



“Ours are the plans of fair, delightful Peace, Unwarp'd by party rage, to live like Brothers.”

Vol., XIV.

FRIDAY, DECEMBER 10 1813.

No. 741.

GENERAL ASSEMBLY.

DEBATE.

On the Address to the President.

[Continued from our last.]

Mr. MURPHY. The gentleman who made the motion for an indefinite postponement having assigned his reasons for it, it will become the duty of those who have submitted the report to show to the Senate the grounds on which it is founded. The gentleman's principal objections to the Report seem to grow out of exceptions which he makes to the correctness of its details. He believed if gentlemen would lend him their attention until he exhibited certain documents which were before him, and listen to facts which were within the knowledge of Members of the Senate, he should be able satisfactorily to show that this Report contained the whole truth and nothing but the truth. It had not been the wish of the committee Mr. M. said, to mistake facts. Their object had been (and they believed to be their duty) to submit to the Senate and through the Senate to the State at large, an exposition of the exposed situation of our sea-coast, and what had been done by the General Government for our defence. The committee was of opinion that this State, since the Declaration of War, and for many years before, had been neglected in an unmerited way by the General Government; in such a way as, in their opinion, demanded the most decided expression of complaint and remonstrance from the Legislature of North Carolina. It is proper, said he, that the people of North Carolina should know the situation in which they stand as a member of the Union.

With submission to the Senate, Mr. M. said, he would examine this Report paragraph by paragraph; and exhibit such evidence of the several facts contained therein, as induced the committee to make it. The principle of the whole report is contained in the first idea expressed in it: that it is the duty of Government to protect its members so long as they shall remain obedient to its laws. It goes on to express that the constitution having vested in the general government the right to declare war, it is their duty to provide for the general defence. This is bottomed on the principle that allegiance and protection are reciprocal. Then comes the paragraph to which the gentleman has made some exceptions. "During the long period of peace preparations for defence have not been made, &c." But as the gentleman did not assign the reasons on which his objections to this part of the report were founded, it was out of his power to obviate them. If our coast had been neglected while we were in a state of peace, it no doubt became the duty of government to attend to it as soon as we got into a state of war.

To the next paragraph which represents the State as left to her own efforts, the gentleman objects as incorrect. He alleges that at the time of the invasion there was found on our coast a company of Regulars at Fort Hampton and another at Fort Johnston. Mr. M. had no doubt the Report in this part is substantially correct. He was unable to ascertain the precise day on which the Regulars left Fort Hampton; but it is a fact, that they marched at or about the time the enemy invaded our coast. It was a little extraordinary that these troops should have been withdrawn just at this moment, according to instructions no doubt, given before it was known that the enemy was about to invade our coast.

Is it not a fact, then asked Mr. M. that North Carolina was left to her own efforts? Where was our coast invaded? Not at Fort Johnston nor at Fort Hampton, where these new recruits were; but at a place where there was no means of defence at

the most vulnerable point—a point from which the most danger was to be apprehended. Admitting the fact to be, that there was a company of Regulars at Fort Hampton, and another at Fort Johnston, would it have been prudent to have withdrawn them from this place? It is true, then, that in repelling the Enemy, the State had to depend upon her own efforts alone. To what point did his Excellency the Governor direct the Militia which were marched from this city and the adjoining counties, but to the place of invasion? So that this part of the Report is literally correct. Indeed it would be no reflection upon the General Government to say that this little force at Fort Hampton and Fort Johnston, was too contemptible to merit any respect from us. What kind of troops he asked were in these forts? Has there not been a regular succession of raw troops—the commanding officers of whom, if not wholly incompetent, were so in a great degree. He would ask if the guns have not been suffered to rust and the munitions of war to perish under their care? When our forts are thus left to the protection of a young Captain and a few raw young soldiers, what dependence can be placed upon them?

