

FOREIGN.

LATEST FROM EUROPE.

New-York, May 26.

The ship Thames, Capt. Marshall, arrived this day from Liverpool. She sailed on the 18th of April. The Editors of the N. York Daily Advertiser have received by this vessel London papers to the 15th, London shippings to the 16th, and Liverpool papers to the 18th of April, all inclusive. It appears from a second edition of the True Briton, of Saturday evening, the 18th of April, that the story of the assassination of Riego, and the royal family of Spain, was not believed, and we learn from the same paper that the Emperor of Russia has left the dispute between Russia and Turkey to be settled by Austria and England, and that the French funds had risen 2 per cent. in consequence of this intelligence.

Mr. Lea, the Minister Plenipotentiary from the Colombian Republic, residing at Paris, has given in to the European governments residing in that capital, a demand of the immediate recognition of Colombia, as a free and independent state.

The Lady Popham, from Jamaica for London, with specie, &c. valued at 170,000L sterling, is supposed to be lost. Policies were effected at Lloyd's on the 12th of April, at 15 per cent.

Disturbances still continue in various parts of Spain. The principal rioters are found among the students of the University.

Accounts from the frontiers of Moldavia of the 14th March, state that 580 houses were destroyed by fire on the night of the 9th of March. The other houses had been so devastated by the Turks, that the city resembled a heap of ruins. The Janissaries in Jassy were accused of having been the cause of the fire, and got into a quarrel with the other troops (Tilmes,) so that a sharp conflict ensued, which was not over on the 11th. The Janissaries fought with great fury in the streets—the Tilmes defended themselves in the houses, by which 100 of the inhabitants were killed the first day. Of the Janissaries 180 men were killed and 80 wounded.

Up to the evening of the 17th of April, no intelligence of actual hostilities having taken place between Russia and Turkey had been received in London. It was, however, reported that thousands had fallen in the field on both sides. Speculators still held out an idea of the possibility of an amicable arrangement taking place between the contending parties, but it was not entitled to credit.

The storms in the North Seas during the last winter have been extremely violent, and attended with melancholy events. The number of persons who perished on the coast of Jutland, are estimated at 1500. Among the vessels lost is one that had on board a valuable collection of Egyptian antiquities, belonging to a Russian general. A few light chests floated ashore in the Dutchy of Bremen. They contained mummies, & the peasants who opened them, terrified at the sight of the dead bodies, immediately buried them. They have since been taken up and delivered to the Prussian authorities.

STILL LATER.

Charleston, May 31.

By the ship Emily, Capt. Babcock, arrived at Savannah in 27 days from Liverpool, we have files of London papers to the 27th, and Liverpool papers to the 28th April.

The London Morning Chronicle of the 26th April, is nearly filled with a debate of the preceding evening, upon Lord John Russell's motion for "Parliamentary Reform." The speech of his lordship was pronounced to be a masterly performance. On dividing, the votes were—in favor of Reform, 164; against it, 269.

Hostilities had not yet commenced between Russia and Turkey.

The Marquis of Hastings has been appointed Ambassador to Austria.

The Spanish Cortes were engaged on the 14th of April in discussing the future commercial relations between Portugal and Brazil. Not one word about South-American affairs.

It is stated that the late note of the Reis Effendi to the English and Austrian ambassadors, was a forgery to depress the funds.

There have been some disturbances in Madrid. Many outrages were committed by the troops in garrison there, on the 12th April. They ran in armed detachments through the principal streets, insulting the inhabitants, and shouting "Riego forever! Death to the Serviles of Navarre!"

Letters from Lisbon announce that Brazil has declared itself independent, and that the Prince Regent has been nominated Emperor.

Disastrous!—The packet ship Albion, which sailed from New-York on the 1st of April last for Liverpool, was lost on the 23d April, on the coast of Ireland, near the old head of Kinsale.

