

not by the shape of her upper sails, as they became indistinguishable from our deck, to be a man of war. Not having heard of any other ship than the before mentioned frigate being on our coast, I concluded (and more particularly from the direction in which she was discovered, that it was her; and accordingly determined to speak her, as well because I considered it my duty to know the names and characters, if possible, of all foreign cruizers hovering on our coast, as from her impression, if it turned out to be the vessel I had conceived, that her commander from having learnt through the medium of the newspapers, the sensation which the before mentioned outrage had produced throughout the United States, might be induced, if he was not totally regardless of American claims to justice, to mention that he had the young men on board, and would deliver him up to me, and perhaps at the same time assign some cause for such a gross violation of the sovereign rights of the American nation.

At any rate, whether he was so disposed or not, if I could learn from him that the man was on board, I should have it in my power to represent the same to my government, and thereby the more readily effect his emancipation from slavery, and the great necessity of fighting the battles of the very country whose officer had thus unlawfully enslaved him; and in doing this, I considered I was doing no more than a duty imposed on me by my situation, consequently I felt regardless, if in accomplishing it, a further attempt should be made to insult my country by offering violence to the flag flying over my head—as I was then, am now, and ever shall be, prepared to repel any such insult or injury to the very utmost of the force under my command; and that too without regard to the consequences resulting therefrom.

These gentlemen, were my motives for having chased the ship which I supposed to be the frigate that impressed Digby, but which afterwards proved to be his Britannic majesty's ship Little Belt. But even if I had no such reason to justify my chasing, I maintain that the usage of nations, the treaty concluded in 1783 between the United States and Great Britain, as well as the British precedents almost without number, gave me that right: if it be admitted that our country possesses any comparative or reciprocal rights whatever.

Although I admit I did chase the Little Belt, I nevertheless deny that her commander wished to prevent my coming up with him, otherwise he undoubtedly would not have kept away, and set his studding sails when he was several miles to windward of me: added to this, his conduct was unfriendly to say the least, as he declined shewing his colors until after it was too dark to distinguish what they were, although he must have perceived, as well from the course I steered, as from my colors (of which he undoubtedly saw the pendant) that I wished to speak him. Indeed the several circumstances make it apparent to me, that he was ignorant of our force, and wished to procrastinate our meeting only until it should be dark.

Signed, JOHN RODGERS.

Legislature of North Carolina.

HOUSE OF COMMONS.

Friday, October 6.

Mr. Martin presented a bill to alter the line between the counties of Surry and Stokes; Mr. Gorham, a bill to authorise a lottery for the purpose of building a bridge over Tar river at Greensville, in Pitt; Mr. Stone, a bill to authorise the opening of a canal from Currituck sound to the Atlantic Ocean, at or near the place formerly called Cathey's inlet; M. M. E. Sawyer, a bill to restrain the captains of the militia of this state from holding their petit musters at certain times; and Mr. Love, a bill for the better regulation of the roads in the counties of Buncombe and Haywood. Severally passed for the first reading, and sent to the senate.

Received from the senate a bill to alter a place of election in the county of Stokes; and a bill to establish a town at Greene court house, which passed their first readings and were returned.

The report of the committee of propositions and grievances on the petition of sundry inhabitants of the county of Chowan, was ordered to lie on the table indefinitely.

The bill from the senate authorising the inspector of the Female Academy at Salem to issue due bills, was read the first time and rejected.

The bill to fix the age at which persons shall be capable of disposing of chattles by will, was read the third time and passed.

Mr. Porter, from the select committee on that subject, reported a bill to amend an act passed in 1784 empowering the several county courts of pleas and quarter sessions to order the laying out public roads and to establish and settle juries, and to appoint where bridges shall be built, and to clear inland rivers and creeks.—Read the first time, passed and sent to the Senate.

The bill to regulate the practice of Physic in this state, was read the third time and rejected—yeas 27, nays 89.

