Cambridge Chronicle

AND

Eastern Shore Advertiser.

CAMBRIDGE, SATURDAY, Aug. 27, 1825.

Printed and Published by

LUTHER MARTIN SCOTT,

N.E. corner of High and Poplar streets.

TERMS.

The Cambridge Chronicle is published at 2 dolls. and 50 cents per annum, payable half yearly in advance.

No Subscription will be received for less than Six Months, and a failure to notify a discontinuance shall be considered as a new engagement.

Advertisements not exceeding a square, inserted 3 times for 1 Dollar, and 25 cents for every subsequent insertion.

In all cases where the number of insertions is not limited, advertisements will be continued until forbid, and charged accordingly.

All Communications addressed to the Editor must come POST PAID, otherwise they will not be attended to.

No paper will be discontinued until all arrearages are paid.

COMMODORE PORTER.

The National Intelligencer, upon the decision of the Naval Court Martial, remarks——"The American people will learn with grief and astonishment that the gallant Porter, he who has so often braved death in every shape, and on every sea, in defence of the rights and honor of his country, has been sentenced to the punishment of a suspension of six months, from a service which his single achievements would have rendered illustrious. That he would have received some censure, on the second charge, we were prepared to hear, because if his quick and sensitive feelings had led him into an error, it was in that he had offended against propriety; but that, for humbling a nest of piratical banditti, and resenting with spirit, yet with moderation, an insult offered by them to his country, in the person of one of its officers——this, we confess, we were not prepared to see.

Copy of that portion of the proceedings of the Court Martial, in the case of Capt. DAVID PORTER, *which contains the finding and sentence of the Court.*

Tuesday, August 9th.—The Court met pursuant to the adjournment of yesterday, present all the members of the Court, and the Judge Advocate. The room being cleared, the residue of the proceedings was read.

The defence not having been transmitted, the Court came to the following resolution:

Resolved by the Court, that this Court has felt, and exhibited a disposition, during the progress of this trial, to allow every indulgence to the accused which the most cautious regard to his feelings and wishes could dictate: That, with this disposition, delays and a course of practice have been submitted to in which the Court has reluctantly acquiesced: That arguments, instead of being prepared, when offered to the Court, in such a state as to be annexed to the record, have, after an ample allowance of time, been delivered orally, and an equal length of time afterwards consumed in committing the same to writing: That in regard to the Defence, after having waited for an unusual period of time, it was, in fact, delivered to the Court orally, and as a written document, it has not been presented to the Court this third day after its public delivery: The Court feels constrained to notice this conduct, which it cannot pass over without an expression of its disapprobation, and has determined that unless the paper is ready by the meeting of the Court tomorrow, the Court will proceed to judgement without it. And it is requested of the Judge Advocate, that a copy of this foregoing resolution be transmitted to the accused this afternoon.

At 3 o'clock, the Court adjourned till 10 o'clock tomorrow morning.

Wednesday, August 10th.—The Court met pursuant to the adjournment of yesterday; present all the members of the Court and the Judge Advocate. The minutes of the proceedings of yesterday were read.

The Judge Advocate stated, that in compliance with the wishes of the Court, he had left a letter directed to Captain Porter, containing a copy of the foregoing resolutions, with the counsel of the accused yesterday; on his return from the Court.

The Defence not having been transmitted, the Court proceeded to deliberate upon the charges, specifications, the evidence that had been submitted and what had been alledged in behalf of the accused; and during the deliberation, the defence upon the first charge was communicated to the Court, annexed and marked (P.) After having carefully and maturely weighed and deliberated upon the matter, the Court is of opinion that the specification of the first charge is fully proved, and does adjudge the accused GUILTY of the first charge.

The Court is also of opinion that the first specification of the second charge is proved in part: That it is fully proved so far as regards the letter the President of the 17th day of April, 1825, and letters to the Secretary of the Navy, of the 30th day of January, the 13th day of April, and the 14th day of June, 1825; each of which the Court conceives to be of the character attributed to them in the said specification; but it does not consider the letter of the 16th day of March, as liable to the same censure, and therefore, so far as regards this last mentioned letter, the Court is of opinion, that this specification is not proved. The Court is also of opinion, that the second third, fourth, and fifth specifications of the second charge are fully proved. The Court is of opinion that the second charge is fully approved, and does, accordingly, adjudge the accused GUILTY of the same.

