

lenged. In the trial of those challenges, the nature of the masonic institution, and secret signs and obligations of its members, so far as they were supposed to bear upon the question at issue, were developed and proved by witnesses, some of whom had abandoned the society, as well as by one who still adhered to it. Entertaining doubts whether this testimony falls within that description of evidence which the legislature seem to have intended should be reported, it has been omitted. It has appeared in the course of one of the trials, that in one instance application was made by one of the persons implicated, for a contribution from the funds of a distant lodge and chapter in Jefferson county, to be applied for the relief of Bruce and others engaged in the abduction of William Morgan, who were represented as being persecuted. Judicial evidence of the application of the funds of any lodge or chapter to such purposes, has not come to my knowledge. Indeed the course of my official inquiries has not been to ascertain any such fact.

As might be expected from the virtue and intelligence of a people worthy of a free government, the crimes committed upon William Morgan excited almost universal indignation, in that section of the country particularly, which was the scene of their perpetration. Popular meetings were held, at which committees were appointed to investigate the transaction, and to aid in bringing the offenders to justice. Some of these committees have employed themselves in diverting the public sentiment to the formation of a political party, which avows as its object, the entire overthrow of the masonic institution; and as the means of accomplishing that end, the election to office of such persons only as will unite in their policy. Many of our most intelligent fellow citizens refuse to co-operate in what they deem an undistinguishing and intolerant proscription. Entertaining an honest belief that the masonic institution has become useless, if it ever was valuable—that from the nature of its organization it is liable to be perverted to wicked and dangerous purposes, and that in this country secrecy and mystery are unnecessary and suspicious, they yet refuse to criminate all the members of the society in the misdeeds of a comparatively small number, and they deem sober and calm appeals to the understanding of the community to be a more effectual mode of procuring an abandonment of the masonic institution, than any party association, which may be subject to the imputation of personal motives.

The effect of political organization, alluded to, has been to compel a more strict and close union among those members of the fraternity who will adhere to it, and to excite a sympathy in their favor among their friends and fellow citizens, and thus to retard and obstruct the attainment of its professed object.

The irritation produced by this state of things has been most disastrous to the peace and happiness of society in that portion of the state. It has mingled in the business and in all relations of life, and affected almost every question of a public nature. Your Excellency, therefore, will not be surprised by the information, that efforts have been made on both sides to connect it with the public prosecutions against the persons charged with a participation in the outrages upon William Morgan.—On the one side, it probably has been supposed that their political objects would be promoted by a belief of the existence of such a connection. Their opponents have concurred in efforts to impress the same belief, probably with the expectation of diverting the public sentiment against what is called 'the excitement,' and of being able to attribute to that cause alone, any convictions of the accused which might take place. Indeed this has been the most effectual weapon of defence, on the various trials, in which the pending prosecutions have been most erroneously and unjustly attributed to political motives, in which the minds of jurors have been constantly alarmed with the apprehension that they might themselves act under the influence of the existing irritation.

But in fact there has been no such connection, and it is due to the honor and dignity of the government, and purity of the administration of justice, that the error should be exposed. The duty has been felt to be as imperative as the task was difficult, to preserve the judicial proceedings which have taken place on the subject, wholly and absolutely free from the contamination of any party influences whatever. And I report to your Excellency, that this object has been accomplished, as far as the frailty of human nature would allow. Indeed the public sentiment in relation to the prosecutions, has undergone a change. The feverish anxiety and irritation which were produced by an apprehension that the power of the government would not be efficiently exerted, or if exerted, that it would be unequal to a development of the facts of the case, have yielded to a conviction that all constitutional and legitimate measures, which could be adopted, have been sedulously employed, and have resulted in throwing much light upon the transaction. The public mind has therefore become much tran-

quilized, and instead of vindictive hostility against those implicated, they are now rather considered as the infatuated instruments of a bad institution than as culpable moral agents; and freemasonry, its obligations and its secrecy, have become the objects of deep and extensive hostility. A strong feeling of individual sympathy has arisen in favor of the accused, of which a remarkable instance has recently been furnished in a verdict of acquittal, rendered under a state of evidence which, to say the least, would have afforded very plausible grounds for a contrary result. I have conceived this statement of the actual condition of public sentiment, in the western part of this state, to be demanded, as well for the information of the government, as to correct the many and extravagant errors prevailing on that subject.

Notwithstanding much labor and time have been devoted to the investigation, it will probably be supposed that its progress has been slow, and to those unacquainted with the difficulties attending it, it may appear to have been unnecessarily procrastinated. The occasion seems to require that the cause of the delay should be stated.

