

# THE WEEKLY REGISTER.

## APPENDIX TO VOLUME THE FOURTH.

*Hec olim meminisse furebat.—VIRGIL.*

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### CONSTITUTION OF THE STATE OF OHIO.

*Done in Convention begun and held at Chillicothe, on Monday the first of November, A. D. 1802, and of the Independence of the United States, the twenty-seventh.*

WE, the people of the eastern division of the territory of the United States north-west of the river Ohio, having the right of admission into the general government, as a member of the union, consistent with the constitution of the United States, the ordinance of congress of one thousand seven hundred and eighty-seven, and the law of congress, entitled "An act to enable the people of the eastern division of the territory of the United States north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states, and for other purposes," in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of The state of Ohio.

#### ARTICLE I.

Sec. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

Sec. 2. Within one year after the first meeting of the general assembly, and within every subsequent term of four years, an enumeration of all the white male inhabitants above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature and apportioned among the several counties, according to the number of white male inhabitants above twenty-one years of age in each, and shall never be less than twenty-four, nor greater than thirty-six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-two thousand, and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six nor exceed seventy-two.

Sec. 3. The representatives shall be chosen annually by the citizens of each county respectively, on the second Tuesday of October.

Sec. 4. No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen, one year next preceding his election, unless he shall have been absent on the public business of the United States, or of this state, and shall have paid a state or county tax.

Sec. 5. The senators shall be chosen biennially by qualified voters for representatives; and on their being convened in consequence of the first election, they shall be divided by lot from their respective counties or districts, so far as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one half thereof, as near as possible, may be annually chosen forever thereafter.

Sec. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the several counties or districts to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one third, nor more than one half of the number of representatives.

Sec. 7. No person shall be a senator, who has not arrived at the age of thirty years, and is a citizen of the United States, shall have resided two years in the county or district immediately preceding the election, unless he shall have been absent on the public business of the United States, or of this state, and shall moreover have paid a state or county tax.

Sec. 8. The senate and house of representatives when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments; two thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 9. Each house shall keep a journal of its proceedings and publish them; the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

Sec. 10. Any two members of either house shall have liberty to dissent from and protest against any act or resolution which they may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals.

Sec. 11. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free and independent state.

Sec. 12. When vacancies happen in either house, the governor,

or the person exercising the power of the governor, shall issue writs of election to fill such vacancies.

Sec. 13. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same, and for any speech or debate in either house; they shall not be questioned in any other place.

Sec. 14. Each house may punish by imprisonment during their session, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in their presence, provided such imprisonment shall not, at any one time, exceed twenty-four hours.

Sec. 15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

Sec. 16. Bills may originate in either house, but may be altered, amended, or rejected by the other.

Sec. 17. Every bill shall be read on three different days in each house, unless in case of urgency three fourths of the house where such bill is so depending, shall deem it expedient to dispense with such rule; and every bill having passed both houses, shall be signed by the speakers of their respective houses.

Sec. 18. The style of the laws of this state shall be, "Be it enacted by the general assembly of the state of Ohio."

Sec. 19. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eighty, to wit: the governor not more than one thousand dollars; the judges of the supreme court not more than one thousand dollars each; the presidents of the courts of common pleas not more than eight hundred dollars each; the secretary of state not more than five hundred dollars; the auditors of public accounts not more than seven hundred and fifty dollars; the treasurer not more than four hundred and fifty dollars; no member of the legislature shall receive more than two dollars per day during his attendance on the legislature, nor more for every twenty-five miles he shall travel in going to and returning from the general assembly.

Sec. 20. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emolument of which shall have been increased, during such time.

Sec. 21. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

Sec. 22. An accurate statement of the receipts and expenditures of the public treasury shall be attached to and published with the laws annually.

Sec. 23. The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of two-thirds of all the senators.

Sec. 24. The governor and all other civil officers under this state shall be liable to impeachment for any misdemeanor in office, but judgment in such cases, shall not extend further than removal from office and disqualification to hold any office of honor, profit, or trust under this state. The party whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 25. The first session of the general assembly shall commence on the first Tuesday of March next, and thereafter after the general assembly shall meet on the first Monday of December in every year, and at no other period, unless directed by law, or provided for by this constitution.

Sec. 26. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, sheriff, or collector, member of either house of congress, or person holding any lucrative office under the United States, or this state, provided that the appointments in the militia or justice of the peace shall not be considered lucrative offices, shall be eligible as a candidate for, or have a seat in the general assembly.

Sec. 27. No person shall be appointed to any office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Sec. 28. No person who heretofore hath been or hereafter may be, a collector or holder of public moneys, shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury, all sums for which he may be accountable or liable.

#### ARTICLE II.

Sec. 1. The supreme executive power of this state shall be vested in a governor.

Sec. 2. The governor shall be chosen by the electors of the

members of the general assembly, on the second Tuesday of October, at the same places and in the same manner that they shall respectively vote for members thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly.—Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

Sec. 3. The first governor shall hold his office until the first Monday of December, one thousand eight hundred and five, and until another governor shall be elected and qualified to office, and forever after the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified, but he shall not be eligible more than six years in the term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this state four years next pre-ceding his election.

Sec. 4. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

Sec. 5. He shall have the power to grant reprieves and pardons after conviction, except in cases of impeachment.

Sec. 6. The governor shall at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

Sec. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 8. When an officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission which shall expire at the end of the next session of the legislature.

Sec. 9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened.

Sec. 10. He shall be commander in chief of the army and navy of this state and of the militia, except when they shall be called into the service of the United States.

Sec. 11. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper, provided it be not a period beyond the annual meeting of the legislature.

Sec. 12. In case of the death, impeachment, resignation, or the removal of the governor from office, the speaker of the senate shall exercise the office of governor, until he be acquitted, or another governor shall be duly qualified. In case of impeachment of the speaker of the senate, or his death, removal from office, resignation, or absence from the state, the speaker of the house of representatives shall succeed to the office and exercise the duties thereof, until a governor shall be elected and qualified.

Sec. 13. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor.

Sec. 14. There shall be a seal of this state, which shall be kept by the governor and used by him officially, and shall be called *The great seal of the state of Ohio*.

Sec. 15. All grants and commissions shall be in the name and by the authority of the state of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary.

Sec. 16. A secretary of state shall be appointed by a joint ballot of the senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well; he shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes and vouchers in his office, before either house of the legislature, and shall perform such other duties as shall be assigned him by law.

#### ARTICLE III.

Sec. 1. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may, from time to time establish.

Sec. 2. The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and equity, in such cases as shall be directed by law; provided, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the state into two circuits, within which any two of the judges may hold a court.

Sec. 3. The several courts of common pleas shall consist of a president and associate judges. The state shall be divided, by law, into three circuits; there shall be appointed in each circuit a president of the courts, who, during his continuance in office, shall preside therein. There shall be appointed in each county, not more than three nor less than two associate judges, who, during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall compose the court of common pleas, which court shall have common law and equity jurisdiction in all such cases as shall be directed by law; provided, that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents after the term of five years.

Sec. 4. The judges of the supreme court and court of common pleas, shall have complete criminal jurisdiction, in such cases and in such manner as may be pointed out by law.

Sec. 5. The court of common pleas in each county, shall have jurisdiction of all probate and testamentary matters, granting administration, and the appointment of guardians, and such other cases as shall be prescribed by law.

Sec. 6. The judges of the court of common pleas shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of *certiorari* to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Sec. 7. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state. The presidents of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective circuits, and the judges of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective counties.

Sec. 8. The judges of the supreme court, the presidents, and the associate judges of the courts of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they shall have well. The judges of the supreme court and the presidents of the courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this state or the United States.

Sec. 9. Each court shall appoint its own clerk for the term of seven years, but no person shall be appointed clerk except a *residence* person, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court, that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior, at any time, by the judges of the respective courts.

Sec. 10. The supreme court shall be held once a year, in each county, and the courts of common pleas shall be held in each county at stated times and places as shall be prescribed by law.

Sec. 11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years, whose powers and duties shall from time to time, be regulated and defined by law.

Sec. 12. The style of all process shall be, *The state of Ohio*; and all prosecutions shall be carried on in the name and by the authority of the state of Ohio, and all judgments shall continue, *against the peace and dignity of the state*.

#### ARTICLE IV.

Sec. 1. In all elections all white male inhabitants above the age of twenty-one years, last pre-ceding the state or year next pre-ceding the election, and who have paid or are charged with a state or county tax, shall enjoy the right of an elector, but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

Sec. 2. All elections shall be by ballot.

Sec. 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

Sec. 4. The legislature shall have full power to exclude from the privilege of electing, or of being elected, any person convicted of bribery, perjury, or any other infamous crime.

Sec. 5. Nothing contained in this article shall be so construed as to prevent white male persons above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, and who have resided one year in the state, from having the right of an elector.

#### ARTICLE V.

Sec. 1. Captains and subalterns in the militia shall be elected by those persons in their respective company districts subject to military duty.

Sec. 2. Majors shall be elected by the captains and subalterns of the battalion.

Sec. 3. Colonels shall be elected by the majors, captains, and subalterns of the regiment.

Sec. 4. Brigadiers general shall be elected by the commissioned officers of their respective brigades.

Sec. 5. Majors general and quarter masters general shall be appointed by joint ballot of both houses of the legislature.

Sec. 6. The governor shall appoint the adjutant general. The majors general shall appoint their aids and other division officers; the brigadiers their majors; the brigade majors their staff officers; the commanders of regiments shall appoint their adjutants, quarter masters, and other regimental staff officers; and the captains and subalterns shall appoint their non-commissioned officers and musicians.

Sec. 7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enlisted in their respective corps, and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff, and the captains and subalterns their non-commissioned officers and musicians.

#### ARTICLE VI.

Sec. 1. There shall be elected in each county one sheriff and one coroner, by the citizens thereof, who are qualified to vote for members of the assembly; they shall be elected at the time and place of holding elections for members of the assembly; they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified; provided that no person shall

be eligible as sheriff for a longer term than four years in any term of six years.

Sec. 2. The state treasurer and auditor shall be triennially appointed by a joint ballot of both houses of the legislature.

Sec. 3. All town and township officers shall be chosen annually, by the inhabitants thereof duly qualified to vote for members of the assembly, at such time and place as may be directed by law.

Sec. 4. The appointment of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

#### ARTICLE VII.

Sec. 1. Every person who shall be chosen or appointed to any office of trust or profit, under the authority of the state, shall, before the entering on the execution thereof, take an oath or affirmation to support the constitution of the United States and this state, and also an oath of office.

Sec. 2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise, or bestow, any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

Sec. 3. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them from which it shall be taken, to less contents than four hundred square miles, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

Sec. 4. Clitellethe shall be the vest of government until the year one thousand eight hundred and eight. No money shall be raised to till the year one thousand eight hundred and nine by the legislature of this state, for the purpose of erecting public buildings for the accommodation of the courts.

Sec. 5. That after the year one thousand eight hundred and six, whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors at the next election for members in the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state voting for representation have voted for the convention, the general assembly shall, at their next session, call a convention to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same places, and by the same electors that choose the general assembly who shall meet within three months after the said election, for the purpose of revising, amending, or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this state.

Sec. 6. That the limits and boundaries of this state be ascertained, it is declared, that they are hereafter mentioned—that is to say, bounded on the east by the Pennsylvania line, on the south by the Ohio river to the mouth of the Great Miami river, on the west by the line drawn due north from the mouth of the Great Miami aforesaid, and on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid; provided always, that it is hereby fully understood and declared by this convention, that if the southerly bend or extremity of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie, east of the mouth of the Miami river of the lake, then and in that case, with the assent of the congress of the United States, the northern boundary of this state shall be established by, and extending to, a direct line running from the southerly extremity of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami river aforesaid, thence north east to the territorial, and by the said territorial line to the Pennsylvania line.

#### ARTICLE VIII.

That the general, great, and essential principles of liberty and free government may be recognised, and for ever unalterably established, we declare,

Sec. 1. That all men are born equally free and independent, and have certain, natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety; and every free republican government being founded on their sole authority, and organized for the purpose of protecting their liberties, and securing their independence; to effect these ends, they have at all times a complete power to alter, reform, or abolish, their government, whenever they may deem it necessary.

Sec. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted, nor shall any male person, arrived at the age of twenty-one years, nor female person arrived at the age of eighteen years, be held to serve any person as a servant, under pretence of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration, received or to be received for their service, except as before excepted. Nor shall any indenture of any negro or mulatto heretofore made and executed out of this state, or if made in the state where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeship.

Sec. 3. That all men have a natural and inalienable right to worship Almighty God, according to the dictates of their consciences;

that no human authority can in any case whatever, control or interfere with the rights of conscience; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; and that no person shall ever be given a law to any religious society or mode of worship; and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality, and knowledge being essential to the good government and happiness of mankind, schools and the means of instruction shall forever be encouraging by legislative provision, not inconsistent with the rights of conscience.

Sec. 4. Private property ought and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

Sec. 5. That the people shall be secure in their persons, houses, papers, and possessions, from all unreasonable searches and seizures; and that general warrants whereby an officer may be authorized to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted.

Sec. 6. That the printing press shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer, and no law shall ever restrain the right thereof. Every citizen has an indubitable right to speak, write, or print upon any subject as he thinks proper, being liable for the abuse of that liberty. In prosecution for any publication respecting the official conduct of men in a public capacity, or when the matter published is proper for public information, the truth thereof may always be shown in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 7. That all courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

Sec. 8. That the right of trial by jury shall be inviolate.

Sec. 9. That no power suspending the laws shall be exercised, unless by the legislature.

Sec. 10. That no person arrested or confined in jail, shall be treated with unnecessary rigor, or be put to answer any criminal charge, but by processment, indictment, or impeachment.

Sec. 11. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof to meet his witnesses; leave to face to have reasonable process for obtaining witnesses in his defence, and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, nor shall he be twice put in jeopardy for the same offence.

Sec. 12. That all persons shall be liable by sufficient evidence, unless forcible offences, where the proof is evident, or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 13. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

Sec. 14. All penalties shall be proportioned to the nature of the offence. No law is legislative will inflict the same punishment on the crimes of theft, forgery, and the like, which it do to those of murder and treason. When the same unfeeling severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most heinous with as little compunction as they do with the least offences. For the same reasons, a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform, not to exterminate mankind.

Sec. 15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood nor forfeiture of estate.

Sec. 17. That no person shall be liable to be transported out of this state for any offence committed within the state.

Sec. 18. That a frequent recurrence to the fundamental principles of civil government, is absolutely necessary to preserve the blessings of liberty.

Sec. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

Sec. 20. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in time of peace are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

Sec. 21. That no person in this state, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporal punishment under the military law.

Sec. 22. That no soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law.

Sec. 23. That the levying taxes by the poll is grievous and oppressive, therefore the legislature shall never levy a poll tax for county or state purposes.

Sec. 24. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred by this state.

Sec. 25. That no law shall be passed to prevent the poor in the

several counties and townships within this state, from an equal participation in the schools, academies, colleges and universities within this state, which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges; and the donors of the said schools, academies and universities, shall be open for the reception of scholars, students, and teachers of every grade, without any distinction, or preference whatever, contrary to the intent for which the said donations were made.

Sec. 26. That laws shall be passed by the legislature, which shall secure to each and every denomination of religious societies in each surveyed township which now is, or may hereafter be formed in the state, an equal participation, according to their number of adherents, of the profits arising from the land granted by congress for the support of religion, agreeably to the ordinance or act of congress, making the appropriation.

Sec. 27. That every association of persons, when regularly formed within this state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation, to enable them to hold estates real and personal, for the support of their schools, academies, colleges, universities, and other purposes.

Sec. 28. To guard against the transgressions of the high powers which we have delegated, we declare that all powers not hereby delegated, remain with the people.

#### SCHEDULE.

Sec. 1. That no evils or inconveniences may arise from the change of a territorial government to a permanent state government, it is declared by this convention that all rights, suits, actions, prosecutions, claims and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

Sec. 2. All fines, penalties, and forfeitures, due and owing to the territory of the United States north west of the river Ohio, shall inure to the use of the state. All bonds executed to the government, or any other officer in his official capacity, in the territory, shall pass over to the government, or the other officers of the state, and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

Sec. 3. The governor, secretary, and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superseded under the authority of this constitution.