The following is a list of passengers who went out in the Albion:

General Count Lefebvre Desnoettes, and nephew, of Paris; Mr. Le Mercier, of New Orleans; Mrs. Garnier and son, and Mrs. Pye, of New-York; Miss Powell, of Canada; Major Gough, of the British Army; William Proctor, William H. Dwight, and G. W. Baynor, of New-York; Philotine Delpla, and Victor Molissent, of Paris; G. H. Clark, and lady, of Albany; Col. Prevost, A. M. Fisher, of Yale College; G. Hill, John Gorre, of N. Carolina; William Overbart, of Pennsylvania; and A. B. Converse and N. Ross, both from Troy.

All the passengers perished but two, and of the crew only seven were saved. These clung to the quarter deck, which was washed ashore under an immense high cliff, and were preserved by the exertions of the people present. Capt. Williams is among the drowned. One of the Albion's Letter-bags had been washed ashore, which contained draughts to a large amount, among which was one upon the house of James Brown & Co. for 22,000L. Many of the letters and bills had been dried and thereby rendered legible; but others were so mutilated that they could not be deciphered. We learn also that she had a considerable quantity of Specie on board, which we presume, must have been totally lost.

A meeting of the merchants, ship owners, and manufacturers, was held in London on the 23d ult. to consider the means of establishing a beneficial intercourse with the South Americans, formerly under the dominion of Spain. Resolutions and a memorial to the Privy Council were unanimously agreed to on this subject, with a recommendation that the vessels of those newly established countries, may be admitted in the same manner as the ships of the United States, in consequence of our recognition of the independence of those nations.

The Editor of the Courier speaks of the probable injury which the commerce of Great Britain will sustain by their opening the West Indies to the vessels of the U. States. He says we shall extort from them an employment and maintenance for sailors, to the exclusion of English seamen; while possessors of the Floridas we will, in the next war, annihilate their West India commerce, and force their islands to throw themselves under our protection, and thus sap the foundation of their naval greatness. He adds, "reference is made to the harmless consequences of having permitted the Americans to trade to our East Indian possessions. But this was done during a war. Peace brings a different state of things. We may bitterly repent having allowed the Americans to engross so much of the carrying trade to India. If the U. States persecute our West Indians, it may be wise to exclude them from our East India trade, that they may feel they have something to lose in a commercial contest with us."

LATE FROM VERA CRUZ.

New-York, May 29.

The schooner F. C. Graff, arrived yesterday in 30 days from Vera Cruz, via Havana. She sailed from the former port on the 27th ult. and we learn from Capt. Naghel that that port was shut against foreign vessels. Several American vessels, among them the schooner Highlander, of Baltimore, had arrived off the harbor, but were ordered off. The U. S. brig Enterprise, Captain Kearney, arrived there on the 19th, from a cruise, all well. The U. S. schooner Shark arrived on the 23d, having in charge the ship Calpe, of New-Orleans, in distress, with six feet water in her hold. The Calpe was at Tampico, waiting her passengers, the captain on shore; experienced a violent gale, and was blown off to sea; and was fortunately fallen in with by the Shark and brought in. She was not allowed to go into port, but was obliged to anchor off the harbor. The schooner Lawrence, of Baltimore, lying in port, was driven ashore in the same gale, but was expected to be got off the day Captain N. sailed.

The F. C. Graff sailed from Havana on the 19th inst. under convoy (as far as the Florida shore) of the U. S. schr. Grampus, and seven sail of merchant vessels for Europe and Eastern ports.

From the National Intelligencer.

TO THE EDITORS.

GENTLEMEN: I have just read the report of the military committee of the Senate, on the re-nominations of colonels Towson and Gadsden. The Senate having refused to confirm these appointments, the question is settled as to them. There are, however, points in the report, involving general principles, affecting, indeed, the organization of the government, on which it may, perhaps, be well to bestow a little further attention.

I will premise that I feel as much respect for the Senate of the United States, as any other citizen whatever. That body has very generally been distinguished for sound discretion, the accompaniment of grave deliberation. Whether it has been, by extraneous and adventitious causes, pushed from that high character, in the instance in question, is my immediate purpose to inquire.