In deciding upon the first charge, and the specification under it, the Court however, feels itself called upon to ascribe the conduct of the accused, which is deemed censurable, to an anxious disposition on his part to maintain the honor, and advance the interests of the Nation, and of the service.

The Court also thinks proper to state, that in deciding that the third specification is proved, it is of the opinion, that, so far as respects the inaccuracies pointed out by the Judge Advocate, in the paper annexed to the record, and marked No. 15, this specification is fully proved; but the Court sees no reason to believe that the errors and inaccuracies therein indicated, were the result of design or of improper motive: That, with the exception of such errors as have been particularly noted, the publication by the accused of the proceedings of the Court of Inquiry, appears to be a correct transcript of the record.

In forming its opinion upon the fourth specification, the Court is satisfied that the same is fully proved in the following particulars.

In the Advertisement: "By the conduct of the Court to which the subject was referred for investigation, I was driven from its presence, and prevented from making the explanations on which I founded my justification."

"In the *remarks*, p. 24: "I could not consent to defend myself before the Court against any charge whatever, until its legality had been decided by the competent authority;—until I could appear before it on terms of perfect equality with my accusers; until I could be allowed to protect myself in the way which might appear to me most proper; without submitting my defence to the inspection of the Judge Advocate, who had no right to decide in my case: or to the control of the Court, who would thereby have exercised a power not founded on law or justice, and without the risk of undeserved reproof."

In p. 25: "But it was the duty of the Court to decide whether it was or was not competent, the decision as to its belief on the subject, *on oath*, was all that was required by me, and the question could have been decided by the Court as readily and as well *before* as it was *after* the *instructions* of the Secretary had been received; that it did not decide in the *first* instance, is sufficient evidence that doubts *then* existed as to its legality."

"Under all circumstances then, I had nothing to lose or apprehend by my withdrawal from the Court; and I certainly saved a very useless sacrifice of my feelings, (except in its deportment towards me while before it,) it could do me neither good or harm. A Court more powerless, and yet more calculated to alarm the accused, was, perhaps, never formed."

"The charge first to be investigated, was exhibited against me by the Secretary of the Navy, the Secretary of the Navy selected my judges, two of whom were junior to me. The Judge Advocate, who is the *primum mobile* of all Military Courts, received his appointment from the Secretary, and is his warm friend and *protege*. Under these circumstances, it may readily be imagined, I had every thing to apprehend and nothing to hope for, while before the Court; and to defend myself under the conditions imposed on me, would have been worse than useless."

In the remarks in p. 31, it appears to the Court to be implied, that all the documents upon which the Court of Inquiry founded its opinion were contained in the pamphlet—which was not the fact.—The Court also includes, as proof of this specification, the second paragraph of the paper marked E, in p. 40 of the pamphlet.

The Court does therefore sentence and adjudge the said Captain David Porter to be suspended for the term of six months, from the date thereof.

Having come to the aforesaid determination, and the residue of the Defence not having been transmitted, the Court, for the purpose of enabling the Judge Advocate to prepare in due form, and record the said findings, and it being after four o'clock, adjourned till 11 o'clock to morrow morning.

THE TRIAL OF COM. STEWART

Commenced at Washington on the 18th inst. The charges are—1*st. Unofficer like conduct*—2*d. Disobedience of orders*—3*d. Neglect of duty*—4*th. Oppression and cruelty*—The following are among the specifications—We shall conclude them next week.

CHARGE 1st——*Unofficer-like Conduct.*

Specification 1st.—In aiding and assisting during the months of May, June and July, in the year 1822, an American ship called the Canton, an American ship called the Pearl, an English brig called the Sarah, and a French ship called Telegraph, and other vessels, in carrying on an illicit and contraband trade with certain ports in Peru, called the Intermedios; aiding and assisting said vessels in violating the laws and decrees of the existing government of Peru, and in transporting and landing arms, military stores and other contraband articles, and in protecting the said vessels from the consequences of such illegal traffic, by employing or threatening to employ the naval forces of the United States in their defence.

