

a few years at two dollars per acre, and now sell for \$1.25, though some may better in a quality of soil, the value of the land is not so high. All these lands of various kinds, school reservations are included. The advantage of the school lands, therefore, cannot cause this great difference in price. The inference, then, is irresistible, that it is the law of Congress prescribing a price, below which public lands shall not be sold, which causes them to sell now for \$1.25 per acre, and formerly caused them to sell at \$2 per acre, and get the advantage of the school reservations.

There is no proof, then, that these school lots in the new states have been paid for in the enhanced price given for the lands adjacent to them. It is believed that more than nineteen twentieths of the public lands, which have been sold, have fetched the minimum price only. In some instances, however, public lands have sold for more than the minimum price established by law. In all these cases, it is believed, the price has been enhanced by some local advantage of situation near water or town—or of soil, which made them suitable for the more valuable agricultural products.

It is, moreover, then, upon those who oppose the Maryland proposition on the ground that the school reservations in the new states have been paid for, to show, in the first place, that the lands adjacent have brought more than the minimum price established by law; and secondly, if they have sold for more than the minimum price, that it was owing to the advantage of the school reservations and not of local situation—which, it is confidently believed, cannot be done in a single instance.

Having considered the reasoning of the Massachusetts committee on the principal point upon which their opposition to the Maryland proposition rests, I intended to have exposed their errors in their representation of it. But knowing how much pressed you must be for room in your valuable paper at the present moment, I defer further remarks for another communication.

A Native of Massachusetts.

MARYLAND GAZETTE.

Annapolis, Thursday, April 4.

From the National Intelligencer.

CASE OF CAPTAIN BARRON.

The proceedings of a Court of Enquiry, held at the Navy Yard, Brooklyn, New York, upon Captain James Barron, of the United States navy, in 1812, have been recently published, by the authority of the Navy Department. They were not printed in this office, and we have only just seen them. The whole pamphlet makes 111 pages.

—Prefixed to it is this note:—
Navy Department, March 25th, 1822.
The following proceedings are published at the request of Capt. Barron; and this request would have been complied with at any time heretofore, had it been made.

—They have been withheld from the public for no other reason than an impression that a publication, without the consent of Captain Barron, would be improper, until a final decision was made in his case.

The Court of Enquiry was composed of Capt. Stewart, Capt. Evans, and Captain Morris. The Judge Advocate was H. Wheaton, Esq.

This case has been so much the topic of discussion in the newspapers, and so often alluded to even by ourselves, that we feel ourselves bound to make room for the conclusion of the proceedings of the Court, which is as follows:

Friday, July 17th, 1821.

PRESENT:

Captain Charles Stewart, President,
Captain Samuel Evans, } Members,
Captain Charles Morris, }
Henry Wheaton, Esq. Judge Advocate.
The minutes of the proceedings, and the evidence with the accompanying documents, were read by the Judge Advocate, and the Court proceeded to deliberate on the case, and after carefully considering the testimony, agreed upon the following

STATEMENT.

The Court having proceeded to examine into the matters stated in the warrant from the honorable the Secretary of the Navy, dated the 20th day of March, 1822, do report the following statement thereof, as it appears to them:

It appears to the Court, that Captain James Barron was, by sentence of a court martial, suspended for five years from his pay and emoluments, and from the service of the United States. That the two letters accompanying the said warrant, and annexed to their proceedings, being a letter from William Lewis, Esq. to Charles W. Goldsborough, Esq. dated Pernambuco, September 7th, 1811, and a letter from Mr. Thos. P. Goodwin, dated March 4th, 1819, to the Secretary of the Navy, were written by the persons whose signatures they bear, and received by the persons to whom they were addressed.

That the said Wm. Lewis has since deceased, and being supposed to have been lost in the U. S. brig Eperverean, in the year 1815; and that the said Thos. P. Goodwin also died sometime in the month of January, 1820, at the Havana. That the said letters (containing allegations that the said Capt. James Barron, during his suspension, being at Pernambuco, did make to Mr. Lyon, British Consul at that place, certain declarations and representations respecting the President and government of the United States, highly improper and unbecoming an officer of the United States,) were communicated by the Navy Department to the said Captain James Barron for explanation, and copies thereof delivered to him in 1819, soon after his return to the United States.

That Captain Barron passed through Baltimore in the spring of the year 1819, where the said Goodwin then was; but whether Captain Barron saw the said Goodwin, does not appear to the court by the testimony; and it is stated by Captain Barron that he did not.

