

THE STAR,

And North-Carolina State Gazette.

No. 13.

RALEIGH, (N. C.) FRIDAY, MARCH 26, 1819.

Vol. XI

The Star,

PUBLISHED WEEKLY,

BY THOMAS HENDERSON, JR.

Subscription, THREE DOLLARS PER ANNUM.—NO PAPER WILL BE SENT WITHOUT AT LEAST \$1.50 CENTS IN PAID IN ADVANCE, AND NO PAPER DISCONTINUED, UNLESS AT THE OPTION OF THE EDITOR, UNLESS ALL ARREARAGES ARE PAID.—ADVERTISEMENTS NOT EXCEEDING TWELVE LINES IN ANY ONE INSERTION, TO BE PAID FOR AT THE RATE OF ONE DOLLAR, AND TWENTY-FIVE CENTS FOR EACH CONTINUANCE.

STATE OF NORTH CAROLINA,
CHATHAM COUNTY.

Court of Pleas and Quarter Sessions. February Term 1819.

Henderson & Searey, vs Robert Shelton.

Original Attachment levied on a lot in Haymont, No. 143. Appearing to the Court, that the defendant is not an inhabitant of this State, it is ordered that publication be made for three months in the State Gazette, for him to appear at the next Court of Pleas & Quarter Sessions, to be held for Chatham County, on the second Monday in May next, to reply and plead otherwise judgment will be rendered against him.
THOMAS BRAGG, J. C. C.

Strayed or Stolen

FROM the subscriber, about the 17th January last a likely iron grey mare well formed and excellent breed, supposed to be better than five feet high, blind in one eye, trot very high and goes very slow; very gentle and good for the road; she was never known to start. I will give ten dollars to any person who will deliver said mare to me at Snow Hill, in Greene county, or at Wm. Fort's of Wake county; and if she strays, twenty to any person that will apprehend the same.
Wm. D. HALL.
March 1, 1819. 12-36pd.

ONE CENT REWARD,

FOR a lad about 17 years of age by the name of Humphrey Ashburn, an apprentice, who helped me on the 18th instant. He was in the habit of taking up goods on line and getting persons accounts. All persons are cautioned against harbouring him.
JOEL BROWN.
Raleigh March 17, 1819. 12-36pd.

FOR SALE.

LOT No 69, in the city of Raleigh, near the Theatre, on which is a large convenient two story house, (containing six rooms) handsomely finished, with all necessary out houses. The lot contains one acre, fronting two streets, and it is one of the most pleasant situations in Raleigh. The terms of payment will be made easy. Also a likely young negro man. Apply to
ROBERT PARSELEY.
November 17, 1818.

NOTICE.

STRAYED from the subscriber on the 14th day of February last, one bay mare about 10 years old, with her left eye out, a small white spot in the corner of her right eye. Any person giving information of said mare will be thankfully rewarded by the subscriber living in Wake County, and all expenses will be paid.
JOHN KING.
March 18, 1819. 12-36pd.

SPORTS OF THE PIT.

A MAIN of twenty one cocks will be fought at Northampton Court House, North Carolina, by the Virginians and North Carolinians, for one thousand dollars, beginning on the second Tuesday in May next and continued until all is fought.

POLITICAL

(MR. SLOCUMB'S CLAUDE LAR.)

Washington City, 22d February 1819.

SIR,
The term for which I was elected to represent you in the Congress of the United States, will expire on the third of March: it only remains for me to give you a concise view of the most prominent and important subjects to which the attention of that body has been directed during the present Session.

At an early period an inquiry was instituted into the general direction of the Bank of the United States; and a committee was appointed to conduct the investigation, who repaired to Philadelphia (where the mother bank is located) and after a long and elaborate examination, they reported—"That the act of incorporation had been violated in the non-execution of the specie instalments, except the first; the payment of dividends to stockholders, who had not completed their instalments; the commission of fraud in voting upon shares, not the property of the person upon whose proxy they were voted; purchasing public stocks;" &c.

The report further depicts a system of fraud, stockjobbing, and speculation, which deserves severe reprobation. The subject is now under discussion, and several propositions are made. It is impossible to anticipate the result. I think however, that some strong measures will be adopted to correct, as far as possible, the evils complained of.

The late Seminole War, and the events growing out of it gave rise to a very long and animated discussion, and involved principles of the first importance to the existence of our constitution.

In the prosecution of this war, commenced without the authorization of Congress, to whom alone the power of declaring war belongs, (See Art. I. Sect. viii. of the Constitution,) the commanding General, in the plenitude of his power, and in contravention of his orders from the War Department, thought proper to take possession of Fort St. Marks, of Carlos de Barancas, and of Pensacola, all within the limits of the Spanish territory; and proceeded to appoint what he calls a civil and military Governor. Also declared the revenue laws of the United States in force

there, and appointed a Collector to execute them; thus establishing not only a military but a civil government, and treating it in every respect as a conquered nation; and triumphantly calling it a valuable accession to our territorial limits. This is an unwarrantable assumption of power, which I trust will never again be claimed or exercised by any officer of the government, civil or military, without the consent of the constituted authorities. I must here take notice of an expression used by the Secretary of State, in his communication of the 28th Nov. 1818, to our Minister at Madrid—"That unless the Spanish Government maintains more completely her neutral relations, and observes with better faith her treaty, those posts in Florida will be retaken, and will not again be surrendered." Thus it would seem that the Executive branch of the government, together with the military, claims the right to make war at pleasure, without the sanction of Congress.

