

The House unanimously concurred; and Messrs. Fallmadge, Mitchell, Gold, Stow, and Maccon, were appointed a committee on their part to act with the committee of the Senate.

And the House adjourned to meet at nine o'clock tomorrow to receive the report of the joint committee on the subject.

## FOREIGN.

NEW YORK, April 17.

*From Portugal.*—By the ship Canton, from Lisbon, which place she left on the 10th of March, we have received the following account of the British and French armies, viz:

"That Lord Wellington will have it in his power to open before Badajoz at least 70 pieces of heavy artillery and although it should cause him to risk a general battle, some people believe he would not abandon the siege.

"The French general Marmont is moving with a large force, towards Badajoz, should it be invested, and there is a great probability that a general action will soon take place. Lord Wellington will have a force of 70,000 men in the neighborhood of Badajoz, and the French force are supposed to be about the same number.

"On the 3d of March, Lord Wellington's headquarters were at Ferrandas, about 4 days march from Elvas, which place he would move for that day. On the road thither, it was not expected the army would halt only for a few days. Not only the spare artillery of the garrison of Elvas, but a large quantity of heavy pieces of ordnance were sent from Lisbon to the neighborhood of Badajoz, for the siege of that place."

*Extract of a letter from Liverpool, dated March 17, 1812, to a respectable mercantile house of this city.*

"From the general tenor of our letters since last harvest you will be prepared to expect high prices in our market for grain, and Flour, the deficiency of our last crop is now manifest in the almost daily advances of grain throughout the country—this market is very barely supplied. American wheat would now sell at 17s. 6d a 18s. per 70 lbs and flour 70s. per bbl. or if prime quality probably 2s. more. We have to look to you for supplies, & from present appearances a further advance will take place—we think the article worthy your attention for we should not be surprised to see prices materially higher. American produce generally is dull.

*Extract of another dated, March 20.*

"Our letter, from London this morning mentions a considerable advance in that market for grain, and we anticipate still higher prices here immediately: we really fear prices will be very high."

NEW-LONDON, April 15.

*Late from France.*—Came passengers in the John & Francis, from Bordeaux, Dr. Joseph F. Gaille, capt. Holden, &c Capt. Holden was master of the brig Dolly, of New Orleans, which was captured by a French frigate, on his passage from Liverpool, and burnt.

We are informed by a passenger, that letters were received at Bordeaux, on the 10th March, from Paris, mentioning that the Hornet was expected to sail from Cherbourg in 10 days.—The Imperial Guards were marching from Spain, through Bordeaux for Paris.—The preparations for the war in the north were immense, and beyond all former example. It was said that Bonaparte had more than 400,000 troops in motion for this object; 120,000 of whom were Poles.

It was believed in France that an accommodation would take place before the parties came to blows.

Information was received 3 days before the ship sailed that 300 new licences had been granted for the exportation of French produce and manufactures, into England with permission to import colonial produce.

A Brig had arrived at Bordeaux under Swedish colors, from England, laden with copper. Licences continued to be granted for the importation of W. India produce into the U. States.

## DOMESTIC.

RICHMOND, APRIL 21.

### REQUISITION OF MILITIA.

Understand that in consequence of an ordered letter of the Secretary of war, the Executive Council have acted with the promptitude on the subject, and that orders have been sent off to the Brigades of this State, with Instructions to have a draft, from each brigade in proportion to its size, as early as possible.

*Enquirer.*

WAR DEPARTMENT, April 15, 1812.

*His Excellency the Governor of the State of Virginia*

SIR—I am instructed by the President of the U. S. to call upon the Executive of the several States to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia officers included, by virtue of an act of Congress passed the 16th inst entitled "An act to authorize a detachment from the Militia of the U. S."

This, therefore, is to require of your Excellency to take effectual measures for having 12 thousand of the Militia of Virginia, (being her quota) detached and duly organized in Companies, Battalions, Regiments, Brigades and Divisions within the shortest period that circumstances will permit, and as nearly as possible in the following proportions of Artillery, Cavalry and infantry, viz: One twentieth part of Artillery; one twentieth part of Cavalry; & the residue Infantry. There will, however, be no objection on the part of the President of the U. S. to the admission of a proportion of Rifle-men, duly organized in distinct corps, and not exceeding one tenth part of the whole quota of the States respectively. Each corps should be properly armed & equipped for actual service.

When the detachment and organization shall have been effected, the respective corps will be exercised under the officers set over them; but will not remain embodied, or be considered as in actual service, until by subsequent orders they shall be directed to take the field.

Your excellency will please to direct that correct Muster Rolls and Inspection Returns be made of the several Corps; and that copies thereof be transmitted to this Department as early as possible.