That it appears to the court, that the said William Lewis was a man of strictest honour and integrity, and an officer of the said Goodwin for truth and veracity was highly respectable, and that he was a very ardent temper, which was particularly manifested when excited by conversation on political subjects. And that the said Lyon was also a man of respectable character.

It further appears to the court, that Captain Barron did not, during his residence at Pernambuco, in the year 1809, see with Mr. Lyon, the British Consul there, as stated in said Goodwin's letter; but that he

said Captain Barron took a part of the time in a tavern, and the remainder of the time in a house which he rented jointly with one Fernandez, who was the supercargo of the vessel in which Captain Barron went out to Brazil as master; and that it appears to the court by the testimony of two respectable witnesses, who were in Pernambuco in the year 1811, and had frequent conversations with the said Goodwin at that place, and with the said Lewis and Lyon, that said witnesses never heard from any of these persons any respecting the facts stated in said Goodwin's letter to the Secretary of the Navy, nor did they hear from any other persons at that place any reports or rumors of such conversations having taken place between Captain Barron and said Lyon, as are stated in said letter; and no legal evidence has been produced to the court, tending to prove the truth of the allegations contained in said letter.

And it further appears to the court, that Captain James Barron left the United States on or about the 5th day of April, 1812, as master and supercargo of the brig Fortia, belonging to Messrs. Armistead and Kelly, of Norfolk, and proceeded to Lisbon, where he arrived in said brig in the beginning of May, 1812, where the outward cargo was disposed of, and the proceeds remitted by him to London, according to instructions from the owners, except a part of the same, which he sailed in a cargo of fruit, which he sailed for Copenhagen, where he arrived on the 3d day of July, 1812, and from thence sailed to Copenhagen, where the proceeds of the cargo went into the hands of the Danish government. The vessel was subsequently sold for the sum of 7500 dollars, of which 7000 dollars were remitted by Captain Barron to the owners, and 500 dollars retained by him to pay his own expenses and those of his crew. That the news of the declaration of war by the United States against Great Britain reached Copenhagen some time in the month of July, 1812, and that Captain Barron was wholly dependent upon his labour and exertions as a ship master for his support and the maintenance of his family, while suspended from his pay and emoluments.

And it further appears to the court, that no order or proclamation was issued by the government of the United States in consequence of the declaration of war, directing such officers of the navy to return, but a proclamation was issued by the president of the United States, on the 19th day of June, 1812, announcing the declaration of war, and enjoining on all military and civil officers to be vigilant in the execution of their duties. That no special order was sent by the Navy Department to Captain Barron, directing his return; nor were any other orders given to the said Captain Barron previous or subsequent to the expiration of his term of suspension from service, and before his arrival in the U. S. States; nor was any permission given of absence from the country given to Captain Barron at any time.

It further appears to the court, that the suspension of Captain Barron expired on the 8th day of February, 1813, whilst he still remained at Copenhagen; and that on the 22d of July, 1813, Captain Barron wrote to the Secretary of the Navy two letters, one of them marked private, which were duly received at the Navy Department, copies of which are annexed to these proceedings.

That no answer was given by the Secretary of the Navy to said letters, nor were any other communications received by the Navy Department from Captain Barron, until his return to the United States in 1814.

It does not appear to the court, that Captain Barron made any actual attempt to return to the United States until the summer of the year 1814, when, in pursuance of the advice of the honorable Henry Clay, one of the ministers of the U. S. States, then expressed his earnest desire to return to the United States, and serve in the war with England, he proceeded from Copenhagen to Gottenburg, and on the 11th of June, in that year, applied to Capt. Samuel Angus, of the United States, who was then on board a passage on board that vessel to this country.

That Captain Angus expressed himself willing to comply with this request, but that Captain Barron to the honourable Jonathan Russell, and the honourable Jonathan Russell, two of the ministers of the United States, then about to embark on board said vessel (the Texel), for their opinion whether this could be done consistently with the character of the said ship as a cartel.

That Captain Barron stated to the said ministers that his motive for wishing to return to the United States at that time, was his earnest desire to offer his professional services to his country in the war in which she was then engaged, and to claim employment in the station to which he was entitled in the navy; but that the said ministers felt themselves compelled, (though with reluctance,) to give it as their opinion to Captain Angus, that he could not consistently with the terms of the cartel, give a passage to Captain Barron, in consequence of which, Captain Angus declined complying with Captain Barron's request, and he returned to Copenhagen.