Sec. 4. All laws and parts of laws, now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect, until repealed by the legislature, except so much of the act, entitled "An act regulating the admission and practice of attorneys and counselors at law," and of the act made amendatory thereto, as relates to the term of time within which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practiced as an attorney at law, before he can be admitted to the degree of a counselor at law.

Sec. 5. The governor of the state shall make use of his private seal, until a state seal be procured.

Sec. 6. The president of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a governor, members of the general assembly, sheriffs and coroners, at the respective election districts in each county, on the second Tuesday of January next, which election laws of this territory; and the members of the general assembly, sheriffs, and coroners thus elected, shall continue to exercise the duties of their respective offices, until the next annual or biennial election thereafter, as prescribed in this constitution, and no longer.

Sec. 7. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to four senators and eight representatives; the county of Claymont, one senator and two representatives; the county of Adams, one senator and three representatives; the county of Ross, two senators and four representatives; the county of Fairfield, one senator and two representatives; the county of Washington, one senator and three representatives; the county of Belmont, one senator and two representatives; the county of Jefferson, two senators and four representatives; and the county of Trumbull, one senator and two representatives.

Done in convention at Chillicothe, on the 29th day of November,

1802, and of the independence of the United States of America

the twenty-seventh.

In testimony whereof, we have hereto subscribed our names.

EDWARD TIFFIN, President,  
and representative from the county of Ross.

*Adams County.*  
Jos. Darlington,  
Israel Dunlap,  
Thos. Kirkor.  
*Belmont County.*  
James Caldwell,  
Elisha Woods.  
*Clermont County.*  
Philip Gatch,  
James Sargent.  
*Fairfield County.*  
Henry Adams,  
Eliu Carpenter.

*Jefferson County.*  
Rudolph Bear,  
Geo. Humphrey,  
John Miligan,  
Nath. Upl-graff,  
Baz. Wells.

*Ross County.*  
Mich. Baldwin,  
James Grubb,  
Nath. Massey,  
J. Worthington.

#### Hamilton County.

John W. Browne,  
Charles W. Byrd,  
Fra. Dunlavy,  
Wm. Goforth,  
John Kitchin,  
Jer. Morrow,  
John Paul,  
John Reily,  
John Smith,  
John Wilson.

#### Attest.

#### Trumbull County.

David Abbot,  
Sam. Huntington.

#### Washington County.

Eph. Cutler,  
Ben. Ives Gilman,  
John McIntire,  
Rufus Putnam.

THO. SCOTT, Secretary.

## CONSTITUTION OF THE STATE OF LOUISIANA.

(New Orleans Territory.)

To the Senate and House of Representatives of the United States.

At the request of the convention assembled in the territory of Orleans, on the 22d day of November last, I transmit to you the proceedings of that body, in pursuance of the act, entitled "an act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union on an equal footing with the original states, and for other purposes." JAMES MADISON.

March 2d, 1812.

In convention, January 28th, 1812.

SIR—The representatives of the people of the territory of Orleans, in convention assembled, have now the honor to submit to the consideration of congress, the constitution, or form of government, the result of their joint deliberations, under the act, providing for the admission of this country into the Union of the states.

Motives of peculiar urgency, connected with the repose and security of the people of this territory, have induced them to solicit of the executive, that the constitution herewith transmitted may be immediately laid before congress, so as to be acted on without delay, at their present session. The anticipated change in the government of this territory, has had a tendency to produce a considerable relaxation in some of the most important departments thereof. Provided the adoption of the new form should be delayed to a distant period, serious injuries and inconveniences to the people are apprehended. The convention, therefore, beg leave to press to congress, through the executive, their most earnest solicitude for as speedy a provision against such a state of things, as may comport with the other national duties of that body.

With great respect, we have the honor to be, sir, your excellency's most obedient servants.

J. POYDRAS,

President of the Convention.

By unanimous order of the Convention,  
Attest, ELIGIUS FROMENTIN,

Secretary to the Convention.

The President of the U. States.

We, the representatives of the people of the territory of Orleans, having convened for the purpose of forming a constitution and state government, as a member of the union, agreeably to an act of congress, entitled "An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the union, on an equal footing with the original states, and for other purposes."

We declare, in conformity to the said act, and in behalf of the said people of the territory of Orleans, we declare that the constitution of the United States of America, and every article thereof is hereby adopted by this convention.

Done in convention, at New-Orleans, this twenty-second day of November, one thousand eight hundred and eleven, and of the Independence of the United States of America the thirty-sixth.

By unanimous order of the Convention.

J. POYDRAS,

President of the Convention.

ELIGIUS FROMENTIN,

Secretary of the Convention.

### Constitution or form of government of the state of Louisiana.

We, the representatives of the people of all that part of the territory or country ceded under the name of Louisiana, by the treaty made at Paris, on the 30th day of April, 1803, between the United States and France, contained in the following limits, to wit: Beginning at the mouth of the river Sabine; thence by line, to be drawn along the middle of said river, including all islands to the thirty-second degree of latitude; thence due north, to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude, to the river Mississippi; thence down the said river to the river Iberville, and from thence along the middle of the said river and lakes Maurepas and Ponchartrain, to the gulph of Mexico; thence bounded by the said gulph to the place of beginning, including all islands within three leagues of the coast; in convention assembled, by virtue of an act of congress, entitled "an act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union on an equal footing with the original states, and for other purposes," in order to secure to all the citizens thereof the enjoyment of the rights of life, liberty and property, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of the state of Louisiana.



**ARTICLE 1.—Concerning the distribution of the powers of government.**

Sec. 1. The powers of the government of the state of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive to another, and those which are judiciary to another.

Sec. 2. No person, or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

**ARTICLE II.—Concerning the Legislative Department.**

Sec. 1. The legislative power of this state shall be vested in two distinct branches: the one to be called the house of representatives the other the senate; and both together the general assembly of the state of Louisiana.

Sec. 2. The members of the house of representatives shall continue in service for the term of two years, from the day of the commencement of the general election.

Sec. 3. Representatives shall be elected on the first Monday in July, every two years; and the general assembly shall convene on the first Monday in January, in every year, unless a different day be appointed by law; and their sessions shall be held at the seat of government.

Sec. 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and hath not attained the age of twenty-one years, and resided in this state two years next preceding his election, and the last year thereof in the county of which he may be chosen or in the district for which he is elected; in case the said counties may be divided into separate districts of election, and has not held for one year, in the said county or district, laudable property to the value of five hundred dollars, agreeably to the tax list.

Sec. 5. Elections for representatives for the several counties, entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts into which the legislature may think proper from time to time to divide any or all of those counties.

Sec. 6. Representation shall be equal and uniform in this state; and shall be forever regulated and ascertained by the number of qualified electors therein. In the year one thousand eight hundred and thirteen, and every four years thereafter, an enumeration of all the electors shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than twenty-five nor more than fifty.

Sec. 7. The house of representatives shall choose its speaker and other officers.

Sec. 8. In all elections for representatives, every free white male citizen of the United States, who, at the time being, hath attained to the age of twenty-one years, and resided in the county in which he is to vote one year next preceding the election, and who in the last six months prior to the said election shall have paid a state tax, shall enjoy the rights of an elector; *Provided, however*, That every free white male citizen of the United States, who shall have purchased lands from the United States, shall have the right of voting whenever he shall have the other qualifications of age and residence above prescribed. Electors shall, in all cases except treason, felony, breach or surty of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

Sec. 9. The members of the senate shall be chosen for the term of four years; and when assembled, shall have the power to choose its officers annually.

Sec. 10. The state shall be divided into fourteen senatorial districts, which shall forever remain indivisible, as follows: The parish of St. Bernard and Plaquemine, including the country above as far as the canal (des pecheurs) on the east of the Mississippi, and as far as the west as far as Bernoulli's canal, shall form one district. The city of New-Orleans beginning at the Nueve Plantation above, and extending below as far as the above-mentioned canal (des pecheurs) including the inhabitants of the Bayou St. John, shall form the second district. The remainder of the county of Orleans shall form the third district. The counties of German Coast, Acadia, Lafourcade, Theriotville, Point Coupee, Concordia, Attakapas, Opelousas, Rapides, Natchitoches and Ouachita, shall each form one district, and each district shall elect a senator.

Sec. 11. At the first session of the general assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class at the expiration of the fourth year, so and a rotation shall be chosen every two years, that one-half thereof be kept up perpetually.

Sec. 12. No person shall be a senator, who, at the time of his election, is not a citizen of the United States, and who hath not attained to the age of twenty-seven years; resided in this state four years next preceding his election, and one year in the district in which he may be chosen; and unless he holds within the same a lauded property of the value of one thousand dollars agreeably to the tax list.

Sec. 13. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter there shall be a biennial election of senators to fill the places of those whose time of service may have expired.

Sec. 14. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members, in such manner and under such penalties as may be provided thereby.

Sec. 15. Each house of the general assembly shall judge of the

qualifications, elections and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

Sec. 16. Each house of the general assembly may determine the rules of its proceedings; punish a member for disorderly behavior; and, with the concurrence of two-thirds, expel a member, but not as a cond time for the same offence.

Sec. 17. Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

Sec. 18. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 19. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which shall be four dollars per day, during their attendance at, going to, and returning from the sessions of their respective houses. *Provided*, That the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alteration shall have been made.

Sec. 20. The members of the general assembly shall, in all cases, except treason, felony, breach or surty of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, and in going to, or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 21. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

Sec. 22. No person, while he continues to exercise the functions of a clergyman, priest, or teacher, of any religious persuasion, society or sect, shall be eligible to the general assembly, or to any office of profit or trust under this state.

Sec. 23. No person, who at any time may have been a collector of taxes for the state, or the assistant or deputy of such collector, shall be eligible to the general assembly until he shall have obtained a quittance for the amount of such collection, and for all public moneys for which he may be responsible.

Sec. 24. No bill shall have the force of a law until, on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon; unless in case of urgent four-fifths of the house, where the bill shall be depending, may deem it expedient to dispense with this rule.

Sec. 25. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills; *Provided*, That they shall not introduce any new matter, under the color of an amendment, which does not relate to raising a revenue.

Sec. 26. The general assembly shall regulate, by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

**ARTICLE III.—Concerning the Executive Department.**

Sec. 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Louisiana.

Sec. 2. The governor shall be elected for the term of five years, in the following manner: the citizens entitled to vote for representatives shall vote for a governor at the time and place of voting for representatives and senators. Their votes shall be returned by the persons presiding over the elections to the seat of government, and as to the president of the senate; and on the second day of the general assembly the members of the two houses shall meet in the house of representatives, and immediately after, the two candidates who shall have obtained the greatest number of votes shall be balloted for, and the one having a majority of votes shall be governor; *Provided*, however, That if more than two candidates have obtained the highest number of votes, it shall be the duty of the general assembly to ballot for them in the manner above prescribed; and in case several candidates should obtain an equal number of votes next to the candidate who has obtained the highest number, it shall be the duty of the general assembly to select in the manner the candidate who is to be balloted for with him who has obtained the highest number of votes.

Sec. 3. The governor shall be ineligible for the succeeding four years, after the expiration of the time for which he shall have been elected.

Sec. 4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years preceding his election, and shall hold in his own right a lauded estate of five thousand dollars value agreeably to the tax list.

Sec. 5. He shall commence the execution of his office on the fourth Monday preceding the day of his election, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oath or affirmation prescribed by this constitution.

Sec. 6. No member of congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor.

Sec. 7. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

Sec. 8. He shall be commander in chief of the army and navy of this state, and of the militia thereof, except when they shall be

called into the service of the United States; but he shall not command personally in the field unless he shall be advised so to do by a resolution of the general assembly.

Sec. 9. He shall nominate and appoint, with the advice and consent of the senate, judges, sheriffs, and all other officers whose offices are established by this constitution, and whose appointments are not herein otherwise provided for: *Provided however*, That the legislature shall have a right to prescribe the mode of appointment of all other officers to be established by law.

Sec. 10. The governor shall have power to fill up vacancies that may happen during the term of the legislature, by granting commissions which shall expire at the end of the next session.

Sec. 11. He shall have power to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons, with the approval of the senate. In cases of treason he shall have power to grant reprieves, until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

Sec. 12. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

Sec. 13. He shall from time to time give to the general assembly information respecting the situation of the state, and recommend to their consideration such measures as he may deem expedient.

Sec. 14. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from contagious disorders; and in case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding sixty months.

Sec. 15. He shall take care that the laws be faithfully executed.

Sec. 16. It shall be his duty to visit the different counties at least once in every two years, to inform himself of the state of the militia and of the general condition of the country.

Sec. 17. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation or absence from the state, the president of the senate shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor absent or impeached shall return or be acquitted.

Sec. 18. The president of the senate, during the time he administers the government, shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

Sec. 19. A secretary of state shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long before himself well: he shall keep a fair register, and authentic official acts and proceedings of the governor; and shall when required, lay the same and all papers, minutes and vouchers, relative thereto, before either house of the general assembly; and shall perform such other duties as may be enjoined him by law.

Sec. 20. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it; if not, he shall return it with his objections to the house in which it shall have originated; who shall enter the objections in large upon their journal, and proceed to reconsider it; if after such reconsideration, two thirds of all the members elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, which it shall likewise be reconsidered, and if approved by two thirds of all the members elected to that house, it shall be a law; who shall enter the vote of both houses and be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively; if any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. 21. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect be approved by him; or being disapproved shall be re-passed by two thirds of both houses.

Sec. 22. The free white men of this state shall be armed and disciplined for its defense; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 23. The militia of this state shall be organized in such manner as may hereafter be deemed most expedient by the legislature.

#### ARTICLE IV.—Concerning the Judiciary Department.

Sec. 1. The judiciary power shall be vested in a supreme court and inferior courts.

Sec. 2. The supreme court shall have appellate jurisdiction only which jurisdiction shall extend to all civil cases when the matter in dispute shall exceed the sum of three hundred dollars.

The supreme court shall consist of not less than three judges, nor more than five; the majority of whom shall form a quorum; each of said judges shall receive a salary of five thousand dollars annually. The supreme court shall hold its sessions at the places hereinafter mentioned; and for that purpose the state is hereby divided into two districts of appellate jurisdiction, in each of which the supreme court shall administer justice in the manner hereafter prescribed. The eastern district to consist of the counties of St. Charles, Orleans, Pointe à la Poudre, Acadia, Lafayette, Iberville, and Pointe Coupee. The western district to consist of the counties of Attakapas, Opelousas, Rapides, Concordia, Natchitoches, and Ouachita. The supreme court shall hold its sessions in each year, for the eastern district in December, January, February, March, April, May, June, and July; and for the western district,

at the Opelousas during the months of August, September, and October, for 5 years. *Provided however*, that every five years the legislature may change the place of holding said court in the western district. The said court shall appoint its own clerks.

Sec. 4. The legislature is authorized to establish such inferior courts as may be convenient to the administration of justice.

Sec. 5. The judges both of the supreme and inferior courts shall hold their offices during good behavior; but for any reasonable cause which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three fourths of each house of the general assembly: *Provided however*, that the cause or causes for which such removal may be required shall be stated at length in the address, and inserted on the journal of each house.

Sec. 6. The judges, by virtue of their office shall be conservators of the peace throughout the state; the style of all process shall be "The state of Louisiana." All prosecutions shall be carried on in the same and by the authority of the state of Louisiana, and conclude against the peace and dignity of the same.

Sec. 7. There shall be an attorney general for the state, and as many other prosecuting attorneys for the state as may be hereafter found necessary. The said attorneys shall be appointed by the governor with the advice and approbation of the senate. Their duties shall be determined by law.

Sec. 8. All commissions shall be in the name and by the authority of the state of Louisiana, and sealed with the state seal, and signed by the governor.

Sec. 9. The state treasurer, and printer or printers of the state, shall be appointed, annually, by the joint vote of both houses of the general assembly: *Provided*, that during the recess of the same, the governor shall have power to fill vacancies which may happen in either of the said offices.

Sec. 10. The clerks of the several courts shall be removable for breach of good behavior, by the court of appeals only, who shall be judge of the fact as well as of the law.

Sec. 11. The existing laws in this territory, when this constitution goes into effect, shall continue to be in force until altered or abolished by the legislature: *Provided however*, that the legislature shall never adopt any system or code of laws, by a general reference to the mill system or code; but in all cases, shall specify the several provisions of the laws it may enact.

Sec. 12. The judges of all courts within this state shall, as often as it may be possible so to do, in every definite judgment, refer to the particular law, in virtue of which such judgment is founded.

