

WILMINGTON,

TUESDAY, JANUARY 3, 1809.

We understand that Major General Smith has received orders from the Commander in Chief, to immediately organize the militia to be raised for his division of the Militia.

We are informed that Mr. H. Kelly, Agent for this State, has received orders to charter a suitable vessel to transport immediately one company of 60 men to New Orleans.

BANK OF CAPE FEAR.

At an election which took place yesterday, the following gentlemen were elected directors for the year 1809. Joshua G. Wright, Wm. Giles, John London, Robert Mitchell, George Hooper, D. Anderson, Wm. Campbell, Duncan McLeran, A. Lazarus, J. M. Millan, J. Bradley.

Of whom, J. G. Wright was re-elected President for the ensuing year.

In the observations we have made, or rather the questions put, as necessarily arising from a perusal of secretary Gallatin's communication to senator Giles, recommending the proper additional measures to be adopted by congress, to enforce with the greater strictness and better success that "tremendous expedient" the EMBARGO, we presented to the public view the following promine consequences, viz. 1st. That they contemplate the increase of the executive's power and influence, by cloathing him with the unaccountable authority of judging in all cases of the propriety of giving clearances; thus, by a delay, till his dictum should be received, which he might protract giving to any indefinite time, at his discretion or caprice, our vessels may be subject to a secret embargo in addition to the public one, or at least unprofitably or ruinously detained, 'till the time for successful speculation was past; also, that the president would have an opportunity to sanction by a most arbitrary law, all his unfair partialities for favorite merchants as well as, all unjust prejudices and antipathies to that portion of the mercantile interest which have too much independence to render their servile homage to his EXCELLENCY: 2d. That it was an unjustifiable infraction of the acknowledged principle on which we hold our property to say that we shall not sell a part of it (as in the case of a ship owner) without continuing to be reputed the owner of that property, (which by selling, we have put out of the reach of our control,) and therefore subject to all the penalties of the violation of the embargo acts. The Secretary goes on to declare that ship-holders should not be allowed to exonerate themselves from this responsibility, "until the register and licence of the vessel sold, shall have been actually surrendered to the collector, and new papers shall have been regularly granted by the collector to the purchaser, and in every such case of purchase, a sufficient bond that the embargo shall not be infringed, to be previously required."— Thus leaving it in the power of an arbitrary, ill-tempered collector, to delay sales or prevent them wholly (for if at the moment that a vessel is wanted, the requisite papers cannot from legal or capricious difficulties be procured, the sale may be lost) and by this means through a ruinous and virtually unconstitutional mode, depreciating the value of property, and infringing those equitable rules which should ever govern its transfer: 3d. That they contemplate a still GREATER INCREASE OF EXECUTIVE POWER, which even secretary Gallatin calls "an arbitrary power" by vesting in the president a discretionary authority to seize on any "unusual deposits" though they may be made in the very centre of our vast territories, from motives of personal convenience only, without the least intention or even the practicability of violating the EMBARGO LAWS. 4th. That they propose what secretary Gallatin says "must be stated with regret," that of "authorizing, on the application of the collectors, an immediate call of the local, physical force of the country;" thus establishing a spurious species of MARTIAL LAW among us. Let this go down and come but into operation and it will not require the power of divination to foresee, that as a precedent it will be followed up, by forcing down every bad and executive measure by an argument so much in point as the bayonet! We shall soon have a military despotism rule over us,

for however pure or disinterested our present executive, or president elect may be, yet, who that is acquainted at all with human nature, but knows that it is the nature of man to encroach, and whenever vested with arbitrary power, to abuse it. This is the true origin of tyranny, the more to be guarded against because the more seductive. A chief has and merits our confidence and love; in our unbounded confidence & infatuated love we strike off the necessary shackles which had previously circumscribed the circle of his power, & our children, will if we have the happiness to escape, what we alone deserve for having been the authors of it, groan under a subsequent tyranny from this very chief, whom too much power has made vain and despotic, or from his successor, possessing less excellence of heart and restraint over his actions and revelling in all "the wild mis-rule" of an unlimited sway. To return to our Secretary's letter, we would ask our fellow-citizens if they are prepared to give their sanction to a measure which will not allow an unhappy victim of the VISITATION OF GOD, to plead such VISITATION in excuse for an act, for which he may stand indicted. There is a law against ARSON; whoever burns down his own house is severely punishable by law. Suppose an insurance company, apprehending that persons for whom they had insured might fraudulently burn their own dwellings to come upon them for the insurance, had sufficient influence with our executive to procure from him a recommendation to the legislature to enact a law, forbidding any person who has had his house burnt down, to give in evidence of his innocence or his claim upon his insurers, that it was done by incendiaries hostile to him, or that it was struck by the lightning from heaven. What would you think of the law? What epithet could you apply too strong to mark your indignation against, your abhorrence of the cruel tyrant that would recommend it? Yet "fellow-citizens" secretary Gallatin has proposed and urged that congress should pass a law, in order to put an end to all fraud by false protests of stress of weather or hostile capture, that makes the mere fact of a vessel's cargo going into any foreign port conclusive evidence of her having violated the embargo acts and thus become subject to all the penalties thereunto attached. Is it credible, that if a vessel laden with produce should, coming from Swansborough to this port, be assailed by a privateer from a furnished island, part of her crew put to death for resistance, & the cargo perhaps lost to its owner, the remains of the crew should, notwithstanding, have their mouths sealed by a congressional edict, their evidence forbidden to be taken in a court of justice, and that the unhappy owner should find by the merciless tenor of the law, that his ship is confiscated and the penalty of his bonds incurred—or if he has lost by the fury of a tempest on the ocean, all his masts, sails and rigging, and should be driven at the mercy of the winds and currents into any port out of the United States, still no evidence of this visitation of Heaven will be received in a court of justice, but his doom is fixed and his condemnation certain. If all these horrid usurpations on our rights and liberties and comforts are necessary to enforce the EMBARGO system, can it, fellow-citizens, be prudent, be profitable, be patriotic, be constitutional, to support it?—Is not a repeal of it, even though war be the consequence, preferable?

