakes of this kind exist, they will be rectified with pleasure.

History

Of the Invasion of Spain by Bonaparte.

ABRIDGED FROM THE MOST AUTHENTIC SOURCES.
CHAPTER X.

(CONTINUED FROM PAGE 453.)

At length, on the 11th of January, the British army, after repulsing several attacks from Soult, reached Corunna, entire and unbroken: and in a military point of view the operation was successful and splendid. Nearly 78,000 Frenchmen, led by Bonaparte, with a great superiority in cavalry, had in vain, endeavored to surround or rout 26,000 British. Two hundred and fifty miles of the country had been traversed; mountains, defiles and rivers had been crossed, in daily contact with their enemy. Though often engaged, even their rear-guard was never beaten, nor thrown into confusion; but it was victorious in every encounter. Much baggage undoubtedly was lost; but nothing was taken by force. What was left was owing to the inability of the horses and mules to proceed. The courage and menacing attitude maintained by the cavalry and reserve always repelled and overawed the advanced guard of the enemy; and at Lugo, battle was offered by this handful of men, to three divisions of France, commanded by their marshal.

This challenge was declined; and the impression it made, enabled the British to legitimate their march almost undisturbed. In fine, neither Napoleon, nor the duke of Dalmatia, won a piece of artillery, a standard, or a single military trophy, from the British troops.

The greatest danger was still to be encountered: the position at Corunna was found to be extremely bad, the transports were not arrived, and the enemy were appearing on the heights. Some experienced general officers, of excellent judgment and distinguished valor, were so impressed with the melancholy aspect of affairs, as to consider the state of the army almost desperate. They represented to the commander in chief the little probability there was of being able to resist the attacks of an enemy cannonading and pouring upon them from the hills, whilst they were waiting for shipping. They therefore advised sir John Moore to dispatch a messenger to the duke of Dalmatia, and propose to enter into terms with him, for the safe embarkation of the British army. Happily for his own memory he rejected this advice: and gave to the army an opportunity of proving to the world that courage which had never forsaken them, amid all their disasters.

The French were seen next morning (12th Jan.) moving in force on the opposite side of the river Mero. They took a position near the village Perillo on the left flank, and occupied the houses along the river: while sir John Moore was incessantly occupied in preparing for the defence of his post, and making every arrangement for the embarkation of his troops. The generals and every officer of the army, were now exerting themselves to restore discipline and regularity to the troops, who were receiving such refreshments as could be procured in that place and some repose from their toils. On the 13th Jan. sir D. Baird marched out of Corunna with his division, to occupy the position on the swelling grounds, and to remain out all night. Had the army consisted of double its number it might have defended itself against a very superior force, by occupying the range of hills about four miles from Corunna. But this position was found to be too extensive; for the two wings must have been exposed to be turned, and the enemy could have penetrated to Corunna, especially by the right flank. The possession of these high hills was therefore given up to the enemy, while the British were under the necessity of occupying a second range of much inferior heights. Disadvantageous as this position was, it was preferable to leaving it also to the enemy, and contracting the posts close to the town. For if that had been done the enemy would have approached so near the shore, that every movement would have been seen, and the embarkation would have been rendered impossible. The commander in chief therefore directed that one division under general Hope should occupy a hill on the left, which commanded the road to Bentanzos, but the height of which decreased gradually towards the village of Elvina, taking a curved direction. Sir D. Baird's division commenced at this village, and bending to the right, the whole formed nearly a semi-circle. The rifle corps on the right of sir D. Baird formed a chain across a valley, and communicated with general Fraser's division, which was drawn up near the road to Vigo, and about half a mile from Corunna. The reserve under major-general Paget occupied a village on the Bentanzos road, about half a mile in the rear of general Moore. He had been on horse back from day-break, to make every arrangement for battle. He returned about eleven in

the forenoon, exhausted with fatigue, and sent for brigadier-general Stuart, and desired him to proceed to England and explain to ministers the situation of the army. He was so fatigued that he declined writing; but two hours afterwards, having taken some refreshment, finding that the vessel was not yet gone, he called for paper and wrote his last despatch to government.

On the 14th the enemy commenced a cannonade on the left, near the road to El Burgo; the British artillery returned the fire with great effect, and at last compelled the enemy to draw off his guns. In the evening the transports hove in sight, which gave the troops the invigorating hope of being able to see their native shores once more. All the preparations for embarking were completed on the morning of the 15th and the general gave notice that if the French did not move, to begin embarking the reserve at four in the afternoon. About noon he sent for colonel Anderson, to communicate his final instructions about the embarkation.—He directed that he must send the sick men, horses and baggage as quickly as possible; but that he wished all the boats to be disengaged by four in the afternoon. He continued transacting business until a little after one o'clock, when his horse was brought. He took leave of colonel Anderson, saying, "remember I depend upon your paying particular attention to every thing that concerns the embarkation; and let there be as little confusion as possible." He then mounted his horse in good spirits, and set off to visit the outposts, and explain his design to the general officers.—He had not proceeded far before he received a report from general Hope, that the enemy's line were getting under arms. The general expressed the highest satisfaction at this intelligence; and only regretted that there would not be day-light enough to profit sufficiently from the advantages he anticipated as certain. He stuck spurs to his horse and flew to the field. The advanced picquets were already beginning to fire at the French light troops, who were rapidly pouring down the hill on the right wing of the British. The army was drawn up in the order of battle he had planned three days before, and was filled with ardor. The general surveyed them with pleasure; and examined carefully the movements of the French cavalry. In a few minutes he dispatched almost all his staff officers with orders to the generals at the different posts. General Frazer, whose brigade was in the rear, was commanded to move up, and take a disposition on the right; and general Paget was ordered to advance with the reserve to support lord William Bentinck. The French now commenced a destructive cannonade from eleven heavy guns, advantageously planted on the hills. Four strong columns were seen moving from their position.—One advanced from a wood, the other skirted its edge; and both were directed towards the right wing which was the weakest point. A third column approached the reserve; and the fourth was advancing slowly upon the left along the road from El-Burgo. Besides these, there was a fifth corps which remained half way down the hill, towards the left. It was the opinion of sir John Moore, that the presence of the chief in command near to the point where the great struggle recurs, is often most useful. He probably thought it peculiarly necessary to follow this rule here, as the position of his right wing was bad; and if the troops on that point gave way, the ruin of the army was inevitable. Lord William Bentinck's brigade, consisting of three regiments, the 4th, the 103d and the 56th,

maintained this dangerous post. The guards were in their rear; and, to prevent the right being turned, captain Napier was dispatched to desire gen. Paget to bring up the reserve to the right of lord William Bentinck. Sir David Baird leading on his division, had his arm shattered with a grape shot; and was forced to leave the field.

The French artillery plumed from the heights, and the two hostile lines of infantry mutually advanced, beneath a shower of balls. They were still separated from each other by the stone walls and hedges, which intersected the ground; but as they closed, it was perceived that the French line extended beyond the right flank of the British; and a body of the enemy were observed moving up the valley to turn it. An order was instantly given, and the half of the 4th regiment, which formed this flank, fell back, refusing their right, and making an obtuse angle with the other half. In this position they commenced a heavy flanking fire.—The general watching their manœuvre, called out to them, "that was exactly what I wanted to be done," and rode up to the 56th regiment commanded by majors Napier and Stanhope. They had passed an inclosure in the front and charged the enemy most gallantly. The general animated them by his applause, "well done the fifth! well done my majors!" They drove the enemy out of the village of Elvira with great slaughter, but Napier, advancing too far, was taken prisoner and Stanhope received a mortal wound.

Sir John Moore next proceeded to the 42nd, "Highlanders," said he "remember Egypt!" and they rushed forward driving the French before them until they were stopped by a wall. The general accompanied them in this charge and told them he was well pleased with their conduct. He sent Capt. Hardinge to order up a battalion of guards to the left flank of the Highlanders; upon which the officer commanding the light company, conceived that, as their ammunition was nearly expended, were to be relieved by the guards, and began to fall back; but sir John, discovering their mistake, said to them, "my brave 42nd, join your comrades, ammunition is coming, and you have your bayonets."

They all moved forward instantly. Capt. Hardinge now returned, to report that the guards were advancing. While he was speaking and pointing out the situation of the battalion, a hot fire was kept up, and the enemy's artillery played incessantly upon the spot. Sir John Moore was too conspicuous. A cannon ball struck his left shoulder, which it tore off with part of his collar-bone, leaving the arm hanging by the flesh. He fell from his horse on his back, not a muscle of his face altered, nor did he betray the least sensation of pain. He raised himself and looked intently at the Highlanders, who were warmly engaged. Capt. Hardinge threw himself from his horse and took his hand; observing his anxiety he told him that the 42nd were advancing, upon which his countenance immediately brightened. His friend col. Graham who now came up, seeing the composure of his features began to hope that he was not even wounded, till he saw the dreadful laceration. As it was in vain to make any attempt in stopping the blood, the general consented to be removed to the rear in a blanket. In raising him up, his sword, hanging on the wound-side, touched his arm, and became entangled between his legs: Capt. Hardinge began to unbuckle it, but the general said, in his usual tone and manner, and in a distinct voice, "it is as well as it is; I had rather it should go out of the field with me." Six soldiers of the 42nd and the guards he

him. Hardinge observing his composure, caught at the hope that the wound might not be mortal, and said to him, he trusted he would be spared to the army. Moore turned his head and looking steadfastly at the wound for a few seconds, replied, "No, Hardinge, I feel that to be impossible." He then ordered the captain to report his wound to general Hope, who now assumed the command. As the soldiers were carrying him slowly along, he made them frequently turn round, that he might see the field of battle, and listen to the firing; and he was well pleased when the sound grew fainter. A spring wagon came up, bearing colonel Wynch, who was wounded; the colonel asked who was in the blanket, and being told it was sir John Moore, wished him to be placed in the wagon. Sir John asked one of the Highlanders whether he thought the wagon or the blanket was better? The man replied that the blanket would not shake him so much, as he and the other soldiers would keep the step, and carry him easy. "I think so too," said the general. "So they proceeded with him to his quarters at Corunna, the soldiers" says capt. Hardinge, "shedding tears as they went."