As to the five gun boats that were in commission at the time war was declared, and afterwards laid up, it was not for him to account for it; but it is nevertheless true. He did not turn to documents to prove these facts because they are detailed in the message of the Governor.

It must be evident, Mr. M. observed, to every gentleman who reads this report with a liberal eye that the committee had in view in making it that portion of time which has elapsed since the declaration of war; and keeping this in view, he enquired if the facts stated are not literally correct?

The gentleman finds fault with the committee, because they have not stated what kind of vessels are wanted on our coast; and asks whether frigates be wanted? Certainly, not, because we have no waters in which they can float. He did not pretend to know much about military or naval officers, but would refer to the opinion expressed in the message to the Governor, and to the opinion of military men who had visited the sea-coast; from which it appears, that small vessels of war would afford the best means of defence upon our coast. Such as are found at Charleston, Norfolk and every other exposed seaport.

The gentleman from Edgecomb appeared to have his sensibility most excited by that part of the Report which states, that there were no regular troops on our coast, except a company of Artillery at Fort Johnston, but which has been shewn to be literally true.

The next paragraph in the Report speaks of the detached Militia. On this subject, he would read a few documents, as they had not been particularly noticed by the Governor in his message; but before he did so, he would make a remark on what fell from the gentleman, by way of accounting for the neglect of Government in not furnishing the men with tents or hospital stores, attributing it to the ignorance of the officers commanding the detachments, and their not making proper returns. However painful the fact may be, it is nevertheless correct as stated in the report. The truth is, that though at the time of the invasion, there was a Commissary of Purchases at Wilmington. Yet immediately afterwards, when the troops were placed at Deep-water Point, the Government had dismissed him from office, and thus left the troops destitute of supplies; and that the proper Department had due information on this subject, appears from a letter from Major Campbell to the Department of War dated the 21st of August, (which Mr. M. read.) Mr. M. also read a letter to the Governor from William

King, Esq. our Representative in Congress for that district, speaking of the miserable and destitute situation of the men. Mr. M. also read a letter from the Governor to the Secretary of War; and said that in addition to these documents, he expected information would be given to the House on this subject by a gentleman who had an important command in the troops called out on this occasion.

Mr. M. adverted to the answer which was returned from the War Department to his Excellency's letter, which takes no notice of the representation made of the wretched situation of the Soldiers; but in relation to the enquiry which he had made about the manner of paying the detached Militia, the letter states "that the expense incurred by the Militia, will be defrayed according to the act of Congress on this subject." And in respect to medicine and hospital supplies, the Governor is referred to a Deputy Commissary at Norfolk.—Mr. M. would not comment upon this reference of the First Magistrate of the State to a Deputy Commissary of Purchases in another State.—The thing speaks for itself.

Mr. M. asked how the troops which had been detached from other States had been treated? Have any complaints been heard on this subject? They have not; and if there had been the same cause for them, they would not have been withheld. No one has wanted the spirit to remonstrate when they have been neglected; but we seem to be a patient kind of people, and because we are so, the General Government believe we shall never raise our voices in remonstrances against them.

The next paragraph speaks of the Soldiers enlisted in this State being all sent away. Notwithstanding the sensibility produced on gentlemen by this remark, he would ask if it were not true? Have any of these men been employed in our defence? It may be, indeed that Capt. Copeland who was a short time at Fort Johnston might have enlisted his men in the State. But, if the gentleman be correct, as to this fact, it is notorious, that ever since the declaration of War, there have been a number of troops encamped at Salisbury—a force, which if it had been employed on our coast, would have greatly relieved our Militia, and been of no disadvantage to men who had enlisted into the service of their country.

Mr. M. read a letter from David Stone, Esq. one of our Senators in Congress, expressing surprise, that out of all the men enlisted in this State, none of them were retained for the defence of our sea-coast; and stating that our Senators and Representatives in Congress had represented to the proper Department our defenceless state.

