

RALEIGH REGISTER,

AND NORTH-CAROLINA STATE GAZETTE.

Vol. 1.

"Ours are the plans of fair, delightful peace,
"Unwarp'd by party rage to live like brothers."
Tuesday, March 9, 1824.

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THE REGISTER

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OFFICIAL DOCUMENTS.

MASSACHUSETTS' CLAIMS.

To the Senate and House of Representatives of the United States.

I herewith transmit to Congress certain documents relating to a claim of Massachusetts, for services rendered by the militia of that State, in the late war, and for which payment was made by the State. From the particular circumstances attending this claim, I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim, it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected, that, when a call was made on the militia of that State for service, in the late war, under an arrangement which was alike applicable to the militia of all the States, and in conformity with the acts of Congress, the Executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress, by the Constitution, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, was not a complete power for those purposes, but conditional, and dependent on the consent of the Executives of the several States; and, also, that, when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than of the militia, except by the President, in person. That this decision of the Executive of Massachusetts was repugnant to the Constitution of the United States, and of dangerous tendency, especially when it is considered that we were then engaged in a war with a powerful nation for the defence of our common rights, was the decided opinion of this government; and when the period at which that decision was formed, was considered, it being as early as the fifth of August, eighteen hundred and twelve, immediately after the war was declared, and that it was not relinquished during the war, it was inferred, by the Executive of the United States, that the decision of the Executive of that State was alike applicable to all the services that were rendered by the militia of the State during the war.

In the correspondence with the Governor of Massachusetts, at that important epoch, and on that very interesting subject, it was announced to him, by the Secretary of War, that, if the militia of the State were called into service, by the Executive of the State, and not put under the command of the Major General of the United States, as the militia of the other States were, the expense attending their service would be chargeable to the State, and not to the United States. It was also stated to him, at the same time, that any claim which the State might have for the reimbursement of such expenses, could not be allowed by the Executive of the U. States, since it would involve principles on which that branch of the government could not decide.

Under these circumstances, a decision on the claim of the State of Massachusetts has hitherto been suspended, and it need not be remarked, that the suspension has proceeded from a conviction that it would be improper to give any sanction, by its admission, or by the admission of any part thereof, either to the construction of the Constitution contended for by the then Executive of that State, or to its conduct, at that period, towards the General Government and the Union.

In January, eighteen hundred and twenty-three, the Representatives in Congress from Massachusetts and Maine suggested, by memorial, that the constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are presented for militia service, it is the duty and the practice of the accounting officer to submit them to the Department for instruction as to the legality of the claim; that is, whether the service had been rendered by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation as to the constitutional principle, and, accordingly, an order was given to the accounting officer of the Treasury to proceed in auditing the claim, with that reservation.

In conformity with this arrangement, the Executive of Massachusetts appointed two citizens of that State commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the Treasury that portion, comprehending the services of the fifth division of the militia of the State, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the Commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defence, to repel, in some instances, actual invasion, and, in others, to meet, by ad-

quate preparation, invasions that were menaced. The commissioners of the State having estimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the Department to show distinctly under what circumstances each portion of service was rendered, whether voluntarily, called out by invasion, or the menace of invasion, or by public authority; and, in such case, whether the militia rendering such service was placed under the authority of the United States, or retained under that of the State.

It affords me great pleasure to state, that the present Executive of Massachusetts has disclaimed the principle which was maintained by the former Executive, and that in this disclaimer, both branches of the Legislature have concurred. By this renunciation, the State is placed on the same ground, in this respect, with the other States, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow-citizens in Massachusetts are as firmly devoted to our Union, and to the free Republican principles of our Government, as our fellow-citizens of the other States. Of this important truth, their conduct, in every stage of our Revolutionary struggle, and in many other emergencies, bears ample testimony; and, I add, with profound interest, and a thorough conviction, that, although the difficulty adverted to, in the late war, with their Executive, excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the government in the great body of our fellow-citizens of that State, was impaired; nor is a doubt entertained that they were, at all times, willing and ready to support their rights, and repel an invasion by the enemy.

The Commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered by the fifth division which have been audited, and I should have no hesitation in admitting it, if I did not think, under all the circumstances of the case, that the claim, in all its parts, was cognizable by Congress alone. The period at which the constitutional difficulty was raised, by the Executive of the State, was in the highest degree important, as was the tendency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The Executive of the United States was bound to maintain, and did maintain a just construction of the Constitution: in doing which, it is gratifying to recollect that the most friendly feelings were cherished towards their brethren of that State. The Executive of the State was warned, in the correspondence which then took place, of the light in which its conduct was viewed, and of the effect it would have, so far as related to the right of the Executive of the United States, on any claim which might afterwards be presented by the State to compensation for such services. Under these circumstances, the power of the Executive of the U. States, to settle any portion of this claim, seems to be precluded. It seems proper, also, that this claim should be decided, on full investigation, before the Public, that the principle, on which it is cited, may be thoroughly understood by our fellow citizens of every State, which can be done by Congress alone; who, alone, also, possess the power to pass the laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures, as will not only comport with the sound principles of government, but likewise be conducive to other the highest interests of our Union. By the renunciation of the principle maintained by the then Executive of Massachusetts, as has been done by its present Executive, and both branches of the Legislature, in the most formal manner, and in accord with the sentiments of the great body of the people, the constitution is restored, in a very important feature—that connected with the public defence, and in the most important branch, that of the militia, to its native strength. It is very gratifying to know, that this renunciation has been produced by the regular, orderly, and pacific operation of our Republican system, whereby those who were in the right at the moment of difficulty and who sustained the government with great firmness, have daily gained strength until this result was accomplished. The points on which you will have to decide, are what is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union, and give the greatest support to our most excellent constitution? In seeking each object separately, we are led to the same result. All that can be claimed by our fellow citizens of Massachusetts, is, that the constitutional objection be waived, and that they be placed on the same footing with their brethren in the other States—that, regarding the services rendered by the militia of other States, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that State.

I have been led to conclude, on great consideration, that the principles of justice as well as a due regard for the great interests of our Union, require that this claim, in the extent proposed, should be accepted to. Essential services were rendered, in the late war, by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such services, in like manner with the militia of the other States. The constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered, and the intention with which it was rendered, and to award the

compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive in this instance, is the stronger, because well satisfied I am, that by so doing we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified; and even those who now survive, who were then in error, cannot fail to see with in-lament and satisfaction, this distressing occurrence thus happily terminated. I therefore, consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts, for services rendered in the late war by the militia of the State, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other States.

JAMES MONROE.
Washington, Feb. 23.

MEDICAL

The operation of Bronchotomy, or cutting the throat to restore an apparently suffocated person.

When the opening into the trachea or wind-pipe is stopped up by accident or disease so that air cannot pass into the lungs, the only means of preventing immediate suffocation, admitting that the obstruction cannot be removed, is to make an incision into the inferior part of it, near the top of the sternum or breast-bone, and, by cutting out a small square bit of the cartilage, thus admit the air; which opening will carry on respiration, as well as the natural one, and support life until the obstruction is removed. It is an operation which requires a quick and dexterous hand, and there is one fatal danger attending it, when performed by an unskilful operator—namely carrying the first incision down too far, and thus wounding the large vein, which takes the blood into the *vena cava*, or great vein of the heart, for it lies just behind the top of the breast-bone; this has occurred sometimes, but with whom there must have been a sad ignorance of the anatomy of these parts! A case happened at Dublin, some time ago, where the operation was performed successfully by Dr. Philip Crampton, the present Surgeon General, who, as an operator is no way inferior to Richerand, Dupuytren, or Sir Astley Cooper—possessing the profound judgment and knowledge of the two former, with the decision and elegance of the latter. This, our opinion, is from critical observation, for we have seen all the gentlemen operate frequently.

The case alluded to is as follows:—A waiter at Morrison's hotel, Dawson street, with the praiseworthy intention, perhaps of not expending that valuable time upon his dinner which might be more lucratively bestowed on his master's guests, and feeling at the same time the natural calls of his gastric organs, swallowed most voraciously, in the passage from the dining-room to the kitchen, an unlucky wedge of beef-steak, wholly unmaстiced; and the reason he neglected this necessary process of digestion, as we have since learnt, was lest the movement of his jaws should betray his selfishness. However his delicate prudence on this point proved of serious consequence, for had not Dr. Crampton resided opposite the hotel, this victim of good intentions and bad taste, would have never moaned "Come, Sir!"

The poor fellow feeling that he could not breathe, ran into the kitchen, where in a few seconds he fell, surrounded by the other servants who thought it was "a fit." A few moments terminated his convulsive struggles and he was apparently dead. Dr. Crampton having been sent for, arrived at this moment. On looking into the man's mouth, he ascertained the cause of the suffocation, instantly opened the trachea, at its lowest end, and cut out a small piece of the cartilage; but nervous power was too far gone to act upon respiration.

The Doctor was determined not to give up without trying the artificial movement of the lungs, in the hope of exciting a natural one. He therefore introduced a quill into the wound, and, blowing strongly through it, inflated, by force, which inflation he expelled gently, by pressing on the breast and ribs; this he repeated, so as to carry on an artificial breathing. The operation was crowned with complete success; for about the seventh or eighth inflation, the patient's pulse returned, and a slight sob gave notice that the muscles began to act;—a minute or two brought the man into full life. Doctor Crampton now removed the piece of beef from the top of the wind-pipe, where it was closely jammed, by passing a long quill upwards, through the aperture made below, and so pushing it against the piece of beef, relieved the throat immediately, for the obstructing matter was ejected. The patient was conveyed to Meath Hospital, where the attention of the Doctor soon restored him completely; the wound healed in a few days, and the waiter once more resumed his professional duties. He has ever since been as strong an advocate as Mr. Abernethy for thorough mastication; and never fails to recommend it to his master's customers, whenever he is called upon to relate the accident which had so nearly cost him his life.

