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Another disaster.—Again it falls to our lot to have to record and lament a second defeat of the American arms. The following papers contain all the leading particulars of this dreadful event.

IMPORTANT.

From the Albany Gazette Extra. GAZETTE OFFICE.

ALBANY, October, 1812.

The following is the most accurate account we have been able to obtain of the late attack on the Heights at Queenstown, by the American troops.

At 4 o'clock in the morning of the 13th inst. Col. Solomon Van Rensselaer, at the head of 300 militia, and Lieut. Col. Christie, at the head of 300 regulars of the 13th regiment, embarked in boats to dislodge the British from the heights of Queenstown.—They crossed under cover of a battery of two eighteen and two six-pounders.—Their movement was discovered almost at the instant of their departure from the American shore. The detachments landed under a heavy fire of artillery and musketry. Col. Van Rensselaer received a wound thro' his right thigh soon after landing, but proceeded on until he received 2 other flesh wounds in his thigh and the calf of one of his legs, and a severe contusion on one of his heels, when he ordered the detachments to march on and storm the first battery, and was himself carried off the field.—The order for storming was gallantly executed, and a severe conflict ensued. Lieut. Col. Christie received a wound in the hand, but got over the works. At this time both parties were in great confusion. The enemy soon gave way and fled in every direction. Maj. General Van Rensselaer crossed over to sustain the attack, and ascended the heights of Queenstown, where he was attacked with great fury by several hundred Indians who were, however, soon routed and driven into the woods. The reinforcements ordered over from the American side began to move tardily, and finally stopped.—This induced the Maj. Gen. to turn in order to accelerate their movements. He mounted a horse, and used every exertion in his power to urge on the reinforcements in vain.—Whereupon the General perceived that a strong reinforcement was advancing to support the British, and ordered a retreat, but before the order reached Brigadier Gen. Wadsworth, the battle was renewed by the enemy with great vigor and increased numbers, which compelled the Americans, whose strength and ammunition were nearly exhausted by hard fighting for eleven hours, and with very little intermission, to give way.—The number of killed is considerable on both sides, but the Americans have lost many prisoners, including about sixty officers, most of whom are wounded. Among the prisoners are Lieut. Colonels Scott, Christie and Fenwick of the U. S. troops, General Wadsworth and Col. Stranahan of the militia.—Maj. Gen. Brock of the British is among the slain, and his Aid de Camp mortally wounded. The whole number of Americans said to have been engaged is about 1600, of which 900 were regular troops and 700 militia.

On the 14th, an arrangement was made between Major General Van Rensselaer and Gen. Sheafe for the liberation of all the militia prisoners on parole, not to serve during the war.

Further particulars will be given as soon as they can be ascertained. It appears that our troops behaved valiantly, and were overcome by superior numbers, in consequence of the indisposition of a large body of the militia to join in the conflict.

Head Quarters, Lewistown Oct. 14, 1812 Your son, Maj. Lush, was in the terrible battle of yesterday.—He acted as aid to Col. Van Rensselaer, and proved his genuine stuff. As I had the honor to direct the fire of the battery, which covered the landing, I had the best possible chance to do every thing—the fire of three batteries and a shower of musketry was poured upon the first 100 men who landed: of whom Stephen was one. He is now with us,

Col. Van Rensselaer, aid to Gen. Van Rensselaer in the same gentleman who was some time since so shamefully maltreated by Judge Taylor, Cooper and other demagogues, at Albany.

well but exhausted. The battle was long and severe. Col. Van Rensselaer has three shots through and through, and one severe contusion. Many are killed, many wounded on both sides. Brock has fallen, his aid-de camp mortally wounded. I am well but exhausted.

Yours, very truly,

JOHN LOVETT.

Stephen Lush, Esq. Albany.

From the Albany Register, Extra.

TUESDAY, OCT. 20.

We have collected the following additional particulars from a source which may be relied on.

In the first place Gen. Van Rensselaer did not go rashly into battle, as some have supposed.—His conduct was the result of deliberation, and perfectly justifiable, both in and out of battle.

