

THE RALEIGH MINERVA.

RALEIGH, N. C.—PUBLISHED (WEEKLY) BY WILLIAM BOYLAN.

[OR \$2 50 CENTS IN ADVANCE.]

OL. 15.

THURSDAY, JUNE 21, 1810.

No. 742.

FROM THE FREEMAN'S JOURNAL. POWERS UPON FRENCH INFLUENCE. No. V.

THE PEOPLE OF THE UNITED STATES.

question how far the House of Representatives possesses a constitutional power to bind members to secrecy in respect to 'public communications,' communicated by the president and called 'public,' because we can take no other view of this subject than that communications are made in pursuance of that part of the constitution which assigns the duty of the president, from time to time to the congress information of the state of the union. In discussing the president's power at this point, it has already been remarked that the power to give information to congress does not mean the same as to withhold information from the people. We may go farther, and with perfect confidence, that the framers of the constitution expressly contemplated publication as the essential characteristic of this act of the president. The constitution is imperative, and shall, from time to time, give to the congress, &c. This provision is contained in a section of the second article which prescribes the powers of the executive, and the first section of the second article regulates the election of the president; the second section of the second article regulates the power of military command, of pardons, and the third commands him to give information to their consideration, to recommend to the legislature, to receive ambassadors, and to execute the laws. What? 'In respect to what?' 'The state of the union.' It is worthy of repeated remark, that the arrangement of executive powers is this duty of communicating information, carefully kept distinct from the power of the executive. The framers of the constitution intended no connexion between them. Those sages and patriots did not contemplate the case of an Arabia Deserta, or even an Felix. They did not mean to make it the duty of the executive to make treaties to buy peace. Yet it is only upon the ground of an imaginary, but clearly extraneous, connexion between the treaty power, and the communication, by the president of the government which possesses the power, of 'information' to congress, in the diplomatic documents, that the friends of the administration pretend to justify even the violation of secrecy in relation to the contents of such documents. The present writer does not deny, with at least equal boldness, that he hopes more cogent reasoning, than what Francis Burdett has displayed in questioning the British house of commons to impeach the British subject, the constitutional and legitimate power of the house of representatives to impose secrecy. He has already totally denied the power of the president to exercise this power, as the constitution, the laws, and the practice of that house, have hitherto stood. But he does not affect to be wiser than seven men who have a reason. He will not resort to arguments that are unintelligible, and mysterious nice of quirk and quibble.

And give the reasons for the political faith which he has upon this subject, with his usual plainness and simplicity.

It is certain that there are but two constitutional provisions which bear upon this point: one is contained in the second clause of the first article, in these words, 'The House may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two thirds, expel a member.' And that which follows in the next clause, 'each house shall keep a journal of its proceedings; and, from time to time, publish the same, excepting such parts as their judgment require secrecy.—And on any question shall, at the desire of two thirds of those present, be entered on the journal.' Now, as the house might do business in any settled rule, except perhaps that of the speaker with a sort of absolute power, it is permitted to 'determine the rules of its proceedings,' it is clear as light that this power to make rules of form, has no natural connexion with the command to keep a journal, and a rule of substance prescribed by the constitution itself, and of course a necessary and inseparable one. The rules of proceeding govern members only, and only while members. The right to keep a part of the journal must bind all men at all times. If executed conformably to the constitution, it must be in contempt of the House to purloin or copy from the journal for publication. But it is not the journal alone that is held sacred. It is the contents of the journal only which the house determines (it would seem by an express prohibition) to be published, and not other papers whatever, which are not entered on the journal, that are thus protected by the constitution, and screened from the vulgar gaze. What is 'a journal of proceedings?' Certainly neither more nor less than a record of acts. The house, in parliamentary phrase, 'proceeds to consider' this or