It will be conceded, I apprehend, that the different branches of the government, coordinate and associate, owe a certain degree of comity and respect to each other; and that

neither ought to attribute to another corrupt motives, or improper conduct, except on the fullest evidence and deliberation. Now that the report of the Senate violates this dignity and courtesy, in respect to the chief magistrate of the Union, or, what is the same thing, through him to the war department, will, I think, be clearly seen in the following quoted passages.

Animadverting on the transfer of Lieut. Col. Lindsay, that report states: "During the last session of Congress, the book of regulations was printed, and each member furnished with a copy. By comparing the 75th article in this book with the same article in the book lately printed for the use of the army, it will be found that the exception relied upon by the President is an interpolation."

Again, in reference to the office of adjutant general, to which Atkinson was arranged in May 1821, and to which Gadsden was afterwards appointed, the report states: "When it was known, positively, that Gen. Atkinson would not accept this office, why was he arranged to it? This arrangement was nominal, and could not have the effect of evading the law, or creating a vacancy which did not exist. And the committee are of opinion, that the tender of this office to Gen. Atkinson, with a knowledge that he would not accept, did not create a vacancy."

We have, in these quotations, 1st. the charge of altering the law, with a view to cover an act otherwise illegal; 2d. the making a sham arrangement of Gen. Atkinson, in order, afterwards, to bring in another officer by that stratagem. Yet the documents ordered to be printed by the Senate, received, it is true, after the report was written, clearly disprove both accusations. See the deposition of Gen. Scott, and the letter of General Smyth to him, on the first point; and the letter of Gen. Scott to the Secretary of War, on the second point.

Had the committee of the Senate reposed a reasonable confidence in a co-ordinate branch of the government, these grave accusations, now proved to be unjust, would not have been hazarded. Are the people prepared to justify political hostility, pushed to such an extreme? Better would it be to choose the next President by lottery than to approve of such an act of injustice and indecorum!

The report appears to me to be, moreover, exceedingly inaccurate in its principle and reasonings. Speaking of the inspectors general, it says, "one of them, Col. Wool, is in the service without, and the other, Col. Archer, with lineal rank. This arrangement is calculated to produce great sensibility among the officers of the army, and to embarrass the service."

Col. Wool's station in the army did not require confirmation; and it is presumed, that it was not intended by the President, that Col. Archer should hold his captaincy in the line, after his staff appointment was approved by the Senate. His continuing to do so, in the mean time, is merely to prevent embarrassments. Nor will the lieutenant below either lose rank or pay thereby. When promoted, both his rank and pay will retrospect to the period of Archer's appointment to the staff, according to the uniform practice in ordinary promotions. There is the less objection to this, because the lieutenant is now presumed to be doing the duties of Captain Archer, and because the pay of the latter, as captain, ceased from the moment he was appointed colonel. It may further be remarked, that in this case, the lieutenant Spotts, having the rank of captain by brevet, won at New-Orleans, he has not even lost, in the mean time the title which Archer's former place gave to the holder.

The sympathy here expressed, and the more inflammatory tone of the other parts of the report, equally founded on misconception, are well calculated to disseminate dissatisfaction throughout the army, and to draw it from its constitutional obedience to the commander in chief of the land and naval forces; in fact, to render the former a parliamentary army. However contemptible its present numerical strength, the policy and right of such a course may well be questioned.

The report complains that the message of the President "does not furnish the rule whereby Col. Towson was translated from the pay department to the command of a regiment." In another part of the report it is said, "Congress have fixed the rule in promotions and appointments." The following are the words of that rule: "The Executive will fill original vacancies, when created, by selection; accidental vacancies, below the rank of brigadier-general, by promotion, and according to seniority, except in extraordinary cases."

This "rule" was, in fact, re-enacted 2d of March, 1821, by the very act which created the "original vacancy" to which Col. Towson was appointed. It remains only to give a little attention to the meaning of the terms used, and to the practice under them: for the rule is of a long standing in our army, and perfectly familiar to perhaps every officer in it.

