(Concluded from last page.)

George W. Erving was appointed in the year 1801 by Mr. Jefferson consul for the port of London; to which office was annexed the *law agency*, held before by Mr. Williams, the *commercial agency* held by Mr. Cabot and the *agency for the protection of seamen* held by Mr. Lenox: for which several offices he received only 2000 dollars a year, although the gentlemen who filled them before received together eight thousand five hundred dollars a year.

Mr. Jefferson, appreciating justly Mr. Erving's talents, and being well aware that 2000 dollars was no reward for his services; that sum not being sufficient to bear his expences in London, he gave him the appointment of assessor to the board of commissioners then sitting in London under the 7th art. of the British treaty.

On Mr. Erving's arrival in London, the board of commissioners refused to receive him as their assessor, and insisted on their right to appoint their own assessor; which they did accordingly by naming another person with a salary of 1500 dollars per annum, and an appropriate commission out of certain claims, which commission is said to have amounted to 24,000 dollars.

The progress of the public business being threatened with serious consequences from a contention which now arose between the assessor appointed by the President and the one appointed by the board, Mr. Erving, animated by that desire for the dispatch of public business which so much distinguishes him, withdrew his pretensions and contented himself with stating the affair to the President, throwing himself on his justice for such remuneration as he might think was due to him, representing at the same time that he was then in the discharge of functions becoming every day more arduous and important and for which his predecessors received 8500 dollars annually.

The late president in consequence of these representations ordered Mr. Madison, then Secretary of State, to say to Mr. Erving *that the result of his reflection for the moment were* that he might charge 2½ per cent. on all the awards actually received and paid by him, that he might state this item in his account with the public; which would bring the equity of his claim before the government.

Does this look like defrauding the public? Does Mr. Smith intend to insinuate by his remarks on Mr. Madison's letter being a *private* one that any thing unfair was meant either by him or Mr. Jefferson? Such an insinuation would be absurd as base. The letter was a *private* answer to a *private* letter and could not possibly have any concealed effect, because it could have no effect, but as a public voucher. There was every probability also that this affair would be brought to a final settlement during Mr. Jefferson's administration (the letter of Mr. Madison being dated in 1804) in which case the decision of Mr. Jefferson and not this letter would have been the authority for the allowance.

Thus it is seen, to the eternal disgrace of Mr. Smith, that the remuneration of two and a half per cent. amounting to 22,392 dollars which Mr. Erving was allowed to charge did not amount to an equivalent for the loss of the assessorship, and that, calculating it even as an additional annual compensation, as Mr. Smith has done, his salary fell short nearly 2000 dollars per annum of what had been allowed his predecessors for performing the same functions.

It is proper here to observe, that all the officers of the Treasury department allow Mr. Erving's accounts to be the most correct and satisfactory of any that have ever been exhibited to that department. This is highly honorable to Mr. Erving, particularly when it is known that upwards of a million and a half of dollars of public money passed through his hands. Those merchants of the United States who were witness to the promptitude and ability with which he brought forward and supported their claims have been uniform in their applause of Mr. Erving; and the board of commissioners, we have been told by one of them within these few days, were highly satisfied with his activity and vigilance; by which alone great sums were saved both to the government and citizens of the U. States. This same gentleman assures us that the business of the board was greatly accelerated by Mr. E. & that the masterly manner in which he classed these claims and pursued them thro' the different stages must have established his reputation with the government, as it did with all those who had recourse to him as a man of *business* of *interigity* and *talents*.

When in the December following that renowned epoch his *accession* to the Department of State, Mr. Smith made the *discovery* so very *distressing* to his feelings, that several American claimants under the British treaty had in vain presented their claims for payment because Mr. Erving had deducted two & a half per cent. from said claims, why did he not pursue his enquiry and discover, what would have relieved his distresses and gratified an honest Secretary of State, *that a great unclaimed surplus, (say 160,000 dollars) still remained in the Treasury* arising from deductions made by order of the board of commissioners from awards generally, for the purpose *of reimbursing to the United States* the expences incurred in the prosecution of these claims. Why could not Mr. Smith *discover* that Mr. Erving, in closing his accounts with the government, had charged this two and a half per cent. to the "award account" instead of charging it to the "expence account," and that in order to adjust this error and render justice to Mr. Erving, to the government and individuals, all, that was wanting was an appropriation authorising this sum of 22.392 dollars to be taken from the "award account and placed to the expence account? Why did he not *discover* that in closing his accounts with the public Mr. Erving notes this item in these words, "Balance remaining in "my hands retained as a commission "of two and half per cent on awards re-"ceived and paid by me, subject how-"ever to the decision of government as "per voucher," which voucher was no other than this indentical private letter of the former Secretary of State? We know how every honest man will answer these questions.