I have the honor to be sir, very respectfully, your obedient servant,

WILLIAM EUSTIS.

*Richmond, April 24.*

### REQUISITION OF THE MILITIA.

On the 10th inst. an Act of Congress was ratified, authorising the President to require of the Executives of the several States to detach their proportions of one hundred thousand militia to be organized and equipped and ready to march at a moment's warning, to serve for six months and to be entitled to the same pay and rations as the regulars. In consequence of this act the Secretary of War has called upon the Governor of this State to raise seven thousand men (its quota)—orders for which will be immediately issued.

STAR.

The following are the officers appointed for that portion of the New Army which is to be raised in North Carolina. *Ibid.*

### ARTILLERY.

*Captains,* Isaac T. Avery, Philemon Hawkins, junr. and John A. Mebane.

*First Lieutenants,* Joseph Winston, jun. Robert R. Ruffin, and William J. Cowan.

*Second Lieutenants,* Edwin Sharpe, and William Chaffin.

### DRAGOONS.

*Captain,* John R. Stokes.

*First Lieutenant,* Archibald H. Sneed.

*Second Lieutenant,* David Evans.

### INFANTRY.

*Colonel,* James Wellborn.

*Lieutenant Colonels,* Archibald F. McNeill, 1st. and Benajah White, 2nd.

*Majors,* Thomas Taylor, 1st. and Daniel M. Forney, 2nd.

*Captains,* George Cloud, Jesse Copeland, Robert Mitchell, Joseph Bryant, Abner Pasteur, Philip Brittain, Owen Clinton, John H. Freeling, Mark Harden, and Thomas Jefferson Robeson.

*First Lieutenants,* George Kincanon, Abner S. Lewis, James Ward, George Strother, William Mears, William Tisdale, Charles Lutterloh, Alexander King, Hugh H. Carson, and John Graham.

*Second Lieutenants,* Hamilton Brown, Thomas Baker, Jacob Summey, jun. Emanual Hawkins, John Street, Robert Mebane, Richard Plummer, Spruce M. Osborne, and Thomas C. Willhite.

*Ensigns,* Anthony G. Glynn, William Carson, Francis Jones, James Roane, Robert Logan, Tyler, John Pritchard, Thomas J. Armstrong, and Anthony M. Dickson.

*Extract of a letter from a Member of Congress, to the Editors of the Star, dated Washington, April 13.*

"I have seen Mr. Barlow's letter to Mr. Granger. The body of it was written early in Febr'y. in which he says he is in a way (I think that is the expression) to make three treaties, one commercial, another of limits, and another about something else.—This is enclosed under a cover of the 7th of March, in which he says, 'I detain the Hornet for a few days in

the treaty.' The bill to permit the importation of goods already purchased and paid for in England, is postponed to this day week—I believe there is a majority against. It was advocated in a very able manner by Messrs. Lowndes and Cheves of South-Carolina.

## Political.

FROM THE STAR

### STATE OF NORTH-CAROLINA, ROWAN COUNTY.

*Superior Court of Law, April Term 1812.*

WE the grand jurors attending the superior court of law for the county of Rowan, under a deep sense of the duty which we owe to our fellow-citizens, and to posterity, conceive ourselves called upon solemnly to protest against, and to present as a public grievance, an act passed by the state legislature, at its last session, which deprives us in common with the other Freemen of North-Carolina, of the right of choosing as heretofore Electors for the important offices of President and Vice President of the United States; a right not only vested in the body of the people by law and usage, but secured to them, as we had fondly believed, by the true meaning and genuine spirit of the Federal constitution. That constitution, to which we have been accustomed to look for the protection of all that is held precious by men in civilized society, cannot exist but by preserving inviolate the freedom of election, and by a strict adherence to the principles of liberty which contributed to and were the chief end of its establishment. The nature, the design, and the organization of the constitution are clearly deducible from its preamble—i. e. "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

This short quotation is intended to show that the adoption of the Federal constitution was a distinct and independent act of the people in their sovereign capacity; and that the state legislatures were placed by it in a subordinate station, and consequently have power to act in relation thereto, but in a few cases which are expressly and specially limited and defined. The most important of these is the power to elect senators, and "to direct the manner of choosing Electors of the President and Vice President of the United States." To a people sensible of their rights, and determined not to acquiesce in the unconstitutional usurpation of them, it seems almost superfluous to observe, that a power given by the constitution to the state legislatures "to direct the manner of choosing Electors," cannot be construed to authorize that body to assume the prerogative and perform the office of choosing themselves:—and if the power of choosing Electors in this manner cannot be justly and fairly inferred from the words of the constitution, the late act of the Legislature by which the people are deprived of an important privilege, is an unconstitutional usurpation, not warranted by circumstances, and inconsistent with the fundamental principles of a republican government.—A power to direct the manner of doing a thing, is clearly and essentially different from a power to do the thing directed.—The Legislature had undoubtedly power to direct the manner in which the people should choose their electors, but they have not the power to appoint electors themselves. The power of directing the manner was specially vested in the legislature not to be exercised by that body at the expense of the people's rights; but merely to prescribe a form in which the people themselves should exercise it in their sovereign and independent capacity.

