

ad by any future law of this state, during the continuance of the corporation hereby created; for which the faith of this State is hereby pledged."

Now, Sir, the word *other* refers to the State Bank, and is the same as if the sentence had been thus expressed, "no other bank besides the State Bank shall be established during the continuance of the corporation hereby created." I have already shewn that to renew those charters is equivalent to the establishment of them anew. In the second place that it is even worse—because by granting the prayer of the memorialists you create bank capital which has not heretofore existed. Mr. Speaker, I scarcely know the law on any subject, and much less on this particular part of the argument. But of one thing I am positive and clear, to wit: that the legislature by using the language above recited intended to give a promise. Then, Sir, the laws of morality, of which I am not so unfortunate as to be wholly ignorant, enjoin it on us as a duty, to perform the promise in the sense in which we believe the State Bank received it. The rule laid down by Paley, is, "that the promisor is bound to perform the promise in that sense in which he believes the promisee received it at the time it was given." In exemplification of the rule our author proceeds to state the following case—"Tenures promised the garrison of Sabastia that if they would surrender no blood should be shed. The garrison surrendered and Tenures buried them all alive. Now Tenures fulfilled the promise in one sense, and in the sense too in which he intended it at the time; but not in the sense in which the garrison of Sabastia actually received it, nor in the sense in which Tenures himself knew that the garrison received it; which last according to our rule, was the sense in which he was in conscience bound to have performed it." This, Sir, is a strong and apt illustration of the rule, and very readily applicable to the case before us. If then the Legislature apprehended, at the time the promise was given, that the Banks of Newbern and Cape Fear were not to be re-established; that they were to expire by the limit affixed to their existence, we are bound not to extend their charters. I had not at that time the honor of a seat in this house but upon reading the law of 1811 as it then appeared in the public papers, I recollect my impression was that their charters could not be renewed. The same idea I can venture to affirm was generally embraced by the good citizens of this State. The gentleman from Newbern has said, that a member of the committee which entered into this compact with the directors of the State Bank in 1811, informed him that at the time the agreement was made he did not think the terms would interdict the extension or renewal of these charters. Sir, I am bound to believe the gentleman has received this information, and am also willing to admit that the member of the committee had such an apprehension of the compact at that time. But it cannot be admitted that the apprehension of an individual member is to govern the construction of the compact. We are to ascertain as far as practicable the sentiment of the majority and this is to be received as the sense of the Legislature in 1811. This is to be our guide, our rule of action in the business before us. I feel no reluctance in granting that one, two, three or more members might have conceived the charters could be extended, under this agreement, at the time it was made. It is altogether unnecessary for me to think or prove otherwise, for at this rate it might be said that no law is obligatory, unless it have an unanimous suffrage in this house. But, Sir, I rely, and hope firmly enough too, on the apprehension of the compact as entertained by the majority. Let the question be put to each gentleman individually, and I fear not the consequences of a deliberate, dispassionate answer. But, says, the gentleman from Newbern, admitting the language of the law passed in 1811, to be unequivocal and explicit, to be plainly interdictory to the renewal of these charters, yet the Legislature is not bound to comply, because that compliance would be unconstitutional. This objection has been replied to in the exposition of the term monopoly. I come lastly, Mr. Speaker, to say only a few words about the faith of the State. The character of a community like that of an individual should be an object of the most anxious and tender concern. It ought to be above suspicion. Without animadverting on the inadequacy of the temptation held forth by these banks, let me declare that millions would not prompt me to do an act which in my judgment violates the solemn and pledged faith of the State. Shall it be said that for the mere love of self we have violated the integrity of the Legislature, in its moral and corporate capacity? Why, Sir, do all the banks proffer with such cheerfulness to loan us money. It is because they put trust in our faith, our solemn promises. Why is the Government of the United States, enabled to prosecute the existing war with an obstinate and averse enemy? Why instead of submission, are we enabled proudly to meet the foe; and finally, I hope to vanquish him in battle? Is it the money in our coffers that puts all in motion? No, Sir, but it is the good character of the government which enables us to contend; we make loans giving at the same time no other security besides the faith of the nation. How important is it then, Mr. Speaker, to preserve, unsuspected, the character of North-Carolina like that of the United States. I humbly hope when gentlemen act they will likewise deliberate on the consequences of the measure. Nay, may I not hope they will ultimately refuse to extend the charters of the Banks of Newbern and Cape Fear?

### A Plantation to Let.

A SMALL PLANTATION, lying about 40 miles to the north of Raleigh, will be let on very moderate terms. There are on the premises, a dwelling-house, and 200 young bearing apple trees.  
WM. BOYLAN.  
February 18. 33-9t

## American Intelligence.

### BATTLES WITH THE CREEKS.

Copy of a letter from Brig. Gen. Claiborne, of Volunteers, to the Secretary of War, dated Fort Claiborne, East Bank of Alabama, 85 miles above Fort Stoddert, January 1st, 1814.