Many of the soldiers knew that their two chiefs were carried off, yet they continued the fight undaunted. General Paget, hastened to the right with his reserve. Colonel Beckwith dashed on with the rifle corps, reeling the enemy, and advancing on their flank. They penetrated so far, as nearly to carry one of their cannon; but were at length forced to retire, before a much superior force, which moved up from the valley. Paget then attacked this corps with the 52nd and some more of the reserve and quickly repelled it. He pressed on to a great distance, dispersing every thing in his front; till the enemy perceiving their left wing quite exposed, drew it entirely back. The French then advanced upon the centre, where generals Manningham and Smith successfully resisted their onset. The ground there being more elevated, and favorable for artillery, the guns were of great utility. An effort without success was likewise made on the left. But a corps of French took possession of a village on the road to Batanoso from which they continued to fire. On which lieutenant-colonel Nicholls boldly attacked the village, and beat out the enemy with loss.

Light now began to fall, and the French had fallen back on every side; yet the roaring of cannon and report of musquetry, continued till dark.

The victory was complete though gained under great disadvantages. The French force amounted to full 20,000 men and the British had not 15,000. The superiority in artillery was equally great, and, being planted on the hills, they fired down upon the British with dreadful effect. The French, too, clothed in the very stores which they had overtaken on the road, elated with a pursuit in which no man had been forced beyond his strength, and hourly receiving reinforcements to their already superior numbers.—The English in a state of misery, to which no army perhaps had ever before been reduced till after a total defeat; having lost their military chest, their stores, their baggage, their horses, their women and children, their sick, their wounded—every thing but their innate courage.

The loss of the British in killed and wounded was about 800 men, while that of the French, as gen. Napier, while a prisoner, was informed, amounted to 2000.—This was ascribed to the quick firing and steady aim of the British troops; the French veteran officers declaring that they had never been in so hot a fire.

The general lived to hear that the battle was won. "Are the French beaten?" was the question which he repeated to every one who came into his apartment; and he expressed how great a satisfaction it was to him to know that they were defeated. "I hope," said he "the people of England will be satisfied! I hope my country will do me justice." Then addressing colonel Anderson, who had been his friend and companion for one and twenty years, he said to him "Anderson, you know I have always wished to die this way—you will see my friends as soon as you can—tell my mother"—but here his voice quite failed, and he became excessively agitated, and did not again venture to name her. Sometimes he asked to be placed in an easier posture.—"I feel myself so strong," he said, "I fear I shall be long dying. It is great uneasiness—it is great pain." After some interval he said "Stanhope, remember me to your sister." Then pressing the hand of colonel Anderson, he died without a struggle, in the 44th year of his age.

Thus, to employ the language of lieutenant-general Hope, in a despatch which is among the most simple, clear, intelligible and interesting compositions of the kind that we have ever seen from the pen of any modern commander, and may even bear to be compared with those of Julius Cæsar—thus did sir John Moore, after conducting the army through an arduous retreat with consummate firmness, terminate a career of distinguished honor by death that has given the enemy additional reason to respect the name of a British soldier. Like the immortal Wolfe, he was snatched from his country at an early period of a life spent in her service; like Wolfe, his last moments were glided by the prospect of success, and cheered by the acclamation of victory; like Wolfe also his memory will ever remain sacred in that country which he sincerely loved, and which he had so faithfully served. The benefits derived to an army from the example of a distinguished commander, it was said in the general orders which were issued on this occasion by the duke of York, do not terminate at his death: his virtues live in the recollection of his associates, and his fame remains the strongest incentive to great and glorious actions.

In this view, the commander in chief, amidst the deep and universal regret, which the death of lieutenant-general sir John Moore occasioned, thought it his duty to recall to the troops the military career of that illustrious officer, for their instruction and imitation. Sir John Moore from his youth, embraced the profession with the feelings and sentiments of a soldier, he felt, that a perfect knowledge, and an exact observance of the honorable, but important duties of a subaltern officer, are the best foundations for subsequent military fame; and his ardent mind, while it looked forward to those brilliant achievements, for which it was formed, applied itself with energy and exemplary assiduity, to the duties of that station. In the school of regimental duty, he obtained that correct knowledge of his profession so essential to the proper direction of the gallant spirit of the soldier; and he was enabled to establish a characteristic order, and regularity of conduct, because the troops found in their leader a striking example of the discipline which he enforced in others. Having risen to command, he signalized his name in the West Indies, in Holland and in Egypt. The unremitting attention with which he devoted himself to the duties of every branch of his profession, obtained him the confidence of sir Ralph Abercromby, and he became the companion in arms of that illustrious officer.

who fell at the head of his victorious troops, in an action which maintained the English superiority over the arms of France. Thus sir John Moore, at an early period, obtained with general approbation, that conspicuous station, in which he gloriously terminated his useful and honorable life. In a military character, obtained amidst the dangers of climate, the privations incident to service, and the sufferings of repeated wounds, it is difficult to select any one point as a preferable subject for praise; it exhibits however, one feature so particularly characteristic of the man, so important to the best interest of the service, that the commander in chief marked it with peculiar approbation. The life of sir John Moore was spent among the troops. During the season of repose, his time was devoted to the care and instruction of the officer and soldier; in war, he courted service in every quarter of the globe. Regardless of personal considerations, he esteemed that to which his country called him, the post of honor, and by his undaunted spirit, and unquestionable perseverance, he pointed the way to victory. His country, the object of his latest solicitude, will rear a monument to his lamented memory, and the commander in chief, felt that he was paying the best tribute to his fame by thus holding him forth as *an example to the army.*

He had often said that if he was killed in battle, he wished to be buried where he fell. The body was removed at midnight to the citadel of Corunna. A grave was dug for him on the rampart. No coffin could be procured; and the officers of his staff wrapped his body, dressed as it was, in a military cloak and blankets. The interment was hastened; for, about eight in the morning, some firing was heard, and the officers feared, that if a serious attack were made, they should be ordered away, and not suffered to pay him their last duty. The officers of his family bore him to his grave; the funeral service was read by the chaplain; and the corps was covered with earth. A monument was afterwards raised on the spot by the marquis Romana; and in consequence of an address from the house of commons to the king, it was ordered that his memory should be honored in a similar manner, in the cathedral church of St. Paul's, London.

Upon weighing the circumstances under which the British army was placed and the reinforcements which were at hand and would soon reach the French, general Hope, upon whom the command now devolved, considered that it would be impossible to retain his position long. A succession of attacks from fresh troops must ultimately overwhelm the British. At ten o'clock at night he ordered all the troops, by brigades, to move from the field, and march to Corunna. The boats were all in readiness, and the previous measures had been so well concerted, that nearly the whole army was embarked during the night. The piquets were withdrawn before day-light, and immediately carried on board the ships, so that nothing remained on shore but the rear-guard. The French had no disposition to renew the engagement; but when the morning rose, and they saw that the British were gone, they pushed on their light troops to St. Lucia. They created a little alarm among the transports;

but the rear-guards embarked without the slightest effort being made by the enemy to interrupt them. Thus ended the first British campaign in Spain.—(17th January, 1809.)

General Wilkinson.

INSPECTOR'S OFFICE.

WASHINGTON, Feb. 19, 1812.

At a general court martial of which brigadier general Peter Gansevoort is President, convened at Fredericktown, in the state of Maryland, on the 2nd of September, 1811, and continued by adjournments to the 25th of December following, brigadier-general James Wilkinson was tried on the following charges and specifications, viz:

CHARGE I.

That the said James Wilkinson, while in the military service, and holding the commission of brigadier general in the army of the United States, did corruptly stipulate to receive, and, by virtue of such stipulation, did actually receive, by way of pension or stipend, divers sums of money from the officers and agents of a foreign power; that is to say, from the Spanish officers and agents concerned in the administration of the late provincial government of Louisiana and its dependencies, for the intent and purpose of combining and co-operating with that power, in designs adverse to the laws and policy, and hostile to the peace, interests and union of these states; contrary to his duty and allegiance as an officer and a citizen.

Specification 1. Two mule loads of money, (the amount unknown) being received at New Orleans by one Joseph Ballinger, for the use, and by the authority, of him the said James Wilkinson, on account of the said pension, and delivered by the hands of one John Ballinger to him, the said James Wilkinson, at Frankfort, Kentucky, some time in the month of December, 1789.

Specification 2. Two other mule or horse loads of money, (the amount unknown) being received by him the said James Wilkinson, assisted by one Philip Nolan, at New Orleans, some time in the autumn of the year 1789, also on account of the said pension.

Specification 3. Four thousand dollars and upwards, being received by one La Cassagne, at New Orleans, some time in the year 1793, or in the year 1794, for the use, and by the authority, of him the said James Wilkinson, also on account of the said pension.

Specification 4. Six thousand dollars, being received by one Henry Owens, at New Orleans, some time in the summer of the year 1794, for the use and by the authority, of him the said James Wilkinson, also on account of the said pension.

Specification 5. Six thousand dollars and upwards, that is to say, from six thousand three hundred and thirty-three, to eleven thousand dollars, or thereabout, being received by one Joseph Collins, at New Orleans, some time in the summer of the year 1794, for the use and by the authority, of him the said James Wilkinson, also on account of the said pension.

Specification 6. Six thousand five hundred and ninety dollars, being received for the use, and by the authority, of him the said James Wilkinson, at New Orleans, by some person unknown, some time prior to the date of a letter from the said James Wilkinson to one John Adair; in which letter, 42

*The whole of this order is so beautiful, says the author of a "Cursory view of the late administration," that it deserves to be retained in the memory of every military man. It not only teaches the duty of a soldier, but inspires a laudable ambition of deserving the same just but simple praise.

ted the 7th. of August, 1795, the receipt of that sum is mentioned, also on account of said pension.

