

GENERAL ASSEMBLY.

REMONSTRANCE TO THE PRESIDENT.

The following Report, which had yesterday been made by Mr. Bruton, chairman of the select committee to whom the subject had been referred, was taken up. The reader is requested first to read this Report without noticing the words printed within brackets, thus [] which will give them the address as first reported. Afterwards, if he will read it with the words within brackets, and omit all the parts which are printed in Italics, he will have the Report as amended.

The committee to whom was referred so much of the Message of His Excellency the Governor as relates to the erection of fortifications, procuring munitions of war, providing against the [attacks of the] Indians upon the frontier counties; and also so much of the said message as relates to the communications of His Excellency with the Department of War of the United States, on the subject of the unprotected and defenceless condition of the Seaboard, and on other objects mentioned in the said communication, it part in part,

That it is the first principle of the social compact, that every community shall extend protection to its members, so long as they remain obedient to its laws, and faithfully discharge the duties of their allegiance. The constitution of the United States, vesting therefore vested in the general government the right to declare war, imposed it as a solemn duty upon that government to provide for the perpetual defence of the Union. During the long period of prosperity and peace, preparations for defence have not yet been made, the declaration of war rendered it the duty of the general government to increase its activity, and without delay to extend to each State in the Union exposed to danger, such protection and means of defence as were within its power. North Carolina being an important member of the Confederacy, with a coast presenting but few vulnerable points, and those capable of being taken at little expense in a state of defence against the enemy, confidently expected that no time would be lost the general government in giving those vulnerable points an efficient defence. In this expectation we continued until the enemy invaded our territory. At that period of danger, her own resources and her own efforts. Although more than twelve months had elapsed from the declaration of the war, the general government had provided for this state no [adequate] means either for protection or defence, and had withdrawn most of the force that were found upon our coast at the first moment of danger, the gun-boats which were in commission at Wilmington when the war was declared, had been laid up in ordinary, a company of regular soldiers at garrisoned Fort Hampton, had a withdrawn and sent [beyond the] to the protection of another state. His Excellency the Governor acted promptly and decisively; he called to service such portion of the militia as was deemed adequate to the emergency: He procured such munitions of war as were within his reach, and the enemy having abandoned our territory, he examined our sea-coast and reported the result of this examination to the Department of War of the United States: His Excellency pressed the claims of this state upon the general government for adequate protection and suitable means of defence, our committee, as citizens of the State of North Carolina feel humiliated at the indifference and neglect with which those representations of His Excellency have been treated. If they have not been suffered to sleep that Department to which they were directed, they have produced no

effort on our behalf. More than seventeen months have elapsed since the declaration of war, and more than four months since the invasion of our territory by the enemy, and no measures of defence have yet been adopted, save only that the gun-boats which had been laid up in ordinary in Wilmington, have been put into commission. No Forts have been erected; no vessels of war have been stationed in our waters; no regular troops have been found upon our sea-coast, except a company of artillery stationed at Fort Johnston.—The detached militia called into the service of the United States, have been totally [much] neglected and literally left to shift for themselves they have neither been furnished with [but few] tents to protect them from the inclemencies of the weather, nor with [many] of them have perished for want of medical and hospital stores to resist the diseases of a sickly climate [and the survivors of them] Under these circumstances they have been required to perform ordinary garrison duty, and when discharged from service, have been sent home with out pay. Notwithstanding these privations and sufferings, the militia thus called out have exhibited a patience and constancy which your committee cannot forbear to notice and applaud. During this time many hundreds of regular troops have been voluntarily enlisted in this state, and instead of sending these troops, or a part thereof to the defence of our sea-coast, and to the relief of our militia in service, the general government has sent them elsewhere [withdrew them for the defence of other states]. At the moment when the Secretary of State for the United States was apprising General Pinckney of the sailing of the enemy's armament from Halifax, and that its probable destination was to the southern states, the regular troops which had been in cantonment at Salisbury were under marching orders and have since marched into the state of Virginia [beyond the limits of this State]. Thus, whilst danger approaches, the means of security are [have been] withdrawn from us, our physical strength is weakened, & those men who should defend the vulnerable points upon our sea-coast, have been sent to garrison the forts of Georgia, S. Carolina, Virginia, or to [from Savannah to the frontiers of] N. York. It is with deep concern that your committee mention the fact, that although North Carolina has furnished to the United States many regular troops as almost any other state in the Union, yet no opportunity has been afforded her of military distinction, nor have any [one] of those troops [have] been employed in her defence. They have been sent to the defence of other states, and sent from New Orleans to N. York. It is time to use the plain language of earnest remonstrance, or to yield our claims to respect in the confederacy. It is time to point to the world that however our claims to respect may be overlooked by the general government, we know how to respect ourselves. The present is a moment of danger. The enemy are off our coast, and we know not when or where they may land and by our towns and country on the sea-board under contribution! It is time for us distinctly to understand whether the general government will, without further delay, afford to us the requisite protection, or whether we are still to be left to depend upon our resources. Your committee are therefore of opinion, that an address from both Houses of this General Assembly should be transmitted immediately by express to the President of the United States, upon the subject matters of this Report, intreating him to afford to us the protection and means of defence which our situation requires. Your committee have prepared an address which they present as a part of this their Report, and recommend to the two Houses to adopt the following resolutions:

Resolved That the Memorial & Remonstrance of the Senate and House of Commons of this General

Assembly to the President of the United States herewith reported, be signed by the Speakers of both Houses, and transmitted by express to the President of the United States.

Resolved That His Excellency the Governor be requested to employ an express [agent] for the purpose aforesaid, and to inform the President of the United States that the said express [agent] will remain at the city of Washington for his answer to the said Memorial and Remonstrance, and will take charge thereof, and present it to his Excellency for the purpose of being laid before this General Assembly.

Respectfully submitted, S. BRUTON, Chairman The Memorial and Remonstrance is in the following words: To James Madison, Esquire, President of the United States,

The Memorial and Remonstrance of the Senate and House of Commons of the General Assembly of the State of North-Carolina, respectfully represents,

That upon the declaration of war by the United States against Great Britain, your memorialists hoped and expected that various [measures] would have been taken without delay by the general government to defend the sea-coast of this state. In this hope and in this expectation we have been disappointed: and after the lapse of seventeen months from the declaration of war, and more than four months after an actual invasion of the state by the enemy, we find our sea-coast [in a great degree] unprotected and undefended. His Excellency the Governor of this state has laid before us his communications with the department of war of the U. States, in which he has exposed the condition of our sea-board, represented the points most liable to attack, suggested means of defence and enforced the claims of this state upon the general government for protection. It is with much concern that we have not witnessed a prompt and decisive attention to those representations; and seen them followed by measures corresponding with their importance. Our concern at this indifference is increased by the consideration, that a few thousand dollars would have been sufficient to place North-Carolina in a state of safety against the predatory incursions of the enemy. Out of the many millions [heretofore] voted for the purposes of general defence, [under the present or preceding administrations] we would ask what has been expended in providing for the defence of this state?—We wish not to add to the embarrassments of the government; we wish not to excite irritation or to throw out needless reflections;—but the circumstances of the times—the dangers to which we are exposed—the rights of this state as a member of the confederacy—and the indifference with which her efforts to enforce her claims to protection have been heretofore treated, impel us [upon this occasion] to use the language of earnest remonstrance [It is from a spirit of disaffection, but from a just sense of our rights, that we have adopted this language. For the proof of this declaration we appeal to the generous confidence which we have extended to the general government the most generous confidence—a confidence which perils and difficulties have not impaired—a confidence that has continued unshaken, until it seems to have produced an opinion that the claims of N. Carolina both to distinction and protection may be overlooked by the general government, and not a murmur be heard. Our anxiety for the public welfare has repressed the feelings of wounded pride; but we cherish the hope, that if we were not honored, we should at least be respected. [As yet efficient] Measures of defence have not been adopted [since the declaration of war] forts have not been erected; vessels of war have not been stationed in our waters; regular soldiers have not been furnished a garrison the only two forts to be found upon an extensive sea-coast, the troops enlisted in this state have been withdrawn for the defence of other states, and we have been left dependent upon our militia even for the discharge of ordinary garrison duty; no measures have been adopted to provide for the health, comfort and accommodation of the detached militia called into the service of the U. S. and they have been left to depend upon private bounty for those things which it was the duty of the general government to have provided. A due regard to the character and to the interests of the state, forbid us any longer to remain in this uncertain and insecure situation. The time has now come when your memorialists must distinctly understand, whether the general government will afford to them the requisite protection. The enemy are off our coast; we know not at what hour, or at what place, they may land and plunder our towns and country on the sea-board. We beg you, sir, with out delay to inform us whether measures will be immediately taken for our protection. We make this enquiry thus early after having assembled together, that we may be able during our session to give to North-Carolina an attitude suited to her population and the extent of her resources, and to extend to our sea-coast the requisite protection, should it be longer withheld by the general government. We invite your attention to the communications of His Excellency the Governor of this state with the Department of War of the United States, and earnestly entreat you to give immediate effect to the mode of protection and defence therein pointed out. The Report being read, Mr. J. W. CLARK moved to strike out the whole of the preamble or Ex-