But if this charge of two and a half per cent. was so henious a crime, why did Mr. Erving's accounts pass? Were they not submitted to Mr. Smith, explained to his apparent satisfaction, signed and approved by him and sent to the Treasury, accompanied by a favorable letter?—Did they not pass the Auditor's office, the Comptroller's office, and were they not reported on by Mr. Gallatin to the President and stated by him as "*correct in every respect*," and by the President, on a special call, laid before Congress, and there debated and past? Yet, notwithstanding all this and six months after these accounts have been thus adjusted, Mr. Smith works them into the silly memoirs of his own negativeness for no other purpose than defaming his benefactor, the chief magistrate of the nation, whose stern integrity through a life of public service it was to have been expected no man of common honesty or common decency would have dared to impeach. Mr. Smith knew that Mr. Erving was four thousand miles of, and that the impression could be made to serve his purposes before that gentleman could reply. He did not dream that any person, for the pure love of justice, would take the pains, if he had the sagacity, to hunt up the following documents, which are inserted here, that the iniquity of the Secretary's insinuations might appear in their true colors.

REPORT.

TREASURY DEPARTMENT,
February 8th, 1811.

SIR—I have the honor, in compliance with the resolutions of the Senate of the 7th inst to transmit a copy of the summary statement of George W. Erving's account, in relation to awards under the 7th article of the British treaty. The commission of 2 1 2 per cent. is charged on *l. st.* 217,009 3 9 being the amount actually received by Mr. Erving, on account of claimants who had not appointed any special agent to prosecute their claims and receive the amount. The accounts themselves are voluminous, have passed the offices of the Auditor and Comptroller, and are, as I am informed, correct in every respect.

There is another account rendered by Mr. Erving to the Treasury, for a sum exceeding 55,000 *l. st* and which is not sent, as it is not finally settled, and no commission is charged upon it. That sum consists of deductions made from the awards generally, by direction of the board of commissioners for the benefit of the United States, in order to reimburse them for expenses incurred in the prosecution of the claims. A portion was applied by Mr Erving towards the discharge of the proctor's accounts, for which the United States had become responsible, and a balance exceeding 160,000 dollars was paid by him into the treasury. It was from that fund, which was at the disposal of the President, for defraying the expenses incident to the prosecution of claims, that the compensation allowed to Mr. Erving should have been deducted. But the unexpended balance of that fund having been carried to the surplus fund, a new appropriation is necessary for the purpose of settling the account and of repaying to the award fund, which belongs to individuals, the sum retained by Mr. Erving for the commission above mentioned.

There is no other information at the treasury respecting Mr. Erving's services, but what results from the accounts and from the letter annexed to the enclosed statement.—The services were altogether performed, in conformity with the instructions which he may have received from the Department of State.

I have the honor to be, with the highest respect, sir, your obedient servant,

ALBERT GALLATIN.

The President of the United States.

LETTER.

Washington, Nov. 25, 1810.

To Robert Smith, Secretary of State.

SIR—It appears that the sum of 22,392 dollars, 67 cents, which stands charged upon the "award account" of my agency in London, under the 7th article of the late British treaty, as compensation for my services in that agency, ought to have been charged against, and deducted by me out of that fund which was immediately applicable to the expences incident to the execution of the said 7th article: hence a difficulty in point of form exists in adjusting the said "award account" at the treasury, which renders necessary a reference of the subject to the President, through your department.

As all the business under the said treaty was concluded previous to your coming into the department of state, and this special matter cannot therefore be familiar to you, permit me briefly to explain how this necessity has arisen.