The operation of Bronchotomy is a most useful one. It may be necessary in cases where persons have swallowed vitriol or boiling water, as the burning and inflammation of the throat may act so as to shut up the aperture as effectually as a wedge. Or it may be sometimes required in Cynanche, or throat Quinsy, when the inflammation runs high. None ought to die of suffocation from swallowing any substance while there is a Surgeon at hand!—even if he should have no instrument but a penknife and a pair of scissors. It is an operation which surgeons would do well to practice, either upon the dead subject or upon dogs, until they become expert at it; for nothing tends to make a surgeon's character more than a case like the above—besides, its great utility.

Medical Advertiser.

TEST OF COURAGE.

When the American army was at Valley Forge, in the winter of 1777, a captain of the Virginia line refused a challenge sent him by a brother officer, alleging that his life was devoted to the service of his country, and that he did not think it a point of duty to risk it, to gratify the caprice of any man. His antagonist gave him the character of a coward through the whole army. Conscious of not having merited the aspersions, and discovering the injury he should sustain in the minds of those acquainted with him, he repaired one evening to a general meeting of the officers of the line. On his entrance, he was avoided by the company, and the officer who had challenged him, insolently ordered him to leave the room, a request which was loudly re-echoed from all parts. He refused, and asserted that he came there to vindicate his fame; and after mentioning the reasons which induced him not to accept the challenge, he applied a large hand grenade to the candle, and when the fuse had caught fire, threw it on the floor, saying, "Here, gentlemen, this will quickly determine which of us all dare brave danger most." At first they stared upon him for a moment in stupid astonishment; but their eyes soon fell upon the fuse of the grenade which was fast burning down. Away scampered Colonel, General, Ensign, and Captain, and all made a rush at the door simultaneous and confused. Some fell, and others made way over the bodies of their comrades; some succeeded in getting out, but for an instant there was a general heap of flesh sprawling at the entrance of the apartment. Here was a Colonel jostling with a subaltern; and there, fat generals pressing lean lieutenants into the boards, and blustering majors and squeaking ensigns wrestling for exit, the size of the one and the feebleness of the other making their chance of departure pretty equal, until time, which does all things at last, cleared the room, and left the noble captain standing over the grenade with arms folded, and his countenance expressing every kind of scorn and contempt for the train of scrambling redcoats, as they toiled and bustled and bored their way out of the door.

After the explosion had taken place, some of them ventured to return, to take a peep at the mangling remains of their comrades, whom, however, to their great surprise, they found alive and uninjured. When they were all gone, the captain threw himself flat on the floor, as the only possible means of escape, and fortunately came off with a whole skin and a repaired reputation.



An act to revive and continue in force an act, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, and of the Clerks employed in their offices, and of the Librarian." Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That an act, passed the eighteenth of April, one thousand eight hundred and eighteen, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, and of the Clerks employed in their offices, and of the Librarian," be, and the same is hereby declared to be, revived, and continued in force, until the first day of January, eighteen hundred and twenty-six. Approved, February 20, 1824.

Late John Whitaker.

THE subscriber having qualified as Administrator to his late Father's Estate, gives notice to all persons indebted to said Estate, to pay the same without delay; and all those to whom his late Father was indebted are requested to send accounts of the same for settlement.
SAMUEL WHITAKER, Adm'r.
Feb. 21, 1824.

ON the 12th and 13th of March next, will be sold to the highest bidder, on a credit of nine months, on the Plantation of the deceased, Seven Negroes and all the other Effects of the deceased.
S. W.

Late Wallis Eastburn.

THE undersigned, by authority of the brother of the late Wallis Eastburn, of this city, book-seller, having administered to his estate, requests all persons indebted to the said deceased to pay their Notes or Accounts to him, and such as may have claims against the Estate of said deceased, are desired to send them in to him for settlement.
J. GALES, Adm'r.
Raleigh, Feb. 20, 1824.

Books at Auction.

DURING our Superior Court Week, (which commences on Monday the 29th of March) will be sold at Auction, all the Effects of the late Wallis Eastburn, consisting of a large collection of Books, Prints, &c. A valuable Phantasmagoria, several Thermometers, and Barometers, a number of Optical Instruments, &c. As the stock of Books is considerable, it is presumed that the sale will be worth the attention of Book-sellers, School-masters and others, as they will doubtless be sold much below their value. A Catalogue of the Books will be printed previously to the sale and may be had at the Store of J. Gales & Son, or of Ross & Scott, Auctioneers.

