

NORTH-CAROLINA,

In General Assembly, July 16, 1794.

Resolved, that his excellency the governor be requested to take the most effectual measures to obtain a true and accurate statement of all the arms and military stores in this state and lay the same before the next general assembly.

And whereas, it is absolutely necessary, that the militia of this state, should be armed, and equipped according to law, in order to defend and protect their rights and privileges from the attacks of foreign enemies.

Resolved, therefore, that the members of the present General Assembly make inquiry in their respective counties of the opportunity and probability of procuring mechanics, for the purpose of fabricating arms in this state; provided the manufacture of that article, should be found expedient to be established; and communicate the result of their inquiry to the next general assembly.

Resolved, that his Excellency the Governor be requested to forward to the President of the United States a copy of the foregoing resolutions, and also to cause a publication thereof to be made in the gazettes published in the towns of Newbern and Halifax in this state.

WILLIAM LENOIR, S. S.

By Order,

S. HAYWOOD, C. S.

JOHN LEIGH, S. H. C.

By Order,

J. HUNT, C. H. C.

BE it known to all whom it may concern, that the building in the town, of Newbern, commonly called the PALACE, together with its out houses and the lots thereto belonging, are for sale: and that the subscribers, were appointed by the General Assembly, in January last, commissioners for receiving proposals from any person or persons inclined to purchase them: and that in compliance with the directions of the act appointing them, the said commissioners will at any time, between this day and the first day of January next, at their respective houses, receive proposals in writing or otherwise.

WILLIAM NASH, (Hillsborough)

JOHN ALLEN, (Cat-tail, Craven)

WILLIAM E. LORD, (Brunswick.)

Newbern, July 26.

NOW IN THE PRESS

THE
PRIVATE ACTS
OF THE
GENERAL ASSEMBLY
OF
NORTH-CAROLINA.

The subscription is 40s.—from such persons as are known to the Printer, or have encouraged his former undertakings by subscribing either to his Justice, Statutes or Gazette, he will expect no advance money. A wish to provide against deception imposes on him the necessity of requiring a small earnest from all others, *to wit*; ten shillings.

Any person who will subscribe and become accountable for six copies will be entitled to the seventh gratis.

The expediency of the undertaker knowing what number of copies will be wanted, renders it necessary that application should be made early.

The gentlemen who superintend a press or a Post Office in this state are desired to afford their aid to the undertaking.

Application by post (postage paid) or otherwise will be thanfully attended to.

As this Collection will contain all the *Town Acts*, the commissioners of the different towns in this State are solicited to consider of the propriety of procuring copies for their respective offices.

LONDON, May 23.

THIS morning Mr. Brooks, the King's Messenger, arrived with dispatches from his Royal Highness, the Duke of York, dated May 21.

By the same conveyance we have letters from our correspondents in the army. We find as we yesterday stated, that the allied armies under his Royal Highness had met with a check, in which from five to eight hundred men were killed and wounded, and some pieces of light artillery were lost, report said to the number of thirty.

General Fox's brigade, which was detached from the main force, suffered most.—They were surrounded by the French, but always drove them who attacked them in the front.

The 43d have lost 180 men—the fourteenth and thirty seventh about 100 each; but it is supposed that the most of them are taken prisoners. Brevet Major Brown of the 14th who commanded the regiment, in the absence of Major Ross, was shot through the body and left in the field. Captain Cook who commanded the 37th regiment, Sir C. Ross being sick, was killed. Colonel Ludlow, as we have stated has lost an arm.

Sir William Erskine, who commanded another column, was said to have met with a very superior number of the French at Comines, to which he had advanced. The Hessians who were with him, fought most bravely, and the Emperor's troops, who were to join some of the columns, came up opportunely, and obliged the Carmagnoles to retreat.

The above check, by no means so considerable, as it was at first represented, has not had much effect upon the spirits of the British army. On the 20th, his Royal Highness gave it out in general orders, "That he thanked the troops for their bravery and good conduct in the late engagement with the enemy, who, owing to their great superiority of numbers, and the ground on which they engaged, had obtained some trifling advantage, in their having been obliged to abandon to them some of their artillery: but he trusted that such a circumstance would not dispirit the army he had the honor to command, and he hoped that in a short time, they would repay with interest, any loss they had sustained."