#### ARTICLE V.—Concerning Impeachment.

Sec. 1. The power of impeachment shall be vested in the house of representatives alone.

Sec. 2. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

Sec. 3. The governor and all the civil officers shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under this state; but the parties convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment according to law.

#### ARTICLE VI.—General Provisions.

Sec. 1. Members of the general assembly, and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of this state: so help me God."

Sec. 2. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his confession in open court.

Sec. 3. Every person shall be disqualified from serving as governor, senator, or representative, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe to procure his election.

Sec. 4. Law shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

Sec. 5. No money shall be drawn from the treasury, but in pursuance of appropriations made by law; nor shall any appropriation of money for the support of an army be made, for a longer term than one year; and a regular statement and account of the receipts and expenditures of all public monies, shall be published annually.

Sec. 6. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Sec. 7. All civil officers for the state at large shall reside within the state, and all district or county officers, within their respective districts or counties, and shall keep their respective offices at such places therein, as may be required by law.

Sec. 8. The legislature shall determine the time of duration of the several public offices, when such time shall not have been fixed by this constitution; and all civil officers, except the governor and judges of the superior and inferior courts, shall be removable by an address of two thirds of the members of both houses, except

time, the removal of whom has been otherwise provided for by this constitution.

Sec. 9. Absence on the business of this state, or of the U. States, shall not forfeit a residence once obtained, so as to deprive any one of the rights of suffrage, or of being elected or appointed to any office under this state, under the exceptions contained in this constitution.

Sec. 10. It shall be the duty of the general assembly to regulate by law, in what cases, and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity.

Sec. 11. Return of all elections for the members of the general assembly shall be made to the secretary of state for the time being.

Sec. 12. The legislature shall point out the manner in which a man coming into the country shall declare his residence.

Sec. 13. In all elections by the people, and also by the senate and house of representatives, jointly or separately, the votes shall be given by ballot.

Sec. 14. No member of congress, nor person holding or exercising any office of trust or profit, under the United States, or either of them, or under any foreign powers, shall be eligible as a member of the general assembly of this state, or hold or exercise any office of trust or profit, under the same.

Sec. 15. All laws that may be passed by the legislature of the state of Louisiana, and the judicial and legislative written proceedings of the same, shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

Sec. 16. The general assembly shall direct by law, how persons who now are, or may hereafter become securities for public officers, may be returned or discharged on account of such suretyship.

Sec. 17. No power of suspending the laws of this state, shall be exercised, unless by the legislature, or its authority.

Sec. 18. In all criminal prosecutions, the accused shall have the right of being heard by himself or counsel; of demanding the nature and cause of the accusation against him; of meeting the witnesses face to face; of having compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; nor shall he be compelled to give evidence against himself.

Sec. 19. All prisoners shall be bailable by sufficient securities, unless for capital offenses, where the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended; unless, when, in cases of rebellion or invasion, the public safety may require it.

Sec. 20. No ex post facto law, nor any law impairing the obligation of contracts, shall be passed.

Sec. 21. Printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of the government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the inalienable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

Sec. 22. Emigration from the state shall not be prohibited.

Sec. 23. The citizens of the town of New-Orleans shall have the right of appointing the several public officers necessary for the administration and the police of the said city, pursuant to the mode of election, which shall be prescribed by the legislature: *Provided*, That the mayor and recorder shall be ineligible to a seat in the general assembly.

Sec. 24. The seat of government shall continue at New-Orleans, until removed by law.

Sec. 25. All laws contrary to this constitution shall be null and void.

#### ARTICLE VII.—Mode of revising the Constitution.

Sec. 1. When experience shall point out the necessity of amending this constitution, and a majority of all the members elected to each house of the general assembly shall, within the first twenty days of their stated annual session, concur in passing a law, specifying the alterations intended to be made, for taking the sense of the good people of this state, as to the necessity and expediency of calling a convention, it shall be the duty of the several returning officers, at the next general election which shall be held for representatives after the passage of such law, to open a poll for all those entitled to vote for representatives, who have voted for calling a convention; and if thereupon it shall appear that a majority of all the citizens of this state, entitled to vote for representatives, have voted for a convention, the general assembly shall direct, that a similar poll shall be opened, and taken for the next year; and if thereupon it shall appear that a majority of all the citizens of this state, entitled to vote for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention to consist of as many members as there shall be in the general assembly, and no more; to be chosen in the same manner and proportion, at the same places, and at the same time that representatives are, by citizens entitled to vote for representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending, or changing this constitution. But if it shall appear, by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for representatives, did not vote for a convention, a convention shall not be called.

#### SCHEDULE.

Sec. 1. That no inconveniences may arise from the change of a territorial to a permanent seat of government, it is declared by the convention, that all rights, suits, actions, prosecutions, claims and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government, in virtue of the laws now in force.

Sec. 2. All fines, penalties and forfeitures, due and owing to the territory of Orleans shall survive to the use of the state. All business

executed to the governor or any other officer in his official capacity in the territory, shall pass over to the governor, or to the officers of the state and their successors in office, for the use of the said, by him or by them to be respectively assigned over to the use of those concerned as the case may be.

Sec. 3. The governor, secretary and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of the constitution.

Sec. 4. All laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature.

Sec. 5. The governor of this state shall make use of his private seal, until a state seal be procured.

Sec. 6. The seals of office herein directed to be taken may be administered by any justice of the peace, until the legislature shall otherwise direct.

Sec. 7. At the expiration of the time after which this constitution is to go into operation, or immediately after official information shall have been received that congress have approved of the same, the president of the convention shall issue writs of election to the people of the several counties, to assemble them to cause an election to be held for governor and senators of the general assembly, in each of their respective districts. The election shall commence on the fourth Monday following the day of the president's proclamation, and shall take place on the same day throughout the state. The mode and duration of the said election shall be determined by the laws now in force: *Provided*, however, that in case of absence or disability of the president of the convention, to cause the said election to be carried into effect, the secretary of the convention shall discharge the duties hereby imposed on the president; and that in case of the absence of the secretary, a committee of Messrs. Blaquiere, Brown and Ursin, or a majority of them, shall discharge the duties herein imposed on the secretary of the convention; and the members of the general assembly thus elected, for this time only, shall enter upon the duties of their respective offices, immediately after their election, and shall continue in office in the same manner, and during the same period they would have done had they been elected on the first Monday of July, 1812.

Sec. 8. Until the first enumeration shall be made, as directed in the sixth section of the second article of this constitution, the county of New-Orleans shall be entitled to six representatives, to be elected as follows: one by the first senatorial district within the said county, four by the second district, and one by the third district; the county of German Coast to two representatives; the county of Acadia to two representatives; the county of Iberville to two representatives; the county of Lafourche to two representatives, to be elected as follows: one by the parish of Assumption, and the other by the parish of the Interior; the county of Rapides to two representatives; the county of Natchitoches to one representative; the county of Concordia to one representative; the county of Opelousas to two representatives; the county of Attakapas to three representatives, to be elected as follows: two by the parish of St. Martin, and the third by the parish of St. Mary; and the respective senatorial districts, created by this constitution, to one senator each.

Done in convention, at New-Orleans, the 22d day of the month of January, in the year of our Lord 1812, and of the independence of the United States of America the 36th.

J. POTDRAS, President of the Convention.

<i>Orleans County.</i>	Bea Hubbard, junior,
J. D. Degoutin Bellemelase,	St. Martin,
J. Blaque,	H. S. Thibodeau,
F. J. Le Breton D'Orgeron,	<i>Pointe Coupee County.</i>
Merc. Guichard,	S. Hissart,
S. Henderson,	<i>Assumption County.</i>
P. Denis de la Ronde,	Robert Hall,
F. Livaudais,	T. F. Oliver,
Bernard Marigny,	Levi W. Ila,
Thomas Ursin,	<i>Natchitoches County.</i>
J. Ville,	P. Bousier Prefectissime,
John Watkins,	<i>Catahoula County.</i>
Samuel Winst.	James Dunlap,
<i>German Coast County.</i>	D. B. Morgan,
James Brown,	<i>Ouribacha County.</i>
J. N. D'Arban,	Henry Hey,
Amis. La Bernhe,	<i>Acadiana County.</i>
<i>Acadia County.</i>	Allen R. Macgoull,
Michel Cantrelle,	D. J. Sutton,
L. M. Reynaud,	John Thompson,
G. Ploniss,	<i>Attakapas County.</i>
<i>Iberville County.</i>	Louis De Blane,
Amat Herbert,	Henry Johnson,
Wm. Wilkoff, junior,	W. C. Macgoull,
<i>Lafourche County.</i>	Charles Giv,
Wm. Guloth,	Alexander Porter, junior,

Attest, ELIGIUS FROMENTIN,

Secretary to the Convention.

AN ORDINANCE relating to the public lands of the United States, and the lands of the non-resident proprietors, citizens of said states, within the territory of Orleans.

BE it ordained by the representatives of the people of the territory of Orleans in convention assembled, agreeably to an act of congress, as entitled "An act to enable the people of the territory of Orleans to form a new constitution and state government, and for the admission of such state into the union, on an equal footing with the original states, and for other purposes," that the people inhabiting the said territory do agree and declare, that they do forever disclaim all right or title to the waste or unappropriated lands lying

within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States.

And be it further ordained, by the authority aforesaid, that each and every tract of land sold by congress, shall be and remain exempt from any tax, laid by the order, or under the authority of the state of Louisiana, whether for state, county, township, parish, or any other purpose whatever, for the term of five years, from and after the respective days of the sales thereof; and that the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than the lands belonging to persons residing therein: and that no taxes shall be imposed on lands the property of the United States.

And be it further ordained, by the authority aforesaid, that this ordinance shall never be revoked, without the consent of the United States in congress assembled being first obtained for that purpose.

Done in convention, at New-Orleans, this 28th day of January, in the year of our Lord 1812, and of the independence of the United States, the 36th.

By the unanimous order of the convention,

J. POYDRAS,  
*President of the Convention.*

ELIGIUS FROMENTIN,  
*Sec'y to the Convention.*

## New-York Election.

*Votes for Governor, 1813.—Official.*

### SOUTHERN DISTRICT.

	<i>Tompkins.</i>	<i>Van Rensselaer.</i>
New-York,	1626	1999
Queens,	681	983
Suffolk,	1904	541
Kings,	337	336
Richmond,	373	237
Westchester,	1048	1180
	5869	5276

### MIDDLE DISTRICT.

Columbia,	1264	1779
Putnam,	514	223
Rockland,	499	46
Orange,	1168	700
Dutchess,	1404	1847
Ulster,	1146	1016
Sullivan,	227	131
Delaware,	1087	572
Greene,	710	593
	8719	7267

### EASTERN DISTRICT.

Washington,	1571	1683
Warren,	399	251
Rensselaer,	1222	2066
Essex,	450	308
Schenectady,	512	483
Saratoga,	1664	1329
Clinton,	332	258
Albany,	858	2030
Montgomery,	1741	1966
Franklin	64	152
	8813	10526

### WESTERN DISTRICT.

Oneida,	1926	2631
Otsego,	1676	1732
Madison,	1024	1212
Niagara,	542	238
Chatauque,	307	248
Allegany,	141	111
Lewis,	313	229
Steuben,	289	237
Tioga,	438	166
Broome,	354	435
Genesee,	1452	509
Schoharie,	930	767
Chenango,	1255	803
Jefferson,	733	795
Ontario,	2181	2244
Cayuga,	2147	844
Cortlandt,	575	451
Herkimer,	1616	867
St. Lawrence,	236	632
Seneca,	1144	383
Onondago,	1346	1085

19923 16649

*Recapitulation of votes for Governor.*

	<i>TOMPKINS.</i>	<i>VAN REN.</i>
Southern District,	5,869	5,276
Middle District,	8,719	7,267
Eastern District,	8,813	10,526
Western District,	19,923	16,649
<i>Total republican votes,</i>	43,324	39,718
<i>Total federal votes,</i>	39,718	

*Republican majority,* 3,506

The following table gives the strength of parties in the next House of Assembly of New-York.

<i>Republican.</i>		<i>Federal.</i>
Suffolk	3	Queens 3
Richmond	1	Kings 1
Rockland	1	New-York 11
Westchester	1	Westchester 2
Orange	4	Dutchess 5
Ulster & Sullivan	4	Columbia 4
Putnam	1	Greene 2
Schoharie	2	Rensselaer 4
Chenango	3	Albany 4
Delaware	2	Montgomery 5
Saratoga	4	Schenectady 2
Herkimer	3	Oneida 5
Cayuga	3	Otsego 4
Onondaga	5	Madison 3
Ontario	4	Jefferson 2
Seneca	1	Broome 1
Genesee	1	Clinton & Franklin 1
Niagara, &c.	1	St. Lawrence 1
Cortland	1	
Washington	5	60
Essex	1	
Lewis	1	
Tioga	1	
Steuben & Allegany	1	
	52	

# THE WEEKLY REGISTER.

No. 1 of vol. IV.]

BALTIMORE, SATURDAY, MARCH 6, 1813.

[WHOLE NO. 79.]

*Hæc olim meminisse juvabit.*—VIRGIL.

Printed and published by H. NILES, South-st. next door to the Merchants' Coffee House, at \$ 5 per annum.

## Volume IV. of the Register

This day commences with the most flattering prospects. It is presumed that the period of its publication (the ensuing six months) will embrace more important and interesting events than any other space of time that has lapsed since the colonization of America; or that may, perhaps, for many years occur. No industry shall be wanting or expence spared, to keep pace with the history of the times, and give value to the *Register* as well for present use as future reference. As ability is received the will shall be exerted, and many gratuitous supplementary numbers may be expected, as the current of matter demands. them

The editor has seen no cause to abandon any part of the general rule by which this work has been conducted. On the contrary, the public judgment has passed a vote of approbation on his labors, that gratitude and interest alike forbid him to disregard. No official paper has hitherto been neglected on account of its political tendency; nor has an article been inserted, with electioneering views. The same honest impartiality and inviolable neutrality shall be pursued in these things. But—in regard to the war against Great Britain—though we would not knowingly insinuate a falsehood, or distort a fact, we cannot, dare not, will not, stand with our arms folded, neutral and insensible. By diligent investigation, truth shall be ascertained, and faithfully recorded in the "Events of the War"—yet we will use our best efforts to rouse and encourage our fellow-citizens to such deeds of patriotism as may lead to a glorious termination of the controversy, so far forth as the same shall be in our power. Our country, the best and most happy in the world, requires this of all who breathe its free air and partake of its manifold blessings. Let the discontented compare its state with the condition of the old world—and he will cling to it as the refuge of "peace, liberty and safety."

### CONDITIONS OF THE WEEKLY REGISTER.

It is published every Saturday, at \$5 per annum, making two volumes a year; payable in advance. The original subscribers pay annually in March—the work commenced in September, 1811. See "original conditions" vols. I. and III. 1st page in each.

The REGISTER is packed with unparalleled care and attention, and reaches the most distant post offices in safety. Missing numbers are liberally supplied, without charge, to any reasonable demand; if lost or damaged in the mails.

Subscribers must begin and end with a volume, and may receive the work as follows—

From No. 1, published Sept. 7, 1811, by paying \$15—for which will be delivered the three volumes published with a receipt for the 4th, 5th and 6th volumes—or, in other words, for three years subscription; 18 months for the files delivered, and 18 months in advance. (C) There are only 130 complete sets remaining for sale.

From No. 27, (No. 1 of vol. II.) which issued on March 7, 1812, (and contains all the papers, &c. connected with the war) by paying \$10; i.e. \$5 for the two volumes delivered, and \$5 in advance.

From No. 53, (No. 1 of vol. III.) published Sept. 5, 1812, by paying \$7 50—being \$2 50 for the vol. received, and \$5 in advance.

From No. 79, (No. 1 of vol. IV.) by paying \$5 in advance.

(C) Of vol. II. and those that follow, 630 copies are for sale. Of vol. IV. 500 additional impressions will be made, to meet the constant increase of subscribers.

Baltimore, March 6, 1813.

## British Declaration.

LONDON, January 10.

The earnest endeavors of the prince regent to preserve the relations of peace and amity with the United States of America having unfortunately failed, his royal highness, acting in the name and on the behalf of his majesty, deems it proper publicly to declare the causes and origin of the war in which the government of the United States has compelled him to engage.

No desire of conquest, or other ordinary motive of aggression, has been, or can be with any color of reason in this case imputed to Great Britain: that her commercial interests were on the side of peace, if war could have been avoided, without the sacrifice of her maritime rights, or without an injurious submission to France, is a truth which the American government will not deny.