That Captain Barron subsequently applied by letter to Mr. Russell, at Ghent, during the summer of the year 1814, renewing his request for a passage to the U. S. States, in the corvette John Adams, then lying at the Texel, and received an answer from Mr. Russell, stating his and Mr. Adams' desire to give effect to Captain Barron's request, but that the British government would not consent to permit any other persons than those attached to the vessel, to embark on board that ship.

It does not appear by any evidence produced to the court, that Captain Barron made any subsequent attempt to return to Copenhagen until the close of the war with England, and did not return to this country until the latter part of the year 1818.

That Captain Barron has been paid his half-pay from the 8th day of February, 1813, to the 29th of February, 1819, inclusive, and full pay and rations from the last-mentioned day to the 31st of January, 1821. That the account of the Navy, at Copenhagen, on the 29th of November, 1817, directing the said accountant to pay to the order of Mrs. Elizabeth Barron, of Virginia, any balance of his half-pay that might be due at that time.

That it does not appear to the court that any rate of exchange or bill on the government of the United States, could have been negotiated at Copenhagen during the late war, but that it appears from the evidence

extremely difficult, if not impossible, to have negotiated bills on this country. It further appears to the court that Captain Barron was in embarrassed circumstances, and in want of pecuniary means whilst at Copenhagen; but the precise extent of his embarrassments, and of his means, at different periods, does not distinctly appear.

And it does not appear that he made application to any of the ministers, agents, or consuls, of the United States in Europe, or to any other persons, to obtain an advance of the funds necessary to enable him to return home. Nor when he reported himself for service in 1813, did he apply to the Navy Department for funds, or at any subsequent period of his absence, or make known his wants to the Department. Nor could any application to such ministers, agents, or consuls, in their official capacity, have been successful, as they had no special authority to make such advances.

It further appears to the court, that Captain Barron had, during the war, the choice of three different routes by which he might have returned to the United States. The first was by the way of England; by which route it does not appear, from the testimony, that any particular difficulties were presented at any period interposed to the passage of Officers of the United States, not in the service of their country, but several witnesses state their impression that a naval officer, returning from Europe to the United States, if travelling under that avowed character, would certainly be liable to detention and imprisonment; and, if travelling as a merchant, or in any other capacity, might, under some circumstances, be exposed to more serious perils.

The second was from some port in the north of Europe, in American or neutral vessels. It does not appear that any of our own merchant vessels escaped the vigilance of the enemy's cruisers, after the declaration of war was generally and publicly known in the north of Europe, so as to effect their escape from the Baltic or the north sea. The only opportunity, under the American flag, of reaching this country by that route, which has been brought to the notice of the court, is the pilot boat of Champlain, which was in the possession of certain merchants in New York to give information to vessels in the Baltic of the declaration of war, and in which one of the witnesses, Richard Law, Esquire, returned to the United States, in the autumn of 1812; but opportunity was confidentially made known to said Law, by the person to whom the boat was assigned, but was not publicly known at Copenhagen, nor considered a safe opportunity at that time. And that the object for which Captain Barron proposed to embark, might have been accomplished by receiving him on board of a neutral vessel.

The third route, which Captain Barron might have selected to return to the United States from Copenhagen, during the continuance of the war, was to proceed over land to some port in France, or elsewhere in the south of Europe, and there await an opportunity of embarking in a letter of marque, or privateer, or other vessel, according to the testimony which has been produced to the court, would have varied from 100 to 700 dollars, according to the period and the circumstances in which it might be undertaken, and the manner in which it should be conducted.

It appears to the court, that in the first part of the year 1812, and the latter part of the year 1813, Captain Barron, with regular passports and sufficient pecuniary means, might have proceeded from Copenhagen to France, except for the British blockade of passages between the Island of Zealand, in which Copenhagen stands, and the continent; which, however, does not appear to have formed any considerable obstacle. But, from April, 1813, to April, 1814, the communications were extremely embarrassed by the different armies of the continent, and the movements of the said different armies. After April, 1814, there was no very serious obstacle to his proceeding from Copenhagen to any part of France; but the difficulty of embarking in the ports of that country, or the United States, was proportionally increased, for a short time, in consequence of some of those ports being occupied by British, and others exposed to their control, and close inspection.

And, at all times before the peace of Paris, in May, 1814, there was very considerable difficulty in procuring passports for American citizens to travel through that part of the continent of Europe, and many vexatious and interruptions from the police of different countries and the movements of troops; which latter obstacle did not entirely cease after the continental peace.

No evidence has been produced to the court to show what detained Captain Barron in Europe, after the ratification of the treaty of peace between the United States and Great Britain in 1814.

The court adjourned to morrow.

Saturday, July 14th, 1821.