the other matter, and the statement of its proceedings, thrown into the form of a diary, constitutes the 'journal.' As it does not keep a journal of debates, it is neither required to publish its debates, nor can it prevent the publication of them, although they may have taken place with closed doors. For instance, when the house refused to publish the journal of its proceedings upon the secret proposition to buy Arabia the Sandy (Florida) any member had a right to state what was said pro and con, upon the subject generally, if he stated no motion or vote. The distinction is obvious. Motions and votes are entered upon the journal, argument and eloquence are not. It seems that in England the exclusion of the populace from the galleries has not been considered as involving a denial of the right of the members to publish even the proceedings, as we learn by the following curious article from a late number of that celebrated publication, *Bell's Weekly Messenger*. 'We remember a time, during the administration of Lord North, when the gallery was once shut. [Only 'once' in the reign of the Great Tory; North? Our 'Whigs' of the West are not so scrupulous.] The report of the proceedings, however, went on in the newspapers as usual. They were furnished by members themselves. Till at length the good humoured Lord in the blue ribbon, stepped across the house to Mr. Fox and said, "Really, Mr. Fox, since we have turned reporters ourselves, the speeches are so clumsy, there is so much misrepresentation, and so much nonsense, that we must open the gallery door in our own defence." This remark was better calculated for the meridian of London than it would now be for that of Washington. The majority of our legislators must either be silent, or speak with closed doors, if they mean to be respected by the people. They can never be under the necessity of opening the galleries in defence of their own reputation as men of intellect. Enough however of this. Nor is it clear that we are obliged to adopt the common law of parliament. But if that body, which is sometimes, with a species of profaneness, called 'omnipotent,' does not presume to consider its unquestioned right to hold secret sessions as involving that of preventing the publication of its secret proceedings, it would seem to indicate a little arrogance in a legislature whose powers are so limited as those of congress, to presume to say that documents which form no part of its journal are not to be published, because it is permitted to keep a portion of the journal itself secret!

The task which the writer has undertaken may be a task of years. He hopes to be enabled religiously to perform his engagements to the people. But as he announces explicitly, as the result of long and deep reflection, that he conceives himself entitled to make use of at least the substance of all the documents upon which congress has acted, &c. of the whole of the debates of the house of representatives, be they now public, or be they yet private, even the "uninitiated" will in a moment be satisfied that the field before him is "voluminous and vast." The torrent of popular passion is now so resistless, that if any good can ever be expected to result from these pages, it must be of a date at least as distant as the probable termination of them. The responsibility of the writer may be a tremendous one, but he assumes it with all the cheerfulness of principle, and will meet its consequences with all the firmness of patriotism.

From the Natchez Weekly Chronicle.

It is a cause of real regret to every reflecting republican, that the ministerial prints should not confine themselves to the illustration and support of the many great qualities by which the present administration is honorably distinguished, but that they should further feel it their duty to give a like support to every measure and creature of the government, however objectionable in principle, or odious and detestable in character. The practice of the republican editors of the day, leaves us to apprehend, that if it were possible for a time to arrive, when the two great parties of this nation shall have so completely changed complexions, as for each justly to become the object of those remarks now thought applicable to the other, by the said editors, that nevertheless, these venal scoundrels would still continue the same dull round of panegyric and abuse, regardless of the dereliction of principle on the one side, or of the renovation of character on the other. They are too blind to discover a fault in those whom they worship, or rather too weak to expose the putrid existence, if found attached to any, the meanest wretch in power.

Else, whence the repeated outrages offered to this nation by the servile Duane and others, in relation to that miserable old man general Wilkinson. Why are we insultingly told, that in the event of a war with Great Britain he is the only man whose courage and tactics can with safety be relied upon? Col. Duane is no doubt partial to the courage of his friend and patron, when he contrasts it with his own destitution of that quality. And by the help of another contrast, he has derived the opinion of the other high attributes of his hero. The mortification he must have felt at his own ridiculous display at the head of the Philadelphia militia, put him in a temper to think contemptibly of the military genius of his countrymen, or rather of those who have adopted him; and as a further relief for his mortification, he ascribes a monopoly of those qualities in his friend, which he cannot in decency claim to himself.

But the people of the United States are under

no such unfortunate predicament or partiality.— They are uninformed of the particulars of service, or of genius, on which is founded the claim of general Wilkinson, to uncommon military pretensions. Are those pretensions built upon the promptitude and dispatch in conveying from Saratoga to Philadelphia, the capitulation of Burgoyne, by which he acquired the immortal title of *Knight of the Spur*? Or, is his fame more suspiciously referred to the *manœuvre* of the Sabine? It is well understood, that on this latter occasion he had the address to procure from a number of officers under his command, their signatures to a most fulsome and indecent panegyric written by his own hand. *With a Wilkinson at our head what cannot we perform*, wrote this most unblushing general of himself.

