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Massachusetts Legislature.

BOSTON, June 10.

IMPORTANT.

The following able Report was presented to the two branches of our Legislature on Tuesday last, and taken up for consideration in the Senate yesterday: the debate continued, until the hour of adjournment, without a decision. It is mainly and independently an appeal to the patriotism and good sense of the people of Massachusetts.

REPORT.

The Committee to whom was referred the letter of the Secretary of War of the United States, to his Excellency the Governor, bearing date at Washington, March 15, 1813, in answer to an application, made by his Excellency in compliance with a resolve of the honorable the General Court of the Commonwealth of Massachusetts, requesting such supply of muskets as might be considered the proportion to which the Commonwealth was entitled under a law of the United States, passed in April, 1808, by which law the annual sum of two hundred thousand dollars was appropriated for the purpose of providing arms for the militia of the United States, to be transmitted to the several States in proportion to the effective militia in each State—

Respectfully Report,

THAT the law of the United States referred to by his Excellency the Governor, and entitled "an act making provision for arming and equipping the whole body of the militia of the U. S. and appropriating annually \$200,000 for that purpose, provides that the arms provided in virtue of that law, shall be transmitted to the several States composing the Union and the territories thereof, to each State and territory respectively, in proportion to the number of effective militia therein, under such rules and regulations as shall be by law prescribed by the Legislature of each State or territory.

In the apprehension of your Committee, the terms of the law are simple, precise, and definite, admitting neither of a perversion of purpose nor of a construction of the favouritism of partiality, or an indulgence of caprice.

The people of the United States for the better defence thereof, by an act of their constituted authorities, set aside from their revenue the annual sum of two hundred thousand dollars, for arming and equipping the whole body of the militia of the United States, and expressly directed that the arms provided in virtue of that act should be transmitted to the several States composing the Union and territories thereof; to each State and Territory, respectively in proportion to the number of its effective militia. Hence it became the duty of the government not to wait for the application of the several States, but on the receipt of such supply of arms, as would admit of a reasonable division, promptly to transmit the same to the respective States and territories.

Whether this has been done, conformably with the provisions of the law or consistently with those principles of respect, equality and impartiality, which ought to regulate the conduct of the General Government towards each member of the confederacy—the history of the amount of this fund—the distribution of the arms—and the letter of the Secretary of War will determine.

The act having passed in April, 1808, it is evident that at this time one million of dollars must have accrued under it, and ought to have been appropriated towards arming the whole body of the militia of the United States. Of this sum or the proceeds of it, on the ratio of her contributions to the revenue of the United States, Massachusetts would be entitled to about one fifth part, having paid upwards of forty millions towards the Federal Government—but predicated upon the more unfavorable ratio of the law, which in this case must govern, Massachusetts although capable of bringing into the field an effective force of one hundred and twenty thousand free white citizens, for the purpose of sustaining her rights, of checking usurpation, or of repelling invasion, would be entitled only to the number of arms procured under the act of April, 1808, in the ratio that 70,333, the number of militia agreeably to the last return to the General Government, from Massachusetts, bears to 719,449, the whole return of the militia of the United States as communicated to Congress by the President, on the 13th of February of the present year—thus giving to Massachusetts an indisputable claim, a vested right, without the power of alienation or diversion, in any department of the General Government, to about one tenth of the said sum of one million of dollars already accumulated, or of about one tenth of the number of arms that have been procured therefrom.

And your Committee further report, that, from the returns made to Congress by the war department in December last, it appears, that contracts under the law of the United States of April 23, 1808, have been made for 100,000 stands of arms, 24,000 stands were contracted for in Massachusetts, and 9875 stands were actually delivered by the manufacturers within the State prior to October last and that, from these contracts, there had been received by the general government, six months since, 31,640 stands of arms at which time 53,560 stands of arms in addition were due,

and ought to have been delivered into the public arsenals, of which about one tenth part from the moment of their receipt by the General Government became, in the opinion of your Committee, the actual property of the State of Massachusetts, and by the terms of the same law, it also became the duty of the administrators of the General Government, to have caused a proportion of them in that ratio to be transmitted or delivered to this State: that not a single musket of this number has been received, or has been intended to be transmitted, or delivered, is too apparent, from the reply of the Secretary of War to the application of his Excellency.