Specification 7. Nine thousand six hundred and forty dollars being sent by the Baron de Carondelet, governor-general of Louisiana, from New-Orleans, some time in the month of January, 1796, and by his direction, deposited at New Madrid for the use, and subject to the order of him the said James Wilkinson; and afterwards, some in the summer of 1796, taken by one Thomas Power from New Madrid to Louisville, and by him delivered over to one Philip Nolan, by the direction and authority and for the use of him the said James Wilkinson, also on account of the said pension; he the said Power, retaining out of the said sum of money, six hundred and forty dollars, for defraying his expences, and receiving the instructions of him the said James Wilkinson, to secure for him the reimbursement of the same from the Spanish government.

Specification 8. Ten thousand dollars, or thereabout, being received by him the said James Wilkinson, at New Orleans, some time between the 7th of December, 1803, and the 21st of April, 1804, also on account of the said pension.

Specification 9. He the said James Wilkinson, (in consideration of having so corruptly engaged himself with the Spanish government) receiving at divers other places yet unknown, and on divers other days and times, between the first day of January, in the year 1789, and the 21st of April, in the year 1804, by divers secret ways and means, a pension, stipend, or gratuity, from the officers and agents of that government.

Specification 10. He the said James Wilkinson, did, some time in the month of October, in the year 1798, at the camp at Loftus' Heights, in a secret conference there with one Daniel Clark, set up a claim to ten thousand dollars as a balance due to him, the said James Wilkinson, from the Spanish government, on account of his said pension or stipend, and did then and there request the said Daniel Clark, to propose to the Spanish governor Gayoso, that the latter should, in consideration of the said balance of ten thousand dollars, due to the said James Wilkinson from the Spanish treasury, transfer to him, the said James Wilkinson, a plantation near the Natchez, then belonging to the said Gayoso.

CHARGE II.

That he, the said James Wilkinson, while in military service, and holding the commission of brigadier general in the army of the United States, did combine and confederate himself with the officers and agents of a foreign power; that is to say, with the Spanish officers and agents concerned in the administration of the late provincial government of Louisiana, for the purpose of devising and carrying into effect certain pernicious and treasonable projects for the dismemberment of the United States, and for an unlawful and treasonable confederacy between certain dismembered portions of the United States and the said foreign power; and, for that purpose and intent, did hold divers secret consultations, and carry on secret and treasonable correspondences with certain officers, agents and emissaries of that power, contrary to his duty and allegiance as an officer and a citizen.

Specification 1. He, the said James Wilkinson, in pursuance, and in execution of his said unlawful plot and confederacy, did, some time in the months of October and November, in the year 1795, at Cincinnati, carry on a treasonable correspondence with the Spanish governors, the baron de Carondelet and don Manuel Gayoso de Lemos, touching

the execution of the said unlawful plot and confederacy, which correspondence was carried on by means of a certain emissary employed by the said governor Gayoso, named Thomas Power; and did at the same time direct the said Thomas Power to lay certain observations verbally before the said governor Gayoso and the baron de Carondelet, calculated to arrange and settle a plan for continuing a secret and unlawful correspondence between him, the said James Wilkinson, and the Spanish officers and agents in the province of Louisiana; and for secretly preparing the means necessary to the execution of the said unlawful plot and confederacy.

Specification 2. He, the said James Wilkinson, in pursuance of his said unlawful plot and confederacy, and in continuation of his said unlawful and treasonable correspondence, on or about the 22d day of September, in the year 1796, did send from Fort Washington, a certain letter in cypher, addressed to the said governor Gayoso, for the purpose of further devising ways and means to conceal the treasonable correspondence and confederacy between him, the said James Wilkinson, and the Spanish officers and agents in Louisiana, and further to advise and devise ways and means to execute the unlawful objects of the same.

Specification 3. He, the said James Wilkinson, in pursuance of his said unlawful plot and confederacy, and in continuation of his said unlawful and treasonable correspondence, did cause and procure his confidential agent, Philip Nolan, to write certain instructions to the said emissary, Thomas Power, for the prudential government of his, the said Thomas Power's conduct, in performing the part assigned in the said plot and confederacy, and for the purpose of regulating the said Thomas Power's proceedings therein, so as to guard him against detection or mistake.

Specification 4. He, the said James Wilkinson, on divers days and times, in the year 1795, 1796 and 1797, at Frankfort, at Cincinnati, at Greenville, at Detroit and at Fort Washington, did hold divers secret and unlawful conferences and calculations with the said Spanish emissary, Thomas Power, both by day and by night, for the purpose of advising and devising the means of executing his said unlawful plot and confederacy.

Specification 5. He, the said James Wilkinson, on divers other days and times, between the 1st day of January, 1789, and the 21st day of April, in the year 1804, at divers places in the United States, and at New-Orleans and divers other places in the province of Louisiana, did, in pursuance of the said plot and confederacy, and in further continuation of the said unlawful correspondence, hold and carry on divers other secret, unlawful and treasonable conferences, correspondence and consultations with the said Thomas Power, with one Gilberto Leonard, Andres Armestey, the baron de Carondelet and governor Gayoso, all officers or agents of the provincial government of Louisiana, and with divers other confederates, as yet unknown, engaged on behalf of the said government.

CHARGE III.

That he, the said James Wilkinson, while commanding the army of the United States, by virtue of his said commission of brigadier-general, did combine and confederate himself with known traitors, or with those known to be conspiring treason against the United States; with intent to promote and advance the consummation of such treason, or conspiracy of treason, contrary to his duty and allegiance as an officer and a citizen.

Specification. He, the said James Wilkinson, combining and confederating with one Aaron Burr and his associates and coadjutors, in the years 1805 and 1806, in a certain treasonable conspiracy to dismember the United States, by affecting a separation and division of the states and territories west of the Alleghany, from those to the east, and to set up a separate and independent empire to be composed of such western states and territories.

CHARGE IV.

That he, the said James Wilkinson, while commanding the army of the United States, by virtue of his said commission of brigadier general, and being bound by the duties of his office, and by his fidelity as a citizen, to do all that in him lay to discover and frustrate all treasons and conspiracies against the United States, did, nevertheless, connive at and permit conspiracies of treason, and did encourage and abet the same, by his countenance, as commander of the army.

Specification. He, the said James Wilkinson, in the years 1805 and 1806, receiving from the said Aaron Burr and his associates confidential communications of their treasonable designs, and permitting their solicitations of his active co-operation in their treason, without his making any timely discovery of their pernicious designs.

CHARGE V.

That he, the said James Wilkinson, while commanding the army of the United States, by virtue of his said commission, and being bound by the duties of his office to do all that in him lay to discover and to frustrate all such enormous violations of the law as tended to endanger the peace and tranquility of the United States, did, nevertheless, unlawfully combine and conspire to set on foot a military expedition against the territories of a nation then at peace with the United States.

Specification. He, the said James Wilkinson, in the years 1805 and 1806, combining and conspiring with Aaron Burr and his associates, to set on foot a military expedition against the Spanish provinces and territories in America.

CHARGE VI.

Disobedience of orders.

Specification. In that the said brigadier-general James Wilkinson, being then in command of the troops assembled at New Orleans, was, by written orders and instructions from the war department, dated April 30th, 1809, required and directed to give the necessary orders for the immediate removal of said troops to the high ground in the rear of Fort Adams, and to the high ground in the rear of Natchez, in the Mississippi territory, referring to his discretion to occupy those stations respectively with such portion of troops as he should judge most convenient and proper; which order and instructions the said general Wilkinson wholly neglected and refused to obey, and did, there-afterwards, in the month of June following, cause said troops to be removed in a contrary direction to a station called Terre au Boeuf, below New-Orleans, at which station he formed an encampment and remained until the month of September following.

CHARGE VII.

Neglect of duty.

Specification 1. In that the said general Wilkinson permitted bad and unwholesome provisions to be issued to, and consumed by the troops under his command, during the summer and autumn of 1809, and did not exercise the right of a commanding officer, in respect to the execution of the contract made by James Morrison with the war department for

supplying provisions, as provided in the 2d, 4th and 5th articles of said contract.

Specification 2. In not selecting previous to the removal of the troops to the Mississippi territory, in September, 1809, and in not leaving at the hospital in New-Orleans, under the care of proper officers and physicians, such of the sick and convalescent as could not be removed without manifest and increased danger of their lives, and in so distributing the men in the transports, when removing, as to incommode and endanger both the sick and well, thereby disregarding and defeating the primary object of the order for removal.

Specification 3. In not ordering the military agent at New-Orleans to make the necessary advances of money to the brigade and regimental quartermasters, and in not giving orders for the troops to receive their pay, clothing, medicines and hospital stores, which were in readiness for them in New Orleans at the time of their ascending the river in September, 1809.

CHARGE VII.

Misapplication and waste of public money and supplies.

Specification 1. In that the said general Wilkinson, in May 1805, ordered the assistant military agent at Pittsburgh to pay for the transportation of his private property from Baltimore, out of the public money "and place the same to the account of public transportation for military service."

Specification 2. In halting a detachment of the army at Louisville, Kentucky, in February, 1809, consisting of several companies, which detachment was descending the Ohio in transports, and in then and there detaining said detachment to take on board ten horses, the private property of said general Wilkinson, which horses were transported in public boats to New Orleans by his order, and were fed at public expense for several months.

Specification 3. In authorizing certificates to be annexed to the provision abstracts of the army contractor, to enable the contractor to receive from government the full price of good and wholesome provisions, when it was well known to the said general Wilkinson that a great portion of the provisions comprised in those abstracts, so passed in the summer and autumn of 1809, were unmerchantable and unfit for use.

To which charges and specifications general Wilkinson pleaded "Not Guilty."

