

...soon joined the combat... sustained a running fight with... of four hours and a half... the other vessels under her... to make their escape... The Pomona... previous to sailing, had undergone... thorough repairs... was new... and put in the first rate order... had a picked crew of 500 men... she was loaded too deep to sail... Copy of a letter, dated on board... Pomona, the 20th January... Mr. T. B. Timberlake, late... of the President... "I have only time to commu... cate to you the unpleasant... of our capture the night after... from Sandy Hook... We... chased by the Majestic, Endymion... and Pomona frigates... The Endymion being the first... sailer, brought us to action... rigging and sails being very... cut up, after receiving 9 or 10... sides from the Pomona, and... no hope of effecting our escape... were compelled to surrender... Babbitt, Hamilton, and acting... Howell are no more! Babbitt... in the first broadside, and died in... arms in the cockpit... We part... pany to-morrow morning for Bermuda... The frigates President... Endymion we lost sight of in a... When the President was last... she had a signal of distress... having lost her fore and mizen... masts... The commodore is on board... the Endymion unhurt... and his officers shew us the... marked attention, and are unrec... in their exertion to make us... comfortable..."

A letter has been received, dated... on board the Pomona four days... ter, giving assurance of the safety... of young Price, Hoffman, Lanning... and Emmet, midshipmen. Of the... five Lieutenants, three were killed... and not a midshipman hurt. The... loss of the crew is small.

However much cause we may... have to regret the loss of the frigate... we have the pride to reflect... that our capture in this unequal... contest, has not been attended with... a single circumstance that can, in... the smallest degree, tend to blot... the naval honours of our country... Nor can we think the British will... raise their crest very high on the... occasion.

In hoc certamine, "nulla gloria est... Nec habet victoria laudem"

New-York, Jan. 27.
Extract of another letter from an... officer of the late U. S. frigate... President, dated
H. B. M. Ship Pomona, Jan. 22.
With regret I inform you of our... being captured by H. B. M. sloop... consisting of the Majestic, Endymion... Tenedos and Pomona. We... struck after a long engagement of... four hours and a half. Our loss... was not great—our 1st Lieut. Babbitt... and Mr. Hamilton, and 5th Lieut. Howell, killed—none of our... midshipmen were hurt but one. We... are now going to Bermuda, and expect... to return in a cartel. The... ship rocks and my time is short, &c.

Another letter states, that of the... 18 midshipmen on board the President... not one was hurt during the... engagement—and that the loss of... the crew was but trifling.

Another letter says, the Endymion... was silenced before the Pomona... commenced the attack.

[New-York Gazette.]
From the Philadelphia Democrat... Press, Jan. 27.

We understand that Com. Dille... has received a letter from his son, a... midshipman, who was wounded on... board the President. He states the... number of killed and wounded on... board the President to be ninety.

Another letter mentions that the... President had silenced the Endymion... when the Pomona came by... and poured in her broadsides. Shortly... after the other enemy ships had... left the Endymion and President... bearing for Bermuda, the President... gave signals of distress.

From the Philadelphia True American... Jan. 28.

A letter from Com. Decatur, to his... wife states, that in going out of... Sandy Hook, the Pilot ran his ship... on shore, by which he lost her... and by which her sailing was much... injured: he had not regained her... trim when he fell in with the enemy's... squadron.

He engaged the Endymion during... the chase, and in two hours silenced... her, and left her like a log on the... water. He then endeavoured to... make his escape by lightening the... President, but the other enemy... vessels at length reaching him on... their broadsides, he was under the

necessity of surrendering. He lost... 80 men, and 25 seamen killed, and... 175 wounded.

Extract of a letter from an officer of... the late U. S. frigate President... to his friend in Baltimore, dated... on board the frigate Pomona... at Sea, in lat. 38, 30, long. 72,
20th Jan. 1815.