pose of the Report as containing a mis-statement of facts. It was there said, that the militia had been neglected—that no tents had been provided for them—that they had not been paid. The regular troops were also said to have been withdrawn from this State for the purpose of doing duty in other States which he believed to be incorrect.

Mr. A. D. MURPHY said, he would make a motion that would supercede the one made by the gentleman from Edgecomb, which was, that the Report be re-committed to the select committee who made it. The committee (of which he was a member) he said, had discovered that they had fallen into some mistakements; and as it was their wish that the Report should contain the truth, the whole truth, and nothing but the truth, he hoped his motion would prevail. The committee can meet together and in five minutes the report may be returned to the house.

Mr. CLARK was opposed to this motion. The committee had made their Report deliberately without any pressure, and had therefore an opportunity of ascertaining the truth of what they alleged, and on yesterday they were desirous of immediately deciding upon the Report. Nor could he see any benefit that could result from passing upon this Report. He did not think it breathe a language suited to the present situation of the country; that it was neither calculated to give energy to the General Government nor unanimity at home.

Mr. SLADE had seconded the motion of the gentleman from Orange; and he did this from a firm conviction in his mind, that the course proposed by the gentleman from Edgecomb was not consistent with parliamentary practice, or the rules of proceeding in this house. When, said he, we appoint a committee for ascertaining and bringing forward to the house the facts in any case, this committee retires and makes its report, which contains the impression of the committee on the subject submitted to them. This report is laid before the house. The gentleman from Edgecomb proposes to amend it. If his proposition be agreed to, can the Report be said to be the report of that committee? It cannot. If there be any doubts to any matter of fact contained in a Report, the proper way of having it corrected is either to commit it, or go into a committee of the whole house and there correct it, and not attempt to put into the mouths of the committee, by way of amendment, matter which they do not approve. As to the reasons urged by the gentleman from Edgecomb against this motion, he was sorry to observe that they appeared to savour more of an opposition to the measure itself than to any wish to correct the matter of the report. For his part, he could see no reasonable objection against allowing the committee to correct their report.

Mr. BRANCH said it was not his wish to excite the least irritation on this subject, but he was astonished when he contrasted the conduct of the friends of the report yesterday, with their conduct to-day. Yesterday they pressed with zeal an immediate decision upon their report, which it was asserted contained a true statement of facts, to-day they call out for delay, and an opportunity for correcting errors. The committee had been furnished with ample materials and had taken their own time for making their report; but now when their report comes to be examined, they want time to make it more palatable. In his opinion, the composition is so replete with offensive matter, that it cannot be amended, but ought to be rejected.