Before we conclude these strictures, we must do Mr. Gallatin the justice to declare our opinion, that, in political views and sagacity, he is far beyond any other member of the Cabinet; and that his recommending such singularly odious and tyrannical measures, arises from the necessity he was under, to give a full and adequate answer to the queries put to him by Mr. Giles; that he saw clearly the inefficacy of the embargo laws as they now stand; and as clearly that nothing but additional restrictions, such as he stated with REGRET & acknowledged to be ARBITRARY, could avail any thing. Perhaps in his own mind, he doubts the efficacy of even these—and if an assertion which has been publicly and repeatedly attributed to him without any contradiction that we know of, was really uttered by him, viz: That the embargo was a ruinous measure, and that the people (thereby intimating that the administration would not do it) must take it off, then he calculates that either Congress will be deterred from enacting them, or that the people will not submit to them: which is not at

variance with the sentiments and conduct charged to him, in the Pennsylvania Whiskey insurrection. But while we censure when we think it is merited, so we shall be equally ready to commend when we believe it to be deserved. Mr. Gallatin has borne an honorable testimony to the conduct and decision of Judge Johnson in the Federal Court in the case of Githrist and others, vs. the Collector, Simon Theus, Esq. In accordance with the act of Congress 'he says' the court, allowing them the right to issue the right of mandamus, could not have decided otherwise than they did; and while he nobly upholds the independence of the judiciary, he virtually condemns the supple tool of the executive, and the supercilious pettefogger of the law, who, instead of receiving with becoming humility from the Court that knowledge of which he is so glaringly in want, had the insolent presumption to dare to arraign and condemn and direct the decision of our highest tribunal of justice in the person of one of our best and ablest judges.

As a proof of the literary sagacity of Chief Justice, Esq. Attorney General of the United States, we adduce his wonderful discovery of the author of the "Letters of Junius" in the late General Lee.

The saddle placed on the right horse.—Capt. Scoville, who arrived here last Monday from Martinique, via Antigua and St. Kitts, informs us, that while he lay at Martinique, a Virginia Pilot Boat schooner arrived there with 750 barrels of Flour, which the captain sold for thirty dollars a barrel;—that while at Antigua, in the course of four days only, three vessels came in there with full cargoes of flour from Virginia;—that he saw at St. Kitts a Virginia schooner that had been at Barbadoes with a cargo of flour, sold part, and then came to St. Kitts with the remainder, for a better market. Is it possible that there is any part of the community in Virginia so "worthless" as to be concerned in evading the embargo laws? N. Y. Herald.

From the West-Indies.—A letter from Barbadoes, dated the 22d of October, received at Norfolk, mentions, that there is a glut of provisions and flour in those Islands: there are 7000 barrels in the Barbadoes market; that corn is selling at \$1 50 and fish at \$4 50; and West-India produce is looking up.

The Island of Martinico, it is said, has surrendered to the British forces.

Removal of the Embargo.—Mr. Burwell, formerly Private Secretary to the President of the United States, and more intimate with him at this time than any other member of Congress, with the single exception perhaps of Mr. Eppes, has declared unequivocally that the embargo will be raised before the close of the present Session. Mr. B. is a man of truth and honor, and undoubtedly has no idea that he whom he deems his best & greatest friend, would deceive him upon this important subject. Yet we ought to caution both our mercantile and agricultural friends against becoming the dupes of intimations of this sort. Every breath of rumour that is blown from this hill of the winds has a sensible effect upon the markets and gives rise to iniquitous speculations. The truth is, as Mr. Jefferson acknowledged to Capt. Woodward, that the administration knows not what to do next. Freeman's Journal.