Wednesday, Dec. 25th 1811.—The court being cleared, proceeded to form and deliver its definitive sentence as follows, viz:

On the first charge, and the ten specifications attached to that charge, (after hearing all the evidence both for and against the accused, and due deliberation being had thereon) the court is of opinion, that they are not supported, and therefore acquits brigadier-general Wilkinson of all and each of them.

It is due to the nature and magnitude of this trial to state, the testimony adduced in support of the two first charges, and their several specifications, appears to be well calculated to warrant the suspicions which have long prevailed, of a corrupt connexion between said Wilkinson and the late Spanish provincial government of Louisiana; and fully to justify a legal inquiry into the grounds of them. The court, to the best of its ability, has pursued this enquiry—which has been the more laborious and perplexing, from the agreement of the government and accused, to admit, on all the charges and specifications, without discrimination, the docu-

mental testimony, collected and reported to the house of representatives by several committees of that body, as also part of the testimony given on the trial of Aaron Burr: much of which is unessential as to matter, and incorrect as to form, and inadmissible in judicial proceedings on any other principle than that above stated.

Hence the admission of testimony in support of the two first specifications to the first charge, though it is within the knowledge of some of the court, that, in 1789, (the time when it is alleged the accused received of the agents of Spain large sums of money on account of a pension or stipend) said Wilkinson did not hold a commission in the army of the United States, and therefore is not amenable to a military tribunal for those alleged offences; nor do the records of this court exhibit any evidence in support of them.

In support of the other eight specifications to the first charge, the evidence arising from said documentary testimony is mostly relied on; part of which has been confirmed, under oath in open court, by one of the original deponents. Unquestionable evidence appears on the records of this court, exhibited on the part of the accused, that general Wilkinson, in the month of August, 1788, obtained of the Spanish provincial government of Louisiana, the privilege of carrying the products of Kentucky to the New Orleans market; that the said products, thus carried or forwarded by him prior to the year 1790, as appears by the several accounts current, sold in said market for more than eighty thousand dollars—a sum of greater magnitude than is alleged, in the specifications to the first charge, to have been received by said Wilkinson on account of his pension or stipend; that during the year 1790, the shipments of said Wilkinson, to a very considerable amount, appear to have been sold, by particular agreement, to governor Miro, who purchased them on account of the king of Spain—the proceeds of which were subsequently remitted to said Wilkinson at various times, and by means of various persons, and therefore a strong presumption results from the evidence, that the several sums embraced by the several specifications to the first charge, (alleged to have been received by said Wilkinson, on account of his Spanish pension or stipend) were part of the avails due to said Wilkinson on account of the several shipments made by him during the period of his commercial transactions at New-Orleans.

The preceding remarks are grounded on proofs, both direct and collateral; from the whole of which a violent presumption arises, that the connexion, formerly subsisting between general Wilkinson and the late Spanish provincial government of Louisiana, was exclusively of a commercial nature, which was maintained on the part of said Wilkinson, by such means as his policy and interest suggested to ensure success, though tending to excite jealousies and unfavorable suspicions of his views; that said Wilkinson made no shipments, subsequent to the year 1790, and that the avails of said shipments were occasionally remitted to him till the year 1796, when the account between general Wilkinson and governor Miro was finally closed, and balanced by their respective agents—after which there is no evidence of the receipt of money by him from said Spanish provincial government, or any of its agents, except in one instance, by his own voluntary confession, and that on account of former mercantile contracts.

On the second charge, and the five specifications

attached to that charge, (after hearing all evidence, both for and against the accused, and due deliberation being had thereon) the court is of opinion, that said charge and specifications are not supported, and therefore acquits brigadier-general James Wilkinson of all and each of them.

The evidence adduced in support of said charge and specifications, appears in a great measure, to grow out of the private correspondence of general Wilkinson with the Spanish officers and agents, the statement of one witness, and the oral testimony, deposition and narrative of another.

It appears evident to the court, that, in 1795, a considerable sum of money was due to general Wilkinson from the Spanish government at New-Orleans, on account of his commercial transactions. This circumstance is deemed sufficient to account for such parts of said correspondence as has been proved, which was apparently intended to preserve the friendship of the officers and agents of general Wilkinson in their view; to secure his property then under their control at New-Orleans; and to facilitate its remittance from that place.

There is no proof before the court, that the letter said to be in cypher, bearing date the 22d of September, 1796, was actually written by general Wilkinson, and forwarded by him to governor Gayoso, as said letter imports: On the contrary, the only witness who has testified on this point, does not pretend to the least knowledge of the fact; and all he pretends to know is, that said letter was put into his hands by said Gayoso, who certified it to be a decyphered copy of one written by general Wilkinson, addressed to himself.

Strong doubts are entertained by the court, whether gen. Wilkinson ever directed the emissary, mentioned in said specifications, to lay before the baron de Carondelet and governor Gayoso the verbal observations alluded to in the first specification, because the court has no other proof than the testimony of said emissary, whose general character, as to truth and veracity, has been impeached by several credible witnesses, and whose conduct before the court, while under the obligations of an oath, was such as to render his allegations suspicious—because his testimony, in general, appears to have been given under the dominion of strong prejudices, if not malice—because the testimony of said emissary, so far as it is applicable to the points in issue, is contrary to the most solemn assurances, both written and verbal, previously made, and uttered by him to various persons, even so recent as 1807—and because said testimony appears to have been voluntarily offered, after a lapse of many years; which in any case ought to be admitted with some caution, and much more so, from the character of the witness and emissary in question.

The court is of opinion that the instructions to said emissary, alleged to be in the hand-writing of Philip Nolan (if any such were ever authorised by general Wilkinson) were mostly intended to accomplish an object by no means criminal, which grew out of the dispute at that time unfortunately subsisting between him and the late general Wayne.

The records of this court will shew that the witness first alluded to, by two letters addressed to said emissary just before he exhibited his statement under oath, in January, 1808, and in contemplation of that statement, manifested such a decided hostility to said Wilkinson, as apparently to meditate his ruin without regard to the means. The me-

tives of that statement, as fully explained in said letters, are sufficient to shake his credibility as an impartial witness; and considering that his character as to truth and veracity is likewise impeached, the statement just mentioned, which is in evidence before the court, cannot be received as veracious, especially as it is not supported by proofs of a more credible nature. This statement, likewise, appears in some measure repugnant to the sentiments of the same witness, as expressed nearly ten years before in a memoir on the trade of Louisiana, and deposited in the office of state.

If, in 1795 and 1796, the said emissary, as is alleged by him, visited said Wilkinson with the view of promoting a separation of the union; and if, as he intimates, said Wilkinson disclosed to him the whole scheme or project of dismemberment, it does not appear to the court that said Wilkinson took any measure to aid such separation; on the contrary, a strong presumption exists, that if he apparently listened to propositions of this nature, it was to advance his pecuniary interest, and not to injure that of his country.

The court cannot perceive any thing in the mission of said emissary in 1797, to implicate general Wilkinson. This mission appears to have been undertaken with a view to two objects—First, the dismemberment of the western country from the Atlantic states—and, second, the delivery to general Wilkinson of an official dispatch from the baron de Carondelet, relative to the detention of the posts to the north of the 31st degree, contrary to the treaty previously concluded between the United States and Spain. If said emissary disclosed to general Wilkinson the first object of his mission, it does not appear, even by his own testimony, that he favored it; on the contrary, said emissary was received coolly, and confined to the quarters of the officers: the delivery of the posts, according to treaty, was urged by said Wilkinson in conversation with him; and it likewise appears that he sent said emissary under guard to Louisiana, and at the same time instructed the officers commanding at Fort Massac not to permit said emissary to return up the Ohio again, but to send him back in case he made the attempt. On the second object, general Wilkinson in his reply to the letter of the baron de Carondelet, urged the fulfilment of the treaty, and endeavored to remove all apprehension of Louisiana by the English of Canada.

It appears sufficiently evident to the court, that general Wilkinson, during the time he had property in New Orleans, held the language of conciliation, if not that of a temporising policy, with the officers and agents of the Spanish government; and his views appear to have been directed to the security of that property, and by no means against the tranquility of these states. But subsequent to 1796, at which time it is believed he had drawn most of his property from New Orleans, and provision was made for the free navigation of the Mississippi, he seems to have changed his language. If said emissary is to be credited, general Wilkinson declared to him in September 1797, that he had relinquished all intercourse with the Spanish government; and at the same time intimated his determination to oppose its projects. It must be remembered that general Wilkinson was at that time at the head of the army, and that, while that station opened new and safe channels of communication with the officers and agents of Spain, and multiplied the means of dismemberment, he appears to have disregarded them, and at the moment, too, when he had it in his power

to favor their designs with effect. It is pertinent to remark, that if attempts were made to corrupt the patriotism and integrity of general Wilkinson, the records of this court exhibit no one act of his military life which can, by the most constrained construction, be considered as the effect of such corruption. If general Wilkinson actually formed a corrupt connection with the Spanish government, the repeated applications made by him many years ago for an inquiry into his conduct, appear rather inexplicable—especially as many of the witnesses of his guilt, if he was guilty, then lived to testify on the subject.

After a full hearing of the evidence, both for and against the accused, on the third, fourth and fifth charges, and after the most mature deliberation thereon, the court is of opinion that they are not supported, and therefore acquits brigadier-general James Wilkinson of the said charges and their respective specifications.

The impressions naturally made on the minds of the citizens of these United States, by the events which gave rise to the third, fourth and fifth charges, justify a few explanatory remarks.

General Wilkinson is said to have conspired with *known traitors*, and on this notoriety all the legal force of these charges depend. In the eye of the law, as well as of reason and humanity, every man is presumed to be innocent till proved to be guilty; consequently there can be no *known traitor*, unless the proof be established by the record of his conviction; and it is not within the knowledge of this court that any *known traitor* did exist in the space of time designated by these charges; no man, as it appears, having been convicted of treason.