If therefore, we search the history of his former services for the traits of a great general, and find only ridicule and froth: let us follow him in his latter operations, where his field has been more extended, and his command more unfettered. To get at once at the object in view, I shall pass over in silence those suspicious positions occupied on the Mississippi during the *Burr war*, which were ingeniously taken either for the destruction of the republic or the crushing of treason, according as fear or interest might preponderate on a corrupt and timorous mind. I pass directly into his appointment to the command of the army of the Mississippi in 1809.

Behold, then, another period in the history of America, when her liberties are thought endangered, and her sons are called forth to a distant quarter to assert her character and support her independence. The sons of America are ever eager to obey her call. Flushed with the glory of his father, and like him with the standard of freedom to defend, the young soldier felt no other sentiment and knew no other object. See him assembled with his brethren in arms at some port on the Atlantic, already embarked and waiting the first wind that will waft him to his destination far from his native home. He hears not the wailings of parents; he is even deaf to the voice of love, borne on the whispering breeze now setting in from the receding shore. Nor home, nor friends, nor mistress fair, can stay the young warrior whose breast is fired with the love of glory, and pants impatient to redress his country's wrongs.

Alas! no noble foe
He'er shall find; no laurels crown his brow
Or decorate his tomb. Disease and death
Wait his arrival on the fatal shore,
And fix a final seal upon his doom.

Such is the short and melancholy history of more than eight hundred citizen soldiers, buried on the banks of the Mississippi by gen. Wilkinson, in the summer and fall of 1809. Two hundred of the survivors are wrecked and destroyed in constitution forever.

To fix on the causes of so serious a disaster, (which surpasses in its consequences any defeat suffered during the revolution) it is necessary to look a little nearer into the circumstances connected with the event.

Nearly all the new levies ordered to N. Orleans (about twenty-five hundred) arrived by the first of April. On the third of June, the whole dropped down the river about 10 or 15 miles, and occupied a low piece of ground partly covered with water, even before the rainy season had commenced.— The whole effective strength of the camp was forthwith employed in cutting ditches and counter ditches; from which occupation the soldier had no relief but in death, and no respite but to bury the dead. The incessant application of so much labor, produced wonders; for on breaking up the encampment at Terre aux Boeuf, one of the foulest swamps on the banks of the Mississippi, had become arable for the cultivation of the sugar cane. 'Tis said that the owner of the soil has made, or intends to make, to the proper person, a suitable return for the benefit his property has received.

Orders having been issued in April, from the war office, directing a movement of the troops up the river to the "Heights," or the vicinity of Natchez, where the ground was elevated and the water good, no doubt was entertained but that gen. Wilkinson would take his measures accordingly. It was, therefore, with considerable surprise, that the secretary of war received the intelligence that an opposite movement had been made, as he could not but foresee the fatal consequences that ensued. On the receipt of that information, another order was issued, more peremptory than the former, requiring the movement immediately to be made which the secretary, till then, supposed already executed, or in a train of execution. Gen. Wilkinson must have received this order by the 10th or 15th July; yet we find him at Camp Terre aux Boeuf in all the month of August, and still lingering on the Mississippi, in the latter part of October.

Here, then, we have the development of the ruin of an army; which may fairly be attributed to the position it occupied during the rainy and summer seasons; and to its continuance in the low country the two succeeding months, while in a state of inaction.

Yet we shall be told by editors, "great and small," of the "talents, experience and resources of general Wilkinson." Let us restrain our indignation for a moment, till it is seen, for what purpose he is recalled. If, with all his "filthy deeds" upon him, he is brought before a tribunal, whose powers are commensurate with his crime, the people may rest assured, that he will find a most comfortable "alacrity in sinking." And I think it will not be found in the courage of col.

Duane, to beat the lofty surge of the multitude to buoy the worthless wreck, through the storm.

ARISTOGITON.

HALIFAX, (N.S.) May 22.