By a clause in the 2d section of the 1st article of the constitution—i. e. "When vacancies happen in the representation from any state, the Executive authority thereof shall issue writs of election to fill such vacancies." Under this clause of the constitution the Governor would have power, to direct the people of the district in which such vacancy happened to meet at certain places in their respective counties; he would also have power to direct the time of their meeting, to choose a fit person to represent them in Congress; or if a vacancy happened by the death or resignation of one of our senators, the executive authority of the state would be competent to make a temporary appointment to fill such vacancy during the recess; but it was never contemplated, nor could it be admitted, that the Governor, in virtue of those authorities would have power to place himself in the vacant seat of the house of representatives or senate of the U. States;

Yet were he to do so, it would not be a greater departure from principle, nor a more manifest invasion of right, than that which has been attempted on the people by the Legislature concerning the choice of electors.—It is not a sufficient answer to this objection, it is indeed no answer to it, that the last Legislature by their act directed, that the next Legislature should appoint the Electors. The Legislative power by the constitution of the state is vested in the general assembly, a body which though composed at different times of different individuals, is always supposed to be in existence: and the wound inflicted on public liberty consists in taking from the people a right safely and properly confided to them, and assuming it, or in other words transferring that right without their consent, to a body of men elected for other, and very different purposes.

It was intended by the sages and patriots who prepared the Federal constitution, an instrument which constitutes the best, perhaps the only remaining hope of republican government now upon earth, that the voice and influence of the people should be distinctly and sensibly felt in at least two of the principal branches of government, the house of Representatives to which is confided the exclusive power of originating money bills or taxes, and the President who is intrusted with the direction of the public force, and as head of the executive department superintends the disbursement as well as the collection of public revenues; leaving the state legislatures to be directly represented in the Senate of the United States, and there only. This is the plain theory of the government, and it is our devout wish both as individuals and as a grand jury, that its true balance depending on this arrangement of its powers, should be preserved and perpetuated in practice. Our liberties, our all, are embarked and deeply concerned in the preservation of this constitution; a reflection which alone will be sufficient to show our views, and we trust justify us in making a Presentment on the subject. The act of the Legislature to which our attention has been thus irresistibly called, and to which these animadversions refer, we consider not merely unconstitutional and impolitic, but unnecessary; because nearly the whole number of electors to which the state is entitled under the new census, might have been elected by the people in districts as formerly established, with a provision directing the additional if any, to be chosen by general ticket, or in some other mode, not inconsistent with the right of the people. We moreover consider it a precedent of the most dangerous tendency, inasmuch as pretences never will be wanting when the disposition shall happen to exist, to render the best principles of a representative government subservient to the views of personal ambition; and if the attempt be not discountenanced on the present occasion, by the united and firm disapprobation of the public, it may invite hereafter to still greater and more alarming encroachments.

The act throughout is a disgusting instance of disregard to first principles; not justified by even the appearance of necessity—and should all the State Legislatures in the Union, upon similar pretences, follow the example and adopt the same mode of choosing electors, the balance of the Constitution, which is its greatest recommendation would at once be completely destroyed. If instead of allowing the people to be immediately presented in two branches of the government, which is the undoubted right, and the State Legislatures in one, the arrangement is to be changed, and the people represented only one, and the State Legislatures in two, the consequence will follow, that by driving influence, and due weight in the General Government, the constitutions must in the same proportion be deprived its democratic features and character, instead of being as it was originally intended to be a National Government for the affections and confidence of a great body of the people for its basis, of necessity degenerate into an aristocracy of states, and consequently sink the weakness, insignificance and contempt will be ultimately destroyed by the vic all such confederations.

This consideration has had great weight in the reflections which we have conceived it to be our duty to bestow upon the subject, and we trust that the people of the state will unite with us in opinion while we cast our eyes abroad to the countries; and perceive the strides of despotism on the hand, and the people in a state of distress and suffering on the other; governments degraded, usurpation and maintained by tyranny, trampling upon the feet the remaining vestiges of law and right; and is peculiarly incumbent on us as Freemen to guard with increasing vigilance the principles of liberty, and rights of the