Sir—On the 13th ult. I marched a detachment from this post with the view of destroying the towns of the inimical Creek Indians, on the Alabama, above the mouth of the Cahaba. After having marched about eighty miles, from the best information I could obtain, I was within thirty miles of a town newly erected on ground called Holy, occupied by a large body of the enemy, under the command of Withersford, the Half Breed Chief, who was one of those who commanded the Indians that destroyed the garrison at Mims in August last, and who has committed many depredations on the frontier inhabitants. I immediately caused a stockade to be erected for the security of the heavy baggage and sick. On the morning of the 22d the troops resumed their line of march, chiefly through the woods without a track to guide them. When near the town on the morning of the 23d, my disposition for attack was made. The troops advanced in three columns. With the centre column I advanced myself, ordering Lester's Guards and Wells' troop of dragoons to act as a corps of reserve. About noon the right column, composed of twelve months' volunteers, commanded by Col. Joseph Carson, came in view of the town called Ecanachaea (or Holy Ground) and was immediately vigorously attacked by the enemy, who were apprized of our approach, and had chosen their field of action.

Before the centre, commanded by Lt. Col. Russell, with a part of the 3d regt. of United States' infantry and mounted militia riflemen, or the left column, which was composed of militia and a party of Choctaws under Pushamutaha, commanded by Major Smoot of militia, who were ordered to charge, could come generally into action, the enemy were repulsed and were flying in all directions, many of them eastward away their arms.

Thirty of the enemy were killed, and judging from every appearance many were wounded. The loss on our part was one Corporal killed, and one Ensign, two Sergeants, one Corporal and two privates wounded.

A pursuit was immediately ordered; but from the nature of the country, nothing was effected. The town was nearly surrounded by swamps and deep ravines, which rendered our approach difficult, and facilitated the escape of the enemy. In the town we found a large quantity of provision and immense property of various kinds, which the enemy flying precipitately, were obliged to leave behind, and which, together with two hundred houses, were destroyed. They had barely time to remove their women and children across the Alabama, which runs near where the town stood. The next day was occupied in destroying a town consisting of sixty houses, eight miles higher up the river, and in taking and destroying the enemy's boats. At the town last destroyed was killed three Indians of some distinction. The town first destroyed was built since the commencement of hostilities, and was established as a place of security for the inhabitants of several villages. The leader Withersford, Francis, and the Choctaw Siquistur's son, who were principal prophets, resided here. Three Shawnee were among the slain.

Colonel Carson of the volunteers, Lt. Col. Russell of the 3d regiment United States' infantry, and Major Smoot of the militia, greatly distinguished themselves. The activity and zeal of the Assistant Dep. Quarter Master General Capt. Wert, and of my Brigade Major, Kennedy, merit the approbation of government. I was much indebted to my Aid de Camp Lieut. Calvit of volunteers, to Lieut. Robinson of the 3d regiment, and Major Caller of militia, who acted as my Aids on that day, for the promptness and ability with which they performed their several duties. The officers of the different corps behaved handsomely, and are entitled to distinction. Courage animated every countenance, and each vied with the other in rendering service. I have taken the liberty of communicating to you directly, in consequence of the distant station of the General commanding the district, and also for the purpose of forwarding to you the enclosed original document which was found in the house of Withersford. It shews partially the conduct of the Spaniards towards the American government.

The third regiment has returned to this place, and volunteers are on their march to Mount Vernon near Fort Stoddert for the purpose of being paid off and discharged, their terms of service having generally expired.

I have the honor to be, with great respect,  
your Excellency's most obedient servant,  
FERD. L. CLAIBORNE,  
Brig. Gen. of Vols.

His Excellency John Armstrong.

AUGUSTA, (GEO.) FEB. 10.

### TENNESSEE ARMY.

By last Mail we received the *Milledgeville Journal*, Extras, containing the official account of several actions between the Tennessee troops, and the hostile Indians; in which the Indians were in every instance the assailants, and in every instance were defeated. General Jackson's communication to General PICKENS, is an interesting document, the most material and important parts of which will be found in the following extracts—After detailing the movements preparatory to penetrating the enemy's country, the account thus proceeds:

"On the morning of the 21st, I marched from Enotachopeo, as direct as I could, to the bend of the Tallapoosa, and about 2 o'clock, P. M. my spies having discovered two of the enemy, endeavored to overtake them, but failed. In the evening I fell in upon a large trail, which led to a new road, much beaten and lately tra-

velled. Knowing that I must have arrived within the neighborhood of a strong force, and it being late in the day, I determined to encamp, and reconnoitre the country in the night. I chose the best site the country would admit, encamped in a hollow square, sent out my spies and pickets, doubled my sentinels, and made the necessary arrangements before dark, for a night attack. About 10 o'clock at night one of the pickets fired at three of the enemy and killed one, but he was not found until the next day. At 11 o'clock, the spies whom I had sent out, returned with the information, that there was a large encampment of Indians at the distance of about three miles, who from their whooping and dancing seemed to be apprized of our approach. One of these spies, an Indian in whom I had great confidence, assured me that they were carrying off their women and children, and that the warriors would either make their escape or attack me before day. Being prepared at all points, nothing remained to be done but to wait their approach, if they attacked us, or to be in readiness if they did not, to pursue and attack them at day light. While we were in this state of readiness, the enemy about 6 o'clock in the morning commenced a vigorous attack on my left flank, which was as vigorously met; the action continued to rage on my left flank, and on the left of my rear, for about half an hour. The brave Gen. Coffee, with Col. Sittler, Ad. Gen. and Col. Carroll, the Ins. General, the moment the firing commenced mounted their horses & repaired to the line, encouraging and animating the men to the performance of their duty. So soon as it became light enough to pursue, the left wing having sustained the heat of the action and being somewhat weakened, was reinforced by Captain Ferril's company of Infantry, and was ordered and led on to the charge by Gen. Coffee, who was well supported by Col. Higgins, and the Inspector Gen. and by all the officers and privates who composed that line. The enemy was completely routed at every point, and the friendly Indians joining in the pursuit, they were chased about two miles with considerable slaughter.

"The chase being over, I immediately detached Gen. Coffee with 400 men and all the Indian force to burn their encampment; but it was said by some to be fortified. I ordered him, in that event, not to attack it, until the artillery could be sent forward to reduce it. On viewing the encampment and its strength, the General thought it most prudent to return to my encampment and guard the Artillery thither. The wisdom of this step was soon discovered—In half an hour after his return to Camp, a considerable force of the enemy made its appearance on my right flank, and commenced a brisk fire, on a party of men who had been on picket guard the night before, and were then in search of the Indians they had fired upon; some of whom they believed had been killed. Gen. Coffee immediately requested me to let him take 200 men and turn their left flank, which I accordingly ordered: But through some mistake, which I did not then observe, not more than fifty-four followed him, among whom were the 11 volunteer officers. With these, however, he immediately commenced an attack on the left flank of the enemy; at which time I ordered 200 of the friendly Indians to fall in upon the right flank of the enemy, and co-operate with the General. This order was promptly obeyed, and in the moment of its execution, what I expected was realized. The enemy had intended the attack on the right as a feint, and expecting to direct all my attention thither, meant to attack me again and with their main force on the left flank, which they had hoped to find weakened and in disorder.—They were disappointed. I had ordered the left flank to remain firm to its place and the moment the alarm gun was heard in that quarter, I repaired thither, and ordered Capt. Ferril, and part of my reserve, to support it. The whole line met the approach of the enemy, with astonishing intrepidity, and having given a few fires, they forthwith charged with great vigor.—The effect was immediate and inevitable. The enemy fled with precipitation, and were pursued a considerable distance, by the left flank, and the friendly Indians, with a gallant and destructive fire. Col. Carroll who ordered the charge, led on the pursuit, and Col. Higgins and his Regiment again distinguished themselves.

"In the mean time Gen. Coffee was contending with a superior force of the enemy. The Indians who I had ordered to his support and who had set out for this purpose, hearing the firing on the left, had returned to that quarter, and when the enemy were routed there, entered into the chase. That being now over, I forthwith ordered Jim Fife, who was one of the principle commanders of the friendly Creeks, with one hundred of his warriors, to execute my first order; so soon as he reached Gen. Coffee the charge was made and the enemy routed; they were pursued about three miles and 45 of them slain, who were found. Gen. Coffee was wounded in the body, and his aid-de-camp A. Donaldson killed, together with three others. Having brought in and buried the dead and dressed the wounded, I ordered my camp to be fortified, to be the better prepared to repel any attack which might be made in the night; determining to commence a return march to Fort Strother the following day.

"I commenced my return march at half after ten on the 23d, and was fortunate enough to reach Enotachopeo before night, having passed without interruption a dangerous defile, occasioned by a hurricane. I again fortified my camp, and having another defile to pass in the morning, across a deep creek, and between two hills, which I had viewed with attention, as I passed on, and where I expected I might be attacked, I determined to pass it at another point, and gave directions to my guide and fatigued men accordingly. My expectation of an attack in the morning increased by the signs of the night, and with it my caution. Before I moved the wounded from the interior of my

camp, I had my front and rear guards formed, as well as my right and left columns, and moved off my centre in regular order, leading down a handsome ridge to Enotachopeo creek, at a point where it was clear of reed, except immediately on its margin. I had previously issued a gen. order, pointing out the manner in which the men should be formed in the event of an attack on the front or rear, or on the flanks, and had particularly cautioned the officers to halt and form accordingly, the instant the word could be given.