Of the distribution of the stands of arms which had been actually received by the government of the United States, under the law of April, 1808, it appears from returns made to Congress by the Department of War to the month of December last, that

1000 stands had been delivered to N. Hampshire.
2500 - - - to Vermont
1000 - - - to Rhode Island, to which State 250 stands had also been loaned
1000 - - - to New Jersey.
500 - - - to Delaware, to which State 650 stands of arms had also been loaned.
2130 - - - to North Carolina.
2000 - - - to South Carolina.
1900 - - - to Georgia.
1500 - - - to Ohio, to which State 3500 stands had also been loaned.
1500 - - - to Kentucky.
1500 - - - to Tennessee.
250 - - - to Louisiana, and
216 - - - to the Territory of Illinois, and that there had been loaned to the District of Columbia, 2200.—

What has become of nearly 16,000 stands of arms in addition which are acknowledged to have been received, and 53,560 stands of arms which were contracted to be delivered on or before the 7th October, 1812, and remain unaccounted for; or what number has been received since October, or under what authority the Department of War has assumed a discretion neither given, nor warranted by the law, of loaning an excess beyond the proportion to which it was entitled by the provisions of the law, to any State or Territory, or of making any loan whatever your Committee have not the means of ascertaining; and the short duration of the present session of the Legislature will not admit of a timely reference to the only source, from which perhaps information might be obtained.

Of the causes of pretences which have induced the Government of the United States to furnish eleven States of the Union, the District of Columbia, and the Territory of Illinois, with a proportion of arms, which it has seen proper to withhold from the populous, respectable, and exposed State of Massachusetts, and which had been delivered from its own manufactories—the letter of the Honourable John Armstrong, Secretary at War of the United States, of March 15th, communicated by his Excellency, furnishes the evidence.

By that letter, his Excellency is informed, that "The President has deemed it most conducive to the general interest to supply in the first place the frontier States, and the militia who have come forward in the defence of the country, and that when the state of the public arsenal will justify the measure, Massachusetts will receive her proportion of arms agreeably to the provisions of the law."

In commenting on these reasons of the Secretary at War, for the omission to transmit, or to deliver to the State of Massachusetts, the proportion of arms to which it was entitled, your committee beg leave to remark, that the state of the public arsenals in December last, as it respects the supply of arms, provided for the respective States and Territories, will be manifested by the preceding statement, from which it appears, that of the 85,200 stands of arms, which were due to the General Government from the contractors in October, and of which it is acknowledged 31,640 had at that time been delivered, short of 16,100 had been distributed as late as Dec. last; but they confess they are wholly unable to comprehend, or perceive even on the alleged principles of distribution, how the withholding from the State of Massachusetts, rashly and unpreparedly plunging, in common with the rest of the Union, into a disastrous war with the most powerful maritime nation the world ever witnessed:—possessing a defenceless, more extended, and more densely populated sea board than any other State in the Union, intersected with ports and harbors in every direction, heretofore, by the goodness of God, the blessings of peace, and the industry of their inhabitants, the native havens of one third of the tonnage of the nation, and bordered by a long line of boundary, on the East, and on the North, by the provinces of the enemy; can be justified or palliated, by a pretence, that it has been deemed most conducive to the general interest, in the first place to supply the frontier States, and in consequence, to omit the transmission or delivery of a single musket to a State, with a frontier of nearly a thousand miles in circuit.