The per centage of 2½, which makes up the sum of $22,392 67, charged as is above mentioned, was so charged by authorisation of the then secretary of state, given in consequence of a representation made by me in the year 1804. At that time, and during the whole period of my service in England, I held, by appointment of the President, three several offices of very great trust and responsibility, independent of the consulate of London, viz. 1st, the "law agency" of claims under the treaty; this had been previously held by Mr. Williams, at a salary of 2,500 dollars per annum—2dly, the "commercial agency," under the same treaty, held by Mr. Cabot, at a salary of 2,500 dollars per annum—and 3dly, the agency for obtaining the discharge of seamen from the British navy, called "agency for the relief and protection of seamen," held by Mr. Lenox, at a salary of 3,000 dollars (or $3,500) per annum; of the whole of these salaries, making 8,000 dollars (or $8,500) per annum, I received only 2,000 *dollars!* per annum; to the claimants under the treaty, I did not charge any commission—nor did I derive one cent of profit, in any shape or form, from the large sums of public and private monies which were constantly in my hands; in adjusting the proctor's accounts, I saved large sums of money to government; these, together with the sums which I obtained from the boards of commissioners, enabled me to reimburse, to a great extent, if not wholly, the expences which the United States had incurred under the 7th article of the treaty.

The important and profitable office of "assessor" to the board of commissioners had been also conferred upon me by the President, and this had been intended as a part of my compensation; but the board having asserted a right of appointing its own "assessor," a conflict hence arose, which embarrassed the progress of the public business, and menaced very mischievous consequences; on this account I withdrew my pretentions, and the President acquiesced in those of the board. I cannot estimate that assessorship to have produced less than 6,000 *guineas* over and above the salary of 1,500 *dollars* per annum which was attached to it!

All these matters having been fully submitted to the secretary of state, in my representation abovementioned, and by him laid before the President, the President determined to allow me a suitable compensation; by his order, the secretary of state wrote to me in the month of November, 1804, the authorisation before adverted to, which was in these words:

"Your observations on the reasonableness of some remuneration for your services have, as you wished, been submitted to the President. The result of his reflections for the present is, that I should suggest that you retain out of the next instalment, in its passage through your hands to the Barings, a percentage of 2½ on the awards ACTUALLY *received*, and to be received by you: and that you state it as an item in your account with the public. This will bring the equity of your claim regularly before the government, and will leave the way open for the choice of modes and funds, as may finally appear most proper."

The commission of 2½ per cent. herein allowed, as you will perceive, was not chargeable on all the awards made by the board of commissioners, but only on that portion of them, wherein I had been made *payee*; which reduced it in fact to a commission upon about one-third of the business which I did at the board; a commission to that extent, however, would have been a full compensation for the loss of the assessorship; but desirous of adhering to the strict letter of the secretary of state's instructions, I deducted only on that portion of the awards made payable to me, on which I annually received *payment* from the British government, which I suppose was only about two thirds of the awards in which I was made payee, one-third of them having been previously transferred by me to the private agents of the respective awarders; so that in effect I had not more than about ½ per cent. on the business which I did at the board of commissoners, (not to mention that which was done in the court of admiralty.) Thus this commission now stands charged (pursuant to the strict letter of the instruction) against the awards on which *I received payment* of the English government, in what is called the "award account;" though as it was in fact a compensation for the whole business transacted at the board, it might with propriety have been, and probably it should have been, deducted out of the sum of 160,000 dollars paid by me into the treasury, upon what was called the "spoliation account." As the case stands, there has been carried to the public credit from the last mentioned account too much, by the amount of the commission; that fund of 160,000 dollars owes therefore, and should pay back to the "award fund" the same amount.

This is the point now submitted, and on which an explanation to the Secretary of the Treasury, from the Department of State, is requested.

I have the honor to be, sir, with the most perfect consideration and respect, your most obedient serv't.

GEORGE W. ERVING.