But it is alleged that those posts were likely to fall into the hands of the enemy. When we anticipate a wrong intended to be done to a neutral nation by our enemy, are we justifiable in doing that wrong in order to prevent the same act on the part of our adversary? You no doubt recollect the sensations produced in this nation as well as Europe, when the English took possession of the Danish fleet at Copenhagen, in order, as they alleged, to prevent its falling into the hands of the French, with whom that nation was then at war. And Mr. Jackson, the British minister, who was subsequently sent in that character to the United States, for his participation in that affair, was branded with the epithet of "Copenhagen Jackson."

The President has however restored those posts to the legitimate owner. But this does not purge the act of taking forcible possession of neutral property, nor does it close the breach made in the constitution.

When the army under the command of general Jackson entered those posts, they found in them, two Englishmen, Alexander Armstrong and Robert C. Ambrise—the former charged with tutoring the Indians to war against the United States; acting as a spy; aiding, abetting, and comforting the enemy; and supplying them with the means of war. The latter, charged with leading and commanding part of the Indians in the war against the United States. There were some other charges, but these are the principal ones. A Court Martial was detained, by order of the commanding general, to convene at Fort St. Marks, on the 26th of April, 1818, to investigate the charges and specifications exhibited against them, with orders, in the event of their being convicted to award sentence against them. They were both tried & found guilty, except that Armstrong was not convicted of acting as a spy. He however was sentenced to be hung, and Ambrise to be shot. One of the members of the court moved a reconsideration of the latter sentence. It was reconsidered, and commuted by the Court to fifty stripes and twelve months confinement to hard labour. Upon the submission of these decisions to general Jackson, he approved of that against Armstrong, and disapproved of that against Ambrise—and reversed it, and ordered the first sentence (which was reconsidered and commuted by the court) to be forthwith executed, which was accordingly done.

It seems to be very doubtful whether either of these men could have been executed according to the most rigid construction of law, or the usages of war—the one having been taken as a non-combatant; and the sentence awarded by the court against the other, being less than death. This sentence, I think, ought to have been conclusive. If the commanding general, in the first instance, possessed the right to resort to *lex talionis*, he waived that right in detaining the Court Martial—therefore ought to have been governed by its decision. And again, it is conceded that these men had committed no offence against our municipal laws and therefore were not amenable to them. Their offence was against the law of Nations, and to Congress alone belongs the right to define and punish offences of this kind, committed against the United States, (See Art. I. Sect. viii.) It is laid down by writers on National Law, particularly by Vattel, who is much relied on, Book II. pag. 283. Book III. pages 354 and 5, as soon as an enemy has laid down his arms and surrendered his person, that you have no longer any right over his life. A Nation may punish by retaliation another which has done her an injury; but she has no right to extend the penalty beyond what her own safety requires. Although those miscreants had identified them-

selves with a savage enemy who is governed by no law, observe no rules, and give no quarter—yet the war was then at an end, neither the safety of the general nor of his army required the sacrifice—then mercy, moderation, and humanity, would all have prescribed a different course.

However much I may be disposed to place my own government and its officers in the right, yet I would not barter away the right of the Representative of the people, to screen from censure any individual however exalted his station, or illustrious his services—believing too that a violation of the constitution by the military, ought to be checked at the outset, and say to it, 'thus far shalt thou go and no farther;' lest it get beyond the control of the civil authority, and feeling the full force of the maxim, that he who looks one crime over the commission of a hundred, I joined in proving the measures pursued in this War.

For some years it has been the practice to employ soldiers in time of peace, in cutting and repairing military roads under the direction of the President of the United States; and to allow to each soldier thus employed, fifteen cents per day, in addition to his ordinary wages. This sum has been paid out of the contingent fund in army appropriation. A proposition was made this session to set apart \$50,000 for that purpose; thus making specific what was before contingent. The President in his message at the commencement of last session, explicitly denies the power of the legislative and executive branches of the government united to appropriate the public fund to internal improvement—yet the Executive alone, has for several years, exercised that power, and on this occasion it was claimed for him as a matter of right. This is an anomaly in legislation, to which I could not yield my assent. If congress does possess this power, they ought to exercise it whenever it is deemed expedient, and the state of our finances will justify it. If congress does not possess the power, they cannot delegate it to the executive; nor should I be disposed to permit a continuation of the exercise of this power by that department, whilst it is withheld from the legislative branch of the government. A majority however, was in favour of the appropriation.