2d.—In sailing with the U.S. ship, the Franklin, then under the command of the said Charles Stewart, in the months of June and July, 1822, to the said ports called the Intermedios, for the purpose of aiding in private and illicit traffic, with a view to the private emolument of the said Charles Stewart.

3d.—In employing, on or about the 11th day of July, 1822, the naval force of the United States under his command, in preventing the commander of the Peruvian brig Belgrano, from enforcing the laws and instructions of his government, by taking and sending in for adjudication, an American ship called the Canton, detected in carrying on an illicit trade, to the injury of said government, and in being concerned in the pecuniary profit of said illicit voyages and transactions of the aforesaid ship Canton.

4th.—In transporting, or causing to be transported, on board the U. S. schooner Dolphin, on or about the 6th day of May 1822, one Eliphalet Smith, with goods and merchandize for sale, on private account, and permitting said Smith to carry his own private goods and merchandize, and samples of goods, not designed for the use of the said schooner Dolphin, on board the said schooner, under the protection of the flag of the United States, to certain ports, viz: Arica, Quilca, and others of the Intermedios; and to employ a national vessel of the United States, as a place for the said Smith to sell, and to display for sale, such goods, when such traffic was in itself illegal and contraband, and such conduct tended to the disgrace of the navy of the United States.

5th.—In employing, in the month of August, 1822, and at other periods in that year, the schooners Peruvian and Waterwich, then in service of the United States, in traffic, and carrying merchandise on private account.

6th. In lending aid and countenance to the violaters of the Revenue Laws of the government of Peru, at various times between the arrival of the ship Franklin, in the Pacific, in the month of February, 1822, and her departure from thence, in 1824, by permitting and aiding sundry persons in carrying off from the shore, coin, bullion, plata-pina, and other articles, contrary to the laws of said government, without the permission, authority or knowledge of the custom-house officers and local authorities, and to deposit the said articles, so smuggled, on board the public vessels of the United States, then under the command of the said Charles Stewart.

7th. In permitting, at various times within the periods mentioned in the foregoing specification, specie, bullion, plata-pina, and other articles designed to be transported from Peru, in violation of the laws of that country, clandestinely at night to be brought on board the public vessels of the United States, then under his command, and in transporting said articles in the boats of the said public vessels, at sea, and out of the control and reach of the authorities on shore, to certain vessels bound to distant ports, after such vessels had undergone the examination of the custom-house officers; such transportation being without the authority, permission, or knowledge of said officers, but designed as a fraud upon, and an invasion of, the laws of the government of Peru.

8th. In assisting, at the times mentioned in the last preceding specification, with the armed force under his command, in defending and protecting persons and property engaged in smuggling, from arrest and detention, by the lawful authorities of the government of Peru.

9th. In affording, at various times during the period mentioned in the last preceeding specifications, protection and aid of an extraordinary and illegal kind, to Canton, and other vessels, in the business of which he the said Charles Stewart, and Eliphalet Smith, were interested to the neglect of other vessels engaged in a lawful commerce, to which he was in duty bound to afford protection, but in the profits of which they had no participation.

10th. In purchasing from the said ship, the Canton, at Valparaiso, in the month of April, 1822, among other articles, 90 bolts canvass, 25½ casks of wine, 335 lbs. copper nails, paints, oils, &c. ostensibly for the use of the Franklin, when such articles were not necessary for said vessel, and, in fact, were not employed or consumed in her; and when the said ship, the Franklin, had been amply provided with such of the said articles as were necessary for her use.

11th. In employing or causing to be employed on various occasions, at Valparaiso, and elsewhere, in the ports of the Pacific, during the year 1822, carpenters and other persons attached to the Franklin, and receiving pay from the United States, in working on board the Canton, Wasp, and other private vessels, without any proper or adequate reason, and without any compensation to the individuals thus employed.

12th. In receiving on board the Franklin, one Captain Eliphalet Smith, and permitting him to remain there for nearly a year, engaged in private traffic, and employing the naval forces of the United States, in subservience to the views of said Smith.