From the members of the masonic fraternity, who still adhere to it, and who consider themselves included in the warfare of which an account has been given, no assistance whatever has been received, although the occasions demanding it have been frequent. With but few exceptions, witnesses who still belonged to the institution, have been reluctant in their attendance at court, & apparently indisposed to testify.—Difficulties which never occurred in any other prosecution, have been met at every step. Witnesses have been secreted; they have been sent off into Canada, and into different states of the Union. They have been apprised of process being issued to compel their attendance, and have been thereby enabled to evade its service. In one instance after a party implicated had been arrested and brought into this state, he was decoyed from the individual having him in charge and finally escaped. These occurrences have been so numerous and various as to forbid the belief that they are the result of individual effort alone, and they have evinced the concert of so many agents, as to indicate an extensive combination to screen from punishment those charged with the participation in the offences upon William Morgan. No evidence, however, has come to my knowledge, to justify the belief that the members of the masonic institution generally have been engaged in any such combination.

It should not be inferred that the testimony which has been detailed in this report, can be produced on any one trial. Some of the witnesses have escaped beyond the reach of legal process; others temporarily refused to testify, and they are in such a situation, that they suppose themselves beyond the legal means of coercion. Facts and circumstances which have been fully proved on a previous trial by direct testimony, require therefore to be established on other occasions, by circumstantial evidence. From the number and variety of the witnesses to be examined, and the complicated nature of the questions to be determined, the investigations and the trials necessarily occupy much time.

Until the expiration of the period prescribed by law, for commencing prosecutions, I have attended all the courts respectively. From what has been already stated it will be seen how much time and effort have been required to discover testimony, to collect the necessary witnesses and to secure their attendance before the various grand juries, and at different courts, where trials were had or were expected.

Some of the indictments which had been found under the direction of my predecessor, it was ascertained were irregular, for causes which were not known to him, and which were beyond his control; and in those cases new indictments became necessary. There are now pending and untried, in the county of Niagara, indictments against twelve persons; in the county of Monroe indictments against two persons; in the county of Ontario, against two persons; and in the county of Genesee, against four persons. A general session in Ontario in May last, Eli Bruce, who had been previously tried and convicted for a conspiracy to carry off William Morgan, but whose sentence had been suspended, to take the opinion of the supreme court, upon a question of law, was adjudged to imprisonment in the county jail for two years and four months. At the same court John Whitney and James Gillis were tried for the same offence; with respect to the latter the jury did not agree; the former was convicted and sentenced to imprisonment in the county jail for one year and three months.

The circuit and oyer and terminer which were appointed for Niagara county, in April last, failed, in consequence of the indisposition of the circuit judge. In July, a special circuit and oyer and terminer were held in that county, at which the indictments then pending there were removed by the defendants, by certiorari into the supreme court. The circuit appointed to be held in that county, in the

month of November last, failed, in consequence of the prolonged sitting of the Orleans circuit, so that the indictments pending there could not be brought to trial. In August last, a circuit and a court of oyer and terminer were held in Monroe county, by Judge Edwards, of the first district, at which the only indictment then pending there was removed into the supreme court, by the defendant. At the last October term at that court, a special motion was made by the defendant in that indictment, which was argued and denied; at the present term the defendant has interposed a special plea in abatement. These proceedings hitherto prevented the joining issue upon the guilt or innocence of the defendant. In November last, Elihu Mather was tried at the Orleans circuit, and after a trial of ten days, was acquitted. A motion for a new trial has been made upon a case settled, which has been argued at the present term of the supreme court, and is not yet decided. What yet remains to be done will be seen from these details.

It is impossible to predict what time will be requisite to bring the pending prosecutions to a termination. It may be safely affirmed, that they cannot be terminated by trials, before the expiration of the term prescribed as the duration of the act, continuing in force the statute which originally authorized the employment of a special counsel.

Considering the number of witnesses required on the trial of the indictments, and extraordinary difficulties attending the compelling their attendance by the usual means, some of which have been stated, it has occurred to me, and I respectfully suggest the propriety of extending the provisions of sections 22, 23 and 24, Title 2d of the 2d Chapter and 4th Part of the Revised Statutes, so as to confer the power which is there given to justices of the peace, in requiring sureties from witnesses, to criminal courts and magistrates, after indictment found. I do not entertain any doubt of their now possessing such power, but its effectual exercise depends much upon its being distinctly known that it is possessed.

The allowance which has been made to witnesses under the law authorizing the appointment of special counsel, has been confined to their actual and necessary expenses. Many of them have repeatedly been obliged to leave their homes, and attend court after court, for weeks during which their business has suffered, and they have been materially injured. Upon these the discharge of their duty has been most oppressive.—An indemnity for the loss of their time is not expected, but something towards compensation for the extraordinary sacrifices which they will in future be compelled to make, in the shape, either of a specific daily allowance, or of such sum as the presiding court shall deem reasonable, seems demanded by obvious considerations of justice. The public would not probably sustain any loss by such a provision as it will save the otherwise inevitable expense of dispatching officers for such witnesses, and of delaying courts and juries to procure their attendance.