His royal highness does not however mean to rest on the favorable presumption, to which he is entitled. He is prepared by an exposition of the circumstances which have led to the present war, to show that Great Britain has throughout acted towards the United States of America, with a spirit of amity, forbearance and conciliation; and to demonstrate the inadmissible nature of those pretensions, which have at length unhappily involved the two countries in war.

It is well known to the world, that it has been the invariable object of the ruler of France to destroy the power and independence of the British empire, as the chief obstacle to the accomplishment of his ambitious designs.

He first contemplated the possibility of assembling such a naval force in the channel, as combined with a numerous flotilla, should enable him to disembark in England an army sufficient, in his conception, to subjugate this country; and through the conquest of Great Britain he hoped to realize his project of universal empire.

By the adoption of an enlarged and provident system of internal defence, and by the valor of his majesty's fleets and armies, this design was entirely frustrated; and the naval force of France, after the most signal defeats, was compelled to retire from the ocean.

An attempt was then made to effectuate the same purpose by other means; a system was brought forward, by which the ruler of France hoped to annihilate the commerce of Great Britain, to shake her public credit, and to destroy her revenue, to render useless her maritime superiority, and so to avail him-

self of his continental ascendancy, as to constitute himself in a greater measure the arbiter of the ocean, notwithstanding the destruction of his fleets.

With this view by the decree of Berlin, followed by that of Milan, he declared the British territories to be in a state of blockade; and that all commerce or even correspondence with Great Britain was prohibited. He decreed that every vessel and cargo, which had entered or was found proceeding to a British port, or which, under any circumstances, had been visited by a British ship of war, should be lawful prize: he declared all British goods and produce, wherever found, and however acquired, whether coming from the mother country, or from her colonies, subject to confiscation: he further declared to be denationalized the flag of all neutral ships that should be found offending against these his decrees; and he gave to this project of universal tyranny, the name of the continental system.

For these attempts to ruin the commerce of Great Britain, by means, subversive of the dearest rights of neutral nations, France endeavored in vain to rest her justification upon the previous conduct of his majesty's government.

Under circumstances of unparalleled provocation, his majesty had abstained from any measure which the ordinary rules of the law of nations did not fully warrant. Never was the maritime superiority of a belligerent more complete and decided. Never was the opposite belligerent so formidably dangerous in his power and in his policy, to the liberties of all other nations. France had already trampled so openly and systematically on the most sacred rights of neutral powers, as might well have justified the placing her out of the pale of civilized nations. Yet in this extreme case, Great Britain had so used her naval ascendancy, that her enemy could find no just cause of complaint; and in order to give to these lawless decrees the appearance of retaliation, the ruler of France was obliged to advance principles of maritime law unsanctioned by any other authority than his own arbitrary will.

The pretext for these decrees were, first, that Great Britain had exercised the rights of war against private persons, their ships and goods; as if the only object of legitimate hostility on the ocean were the public property of a state, or as if the edicts, and the courts of France itself had not at all times enforced this right with peculiar rigor; secondly, that the British orders of blockade, instead of being confined to fortified towns, had, as France asserted, been unlawfully extended to commercial towns and ports, and to the mouths of rivers; and thirdly, that they had been applied to places, and to coasts, which neither were, nor could be actually blockaded. The last of these charges is not founded upon fact; whilst the others, even by the admission of the American government, are utterly groundless in point of law.

Against these decrees, his majesty protested and appealed: he called upon the United States to assert their own rights, and to vindicate their independence, thus menaced and attacked; and as France had declared, that she would confiscate every vessel that should touch in Great Britain, or be visited by British ships of war, his majesty, having previously issued the order of January, 1807, as an act of mitigated retaliation, was at length compelled, by the persevering violence of the enemy, and the continued acquiescence of neutral powers, to revict upon France, in a more effectual manner, the measure of her own injustice, by declaring, in an order in council, bearing date the 11th of November, 1807, that no neutral vessel should proceed to France, or to any of the countries to which, in obedience to the dictates of France, British commerce was excluded,

without first touching at a port in Great Britain, or her dependencies. At the same time his majesty intimated his readiness to repeal the orders in council whenever France should rescind her decrees, and return to the accustomed principles of maritime warfare; and a subsequent period, as a proof of his majesty's sincere desire to accommodate, as far as possible, his defensive measures to the convenience of neutral powers, the operation of the orders in council was, by an order issued in April, 1809, limited to a blockade of France, and of the countries subject to her immediate dominion.

Systems of violence, oppression and tyranny, can never be suppressed, or even checked, if the power against which such injustice is exercised, be debarred from the right of full and adequate retaliation; or, if the measures of the retaliating power are to be considered as matter of just offence to neutral nations, whilst the measures of original aggression and violence are to be tolerated with indifference, submission or complacency.

The government of the United States did not fail to remonstrate against the orders in council of Great Britain. Although they knew that these orders would be revoked if the decrees of France, which had occasioned them, were repealed, they resolved at the same moment to resist the conduct of both belligerents, instead of requiring France in the first instance, to rescind her decrees. Applying most unjustly the same measure of resentment to the aggressor and to the party aggrieved, they adopted measures of commercial resistance against both—a system of resistance, which, however varied in the successive acts of embargo, non-intercourse, or non-importation, was evidently unequal in its operation, and principally levelled against the superior commerce and maritime power of Great Britain.

The same partiality towards France was observable in their negotiations, as in their measures of alleged resistance.

Application was made to both belligerents for the revocation of their respective edicts, but the terms in which they were made were widely different.

Of France was required a revocation only of the Berlin and Milan decrees, although many other edicts, grossly violating the neutral commerce of the United States, had been promulgated by that power. No security was demanded, that the Berlin and Milan decrees, even if rescinded, should not under some other form be re-established; and a direct engagement was offered, that upon such revocation the American government would take part in the war against G. B. if she did not immediately rescind her orders. Whereas no corresponding engagement was offered to Great Britain, of whom it was required, not only that the orders in council should be repealed, but that no others of a similar nature should be issued, and that the blockade of May 1806, should be abandoned. This blockade, established and enforced according to accustomed practice, had not been objected to by the United States at the time it was issued. Its provisions were on the contrary represented by the American minister resident in London at the time, to have been so framed as to afford, in his judgment, a proof of the friendly disposition of the British government towards the United States.

Great Britain was thus called upon to abandon one of her most important maritime rights; by acknowledging the order of blockade in question to be one of the edicts which violated the commerce of the U. States, although it had never been so considered in the previous negotiation; and although the President of the United States had recently consented to

abrogate the nonintercourse act, on the sole condition of the orders in council being revoked; thereby distinctly admitting these orders to be the only edicts which fell within the contemplation of the law, under which he acted.

A proposition so hostile to Great Britain could not be proportionally encouraging to the pretensions of the enemy. As by thus alleging that the blockade of May, 1806, was illegal, the American government virtually justified, so far as depended on them, the French decrees.

After this proposition has been made, the French minister of foreign affairs, if not in concert with government, at least in conformity with its views, in a despatch dated the 5th of August, 1810, and addressed to the American minister resident at Paris, stated that the Berlin and Milan decrees were revoked, and that their operation would cease from the 1st day of November following, provided his majesty would revoke his orders in council, and renounce the new principles of blockade; or that the U. States would cause their rights to be respected; meaning hereby, that they would resist the retaliatory measures of Great Britain.

Although the repeal of the French decrees thus announced was evidently contingent, either on concessions to be made by Great Britain (concessions to which it was obvious Great Britain could never submit) or on measures to be adopted by the United States of America; the American President at once considered the repeal as absolute. Under that pretence the non-interposition act was strictly enforced against Great Britain, whilst the ships of war and merchant ships of the enemy were received into the harbors of America.

The American government, assuming the repeal of the French decrees to be absolute and effectual, most unjustly required Great Britain, in conformity to her declarations, to revoke her orders in council. The British government denied that the repeal, which was announced in the letter of the French minister for foreign affairs, was such as ought to satisfy Great Britain; and in order to ascertain the true character of the measure adopted by France, the government of the United States was called upon to produce the instrument by which the alleged repeal of the French decrees had been effected. If these decrees were really revoked such an instrument must exist, and no satisfactory reason could be given for withholding it.

At length, on the 21st of May, 1812, and not before, the American minister in London did produce a copy, or at least what purported to be a copy of such an instrument.

It professed to bear date on the 28th of April, 1811, long subsequent to the despatch of the French minister of foreign affairs of the 5th August, 1810, or even the day named therein, viz. the 1st of November following, when the operation of the French decrees was to cease. This instrument, expressly declared that these French decrees were repealed in consequence of the American legislature having, by their act of the 1st of March, 1811, provided, that British ships and merchandise should be excluded from the ports and harbors of the United States.

By this instrument, the only document produced by America as a repeal of the French decrees, it appears beyond a possibility of doubt or cavil, that the alleged repeal of the French decrees was conditional, as Great Britain had asserted; and not absolute or final, as had been maintained by America; that they were not repealed at the time they were stated to be repealed by the American government; that they were not repealed in conformity with a proposition simultaneously made to both belligerents, but

that in consequence of a previous act on the part of the American government, they were repealed in favor of one belligerent to the prejudice of the other; that the American government having adopted measures restrictive upon the commerce of both belligerents, in consequence of the edicts issued by both, rescinded these measures as they affected that power which was the aggressor, whilst they put them in full operation against the party aggrieved; although the edicts of both powers continued in force; and lastly, that they excluded the ships of war belonging to one belligerent, whilst they admitted into their ports and harbors, the ships of war belonging to the other, in violation of one of the plainest and most essential duties of a neutral nation.

Although the instrument thus produced was by no means that general and unqualified revocation of the Berlin and Milan decrees, which Great Britain had continually demanded, and had a full right to claim; and although this instrument, under all the circumstances of its appearance at that moment, for the first time, was open to the strongest suspicions of its authenticity; yet as the minister of the U. States produced it, as purporting to be a copy of the instrument of revocation, the government of G. Britain desirous of reverting, if possible, to the ancient and accustomed principles of maritime war, determined upon revoking conditionally the orders in council. Accordingly, in the month of June last, his royal highness the Prince Regent was pleased to declare in council, in the name and on the behalf of his majesty, that the orders in council should be revoked as far as respected the ships and property of the United States from the 1st of August following. The revocation was to continue in force, provided the government of the United States should, within a time to be limited, repeal their restrictive laws against British commerce. His majesty's minister in America was expressly ordered to declare to the government of the United States, that "this measure had been adopted by the Prince Regent in the earnest wish and hope, either that the government of France, by further relaxations of its system, might render perseverance on the part of Great Britain in retaliatory measures unnecessary, or if this hope should prove delusive, that his majesty's government might be enabled, in the absence of all irritating and restrictive regulations on either side, to enter with the government of the United States into amicable explanations, for the purpose of ascertaining whether, if the necessity of retaliatory measures should unfortunately continue to operate, the particular measures to be acted upon by Great Britain could be rendered more acceptable to the American government, than those hitherto pursued."

In order to provide for the contingency of a declaration of war on the part of the United States previous to the arrival in America of the said order of revocation, instructions were sent to his majesty's minister plenipotentiary accredited to the United States (the execution of which instructions, in consequence of the discontinuance of Mr. Foster's functions, were at a subsequent period entrusted to admiral sir John Boscawen Warren) directing him to propose a cessation of hostilities, should they have commenced; and further to offer a simultaneous repeal of the orders in council on one side, and of the restrictive laws on British ships and commerce on the other.

They were also respectively empowered to acquaint the American government, in reply to any enquiries with respect to the blockade of May, 1806, whilst the British government must continue to maintain its legality, "that in point of fact, this particular blockade had been discontinued for a

length of time, having been merged in the general retaliatory blockade of the enemy's ports under the orders in council, and that his majesty's government had no intention of recurring to this, or any other of the blockades of the enemy's ports founded upon the ordinary and accustomed principles of maritime law, which were in force previous to the orders in council, without a new notice to neutral powers in the usual form."

The American government before they received intimation of the course adopted by the British government, had in fact, proceeded to the extreme measure of declaring war, and issuing "letters of marque," notwithstanding they were previously in possession of the French minister of foreign affairs' letter of the 12th of March 1812, promulgating a new Berlin and Milan decrees, as fundamental laws of the French empire, under the false and extravagant pretext, that the monstrous principles therein contained, were to be found in the treaty of Utrecht, and were therefore binding upon all states. From the penalties of this code no nation was to be exempt, which did not accept it, not only as the rule of its own conduct, but as a law, the observance of which it was also required to enforce upon Great Britain.

In a manifesto accompanying their declaration of hostilities, in addition to the former complaints against the orders in council, a long list of grievances was brought forward; some trivial in themselves, others which had been mutually adjusted, but none of them such as were ever before alleged by the American government to be grounds for war. As if to throw additional obstacles in the way of peace, the American congress at the same time passed a law, prohibiting all intercourse with Great Britain, of such a tenor, as deprived the executive government, according to the president's own construction of that act, of all power of restoring the relations of friendship and intercourse between the two states, so far at least as concerned their commercial intercourse, until congress should re-assemble.

The president of the United States has, it is true, since proposed to Great Britain an armistice; not however, on the admission that the cause of war hitherto relied on was removed; but on condition that Great Britain, as a preliminary step, should do away a cause of war, now brought forward as such for the first time; namely, that he should abandon the exercise of the undoubted right of search, to take from American merchant vessels British seamen, the natural born subjects of his majesty; and this concession was required upon the mere assurance that laws would be enacted by the legislature of the United States, to prevent such seamen from entering into their service; but independent of the objection to an exclusive reliance on a foreign state, for the conservation of so vital an interest, no explanation was or could be afforded by the agent who was charged with this overture, either as to the main principles upon which such laws were to be founded, or as to the provisions which they should contain. This proposition having been objected to, a second proposal was made, again offering an armistice, provided the British government would secretly stipulate to renounce the exercise of this right in a treaty of peace. An immediate and formal abandonment of its exercise as preliminary to a cessation of hostilities, was not demanded; but his royal highness the prince regent was required, in the name and on the behalf of his majesty, secretly to abandon what the former overture had proposed to him publicly to concede.

This most offensive proposition was also rejected, being accompanied, as the former had been, by other demands of the most exceptional nature, and especially of indemnity for all American vessels detained and condemned under the orders in council, or under what were termed illegal blockades—a compliance with which demands, exclusive of all other objections, would have amounted to an absolute surrender of the rights on which those orders and blockades were founded. Had the American government been sincere in representing the orders in council, as the only subject of difference between Great Britain and the United States, calculated to lead to hostilities; it might have been expected, so soon as the revocation of those orders had been officially made known to them, that they would have spontaneously recalled their "letters of marque," and manifested a disposition immediately to restore the relations of peace and amity between the two powers. But the conduct of the government of the United States by no means correspond with such reasonable expectations. The order in council of the 22d June being officially communicated to America, the government of the United States saw nothing in the repeal of the orders in council, which should of itself restore peace, unless Great Britain were prepared in the first instance, substantially to relinquish the right of impressing her own seamen, when found on board American merchant ships. The proposal of an armistice, and of a simultaneous repeal of the restrictive measures on both sides, subsequently made by the commanding officer of his majesty's naval forces on the American coast, were received in the same hostile spirit by the government of the United States. The suspension of the practice of impressment was insisted upon in the correspondence which passed on that occasion, as a necessary preliminary to a cessation of hostilities. Negotiation, it was stated, might take place without any suspension of the exercise of this right; and also without any armistice being concluded; but Great Britain was required previously to agree, without any knowledge of adequacy of the system which could be substituted, to negotiate upon the basis of accepting the legislative regulations of a foreign state, as the sole equivalent for the exercise of a right, which she has felt to be essential to the support of her maritime power.

If America, by demanding the preliminary concession, intends to deny the validity of that right, in that denial Great Britain cannot acquiesce; nor will she give countenance to such a pretension, by according to its suspension, much less to its abandonment, as a basis on which to treat. If the American government has devised, or conceives it can devise, regulations which may safely be accepted by Great Britain, as a substitute for the exercise of the right in question, it is for them to bring forward such a plan for consideration. The British government has never attempted to exclude this question from amongst those on which the two states might have to negotiate: it has, on the contrary, uniformly professed its readiness to receive and discuss any proposition on this subject, coming from the American government: it has never asserted any exclusive right, as the impressment of British seamen from American vessels, which it was not prepared to acknowledge as appertaining equally to the government of the United States, with respect to American seamen when found on board British merchant ships: But it cannot by according to such a basis in the first instance, either assume or admit that to be practicable, which, when attempted on former occasions, has always been found to be attended with great difficulties; such difficulties as the British



commissioners in 1805 expressly declared, after an attentive consideration of the suggestions brought forward by the commissioners on the part of America, they were unable to surmount.