But it had been said, that the troops at Salisbury had been under marching orders ever since August last, and that the General Government had therefore good reason to suppose the troops were then on their march and had left the State. Mr. M. believed he was not incorrect in stating that it was the duty of the Commanding Officer to make weekly returns to the War Department, so that it is not possible that the Government should be ignorant of the situation of these men. He believed the first to be, that though the troops were under marching orders, their place of destination was unknown. The committee thought, therefore, that the State had good reason to complain that these troops were withdrawn from us, at the moment that a probable attack by the enemy upon the Southern States was made known. In plain language, what does the intimation of the General Government amount to?

It is this, "The enemy has sailed from Halifax; the southern states are supposed to be their destination; but though danger is approaching you, we will withdraw our troops from you, and leave you to shift as well as you can for yourselves."

Mr. M. in conclusion, said he had endeavored to answer the objections which the gentleman from Edgecomb had brought against the Report. He hoped he had shewn that the facts contained in the Report are correct; and being so, he asked what reason could be assigned why the people of North Carolina should not know them. It is, said he, because Gentlemen are afraid that this Report will develop something that will give disquietude to them, and produce dissatisfaction. But let the truth be told. Shall half a million of people not be told of the danger of their situation, lest the persons who administer the Government should be offended? If, said he, we are come to this, we are in a state of humiliation which he never expected to see.

Suppose, said Mr. M. the Enemy should land on our coast, and the detached Militia should be again called out, have they not a right to know now it is that the requisition is made upon them? Have they not a right to know that it is the duty of the General Government to defend them; but that failing to do so, the citizens of North Carolina are left to depend upon themselves alone.

Shall we be always afraid to speak the truth as a State, from a punctilious regard to the President of the United States, on any other part of the Government? If, said he, we wish to have our rights respected; to have our State hold its proper weight in the Union, we must entertain and express, on all proper occasions, a just sense of our rights and a determination to support them. This question has nothing to do with the unhappy disputes which divide us on party-politics: It is a matter between the U. States and this State. It is, whether we have not the right to demand protection, to remonstrate if it be withheld. Believing the Report to contain a true exposition of our situation, he hoped the motion for an indefinite postponement would not prevail.

[Debate to be continued.]

LEGISLATURE OF SOUTH CAROLINA.

The following extracts from the Message of the Governor at the opening of the Legislature on the 23d ult. are worthy of attention.

"To institute measures of defence, and to direct the energies of the nation in such manner as shall produce upon the enemy the strongest impression, (says he) belongs exclusively to the General Government. The preparations, however, which shall be considered necessary to the better security of our coast, as they cannot fail to be deeply interesting to us, so they will doubtless obtain from you all the attention they deserve. Every thing, it is believed, which depended upon the Executive has been done. Purchases of arms and the munitions of war, to the full extent of the appropriations subject to the control of this Department, have been either actually made, or contracted for: the General Staff has been organized; the militia have been so classed that, should occasion require, any number of regiments can be gotten into the field without delay; and such military positions as were deemed requisite, have been directed to be occupied. The extension, or contraction, of these plans of defence will, of course, be determined by the appropriations which you shall think proper to make.

"In inviting your attention to our militia system, the subject has been so often under your review, it is scarcely necessary to remind you of its defects. A general revision of it is strongly recommended. In doing this, the necessity of rendering more frequent, at the discretion of the commanding officers, musters by companies, battalions, regiments, and brigades, and also of making at least annual, instead of biennial, the enlistment of the officers of each brigade, will not fail to present itself. I suggest to you also the policy of increasing the number of our divisions. While these are, at present, so few that, in the event of our troops acting in conjunction with those either of the U. States or a sister State, our general officers must almost invariably be overtrunked; they are so large and embrace such an extent of territory, that the command of

them is not only inconvenient but burdensome.