Sal Aeratus.

A FRESH supply of this valuable Medicine, just received and for sale, by J. GALES & SON.

Bank Stock Certificate Lost.

A CERTIFICATE of thirty-seven shares of the Capital Stock of the Bank of Cape Fear, issued to me in January or February, 1822, having been lost or mislaid, if I do not hear of it in three months, from the date hereof, I shall apply to the said Bank for a new Certificate of said Stock.
JAMES SOMERVILLE.
Warrenton, Feb. 21, 1824. 30-3m.

Stray.

WAS entered on the Stray Books of Wake county, on the 16th of February, by Cyrus Whitaker, Esq. who lives twelve miles north of Raleigh, near Rogers's Cross Roads, a certain Horse, of the following description, viz. a Bay Horse 4 feet 11 inches high, with a small star in his forehead; supposed to be 12 or 14 years old, and has a disease called the big head. Which Stray was valued to thirty-five dollars.
MERRITT DILLIARD, Ranger.
March 3.

One half the Raleigh Museum for sale.

IN pursuance of a decree of the Supreme Court of the State of North-Carolina, made in the case depending in said Court, wherein Beverly Daniel is complainant and Duncan McTear is defendant, I shall sell, on a credit of six and twelve months, on the Thursday of Wake Superior Court, on the premises, an undivided half of the lot and improvements thereon, in the city of Raleigh, known as the Raleigh Museum, being the property conveyed by Alexander Lucas to Samuel Combs, in trust, for the benefit of Beverly Daniel. The title that will be made to the purchaser will be such as is authorized by the decree of the Court. The sale is made for the joint benefit of the complainant and defendant. The purchaser will be required to give bonds with two or more approved securities.
WM ROBARDS, C. S. C.
February 20th, 1824. 29-6w t a w

Notes Destroyed.

THE following Notes and Receipts having been destroyed by the late Fire in Raleigh, the property of Lewis Holloman, he gives this public notice thereof, and requests the persons who owe the money, to call and pay the same or renew their Notes.
L. HOLLOWAN.

Raleigh, March 3, 1824. 32-4w

- One Note on Willie Jones, given Jan. 1823, bearing interest, for \$100
 - One Note on B. S. King, dated April, 1823, 85 95
 - One Note on Dr. J. Battle, 1823, Feb. 42 20
 - One Note on Chas. Fowler, 1823, Aug. 11 5
- And the following Notes given last Fall:
- One Note on David Whitaker, for \$6 50
 - One Note on Allen Utley for 6 60
 - One Note on Wesley Whitaker for 3 55
 - One Note on Allen Gilchrist for 7 30
 - One Note on David Smith for 4 85
 - One Note on Daniel Beasley for 5 70
 - One Note on Britton Barker for 2 00
 - One Note on Thos. Willard for 2 75
 - One Note on Isaac Copeland for 3 75
 - One Note on Thos. Ward for 2 55
 - One Note on Jo. Scott for 4 20
 - One Note on — Sorrel & Asa Blake 6 50
 - One Note on — Sorrel for 5 05
 - One Note on Matthew Jordan for 2 25
 - One Note on Howard Pool for 4 35
- Also a Receipt from D. L. Barringer for Mrs. White's Note for \$148 78.

Virginian.



It is deemed unnecessary to say more of Virginian, than that he will Stand at my house in Brunswick county, at Penington's Old Ford, on Meherrin River; and will be put to Mares at thirty-five dollars the Season, which may be discharged by the payment of thirty, if paid within the season, which will expire on the first day of July next. Sixty dollars to Insure. One dollar to the Groom in all instances. Mares that went to Virginian last season and may, from any cause, have failed, will be covered again this season, gratis. Mares may be fed with grain if required, at the neighborhood price.

All persons living above Mr. J. C. Goodes, and wishing to send Mares, may send them to him, and he will send them on to the Horse.
JAMES J. HARRISON.
March 4, 1824. 32-1M

NOTICE.

PURSUANT to a resolution of the President and Directors of the Cape-Fear Navigation Company, at a meeting holden at Fayetteville on the 23d day of February, 1824, those Stockholders in the said Company, who have hitherto failed to pay any part of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth or Tenth Installments, of either the Original or the Increased Capital Stock of said Company, are requested to come forward and make immediate payment to JOHN CARSON, Esq. Treasurer of said Company, at Fayetteville; or their Stock will be sold on the fourth Monday of May next, at the Town-House in Fayetteville, and proceedings instituted against any delinquents that may then remain for any balances due on said Stock.
ROBERT STRANGE, Pres.
Fayetteville, N. C. } 32m
March 1, 1824.