Yesterday arrived His Majesty's Packet Duke of Montrose, Capt. Bluett, from New York, and brigs Castor and Eliza from Liverpool, C. B.

The Castor had 23 days passage, and brought London Papers to the 25th ult. with which we have been obligingly favoured.

The cause of the Patriotic Spaniards appears to be reviving;—they have latterly harrassed the French very much, and their retreat from the vicinity of Cadiz was expected.

Sweden has joined the Continental league against England.

18 000 French Troops have been placed at the entrance of the Dutch ports to prevent the importation of British Produce or Manufactures.

The Atlantic and Unity sailed from Portsmouth on the 27th ult. with upwards of 50 sail of merchantmen for Quebec, &c. under convoy of M. N. S. Owen Glendower, Capt. Selby.

LONDON, April 24.

A mail from Lisbon arrived this morning with accounts to the 12th inst.—There has been no battle between the British and French, nor does any one seem to be expected.—Lord Wellington's head quarters are still at Vico. The most important articles in the Lisbon papers relate to the operation of Ballastero's division.—He has reached Ronquillo, from whence a notification was sent to the Magistrates of Seville to prepare so many rations for his troops which would arrive there the next day (3d.) We have no accounts however of their having reached that city. The French about four thousand in number, retired from it on the 27th ult. and proceed to Chapatre. We cannot find that the progress of Ballastero has yet produced any change in the positions or intentions of the French, who had advanced to Chiclana, to invest the Isle of Leon. The last account represents them as busily employed upon an entrenched camp.

Junot has advanced with between 10 and 12,000 men to Astorga, which he has invested.

Joseph Bonaparte left Malaga in great haste, in consequence of the capture by the Patriots of Ronda, Osuna and Marbella.

Some Paris Paper have been received to the 17th —Bonaparte, who was going to St. Quentin on the 16th, has suddenly put off his journey.—It is supposed that he remains till the closing of the Legislative Assembly on the 21st, intending to close the Session by a Speech of which the war with this country will probably form a prominent feature.

Letters from Morlaix, received yesterday, communicate the arrival at that port and departure for Paris of Messrs. McKenzie and Dickson, who sailed some time ago from Plymouth to negotiate an exchange of prisoners of war. They also add that they were received with every mark of respect on their landing, and proceeded on their journey to the capital without meeting with the least difficulty or delay.

The Master of an American vessel, which has been condemned at Christiansand in Norway, arrived in town yesterday. He states, that between forty and fifty American vessels had been seized in Norway, and were in course of adjudication. The slightest pretences were made use of to cover these piracies. Some vessels were seized because they had been overhauled by British cruisers; others for irregularities in their papers; and in one instance a vessel was condemned because the supercargo was empowered to dispose of a share in her to an American citizen residing at Riga. A vast number of privateers were fitting out in the ports of Norway.

Nothing had arrived when this paper was put to press respecting the firing heard along the French Coast yesterday morning, as mentioned in our Dover letters.

Letters from Koningsberg of the 8th inst. state, that in pursuance of the system to be adopted throughout the Baltic, the Court of Denmark has issued a decree, which is to be enforced with the utmost rigour, ordering that no neutral vessel laden with colonial produce shall be allowed to pass the Sound, or to land her cargo on the Danish territory, which shall not have come from some port of America, or direct from the West India Islands.

A private letter has been received from Paris, dated the 13th instant, which repeats that the common topic of conversation in that city was, the re-establishment of a general peace, through the mediation of the Emperor of Austria.

Letters from Malta state that his Neapolitan Majesty, Ferdinand the IV. intended to dispose of a large tract of land in the way of lottery; the tickets to be sold at nearly three guineas each.—Several of the prizes will put the holders in possession of a principality.

A letter from on board a transport in the harbour of Messina, dated Feb. 5, says—"We have had dreadful weather here, and at Malta nine ships sunk in the harbour. On Friday night last three ships ran on shore here, and were dashed to pieces; there were 200 women on board one of these ships, who were going up to Ceuta to their husbands; fortunately they were all saved."

The officer sent to command the important garrison of Ceuta is General Fraser, of the Royal African Corps, a distinguished officer, who lost his leg in the service. He has with him a battalion of Lord Chatham's Regiment, 1000 strong: a very fine body of men.