And now, Mr. Smith, let us ask you, where did you get the original and duplicate of this private letter of Mr. Madison? Did you at last discover it in the office? Then it was a public document. Did Mr. Madison or Mr. Erving furnish you with a copy, or did you find it annexed to Mr. Erving's account as a public voucher? If you did, it proves that neither Mr. Madison nor Mr. Erving considered it in any other light than as a public document; for Mr. Erving, however incomprehensible it may be to some people, is an officer of too high a sense of honor to divulge *confidential and private communications.*

The Appendix. This is composed of a few extracts of letters, the publication of which will be quite harmless to all the world unless it be to Mr. Smith; and to him they can be no otherwise detrimental, than as a proof of his imbecility in publishing them; for of his laxity of principle in betraying confidence, both public and private, we could not want this additional proof.

He is now a servant out of place.—And while he is offering himself for further service with the usual cry of *who wants me*, he naturally concludes that we shall require *a character* from his last place. Unluckily Mr. Smith, by this confession that he stood in need of a character, and this mode of raking one together, has taken a lower stand in the scale of public estimation than we should have assigned him. We knew indeed his want of capacity; but did not suppose the fact would be put by himself in so glaring a light. What a pity that during his eight or ten years of public service he could not have done some useful thing; some one act that would mark him as a noun substantive, and enable him to stand alone. Ask Mr. Jefferson whether, on his retiring from the same department of state some years ago, *he* thought it necessary to print himself into our good opinion as a man of talents in business, by publishing scraps of old letters from his correspondents? And if he says yes, ask him if they were private and confidential letters not intended for the public eye.

There is one little trick of deception that Mr. Smith attempts to play off upon us in this very act of hunting up a character. The mangled extract of Mr. Jefferson's letter of September 1810, is given us to create the belief that the letter was accompanied by the manscript of a literary work to be corrected and amended for the press. Robert Smith correct the writings of Thomas Jefferson! No, gentle reader: the work in question was an official document intended for publication, to be supported and elucidated probably corrected, by facts deposited in the department of state; of which Mr Smith was then the official and only depositary. He is called upon therefore as a public officer, and not, thank God, as a man of letters.

We intended here to terminate our review of the pamphlet before us. But the accidental naming Mr. S. in connection with literature, recals a remark we had noted on two or three phrases which betray a want of acquaintance with the English language.—He uses this expression more than once—'since my *accession* to the department of state.' The word accession in this sense is only used in the legal stile, and signifies to come to the throne by hereditary succession. But when a man comes *even to a throne* by *election* or *appointment* of other men, or even by *conquest*, it would not be accession. We blame not Mr. Smith for any thing anti-republican in the phrase. His ignorance of language will excuse him from this: it is a mere grammatical blunder.

Another little error of language we will notice in this place, that some of our news paper editors as well as Mr. Smith may take warning; it is the error of using the auxiliary *will*, instead of *shall*, in forming the first person of verbs in the future tense; as in these phrases, "I trust I ever *will* retain a just sense." "Then *will* we have to look for the fact." We should like to hear next of Mr. Smith's *accession* to a bench in a grammar school; in which case the word might apply, as he would come to that throne in his own right.

POSTSCRIPT.

The public is generally amused from time to time with certain ideas that get afloat, and pass current without much examination. Among these we have long noticed the erroneous supposition that the country is unprepared for defence and that the conduct of the executive in this respect is feeble & insufficient.

On the first of these heads we will just observe that the United States in time of peace were never so well prepared for defence as now; though it is confessed that they are not so well as they might be. The number of arms, of cannon and other warlike implements, was never so great as at present; and it is rapidly increasing The army establishment has been augmented, the militia is better organized, armed, uniformed, and disciplined, than heretofore, tho' not so well as it thould be. The fortifications, particularly at New York, are much more formidable than they ever have been. That port, with the means now in operation, may be considered as pretty well secured.

Out little marine force is likewise more efficient than at any period of our history, except during the active preparations agains France in the years 1798 & 9.

On the second head we will say the President has generally, if not in every instance, recommended stronger measures than Congress have adopted; and stronger than any of his predecessoes, except perhaps in the short bustle, above alluded to, in the time of Mr. Adams.

War Department, July 10, 1811.

NOTICE IS HEREBY GIVEN,

THAT seperate proposals will be received at the office of the Secretary for the Department of War, until 12 o'clock at noon of the first Monday in November next, for the supply of all rations that may be required for the use of the United States, from the 1st day of June 1812 inclusive, to the 1st day of June 1813, within the states, territories and districts following, viz.