It is with the deepest regret I... have to communicate the loss of the... late United States frigate the President... on the 15th inst. (the day... after which she sailed.) At day... light we fell in with H. B. M. razeer... Majestic, the Endymion, Tenedos... and this ship; and after a chase... from 6 in the morning until 4 in the... afternoon, they brought us to action... which continued 4 hours and an... half, when we were obliged to sur... render. Our loss was considerable... Lt. Babbitt, Lt. Hamilton and acting... Lieut. Howell, with a number of... others, (how many I do not know)... killed; Mr. Rodgers, Midshipman... Dale, and a number of men wound... ed—every man badly injured and... the ship much cut up in the hull... The Endymion, with which we were... engaged, suffered severely in men... hull, masts and rigging. She carried... of her main-deck 34 pounders... and on the upper-deck 32 pounder... carronades.

Last Tuesday the President and... Endymion parted company in a heavy... gale from the eastward; and when... the President was last seen she had... hoisted a signal of distress, having... lost her fore and mizen-top-masts, and... the Endymion unhurt. The captain... and his officers shew us the... marked attention, and are unrec... in their exertion to make us... comfortable."

A letter has been received, dated... on board the Pomona four days... ter, giving assurance of the safety... of young Price, Hoffman, Lanning... and Emmet, midshipmen. Of the... five Lieutenants, three were killed... and not a midshipman hurt. The... loss of the crew is small.

MARYLAND GAZETTE.

ANNAPOLIS, THURSDAY, FEB. 2, 1815.

Yesterday morning, Mr. J. H. Tho... as from the Committee appointed on... certain resolutions from the Senate... and similar resolutions which origina... in the house of delegates, and the... communication of two members of the... executive council, relative to the pay... ment to the Governor for military ser... vice, as commander in chief acting in... person during the period therein speci... ed, delivered the following report:

THE COMMITTEE

To whom the same were referred, we... had under consideration the... preamble and resolutions, sent on... Friday evening last from the Senate, and... the preamble and resolutions of... like tenor introduced the day af... terwards in the House of Delegates, and... requiring the Governor to refund... payment made to him for serv... ice as commander in chief of the mil... itia, from the 20th April to the 15th... September, 1813, as therein... stated; and also the communication... received from two members of the... executive council, in answer to a... previous order passed this house, relating... upon the executive for information... relative to the same subject.

On all which they beg leave to... submit the following report:—

The committee do not deem it... necessary to enter into a particular... detail of the circumstances from... which the present inquiry has origi... nated.—It will be sufficient to ob... serve, that in the spring and summer... of 1813, as will be generally recol... lected, the more exposed points on... the western shore of this state, and... especially this city, and the... adjacent country, were seriously... threatened by the appearance of a... formidable force of the enemy ho... ving on the coast. For the purpose... of affording that protection, which... was the duty of the general gov... ernment to supply, but which that... government had not adequately pro... vided, it became expedient for the... executive to call on the militia... of the state, and to employ that... force of defence, or such portions... of detachments of it as might be... conveniently and advantageously... engaged in the service. In... the course of affairs, the executive... considered, that a time had... arrived in which it would be proper... them, in pursuance of the 33d... clause of the constitution, to advise... the Governor to take the "com... mand in person," under an impres... sion from the experience he was... to have required in the war... the revolution, and the general... nature of the character of the... service, which would be well... calculated to inspire a salutary con... sideration in the public mind, and more... particularly in the militia them-

selves, of whom there was a consi... derable detachment stationed at the... city of Annapolis during the period... referred to, as perfectly notorious, notwithstanding the Senate's direct... assertion to the contrary. In conformity... with this advice, the Governor... entered upon the active duties... of commander in chief, on the 20th... April, 1813, and continued in... the exercise of those duties until... the 17th of September following, when... the militia were disbanded, having... established head-quarters in this city... immediately after his appointment.

The committee conceive it superfluous... to enlarge on the zeal, fidelity, and... indefatigable diligence, with which... the Governor is known to have discharged... the trust thus confided to him. Those who had the opportunity... of personal observation, will bear... ample testimony to this point; and... those who will take the pains to inquire, will be satisfied, from a mere... view of the various general orders... still extant, and other documents... connected with the service, that the... continued vigilance of the commander... in chief was occupied in a series of... useful, attentive, and laborious... exertion. It is true, that as this... place was head-quarters, and its... vicinity the principal scene of... operation, it was not requisite or... advisable for him to command on... any distant service, although it will... be remembered, that an occasion... did occur in which he manifested... his readiness to do so, if the turn... of events had not again rendered... his presence necessary in this city.