Chillicothe, (State of Ohio) Nov. 17. The hon: SENATOR HUNTINGTON, Esq. a federal republican, is elected Governor of this state by a considerable majority, notwithstanding the intrigues and base deception made use of to frustrate his election.

"A Government of Laws and not of Men!" A memorial from Edward Livingston of the city of New-Orleans was presented to the House and read. This memorial states, that the memorialist had obtained, by the judgement of the highest judicial tribunal in the territory of Orleans, the title and possession of a tract of land commonly called THE BATTURE, when he was dispossessed by the Marshal of the district of Orleans, acting under special instructions from the President of the United States, in consequence of which the Marshal, by beat of drum, called out three regiments of militia, and carried into effect by force of arms, the illegal mandate of the President, in opposition to the legal judgement of the Court, and in contempt of a subsequent legal injunction issued by the said Court, enjoining the Marshal not to carry into effect

the said unconstitutional and illegal command of the President! He prays for relief.

Mr. Smilie moved that the memorial be referred to the Attorney-General.

This was objected to by Messrs. Gardener, Key, and Elliot, on the ground that the Attorney General had ALREADY given a decided opinion in opposition to the claim of the memorialist.

POETICAL GALAXY.

The following beautiful address to conjugal love is a translation of the Welsh; first printed in 1756.

Away let thought to love displeasing My Wifedra, move your care Let thought delay the heavenly blessing Nor squamish pride, nor gloomy care

What though no grants of royal donors, With pompous titles grace our blood! We'll shine in more substantial honors, And to be noble we'll be good.

Our name, while virtue thus we tender, Will sweetly sound where ere 'tis spoke; And all the great ones, they shall wonder, How they respect such little folk.

What tho' from fortune's lavish bounty, No mighty treasures we possess, We'll find within our pittance plenty, And be content without excess.

Still shall each kind returning season, Sufficient for our wishes give; For we will live a life of reason, And that's the only life to live.

Through youth and age and love excelling, We'll hand and hand together tread; Sweet-smiling peace shall crown our dwelling, And babes, sweet-smiling babes our beds.

How should I love the pretty creatures, While round my knees they fondly cling; To see them look their mother's features, To hear them lipse their mother's tongue.

And when with envy time transported, Shall think to rob us of our joys; You'll in your girl's again be court'd, And I'll go wooing in my boys.

EPIGRAM.

If Eve in her innocence could not be blam'd, Because going asked the was not sham'd; Who'er views the I. d. es, as ladies now dress, That again they grow innocent, sure will confess; And that artful y too they retain the evil, By the devil once tempted, they now tempt the devil.

OLIO OF PLEASANTRY.

Rousseau, when young, once shewed Voltaire an epistle, addressed to posterity. "My friend" said Voltaire, "this letter never will be delivered according to its direction."

A miserable Poet having presented a composition to a friend to peruse was told that in the third verse there was a syllable too few. "There may be" said the poet, "but read on, I doubt not you will find some with a syllable too much to make up for it."

An Irishman having bought a sheep's head, had been to a friend for a direction to dress it, as he was returning, repeating the method, and holding his purchase under his arm, a dog snatched it and ran away. "Now, my dear joy," said the Irishman, "what a fool you make of yourself! What use will it be to you, as you don't know how it is to be dressed."

MARRIED. On Sunday evening last, by Hanson Kelly, Esq. Capt. James T. Gibson, of the English schooner Dolphin, to Mrs. Eleanor Creighton, of this Town.

COMMUNICATION.

Died lately, in Jamaica, Mrs. Muter, relict of Mr. Robert Muter, merchant, formerly a resident in this town.

For Advertisements, kc. see Supplement.

PORT OF WILMINGTON.

ENTERED

Dec. 27, Sch'r Enterprise, Joyce Newbern 28, Sch'r Isabella, Bourne, Boston Sch'r Henry Denison, Allen, N. York 30, Sch'r Trio, Bailly, Boston 31, British Brig Alexis, Livingston, Liverpool, cargo salt and crockery, to John Lord. Jan. 2, Ship Mary, Barton, New York Ship Patty & Lydia, Sutton, Charleston Sch'r Rebecca, West, Boston Swedish Sch'r Isabella, Bachman, Matanzas, cargo, sugar, coffee and Molasses, to Hanson Kelly.

CLEARED

Dec. 29, Sch'r Betsey, Holmes, Boston 30, Sch'r Enterprise, Joyce, Newbern Jan. 2, Brig Portland, Crabtree, Philadelphia. A dismasted ship below, whence not known.