JOHN C. SPENCER.

January 26, 1830

New Hampshire—A general election took place in this state on the 9th inst. preceded by a very warm canvass. The parties were formed on the one side by those friendly to the present national administration, and on the other by those opposed to it. The result has been a signal defeat of the anti-administration party—the Jackson candidate for governor (Harvey) is said to be elected by 4000 majority—4 of the 5 counsellors, 9 of 12 senators, and 145 out of 244 representatives are of the same party.

Franklin Republican.

BALTIMORE, (Md.) March 12.

A Dreadful Accident.—Yesterday afternoon, says the Chronicle, a boy in the shop of Mr. Jesse C. Earl, cutter in Lombard street, snapt a musket not knowing it to be loaded, which went off and unfortunately wounded one person, and killed another. It appears that the musket had been sent to Mr. Earl's for repair without a lock, and was supposed unloaded.—One of the apprentices fixed a lock on it and in order to try it drew the trigger, when it proved to be charged with a load of buck shot, which passed entirely through the thigh of the first person, (whose leg it is supposed will have to be amputated) and wounded the second who died a short time afterwards.

The "Washington Telegraph," in speaking of the nomination of Mr. Lee, says—

"It is proper that the public should understand that the President, in nominating Mr. Lee to the senate, as consul general for Algiers, had the sanction of some of the most conspicuous of our public men. Among these are Chief Justice Marshal, Judge M'Lean, Speaker Stevenson, Mr. Barbour, Mr. Rives, Mr. Livingston, Colonel Hamilton of South Carolina, numerous other respectable citizens, who had the fullest opportunity of knowing his character. We are not apprised of the considerations which led to his rejection by the senate."

TWENTY-FIRST CONGRESS,  
FIRST SESSION.

Cleanings from congressional proceedings, extracted from Niles' Register.

In SENATE, March 2. The following motion, submitted by Mr. Holmes, was considered and agreed to:

Resolved, That the secretary of state be directed to inform the senate what compensation has been paid to that agent under the 5th article of the treaty of Ghent, who is now minister to the Netherlands, in the different capacities of agent and minister, and for what periods of time the respective compensations have been made.

March 4. The following petitions were presented.

By Mr. Hendricks—from the legislature of the state of Indiana, praying that no law may be passed to prevent the transportation of the mail on Sunday.

By Mr. Hendricks—from the legislature of the state of Indiana, praying congress to adopt measures to induce the Indians within that state to emigrate to the country west of the Mississippi.

March 8. The vice president communicated the following letter from the secretary of state.

Department of state, Washington, 8th March, 1830.

To the hon. J. C. Calhoun, president of the senate.

Sir: In compliance with the resolution of the senate, of the 2d instant, I have the honor to submit herewith, a letter from the fifth auditor of the treasury department, by which it appears that Wm. P. Preble, esq. late United States' agent, in relation to the northeastern boundary agency, has been allowed and paid at the treasury the sum of \$6,329 19, for his services in that capacity, from the 9th of May, 1828, to the 4th October, 1829, at the rate of \$4,500 per annum.

I have the honor further to state, that Mr. Preble was appointed envoy extraordinary and minister plenipotentiary of the United States to the Netherlands on the first day of June, 1829, but that no compensation is known to have been actually paid him in that character.

Instructions, however, have been given to the bankers of the United States in Europe, to pay him the sum of \$9,000 as an outfit, and also his salary at the rate of \$9,000 per annum, as it may become due, commencing on the fifth day of October last; that being the day on which he left his residence in Maine for this city, preparatory to his proceeding upon his mission; and on which day his compensation as agent was directed to cease. M. VAN BUREN.

March 9. The vice president communicated a letter from the secretary of the treasury, transmitting statements of the commissioner of the general land office, shewing the amount of moneys received since the first of January, 1828, for lands sold in each district; and also the expenses of each land office, prepared in obedience to a resolution of the senate, [Mr. Foot's] of the 2d instant.

[The number of acres sold at all the offices in 1828, is 965,600 36 in 1829, is 1,246,933 69 Total amount received in 1828, is \$1,239,498 98 Incidental expenses in 1828, 95,765 58 Total amount received in 1829, is \$1,907,771 54 Incidental expenses in 1829, 96,127 85]

HOUSE OF REPRESENTATIVES.