A communication, respecting the improvement of the militia, was received from his excellency the Governor, and referred to the committee of the message. The following is an extract from the communication:

"Being about to take my leave, and to save you much more time than will be occupied in hearing this my last communication, I ask your kind indulgence and attention to a few observations which I am prompted to make by due respect to those who have honored me through the course of near thirty years public service, and from a sense of justice to myself. At the last session I had the honor of being elected your chief magistrate without solicitation or expectation on my part. Circumstances of too delicate a nature and too uninteresting for public detail, but wholly unaccountable by me, confirmed an opinion long before entertained, that my present and future happiness would be promoted by retirement and tranquility. The same circumstances prevented a residence at the seat of government, and I came up shortly previous to your session, having before left home, declared my intention of declining a

re-election; and my real intention to lead a private life.—After my arrival here I mentioned similar sentiments to a few very respectable members, who requested my withholding, for a time a public expression of them. But understanding that a nomination has been made, in which I am included, as a proper person to elect Governor for the ensuing year there should be no longer delay on my part in deciding a wish that my name as a candidate may be withdrawn, and expressing my regret that the gentleman who made the nomination did not consult me previous to indulging his kind partiality, for which however, he is offered my grateful thanks.

"In retiring from private life I carry with me a consciousness of having endeavored, with honest zeal, to discharge the various and important appointments, conferred on me, to the best of my abilities; and of having in some measure justified the choice of my friends, by performing the duties assigned to me with that assiduous punctuality which occasioned a never failing attendance on the Courts of my county, when in health, and within it, except once, being classed out by law, from the year 1784, to the year of my gubernatorial election, and which disposition has been evinced before many of you by never being absent from my seat in the Legislature, but for a very few minutes, when able to attend during most of the same long course of years.

Although withdrawn from the bustle and cares of a public life, I shall never cease to feel a warm gratitude to the State in whose service I have passed the prime of life, and for whose prosperity and happiness constant and fervent prayers will be offered by him who has the honor to be,

"With much consideration,
Gentlemen,
Your's respectfully,
BENJAMIN SMITH"

On motion of Mr. W. R. Johnson Resolved, That a committee be appointed to enquire into the cause or causes why the due bills issued for the benefit of the Raleigh Academy, have so new an appearance; and generally in to the infringements of the law of 1809 suppressing due bills, committed by the Trustees of the said Academy; and that the said committee have leave to call upon and examine witnesses, and to report by bill or otherwise.

The annual report of the Treasurer was received and read, as follows:

To the Honorable the General Assembly of the State of North Carolina

GENTLEMEN,

The Annual Report required of the Public Treasurer by law is herewith submitted; and from it you will perceive, that the Receipts at the Treasury for the year commencing with the first day of November, 1811, and ending with the 31st day of October, 1811, including the Public Taxes of every description, together with the Surplusses and Dividends declared by the Banks of Newbern and of Cape Fear, on the shares or stock held in those banks respectively by the state of North Carolina, amount to twenty-nine thousand eight hundred and fifty three pounds, one shilling, (£29,853: 1: 0;) which sum or amount being added to the Balance of sixteen thousand two hundred and forty-three pounds, eight shillings and seven pence, remaining in the Treasury on the first day of November, 1810, as reported to the last General Assembly, makes an aggregate or sum total of the amount of forty six thousand and ninety six pounds, nine shillings and seven pence (£46,096: 9: 7.)

From this sum total or aggregate amount, Disbursements have been made, during the period, as have mentioned—say from the first day of November, 1810 to the first day of November, 1811, to the amount of thirty one thousand six hundred and ninety two pounds, one shilling and eight pence (£31,692: 1: 8;) the Vouchers for which have been delivered to & passed upon by the comptroller, and are held ready by him for the inspection of the Committee of Finance: which Expenditure being deducted or taken from the aggregate amount above mentioned, leaves a balance of fourteen thousand, four hundred and five pounds, seven shillings and eleven pence. (£14,404: 7: 11;) remaining in the Treasury of the State on the first day of November of the current year, say on the first day of November, 1811, yet to be accounted for.—A considerable part of this Balance is in the Paper Money of North Carolina, and some of the bills are ragged and much worn; those which are held least fit for circulation, will be selected, counted and filed, and will be submitted to the inspection of the Committee of Finance, preparatory to their being burned, or otherwise disposed of, as the Legislature may direct.