13th. In employing the said Eliphalet Smith to carry despatches, board vessels and perform other duties, which ought to have been executed by the officers in the service of the government, for the purpose of affording him, the said Smith, facilities in the prosecution of his private concerns.

14th. In permitting the cargo, or part of the cargo, of the Canton, some time in August, 1822, to be shipped on board the Peruviano, then in tow of the Franklin, and obstensibly a public vessel, and in receiving, or permitting to be received and carried on board the Franklin, the Supercargo of the Canton, and samples of the goods thus put on board the Peruviano, for the purpose of furthering the sale of the said cargo.

15th. In receiving, and permitting to remain on board the Franklin for a long period of time, in the year 1822, one captain John O'Sullivan, the commander, and one——Ward, Supercargo of the Canton, for the purpose of aiding them in their private traffic: thus making the national vessels and flag, subservient to individual interests.

16th. In taking on board, and carrying in the Franklin, from Valparaiso to Quilca, in or about the month of March, 1823, horses, with their equipments, for the use of General Canterac or some other Royalist general; thus furnishing aid and assistance to the one party, in a military contest, in violation of the duties of a neutral officer.

17th. In employing the crews of the public vessels of the United States, and articles paid for by the government, for the use of said public vessels in building and equipping 3 small schooners, which were not required for the public service, and which did not, and do not, belong to the Government.

18th. In permitting, or causing to be made by the crew of the Franklin and other public vessels, out of materials which had been purchased for the service of the government, sails, &c. for the use of the private ship the Canton, in the month of August or September, 1822.

19th. In permitting, or causing the Dolphin, a vessel of the United States, to carry from Callao to Guayaquil, in or about the month of September, 1822, money, sails, &c. for the purpose of placing them on board the Canton.

20th. In permitting William A. Weaver, then a Lieutenant in the Navy of the United States, and borne on the books of the said ship Franklin, to absent himself from said vessel, and from his duties on board during the entire cruise of said ship, from the month of September, 1821, until the arrival of the Franklin within the United States in the month of August, 1824, without any necessity or excuse of a public nature.

GOVERNOR TROUP—AGAIN.

OFFICIAL PAPERS.

Executive Department, Geo.
Milledgeville, 6th Aug. 1825.

SIR,—A letter purporting to be yours, which appeared in the last Georgia Journal, and having every characteristic of an official one, could not fail to attract my attention. Immediately therefore on my return to this place, enquiry was made at the Department for the original, and I learned with surprize that none such had been received. The proper means were then resorted to, to ascertain the authenticity of the published letter, and having been satisfied that the same was in your proper hand writing, I have lost no time to direct you to forbear further intercourse with this government.

Having thought proper to make representations of your conduct to the President, I have ordered you to be furnished with a copy of every letter written on your subject, and which will reach you in due time.

Any communication proceeding from the officer next in command, in this military department, will be received and attended to. G. M. TROUP.

Maj. Gen. E.P. GAINES, *Commanding.*

Department of War, July 21, 1825.

SIR,—Your letter of the 25th of June, addressed to Major Vandeventer, has been received, the answer of which has been intentionally delayed till the result of General Gaines' interview with the Indians at Broken Arrow, should be received, as the President had anxiously hoped in the acquiescence of the Indians to the treaty, to have found the necessity of replying to your enquiries entirely obviated. But as the communications from Gen. Gaines recently received have entirely destroyed that hope, a reply has become necessary. The Indians to the number of 1890 including a large majority of their chiefs and head men of the tribe, having denounced the treaty, as tainted alike with intrigue and treachery, and as the act of a very small portion of the tribe against the express determination of a very large majority, a determination known to the commissioners. They urge that to enforce a compliance with an instrument thus obtained would ill become either the justice or the magnanimity of the United States, under which they claim to take shelter. These are allegations presenting a question beyond the cognizance of the Executive, and necessarily refers itself to Congress, whose attention will be called to it on an early day after the next annual meeting. Meanwhile the President acting on the treaty, as though its validity had not been impeached, finds by reference to the eighth article of the treaty the faith of the U. States solemnly pledged to protect the Creek Indians from any encrohmentac till their removal in Sept. 1826. He therefore decides that the entering upon and surveying their lands before that period, would be an infraction of the treaty, whose interpretation and execution, should it remain uncancelled, are alike confined to him. I am therefore directed by the President to state distinctly to your Excellency that for the present he will not permit such entry or survey to be made.