Whilst the proposition, transmitted through the British admiral, was pending in America, another communication on the subject of an armistice was unofficially made to the British government in this country. The agent, from whom this proposition was received, acknowledged that he did not consider that he had any authority himself to sign an agreement on the part of the government. It was obvious that any stipulations entered into, in consequence of this overture, would have been binding on the British government, whilst the government of the United States would have been free to refuse or accept them, according to the circumstances of the moment. This proposition was therefore necessarily declined.

After this exposition of the circumstances which preceded, and which have followed the declaration of war by the United States, his royal highness the Prince Regent, acting in the name and on the behalf of his majesty, feels himself called upon to declare the ensuing principles, by which the conduct of Great Britain has been regulated in the transactions connected with these discussions.

His royal highness can never acknowledge any blockade whatsoever to be illegal which has been duly notified, and is supported by an adequate force, merely upon the ground of its extent, or because the ports, or coasts blockaded are not at the same time invested by land. His royal highness can never admit that neutral trade with Great Britain can be constituted a public crime, the commission of which can expose the ships of any power whatever to be denationalized. His royal highness can never admit that Great Britain can be debared of its rights of just and necessary retaliation, through the fear of eventually affecting the interest of a neutral. His royal highness can never admit that in the exercise of the undoubted and hitherto undisputed right of searching neutral merchant vessels in time of war, for the impressment of British seamen, when found therein, can be deemed any violation of a neutral flag. Neither can he admit that the taking such seamen from on board such vessels, can be considered by any neutral state as a hostile measure, or a justifiable cause of war.

There is no right more clearly established than the right which a sovereign has to the allegiance of his subjects, more especially in time of war. Their allegiance is no optional duty, which they can decline, and resume at pleasure. It is a call which they are bound to obey: it began with their birth, and can only terminate with their existence. If a similarity of language and manners may make the exercise of this right more liable to partial mistakes and occasional abuse, when practised towards vessels of the U. States, the same circumstances make it also a right, with the exercise of which in regard to such vessels, it is more difficult to dispense. But if, to this practice of the United States, to harbor British seamen, be added their assumed right to transfer the allegiance of British subjects, and thus to cancel the jurisdiction of their legitimate sovereign, by acts of naturalization and certificates of citizenship, which they pretend to be as valid out of their own territory as within it, it is obvious that to abandon this ancient right of Great Britain, and to admit these several pretensions of the U. States, would be to expose to danger the very foundation of our maritime strength.

Without entering minutely into the other topics, which have been brought forward by the government

of the United States, it may be proper to remark, that whatever the declaration of the United States may have asserted, Great Britain never did demand, that they should force British manufactures into France; and she formally declared her willingness, entirely to forego, or modify, in concert with the United States, the system, by which a commercial intercourse with the enemy had been allowed under the protection of licenses; provided the U. States would act towards her, and towards France, with real impartiality. The government of America, if the differences between states are not interminable, has as little right to notice the affair of the Chesapeake. The aggression, in this instance, on the part of a British officer, was acknowledged, his conduct was disapproved, and a reparation was regularly tendered by Mr. Foster on the part of his majesty, and accepted by the government of the United States. It is not less unwarranted in its allusion to the mission of Mr. Henry; a mission undertaken without the authority, or even knowledge of his majesty's government, and which Mr. Foster was authorised formally and officially to disavow.—The charge of exciting the Indians to offensive measures against the United States, is equally void of foundation. Before the war began, a policy the most opposite had been uniformly pursued, and proof of this was tendered by Mr. Foster to the American government. Such are the causes of war which have been put forward by the government of the United States. But the real origin of the present contest will be found in that spirit which has long unhappily actuated the councils of the United States; their marked partiality in palliating and assisting the aggressive tyranny of France; their systematic endeavors to inflame their people against the defensive means of G. Britain; their ungenerous conduct towards Spain, the intimate ally of G. Britain; and their unworthy desertion of the cause of other neutral nations. It is through the prevalence of such councils that America has been associated in policy with France, and committed in war against G. Britain.

And under what conduct on the part of France has the government of the United States thus lent itself to the enemy? The contemptuous violation of the commercial treaty of the year 1800 between France and the United States; the treacherous seizure of all American vessels and cargoes in all harbors subject to the control of the French arms; the tyrannical principles of the Berlin and Milan decrees, and the confiscations under them; the subsequent condemnation under the Rambouillet decree, antedated or concealed to render it the more effectual; the French commercial regulations which render the traffic of the United States with France almost illusory; the burning of their merchant ships at sea, long after the alleged repeal of the French decrees—all these acts of violence on the part of France produce from the government of the United States only such complaints as end in acquiescence and submission, or are accompanied by suggestions for enabling France to give the semblance of a legal form to her usurpations, by converting them into municipal regulations.

This disposition of the government of the United States, this complete subserviency to the ruler of France—this hostile temper towards Great Britain, are evident in almost every page of the official correspondence of the American with the French government. Against this course of conduct, the real cause of the present war, the prince regent solemnly protests. Whilst contending against France, in defence not only of the liberties of Great Britain, but of the world, his royal highness was entitled to look for a far different result. From their common

origin—from their common interests—from their professed principles of freedom and independence, the United States were the last power, in which Great Britain could have expected to find a willing instrument and abettor of French tyranny. Disappointed in this his just expectation, the prince regent will still pursue the policy, which the British government has so long and invariably maintained, in repelling injustice, and in supporting the general rights of nations; and, under the favor of Providence, relying on the justice of his cause, and the tried loyalty and firmness of the British nation, his royal highness confidently looks forward to a successful issue to the contest, in which he has thus been compelled most reluctantly to engage.

Westminster, Jan. 9, 1813.

STOCKS.		Commencement of interest.	Nominal amount of stock.	Interest and amount of stock for 1812.	Interest and amount of stock for 1813.
Six per cent.	Jan. 1, 1812.				
Delivered.	Do. do.		\$9,579 04	5,156 31	14,796 38
Three per cent.	Do. do.		\$6,532 23	4,512 57	37,305 78
Louisiana six per cent.	Do. do.		\$8,095 83	935 89	30,895 98
			\$8,000 00	2,363 06	38,000 00
			\$165,007 30	\$10,895 76	\$24,019 11
					\$120,998 09

A Statement of Bank Stock belonging to the Navy Pension Fund.

	Nominal amount.	Amount of cost.
476 complete shares Columbia bank stock,	47,600	60,102 60
150 short do. do.	6,000	
700 complete shares Washington bank stock,	14,000	14,260 00
600 complete shares Union bank stock,	15,000	15,340 50
	\$82,600	\$89,703 10

### Recapitulation of the Stocks belonging to the Navy Pension Fund.

United States Stocks,	120,998 09
Bank Stocks,	89,703 10
	\$210,701 19

Accompanying the report of the Commissioners of the Navy Pension Fund, is a list of names of the Pensioners, and it appears that from the States of New-Hampshire, there are

Massachusetts,	3
Rhode-Island,	15
Connecticut,	2
New-York,	2
New-Jersey,	21
Pennsylvania,	1
Delaware,	31
Maryland,	1
Virginia,	33
Georgia,	10
Ohio, (Captain Whipple),	1
Kentucky,	1

Making an aggregate of 122 persons, whose pensions amount in the aggregate to \$9,287 20 per year.

### Revolutionary Naval War.

To collect and preserve such notices as follow, is one great object of the REGISTER. These interesting memoranda were furnished by a correspondent of the "Maryland Republican" to the editor of that paper. We are not informed of the source from whence the facts are derived, but presume them correct:

American ships of war taken by the English during the last war, from the commencement of hostilities on June 14, 1774.

NAME.	GUNN.	NAME.	GUNN.
Confederacy	36	Sullivan	20
Providence	32	Jason	20
Raleigh	32	Morning Star	14
Trumbull	32	Tobago	14
Delaware	28	Hetty	20
Virginia	28	Mifflin	20
Charleston	28	Alfred	20
Hussar*	28	Columbus	20
Boston	32	Independence	26
Hancock	32	Ranger	20
Washington	32	Dalton	20
Alexander	24	Montgomery	18
Lexington	32	Sturdy Beggar	18
Edingham	28	Mentor	18
Protector	26	Rattlesnake	16
Portsmouth	26	Surprise	16
Bellisarius	24	Cabot	14
Oliver Cromwell	24	Rover	14
Bunker's Hill	20	Bon Homme Richard†	40
Tartar	20	Randolph‡	36
Cumberland	20	Warner	26
Washington†	32		

Together with 16 others of inferior force destroyed at Penobscot; with 44 sail of armed sloops, schooners, privateers, &c. The number of privateers, armed vessels, sloops, schooners and cutters (private property) are almost innumerable, and which the re-

\*Hussar, after famous, for taking the La Vengeance.

†Burnt in the Delaware.

‡Bon Homme Richard sunk.

§Randolph blown up.

cord says would fill a small volume. Total taken by the English, 104 vessels. The number of guns and men cannot well be ascertained.

Those captured by the French, from the English, were as follows:

NAMES.	GUNS.	NAMES.	GUNS.
Ardent	64	Gronoque	20
Experiment	50	Ceres	18
Hannibal	50	Wesel	16
Romulus	44	Senegal	16
Iris	32	Alert	14
Richmond	32	Alligator	14
Montreal	32	York	12
Minerva	32	Thunder (bomb)	8
Fox	28	Zephyr	14
Active	28	Charon	44
Crescent	28	Gaudaloupe	28
Lively	24	Fovey	24
Ariel	20	Vulcan (fire ship)	24
Germaine	20	Quebec	32
Bonnetta	24		

Those captured by the Americans are as follows:

NAMES.	GUNS.	NAMES.	GUNS.
Senapis	44	Atlanta	16
Scarborough	20	Thorn	16
Sandwich	24	Gen. Monk	16
Drake	16		

English ships lost besides, in various ways, during that period.

NAMES.	GUNS.	NAMES.	GUNS.
Royal George	100	Supply	20
Ramilies	74	Glasgow	26
Hector	74	Swan	18
Centaur	74	Spy	20
Culoden	74	Burnt at Rhode-Island.	
Thunderer	74	Flora	38
Sterling Castle	64	Juno	32
Somerset	70	Lark	32
Terrible	74	Orpheus	32
Augusta	64	Cerberus	28
Repulse	32	Falcon	18
Arcthusa	32	Kingfisher	16
Action	28	Lost in the West-Indies,	
Syrén	28	October 10, 1780.	
Mermaid	28	Phoenix	44
Liverpool	28	Andromeda	28
Vestal	20	Laurel	28
Pegasus	16	Beaver's Prize	18
Mercury	20	Scarborough	24
Ferret	14	Deal Castle	24
Pomona	14	San Vincent	16
Merlin	18	Victor	16
Cruiser	8	Barbadoes	16
Savage	8	Camelon	14
Otter	16	Biond	32

Whole number lost by the British during that period, which we have any account of, about 83 sail.

December 23, 1777, captain Death, of the Terrible privateer, of London, was killed in an engagement with the Vengeance privateer, of St. Maloes. The annals of mankind cannot shew an effort of more desperate courage than was exerted under the command of captain Death, (and he might have added such a strange combination of names so extremely characteristic.) He had in the beginning of his cruise made a prize of a rich merchant ship, with which he was returning to England in triumph, when he had the fortune to fall in with the La Vengeance, much his superior in force, 36 to 26 guns. The Terrible's prize was soon taken and converted against her; but so unequally matched, captain Death maintained a furious engagement. The French captain and his second in command were killed, with two-thirds of

his company; but much more dreadful was the slaughter on board the Terrible. When the enemy boarded, they only found one scene of slaughter, silence and desolation. Of 200 men only 16 were found remaining, and the ship so shattered as scarcely to be kept above water. The following are the remarkable names of the officers of the Terrible. Captain Death, lieuts. Spirit and Ghost, boatswain Butcher, quarter-master Debbie, launched out of Execution dock, London.

I find that upon record, in the same paper from which the above was copied, that La Vengeance was on January 10, 1778, taken by the Hussar frigate of 28 guns and 220 men, La Vengeance having 400. The Hussar had 9 killed and 9 wounded, La Vengeance 170 killed and wounded.

## Exports to Spain.

Abstract of a statement furnished the Senate of the United States by the Secretary of the Treasury, on the 5th ult. of articles of the produce or manufacture of the United States exported to the dominions of Spain for one year ending Sept. 30, 1812.

To Spanish European ports on the Atlantic	4,527,452
Do. in the Mediterranean	40,302
Teneriffe and other Canaries	351,963
Manilla and Philippine islands	30,703
The Floridas	97,706
Honduras, Campeachy & Mosquito shore	58,202
Spanish W. Indies & American colonies	2,640,303

TOTAL, \$7,746,876

Which value, in part, consisted of the following articles:

45,641 quintals, barrels, and kegs of fish,
27,177 barrels beef and pork,
413,965 lbs. hams and bacon,
790,301 — butter and cheese,
1,052,652 — lard,
202,961 bushels Indian corn,
529,214 barrels flour,
34,798 — rye and Indian meal,
23,188 — and kegs of ship bread,
21,776 tierces rice,
141,117 lbs. cotton,
1,035,601 — soap and candles,
101,243 galls. spirits from grain,

## Proceedings of Congress.

IN SENATE.

Friday, Feb. 26.—The bill better providing for supplies for the army, &c. was read a third time and passed.

The bill to alter the time for the next meeting of congress, was read a third time and passed.

On motion of Mr. Pope, the senate agreed to reconsider their vote of yesterday, postponing the bill regulating the employment of foreign seamen in the service of the United States.

Mr. Lloyd's motion to postpone the same to May, having recurred, was decided as follows:

YEAS—Messrs. Bayard, Dana, Gaillard, Germán, Goodrich, Gregg, Hunter, Lusk, Leib, Lloyd, Pope, Reed, Smith of Maryland—19.

NAYS—Messrs. Bibb, Brent, Brown, Campbell of O. Campbell of Tenn. Crawford, Cutts, Franklin, Giles, Howell, Robinson, Smith of N. Y. Tait, Taylor, Turner, Varnum, Worthington—17.

The bill was then ordered to be read a third time as amended, by the following vote:

YEAS—Messrs. Bibb, Bradley, Brown, Campbell of O. Campbell of Tenn. Crawford, Cutts, Franklin, Giles, Howell, Robinson, Smith of N. Y. Tait, Taylor, Turner, Varnum, Worthington—19.

NAYS—Messrs. Bayard, Dana, Gaillard, Germán, Goodrich, Gregg, Hunter, Lusk, Leib, Lloyd, Reed, Smith of Md.—17.

## HOUSE OF REPRESENTATIVES.

Wednesday Feb. 24.—The following were the yeas and nays on the bill for altering the next meeting of Congress, on its final passage:

YEAS—Messrs. Anderson, Archer, Bacon, Bard, Barnett, Bassett, Bibb, Blackledge, Brigman, Butler, Calhoun, Champlin, Cleaves, Clay, Clayton, Condit, Crawford, Davenport, Dawson, Earle, Ely, Ezout, Fildley, Fisk, Gholson, Goldsborough, Goodwyn, Grundy, B. Hall, O. Hall, Hawes, Hyneman, Kennedy, King, Laeock, Little, Lowndes, Lytle, Moore, McCoy, McKee, McKim, Morgan, Morrow, Moody, Nelson, Newbold, Newton, Ormsby, Pickens, Piper, Pleasant, Porter, Potter, Quincy, Reed, Richardson, Ringgold, Rhine, Robertson, Roane, Roberts, Rodman, Sawyer, Sevier, Seybert, G. Smith, J. Smith, Sarges, Tappert, Tallmadge, Tallman, Troup, Turner, White, Whitelilk, Williams, Wynn—78.

NAYS—Messrs. Baker, Blackcar, Boyd, Brown, Burwell, Carr, Chittenden, Davis, Deah, Dinwiddie, Elch, Green, Greenvore, Harper, Jackson, Kent, Lewis, Metcalf, Pearson, Ford, Randolph, Sage, Simmons, Shelly, Stanford, Stuart, Stow, Sreug, Tallmadge, Tracey, Wheaton, Wilson, Wright—33.