From the foregoing it will readily be perceived, that to continue the Treasury in a solvent state, it was necessary to have recourse to means in aid of the balance of £16,243: 8: 7 above mentioned, as being the sum total of the cash on hand on the first day of November 1810, and thereafter to be accounted for; and of such necessity, mention was made in the Treasurer's Report to the Assembly of 1810.—This aid was sought, as matter of right, pursuant to the provisions of the Act of 1807, chap. the 3d, and was readily had and obtained from the Bank of Newbern, which accommodated the State without hesitation, with the sum of eight thousand three hundred and thirty three pounds six shillings and eight pence (£8,333: 6: 8.) This sum, considerable as it was, proved insufficient; and recourse was then had to the Bank of Cape Fear, which with equal readiness accommodated the state with the sum of four thousand one hundred and sixty-six pounds, thirteen shillings and four pence (£4,166: 13: 4;) and these timely helps enabled the Treasurer promptly to meet and fully to satisfy all the public demands made on him. These debts, thus contracted and due the Banks as aforesaid, are yet to be provided for, and they are therefore mentioned.—The bonds given in this behalf became due in the months of October and November last; but on application to the Presidents and Directors of those Banks respectively, the time of paying them was readily extended to the end of present year; and longer time may yet probably be had on both of them, if it be wished by the State.

After thus mentioning the Presidents and Direc-

tors of the Banks of Newbern and of Cape Fear, I should be wanting towards them and should fail to do justice to my own feelings, were I to suffer to pass by this opportunity of making an expression of my acknowledgments for the prompt, friendly and obliging manner in which they have invariably met my applications for accommodation or Loans for the State.—The fact is, that from the time of the connexion of the State with those institutions or establishments until the present day, it has been only necessary to make known its pecuniary wants, to have them supplied and done away.

The Receipts at the Treasury for lands entered, which have been paid from the first day of November 1810, to the first day of November 1811, amount to two thousand, six hundred and eight teen pounds, one shilling and four pence (£2,618: 1: 4.) These receipts, however, do not in any wise affect the result of the foregoing statement, inasmuch as the amount of them is completely covered by Certificates and Cash Vouchers.

In virtue of the authority with which the Public Treasurer was invested by the act of Assembly of 1810, which creates and charters the State Bank of North Carolina, I subscribed, in the month of April last, on the books of the Commissioners thereof kept at this place, for the whole of the sum reserved for the State, and took for her two thousand five hundred shares (2500) of the capital stock of the said Bank. Sixty-two thousand five hundred dollars, have been since paid to the officers of the Bank, in stock of the funds of the United States, held and owned by N. Carolina (including a small sum paid in silver) in full of the first instalment on the shares so subscribed for and taken by the State as aforesaid.—And thirteen thousand, two hundred and twenty-three dollars and eighteen cents of the like stock, with thirteen thousand, one hundred and seventy-two dollars and twenty six cents, making together, twenty-six thousand, three hundred and ninety five dollars, forty four cents (£26,395: 44) are held ready and will be paid over to the officers of the said Bank, on account of, and in part of the second instalment due on the said shares: which last mentioned sum comprehends and includes all the stock and all the cash which the State can, at present and with convenience, pay over to this corporation, on account of and towards the instalments due and becoming due on the shares so subscribed for and taken by her as aforesaid. Funds from which the balance due on the second instalment, and the sum becoming due on the third may be paid, are yet to be provided, and the rate of interest which may be ordered to be paid to the corporation on account of the deferred payments due and becoming due to it from the State, remains to be fixed by the Legislature.