The court met pursuant to adjournment. Present as yesterday. The court proceeded further to deliberate upon the case, and after mature consideration thereof, pronounced the following

OPINION.

The court is of opinion, that the conversation, alleged to have taken place between Capt. James Barron, and Mr. Lyon, the British consul at Pernambuco, in the year 1809, has not been proved.

And the court is further of opinion, that although the evidence produced by Captain Barron establishes his sincere and earnest desire to return to the United States, at certain periods, and the difficulty of accomplishing his wishes, yet the court is of opinion, that the evidence of his inability to return sooner than he actually did, is not satisfactory; and it is therefore, the opinion of the court, that his absence from the U. S. States, without the permission of the government, was contrary to his duty as an officer in the navy of the United States.

CHARLES STEWART, President.

H. Wheaton, Judge Advocate.

Captain Seabury of the brig Joseph, arrived at Boston from Xagua (Cuba) states that on the 8th March, off Cape Antonio he was boarded from the United States brig Enterprise by a Lieutenant came on board who informed Capt. S. that the Enterprise had captured early that morning, in small cove, eight piratical craft, each of which were taken with the craft; and that the launch, pinnace and yawl were then ashore with about one half of the brig's crew, ten of whom remained in charge. As the Lieutenant remained but about five minutes, Capt. S. had not an opportunity of learning further particulars.

JOHN RANDOLPH.

To the Brethren of the Masonic Lodge, No. 1, in the City of New York, I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the petition of Mr. Barron, and in reply to inform you that I have never yet appeared in said petition, and that I have since the state of my health reluctantly compelled me to retire from the field of duty, and I have been unable to return by the route of my resignation (already written) will be tendered to the governor in the next session of Congress. It would be of no use now, but that the approaching close of the session would render a re-election nugatory to present purposes. The state of my affairs (as is well known to some of you) requires my presence at home—my self preservation imperiously enjoins a suspension of all business whatsoever—and indeed, with all my deficiencies for the situation in which your partiality has been pleased to place me, I have never yet postponed your interests to my own.

Should the mild climate of France and the change of air restore my health, you will again find me a candidate for your independent suffrages at the next election, (1822).

I have an especial desire to be in that Congress which will decide probably by indirect means the character of the executive government of the confederation for at least four years—perhaps for ever—since now, for the first time since the institution of this government, we have presented to the people the army candidate for the Presidency in the person of him, who judging from present appearances will receive the support of the Bank of the United States also. This is an union of the sword and the scepter; a vengeance; one which even the sagacity of Patrick Henry never anticipated in this shape at least. Let the people look to it, or they are lost for ever. They will fall into that gulf which under the theatrical military and paper systems of Europe, divides Dives from Lazarus, and grows daily and hourly deeper and more appalling. To this state of things we are rapidly approaching under an administration, the head of which sits an incubus upon the state, while the lieutenants of this new monster, the place are already contending for the succession, and their retainers and adherents are with difficulty kept from coming to blows even on the floor of Congress. We are arrived at that pitch of degeneracy when the mere lust of power, the retention of place and patronage can prevail not only over every consideration of public duty, but still the suggestions of personal honour which even the ministers of the decayed governments of Europe have not yet learned to disregard. Should God spare me, I shall be informed how it has come to pass that, after settling the Florida question at the expense of a vast sacrifice of territory "south of 36 and a half of north latitude" we are yet embroiled with Spain—and in passing, it may be as well to recollect that the command of N. Orleans will have to be contested, not with the pacific and puny government of Spain, but with a rising and therefore ambitious Republic.

Should it however be His Will that we never meet again—be that will done on Earth as it is in Heaven—Amen.

JOHN RANDOLPH, of Roanoke.

On board the steam boat Nautilus, under weigh to Kentucky.

P. S. I did not leave my seat until the fate of the Bankrupt bill (to which my name was contributed) was ascertained. In case of need I was ready to vote on the third reading.

Letters via New York to the care of the Post-Master will reach me. My address is care of John and William Gilliat, London.

FROM SOUTH AMERICA.

Letters and papers have been received at Baltimore, from Caracas, to Feb. 25, furnishing intelligence of the independence of Quito, and the recapture of Coro, by the Colombian troops. It is also announced, that a decree has been issued, granting to the foreign officers in the service of the Patriots, their back pay and other allowances. This, it is stated, gives to Lieut. Colonel under Gen. Devereux, about \$15,000, and to other officers in proportion. All the officers of this corps, who remain in the country, are amply provided for.