Our nominal army, under the peace establishment, including officers, musicians, artificers, labourers, and privates, forms an aggregate of 12656—and upon this hypothesis, an extraordinary number of privates were granted; whereas the fact is, that only 7421 men are in actual service, out of which 1,843 are officers, leaving only 5,578 privates—which is but little more than 3 to each officer; and the whole of this appropriation expended upon this remnant of an army, amounting to more than \$764 to each man. A reduction was proposed, so as to make it nominally what it is in fact: and thus have as large an army in service as we have on paper. It must be presumed, that these in actual service are competent to the performance of all necessary duties required of the standing army; otherwise the ranks would be filled, or at least ought to be, so as to have something like an army of soldiers as well as officers. I was in favour of the reduction, particularly of the staff, which is though by military men, sufficient for an army of 30,000 men.

There is a great diminution of the balance remaining in the treasury on the 1st day of January, 1818, which was then \$6,179,833-38. On the first day of January last, it was reduced to \$4,112,408-59; and on the first day of January, 1819, to \$1,717,188-83. This diminution has arisen in part from causes beyond the control of government. The disorderly state of our circulating medium and the scarcity of specie, has rendered punctuality impracticable, in the payment of custom house bonds and for the purchase of public lands. This state of things has excited some alarm and will create some embarrassment in the fiscal operations of government. Complaints are heard from the restless and embarrassed, from one end of the United States to the other—Congress loudly called upon to interfere, and a number of expedients are suggested. I however am of opinion, that the evil will best effect its own cure. It has unquestionably arisen from a superabundance of trade and banking; which have their fluctuations like every thing else subject to the human will. Such fluctuations will occasionally be followed by distress, which Congress can neither prevent nor immediately relieve. There are other causes which have operated in diminishing the revenue, which is to be found in the acts of last session, suspending our commerce with the British West India Islands; and making provision for the surviving officers and soldiers of the revolutionary army. The pensioners under this

last act, will, on the 4th day of September next have an unexpired sum of \$2,715,929-85, and still increasing with a rapidity and to an amount, certainly not foreseen by its advocates. Of this sum, on that day only \$1776 is payable to Pensioners in North Carolina; we having but 14, whilst the state of New-York has 1058—Massachusetts 807.

On the 10th of October last, a treaty was made and concluded between the U. States and Great Britain; by which the right to take and cure fish on the coast of Newfoundland and Labrador, is partially restored to our citizens. The provisions of the commercial convention entered into on the third July 1815, is extended for the further term of ten years; but no arrangement is made respecting the West India trade.

It is agreed to refer to some friendly Sovereign or State the dispute between the two governments, respecting the slaves taken by the British during the late war. The decision of such empire to be final and conclusive, on all the matters referred.

Our differences with Spain, as far as respects the boundaries of Louisiana, is yet unsettled. (Though I think it very probable, it will shortly be settled by a cession of the Floridas to the United States for \$5,000,000.) A treaty which that government was concluded in the year 1802 but not ratified until last December; which provides that a board of commissioners, consisting of five members, two of which shall be appointed by each of the contracting parties, and the fifth by common consent; who are to decide upon all claims which may be submitted to them as well by the subjects of Spain, as by the citizens of the United States; who may have a right to demand compensation for losses sustained by them in consequence of excesses committed by either against the other.

The claims of the Chickasaw Indians to their lands in the states of Tennessee and Kentucky is extinguished, which will afford our citizens an opportunity of getting possession of their land in Tennessee which has been so long withheld from them.

I have thus Sir, given you a plain and candid exposition of the course which I have pursued. If it should afford you satisfaction, it will be to me the highest source of gratification.

I am, Sir, very respectfully,
Your obedient servant,
J. SLOCUMB.

P. S. Since the above was written the \$5,000,000, and the following is stated as the western boundary between the two governments.

From the gulph of Mexico along the Sabine to the Louisiana line; thence along the red river to the 100 degree of west longitude; thence along the W. L. to Arkansas river; thence upon the same to the source; thence to the 41 degree of latitude; thence the Mulmahah river; thence along that river to the 42 degree of latitude; thence to the Pacific Ocean.

CONGRESS.

LIST OF PUBLIC ACTS PASSED, AND TREATIES RATIFIED, AT THE LATE SESSION OF CONGRESS.

1. An act supplementary to the act, entitled "A act to provide for the prompt settlement of public accounts."
2. An act to enable the people of the Alabama Territory 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.
[This act contains, in general, the same provisions as preceding acts in like cases. Elections are to be holden on Monday and Tuesday, in May, 1819, and the convention is to meet at Huntsville, on the first Monday of July following, to frame a constitution. Waste lands are to be at the sole disposal of the U. S. 1,000 acres of land are granted for a seat of government, in lieu of a section formerly granted; and the state is to be entitled to one representative in Congress until the next census.]
3. An act making a partial appropriation for the military service of the United States, for the year 1819, and to make good a deficit in the appropriation for holding treaties with the Indians.
[200,000 dollars for subsistence; 50,000 dollars for holding treaties.]
4. An act making appropriations for the military service of the United States for the year 1819.
[For pay, subsistence, forage, clothing, bounties, hospital department, quartermaster's and ordnance departments, fortifications, armories, arsenals, half-pay and invalid pensions, revolutionary pensioners, Indian department, &c. &c.]
5. An act making appropriations for the support of the Navy of the United States for the year 1819.