As the accused has taken no exception to defects of matter or form, and as a full investigation is desirable on all sides, the difficulty, which thus appears at the threshold of the inquiry, will be past over.

The period of time embraced by these three charges, is between the commencement of March, 1805, and the end of October, 1806.

Among the last acts of that session, which terminated the vice presidency of Aaron Burr, will be found an act erecting the territory of Upper Louisiana into a government, and, soon after the close of that session, general Wilkinson was appointed its chief magistrate.

It is in evidence before this court, that the general engaged with great zeal in a scheme to cause Aaron Burr to be elected a member of congress for the state of Tennessee; and after the failure of that scheme, he gave him warm introductions to influential characters at New Orleans. It also appears in evidence, that one speculation was contemplated for cutting a canal round the falls of the Ohio, on the Indiana side; another for opening a commercial intercourse between the territories of Spain and Upper Louisiana and in all these schemes it is self evident, that their ultimate success was essentially connected with the integrity and tranquility of the union, as well as the prospect of permanency in the general's newly acquired civil and important station; for a public commotion would have inevitably destroyed them all.

It further appears in evidence before this court, that after the failure of previous attempts to gain a seat in congress for Mr. Burr, general Wilkinson endeavored to engage the governor of Indiana, in a plan to cause him to be elected a delegate for that territory: and the manner of doing this implies an apprehension that Mr. Burr would do some dispo-

ate act if he failed. The expressions are, "I will demand from your friendship a boon, in its influence and effects co extensive with the union; a boon perhaps on which that union may much depend."

It is in evidence before this court, that in the month of October, 1805, subsequent to this last and ineffectual effort to serve colonel Barr, but twelve months before any discovery was made by any other person, general Wilkinson communicated to one of the heads of department, his suspicions that Mr. Barr "was about something, whether internal or external he could not discover, but he thought he ought to keep an eye upon him."—These facts seem to be irreconcilable with any views hostile to the peace, order and integrity, of these United States.

Respecting the fifth charge it ought to be remembered, that general Wilkinson, was by the order of government, at the head of an avowed expedition against the Spaniards, at the very time he is thus charged with being concerned in a secret and criminal one; and it is self evident that he had it in his power, by a single skirmish only to have carried such a scheme into the most complete effect, with the aid of the public force under his command, and with the probability of receiving the fruition of all his views in case of success; with a certainty also, of suffering neither loss nor blame, in case of failure. But it is in evidence before this court that from the time of his leaving St. Louis to the concluding convention near the Sabine, gen. Wilkinson was zealously and incessantly employed in effecting an honorable peace; and particularly so after the criminal views of Aaron Burr were discovered by him at Nachitoches; it is besides a contradiction in terms, to say that general Wilkinson favored those views, when it is avowedly owing to him, that they were discomfited.

From the evidence adduced on the sixth charge and its specification, both for and against the accused, the court is of opinion, that the written orders and instructions from the war department, bearing date April 30th, 1809, relative to the removal of the troops from New-Orleans to the high grounds in the rear of Fort Adams and Natchez, were sufficiently explicit and imperative to have authorized an expectation of a prompt obedience, had they reached New Orleans prior to the removal of the troops from that place to *Terre au Boeuf*; but as there is no evidence that said orders and instructions arrived at New-Orleans, antecedent to the 11th of June, 1809, which was subsequent to said removal, the court acquits brigadier general James Wilkinson of the said sixth charge, and of the specifications attached to the same.

After a full examination of the evidence, both for and against the accused, on the seventh charge, and after the most mature deliberation thereon, the court finds the accused not guilty of the said charge, nor of any of its three specifications, and does accordingly acquit him of all and each of them.

On considering the great mass of testimony which has been produced to this court relative to this charge, there appears a decisive preponderance in favor of the attention, activity and humane exertions of brigadier general Wilkinson; and when it is considered that the troops consisted mostly of new levies; that the climate on both sides of the river Mississippi, to a very great extent, is at best insalubrious; and that the summer and autumn of 1809, were unusually sickly; the court is of opinion, that the misfortunes alluded to in the second specification are amply accounted for.

On the eighth charge, and its three specifications (after hearing all the evidence, both for and against the accused, and due deliberation being had thereon) the court is of opinion, that brigadier general James Wilkinson is not guilty of said charge, nor any of its specifications, and therefore acquits him of all and each of them.

The court deems it necessary to offer a few remarks in explanation of the above decision, especially as it regards the two first specifications to the eighth charge.

The transportation of the baggage of general Wilkinson by the public, appears not to be prohibited by the "act fixing the military peace establishment of the United States," nor by the rules and articles of war. It is, therefore, presumed, that his claim to transportation is as equitable as that of other officers; and in this view of the subject, the order for the payment of transportation, as mentioned in the first specification, cannot be considered by the court as a military crime—more especially as the sum paid by the assistant military agent at Pittsburg, appears to have been debited to general Wilkinson as long ago as 1805, on the books of the accountant of the department of war.

The court cannot perceive that the public sustained any injury from the short halt of the detachment on the Ohio, to take on board the horses of general Wilkinson; nor does it appear that the public sustained any injury from the transportation of said horses, in public boats to New-Orleans.

It does not appear, in evidence, that general Wilkinson directed said horses, on their passage down the river, to be fed at the public expence; but it does appear in evidence, that general Wilkinson saved a quantity of public corn, which was sunk in the Mississippi, on board of a public boat, in front of his quarters at New Orleans; out of which, after he caused it to be removed on shore and dried, he detained two hundred and three flour barrels full of said corn in the ear—and for which quantity he afterwards sent his receipt to colonel Russel, under whose charge said corn was transported from the Ohio to New-Orleans, as will more fully appear by reference to the testimony. The court is, therefore, of opinion, that under all the circumstances of this case, the taking of said corn in the manner above stated, does not constitute a military offence, especially as it appears not to have been claimed or regularly drawn on account of forage.

On the whole, the court thinks it proper to declare, that from a comparison of all the testimony, general Wilkinson appears to have performed his various and complicated duties with zeal and fidelity, and merits the approbation of his country.

(Signed) P. GANSEVOORT, Brig. Gen.

Test,

(Signed)

President.

WALTER JONES, Jr.

Officiating as Judge Advocate.

The court then adjourned, sine die.

I have examined and considered the foregoing proceedings of the general court marshal, held at Fredericktown, for the trial of brigadier-general James Wilkinson—and although I have observed in those proceedings, with regret, that there are instances in the conduct of the court, as well as of the officer on trial, which are evidently objectionable, his acquittal of the several charges, exhibited against him, is approved, and his sword is accordingly ordered to be restored.

(Signed)

JAMES MADISON.

February, 14th, 1812.

The general court martial, of which brigadier-general P. Gansvoort is president, is hereby dissolved.

*By command of the Secretary of War,
A. Y. NICOLL, Adjutant and Inspector.*

Imperial Parliament.

HOUSE OF LORDS, Tuesday, January 7.

Soon after 3 o'clock, this day, a considerable number of peers attended in their places, in consequence of his royal highness the prince regent's proclamation for the assembling of parliament for the dispatch of business. The lord chancellor, his grace the archbishop of Canterbury, the marquis Wellesley, the earls of Westmorland and Camden being attired in their robes of state, took their seats on the bench, in front of the throne, as his royal highness's commissioners. Mr. Quarme, acting under of the black rod, was then dispatched to order the attendance of the commons, who forthwith appeared at the bar, to a considerable number, with their speaker at their head.

The lord chancellor, then, as organ of the commissioners, delivered the following speech on the part of his royal highness, the prince regent :

"My Lords and Gentlemen.—We are commanded by his royal highness the prince regent, to express to you the deep sorrow which he feels in announcing to you the continuance of his majesty's lamented indisposition, and the unhappy disappointment of those hopes of his majesty's early recovery, which had been cherished by the dutiful affection of his family and the loyal attachment of his people.

"The prince regent has directed copies of the last reports of her majesty the queen's council to be laid before you, and he is satisfied that you will adopt such measures as the present melancholy exigency may appear to require.

"In securing a suitable and ample provision for the support of his majesty's royal dignity, and for the attendance upon his majesty's sacred person, during his illness, the prince regent rests assured, that you will also bear in mind the indispensable duty of continuing to preserve for his majesty the facility of resuming the personal exercise of his royal authority, in the happy event of his recovery, so earnestly desired by the wishes and the prayers of his family and his subjects.

"The prince regent directs us to signify to you, the satisfaction with which his royal highness has observed that the measures which have been pursued for the defence and security of the kingdom of Portugal, have proved completely effectual, and that on the several occasions in which the British or Portuguese troops had been engaged with the enemy, the reputation already acquired by them has been fully maintained.

"The successful and brilliant enterprise which terminated in the surprise in Spanish Extremadura, of a French corps by a detachment of the allied army, under lieutenant-general Hill, is highly creditable to that distinguished officer, and to the troops under his command, and has contributed materially to obstruct the designs of the enemy in that part of the peninsula.

"The prince regent is assured, that while you reflect with pride and satisfaction on the conduct of his majesty's troops, and of the allies, in these various and important services, you will render justice to the consummate judgment and skill displayed by general lord viscount Wellington, in the direction of the campaign. In Spain the spirit of the people

remains unsubdued ; and the system of warfare so peculiarly adapted to the actual condition of the Spanish nation, has recently extended and improved under the advantages which result from the operations of the allied armies on the frontier and from the countenance and assistance of his majesty's navy on the coast. Although the great exertions of the enemy have in some quarters been attended with success, his royal highness is persuaded that you will admire the perseverance and gallantry manifested by the Spanish armies. Even in those provinces principally occupied by the French forces, new energy has arisen among the people ; and the increase of difficulty and danger has produced more connected efforts of general resistance.

The prince regent, in the name and on the behalf of his majesty, commands us to express his confident hope that you will enable him to continue to afford the most effectual aid and assistance in the support of the contest, which the brave nation of the peninsula still maintain with such unabated zeal and resolution.

