

...to abandon trade with England altogether because France said we must not carry it on? This was revealing ourselves upon them with a witness. After the embargo had been laid—for at that time he affirmed they had no knowledge of the British orders; some newspaper speculations on the subject had appeared, but the orders were not officially communicated by the President till the 4th of Feb. ensuing—and said England? You shall not trade to France, said she, England had it in her power to enforce her decree, and the insurance rising proportionally, the merchant had it in his power to say whether his probable profits would justify his sending a cargo to France under so great an insurance. But he asked a question now as to our interest simply, excluding other forcible considerations—when it was not in the power of France to enforce her decrees, and it was in the power of England, to enforce her orders in a very great extent, would it have been good policy to involve ourselves in a maritime war with England, who had overcome all the combined fleets of Europe for the sake of defending our trade with France? If any trade cost more than it was worth, Mr. H. said it was our interest to abandon it. But there was another danger attendant on our trade to France, and which had ever attended it—sequestration. American property was very apt to be sequestered; and in enforcing their Berlin decree, the French had thought proper to burn our vessels; and though it had been said that the Berlin decree had never been applied to us before the case of the *Horizon*, yet vessels had been sequestered in Feb. 1807, sold, and the money retained and would probably never be restored. This sequestration had been practised in the French ports more or less since the commencement of the revolution, and we had never got one dollar as compensation. To be sure, in the treaty of Louisiana, we had been allowed to pay money to our own citizens, but it had never come out of French coffers. Was it worth our while to engage in a maritime war with England to support a trade with France? Mr. H. said no; our interest would not have warranted it. For, notwithstanding all France could do, at a risk of five per cent, we might have had a trade with the British islands, Sweden, Portugal, the East Indies, the British W. India islands and other countries—a profitable trade too. But gentlemen said, would they submit to pay tribute to G. Britain? No. This tribute was but a mere name. They must pay tribute for going from England to France, where they would be captured as a matter of course because they had touched English ground. It was a tribute to be paid in a case which would never happen—mere nullity. But said gentlemen, there are American vessels which have gone to England, the embargo notwithstanding, and thence to various ports of the continent, by the aid of false papers. Were they to embark in a conflict to prevent their citizens from doing this? All this smuggling work, where it was under the sanction of laws of U. S. reflected no disgrace on the honor of the nation, which was not responsible for it.

If there were nothing that would commit the honor of the nation in the way of it, Mr. H. said it would be the interest of this nation to abandon its commerce with France, not only on account of the risk in carrying it on, but on account of the risk after it gets into port. Mr. Armstrong said—but he would not allude to him for fear he might tread on confidential ground; however, accounts had been received from our consuls and merchants, that whenever it suited the convenience of the French nation to lay their hands on American property, they had done it. And therefore he said our trade to that country was on a very insecure footing indeed.

But said gentlemen, if they allowed our vessels to trade to England and not to France, it was a submission to her orders and a resignation of our independence; therefore the embargo must be maintained to keep on equal ground. I could never see, observed Mr. H. how the embargo was the means of preserving the honor of the nation. These nations say we shall not trade; and therefore, by an embargo, we destroy our commerce. This is magnanimous indeed. It is a new way of preserving commerce, because foreign nations say we shall not follow it, we say we will abandon it. Do we not comply with the requisition of these nations completely—more than comply, for we surrender all commerce. It is the most tame surrender of our rights.

But, said gentlemen, we must have embargo or war. This Mr. H. said, had been urged in public debate, in the newspapers, and almost all communications they had received. For his part he could not see how a repeal of the embargo was to involve us in war, except it were, as said last winter, that Bonaparte would have no neutrals; and therefore, if we did not continue the embargo he would declare war against us. Was this a ground on which to surrender commerce and subject all our citizens to inconvenience because he would otherwise declare war? What more could he do than he had done? What more than burn our ships and sequester our property? He could do no more. Why then should they be terrified thus? If war came thus let it come. Mr. H. said he was not for declaring war against any nation, but he was for authorizing the arming our commerce, for authorizing our merchants to defend those maritime rights which were clear and indisputable; and this would not be war, for no nation, not predetermined to make war, would make war upon us for defending our maritime rights. I should not (said he) be willing to go to war for doubtful rights, as that of the carrying trade between the mother country and her colonies; but our indisputable neutral rights I am for defending, not abandoning.