The President's message to both houses of Congress, communicating the *British order in council*, inserted in our last, was as follows—

To the senate and House of Representatives of the United States.

I lay before congress copies of a proclamation of the lieutenant-governor of the island of Bermuda, which has appeared under circumstances leaving no doubt of its authenticity. It recites a British order in council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions, by a trade under special licenses, and is accompanied by a circular instruction to the colonial governors, which confines licensed importations from ports of the eastern states exclusively.

The government of Great Britain has already introduced into her commerce, during war, a system which, at once violating the rights of other nations, and resting upon a mass of forgery and perjury, unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion which are the best foundations of national happiness. The policy now proclaimed to the world introduces into her modes of warfare a system equally distinguished by the deformity of its features and the depravity of its character; having for its object to dissolve the ties of allegiance, and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts the one from the other. The general tendency of these demoralising and disorganising contrivances will be reprobated by the civilized and christian world, and the insulting attempt on the virtue, the honor, the patriotism, and the fidelity of our brethren of the eastern states, will not fail to call forth their indignation and resentment; and to attach more and more all the states to that happy union and constitution, against which such insidious artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery, and to turn the corrupt projects of the enemy on himself, I recommend to the consideration of congress the expediency of an effectual prohibition of any trade whatever by citizens or inhabitants of the United States, under special licenses, whether relating to persons or ports; and, in aid thereof, a prohibition of all exportations from the United States in foreign bottoms, few of which are actually employed, whilst multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

JAMES MADISON.

February 24th, 1813.

Thursday, Feb. 25.—The house was chiefly occupied on the bill to authorise the Secretary of the Treasury to remit certain fines, forfeitures and penalties, which finally passed—yeas 57, nays 43.

Friday Feb. 26.—Mr. Clay, (speaker) laid before the house the memorial of the seamen of the Consti-

tution, praying that an allowance may be made them for the loss of the British frigates which they had assisted to capture, and had destroyed in obedience to the orders of their commander—Read and ordered to lie on the table.

On motion of Mr. Calhoun, the committee of foreign relations were discharged from the consideration of so much of the president's message of the 24th as respects the use of foreign licenses on board vessels of the United States.

Mr. Calhoun also reported the following bill, from the same committee.

*A bill prohibiting the exportation of certain articles therein specified in foreign ships or vessels.*

*Be it enacted, &c.* That no foreign ship or vessel shall be permitted to clear out or depart from any port or place within the United States or the territories thereof, having on board any staves, lumber, horses, mules, asses, neat cattle, sheep, hogs and every species of live stock and live provisions whatever (sea stores excepted.)

Sec. 2. That if any foreign vessel shall, during the continuance of this act, take on board any of the articles above enumerated other than provisions and sea stores necessary for the voyage, such ship or vessel and the cargo on board shall be wholly forfeited and may be seized and condemned in any court of the United States having competent jurisdiction, and every person concerned in such unlawful shipment, shall forfeit and pay a sum not exceeding dollars, nor less than dollars, nor less than dollars for every such offence.

Sec. 3. Prescribes the mode of recovery and distribution of penalties.

Sec. 4. Limits the duration of the bill to the 1st of July next.

The bill was twice read, and referred to a committee of the whole.

A motion for an indefinite postponement was negatived—73 to 41.

Saturday, Feb. 27.—After other business the consideration of the bill to prohibit the use of foreign licenses was resumed—it was finally ordered to a third reading.

The retaliatory bill from the senate, (after debate,) with the amendments, was ordered to a third reading.

The house then resolved itself into a committee of the whole on the bill prohibiting the exportation of certain articles in foreign bottoms. Some amendments made, but no decision had.

The bill giving to the president of the U. States the power of retaliation in certain cases therein mentioned, was read a third time.

A motion was made by Mr. Quincy to adjourn—lost, 56 to 16.

The bill was then passed by the following vote:

YEAS—Messrs. Alston, Anderson, Archer, Bard, Barnett, Bassett, Bibb, Blackledge, Butler, Calhoun, Carr, Cleaves, Cochran, Clayton, Cuth, Davenport, Dawson, Deah, Dinwiddie, Earle, Franklin, Gholson, Goodwyn, Green, Grundy, B. Hall, G. Hall, Harper, Hyneman, Kennedy, King, Little, Lowndes, Moore, McCoy, Mitchell, Morgan, Morrow, Nelson, Newton, Ormsby, Pickens, Piper, Pleasant, Rhine, Roane, Roberts, Robertson, Seybert, Shaw, Tallmadge, Turner, Whitelilk, Williams, Wright—56.

NAYS—Messrs. Blackcar, Brigman, Champlin, Chittenden, Ezout, Fildley, Greenvore, Law, Lewis, Moody, Potter, Quincy, Reed, Rodman, Shelly, Stanford, Stuart, Stow, Sreug, Tallmadge, Tracey, Wheaton, Wilson, Wright—17.

And the house adjourned at 6 o'clock.

Monday, March 1.—The bill to prohibit the use of foreign licenses on board of vessels of the U. States, was read a third time and passed, by the following votes:

YEAS—Messrs. Anderson, Archer, Bard, Barnett, Bassett, Bibb, Blackledge, Brown, Burwell, Calhoun, Clayton, Crawford, Davis, Dawson, Dinwiddie, Earle, Fildley, Fisk, Goodwyn, Green, Grundy, Hawes, Hyneman, Kennedy, Laeock, Little, Lowndes, Lytle, Nelson, McCoy, McKim, Metcalf, Mitchell, Morgan, Morrow, Nelson, New, Newton, Piper, Pleasant, Pond, Rhine, Roane, Roberts, Ro-

Bertson, Sage, Sawyer, Sevier, Seybert, Shaw, G. Smith, J. Smith, Stanford, Tallafra, Troup, Turner, Whitehill, Williams, Winn.  
 NAYS—Moore, Bishop, Boyd, Carr, Chapman, Chares, Cigaretta, Davis, Ely, Frost, Fitch, Gold, Goldborough, Gray, Keane, Kent, Law, Lewis, Mosley, Newbold, Pitkin, Potter, Quincy, Randolph, Rodman, Stuart, Stow, Sturges, Taggart, Tallmadge, Tallman, White, Wilson, Wright.

The bills making appropriations for the support of the army and navy for the year 1813, were read a third time and passed.

The bill from the senate "the better to provide for the supply of the army of the United States," &c. was read a third and passed.

Mr. Goldsborough, after observing on the propriety of the house having all the information on foreign affairs, which was accessible; and remarking also, that they were much in the dark in respect to our relations with France, moved the following resolution:

"Resolved, That the president of the United States be requested to cause to be laid before this house the French decree purporting to be a repeal of the Berlin and Milan decrees, referred to in his letter of the 4th of November last; together with such information as he may possess concerning the time and manner of promulgating the same; and also any correspondence or information touching the relations of the the United States with France, in the office of the department of state, not heretofore communicated, which is the opinion of the president it may not be incompatible with the public good to communicate."

This resolution was adopted by the house, yeas and nays—Ayes 102—Nays 4.

The amendments of the senate to the "bill regulating the employment of foreign seamen in the armed vessels and merchant service of the United States," were again taken up and agreed to.

The bill making an appropriation of \$5000 for certain alterations in the hall of the house of representatives, was passed through a committee of the whole, and ordered to be engrossed for a third reading.

The house agreed to the amendments of the senate to the general appropriation bill.

**Tuesday, March 2**—The bill to prevent exportations in foreign bottoms, &c. was so amended (40 to 35) as to include all articles of the growth, produce or manufacture of the United States. After much debate it was finally agreed to and passed, 59 to 45.—

Certain bills for the better organization of the army were also passed, as was a resolution requesting the president to present medals to the officers of the Constitution for capturing the Java.

**Wednesday, March 3**—This being the last day of the 12th congress, was a very busy one, though not much business of importance was done, which may be noticed if it shall appear necessary, more in detail hereafter. There was an evening sitting which continued until nearly 12 o'clock. The thanks of the house were given to the speaker, on which he made a handsome address to the members—the president sent a message containing a roll of the persons holding offices under the United States, &c. it was ordered to be printed—the bill to encourage the destruction of armed vessels of the enemy was finally passed, yeas 50—another message was received from the president enclosing the requested documents touching our relations with France. A committee waited upon the president to inform him that the session was about to close, and to know if he had any further communication to make—after which a call of the house was had, and only 64 members were present—the bills that had passed were received from the president, and being informed by

the committee that he had no further communication to make, the house adjourned *nine die*.

The SENATE rejected the bill to prohibit the use of foreign licenses, and the bill prohibiting exportations in foreign bottoms, by not taking them up.—They also postponed the bill imposing an additional duty on foreign tonnage.

Several bills were lost *in transitu* between the two houses—among them the bill to amend the naturalization laws, and the invalid pension bill.

## Events of the War.

### MILITARY.

As well to supply the place of those whose period of service has expired, as to strengthen the army under Harrison, considerable reinforcements are marching to the frontiers, from Ohio and Kentucky. Five companies, completely equipped, had marched from the neighborhood of Cincinnati for Dayton, onwards. It appears ascertained, however, that the general is strongly fortified at the Rapids, and that no movement may be at present expected.

The recruits for the 14th reg. of U. S. infantry enlisted in Baltimore and its vicinity to the amount of nearly 400 men, have started for Buffalo. Their col. (Winder) has also taken up his march for that place.

Letters of a late date from St. Johns, mention that all the disposable force at Halifax and St. Johns, has been sent on to Quebec.

Lieut. Larabee, of the 4th regiment, who lost his arm at the battle of Brownstown, has been promoted to captain.

*Extract of a letter from colonel Macomb, commanding at Sackett's Harbor, to general Dearborn.*

SACKETT'S HARBOR, 9 A. M. Feb. 22, 1812.

"I have this moment received an express from captain Forsyth, informing me of the enemy's having succeeded in driving him out of Ogdensburg, yesterday morning at 9 o'clock. It was not done without a severe contest, in which the enemy suffered very considerably. The enemy attacked in two columns of about 600 men each, at about eight o'clock in the morning. The captain reports twenty men killed and wounded, among the latter lieutenant Baird; and from the coolness with which his rifle-men fired, that the enemy must have lost three times that number. The captain retreated with all his force to Black Lake, about nine miles this side of Ogdensburg."

N. B. The enemy had more than double the number under captain Forsyth. There were no stores of any consequence at Ogdensburg.

*Copy of a letter from brigadier-general Winchester, now a prisoner of war, to the secretary of war.*

MALDEN, Jan. 23, 1813.

SIR—A detachment from the left wing of the North-Western army, under my command, at Frenchtown on the river Raisin, was attacked on the 22d inst. by a force greatly superior in number; aided by several pieces of artillery. The action commenced at the dawn of day; the piquet guards were driven in; and a heavy fire opened on the whole line, by which a part thereof was thrown into disorder; and, being ordered to retire a small distance, in order to form on more advantageous ground, I found the enemy doubling our left flank with force and rapidity.

A destructive fire was sustained for some time; at length borne down by numbers, the few of us that remained with the party that retired from the lines submitted. The remainder of our force, in number about four hundred, continued to defend themselves

with great gallantry, in an unequal contest against small arms and artillery, until I was brought in as a prisoner to that part of the field occupied by the enemy.

At this latter place, I understood that our troops were defending themselves in a state of desperation, and was informed by the commanding officer of the enemy, that he would afford them an opportunity of surrendering themselves prisoners of war: to which I acceded. I was the more ready to make the surrender from being assured, that unless done quickly, the buildings adjacent would be immediately set on fire, and that no responsibility would be taken for the conduct of the savages, who were then assembled in great numbers.

In this critical situation, being desirous to preserve the lives of a number of our brave fellows who still held out, I sent a flag to them and agreed with the commanding officer of the enemy, that they should be surrendered prisoners of war, on condition of being protected from the savages, allowed to retain their private property, and having their side arms returned to them. It is impossible for me to ascertain with certainty the loss we have sustained in this action from the impracticability of knowing the number who have made their escape.

Thirty-five officers and about 437 non-commissioned officers and privates are prisoners of war. A list of the names of the officers is herewith enclosed to you. Our loss in killed is considerable.

However unfortunate may seem the affair of yesterday, I am flattered by a belief, that no material error is chargeable upon myself, and that still less censure is deserved by the troops I had the honor of commanding.

With the exception of that portion of our force which was thrown into disorder, no troops have ever behaved with more determined intrepidity.

I have the honor to be, with high respect, your obedient servant,

JAMES WINCHESTER,  
Brig. Gen. U. S. Army.

*Honorable Secretary at War.*

*List of officers taken at French-town, Jan. 22, 1813.*

JAMES WINCHESTER, brigadier-general; William Lewis, lieutenant-colonel; James Overton, jun. aide-de-camp; George Madison, major; James Garrard, jun. brigade-inspector; John McCalla, adjutant; Pollard Keen, quarter-master; John Todd, surgeon.

**CAPTAINS**.—Richard Hightower; John Hamilton; Bland W. Ballard; Samuel L. Williams; Coalman Cholier; Uriah Sabrie; Henry James; Richard Bledsoe; Joseph Kelly.

**LIEUTENANTS**.—Caleb Holder; Ashton Garrard; Byran Rule; William Moore; William McGuire; John Higgins.

**ENSGNS**.—Lynden Comstock; James Mundy; W. O. Butler; James Herron; Thomas Chin; William Nash; Jos. Harrow; Jos. Mooring; John W. Nash; William Fleet; John Botts; Geo. Cardwell.

Total 35 prisoners at Malden.

The Indians have still a few prisoners in their possession, which I have reason to hope will be given up to colonel Proctor at Sandwich.

JAMES WINCHESTER,  
Brig. Gen. U. S. Army.

#### BRITISH OFFICIAL ACCOUNT.

*Adjutant-general's office, Quebec, Feb. 8, 1813.*

**GENERAL ORDERS**.—His excellency the commander of the forces has the highest satisfaction in announcing to the troops under his command, another brilliant action achieved by the gallant division of the army at Detroit, under col. Proctor.

Information having been received, that an advanced corps of the American army, under brigadier-

general Winchester, amounting to upwards of 1000 strong, had entered and occupied French-town; about twenty-six miles south of Detroit; colonel Proctor did not hesitate a moment in anticipating the enemy by attacking this advanced corps before it could receive support from the forces on their march, under general Harrison.

At day-break, on the 22d January, col. Proctor, by a spirited and vigorous attack completely defeated general Winchester's division, with the loss of between 4 or 500 slain: for all who attempted to save themselves by flight, were cut off by the Indian warriors.

About 400 of the enemy took refuge in the houses of the town, and kept up a galling fire from the windows, but finding further resistance unavailing, they surrendered themselves at discretion.

On this occasion the gallantry of colonel Proctor was most nobly displayed, in his humane and unwearied exertions, which succeeded in rescuing the vanquished from the revenge of the Indian warriors.

The prisoners at the close of the action amounted to 1 general, 1 colonel, 1 staff, 1 major, 9 captains, 20 subalterns, 27 sergeants and 435 rank and file; but the Indian warriors were hourly bringing in prisoners, and had taken a strong escort of the enemy with 500 hogs.

Colonel Proctor reports in strong terms the gallantry displayed by all descriptions of troops and the able support received from colonel St. George, and from all the officers and men under command, whose spirited valor and steady discipline is above all praise.

*The Indian chief Round Head, with his band of warriors, rendered essential service by their bravery and good conduct.*

It is with regret that colonel Proctor reports that British loss amounts to 24 killed and 158 wounded.

**OFFICERS WOUNDED**.—Colonel St. George 4 wounds, but not severely; captain Tallon and lieutenant Clemow, 41st regt.; ensign Ker, R. N. F. L. regt. dangerously; lieutenants Rollet, Irwin and midshipman Richardson, marine department; captain Mills, lieutenants McCormick, Gordon, and ensign Garvin, Essex militia.

G. O.—Major-general Glassgow will direct a salute of 21 guns to be fired at twelve o'clock this day, on this glorious occasion.

(Signed) ED. BAYNES, adj. gen. &c.

G. O.—The commander of the forces is pleased to appoint, till further orders or until the pleasure of his royal highness the prince regent is known

Colonel Vincent, 49th regt. and colonel Proctor, 41st regt. to have the rank of brigadier-general in Upper Canada.

Lieutenant-colonel Pearson, inspecting field officer, to have the rank of colonel in Kingston and the eastern district.

Major McDonnell, Glengary lieutenant infantry, to have the rank of lieutenant-colonel in do.