At 4 o'clock in the morning of the 13th, 300 militia, under the command of Col. Van Rensselaer, and a column of 300 regulars, under the command of Lieut. Col. Christie, crossed the river to dislodge the enemy from the heights of Queenstown. They landed under cover of a battery of two eighteen pounders and two sixes, and encountered from the enemy the peltings of three batteries, and an incessant blaze of musketry.—But Col. Van Rensselaer made good his landing in a perfect sheet of fire. He advanced bravely till he was shot twice through the same thigh and through the leg, when he was obliged to stop, but with the utmost presence of mind he directed his officers to rush forward and storm the first battery. It was gallantly done. Both parties reinforced fast, and every battery played its best. Lieut. Col. Christie got over, but wounded in the hand. The conflict became general over the heights.—A large body of them got behind a stone guard house, in which was mounted a pair of heavy ordinance. Two eighteen pounders were directed against it, which raked them severely; and at the eighth shot tumbled up a heap of men, and dismounted one gun. They fled behind Judge Hamilton's storehouse; but our eighteens raked them thence, and they fled again. By this time about 10 o'clock, the enemy's fire except one gun, out of reach, was silenced, and victory seemed complete. The General had passed over to the heights, but sent back to urge on the troops which were to have passed over to support the 2 columns. At this time however, the enemy received a reinforcement of several hundreds of Chippaway Indians.—The rifle and the bayonet had scarcely put them to route, & drove them to the woods, when they were joined by a large reinforcement of regulars from Fort George. They renewed the attack, and the conflict became tremendous. It lasted about half an hour, when our valiant Spartan band, who had waded through blood, anticipating victory being exhausted in strength and ammunition were obliged to yield the day. They had fought eleven hours without intermission. Many have fallen, many lie wounded; and the British have many prisoners, but on this head, we have not sufficient particulars to enter into details.

Col. Van Rensselaer's wounds are severe, but he is on the recovery. Brock, the British general, is certainly slain.

The two following letters on the same subject were received yesterday by Major Thomas Christie of this city:

Albany, Oct. 21.

My Dear Sir,

As you are an interested party in the affair at Niagara, I take the liberty to gratify you with a true narration of it as coming from an officer, who was in the battle, and has since arrived.

About sixteen hundred of our men crossed at Lewiston, and carried the British batteries, after a tremendous conflict. Gen. Brock came up with a reinforcement of regular troops (having started from Fort Erie, a distance of 22 miles, after the first engagement commenced) and succeeded in retaking the ground and fortifications. Four hundred of our men were killed, and eight hundred wounded and taken prisoners.—among the latter is your brother, who was wounded in the hand. Col. Fenwick is also taken. It was at first conjectured that Gen. Brock was killed; but it is now reported that he was not and that he will survive his wounds.

REMARK.

We have but little heart to make remarks on this second and much to be lamented attempt to invade Canada.

While we suffer the most poignant regret for what has happened; while we grieve for the loss of so many brave men; while we shudder at the torrents of human blood that have been uselessly, may we not say wantonly shed; and while we bestow the meed of unqualified applause on the undaunted courage of our little army, how can we avoid asking if there is not a responsibility and a blame somewhere of no ordinary magnitude?

A certain portion of regular troops is sent to invade an enemy's country, but in order to make up the force requisite to accomplish the object, another portion consisting of militia, and amounting to one half, is sent to join the former; the latter however are under neither legal nor military obligation to co-operate with them, and they know it. They know very well that by the laws of their country they have a perfect right to refuse to stir one step over the line that divides the two territories, and they have no inclination to do so accordingly when called upon by their officers to march, they peremptorily refuse, and answer they will defend their own country from encroachment, but they will never invade the country of another. The officers have no power to compel them, and they fail at the critical moment they are most wanted. Let me now ask, if this is an army to be relied on for foreign conquest? And what excuse can be framed to an administration that thus sends a handful of brave and worthy men into a battle, under the delusive expectation of being reinforced and succoured whenever it may become necessary, while they have no sort of power to reinforce or to succour, be the pressure ever so heavy, the loss of lives ever so great, the consequence ever so disastrous? This question is not lightly asked, nor will the people of this country accept of a trivial or evasive answer.

Look out.—It will be seen under our ship news head, that Capt. Shaw of the ship York, which arrived last evening from Liverpool, was boarded on the 18th September, in lat. 47. 7, long. 36. 48, by the British ship of war Rambler, in company with the Leviathan, 74, Sir Richard Strahan, conveying eighteen sail of transports with troops from England bound to Halifax. And on the 7th of October, in lat. 42, lon. 65, was boarded by the British frigate Nymph, in company with 5 other frigates from Cape Sable, on a cruise.

N. T. Her.

It will be recollected that, on the day after the New Jersey election, the Gazette of this city stated that the result was such as would give a majority of one, in the Legislature, to the Democratic party. This statement appears to have misled some good democrats. On the arrival of the Gazette in Boston, the Chronicle came out with the following paragraph:

"GOOD NEWS!—Yesterday's budget afforded a real 'feast of fat things,' to every lover of his country. In Pennsylvania and New Jersey, the cause of our country towers above the arts of foreign and domestic foes."