1st. At Niagara, Detroit, Michilimackinac, Fort Wayne, Chikago and in their immediate vicinities, and at any place or places where troops are or may be stationed, marched or recruited within the territory of Michigan.

2d. At any place or places where troops are or may be stationed, marched or recruited within the states of Kentucky and Tennessee.

3d. At Belle Fontaine, Fort Osage and Belle Vue, and at any place or places where troops are or may be stationed, marched or recruited within the state of Ohio and the Illinois, Indiana and Louisiana territories, except Fort Wayne and Chikago and their immediate vicinities.

4th. At any place or places where troops are or may be stationed, marched or recruited within the Mississippi and Orleans territories and their vicinities.

5th. At any place or places where troops are or may be stationed, marched or recruited within the district of Maine and state of New Hampshire.

6th. At any place or places where troops are or may be stationed, marched or recruited within the state of Vermont.

7th. At any place or places where troops are or may be stationed, marched or recruited within the state of Massachusetts, the town of Springfield excepted.

8th. At any place or places where troops are or may be stationed, marched or recruited within the states of Connecticut & Rhode Island.

9th. At any place or places where troops are or may be stationed, marched or recruited within the state of New York, Niagara and its dependencies excepted.

10th. At any place or places where troops are or may be stationed, marched, or recruited within the state of New Jersey.

11th. At any place or places where troops are or may be stationed, marched, or recruited within the state of Pennsylvania.

12th. At any place or places where troops are or may be stationed, marched or recruited within the states of Maryland, Delaware and the District of Columbia.

13th. At any place or places where troops are or may be stationed, marched or recruited within the state of Virginia.

14th. At any place or places where troops are or may be stationed, marched or recruited within the state of North Carolina.

15th. At any place or places where troops are or may be stationed, marched or recruited within the state of South Carolina.

16th. At Ocmulgee Old Fields, & at any place or places where troops are or may be stationed, marched or recruited within the limits of the state of Georgia.

17. Proposals will also be received, as aforesaid, for the supply of all rations which may be required by the United States, for the troops which are or may be stationed, marched, or recruited within the town of Springfield in the state of Massachusetts: and for the armorers and other persons employed in the United States Armory at that place, from the 1st day of June 1812, inclusive, to the 1st day of June, 1813.

A ration to consist of one pound and one quarter of beef, or three quarters of a pound of salted pork, eighteen ounces of bread or flour, one gill of rum, whiskey or brandy, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations. The prices of the several component parts of the ration shall be specified; but the United States reserve the right of making such alterations in the price of the component parts of the ration aforesaid, as shall make the price of each part thereof bear a just proportion to the proposed price of the whole ration. The rations are to be furnished in such quantities, that there shall at all times, during the term of the proposed contract, be sufficient for the consumption of the troops at Michilimackinac, Detroit, Chikago, Fort Osage and Belle Vue, for six months in advance: and at each of the ports on the western waters, for at least three months in advance, of good and wholesome provisions, if the same shall be required. It is also to be permitted to all and every of the commandants of fortified places or posts, to call for, at seasons when the same can be transported, or at any time in case of urgency, such supplies of like provisions in advance, as in the discretion of the commandant shall be deemed proper.

It is understood that the contractor is to be at the expence and risk of issuing the supplies to the troops, and that all losses sustained by the depredations of the enemy, or by means of the troops of the United States shall be paid by the United States at the price of the articles captured or destroyed as aforesaid, on the deposition of two or more persons of creditable characters, & the certificate of a commissioned officer, stating the circumstances of the loss, and the amount of the articles for which compensation shall be claimed.

The privilege is reserved to the United States of requiring that none of the supplies, which may be furnished under any of the proposed contracts, shall be issued, until the supplies which have been or may be furnished under the contracts now in force, have been consumed; and that a supply in advance may be always required at any of the fixed posts on the sea board, or Indian frontier, not exceeding three months.

W. EUSTIS.

The editors of newspapers who are authorised to publish the laws of the United States are requested to publish the foregoing advertisement twice a week for four successive weeks ——july 13 (25)——8