Colonel Craig, Adjutant-General of the British army in Flanders, arrived in town this morning.

NEW-YORK, July 21.

On Monday, the 14th instant, at 11 o'clock, at the City Hall in this city, the said lately instituted in the district Court for this district in behalf of the United States, against the schooner Prince and Liberty, and her cargo, owned by Messrs. Bernardus Swartwout and Son; was brought to trial. The libel charged, that the schooner being enrolled and licensed for carrying on the coasting trade, had proceeded on a foreign voyage, (from this city to New-Providenee, one of the Bahama islands) without first giving up her enrollment and license to the collector. The owners in their answer to the libel denied, that the schooner had proceeded on a foreign voyage, and insisted that she sailed on the 29th day of March last, from this city on a voyage to Charleston, in the state of South-Carolina: but was compelled by stress of weather to put in to New-Providenee. Upon the trial, a number of witnesses were examined on the part of the owners, who proved most satisfactorily, that the schooner obtained a clearance from this city Charleston; that the owners instructed the

Captain, to proceed directly to that port that the schooner after clearing the land steered a course for several days as direct for Charleston as the winds and other circumstances would permit; but that afterwards she met with very tempestuous weather, which lasted with little or no intermission for ten days, and finally forced her, for the preservation of the lives of the crew to bear away for New-Providenee, where she arrived on the 15th day of April. After the evidence was closed, the cause was strenuously argued by counsel on both sides, but the counsel on the part of the United States explicitly admitted that the conduct of Messrs. Bernardus Swartwout and Son, was perfectly irreproachable; as the evidence did not furnish the least ground for supposing, that they had not really intended the voyage to Charleston, or that they were in any degree privy to the voyage to New-Providenee. The counsel having concluded their arguments, the judge of the district, intimated his persuasion of the absolute necessity which compelled the schooner to go to New-Providenee; but took time to advise upon the construction of the statute on which the suit was founded.

On Saturday the 19th instant, the Judge proceeded to pronounce his decree in the case; after stating the point in controversy, in a perspicuous manner, and judiciously remarking as well upon the facts as the construction of the statute, the Judge declared it as his opinion, that the evidence left no room to doubt, that the schooner went to New-Providenee, through inevitable necessity, and that under all the circumstances of the case; she had not proceeded on a foreign voyage; wherefore he ordered and decreed that the libel be dismissed, and her cargo be restored to the owners, but without costs.

With regard to costs, the Judge observed that there was sufficient reason to justify the Collector and Attorney for the district, in seizing and libelling the schooner, and her cargo, and that they had done nothing more than what the law required of attentive and faithful officers.

This trial cannot fail to give pleasure to our readers, whilst on the one hand it will rescue the characters of Messrs. Bernardus Swartwout and Son, and the Captain of the schooner Prince and Liberty, from the stigma of having violated not only the act of Congress for regulating the coasting trade, but also the late embargo; it will on the other convince the unprejudiced, that our public officers are vigilant and impartial in the discharge of their duties.

The decree above mentioned is in the following words.

At a special district court of the United States, held for the district of New-York, at the city of New-York, on Saturday the 19th day of July, 1794, at 12 o'clock, A. M.

Present—The Hon. John Lawrance, Esq. Judge of the district.

The United States.

vs.

The schooner Prince and Liberty, Bernardus Swartwout and Bernardus Swartwout, jun. Claimants.

HIS Honor the Judge having taken time to advise in this cause until this day doth now order, sentence, adjudge and decree, that the libel filed in this cause, be dismissed without costs, and that the schooner Prince and Liberty, and her cargo mentioned in the said libel, be discharged from arrest, and be restored to the claimants Bernardus Swartwout and Bernardus Swartwout, jun.

A true extract from the minutes.

R. TROUP, Clerk.

A letter from Montreal, dated July 5th, to a gentleman in this city says, "For this