The committee have briefly noticed... these circumstances, because both... in the Senate's resolutions, and in... those moved in this house, it is... gravely urged, as if to aggravate... the offence of an alleged illegal... receipt of public money for military... service, that by reference to the... journals of the council it would appear, that the Governor was not... more than five days, (exclusive of... Sundays) absent from the council... chamber, thereby intending to imply, that he did not actually, or... faithfully, perform the service to... which he was specially appointed, and... for which he was paid. Without... making a minute examination into... the accuracy of this statement, to... the objection founded upon it, the... answer is obvious, that the Governor's... appearance in the council chamber... would be noted on the journal, however... momentary it might be, and although... (as the fact generally was) he might... be principally engaged abroad, throughout... the day, in the extraordinary duties... of his office as commander in chief; and... although, even while he remained... in the council chamber, many of his... more important duties as commander... in chief might have been there performed. It is not, it seems, made... a charge against him, that he neglected... any of the ordinary regular functions... of his office as Governor. It is not... shown by any evidence, that his civil... and military functions did in reality... interfere with each other.—But by a... singular perversion of justice, and a... strange fatuity of malevolence, the... force of this part of the charge, considered... in its best shape, seems to be, that while... devoting an anxious attention to the... highly responsible and interesting... cares of commander in chief, he sedulously... and successfully endeavoured at the... same time to acquit himself of the... prescribed constitutional obligations... imposed on him as Governor of the... state.

The committee had supposed, that... in regard to the merit of the Governor's... conduct in military command, all... pretence for clamour, or cavil, had... ceased, or been abandoned. And they... had been induced to suppose so, from... having observed, that this part of his... conduct had even extorted public... expressions of applause from those who... are not connected with him by the... ties of political sympathy, and who are... not much accustomed to allow to their... political opponents any of the attributes... of patriotism. But in whatever... view the matter may be now designed... to be played by the authors of the... resolutions in question, it is undeniable, that... the Governor, in person, having performed... the actual service of commander in chief, for... the time specified, and his account... having been rendered in the usual... military form, (upon honour) and being... duly examined and passed by the... accountants, he was entitled to an... order from the council for its payment, and if such payment was... authorized by law. The items of his... account appear to have been charged... according to the rate of pay and... rations of a major-general in the

army of the United States; and it... only remains to inquire, whether... the laws of this state authorized or... justified a settlement of his account... according to that rate.

In the resolutions it is argued, that... the act of 1788 gave the Governor... a permanent salary of \$1000, as a... full compensation for all the services... he was constitutionally bound to perform; and... that a public law giving such compensation... to a public officer, embraces all the... duties of his office, and not any specific... portion of them. In answer to this... part of the argument, it may be replied, that... the committee perceive, nothing in the 33d... section of the constitution, or any other... section thereof, by which the Governor, or... as commander in chief, is bound to command... in person, altho' advised thereto by the... council. He is not authorized, so to command, unless... they advise him; but the terms of the... constitution do not oblige him to pursue... such advice of the council after it is given; and... therefore in contemplation of the committee, the... Governor, not being constitutionally bound... to command in person, it would follow that... the argument does not here apply, which... only considers a fixed salary as a full... compensation to a public officer for all... those services which he is constitutionally... bound to perform.

But it is further insisted, that his... salary is not only a compensation for... those services which the Governor must... perform, but also for those services which... he may constitutionally perform; and to... sustain this position, great stress has... been laid on the provisions of the old... act establishing the salary of the Governor. That... act was passed at November session 1785, about... two years after our revolutionary struggle... was terminated by a treaty of peace... between this country and England. It... purports to ascertain and establish a... permanent salary for the Governor.—It... was devised and passed, during a recent... state of peace, certainly with no other... reference than as a compensation to the... chief magistrate of the state, for the... discharge of those duties which, in the... ordinary state of things, that is in a... state of peace, he was required by the... constitution to perform. While its terms... do not exclude the idea of a suitable... additional allowance to be provided, as... future occasion might arise for extraordinary... military services, the act did not... proceed to declare what further compensation... should be allowed to the Governor, if... called to command the forces of the... state in person, because, at that... enviable period, our forefathers, intent... only upon the happy tranquillity they... just then enjoyed, did not direct their... attention to providing for the exigencies... of a state of war, which they no doubt... fondly hoped was far distant and... removed from them. And it had... fortunately so happened, that nearly... thirty years had elapsed since the... passage of the act, before such an... occasion had occurred as to produce... the agitation of the subject now... before the committee. In truth this... is believed to be the first instance, since... the adoption of the constitution, in which... the Governor has been called to "command... in person."