By the term "original vacancy" is universally understood a place in the army created by law, and which has not been filled. Once filled, and the next day vacant, from any cause whatever, it falls under the denomination of an "accidental vacancy," and must be next filled by promotion; that is, by the next in seniority below, "except in extraordinary cases," which have but rarely occurred. The word promotion is, by the rule, placed in strong opposition to selection, by which original vacancies are filled; that is, the selection of any individual, in or out of the army, at the discretion of the President. Thus, the regiment of light artillery, raised in 1808, had all its officers appointed in that year, except the lieutenant colonel and colonel.—These two places remained "original vacancies" nearly four years, and were then filled by "selection," and not by "promotion."—Capt. Fenwick, of the marines, was selected for the lieutenant colonelcy, and Maj. Porter, of a different line, selected for the colonelcy. Again: The 20th regiment of infantry was raised and organized in 1812, with the exception of the highest place in it. That remained vacant more than a year, when a citizen from private life was selected to fill it, who actually afterwards commanded several old officers, who had made two campaigns, but whose commissions, as full colonels by promotion, were six days junior to that of the colonel of the 20th infantry. The present governor of Virginia was the colonel of the 20th regiment, and the present generals Scott and Gaines were the juniors, by the six days alluded to. So of the 8th regiment of infantry: one of the majorities in it remained an "original vacancy" for the same period as above, and was then filled by selection, and given to the present Col. Cumming of Georgia, not before in the army. It may be said that the foregoing, and many others which might be cited, were hard cases. They were, nevertheless, founded on law (the rule

above quoted) and therefore submitted to without murmur in the ranks, or memorial to the Senate.

But it is contended that the 12th section of the act of second of March, 1821, deprived the President of the right of selection under the rule above cited. This was indeed strange! We have seen that the same law that created the "original vacancy" in question, re-enacted the rule applicable thereto, and that the report itself, in another place, for a different purpose to be sure—I allude to the inflammatory part of the report—strongly confronts the President with the fact, that "Congress have fixed the rule in promotions and appointments."

But, to show that the ingenuity thrown around this subject by the report may be disentangled throughout, I will meet another of its arguments, viz: that the President, by the 12th section of the act, was confined, in his right of selection, even for original vacancies, to the corps of the army, and that "the pay department" was not one of those corps. Now it would be sufficient to say as above, that the 14th section of the same act, which re-establishes the above rule, qualifies the 12th section, and renders it nugatory on this point; and further, that as the 12th section imposes a restriction on the President's constitutional right to nominate to office, over and above that contained in the rule respecting appointments and promotions, which rule is itself rather in the nature of advice, or notice to the army, than law, the said section may fairly be thrown out of the present discussion. But I have promised to show, it so happens, that the appointment of Col. Towson was, in fact, in strict conformity to the 12th section. The pay department was, and is, one of the corps of the army. It was and is a staff corps. Among the officers composing it, there have always been gradation and subordination. The juniors obey the seniors within the corps; and the youngest member in it, as a commissioned officer, all paymasters being commissioned officers even without rank in the line, may command all enlisted men, not only by the custom of the service, but expressly by general regulation. See art. 2, par. 5, also approved by the law in question. This article further establishes the principle of subordination among the paymasters.—Staff corps is a term as common in our own and in other armies, as corps of infantry and corps of riflemen. It simply means a corps of officers without troops; a corps of officers who do not do their duty in body, but singly, or by detachment; in short, a corps of officers who habitually do not exercise a direct command over troops. Such was the late "ordnance department," improperly enumerated in the report as one of the "eleven regiments," and such, among others, is the present "corps of engineers."