The pain the President has felt in coming to this decision is diminished by the recollection that it interferes with no duty imposed upon your excellency by the laws of Georgia, as a discretion given you by the late law of the Legislature in prescribing the time when lands embraced by the treaty shall be surveyed. Under all the circumstances, the President permits himself to hope that you will acquiesce in his decision. General Gaines has been in communication with you on this subject, and as it is the wish of the President you should be in possession of every measure he may find himself constrained to take thereon, I am directed to enclose to your Excellency of a copy of Gen. Gaines' instruction of this date. I have the honor to be your ob't serv't.

(Signed) JAMES BARBOUR.

His Excellency G. M. TROUP,
Governor of Georgia.

Department of War—July 21*st*, 1825.

SIR—Yours of the 5th inst. has been duly received with the accompanying documents.

I am directed by the President to express his regret at the failure of your efforts to reconcile the Creeks to an acquiescence in the treaty made at the Indian Springs, as it was his sincere desire to have seen it carried into effect.

But the determined opposition of the Indians to the treaty itself, on the alledged grounds of intrigue and treachery, on the part of the portion of the tribe negotiating the treaty, as well as the smallness of their numbers, from which they argue its invalidity, and their solemn appeal to the justice and magnanimity of the United States, create such an obligation that we should, at least, pause before we proceed, or permit others to do so, until these allegations can be thoroughly investigated, and their effect decided by the proper authority; the more especially, as the eighth article of the treaty gives till September of the next year, before the treaty is to be carried into effect, and guarantees them from encroachment till that time. It is in this posture of affairs Gov. Troup insists that he will survey the land. A collision by overt acts between the Executive of the Union, and that of a state is so against the theory of the Constitution, and so repugnant to the feelings of the President, that he would determine [illegible] under a solemn sense of duty to do an act by which so serious a result would be produced.

If Governor Troup should however persevere in his declared purpose of surveying the land against the repeated remonstrances of this Department, it will present one of the most unfortunate events which have yet occurred in our history. Its possible occurrence has induced the President to weigh with the deliberate circumspection made necessary as well by its serious consequences as its high responsibility. His decision thereon has been made and transmitted to Gov. Troup in a letter of this date, a copy of which I enclose for your information, and by which you will learn the line of conduct which the President has prescribed to himself.

It is still devoutly to be hoped that Gov. Troup will abstain from any act that may make it necessary to have recourse to the steps suggested; yet should he presevere in sending persons to survey the lands embraced within the treaty, you are hereby authorized to EMPLOY THE MILITARY to prevent their entrance on the Indian Territory, or if they should succeed in entering the country, to cause them to be arrested, and turn them over to the judicial authority, to be dealt with as the law directs. I have only to add that I have transmitted to Gov. Troup a copy of this communication. I have the honor, &c.

(Signed) JAMES BARBOUR.

To Maj. Gen. E. P. GAINES.

The United States and Hayti.—The recognition of the independence of Hayti, now put beyond doubt, is an event of political and commercial importance to the U. States.—Our exports to that country for the last year, exceeded the aggregate amount exported to all the following powers, Russia, Prussia, Sweden, Norway, Denmark, Spain, Portugal, Italy and Malta. The gross amount $3,366,155—of which $1,901,926 were of domestic productions. It is said that the most of the $30,000,000 to be paid to France are in hand; having been accumulated in anticipation of this event. The newspapers begin already to speculate on the political consequences of numbering Hayti among the independent nations of the earth; consequences, some of which may be more particularly concned to the state south of Pennsylvania. The commercial intercources, between two nations may induce the appointment of a Minister probably, and a number of consuls and agents. The location of these individuals among us, must give rise to some feeling and prejudice. But these are considerations less to be deprecated than those which arise from circumstances connected with the history of the Island, and the facilities which will exist of increasing, if not creating, discontent among us. If the individuals thus to be sent should feel but half the blind zeal which animates some of our own fanatic schemers and philanthropists, it may be necessary for the government to enter into stipulations with Hayti, antecedent to all commercial intercourse, and of an anomalous character in the history of nations.—What these stipulations should be, under what penalties and by what means to be enforced; and the propriety of making them preliminaries, are questions which we leave, for the present, to the consideration and decision of the government. That some regulation on this subject will have to be adopted in the course of time, may, in our humble opinion, be confidently predicted.