#### GENERAL WINCHESTER'S ARMY.

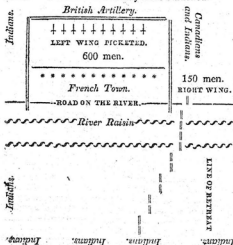
[For the following very elegant and interesting article we are indebted to the Pittsburg "Mercury"—a paper of great merit.]

Since the publication of the last Mercury, a number of the brave fellows who were made prisoners at the battle of French-town, on the 22d of January, under gen. Winchester, have passed through this place on their way to Kentucky. They were paroled at fort George, not to serve during the war against his Britannic majesty, or his allies, unless regularly exchanged. They came down the Canadian side from Malden to fort George, crossed over to Niagara, and proceeded direct to Pittsburgh. They have since gone on by water for Kentucky. The best wishes of their country go along with them.

These men are generally of the first respectability and intelligence, the flower of Kentucky, and they reflect the highest honor on the state from which they came, and on their country. The easy gracefulness of manner, the manly independence of sentiment, and the ardent love of country which they have displayed, under all the reverses of fortune, entitle them to the first place in the hearts of their countrymen. Notwithstanding the unparalleled fatigues they have undergone, in a dreary wilderness; the dangers to which they have been exposed; and the numerous privations they have suffered, still are their noble spirits unbroken—not a murmur has escaped their lips—no unbecoming apprehensions are entertained by them for the safety of their brethren in arms—but their honest hearts spring forward, with elastic hope, that their wrongs will be avenged, and the day of retribution is at hand.

The editor has had the pleasure of conversing with a number of these gentlemen. He therefore offers this honest tribute to their merit. From this source he lays the following facts before his readers.

The advance of gen. Winchester to the River Raisin, or rather French-town, arose from the ardent solicitation of the inhabitants of that place, and was undertaken with the approbation, and at the desire of the whole army. The inhabitants of the town, being citizens of the United States, solicited the protection of gen. Winchester from the violence and outrage of the hordes of savages with which they were surrounded, and to whose brutalities they were daily exposed. The Wednesday succeeding the march of gen. Winchester for French-town, had been fixed on by these *merciless allies of Britain*, for the burning of the town and the butchery of its inhabitants. Gen. Winchester, yielding to the calls of humanity, and desirous of protecting the *American* citizens from savage violence, advanced to their relief. The expedition under colonel Lewis was, as is known, completely successful, and put our troops in possession of the town. On the 20th, gen. Winchester, concentrated his troops, amounting to 750 men, at French-town, 600 of which were posted in pickets. The following rough diagram will give some idea of the manner which they were stationed.



The picket was formed in a half-circle.

The attack commenced on the right wing on the morning of the 22d at beating of the reveille. Our troops were immediately ready for the reception of the enemy. Scarcely a minute had elapsed from the ringing of the alarm till the first discharge. The right

wing sustained the shock for about twenty minutes, when overpowered by numbers, they retreated across the river, and fell in with a large body of Indians, stationed in the rear, and were either cut off or taken prisoners. Two companies of 50 men each, from the pickets sallied out and unfortunately joined the retreating party. The fate of the whole is uncertain, but our principal loss was in this quarter.

The left wing, with Spartan valor, maintained their ground within the pickets. The enemy's regulars made three different charges upon them. The shocks were received with distinguished coolness and intrepidity, and the enemy were always repulsed. Out of 460 regulars of the enemy 130 were slain. We have had 5 killed within the pickets and about 40 wounded. Gen. Winchester and col. Lewis had been taken prisoners early in the action, in attempting to rally the retreating party. About 11 o'clock, gen. Winchester sent a flag informing that he had capitulated for the troops. The firing had in a great measure ceased at this time; and when the flag came in, so confident were the men of their success that they merely expected it as a proffer for a cessation of arms. Thus this brave little band maintained this tremendous action which lasted from day-break till 11 o'clock, with their honor unimpaired. It ought not, however, to be understood as attaching any blame to gen. Winchester for entering into the capitulation. Opposed by the overwhelming force of the enemy, these brave fellows must otherwise have fallen a sacrifice.

The British force consisted of about 2000 including Indians. In the rear were stationed a large body of Indians with a design to cut off a retreat, should it be attempted, but the left wing bravely kept their ground, and thus obtained that security which their valor deserved.

We come now to relate a part of the tragical story, at which every honorable and feeling heart must recoil, and which demands the prompt attention of government. After the capitulation, the American commanding officer remonstrated with the British officer on the necessity of protecting the wounded prisoners from the fury of the savages. The officer pledged himself to attend to it, and that they should be removed on the following day. But they were left without the promised protection; and on the morning of the 23d, the savage allies of a CHRISTIAN king, stripped and murdered all of them who were unable to march! If the vengeance of our country can sleep after such an act as this, then indeed may we weep over the ruins of the republic!

The fate of captain Hart, one of the wounded, is peculiarly distressing. This gentleman had received a flesh wound in the knee; and had greatly signalized himself by his undaunted bravery. After the capitulation, a British officer, a captain Elliott, who had been a class-mate with him at Princeton college, waited on captain Hart, and unsolicited, promised him his protection, declaring that the next morning, he would have him taken to his own house at Malden, where he should remain until his recovery. But Elliott broke his promise, and left him to his fate! On the next day a band of savages came into the house where he lay, and ruthlessly tore him from his bed. A brother officer caught him in his arms and carried him to another apartment. Here he was again assailed by the monsters. At length he bargained with one of them, and gave him a considerable sum of money to have himself taken to Malden. They set off, and after travelling about four or five miles, were met by a fresh band of those *hell hounds*; who shot the captain on his horse, and tomahawked and scalped

him! Such are the allies of his Britannic majesty: and such the righteousness of his cause!

The prisoners were generally stripped of their clothing, rifled of their cash, and the swords of the officers given to the savages, notwithstanding a promise that the swords should be returned to them again at Malden: and, as if all honorable warfare must cease, men whose education, talents, and general respectability ought to have entitled them to respect, were treated by the enemy with all the haughty superciliousness which characterises ignoble minds.

General Winchester and the field officers are, it is supposed, ordered on to Quebec.

Several interesting incidents serving to display the bravery and good conduct of the troops deserve to be noticed. On their march from Fort Defiance to the Rapids, the horses were worn out and nearly famished for want of forage. The men themselves were destitute of many articles of the first necessity. Yet these circumstances did not in the least damp the ardor and the spirit of the troops. When the horses were no longer able to draw, these gallant fellows hitched themselves to the sleds, and, in this manner, with the greatest cheerfulness and alacrity, conveyed their baggage a distance of more than sixty miles, through frost and snow—thus manifesting an intrepidity of character which rivals that of Greece or Rome.

In the battle of the 18th, on the first onset, the savages raised their accustomed and horrid yell. But the noise was drowned in the returning shouts of the brave assailants. They advanced boldly to the charge, and drove the enemy in all directions. On the first fire, sixteen of the savages were distinctly seen to fall.

In the battle of the 22d, the British advanced in platoons to charge the pickets, keeping up a street fire. The men within the pickets, with the most determined bravery and presence of mind, reserved their fire until the enemy advanced within point blank shot. They then opened a cross fire upon the enemy—their pieces well levelled—and thus they mowed down his ranks in such a manner, as rendered all his efforts vain and compelled him to retire. Well may the enemy acknowledge, that he had a *dear-bought* victory.

We have said that the British officers treated their prisoners with haughty superciliousness.—We might have gone farther, perhaps, and said with provoking insolence. When an American officer urged the necessity of having the wounded put under the care of suitable surgeons—he was tauntingly answered, "*the Indians are excellent doctors!*"—"Yes" replied the American with spirit, "you have proven it on the morning of the 23d," alluding to the massacre of the wounded.

Although our brave men were made captives and disarmed, their spirits were unbroken. When offered the parole for their signatures, they demanded to know who "*were his majesty's allies?*"—Even British effrontery was staggered at the pertinacity of the enquiry. The "compunctious visitings of nature" deterred them from acknowledging the savages, and they eluded a direct reply, by answering "*his majesty's allies are known!*"—Yes! truly are they known. They are recorded in letters of blood!

Why are these disclosures made? To show the people of the United States the merciless enemy they have to contend with. To awaken the dormant spirit of the nation. To steel their hearts and nerve their arms, for an awful display of that retribution which the cruelties of our unrelenting enemy justly entitle him to—

We close this article with the following statement

furnished us by a gentleman in the staff department, who was an eye witness to the massacre of the wounded.

"On the morning of the 22d of January, at reveille beating, the detachment under gen. Winchester, at the river Raisin were attacked by a party of British and Indians. The officers and men were ready at their posts to receive them, inasmuch as they were informed the preceding evening an attack would be made. The detachment consisted of about 750 men, of whom about 300 were protected by a temporary breast-work, composed of rails and garden paling. The remainder who had joined us the day preceding the action, were encamped on the right, somewhat detached and unprotected by any kind of shelter. The attack was made with great violence on the troops, without the shelter, who maintained their ground about 15 minutes, when an order was given to retreat within the picketing. In the confusion, that order was mistaken for a general retreat. On their retreat they were attacked by a large body of Indians, who had been stationed on our rear in an adjacent wood, previous to the attack. The retreating party were thrown into considerable confusion. Gen. Winchester, cols. Lewis and Allen, pursued and endeavored to rally them, which proved ineffectual. The party finding a retreat was in vain, resolved to sell their lives at the dearest rate, and fired until the last. Few of them arrived safe at camp. General Winchester and aid, and his son and colonel Lewis, were taken prisoners. The party who remained in the breast work, kept up a constant and warm fire, until eleven o'clock, when a flag was brought in by general Winchester's aid, informing us, he had surrendered us prisoners of war, and requested our compliance. A surrender took place, and the men immediately marched off. About 450 capitulated. The wounded, amounting to 65, were left on the ground, under the care of Drs. Todd and Bowers, the two surviving surgeons, with a *promise of protection from the commanding officer, colonel Proctor*, and that the wounded should be carried on the next morning in sleds to Malden. On the morning of the 23d, about sunrise, a large body of Indians came, plundered the wounded of their clothing, and every thing of value, and tomahawked and scalped *him* that were unable to march: among whom were some valuable officers, particularly captain Hickman.—The remainder were taken prisoners, as they termed it, and many are either killed or are still in their possession. Our loss is estimated at about 200\* killed. Kentucky has lost of her choicest sons, particularly colonel Allen. Among the officers killed, we recollect captain Simpson, (a member of congress) captains Maud, Edwards, Price and McCracken,—and many very valuable subalterns. The loss of officers was considerable. The loss of the enemy could not be ascertained. They acknowledge the victory a dear one. Their loss of regulars of the 41st regiment, was estimated at 150, in making three unsuccessful charges. The force of the enemy was estimated by many of the British officers at 2000 and several assured me, their loss exceeded ours. During the whole of the action, a heavy cannonade was kept up by six pieces of artillery.—Great preparations are making at Malden for Harrison's reception. Every male from 16 to 60 is drafted, and many were on their march to Malden. Indians are collecting from every quarter. It is sup-

\*We have since heard of the arrival of a number of the left wing at Fort Winchester, (Defiance) and at general Harrison's head-quarters. The actual loss in killed and MURDERED, does not perhaps exceed one hundred.



posed a force cannot be collected in Malden to exceed 4000. The Queen Charlotte, Lady Mary, and one other vessel, is in the harbor, and they are preparing to build several other vessels on lake Erie, the ensuing spring. Many ship carpenters arrived at Malden, and more were expected."

At a meeting at Erie, Pennsylvania, of several of the officers who survived the battle of Fennelstown, on the river Raisin, of which the following is a list of their names—Capt. Uriel Schreier, Samuel L. Williams, Richard Bledsoe, Coleman Collier, and Henry James,—Lucius, Lydian, Constock, and ——— Higgins, ——— Riggs, Thomas W. Chish and James L. Harrison—Capt. Williams being chosen chairman, and John Rickley, one of the volunteers, appointed secretary, the following resolutions were unanimously adopted:

WHEREAS, It is deemed necessary that our fellow citizens should be informed of the late perfidious and brutal acts of the British government performed by their officers, at the battle of Fennelstown,

Resolved, That the following statement of the conduct of the British officers be exhibited to our countrymen.

When Gen. Winchester was taken prisoner on the 22d of Jan. 1813, being thought to be Col. Proctor, the British commander, he directed the commanding officer of the Americans (major Maclean) to surrender, major Madison refused so to do, unless those who surrendered should be free from any vengeance; this was agreed to. The British officers pledged themselves to protect the wounded, and to convey them to Malden the next morning. The arms of the officers which were surrendered were promised to be returned to them at Malden.

Captain Hart, inspector to the North Western Army, was among the wounded; his friends offered to carry him with them, but they were prevented from doing so by the interference of Capt. Elliott, a British officer and an old acquaintance of Capt. Hart's, who promised him special protection, to take him in his own sleigh to Malden—where he insisted he should remain in his own house until he should recover. These were the promises of the British—let our countrymen see how they were fulfilled.

At the break of day next morning, the savages were suffered to commit every depredation upon our wounded which they pleased. An indiscriminate slaughter of the wounded enabled to walk to place; many were tomahawked, and many were burned alive in the houses. Among these unfortunate men who were thus murdered, it is with regret and sorrow we have to name the gallant captains Hart and Hickman.

The arms of the officers were never returned, and every species of private property remaining in the tents belonging to both officers and soldiers, was plundered by the savages.

Resolved, That in commemoration of the high respect we hold both officers and soldiers who were thus cruelly murdered by permission of the British commander Col. Proctor and his subalterns—of those who gloriously fell in the field defending the only free government on earth, that each of us wear crepe on our hat and left arm for ninety days.

Resolved, That a similar proceeding, testifying their respect for the memories of those who were murdered and slain, be recommended to our brother officers and soldiers who survived the action.

SAMUEL L. WILLIAMS, Chairman.

JOHN RICKLEY, Secretary.  
February 13, 1813.

Chillicothe, Feb. 13, 1813.

We hasten to lay before our readers the following important intelligence just received from the army.

General Harrison having been informed that a large body of Indians were assembled at Presqu'isle, marched from his camp at the Rapids on the 9th inst. at the head of a detachment of his army, in order to attack them. Upon the arrival of the detachment at Presqu'isle, they found that the Indians had decamped. Our troops pursued them until they came within eight miles of the River Raisin; when finding that they could not come up with them, and being exhausted, they returned to camp. Such was the ardor of the troops to overtake the enemy, that they marched 60 miles in 21 hours!

[Our latest intelligence from the N. W. army is dated the 20th of February. It is stated that major-general Harrison was then with his army at the River Raisin. They had not yet seen the enemy.]

PARIS, (K.) Feb. 13.

The Bourbon Troop, after remaining at home about three weeks, have gone to join major BALL's squadron at Lebanon. Since their arrival from the battle of Mississinawa, they have had thirty new recruits added to their number, which makes them upwards of SIXTY strong, and a finer set of officers and men never faced an enemy.

James H. Wilson, Captain of the 1st Regiment of the

B. Davie, Wade Hampton, Aaron Ogden, and Morgan Lewis, have been appointed major-generals in the army of the United States, by the President and Senate.

#### NAVAL.

The enemy's squadron remains in the Chesapeake. They have not latterly made many captures, and we hear of. Several vessels have passed them in the night. They still continue to refuse a passage in or out. The only one admitted had the following endorsed on her register:

"In consequence of the Spanish schooner *Nostra Senio* being in a very leaky state, and in distress, I have permitted her to pass.

"Given under my hand, on board his majesty's ship *Maidstone*, in Lynhaven Bay, Feb. 13, 1813.

GEO. BURDETT."

The squadron at present consists of 5 frigates represented to be weakly manned, and had conditioned.

Coasting licenses. In the debate on the license bill in the house of representatives, Mr. Blackledge stated, that British licenses for coasting voyages from N. C. to Boston, were actually selling at \$300 each.

Capt. HULL is a native of Connecticut; Capt. JONES, of Delaware; com. DECATUR, of Pennsylvania; and com. MAINBRIDGE, of New-York.

Considerable anxiety has been felt for the safety of our little fleet at *Sackett's Harbor*, lake Ontario. It consists of 11 armed schooners mounting 2, 4, and 5 guns, the brig *Oncida*, of 16, and the ship *Madison*, of 32 guns. These vessels have their full complement of hardy tars, or will soon receive them. There is besides, a pretty powerful military force at that place; and we rest perfectly easy, not only for the security of the fleet, but in its ability to annihilate the enemy on the lake.