The additional cause assigned by the Secretary at War, for withholding the proportion of arms allotted to Massachusetts—"that it was most conducive to the general interest to supply in the first place, the militia who have come forward in the service of the country," alone remains to be considered; and your Committee with reluctance approach this part of the duty assigned them; for they are confident that while the State of Massa-

chusetts, among the most ancient and powerful of the sisters of the great family of States, who compose this confederated empire, will duly guard her own honor and self-respect, and will ever be alive to the maintenance of her just rights at every hazard, that she will never compromise her dignity, nor stoop from her pride of place, to repel unmerited aspersion, if any such were intended, on the motives of the man, whom she is gratified to honor, who has evinced himself to be a watchful Watchman on the citadel, and a faithful Guardian of the constitutional rights and liberties of his fellow citizens; nor upon a militia inferior to none in the Union, and who are at once the ornament, the boast, and the security of the State which has reared and formed, and which delights to cherish and respect them. And should at any time hereafter any insidious foe seek to sow the seeds of jealousy and discord between the militia of the several parts of the Union, by unfounded imputations on the efficiency or patriotism of the Military of Massachusetts—the Legislature will view all such attempts with horror, and reject them with disdain.

Under the influence of these convictions, the Committee forbear to dilate on this part of the letter of the Secretary at War, and limit themselves to reporting, that from the whole view of the subject which they have been enabled to take, they are of opinion, that the proportion of arms provided under the law of the United States of the 23d of April, 1808, to which the State of Massachusetts is entitled, has been unduly withheld from her, and that in the present exposed situation of the country, it is the imperious duty of the Legislature to place that part of it under their protection in an effective state of defence as speedily as may be practicable; and they therefore recommend the adoption of the following resolution

Resolved, That the Adjutant General of the State be directed forthwith to request of the Secretary at War of the U. States, that the proportion of arms to which the State of Massachusetts is entitled under the law of the 23d of April, 1808, for arming and equipping the whole body of Militia of the United States, may be immediately transmitted to him, in his official capacity in behalf of the State; and in case it should be considered by the Executive of the general government, that Massachusetts is not a frontier State, or that her militia have not come forward in the service of the country in such manner as to entitle the State to the proportion designated by the law aforesaid, of the arms that have been already received by the Department of War under its provisions, that such proportion of the money collected under the said act, as if invested in arms would rightfully belong to Massachusetts, should be held subject to the disposition of the Treasurer of this Commonwealth, in order that the State may be enabled to adopt those measures of defence which the general Government neglect to provide for it. Per order,

JOHN WELLES.

Political.

The following important narrative is taken from the Ohio Federalist, and will be read with more than ordinary interest by the people of the United States. The Editor introduces it to shew that "French Influence" does prevail in our councils; and aware of the responsibility which he incurs by offering a specific fact in support of the charge, gives at once the respectable authority upon which he publishes it to the world.—*Aex. Gaz.*

"In the summer or fall of 1805, Mr. Armstrong, then our minister at Paris, made a communication to our government, containing, in substance, the following statement: A gentleman connected with the French minister, one morning called upon Mr. Armstrong, and presented him a slip of paper, upon which was written, in substance, 'the Bearer is authorised to confer with the American minister.' He asked Mr. Armstrong if he recognized the hand writing, who replied he did: that it was the hand writing of Mr. Falleyrand. The gentleman then began a conversation in which he set forth the great interest which the Emperor took in every thing that concerned the United States: after much general conversation he touched upon the subject of our differences with Spain. He stated that the emperor was sensible that Spain had been guilty of great wrongs toward the United States, and that he was disposed to lend his assistance to the United States in obtaining redress: Mr. Armstrong expressed his satisfaction at these sentiments of the emperor, and the great anxiety of his government to have their differences, with Spain, especially that respecting the boundary of Louisiana, adjusted. The Frenchman replied that his majesty would undertake to have the whole disputes between the two nations settled to the satisfaction of the United States, upon certain conditions. Armstrong wished to know the conditions: the Frenchman stated that the only conditions would be that the United States should pursue a course directed by his majesty, and make to him a reasonable compensation for his good offices.—Mr. Armstrong appeared somewhat disconcerted, when the Frenchman observed he would leave him to reflect upon the subject, and call and resume the conversation upon the next day.