But although it is the first instance, the... committee conceive that the existing... laws are not on that account the less... clear and satisfactory. At their session... in November 1811, the Legislature, on... the 7th of January 1812, little more... than five months before the declaration... of the present war by congress, passed... a new act "to regulate and discipline... the militia of this state," in the 31st... section of which it was enacted, that... when the whole, or any part of the... militia of this state, shall be ordered... into actual service, they shall be entitled... to the same pay and rations as troops... in the service of the United States... are entitled to receive.

It is presumed by the committee, that... it will not be contended, under those... clauses of the constitution which forbid... members of the Legislature, and various... civil officers, including the executive, from... holding any other office of profit, that... the Governor alone is thereby disqualified... from exercising a military command, in... which he was to receive pay for his... extraordinary services and expenditures. The... construction of those clauses of the... constitution has been long settled, and... there are now members of this Legislature, who... have, during the last summer, been... actively engaged in military commands, for... which they have received, or will be entitled to

receive, the proper compensation. It is... also to be observed, that the military... office of adjutant-general of the state, with... a regular annual stipend assigned to it, is held... and exercised by the register of wills of Anne... Arundel county, an office explicitly... recognized by the constitution.

The Governor, therefore, when acting... in person as commander in chief, became... clearly entitled, as the committee believe, to his... compensation under the provisions of the act of... 1811, prescribing the pay and rations of the... militia, at the head of which he is placed by the... constitution, and an active part of which he... became by the constitutional advice of the... council.—A question might perhaps have been... raised, whether he was not thus entitled to a... higher rate of compensation than he did receive. But as, (independent of the... personal rank of the present Governor, who is a... major-general of the militia) he was, by virtue... of his office as commander in chief, superior to... the grade of a major-general; your committee... are of opinion, that the allowance made to the... Governor, according to the rate of a major-general... of the United States army, was perfectly with... in the letter and spirit of the law.

And, even if a doubt existed on this... subject, which the committee do not themselves... entertain, they think that the proceedings of the... House of Delegates at the last session of the... Legislature, ought to preclude this House from... giving a moment's countenance to the propositions... now before them. At the last session, certain... resolutions were introduced, declaring the... Governor, as commander in chief, when in... actual service, to be entitled to receive, exactly... what he has received, in payment of the... account which is now disputed. Those... resolutions were referred to a select committee, consisting... of Messrs. Lecompte, Bayly, and Mr. Mason; which... latter gentleman has been the mover of the... late resolutions in the House, now condemning... the payment made as aforesaid to the Governor. That... committee reported, that the existing laws, having... provided a mode for the settlement of all... claims arising from the employment of the... militia, they were of opinion, that it would be... unnecessary to adopt the said resolutions. This... report, if it meant to be honestly understood, certainly... could not be supposed to mean any thing else, than... that the Governor, as commander in chief, acting... in person, was already entitled to the pay and... rations of a major-general, and therefore that it... was unnecessary to legislate further upon the... subject.

But it has been attempted to obviate... this inference, by declaring in the resolutions, last... referred to, that the Legislature itself is not... competent, much less is one branch of the... Legislature competent, to expound the laws.—Their... province, it is said, is to make laws, and not to... expound them; and the executive council, we are... now told, are men capable of expounding the laws... for themselves, and must be held responsible to the... state for a just exposition of them.