February 25. After the reception of reports,

Mr. Condict moved the following resolution, viz:

1. Resolved, That the committee on naval affairs be instructed to inquire into the expediency of inducing the seamen and marines in the navy of the United States, voluntarily, to discontinue the use of ardent spirits, or vinous or fermented liquors, by substituting for it, double its value in other necessaries and comforts, whilst in service, or in money payable at the expiration of the service.

2. Resolved, also, As a further inducement to sobriety and orderly deportment in the navy, as well as with a view to preserve the lives and morals of the seamen and marines, that said committee be instructed to inquire into the expediency of allowing some additional bounty, in money or clothing, or both, to be paid to every seaman and marine, at the expiration of his service, who shall produce from his commanding officer a certificate of total abstinence from ardent spirits, and of orderly behavior, during the term of his engagement.

3. Resolved, also, That the said committee inquire and report whether or not the public service, as well as the health, morals, and honor of the naval officers, would be promoted by holding out to the midshipmen and junior officers, some further inducements and incentives to abstain from all intoxicating liquors.

This resolution was discussed until the hour allotted by the rules of the house for the consideration of reports and motions expired.

On motion of Mr. Whittlesey,

Ordered, That the rule of the house which allots one hour for the making of reports and motions, be suspended for this day.

Mr. Crocket moved the following resolution, viz:

1. Resolved, That if the bounty of the government is to be at all bestowed, the destitute poor, and not the rich and influential, are the objects who most claim it, and to whom the voice of humanity most loudly calls the attention of congress.

2. Resolved, That no one class of the citizens of these United States has an exclusive right to demand or receive, for purposes of education, or for other purposes, more than an equal and ratable proportion of the funds of the national treasury, which is replenished by a common contribution, and in some instances more at the cost of the poor man who has but little to defend, than that of the rich man who seldom fights to defend himself or his property.

3. Resolved, That each and every institution, calculated, at public expense, and under the patronage and sanction of the government, to grant exclusive privileges, except in consideration of public services, is not only aristocratic, but a downright invasion of the rights of the citizen, and a violation of the civil compact called "the constitution."

4. Resolved, further, That the military academy at West Point is subject to the foregoing objections, inasmuch as those who are educated there receive their instruction at the public expense, and are generally the sons of the rich and influential, who are able to educate their own children. While the sons of the poor, for want of active friends, are often neglected, or if educated, even at the expense of their parents, or by the liberality of their friends, are superseded in the service by cadets educated by the West Point academy.

5. Resolved, therefore, And for the foregoing reasons, that said institution should be abolished, and the appropriations annually made for its support discontinued.

Mr. Crocket, at some length, set forth what he considered the evils arising from this institution in its partial operations, excluding the sons of poor individuals and benefitting those of the rich, &c. At the suggestion Mr. McDuffie the resolutions were laid on the table and ordered to be printed.

Saturday Feb. 27. Mr. Condict's resolutions were again called up, when Mr. Chilton offered the following as an amendment or substitute.

Resolved, That the committee on naval affairs be instructed to inquire whether the public interest, and the cause of morality would be most effectually promoted by emphatically prohibiting the use of ardent, vinous, and other fermented liquors in the navy of the United States, by the officers and seamen belonging thereto; or by permitting a continuation of the practice of issuing them as rations in said service.

Resolved, further, That in the event said committee shall be of opinion that it is expedient to continue the rations aforesaid in the naval establishment, they be instructed to inquire into the expediency of providing some mode for procuring the discontinuance of the use of ardent, vinous, and other fermented liquors in the various civil departments, and among the members of congress, and others holding offices of either trust, honor, or profit, under the authority of the people of the United States.

Mr. Chilton submitted a few remarks, stating that the original resolution was opposed to a great manufacture of the west.

Mr. Drayton considering it as an attempt at humor, moved to lay it on the table,—the chair replied that it being only an amendment it could not be thus disposed of. Mr. Pearce moved to lay both the resolution and amendment on the table, on which motion the yeas and nays were called, when they appeared—aye 57, nays 103.

The house having refused to lay it on the table—

Mr. Steigere said, as the house seemed disposed to take the question, to prevent further debate he would call for the previous question.

The previous question was ordered, which cut off the amendment, and the resolution was adopted without a division.

March 8. Mr. Daniel offered the following resolution, which lies one day on the table:

Resolved, That the secretary of the treasury be required to communicate to this house a statement of the expenditures of the government for the years 1828 and 1829, including the actual expenditure of the fourth quarter of the latter year. Also, the amount of the public debt paid off in each of the above years.

In Louisiana a law has been passed prohibiting the admission of slaves to that state during a specified term of years.

A punster has found fault with the recent appointment of General Rust, to the superintendence of the U. S. Armory at Harper's Ferry; he says that if Rust gets the superintendence of the arms of the U. S. they must soon become furnished.