When the Frenchman next called, Mr. Armstrong requested him fully to explain the course

of proceedings which his majesty contemplated adopting.—The Frenchman then stated that his majesty would recommend, that at the opening of the session of Congress the President should, in his message, adopt a resolve and in a tone respecting Spanish aggressions; such a tone as would induce a belief that hostilities could be resorted to, unless prompt and ample redress was obtained. Upon the appearance of this document, his majesty would cause it to be presented to the Spanish court, that his severe justice compelled him to consider Spain the aggressor: that justice ought to be done to the United States: and if it was not, his majesty would be compelled to take part with the latter. This course of conduct, the Frenchman remarked, would, without doubt, induce Spain to admit her disputes with the United States upon such terms as his majesty should dictate, and those terms his majesty would undertake, should be satisfactory to the United States. That in return for this important service, his majesty would expect the United States to pay him a sum of money to be agreed upon, but not to exceed seven millions of dollars. Mr. Armstrong informed the Frenchman that he would lose no time in communicating the proposals to his government, and thus the conference ended.

Every man must recollect the course that was pursued.—A high toned message was sent to Congress.—A confidential message equally spirited was afterwards communicated—and Congress voted two millions of dollars to be disposed of in our foreign intercourse, which was to be sent, not to Spain, but to Paris.

It will naturally be asked, whence an obscure individual, in the western woods could obtain this information.—In this too, the public shall be gratified.—At that time Mr. Robert Smith was Secretary of the Navy, and John Smith was a Senator from Ohio, high in favor of administration, but a juggler like this was entrusted to none from whom it could well be concealed.—We received our information from John Smith of Ohio—who stated to us, that he saw a copy of the letter in the hands of Robert Smith, who was, or affected to be, very indignant at the measure—and who communicated the whole transaction to him.

Many reasons induce us to credit this statement. It explains wherefore Robert Smith was made Secretary of State, and wherefore Thomas Jefferson remained his last friend after he was dismissed by Madison.—It explains wherefore John Smith was persecuted almost unto death—as the destruction of his character might render him undeserving of credit.—It explains wherefore Mr. Madison told Mr. Randolph that "France wants money and must have it"—It explains wherefore Mr. Armstrong is now Secretary at War—and it helps to explain wherefore Mr. Gallatin is now sent to Russia.—There are but few, very few, to whom it would be safe to confide the secrets of our foreign negotiations!

Congress of the United States.

HOUSE OF REPRESENTATIVES.

Monday, June 14.

Mr. Troup, from the committee on Military Affairs, reported a bill to provide for the widows and orphans of militia slain, and of militia disabled in the service of the United States.

These bills were twice read and committed. Mr. Law of Connecticut obtained leave of absence from the service of the House, from tomorrow to the end of the session.

On motion of Mr. Hemphstead, Resolved, That the committee on Military Affairs be instructed to enquire into the expediency of continuing in force the act authorising the President of the United States to raise certain companies of rangers for the protection of the frontiers of the United States, "passed January 2, 1812, and the act supplementary thereto, passed July 1, 1812," with leave to report by bill or otherwise.

Mr. King, (of Mass.) after introductory remarks, explanatory of his views in respect thereto offered for consideration the following resolutions:

Resolved, That the Committee of Elections be instructed to enquire into the expediency of reviving an Act, entitled "An Act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses;" or of reviving such parts thereof, as they may judge expedient—with such alterations and additions as to them may appear necessary: and that they have leave to report by bill or otherwise.

Resolved, That the rules and orders of this House be so far altered or amended, as that the Committee of Elections shall in future be designated by lot: for which purpose, the names of all the members, who shall take their seats on the first day of any session, or which the House may form a quorum, shall be put in a ballot-box by the clerk, in presence of the House, and seven of them shall be drawn therefrom by the Speaker, also in the presence of the House; which seven members, thus drawn, shall constitute the Committee of Elections. But if in any case of contested election, one or more of said committee be interested therein, or related to either of the parties, he or they shall, on motion to the House, be excused from sitting thereon; and one or more members shall be substituted in such case, by lot as aforesaid, from all the members who shall then be present, not on said committee, nor parties in said case.