Mr. H. said he thought when the embargo was laid, though perhaps he had been singular in the opinion, that it was intended as a permanent measure; that the real object was not what had been expressed in the message, but to put down commerce and set up manufactures, to convert all our commercial capital into manufactures, and all our commercial men into manufacturers; and many honest politicians had thought it would be the practical and useful and beneficial plan, though the contrary had ever been his opinion. In confirmation of his opinion, Mr. H. said when they looked over official or other publications which bore the stamp of authority, or were considered as being approved by the constituted authorities of the country, they were told that the agriculturalist and manufacturer should be planted side by side, and that they should sit at their own doors clothed in their own manufactures of those articles which they had before received from others. These ideas could never be realized but by abandoning commerce.

Mr. H. here went at some length into a discussion on the subject of manufactures, using arguments tending to demonstrate that large manufactures are as unsuitable to the genius of a free people as to the peculiar habits of the people of the United States.

Mr. H. said no man was more desirous to obey the laws of his country than he was; but in a free country laws could not be forced down. Either by force or in some other way the people get rid of a disagreeable law. They always had and always would do it. Therefore attempting this system was prostituting the dignity of the government and teaching the people to trample on the constituted authorities. He wished to see the magistracy of a free country omnipotent in its laws; but if by projects of this kind the people were driven to opposition they would not confine themselves to the constitutional remedy, but feeling their power, would exercise it with violence. Therefore, when a measure was found not to operate right, they should retreat, and they might do it too with a good grace, for it would be for the honor of the nation that they should retrace their steps.

Mr. H. said he imagined some ulterior steps might be proper if the embargo were raised; but on conversing with members, he had found so many different opinions to prevail, that he had not coupled anything with this. When the embargo should have been done away, no doubt the councils of the nation would come to some result and adopt some measure which would take its place. For all these reasons, Mr. H. concluded by saying that he was clearly of opinion that his resolution should be adopted and the embargo repealed.

November 22.
The Senate resumed the consideration of Mr. Hillhouse's resolution.

Mr. Pope spoke against it for an hour and three quarters.

Mr. White followed in a speech of three quarters of an hour; and

Mr. Moore concluded this day's debate in a speech of half an hour.

No question taken.

November 23.
Mr. Hillhouse's resolution still under consideration.

Mr. Crawford opposed it in a speech of an hour and a half.

He was followed by Mr. Mitchell in a speech of about the same length, when

The House adjourned at about half past two o'clock without taking a question.

November 24.
Mr. Hillhouse's resolution still under consideration.

Mr. Giles made a speech against the resolution of three hours and a quarter, when

The Senate adjourned.

HOUSE OF REPRESENTATIVES.
November 23.
The House were engaged in the discussion of the bill introduced by Mr. Blackledge for the employment of 12 revenue cutters in addition to those already in service.

November 23.
After transacting some business of a local nature, Mr. Randolph moved that the gallery should be cleared, as he had business of a private nature to offer.

The galleries were cleared, and the house continued in private debate until five o'clock, when the house adjourned with closed doors.

November 24.
The House met, and continued with closed doors until two o'clock, when they were opened.

NORTH-CAROLINA.
State Legislature.
HOUSE OF COMMONS.
Tuesday, Nov. 29.

Mr. Love presented a bill creating the west part of Buncombe into a separate and distinct county.

Mr. N. Jones presented a petition from sundry citizens, stating certain grievances experienced under the laws relating to mill dams.—Read and referred.

Ordered, That the bill to repeal the 12th and amend the 13th sections of the acts for the more uniform and convenient administration of justice within this state, be committed to Messrs. Johnson, (of Anson) Gaston and Hall for amendment.

Received from the Senate, the bill to repeal an act passed in 1794, to prevent the further importation of slaves into this state. Endorsed, "Read for the first time and passed," which was read and returned.

Wednesday, Nov. 30.
Mr. McGuire presented a petition from the inhabitants of Chowan and Perquimans counties, respecting the Herring Fishery.—Read & referred to the committee of Propositions and Grievances.

Mr. Gaston presented a bill to amend the several acts relative to the Supreme Court.

Received a Message from his Excellency the Governor, enclosing a General Return of the Militia of the State, and a Letter from the Adjutant General.

Received from the Senate a bill to repeal the act entitled "An act to amend the penal laws," so far as respects the trial of slaves charged with capital offences.—Read and returned.

The resignation of Henry Seawell, Attorney General, was read and accepted.

The Speaker laid before the House the annual Report of the Public Treasurer.