Proof that a man can be his own Grandfather—There was a widow and her daughter in-law, and a man and his son. The widow married the son, and the daughter the old man; the widow was, therefore, a daughter to her husband's father, consequently grand-mother to her own husband. They had a son, to whom she was great-grandmother; now, as the son of a great-grandmother must be either a grandfather or great uncle, this boy was therefore his own grandfather. N. B. This was actually the case with a boy at school at Norwich.

Literary Gaz.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Friday, March 22.

The House resumed the consideration of the unfinished business of yesterday, the bill to authorize the exchange of certain stocks.

After adopting some further amendments, the discussion of which, as well as of other propositions, among which was the reconsideration and rejection of Mr. Cambreleng's amendment adopted yesterday, the question was taken on ordering the bill to be engrossed and read a third time, and was negatived by a vote of 63 to 61. So the bill was rejected, and the House adjourned.

Saturday, March 23.

On motion of Mr. Van Wyck, it was Resolved, That the committee on the Public Buildings be directed to consider and report what disposition ought to be made of the paintings of Col. Trumbull, authorized by Congress.

On motion of Mr. Bateman it was Resolved, That the Committee on the Militia be instructed to enquire into the expediency of making further provision by law for the more equitable enrollment and faithful return of the militia of the United States.

The question was then taken by yeas and nays, on agreeing to the said first resolution, and passed unanimously, with the exception of a single vote.

The second resolution being under consideration, the question was put thereon and carried unanimously.

And then on motion of Mr. H. Nelson, The House adjourned.

Friday, March 29.

Mr. M. Lane, from the committee on Naval Affairs, made the following report:—The committee on Naval Affairs, to whom was referred the resolution of the House of Representatives of the 4th inst. directing them to inquire into the expediency of modifying the act, entitled, "An act for the gradual increase of the Navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior grade to those authorized by said law, and to be built, make the following report:—That, by the act above referred to, passed the 29th April, 1816, the sum of one million of dollars per annum was appropriated for the gradual increase of the Navy of the United States; and the President of the U. S. States was authorized to cause to be built one ship, to rate not less than 74 guns each, and twelve ships to rate not less than 44 guns each, including one 74 and three 44 gun ships, authorized by a previous law. The President was also authorized to procure steam engines and all the imperishable materials necessary for building and equipping three steam batteries; and, by the 4th section of the act, it was provided that "the moneys appropriated by this act shall not be transferred to any other object of expenditure." By the act of 3d March, 1821, instead of the appropriation contained in the original law, for putting on the stocks, the North Carolina and the Delaware, and one frigate at Washington, the Potomac; that there is now on the stocks built and ready to launch, one ship of the line at Boston; that there are now on the stocks, nearly finished, one ship of the line at Portsmouth, N. H. one frigate at Philadelphia, and one frigate at Baltimore; that there is on the stocks a boat hull; that one ship of the line at Gosport, Virginia, has had her masts and rigging put on, and her hull completed; and one frigate at Portsmouth, N. H. one frigate at Washington, and that the frames, and nearly all the timber, and other materials, have been provided for building one ship of the line at Philadelphia, one frigate at Washington, one frigate at Boston, and one frigate at Norfolk; that the live oak frames, &c. nearly all the other timber for the steam engines, have been provided for two steam batteries at New York, and one steam battery at Washington. The committee further report that the articles on hand, and those contracted for, could not be advantageously applied to the building of vessels of a smaller class than those for which they were provided; and that the frames of our ships of the line, and all got to mould; which, if agreed to, will be to include in the stocks to be reduced by 3 per cent, the 5 per cent stocks of 1814 and 1815; in addition to what is already embraced by the bill.

The amendments were ordered to be printed, and the further consideration of the bill postponed to Thursday next.

Wednesday, March 27.

Mr. M. Lane reported a bill to provide for instructing and disciplining the midshipmen in the Navy of the United States, which was twice read and committed.

ORDERS OF THE DAY.

The House then resolved itself into a committee of the whole (Mr. Mallory in the chair) on the bill to provide for defraying up persons held to labour or service in any of the States or Territories, who shall escape to an other State or Territory, shall some debate thereon.

Mr. Woodstock moved that the committee on the report progress, which was agreed to.

In the House, Leave was given to the committee to sit again, and then the House adjourned.

Thursday, March 28.

SOUTH AMERICAN GOVERNMENTS.

The House then resolved itself into a committee of the whole on the state of the Union, (Mr. Sergeant in the chair) on the report of the committee on foreign relations, recommending the recognition of the

the resolution, with which the report of the committee on the subject of the recognition of the independence of the Republic of Colombia, was adopted.

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