According to the report, "waggon masters" are enumerated with paymasters as "non-combatants;" yet, during the late war, "waggon masters" and drivers were familiarly and officially styled, in orders, a staff corps; so, in any British army list, the same persons are styled a "staff corps." The omission of the words "of troops," after the word "corps," in the section under consideration, is, therefore, entitled to all the weight given to the circumstance by the President. That section is otherwise copied verbatim from the act of 1815, for the reduction of that year. The omission was manifestly made in order to reject the distinction between "corps of troops" and "staff corps," and to let in the individuals of the latter, under a sound discretion, to the right of selection and arrangement, at the reduction of 1821. How else, for example, could the officers of the ordnance department, however pre-eminent in merit, have been saved under the act of 1815, except perhaps four captains who were provided for as ordnance officers? It is no objection to this view of the question, that the President might have nominated a military storekeeper without talents or experience, for example, to a high command in the reduced army. In that he would not have exercised a sound discretion. But who is colonel Towson? Can his short stay in a civil staff corps, if you will, have destroyed his historical identity? Where is the individual who has not heard of his prowess in war? And who is the general who will march against a foreign enemy, without calling out loudly for the benefit of his talents, his courage and experience? If, then, his nomination or appointment be legal, as has been clearly shown, his universally acknowledged merits ought to have settled the question.

"When it is remembered that, before the passage of the act, there were eleven regiments, and the same number were retained by the act, it is a fair presumption, that all the colonels, lieutenant colonels, and majors were intended to be retained." It would be difficult to find, in any piece of loose declamation, at a town or county meeting, a greater number of palpable errors than are embraced in the above short passage, quoted from a report adopted by the grave Senate of the United States. Yet these and numerous similar misconceptions are the coloring matter of the report, by which an associate branch of the government is arraigned, discredited and defeated.

First, then, to make good assertions, there were not, before the passage of the act, "eleven regiments." The "ordnance department," so expressly styled by law, was not a regiment; it had none of the essential properties of a regiment. The officers served by detachment. The department was without rank and file. It had in its service only a few mechanics and laborers, "non-combatants," in the language of the report. It was, in fact, a staff corps; and, but for the omission "of troops," after the word "corps," in the 12th section of the act, as is above noticed, only four officers of this corps could have been retained at the late reduction.

2d. But, whether it was a regiment or not, it is not a "fair presumption" that all the lieutenant colonels were intended to be retained. With the ordnance department, there were, before the late reduction, 15 lieutenant colonels; without that department, 14. The act of the 2d of March, 1821, provides for but 11.

3d. With the ordnance department, there were, before the reduction, 16 majors; without it, 14; and the act provides for but 11. Therefore, all the old lieutenant colonels and majors could not have been retained, "the fair presumption" of the report to the contrary notwithstanding.

Besides the three formal and palpable errors thus established against the above extract from the report, there is another which deserves equal notice. The construction contended for by the committee would have legislated in, or have compelled the President to keep in service, one full colonel, who was under sentence of a five years' suspension, whose services, therefore, could not, consistently with other policy or justice, have

been available in that time. But it has already been shown, that, of the eleven full colonels provided for by the act, four of them were original vacancies, and only seven to be filled by arrangement. The President had a right, therefore, to disarrange four of the old colonels, and to appoint an equal number to the new places created by the act. But, in fact, he only disarranged three. There was nothing to defeat what the report calls "the great object of the act, to reduce and not to increase."

Razeeing. This was done in 1815 and 1821, as well as in the revolutionary war, under the 61st art. of war, and which, borrowed from the British, is as old in our code as 1776.

This article, which is still in force, does not relate exclusively to brevets, conferred, as under the acts of 1812 and 1818, commonly called the brevet laws. The language of the article is "officers having brevets or commissions of a prior date," and again, "brevets, or dates of a former commission;" manifestly providing for the case of an officer who goes back to the rank and date of a former commission. The complaint of the report under this head is the more remarkable, as just before it was written the Senate had consented to razee Macomb, Atkinson and Daliba.

In opposing the nomination of Col. Gadsden as Adjutant General of the army, under the act of the 2d of March, 1821, the report has committed another error, that deserves a passing notice. By the act of the third of March, 1815, two major generals were provided for, and who were not restricted to geographical divisions or districts; and by the act of the 24th of April, 1816, two adjutant generals were provided for, who were expressly so restricted. "The two cases, says the report, are precisely similar, perfectly analogous." Yet the two acts here cited, if the committee had taken the trouble to consult them, would have shown an essential difference, and have further shown that adjutant general of the army is not precisely the same thing with adjutant general of a division. Positive law destroyed their identity.