Now admitting, or not denying all... this sober doctrine, the committee must remark, that... altho' it may not be the province of this House to... expound laws, yet when they have thus manifested... their sense of a construction of a law, and the... executive council entertaining the same impression, have... had reason to be confirmed in it by what has... been so manifested by the immediate representatives... of the people, the grand inquest of the state, the... special guardians of the public treasury, it would... seem to come with a very ill grace from this House... to adopt any proceeding either upon motion in their... own body, or at the instance of the Senate, condemning... the very course which had been thus previously... approved of, or at least assented to. And it is not... a little curious, that this attempt of censure and... condemnation should be brought forward in this... House, in resolutions, which declare, that the... last House of Delegates had no right to expound... the laws so as to express an opinion that the... payment to the Governor was authorized, while these... same resolutions do themselves now undertake to... expound the law, as to declare that the said... payment was not authorized.

But your committee are not at all... surprised at the solicitude now evinced to... explain away, or weaken the effect of the opinion... expressed in the Report adopted by the last... house of delegates on this subject, which they... confidently aver was a

preceded by every member of the committee... appointed upon it, which it will appear, by the... vote and proceedings, was adopted with the... general concurrence of the House, or rather... without a dissenting voice; while the member... himself appears to have been present who has... been the mover of this investigation. Addressing... themselves to the House, in relation to its... character as a collective body, your committee... cannot therefore refrain from remarking, that... they can scarcely conceive, of any legislative... proceeding, which would be more insidious and... unworthy than that, of first sanctioning, or... strongly appearing to sanction, a particular... act at one session of the assembly, and then, at... the next session, to make that very act the... foundation of a vote of reproach and censure... against those who may have been confirmed in... their judgment of the propriety of that act by... the faith of your own implied authority. The... committee do not understand, nor do they wish to... understand, that sort of casuistry, by which... such proceeding can be reconciled to the... principles of justice, decency or honour.

Under these views, it is respectfully... recommended to the House, by the following... order, to reject the aforesaid resolutions.

Ordered, That the resolutions from the... senate, relative to the payment made to the... Governor as acting Commander in Chief for the... time therein specified, and also the resolutions... introduced in this House, of a similar nature, be, and... they are hereby rejected.

By order,
LOUIS GASSAWAY, Clk.

To sell, or hire.
THE subscriber has three or four NEGRO GIRLS, from eleven to seventeen years old, that he would sell for a term of years, or hire.
Henry Hammond.
Anne Arundel county, Broad-Neck, Feb. 2, 1815.

Walter Cross, BOOT & SHOEMAKER, informs his friends and the public, that he has commenced business one door above Mr. Basil Shephard's and nearly opposite Mr. Jeremiah Hughes', in Church-street, where he intends carrying on the above business in the most fashionable style. He has laid in a stock of good materials and employed the best workmen, which will enable him, he trusts, to give satisfaction to those who may honour him with their custom.
Feb. 2, 1815.

Public Sale.
To be sold, at public sale, on Thursday the 16th day of Feb. 1815, if fair, if not the next fair day, at the subscriber's plantation, near South river Church, some VALUABLE YOUNG NEGROES, a parcel of Sheep, Household Furniture, a Wheat Fan, with sundry other articles too tedious to mention. The sale will commence at 11 o'clock, and the terms be made known on the day of sale.
SAMUEL MACCUBBIN.
Will be sold, on the same day, some good Beds and Bedding. S. M.
Anne Arundel county, Jan. 19, 1815.

By the Committee of Claims
The Committee of Claims will sit every day, during the present session, from nine o'clock in the morning until three in the afternoon.
By order,
William K. Laming, Clk.

By the Committee of Grievances & Courts of Justice.
The Committee of Grievances and Courts of Justice will sit every day during the present session, from nine o'clock in the morning until three in the afternoon.
By order,
Louis Gassaway, Clk.

Anne Arundel County Court, September Term, 1814.
Ordered by the judges of Anne Arundel county court, that the said court stand adjourned from the third Monday of September last, until the 1st Monday of February next, on which day all jurors and witnesses summoned to the said September term, and all other persons having business in the said court, are hereby notified to attend on the said first Monday of February.
Test
Wm. S. Green, Clk. tmf.

NOTICE
The Commissioners of the Tax for Anne Arundel county, will meet on the first Monday in February next, Henry S. Howard, Clk. &c. &c. &c. December 5, 1815.