Mr. R. WILLIAMS was sorry to see any thing like party spirit, stirred on this occasion. The committee, it is true, might have delayed making their report, but they wished to bring it forward early, that time might be afforded them to hear from the General Government before the session rose. He hoped the motion to recommit the report would prevail, that it might be cleared of all offensive matter. If this had been the first Remonstrance that had been sent to the executive of the U. States, one of a more moderate tone might do; but all our remonstrances have heretofore been in vain. He hoped those gentlemen who wished to conciliate would not oppose a recommitment. He wished all party-feeling to subside, that the Senate might go on

coolly with the business of the State. Mr. CLARK would make a single remark on parliamentary usage in reply to the gentleman from Martin. He had not a book of Precedents at hand, but he would mention a case that happened in the House of Commons last year. A Report was made by a Gentleman on a subject of some importance with a bill; and a motion was made to strike out the Exord of the Report, and it was struck out and the bill retained.

Mr. MURPHY regretted that this subject should have excited party-feelings—one with which the foolish, shon-inable terms of Federalism and Republicanism had nothing to do. It is a subject, said he which has in view the protection of our wives and children and firesides—it has nothing to do with the two parties which disturb our country—a question in which the State of North-Carolina is concerned. There is no feeling embodied in this question, but that feeling which has in view the protection, safety and respectability of the State. If we are assembled here for the protection of the State of North-Carolina; and an enquiry be made, is there any point at which we are vulnerable to our enemy? Ought party to be rallied on a question of this sort? If important objects are to be given the go-by in this way, questions of this sort can never be met with proper discussion, or have a proper decision. We are called upon to say what shall be done for the protection of our wives and children against an enemy, and it is highly improper passions should be excited under which it is in vain to expect to come to a correct decision. He hoped, therefore, that party considerations, would be laid aside, as it is as desirable to a Federalist as to a Republican that his wife and children should be protected. To come directly to the motion. He would ask, in the language of the gentleman from Martin, what is the object of the commitment but to gain information? If the committee have fallen into a mistake shall they not have an opportunity of correcting it? They surely ought, that nothing but the truth might appear.

Mr. G. HOLERS did not rise to express any thing which would tend to excite warmth or party spirit, but to declare what were his impressions in relation to the Report. When he first heard the motion for striking out the preamble, and the Gentleman from Orange reduced his motion for a recommitment, in order to correct certain errors, he felt a willingness to indulge him; but the Gentleman said so much about party-feeling, that every one seemed ready to take side. He did not recollect that the Gentleman from Edgecomb had said any thing about party. He proposed to reject the preamble of the Report, in order, he supposed, to introduce another which he thought preferable. But it is said to be unparliamentary to amend a Report. He thought not. It must either be rejected, amended or passed. But why should the gentleman from Orange say so much about party spirit, and wonder why this should be made a party question, when no one opposed to the Report had said a word about party? He hoped gentlemen in favour of the Report did not desire to make it a party question. For his part, he had rather have had a question at once on the Report, in hopes of rejecting it. Mr. H. acknowledged that our vapours are in an unprotected state, and that the General Government ought to afford us aid in this respect; but in calling upon them for this aid, shall we said he, take in a view all the transactions of the Government for years past? Shall we charge the Secretary of War with having robbed us of our troops and carried them to South-Carolina and Virginia, without giving the Government credit for a single act? There is not, said he, one expression in the whole report that speaks of the Government having in any instance done its duty. It is, indeed, a direct censure on the conduct of Government in relation to this State. It also contains many charges, which are not correct, and were we to publish them to the world, North-Carolina ought to be justly charged with publishing untruths. Ask our citizens who were stationed on our sea-board, if they were entirely destitute while there. They will tell you they had plenty of food, that they had clothing and some medicine. It is true, that the Militia below, Wilmington were unfortunately placed in a sickly spot, surrounded by noxious vapours. But

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