"It is not in the military system only that you will find room for improvement. Our penal code calls loudly for correction. To adapt laws to the character of the people for whom they are intended is the first maxim of the Legislator. The political institutions derived from our ancestors, have been long since liberalized and improved: Let us not continue to outrage the feelings of our countrymen by retaining the barbarous and unequal system of punishment, derived from the same source. That punishment should be proportioned to crime, is the language not only of humanity but justice. In a code, however, where the *ultima supplicium* is allotted to not less than 165 offences, the idea of observing this proportion is idle. Let me earnestly recommend to you then, a substitute for the punishment of death, imprisonment and hard labor. Penitentiaries have been established in so many of our sister states; that the superior efficacy of this species of punishment is no longer theoretical, but demonstrated by experience. It is urged therefore with the more confidence for your adoption."

THE WAR.

Extract of a letter from Maj. Gen. Wilkinson to the Secretary of War, dated Head Quarters, French Mills, adjoining the Province of Lower Canada, Nov. 16h, 1813.

"You have under cover a summary abstract of the killed and wounded in the affair of the 11th inst. which shall soon be followed by a particular return, in which a just regard will be paid to individual merits. The dead rest in honor, and the wounded bled for their country and deserve its gratitude."

List of the Officers killed and wounded in the action at Williamsburg in Upper Canada on the 14th of Nov. 1813, viz.

- KILLED.
 - Lieut. Wm. W. Smith of the Light Artillery.
 - David Hunter of the 12th Regt. Inf.
 - Edward Olmstead, 16th Regt. Inf.
- WOUNDED.
 - Brig. Gen. Leonard Covington, mortally (since dead)
 - Major Talbot Chambers, Assist. Adj. Gen. (slightly)
 - Major Darby Noon, Aid-de-camp to Brig. Gen. Swartout, slightly.
 - Col. James P. Preston, of the 23d Regt. Inf. severely. His right thigh fractured.
 - Major Wm. Cummings, 8th Regt. Severely.
 - Capt. Edmund Foster 9th do. slightly.
 - David S. Townsend, do. do. (taken prisoner)
 - Mordecai Myers, 15th do. severely.
 - John Campbell, do do. slightly.
 - John B. Murdock, 25th do. do.
 - Lieut. Wm. S. Heaton, 11th do. severely.
 - John Williams, 13th do. slightly.
 - John Lynch, 14th do. severely.
 - (taken prisoner)
 - Peter Pellam, 21st do. do.
 - (taken prisoner.)
 - James D. Brown, 23th do. slightly.
 - Arnold H. Cray, do. do. severely.

OFFICIAL ACCOUNTS.

New York, Nov. 29. The following important documents were yesterday received by the Care of Neptune steam boat.

Gen. Harrison was a passenger in the steam boat, having left his army in winter quarters at Sackett's Harbor. Gen'l Armstrong was a passenger in the steam boat as far as Red Hook.

Comm. Chambee, with his fleet, having brought over Gen. Harrison's army, will, it is said, lay up his vessels for the winter at Sackett's Harbor.

ALBANY ARGUS EXTRA.

Saturday morn. Nov. 27. Official correspondence from Gen. Wilkinson to the Secretary of War.

Head quarters, French Mills, adjoining the province of Lower Canada, Nov. 16, 1813.

Sir—I beg leave to refer you to the journal which accompanies this letter for the particulars of the movements of the corps under my command down the St. Lawrence, and will endeavor to exert my endeavored mind to detail to you the more striking and important incidents which have ensued my departure from Grenadier Island, at the foot of Lake Ontario, on the 3d inst.

The corps of the enemy from Kingston, which followed me, hung to my rear, and in concert with a heavy galley and a few gun boats, seemed determined to retard my progress. I was tempted to halt, turn about and put an end to his teasing; but alas! I was confined to my bed; Maj. Gen. Lewis was too ill for any active exertion; and above all I did not dare suffer myself to be diverted a single day from the prosecution of the views of government. I had written Maj. Gen. Hampton on the 6th inst. by his adjt. Gen. Col. King, and