To the Honorable, the General Assembly of the State of North-Carolina.
GENTLEMEN,
By way of making to you that statement which is annually required of the Public Treasurer by law, I do myself the honor, herewith, to submit the following Report:

The receipts at the public Treasury of North-Carolina, from the first day of November, 1807, to the first day of November, 1808, including arrears, the public taxes of every description, and the cotton-gin tax, amount to twenty-seven thousand and sixteen pounds sixteen shillings and seven pence, (\$7,016 16 7) which sum, when added to the balance remaining in the Treasury on the first day of November, 1807, to wit, forty-one thousand six hundred and seven pounds, sixteen shillings and six pence, as reported to the last General Assembly, makes an aggregate amount of sixty-eight thousand six hundred and twenty-four pounds, thirteen shillings and one penny, (\$8,524 13 1). From this aggregate amount or sum total, disbursements have been made within the period first above mentioned, say from November, 1807, to November, 1808, to amount of thirty thousand seven hundred and eighty pounds seventeen shillings and four pence (\$9,780 17 4); the greater part of the vouchers for which were delivered over to the late Comptroller, and by him were passed to the Treasurer's credit; and the remainder are held ready to be delivered to his successor in office, when appointed, to the end that they may be likewise credited and the whole examined and passed on by the Committee of Finance.

These disbursements, or this expenditure, when taken from the aggregate amount above mentioned, leave a balance of thirty seven thousand eight hundred and forty-three pounds, fifteen shillings and nine pence, (\$7,843 15 9) remaining in the public Treasury on the first day of November, 1808, and yet to be accounted for.

The receipts at the Treasury for lands entered and paid for, amount, from the first day of November, 1807, to the first day of November, 1808, to the sum of two thousand and twenty-three pounds, eleven shillings and nine pence, (\$2,023 11 9): This amount is, however, completely covered by certificate and other vouchers, and does not, therefore, in any wise affect the Public Treasurer's general account of the taxes, &c. the balance of which is and will be found as above stated.

In conformity to the directions of the Act of the last General Assembly, entitled "An act to authorize the Treasurer, in the name of the State of North-Carolina, to subscribe in the Banks of Cape Fear and Newbern, for the number of shares which the state has reserved the right of subscribing for, in each of the said Banks," subscription was made, on the first day of February last, in the books of the Bank of Cape-Fear, for two hundred and fifty shares of the capital stock of the said Bank, on the part and for the use and benefit of the State of North-Carolina; and the proper evidence of the said subscription and consequent payment was then and there furnished and obtained. One dividend of four per cent. has since, viz. on the 30th day of June last, been declared; and the proceeds of the shares subscribed as aforesaid, amounting to eight hundred and thirty-three and one third dollars, (\$833 1-3) have been placed to the credit of North-Carolina, in her account with the said Bank.

In further obedience to this law, the officers of government whose duty it was made, appointed Samuel R. Jocelyn, Robert Cochran and John Scott, Esquires, all of the town of Wilmington, Directors of the said Bank, for and on the part of North-Carolina, and have been duly advised of their acceptance of such their appointment.

Late in October last, I was informed by letter from the President of the Bank of Newbern, that the Directors of that Bank had resolved that the State of North-Carolina was at liberty to subscribe in the books of said Bank for the shares reserved by her, at any time after the first day of November instant. In consequence of this information, a confidential messenger has been dispatched with the sum of money necessary to the first payment, and with full powers to subscribe in the books of the said Bank, on the part and for the use of North-Carolina, for two hundred and fifty shares of the capital stock of that Bank likewise. The return of this messenger is expected in the course of the present week.

Pursuant to the directions of the last Assembly, the three per cent. Stock of the funds of the United States, standing to the credit of North-Carolina on the books of the Commissioner of Loans for this State, have been converted into six per cent. Stock of the said funds; and the old six per cents and six per cent. deferred Stock, standing to the credit of this State on the said books, have, under the same authority, been exchanged for new six per cent. Stock, agreeably to the provisions of an Act of Congress in such cases made and provided.

The Public Treasurer has added to the eight per cent. Stock, reported to the last Assembly as held by North-Carolina, another purchase of five thousand nine hundred dollars, (\$5,900) made in the course of the current year. It is believed that the whole of the Stock of the United States of this description will be redeemed on or about the first day of January next. Should such redemption take place, the Legislature may possibly deem it expedient to direct, whether the proceeds of that part of the said Stock which is owned by this State shall be invested in the purchase of six per cent. Stock of the funds of the United States, or whether they shall be otherwise disposed of.

The State House has been painted as directed, and I have ventured to have made some additional improvements to and around it, which appeared to me necessary, although they were not mentioned in the resolution directing the painting. The vouchers of expenditure in this regard are filed with those yet to be delivered over to the Comptroller.

At my instance, the Secretary of State has prepared a list of the balances due to North-Carolina from those Sheriffs and other revenue officers who remain in arrear to the State. This list is ready to be placed in the Conference Room for the inspection and information of all (as was heretofore done by the Comptroller) whenever the Legislature may think proper so to direct.

I hereto subjoin a memorandum of the amount of the Stocks of the funds of the United States at present owned by North-Carolina—and remain, very much and very respectfully,

Gentlemen, your Obedient Servant,
JOHN HAYWOOD,
Public Treasurer.
Raleigh, 26th Nov. 1808.