I cannot close this examination without expressing my regret, that there should have been "induced a suspicion of an arrangement of his motives," "on the part of the Senate, towards the chief magistrate of the nation;" and that it was not found practicable at the late reduction of the army, to provide, in a manner more adequate to their worth, for the highly distinguished and meritorious officers, Colonels Hindman, Eustis, and Jones, whose claims, equally felt by the President, the army, and the nation, no doubt principally called forth the sympathy of the Senate. But, in respect to them, as well as those who were advanced, I shall say, in the terms of my signature,

FIAT JUSTITIA.

PEWS FOR SALE.

THERE being a balance still due to the State Bank for monies borrowed for erecting a Presbyterian Church in Raleigh, the Proprietors have resolved to sell at Auction, on Monday next, 12 Pews on the lower Floor, and 26 in the Galleries of said Church, and also that part of the Lot which is excluded from the Enclosure, for the purpose of discharging the balance so due. The Sale will take place at the Church, and will commence at 9 o'clock in the morning. The terms will be made known at the time of sale.

It

Raleigh, June 6, 1822.

JOS. ROSS & THOMAS G. SCOTT'S.

HAVE this day entered into Partnership as COMMISSION MERCHANTS, under the Firm of ROSS & SCOTT. They solicit the patronage of their Friends and the Public, which they hope to deserve by their punctuality and attention to the interest of their employers.

THEY HAVE ON HAND

Fresh Muscatel & Bloom Raisins, in boxes, Vin de Grave (Wine), Lump Sugar, Hyson Tea, Lime Juice, Shaving Soap, Tumblers Dry Goods, Silk Bonnets, Hardware, 4, 5, 6, 8, 10, 12, 20, 30 penny Cut Nails, 6, 8, 10, 12, 20 penny ditto Brads, 6, 8, 10 penny Wrought Nails, Wood Screws and Springs of all sizes.

They have also on hand, 1 elegant Sofa, 1 Mahogany China Press, 1 do. Sideboard, 1 large Walnut Dining Table, 1 Crub. All which they will sell at reduced prices for Cash.

THE AUCTION BUSINESS

Will be continued by JOSEPH ROSS, assisted by Mr. SCOTT, in which the same attention and punctuality will be observed.

Raleigh, June 1, 1822.

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Paper Mill, Saw and Grist Mill and Crushing Machine,

ON CRABTREE, NEAR RALEIGH.

THE above Mills being now in complete operation, the Proprietor requests good Housekeepers throughout the State, to lay aside for the use of his Paper Mill every piece of useless Rag, & send them, as they accumulate, to Merchants who will receive them, (of which there are a number in different parts of the State) or hand them to some poor person who makes a living by collecting materials for the Mill, or send them to his Bookstore in Raleigh; as, from the improved and enlarged construction of his present establishment, a greater quantity of this essential article will be required than formerly.

Persons wanting Plank and Lumber of any description, will be furnished immediately, on short notice, by leaving their orders at J. Gales's Bookstore; and the neighbouring Farmers who have Lumber, which they wish to have sawed on Shares, will be accommodated.

The Grist Mill being in fine order (with a good Bolting Cloth) and a careful Miller provided, Families who may send their Grist to this Mill may rely on its being well and expeditiously ground. And having erected an excellent Rock Dam, it is presumed there will be no want of water in the driest times.

The crushing of the Cob with the Corn having been found to be not only a great saving, but to furnish a more wholesome food for Horses than feeding them with Corn alone, it is presumed the Crushing Machine will be considered an acceptable addition to this Establishment. Such as may wish it, may have their crushed Corn and Cobs put through the Grist Mill also.

A good Road having been opened to the Mills on the South side of the Creek, the Waggon Road from town is thereby shortened and greatly improved.

J. GALES.

June 5.

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BLANKS

For sale at this Office.