His royal highness commands us to express his congratulations on the success of the British arms in the island of Java.

The prince regent trusts that you will concur with his royal highness in approving the wisdom and ability with which this enterprise, as well as the islands of Bourbon and Mauritius, has been conducted under the immediate direction of the governor-general of India ; and that you will applaud the decision, gallantry, and spirit conspicuously displayed in the late operations of the brave army under the command of that distinguished officer, lieutenant-general Sir Samuel Achmuty, so powerfully and ably supported by his majesty's naval forces.

By the completion of this system of operations, great additional security will have been given to the British commerce and possessions in the East Indies, and the colonial power of France will have been entirely extinguished.

"His royal highness thinks it expedient to recommend to your attention the propriety of providing such measures for the future government of the British possessions in India, as shall appear from experience, and upon mature deliberation, to be calculated to secure their internal prosperity, and to derive from those flourishing dominions the utmost degree of advantage to the commerce and revenue of the united kingdom.

"We are commanded by the prince regent to acquaint you, that while his royal highness regrets that various important subjects of difference with the government of the United States of America still remain unadjusted, the difficulties which the affair of the Chesapeake frigate had occasioned have been finally removed ; and we are directed to assure you, that in the further progress of the discussions with the United States, the prince regent will continue to employ such means of conciliation as may be consistent with the honor and dignity of his majesty's crown, and with the due maintenance of the maritime and commercial rights and interests of the British empire.

"Gentlemen of the House of Commons,

"His royal highness has directed the estimates for the service of the current year to be laid before you. He trusts that you will furnish him with such supplies as may be necessary to enable him to continue the contest in which his majesty is engaged with that spirit and exertion which will afford the best prospect of its successful termination.

"His royal highness commands us to recom-

ment that you should resume the consideration of the state of the finances of Ireland, which you had commenced in the last session of parliament. He has the satisfaction to inform you, that the improved receipt of the revenue of Ireland in the last, as compared with the preceding year, confirms the belief that the depression which that revenue had experienced is to be attributed to accidental and temporary causes.

"My Lords, and Gentlemen,

"The prince regent is satisfied that you entertain a just sense of the arduous duties which his royal highness has been called upon to fulfil, in consequence of his majesty's continued indisposition.

"Under this severe calamity, his royal highness derives the greatest consolation from his reliance on your experience, wisdom, loyalty and public spirit, to which in every difficulty he will resort, with a firm confidence, that through your assistance and support, he shall be enabled under the blessings of divine providence, successfully to discharge the important functions of the high trust reposed in him, and in the name and on the behalf of his beloved father and revered sovereign to maintain unimpaired the prosperity and honor of the nation."

Philosophical Disquisitions.

NO. V.—AND THE LAST OF THE SERIES.

The most important act in nature is coition. It is an enjoyment when properly indulged that is attended with indescribable pleasure. When the male and female of every class of animals arrive to a certain age they feel an inclination for this enjoyment.

The human race in this respect, possess a superiority over all other animals, in not having any fixed time for venereal gratification. All other tribes of animals have certain periods of the year for the propagation of their species, and afterwards seem to forget the pleasures of Hymen. By this wonderful intercourse, the animal kingdom is capable of begetting its like, and continuing their species. Very many theories and opinions have been advanced on generation; it is a subject which has, for ages, engaged the attention of philosophers; and it is very doubtful whether we possess more intelligence on this subject than our forefathers did several thousand years ago. The ingenuity of man has done very little towards explaining the phenomena of generation; the industry of a Spallanzani and some others has given us a few new facts, which seem only calculated to embarrass and mislead. The particular manner in which this great and important work is effected, is yet unknown to the philosopher. It lies buried in obscurity, very far below the depth of human understanding.

Ancient opinions on this subject seem strange and absurd; while some have believed in the existence of germs from the beginning of the world; others have supposed the whole mass of matter of which the earth is composed, to be formed of germs, and that each is to be evolved by the action of certain agents; others again have supported the opinion of one primitive germ from which all the animal creation were formed.

The rudiments of a new being, according to some ingenious theorists, belong, exclusively, to the male; and the female uterus serves only as a bed or place of deposit, and a mean by which it is protected and nourished. Others have supposed organic matter formed by the female, and that the male semen excited it into action by giving to it vitality and

certain powers of motion. A third opinion, which seems most probable, is that the embryo is formed by the union of the fluids from both male and female.

The learned Haller supposes that the male semen, in the act of coition, comes in contact with the female ova, and that the union of the two forms the embryon animal.

According to the ingenious naturalist, M. de Buffon, the male and female furnish atoms, which arrange themselves in their natural order: this seems probable if we suppose the same laws of affinity govern the atoms that govern the adult animal; the affinity being the same, the atoms require nothing but time to unite them.

The immortal Harvey supposes the male semen to be taken into the blood of the female by absorption, and after going the round of circulation, some of its parts come in contact with the ova of the ovarium, and a new being is formed by their union.

Dr. E. Darwin, who seems to have paid great attention to this subject, imagines the new being to be formed by a *living filament*, disengaged from the male, with certain capabilities of sensation, irritation, volition, &c.; and the female only affords sustenance for the male filament. He is decidedly of opinion that the *embryo* is secreted or formed from the male; and not by the conjunction of fluids from both male and female; he thinks it appears from the analogy of vegetable seeds: for says he—

"In the large flowers, as the tulips, there is no similarity of apparatus between the *anthers* and the *stigma*: the seed is produced, according to the observations of Spallanzani, long before the flowers open, and in consequence long before it can be impregnated, like the egg in the pullet. And after the prolific dust is shed on the stigma, the seed becomes coagulated in one point first, like the *cicatricula* of the impregnated egg." The doctor's ingenuity ought not to have suffered him to resort to vegetable analogy to prove the important work of generation in the higher class of animals. If, agreeable to his theory, the embryo is produced by the male, and not by the union of fluids from both male and female; why is it necessary for the male semen to be deposited in the female? And why is not the new being formed in the male without being at all dependant on the female? The male semen is frequently, if not constantly, present in the vesiculae seminales; the same laws govern them both; there is the same degree of heat, motion and moisture: the seminal receptacle is a very handsome little uterus, and what prevents the formation of a new being, when the male semen is present in its reservoir?—Again, if the rudiments of a new being belong to the male only, why does not impregnation take place in female animals deprived of the ovaria? we know the male frequently has connection with them in this state, but the female was never known to bring forth young, after having been deprived of those organs. Thirdly, why the necessity of having appendages to the uterus, such as the *fallopian tubes* and *ovaria*, if the embryo is formed by the male, and nothing more required but its introduction into the uterus? For what purpose can those organs be formed, if they do not assist in generating a new being? Fourthly, if, agreeable to Dr. Darwin, the embryo is formed from the male, there would be no necessity for the direct application of the male and female organs of generation; every animal would produce its like, and there would be no necessity for the distinction of sex; the first and most simple animal would impregnate itself, and this mode of generation would now be observable. There

is another circumstance Dr. Darwin adduces in confirmation of his opinion, viz. the cicatricula of the egg is given by the cock, and is evidently the rudiments of the new animal. In objection to this, I will observe, that it is not ascertained that the cicatricula is given by the cock, it is well known that without the cock there will be no cicatricula; but may not this be formed by the cock and hen in the act of copulation: this is certainly more probable than to suppose the female only affords sustenance for the future animal. A fifth objection to the doctor's theory is, that admitting the embryo to be formed by the male, it follows, that all animals must be males, and after the female dies or becomes incapable of affording nourishment to make organic matter, we should have nothing left in the animal creation but males, which in one generation must become extinct, as they would not, unassisted, be capable of continuing their species. It may not be impossible for male semen, unassisted by the female, to produce a new animal if it could be so acted upon by the parent from which it was formed, as to evolve its parts. This may sometimes be the case, but it seems improbable. However, in support of so strange an opinion, I have the authority of a very learned physician in Virginia, of great celebrity in his profession, who, in attending some anatomical lectures in France, was an eye witness to a fetus perfectly formed in the abdomen of a male subject, brought into the anatomical room for dissection.—The fetus, he stated, was found near the valve of the colon. But if this ever happens, the new being must partake of the sex of the parent; for it is very absurd to suppose the male semen nourished by the male should produce a female; this seems contrary to the general laws of nature. Admitting the male capable of impregnating himself, we must likewise admit this power in the female, for it is just as probable in the one as the other. It is well known that the male semen, and the fluid contained in the female ova is formed from the blood; this fluid (the blood) circulates through every part of the body, and carries with it principles, affinities, &c. from every part; now the male and female matter of generation must be composed of infinitely small particles of matter collected from every part of the body which once organized it; this being the case, it is reasonable to suppose, that when a sufficient quantity of fluid organic matter is formed from the male and female and united by coition, it is then capable of becoming a new being by the laws of affinity. In the act of coition, the male and female are both mutually engaged in the greatest act that can possibly interest them. The semen is forcibly ejected into the *vagina* of the female; the stimulus, which the semen imparts to the female organs of generation, rouses them into action, the *fallopian tube*; become rigid, the *fimbriae* of which embrace the ovary in such a manner, as to burst one of its ova, the organic fluid which it contained is conveyed by a spasmodic action of the tube into the uterus, and the union of the male and female organic fluid forms the rudiments of a new being. Affinity first unites them; when united, it is compelled to assume the form of the parents, because it is composed of parts, which once organized the originals; and of course carries with it part of its affinity. This original affinity, together with the new affinity of the parent, causes the infant to assume the exact form of the originals. Now if the male organic fluid is greater than the organic fluid from the female when they unite, the new being will be a male, if on the contrary, a young female will be formed, and this difference in

organic matter marks the sex. If a greater quantity of organic matter is formed by the male and female than is necessary for the existence of a new being, there may be twins, triplets, &c. if on the contrary, the new being will be mal-formed.