Mr. Buzman presented a petition from the inhabitants of Washington county, respecting the Herring Fisheries.—Referred.

Received from the Senate the bill to alter the name of a town in Rutherford county, from that of *Erwinville*—Read and returned.

Received from the Senate, the bill relative to the Supreme Court.—Read and returned.

Ordered, That the bill to compel the Clerks of the several county courts in this state to keep offices at or within one mile of the courts, on their respective counties, do lie on the table until order.

Mr. Henderson presented a bill to give concurrent jurisdiction to the Superior and county courts.

Mr. Gaston, from the committee who were directed to enquire into the expediency of amending the law of descents, Reported,

That having assiduously examined into the important subject referred to them, they find that the various Acts which have been passed to regulate the course of descents are so replete with ambiguity that it is difficult to divine the true meaning of the Legislature.—Whether it was designed to give preference in favour of relations of the blood of purchasing ancestor—whether kindred of the part of the Father were to have a prior claim to that of the Mother—whether the provision in favour of one half blood over the other, and not to the whole blood also; whether the abolition of distinction between males and females was confined to individuals or extended to stocks—and what the provision in favour of parents comprehending the case of lands inherited by the intestate, are all questions on which the most intelligent may differ, and must occasion the most extensive litigation.

Your Committee, conceiving that certainty in the descents is of the first importance and of universal consequence, have been anxious to discover what this ambiguity in the existing law has arisen, and endeavoring to remove it they might avoid those evils by which it has been occasioned. They find that all these errors have arisen from the Legislature having undertaken to define with minuteness cases which might occur, and having endeavored to make provision for each of them, instead of establishing certain, plain and general principles, which might be susceptible of application in every instance. Your Committee strongly impressed with this idea, have conceived it their duty to attempt the framing of rules embracing such principles—and in making these rules they have been studious to conform as nearly as may be to the spirit of the existing law. The three first rules, it will be perceived, do not introduce any innovation in those which now prevail, and are altogether unnecessary were it not for the advantage which is derived from bringing together the rules upon the subject. The fourth rule is for its principal object the securing to the father the man by whose industry the property was acquired, the enjoyment of such property in preference to those who have no consanguinity with him. The fifth is designed to embrace those cases in which the intestate was himself the purchaser, and in which reason dictates that his nearest relations should succeed to his estate whether on the side of his Father or his Mother. The sixth rule is but a simple confirmation of principles now existing. The provision founded upon that sentiment of natural affection which has received the sanction of the Legislature in two Acts of 1784. The Committee have deemed it advisable, to avoid all uncertainty, that the proviso should embrace every case in which the collateral kindred are more remote than the issue of Brother and Sister; and to prevent the inconvenience which might result from interrupting the general course of descents, they have proposed that the provision should be for life only.

Your Committee do, therefore, recommend that the Bill accompanying this Report be put on for passage and enacted into a Law.

A BILL to regulate Descents.
Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the following rules be established, for regulating the Descents of inheritances.

1st. Inheritances shall lineally descend to the issue of the person who died last, actually or legally seized, forever; but shall not lineally ascend except as is herein after provided for.—

2d. Females shall inherit equally with males, and younger equally with elder children.

3d. The lineal descendants of any person deceased, shall represent their Ancestor, and stand in the same place as the person himself would have stood had he been living.

4th. On failure of lineal descendants, and when the inheritance has been transmitted by descent from an Ancestor, or has been derived by gift, devise or settlement, from an Ancestor, to whom the person thus advanced would, in the event of such Ancestor's death, have been their heir, or one of the heirs, the inheritance shall descend to the next collateral relation of the person last seized, subject to the two preceding rules.

5th. On failure of lineal descendants, and when the inheritance has not been transmitted by descent or derived as aforesaid from an ancestor, or when if so transmitted or derived, the blood of such ancestor is extinct, the inheritance shall descend to the next collateral relations of the person last seized, whether of the paternal or maternal line, subject to the second and third rules.

6th. Collateral relations of the half blood shall inherit equally with those of the whole blood, and the degrees of relationship shall be computed according to the rules which prevail in descents at common law. Provided always, That in all cases when the person last seized shall have left no issue, no brother, nor sister, nor the issue of such, the inheritance shall vest, for life only, in the parents of the intestate, or in either of them, if one only be living; and the death of one of the Parents, then in the Survivor, afterwards to be transmitted according to the preceding rules.

And be it further enacted, That this act shall commence and be in force from and after the 31st day of December, and that all laws and clauses of laws which come within the meaning and purview of this act be, and the same are from that day repealed and made void.



...to be printed.

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