"The front guard had crossed, with part of the flank columns, the wounded were over the creek, when an alarm gun was heard in the rear. I heard it without surprise, and even with pleasure, calculating with the utmost confidence on the firmness of my troops, from the manner in which I had seen them act on the 22d. I had placed Col. Carroll at the head of the centre column of the rear-guard; its right column was commanded by Col. Perkins and its left by Col. Stump. Having chosen the ground, I expected there to have entirely cut off the enemy, by wheeling to the right and left columns on their pivot, recrossing the creek above and below, and falling in upon their flanks and rear. But to my astonishment and mortification, when the word was given by Col. Carroll, to halt and form, and a few guns had been fired, I beheld the right and left columns of the rear-guard precipitately give way. This shameful retreat was disastrous in the extreme; it drew along with it the greater part of the centre column, leaving not more than 25 men, who being formed by Colonel Carroll, maintained their ground as long as it was possible to maintain it, and it brought consternation, and confusion into the centre of the army, a consternation which was not easily removed, and a confusion which could not soon be restored to order. There was then left to repulse the enemy, the few who remained of the rear-guard, the Artillery company, and Capt. Russell's company of spies. They however realized and exceeded my highest expectations. Lieut. Armstrong, who commanded the Artillery company in the absence of Capt. Deadrick, [confined by sickness] ordered them to form and advance to the top of the hill, whilst he and a few others dragged up the six pounder.

Never was more bravery displayed than on this occasion. Amidst the most galling fire from the enemy, more than ten times their number, they ascended the hill and maintained their position until their piece was hauled up, when having levelled it, they poured upon the enemy a fire of grape, re-loaded and fired again, charged and repulsed them. The most deliberate bravery was displayed by Constantine Perkins and Cravin Jackson of the Artillery, acting as gunners. In the hurry of the moment, in separating the gun from the limbers, the rammer & picker of the cannon was flung to the limbers: No sooner was this discovered, than Jackson, amidst the galling fire of the enemy, pulled out the ramrod of his musket and used it as a picker: primed with a cartridge and fired the cannon. Perkins having pulled off his bayonet, used his musket as a rammer, drove down the cartridge; and Jackson using his former plan, again discharged her. The brave Lieut. Armstrong, just after the first fire of the cannon, with Captain Hamilton, of E. Tennessee, Bradford and McGafock all fell; the Lieutenant exclaiming as he lay, "my brave fellows, some of you may fall, but you must save the cannon." About this time, a number crossed the creek and entered into the chase. The brave Capt. Gordon of the spies, who had rushed from the front, endeavored to turn the left flank of the enemy, in which he partially succeeded, and Col. Carroll, Col. Higgins, and Captains Elliot and Pipkins pursued the enemy for more than two miles, who fled in consternation, throwing away their packs and leaving 26 of their warriors dead on the field. This last defeat was decisive and we were no more disturbed by their yells. I should do injustice to my feelings if I omitted to mention, that the venerable Judge Coker, at the age of 65, entered into the engagement, and continued the pursuit of the enemy with youthful ardor, and saved the life of a fellow soldier, by killing his antagonist.

Our loss in this affair was 4 killed and wounded among the former, was the brave Capt. Hamilton from East Ten. who had with his aged father and two others of his company, after the period of his engagement had expired, volunteered his service for this excursion, and attached himself to the artillery company. No man ever fought more bravely or fell more gloriously; and by his side fell with equal bravery and glory, Bird Evans of the same company. Capt. Quaples who commanded the centre column of the rear-guard, preferring death to the abandonment of his post, having taken a firm stand in which he was followed by twenty-five of his men, received a wound in his head of which he has since died.

In these several engagements our loss was 20 killed and 75 wounded, 4 of whom have since died. The enemy cannot be accurately ascertained: 159 of their warriors were found dead; but this must fall considerably short of the number really killed. Their wounded can only be guessed at.

Had it not been for the unfortunate retreat of the rear-guard in the affair of the 24th instant, I think I could safely have said that no army of militia ever acted with more cool and deliberate bravery. Undisciplined and inexperienced as they were, their conduct in the several engagements of the 23d could not have been surpassed by regulars. No men ever met the approach of an enemy with more intrepidity, or repulsed them with more energy. On the 24th, after the retreat of the rear-guard, they seemed to have lost all their collectedness, and were more difficult to be restored to order than any troops I had ever seen. But this was no doubt owing in a great measure or altogether to that very retreat, and ought rather to be ascribed to the conduct of many of