The Repertory of the next morning, after the real result had been received, has the following:

"New Jersey Election.—Yesterday's Mail put quite a different complexion upon this important election. For once we agree with the Chronicle, that the New Jersey 'budget is really a feast of fat things.'"

Encouragement for Privateering. CIRCULAR.

To the District Attorneys of the U. States. TREASURY DEPARTMENT. COMPTROLLER'S OFFICE, Oct. 16, 1812.

SIR—As cases may arise in which the claims of public and private armed vessels of the United States to vessels which they capture, may be adverse to the claims of the United States to the same vessels, under the non importation act, it is deemed proper to submit to you the views taken at this department of the government of such conflicting claims.

How far trade of every description on the part of the citizens of the United States with the enemy is, by the general law of war independently of any statutes of our own, absolutely prohibited; and how far all vessels with their cargoes belonging to citizens of the United States, and coming from a port of the enemy, on a trading voyage, since the declaration of war, are, by the same general law, liable to capture by vessels of the United States having

commissions of war, and to condemnation as lawful prize of war; are questions not material to the purport of this letter. For, allowing to both affirmative answers, the effect of such answers is, it is conceived, controlled by the actual state of the country under its own statutes.

Every vessel now arriving in a port of the United States, in violation of the non importation act, is, by the positive, prior, and existing municipal regulations of that act, forfeitable to the use of the U States and certain of their officers of revenue embraced within its provisions. This, therefore, it is apprehended, supervenes the general law of war in its application to every vessel so arriving and intercepts, by its paramount authority, the right of capture otherwise vested in the national or armed vessels, and which, but for such paramount authority, they might have been at liberty in the abstract, beneficially to exert. The act of Congress of the 6th of July, 1812, "to prohibit American vessels from proceeding to, or trading with the enemies of the United States, and for other purposes," makes no change in this operative character of this non importation act.

To every vessel, therefore, arriving in any port of the United States, in breach of any of the prohibitory or penal clauses now in force of this act, you will be pleased to assert the claim of the United States for forfeiture, as soon as a seizure can be made; and this whether the arrival be voluntary, or whether it be the case of a bringing or sending in on capture by any of the public ships or privateers, the claim of the United States applying equally to captured or seized property under this predicament, and whether it be British or American. It is not perceived that the supposed claim of the captors can, either in law or equity, supercede that of the United States. Not in law, for the fifth section of the act has this provision "that whenever any article or articles, the importation of which is prohibited by this act, shall be put on board of any ship or vessel, boat, raft, or carriage, with intention of importing the same into the United States; or territories thereof, of all such articles, as well as all other articles on board the same ship or vessel, boat, raft, or carriage, belonging to the owner of such prohibited articles, shall be forfeited; and the owner thereof shall moreover forfeit and pay treble the value of such articles." Thus it appears, that the forfeiture to the use of the United States attached and may be considered as having had its inception prior to the capture. Not in equity, for the instrumentality of the public ship or privateer in aid of the execution of the act, was merely gratuitous and not necessary to secure its enforcement. The claims of the United States and of the captors being wholly adverse, the libels on the part of the former must embrace all vessels circumstanced as above, with every species of property on board. With the courts will rest the final decision on the contending claims.

I have the honor to be,

With great respect,

Your obt servant,

RICHARD RUSH.

Copy of a letter from the Secretary at War to his Excellency Gov. Shelby, dated,

War department, Sept. 27th, 1812.

"Sir—Your Excellency's letter of the 5th inst. has been received and laid before the President. The intelligence and patriotism which have dictated the useful information which you have been pleased to communicate, are duly appreciated.

The embarrassments attending the organization direction and supplies of any force with the difficulty of determining the amount and time which exigencies may require, at so distant a point from the seat of government, have been sensibly felt. To find an adequate remedy has much of the attention of the executive. From a board of intelligent, influential and patriotic citizens, much useful information and other essential advantages might be derived.—Whether they could be clothed with the powers suggested, is a question requiring consideration.

To meet existing emergencies, after consulting the lawful authority vested in the President, it has been determined to vest the command of all the forces on the western and north western frontier in an officer whose military character and knowledge of the country appear to be combined with the public confidence. General Harrison has accordingly been appointed to the chief command, with authority to employ officers and to draw from the public