A letter from an officer on board the *Chesapeake* frigate, dated January 12, says—"We have been informed, by the officers of the Volunteer, that Capt. Dacres had left England in a stout 44 gun ship, for the American coast." [Will he send any more challenges?]

The British are excessively irritated at the capture of the *Macedonian*. Their papers are filled with excuses, suppositions, threats, and vengeance-breathing paragraphs. May they be consoled by the news of the *Java*!

A London paper of January 11, says that a squadron of 19 sail of the line, several large frigates (sixteen) and five bomb vessels, are immediately to sail for America.

A seaman on board the *Constitution*, (says a Boston paper) named JONAS CUREWYS, was mortally wounded in the late action with the *Java*. Whilst lying on the deck apparently dying, the word was passed that the enemy had struck. He raised himself up with one hand, gave three cheers, fell back and expired! Heroic specimen of the genuine patriotism of American tars! He had a brother killed in the same action. We understand they have left an aged and helpless mother at Marblehead, who depended entirely on the fruits of their industry for a subsistence.

The British (capt.) sch. *Eliza* has arrived at Baltimore, with 107 American prisoners, of whom 80 belonged to the late U. S. brig *Viper*, captured by the *Narcissus* frigate, and sent to Bermuda.

"The tune changed." The news of the capture of the *Macedonian* having reached England, the London Courier says, respecting American frigates, "that it should be considered no disgrace for the largest British frigate to shun an engagement with these dangerous miscreants."

**LIVERPOOL, Jan. 1.**—It is the opinion of our naval officers, that we have no frigates in the service that are every way able to cope with the large American frigates, except the *Indefatigable*, 44, capt. Tyffe, now in Portsmouth.

**Rio Janeiro.**—The Portuguese government has refused to join its vessels of war to the cruisers of admiral Dixon, for fear of implicating themselves in our war with America. The admiral had, however, obtained a three masted schooner from the prince, which he has manned with British officers and seamen.

From the *London Gazette*.

FOREIGN OFFICE, Dec. 26, 1813.

His royal highness the prince regent, acting in the name and on behalf of his majesty, has been pleased to cause it to be signified by lord Viscount Castlereagh, his majesty's principal secretary of state for foreign affairs, to the ministers of friendly powers residing at this court, that the necessary measures have been taken, by the command of his royal highness, for the blockade of the ports and harbors of the bay of the Chesapeake, and of the river Delaware, in the United States of America; and that from this time all the measures authorised by the law of nations will be adopted and executed with respect to all vessels which may attempt to violate the said blockade.

Copies of letters from captain Evans commanding the frigate *Chesapeake*, to the secretary of the navy.

UNITED STATES' FRIGATE *CHESAPEAKE*.

AT SEA, Jan. 12, 1813.

You will receive this by the British ship Volunteer, which we captured this morning, on her passage to the Brazils. She is one of a large convoy that sailed from Cork on the 19th ult. for the West Indies and South America; she parted with the W. India convoy on the 3d inst. off Madeira, and on the 7th she parted with the Cherub sloop, having under her convoy eleven ships bound to South America and the Pacific ocean.

The ship has on board salt and dry goods, and I have ordered her to the United States under charge of midshipman Yarnall, who from his merit, I beg leave to recommend to your attention.

On the 1st inst. while I was dispatching the American brig Julia, by which vessel I had the honor of addressing you, we were chased by two ships. As I am anxious to dispatch the Volunteer, so as to proceed to the Eastward in quest of the convoy, I beg to refer you for further particulars to an extract from my journal on that day.

"At half past 3 P. M. discovered a sail bearing E. S. E.—made all sail in chase—at 5 came up with the chase—and found her to be the American brig Julia, of Boston, from Lisbon, bound to Boston. On examination lieutenant Page discovered she had two British licenses—brought the captain on board. At half past eight, sent the captain of the brig on board her. At 9 the boat returned, leaving lieutenant Budd on board the brig, with directions to keep near us all night, as I had determined to send a midshipman in her to Boston with the licenses and her papers. Wore to the southward and eastward—at half past 7 A. M. wore ship to the northward and westward, and hove too, and sent for the captain of the brig. At half past 8, two ships were discovered in chase of us, bearing W. S. W. At half past 9 discovered them to be ships of war—sent Mr. Blodget and the captain on board the brig to proceed to Boston. On the boat's returning with lieutenant Budd, run her up and wore round, and stood east by south, under the topsails, to draw the vessels in chase of us, more from the brig, and to ascertain more correctly their

force. At 10 backed the mizen-topsail—at half past filled it, and hauled up E. S. E. to get to windward of them. Clewed the sail up. At this time very thick and squally. Lost sight of the two ships.—At Meridian strong gales and squally—the ship under reefed foresail and main-topsail—top-gallant-masts hoisted—flying-jib-boom in and gaff down.—At 2 P. M. it clearing away a little, we wore and stood in the direction we had last seen the ships, but could discover nothing of them."

From then until to-day we have not seen a vessel of any description.

Respectfully, I have the honor to be, sir, your obedient servant, SAM'L EVANS.

The honorable Secretary of the Navy.

U. S. FRIGATE *CHESAPEAKE*, Jan. 14, 1813.

SIR—We this morning fell in with another of the Brazil convoy, the brig Liverpool Hero of Liverpool. As she did not appear to be of sufficient consequence to man, I have taken from her the most valuable articles she had on board, and we are now employed scuttling her.

There is another in sight, and I am in hopes we shall have her in the morning.

Respectfully, I have the honor to be, sir, your obedient servant, SAM'L EVANS.

#### CAPTURE OF THE FROLIC.

FROM THE LONDON GAZETTE, DECEMBER 26.

Letter from the captain of the *Frolic* to admiral Warren.

His majesty's ship *Falconet*, at sea, October 23.

SIR—It is with the most bitter sorrow and distress I have to report to your excellency the capture of his majesty's brig *Frolic*, by the ship *Wasp*, belonging to the United States of America, on the 18th instant.

Having under convoy the homeward bound trade from the Bay of Honduras, and being in latitude 36 deg. N. and long. 64 deg. W. on the night of the 17th, we were overtaken by a most violent gale of wind, in which the *Frolic* carried away her mainyard, lost her top-sails, and sprung the main-topmast. On the morning of the 18th, as we were repairing the damages sustained in the storm, and reassembling the scattered ships, a suspicious ship came in sight and gave chase to the convoy.

The merchant ships continued their voyage before the wind under all sail; the *Frolic* dropped astern, and hoisted Spanish colors, in order to decoy the stranger under her guns, and give time for the convoy to escape. About ten o'clock, both vessels being within hail, we hauled to the wind, and the battle began. The superior fire of our guns gave every reason to expect a speedy termination in our favor, but the gaff-head braces being shot away, and there being no sail on the main-mast, the brig became unmanageable, and the enemy succeeded in taking a position to rake her, while she was unable to bring a gun to bear.

After laying some time exposed to a most destructive fire she fell with the how-sprit betwixt the enemy's main and mizzen rigging, still unable to return his fire.

At length the enemy boarded, and made himself master of the brig, every individual officer being wounded, and the greater part of the men killed or wounded, there not being twenty persons remaining unhurt.

Although I shall ever deplore the unhappy issue of this contest, it would be injustice to the merits of the officers and crew if I failed to report that their bravery and coolness are deserving of every praise; and I am convinced, if the *Frolic* had not been crippled in the gale, I should have to make a very different report to your excellency. The *Wasp* was taken, and the *Frolic* re-captured the same af-

heroon, by his majesty's ship Poitiers. Being separated from them, I cannot transmit at present a list of the killed and wounded. Mr. Charles M. Kay, the first lieutenant, and Mr. Stephens, the master, have died of their wounds.

I have the honor to be, &c.

T. WHINYATES.

§3 The British account of the capture of the Macedonian is in type, but unavoidably omitted.

## The President's Speech.

WASHINGTON, March 4th, 1813.

At 12 o'clock this day, JAMES MADISON, the President of the United States, elect, having attended at the Capitol for the purpose of taking the oath of office, delivered to the vast concourse of people assembled on the occasion, the following speech:

About to add the solemnity of an oath to the obligations imposed by a second call to the station, in which my country has heretofore placed me, I find, in the presence of this assembly, an opportunity of publicly repeating my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavors to discharge my arduous duties have been favorably estimated; and by a consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction, that the war which forms so prominent a feature in our situation, is stamped with that justice, which invites the smiles of heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment without presumption, when we reflect on the characteristics by which this war is distinguished?

It was not declared on the part of the United States, until it had been long made on them, in reality though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received, that the wrongs provoking it would not be discontinued; nor until this appeal could no longer be delayed, without breaking down the spirit of the nation, destroying all confidence in itself and its political institutions; and either perpetuating a state of disgraceful suffering, or requiring by more costly sacrifices and more severe struggles, our lost rank and respect among independent powers.

On the issue of the war are staked our national sovereignty on the high seas, and security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake, is to surrender our equality with other powers, on the element common to all; and to violate the sacred title, which every member of the society has to its protection. I need not call into view the unlawfulness of the practice, by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our government; and the cruel sufferings of that portion of the American people have found their way to every man's bosom not dead to the sympathies of human nature.

As the war was just in its origin and necessary and noble in its objects, we can reflect with a proud satisfaction, that in carrying it on, no principle of

justice or honor, no usage of civilized nations, no precept of courtesy or humanity have been infringed. The war has been waged on our part, with scrupulous regard to all these relations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy?

They have retained as prisoners of war citizens of the United States, not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States; incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government, which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre; but they have let loose the savages armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives. And what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops, by presenting to the sympathy of their chief awaiting massacre from their savage associates.

And now we find them in further contempt of the modes of honorable warfare supplying the place of a conquering force, by attempts to disorganise our political society, to dismember our confederated republic. Happily, like others, these will recoil on the authors; but they mark the degenerate councils from which they emanate; and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a government which founded the very war in which it has been so long engaged, against the disorganising and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it, was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the sheath, before the enemy was apprized of the reasonable terms on which it should be re-sheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance, not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honorable issue. Our nation is, in number, more than half that of the British isles. It is composed of a brave, a free, a virtuous and an independent people. Our country abounds in the necessities, the arts and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British cabinet to undermine it, have recoiled on themselves; have given to our national faculties a rapid development; and, draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this reasonable facility for the contributions required to support it. When the public voice called for war, all knew and still know, that without them it could not be carried on, through the period which

it might last; and the patriotism, the good sense and the manly cheer of our fellow citizens, are pledged for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated and systematic exertions alone are necessary; and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

## Developement at Boston.

The public for several days past, have been considerably agitated with certain reports respecting persons and papers being arrested and detected of a treasonable nature. The subject being still under examination, we shall forbear to mention the names of persons who are supposed to be implicated; but the following are the circumstances relating to the arrest and seizure of persons and papers alluded to.

On Sunday last, a vessel under Spanish colors cleared at the custom house for Fayal, and went down to the lower harbor. Mr. Lee, an intrepid and vigilant officer, had obtained information that led him to suspect some fraud or deception in the voyage, went down with officers, and about 10 o'clock on the same evening also went below, overtook and boarded her. The crew and most of the persons on board were safe moved in their hammocks. Mr. Lee demanded their papers, part of which were delivered to him by the person calling himself the Swedish captain. Mr. Lee also found sewed up in the sleeve of one of the passenger's coats, several papers; and on a close examination, found secreted in a bag, inside of a keg of trip, another parcel of papers, many of which purporting to be the necessary papers for a voyage to Fayal, but in fact destined to HALIFAX. Amongst the papers was found a British license to import naval stores, provisions, &c. to Halifax. Many letters were found on board directed to merchants at Fayal, when in fact the merchants the letters were directed to are known residents and merchants at Halifax. Some of them were directed to "Wm. R. Reynolds & Co." and some to "Wm. Allison." The court of inquiry adjourned to 10 o'clock this morning for further examination. Eight or ten persons are now under arrest.

From the next paper.—The examination was resumed on Wednesday, and occupied the principal part of the day. The district attorney on the part of the United States, and Messrs. Dutton and Crane, on the part of the accused. After this lengthy hearing and examination, Judge Dutton recognized the following persons with surety, to appear at the district court of the United States to be holden at Boston, 15th May next, then to answer to the charges preferred against them: *Capt. John Palmer, capt. John Rhoads, Charles Gordon, Stuart D. Dwyer, Isaac Brown, John Whiting, Joseph H. Dorr, and four mariners.* Warrants were issued against *Daniel Hewes, jun.* who could not be found by the officers. Chron.

## French Ships of the Line.

The following is given as a correct statement of the ships of the line belonging to France; the number of 50's, frigates and smaller vessels is not given, but they amount to about 200.

*Ready for sea and completely manned*—In the Texel, 5; Rotterdam, 2; Antwerp, 23; Cherbourg, 5; Brest, 6; L'Orient, 2; Rochefort, 8; Toulon, 20; Genoa, 1; Venice, 2—total, 72; of which 5 are of 120 guns, and the remainder of 84 and 74 guns.

*On the stocks*—At Rotterdam and near the Texel, 5; Antwerp, 15; Cherbourg, 2; Brest, 1; L'Orient, 4; Rochefort, 4; Toulon, 4; Genoa, 1; Venice, 5—total 41; of which one is of 130 guns, and another of 120 guns, ready to be launched.

## THE CHRONICLE.

By late accounts from *Lisbon*, we learn that Lord Wellington had returned to that city from *Curiz*, by sea. Nothing new from the armies. Flour at *Lisbon*, 14 and 15 $\frac{1}{2}$ —the stock for sale is not less than 200,000 bbls. with great quantities of wheat, Indian corn, &c. &c.

*Price of stocks, London Dec. 22.*—Reduced 61 1-8; 4 per cent 77 1-2; Cons. for opg. 62 1-2; Bk. st. 223; Om. 10 3-4; Bonds 7s. 8s. dis. 1g. Anns. 15 5-8 11-16ths; Exch. bills (3 1-4) par 14. pr.; Do. (3 1-2) 2s. 1s. pr.

*Jan. 11.—Price of stocks this day at 1.*—Consols 61 1-2; Reduced 59 7-8, 60; 5 per cent. 69 1-8, 1-4.

We have London dates to the 11th Jan. The British printers are displaying their columns to kill the French armies on the Russian frontiers a second time; supposing several great victories. Our latest accounts from those armies are direct from France, and they are unimportant, except that a Prussian general with about 30,000 men, has been purchased by the British. The documents relative to his treason have been published and are laid off for insertion.

The British manufacturing towns are still riotous. Four 74's, 3 frigates and a brig have sailed to cruise off the Western islands, and much talk is made of the mighty force that is to come to cover the American coast. Lord *Walpole* has been turned off from Vienna, whither he went to make a British ally of the emperor of Austria. French troops are pushing into Spain. It is said at *St. Petersburg* that in the late campaign the French lost in prisoners, 128,000 men and 100 officers, of whom 20 are generals, with 500 pieces of cannon.

The emperor of France is mightily augmenting his armies. His resources in men are vast. He has a population of at least 70,000,000 to draw upon. He is in health, and (though dead several times) walks the streets of Paris. Two frigates in the *Teset*, laden with small arms and stores, supposed for America, are waiting for an opportunity to slip out. The French privateers are resuming their former activity, and do great damage in the British channel.

It is rumored in a paper of the 9th Jan. that an Austrian messenger had arrived from Vienna with important despatches, said to propose general peace.

Another change in the government of Spain is mentioned. The Cardinal de Bourbon is to be sole Regent. Arguella is to be minister of finance.

A flag of truce is said to have sailed from Falmouth for the United States with important despatches.

The ship *Aurora*, sent into Rhode Island by the Governor Tompkins privateer, having a British license, has been condemned as a good prize, in the District court of that state, judge *Hovell* presiding, on the ground that the license denationalized the property.

The reader will find much instruction on these matters, by referring to the case of the brig *Tidip*, pages 71 and 180 of the last volume of the REGISTER.

§ With much extraordinary labor, we have the honor to present our readers this day with many articles that may be considered news as well as matters of valuable record. Several interesting subjects, in type, are postponed to our next, when a supplement will issue.

The American will find great cause of honest exultation in comparing the manly, powerful and elegant message of the President of the United States, recommending war, (see Weekly Register, vol 2, p. 267) with the weak special pleading of the British declaration, inserted in the present number. If the ministry had merely re-published some of our speeches in congress, they might have sustained their cause more ably in the eyes of the world and posterity.