In objecting to my theory, it may be said, that if organic matter is formed in the semen of the male and fluid of the female ovum, why may it not exist in all the fluids secreted from the blood, knowing that it is formed from the general mass? In answering this question, I will put another, by asking how perspiration, urine, bile, saliva, gastric juice and fifty other fluids are formed from the blood. It may not be impossible, so far from it, I think it probable, that all secreted fluids possess organic parts, and would be formed into new beings, if circumstances were favorable. Would it be a very absurd supposition to imagine a new being formed from equal portions of saliva, tears, or any secreted fluid from the male and female, if they could be retained in their proper place, and acted upon by causes favorable for their evolution? Extra-Uterine conception seems very much in favor of such an opinion.

It is well known that there are males and females in most classes of animals, and in order that their species may be continued, a mutual embrace between them is absolutely necessary; the genitals of each must come in contact and unite fluid matter. In the female there is a place of deposit for the fluid, after it is united, and this compound acting as an extraneous substance, invites fluids from every part of the mother; this affords it sustenance and causes organic parts to arrange themselves in their natural order; this is done by the laws of affinity, which tends to bring together all analogous parts. Now it seems probable that organic fluid matter formed from bone, will not unite with organic fluid matter formed from muscle, because there will be little or no affinity existing between them; the organic parts of bone, will therefore, be continually changing places with organic muscle, tendon, &c. until it comes in contact with bony matter, for which it has an affinity; they unite; and this union continues until the bone is complete. In like manner, cartilage, muscle, tendon, &c. are formed until the new being is perfect in all its parts; thus a young animal is formed, merely by the affinity existing between organic portions of fluid matter, which was originally an organized solid. We now have a young animal, a miniature of the parent which requires the continued application of exciting matter from the mother to evolve it.

After the young animal is formed, it must necessarily inherit the disposition of the parent, because the parts of which it is composed has received from the original the same capabilities of action: being formed from organic matter, disengaged from every part of the old mass and united again. By the same laws, it is impelled to the same actions; hence we find offsprings from unhealthy parents inheriting their diseases, children from gouty, scrophulous or consumptive parents, are subject to those diseases. Organic parts, disengaged from unhealthy solid, carry with them disease, and when formed into a new being, the foundation is laid for morbid action, similar to that which exists in the parent.—May I go so far as to suppose, that an animal, in a number of generations, might be entirely changed in form, by gradually removing the parts of which its forefathers were composed? Burton mentions a race of dogs that had no tails, and accounts for it by supposing the original male and female had their

tails removed by their owners. Suppose for instance we were to take a male and female pup, remove their tails, and when they arrive at mature age, let them have connection with each other; the first litter perhaps will have this member shorter than it otherwise would have been had it not been removed: continue removing this part of the animal for a number of generations and it seems probable that the animal at length would have all its parts perfect except the one originally removed.

I am acquainted with a gentleman whose fingers and toes grew together: this gentleman had several children whose fingers and toes were united in the same manner. A gentleman of my acquaintance has six toes: this gentleman has three children who have the same number. I am likewise acquainted with a gentleman whose flexor tendon of the little finger causes it to be partly shut: this is likewise the case with his child. On the contrary, I have witnessed persons with the loss of a leg, arm, &c. whose children were perfect in all their parts, and this is only to be accounted for by supposing a superfluous portion of organic matter formed from the remaining member to supply the deficiency. If the same member from the male and female be removed, the probability is, that the offspring will be deficient in that particular part; but if one remain, the offspring may be perfect, because there may be a sufficient portion of organic matter formed to render the new being complete.

It has been observed, and I believe it is an observation of some truth, that the offspring descended from parents of uncommon energy of mind, are somewhat deficient in their mental powers. Great minds seem so much employed in ardent pursuits of life, that they are in some degree called off from the pleasures of love: at least this passion is not enjoyed with the same degree of feeling by them, as it is with those whose minds are more limited, and have not so many objects to divert their attention. Mind is matter disengaged from the brain, which in a great measure influences the body: whenever it is unusually exerted, the body suffers in consequence of this exertion; the effect of this is debility in that part of the animal, which is most powerfully acted upon: this part is the brain. The organic matter formed from brain, must likewise be debilitated, and of course, when a new being is formed, its brain will be less energetic than it otherwise would have been had the parent brain parted with organic matter in a more vigorous state: this is not only the case with respect to mind, but it holds equally good with every part of the body; hence the necessity of choosing a companion from parents whose mental and bodily powers are not too much worn down by great exertion, and hence we find some of the most enterprising men the world ever recorded descended from obscure and ignorant parents.

When the animal kingdom was first formed it is probable that all animals were hermaphrodites, viz. having the male and female united in the same individual. They must have remained in this situation until by the laws of affinity they were separated into male and female. This we find to be the case now with the lower order of animals, such as a variety of worms, &c. The animal world seems to have been improving ever since our earth was formed, and it is impossible to tell to what state of perfection it will at length arrive, should it still continue progressing in improvement. Were it possible for us to appear on the earth after having been absent several thou-

sand years, we would be very much astonished at the great changes (not only in the animal) but vegetable and mineral kingdoms.

CEDS.

PRESIDENTIAL ELECTION.

The members of both branches of the general assembly of Virginia, met in the capitol on the evening of Wednesday the 12th inst. for the purpose of nominating suitable persons to be supported at the ensuing election as electors of a president and vice-president of the United States—but the business not being completed on Wednesday, the meeting was held by adjournment on the two succeeding evenings; at which *Andrew Stevenson* (speaker of the house of delegates) was chairman, and *Thomas Ritchie*, secretary.

On motion, and the question being taken on each, the following persons were recommended as electors for president and vice-president of the United States, viz.

For the 1st district, *Joseph Godwin*, (of Nansemond.)

The 2nd. *Benjamin Harrison*, (Prince George, Mt. Airy.)

The 3d. *Edward Pegram*, (Dinwiddie.)

4th. *Richard Field*, (Brunswick.)

5th. *Thos. Reid, sen.* (Charlotte.)

6th. *Matthew Cheatham*, (Chesterfield.)

7th. *Laundon Cabell*, (Nelson.)

8th. *Charles Yancy*, (Buckingham.)

9th. *George Penn*, (Patrick.)

10th. *William G. Poindeexter*, (Louisa.)

11th. *Spencer Roane*, (Hanover.)

12th. *Stretchly Reynolds*, (Essex.)

13th. *Robert Taylor*, (Orange.)

14th. *Gustavus B. Horner*, (Fauquier.)

15th. *Robert Nelson*, (York.)

16th. *Mann Page*, (Gloucester.)

17th. *Walter Jones*, (Northumberland.)

18th. *John T. Brooke*, (Stafford.)

19th. *Hugh Holmes*, (Frederick.)

20th. *Daniel Morgan*, (Jefferson.)

21st. *Archibald Ritchieford*, (Rockingham.)

22nd. *Archibald Stuart*, (Augusta.)

23d. *Andrew Russell*, (Washington.)

24th. *James P. Preston*, (Montgomery.)

25th. *William McKinley*, (Ohio.)

The committee then proceeded to nominate corresponding committees for the several counties and boroughs in the commonwealth and also to appoint a central corresponding committee in the city of Richmond, which consists of the following gentlemen—*William Wirt*, *Peyton Randolph*, *Andrew Stevenson*, *Thomas Ritchie*, *Samuel Pleasants*, *William Mumford* and *William Brockenborough*, Esquires.

"It may be proper to say (says the Enquirer) that but one sentiment reigned through the meeting—and that the only test laid down, whether they should or should not vote for such and such an elector, was, whether he would or would not vote for *James Madison* as president of the United States."

Twelfth Congress.

HOUSE OF REPRESENTATIVES:

Friday, February 21.—Mr. Seybert said, after making a very few preliminary remarks, he would offer a resolution for the consideration of the house, connected with a highly important national object. By the eleventh congress he was indulged in a motion to reprint a valuable report of a former

secretary of the treasury on the manufactures of the United States. To that same congress the present secretary of the treasury made a report in part on the same subject. He said he need not recite to the house its merits; they were generally acknowledged. By the act of the 1st May, 1810, it was provided, that further information be obtained, by the marshals and their deputies, on the subject of manufactures. The result of their enquiries was a mass of facts which are now buried in the archives of the treasury, and answer no useful purpose to the nation. His present object, he declared to be, the publication of the facts thus collected. Upwards of 30,000 dollars had been already appropriated; which, if the matter remained as it now is, would answer no beneficial purposes. His resolution, if adopted, would bring to light many facts concerning the agriculture and manufactures of the United States, and other statistical information, connected with the true basis of national independence. These objects constitute the permanent sources of the wealth of the nation; they are the real and fixed capital of the country. We shall thereby be enabled to trace our progress from infancy to manhood. By this report we can alone be in a situation to enact a wise, politic and systematic *curry* of duties; it alone can teach us to discriminate the proper objects of protection. I might add much more on the subject; this would be consuming time unnecessarily; I will therefore proceed to read the resolution.

"Resolved, by the senate and house of representatives, in congress assembled, That the secretary of the treasury be directed to employ a person to digest and reduce to such form, as shall be deemed most conducive to the interests of the United States: a statement of the number, nature, extent, situation and value of the arts and manufactures of the United States, together with such other details connected with these subjects, as can be made from the abstracts and other documents and returns reported to him by the marshals and other persons employed to collect information, in conformity to the second section of the act of the first of May, 1810, and that he report the same to congress at their next session."

After some observations from Mr. Newton, stating the difficulty of the proposed digest, from the want of uniformity, connection or method in the returns, and the probability that the motion might be so amended as better to attain the object in view, the resolution was ordered to lie on the table.

Mr. Ormsby, after adverting to the difficulty of distributing arms of the United States, by land or water carriage in the interior of the western country, offered the following resolution:

"Resolved, That the committee on so much of the message of the president of the United States as relates to our military affairs, be directed to enquire into the expediency of authorising the establishment of an armory at Louisville in Kentucky, with leave to report by bill or otherwise."