[*Richmond Enquirer.*

For the Cambridge Chronicle.

ECCLESIASTICS, Chap. 10th.

Verse 5. There is an evil which I have seen under the sun, as an error which proceedeth from the ruler.

Verse 6. Folly is set in great dignity, and the rich sit in low places.

Verse 7. I have seen servants upon horses, and princes walking as servants upon the earth.

NOTES.

Verse 5. An error which proceedeth from the ruler.

"What this error in the ruler is, the two following verses point out: It is simply this—an injudicious distribution of offices, and raising people to places of trust and confidence, who are destitute of *merit*, are neither of name nor family to excite public confidence, and are without property, so that they have no *stake in the country;* and their only solicitude must naturally be, to enrich themselves, and provide for their poor relatives. This is frequent in the governments of the world; and *favoritism* has often brought prosperous nations to the brink of ruin. *Folly* was set in *dignity;* the man of property, sense, and name, in *a low place. Servants,* menial men, *rode upon horses,* carried every thing with a high and proud hand; and *princes,* the nobles of the people, obliged *to walk by their sides,* and often from the state of things to become in effect *their servants.* This was often the case in England, during the reign of Thomas A. Becket and Cardinal Woolsey. These insolent men lorded it over the whole nation; and the people, and their gentry were raised or depressed according as their pride or caprice willed; and through these kind of errors, not only a few sovereigns have had most uncomfortable and troublesome reigns, but some have even lost their lives." *Clark's Bible.*

MR. EDITOR—The above text and commentary is so applicable to the political condition of Maryland, that even the most superficial reader must be forcibly struck with it. Indeed, long before the above commentary was published, I had read the text; and could almost conceive that the inspired penman, had been permitted to look so far into futurity, as to see the late, and even still degraded condition of the poor State of Maryland. The people themselves are in this country, the rulers and sovereigns: this axiom, I presume no one, at least in this state, is mad enough to controvert. And what sort of men are they, whom the people, generally appoint to office? let the election returns of every county in the state (with a very few exceptions) for the last 30 years, answer the question. Who have been our governors, state senators, delegates to the general assembly, justices of our orphan's and levy courts, justices of the peace, &c.? Who are the persons that now fill some of these important stations? And let me ask how many good, wise, honest, and discreet men, of unblemished reputation, have the people of Maryland now under consideration; on some of whom they must confer these appointments. As one of the sovereign people, and for our mutual good and safety, I entreat my fellow sovereigns to be more faithful in the discharge of their elective duties and privileges; to abandon all party feelings, and even personal preferences; and to elect such men only to office, as are morally and politically competent to serve them. Is he capable? Is he honest? Is he faithful to the constitution? Are the only questions, we should care to have answered satisfactorily. If the candidate does not possess these qualifications, he should be rejected with scorn. In high party times, some have been elected to offices, who were destitute of every qualification necessary to enable them to fill their stations, with credit to themselves or advantage to their country But happily these times have almost passed away; and the people are beginning to see the effects of their former folly and delusion. I hope they will not again be so blind to their own and the general good, as to aid in the elevation of any man to office, unless they would be willing to commit to the same hands, their most important personal concerns.

Thirty years ago, *Maryland,* in consequence of her great natural advantages, was expected to occupy an elevated rank in our national confederacy—and what is she now? a state, only about the eighth in population, and not the eighth in real power or wealth—Her rulers, instead of improving her advantages, and thereby increasing her wealth and power, have been in too many instances, mere political gamesters, who have played away their official term of power, to establish

©Maryland State Archives, msa_sc6044_1_61-0235.jpg