The Public Treasurer would have felt it his duty here to have entered into a particular and detailed report, shewing his construction of the act creating the State Bank of North Carolina, in regard to the rights and interests secured by it to the State, and the obligations and duties imposed by it on the Stockholders had it not happened that he is happily released from the performance of that task, by the Committee of the General Assembly, appointed to confer with a Committee of the Directors of the said Bank. Fully satisfied and assured, therefore, as he is, that all matters of doubt, of interest and of obligation, affecting the State and this Corporation, will be properly defined and understood, and amicably and justly settled by the Committee, he will only add, that a part, and not the whole, of the capital stock of this Bank has, as yet, been subscribed for and taken; that discounts have been had at the principal Bank and will probably be had at all its branches in the course of a few days; and that in consequence of the power conferred and had, on that behalf, reposed in him by the State, he voted for Directors on the first Monday in the present month, as per the annexed list of names.

Respectfully, your obedient servant,
JOHN HAYWOOD,
Public Treasurer.

Saturday, Dec. 7th.

Mr. Hall presented a bill to alter the mode of punishment in criminal cases, and for other purposes, which being read, was on motion, indefinitely postponed, yeas 27 nays 26.

Monday, Dec. 9th.

Mr. Russ presented a bill to appoint commissioners for the purpose of opening a canal to connect the waters of Lockwood's Folly, and Elizabeth river in the county of Brunswick; Mr. N. Jones, a bill for the temporary appointment of a clerk for the Court of Pleas & Quarter Sessions of Wake; Mr. Miller, from the committee appointed to confer with Messrs. Gilmore, Tucker and Coles, commissioners from the Legislature of Virginia, on the subject of cutting a navigable canal from the waters of Chowan to the waters of James river, to the Dismal Swamp Canal, presented a bill for the purpose above mentioned; Mr. Carthey, a bill to authorise S. Johns Lodge, No. 3 Newbern, to raise ten thousand dollars by way of lottery for the purpose of repairing their Masonic building; Mr. Porter, a bill relative to the militia; Mr. A. Jones, a bill to amend or explain an act respecting the passage of lands by feme covert; Mr. Avery, a bill to carry into effect an act to add part of Burke and Wilkes counties to Ireland; Mr. Jones, a bill to repeal all the acts heretofore passed allowing the erection of gates on public roads; severally passed their first readings and sent to the Senate.

Mr. Clark, from the select committee to whom had been referred the petition of Wm. Jones, contractor for building a steeple on the State House, praying relief for reasons therein stated, reported a resolution allowing a further compensation to the petitioner of 300 dollars. Agreed to, yeas 68, nays 31.

Tuesday, December 10.

Mr. W. W. Jones presented a bill to subject equitable interests on real estates to executions. Mr. Brittain, a bill directing the officers of militia for the county of Buncombe, to review each regiment separately.—Mr. Porter, a bill to consolidate in one, all the laws directing the duties of the officers therein named, respecting the finance of the county of Rutherford. Mr. Horn, a bill to establish a town on the lands of Richard Cunningham and Jesse Lester, in the county of Surry.

Mr. Blount, a bill to regulate the fisheries on Conaby creek, in Washington county. Mr. Wilson, a bill to alter the time of the annual meeting of the General Assembly. Mr. Gillespie, a bill to authorise James Hall of Duplin county, to erect and keep in repair a toll bridge across the North East river. Mr. Hall, a bill to regulate the appointment of sheriffs in the county of Beaufort. Mr. Copeland, a bill to restrain millers or owners of mills in the county of Perquimans, from grinding their own grain, in certain cases. These bills were severally read the first time: that altering the time of session of the General Assembly was rejected; the others passed their first readings and were sent to the Senate.

The bill to regulate the proceedings on writs of habeas corpus and writs of error, in the superior court of law in this state, was read the third time and passed—yeas 67, nays 39.