The resolution was agreed to without opposition.

ARMING THE MILITIA.

The house resumed the consideration of the bill for arming the militia.

After some observations from Mr. Potter and Mr. Wright in favor of the bill, and from Mr. Roberts and Tallmadge against it, the question was taken on the passage of the bill and carried in the affirmative, by Yeas and Nays as follow:

YEAS—Messrs. Anderson, Archer, Baker, Bard, Bassett, Bibb, Blackledge, Breckenridge, Burwell,

Butler, Cheves, Clay, Cochran, Condit, Crawford, Desha, Dinwiddie, Franklin, Ghelson, Goldsborough, Gray, Green, Grundy, B. Hall, O. Hall, Harper, Hawes, Hufty, Johnson, Key, King, Lacock, Lelever, Lewis, Little, Lowndes, Lyle, Macon, Moore, McDryde, McCoy, McKee, Morgan, Morrow, Nelson, New, Newton, Ormsby, Pearson, Pickets, Pleasant, Potter, Randolph, Ridgely, Ringgold, Roane, Sage, Sevier, Shaw, Shieftey, G. Smith, J. Smith, Stanford, Stewart, Troup, Turner, Wilson, Wright—67.

NAYS.—Messrs. Alston, Bacon, Bard, Bigelow, Bleecker, Boyd, Brigham, Brown, Calhoun, Champion, Chittenden, Davenport, Davis, Ely, Emott, Findly, Fisk, Fitch, Gold, Goodwyn, Jackson, Kent, Livingston, Maxwell, McKim, Metcalf, Milnor, Mitchell, Mosely, Newbold, Piper, Pitkin, Pond, Read, Rhea, Roberts, Rodman, Sammons, Seybert, Smilie, Strong, Sturges, Taggart, Tallmadge, Tracy, Van Cortlandt, Wheaton, White, Whitehill, Widgry—51.

The bill was sent to the senate.

Mr. Bassett laid upon the table the following resolution:

"Resolved, that the standing rules and orders of the house be so amended that a majority of those present shall be required to admit the previous question."

Monday, Feb. 21.—Mr. Bacon, from the committee of ways and means, to whom was referred the amendments of the senate to the bill making appropriations for the support of government for the year 1812, reported it as the opinion of the committee that the amendments ought to be agreed to. The bill, with the amendments, was committed; and the house afterwards, on motion of Mr. Bacon, went into a committee on the subject. Mr. Nelson in the chair; when the amendments were agreed to and reported to the house, and by the house concurred in.

These amendments restored to the clerks in the several departments the 15 per cent. which had been struck out of the bill when last before the house, and appropriated 100,000 dollars for the contingent expences of foreign intercourse. The yeas and nays were taken upon the additional allowance to the clerks, and carried 64 to 40; the allowance for contingent expences of foreign intercourse, was carried 83 to 17.

SUPREME COURT.—Mr. Gold said, it was well known, that from the increased business of the supreme court, considerable delay and injury was occasioned to suitors by their causes being laid over from one court to another; and the judges having to attend to their several circuit courts, could not devote sufficient time to the business of the supreme court. Mr. G. thought it improper that the same judges who preside in the circuit courts, should afterwards revise their own judgments, in cases of appeal, in the supreme court. He did not believe that this was in conformity to the meaning of the constitutional provision, that "the judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish." He saw no difficulty that would attend the holding of the circuit courts by two or more distinct judges from adjoining districts. In order to bring this subject before the house, Mr. G. offered the following resolution:

"Resolved, that a committee be appointed to enquire whether any, and if any, what alteration is

necessary in the judicial system of the United States, and that they report by bill."

Agreed to, and a committee of five appointed.

Mr. Bassett called up the resolution which he had laid upon the table on Friday last, proposing an alteration in the rules of the house, requiring a majority, instead of one fifth of the members present, to call for the previous question. After a few observations from Mr. B. on the propriety of this alteration of the rules, seconded by Mr. Stanford, who said it would render the rule much less obnoxious than heretofore, it was agreed to 31 to 40.

The following bills passed their third reading, viz: a bill supplementary to an act providing for the accommodation of the general post-office, and patent-office, and for other purposes; a bill for the relief of the officers and soldiers who served in the late campaign on the Wabash; and a bill to incorporate the trustees of the Georgetown Lancasterian School society.

On motion of Mr. Porter, the house resolved itself into a committee of the whole, Mr. Stanford in the chair, on the bill supplementary to the act for raising an additional military force; which, after being amended, was reported to the house, and, on motion of Mr. Macon, ordered to lie on the table.

THE LOAN.—On motion of Mr. Bacon the house went into a committee, Mr. Bassett in the chair; on the subject of ways and means, when the bill authorizing a loan for a sum not exceeding millions of dollars, was taken up. And the bill having been read through, the blank for the amount of the loan was filled up with eleven millions of dollars, and the blank for the time after which the United States shall be at liberty to reimburse the sum loaned, was filled with twelve years. The committee then rose, and the house concurred in the amendments. On the question—"shall the bill be engrossed for a third reading?" the yeas and nays were called, and the question was carried, 86 to 28. The yeas and nays were—

YEAS.—Messrs. Alston, Anderson, Archer, Bacon, Bard, Bassett, Bibb, Blackledge, Boyd, Brown, Burwell, Butler, Calhoun, Cheves, Clay, Cochran, Condit, Crawford, Dawson, Desha, Dinwiddie, Earle, Emott, Findley, Fisk, Franklin, Gold, Goodwyn, Green, Grundy, B. Hall, O. Hall, Harper, Hawes, Hufty, Johnson, Kent, King, Lacombe, Lefever, Little, Livingston, Lowndes, Lyle, Macon, Maxwell, Moore, M'Coy, M'Kim, Metcalf, Morgan, Morrow, Nelson, Newbold, Newton, Ormsby, Pickens, Piper, Pleasants, Pond, Porter, Potter, Quincy, Ringgold, Rhea, Roane, Roberts, Sage, Sammons, Seaver, Sevier, Shaw, Smilie, G. Smith, J. Smith, Stow, Tracy, Troup, Turner, Van Cortlandt, Whitehill, Widgery, Wright—86.

NAYS.—Messrs. Baker, Bigelow, Brigham, Champion, Chittenden, Davenport, Ely, Fitch, Goldsborough, Gray, Jackson, Key, Law, Lewis, Milnor, Moreley, Pearson, Pickin, Ridgely, Rodman, Stanford, Sturges, Taggart, Talliaferro, Wheaton, White, Wilson—28.

On motion of Mr. Bacon, the house agreed that they would to-morrow take up the report of the committee of ways and means, in relation to the contemplated taxes.

Tuesday, Feb. 25.—Mr. Seybert called up the resolution which he had laid upon the table some days ago, proposing to authorize the secretary of the

treasury to employ a proper person to arrange and digest the information on the subject of manufactures, received from the marshals of the several states, which, after receiving some little modification from its mover, was read three times and passed.

THE LOAN.—The engrossed bill for authorizing a loan for eleven millions of dollars, was read the third time; and the question being put, "shall the bill pass its third reading?"

[After a proposition for a postponement by Mr. M. Clay, and a speech from Mr. Randolph, which may be recorded hereafter—]

The bill passed its third reading, 92 to 29. The yeas and nays were:

YEAS.—Messrs. Alston, Anderson, Archer, Bacon, Bard, Bassett, Bibb, Bleeker, Boyd, Brown, Burwell, Butler, Calhoun, Cheves, Clay, Cochran, Condit, Crawford, Davis, Dawson, Desha, Dinwiddie, Earle, Emott, Findley, Fisk, Franklin, Gholson, Gold, Goodwyn, Green, Grundy, B. Hall, O. Hall, Harper, Hawes, Hufty, Johnson, Kent, King, Lacombe, Lefever, Little, Livingston, Lowndes, Lyle, Macon, Maxwell, Moore, M'Coy, M'Kim, Metcalf, Mitchell, Morgan, Morrow, Nelson, New, Newbold, Newton, Ormsby, Pickens, Piper, Pleasants, Pond, Porter, Potter, Quincy, Reed, Richardson, Ringgold, Rhea, Roane, Roberts, Sage, Sammons, Seaver, Sevier, Seybert, Shaw, Smilie, G. Smith, J. Smith, Stow, Strong, Tracy, Troup, Turner, Van Cortlandt, Whitehill, Widgery, Winn, Wright—92.

NAYS.—Messrs. Baker, Bigelow, Breckenridge, Brigham, Champion, Chittenden, Davenport, Fitch, Goldsborough, Gray, Jackson, Law, Lewis, Milnor, Moreley, Pearson, Pickin, Randolph, Ridgely, Rodman, Sheffield, Stanford, Stewart, Sturges, Taggart, Tallmadge, Wheaton, White, Wilson—29.

WAYS AND MEANS.—Mr. Bacon called for the order of the day on the report of the committee of ways and means on the subject of the contemplated taxes.

[After an unsuccessful proposition to postpone a consideration of the subject—]

The house then resolved itself into a committee of the whole, on the report of the committee of ways and means, Mr. Bassett in the chair; when the first resolution, proposing an increase of 100 per cent. on impost duties being under consideration, Mr. Bacon rose, and took a very able and comprehensive view of the subject, in a speech of more than an hour, a sketch of which shall be given hereafter. After which the house adjourned.

On Wednesday the house again took up the report of the committee of ways and means, in committee of the whole—and the resolutions attached to said report were adopted by considerable majorities, by referring to which (see page 455) we avoid the repetition of them here.

On Thursday the house took up the report of the committee of the whole, and made some progress therein. Various propositions were made, and much debate had—but the 1st resolution was passed, 71 to 40—the second, 78 to 47—the third 82 to 40—when the 4th was taken up, some opposition arising, the house adjourned at 4 o'clock.

* * The necessity of inserting some articles to close the volume has prevented a notice of others.