On motion of Mr. Muscley, the House adopted the following resolution:

Whereas the military guide of Baron D. Steuben, adopted by Congress in the year 1792, was at that time considered the best work of the kind extant; but from improvements since made by European nations in the science of war, that system of tactics is found to be defective: And as there are many authors now in circulation on that subject, the militia of the United States are disciplined in various forms, according to the notions that prevail in different parts, thereof, thereby tending to create disorder rather than an uniformity of discipline. In order therefore to prescribe an uniform system,

Be it resolved, that our Senators in Congress be instructed and our Representatives requested to bring the subject before that body, and to use their endeavors to establish one detailed and general system, founded on what experience and success of plans has shewn to be best, so as to make an improved uniform organization in military tactics throughout the United States.

The Public Treasurer and Comptroller, agreeably to a resolution of the two houses, entered in to at the last session, submitted a report accompanied by several letters and statements, concerning the value of the annual services performed by the printers of the State. The report estimates the services, from the information received, at about fourteen hundred dollars exclusive of compensation for distributing the laws, &c.

Wednesday, Dec. 11.

The house was principally engaged this day in hearing, at their bar, the commissioners from the state of Virginia, on the bill now before them for connecting, by canals, the Roanoke with James river, or with the Dismal Swamp Canal.

Thursday, Dec. 12.

The committee on military land warrants, to whom had been referred the examination, whether the state of North Carolina still retains the right to complete titles other than those for military lands within the state of Tennessee, made a report in favor of said right, and recommending the appointment of a surveyor to survey all such warrants for land, falling within a certain line in the ceded territory, as are comprehended by the scope of the enquiry. The report was agreed to by the house.

The public treasurer, conformably to a resolution of last year, made a report respecting the state of the buildings intended for the accommodation of the governor, and respecting the propriety of erecting new buildings, stating that the present house, &c. stood in need of great repairs, and that the erection of others was extremely desirable.

IN SENATE.

Friday, December 6.

The Senate took up the resolutions submitted by Mr. Reed, respecting amendments to the Constitution of this state; which resolutions were, on motion, rejected. In favor 16 against 20.

Monday, December 9.

A bill, agreeing to the proposed amendments to the Constitution of the United States, presenting the acceptance by their citizens of their abilities, &c. was introduced and passed its first reading.

Wednesday, December 11.

Mr. Mebane, from the committee appointed for the purpose of investigating the general conduct of Samuel Lowrie, Esq. one of the Justices of the Superior Court of North Carolina, made a report, accompanied by sundry depositions, exhibited against him; which report stated, that evidence had been obtained, substantiating the first article; that the second and fourth charges, even if supported, did not, in their opinion, constitute impeachable matter; but that the third was supported by evidence and did contain matter impeachable. The third article related to improper conduct respecting the appointment of Thomas Henderson, as clerk of Mecklenburg superior court.

The Senate, in committee of the whole, considered the report, except in relation to the third article, in which part of the report they did not concur. The report of the committee of the whole was agreed to by the house; so all the articles of impeachment against the Judge fall to the ground.

Blessings of the Continental System!

BENNINGTON, (VT) Nov. 18.

A Mr. Hilliard, and Harrington Brooks, sent a few bushels of corn, peas and beans, to St. Albans to St. Jones, with which they purchased 8 bushels of salt, for the use of five families who were destitute of salt and salted provisions, by turning with it in a small still, on Sunday morning, the 30 inst. they were hailed by the sentry at Windmill Point, and ordered to leave it. They proceeded on; a revenue boat with two men in it, pursued them, but the salt they were carrying and between two small hands kept out of their reach, although they came so nigh each other, frequently to converse together.

About nine o'clock another revenue boat, which was Mr. Ruel's, custom house officer, himself, went to their assistance; yet they were unable to take the kiff—the pursued sporting with them he would surrender when he was down. Brooks, all the time proffered to pay the Salt, or give up one half, and pay for the which he said their necessities demanded. Brooks was refused. Buel about 10 o'clock managed