

From the Gazette of the United States.

The paper of Mr. Jefferson in this city has at length effectually broken silence on the subject of the President's pocket treaty with Spain. This print now resorts to its old practice of prevarication and contradiction. In one breath it flatly denies the existence of such a treaty, and in the next acknowledges that it does exist and justifies the conduct of the President in withholding it from the Senate. In that print of yesterday we find the following paragraphs:

"As we observe that the federal prints have not only copied a paragraph from an evening federal print of this city, respecting a treaty between the United States and Spain said to have been concluded, and received by the President of U. S. but have also inverted at some length on the subject, it is necessary to inform that no such treaty was concluded."

"The Boston Gazette has complimented the Aurora, by informing that the report of the treaty between the United States and Spain, and directed by a federal paper of this city, must be true, because it had not been contradicted in the Aurora. After tendering our thanks we beg it may be added that the report is now contradicted."

We yesterday threatened to expose the administration in case they should persist in this untruth. The consequence has been the appearance of the following paragraphs in the print of this morning, which are a sufficient reply to those above.

"The fact was, a convention had been negotiated at Madrid, but the French Emperor rendered all further proceedings in relation to it unnecessary; it was in fact a day been proposed to have had such a convention before the Senate."

Again: "So justly have they [the federalists] become entitled to the name of Jacobins, that they will not allow the execution of the office of officers granted by the constitution, the President may originate, and through his ministers negotiate a treaty, but if it becomes necessary to conclude it from the intervention of unforeseen circumstances, his prerogative of the power to suspend the execution of laws is directed to the Senate."

Thus it seems that our account of the treaty which was yesterday asserted to be true, has today become true; and not only so, but the transaction is perfectly correct and proper on the part of the President. The doctrine now is, that the President, without the advice or consent of the Senate, is the sole judge, whether a treaty which has been negotiated has become useful or injurious; and the country must abide by his decision, although the constitution has vested in the Senate a component part of the treaty making power. The consequence is, that because the administration is composed principally of Virginians, and because Virginians are merchants, therefore a treaty which provides for the payment of the claims of our merchants against a foreign nation, may be rejected by the Senate, or even informing them that it is a treaty exists. — What would have been thought of such a doctrine under a federal administration?

merchants upon the government of Spain. Had the French treaty therefore been in existence at the time, it could have had no such effect as is ascribed to it. What ought the American people to think of an administration which is driven to such miserable shifts, subterfuges and misrepresentations to excuse the irregularity of its own measures? and what will be the just indignation of the merchants, at finding their interests thus wantonly sacrificed without the colour of an apology?

AN ACT

For establishing a Mutual Insurance Society against Fire on Buildings, Goods & Furniture in this State.

WHEREAS the ruin occasioned to individuals by the ravages of fire, has in most countries produced associations for the purpose of insurance, by which means the losses which would be otherwise insupportable to the sufferers, are rendered more easy to them and not more burthenome to the insurers than might be reasonably expected, and would be readily assented from a comparison of the moderate contributions with the advantage of having the destroyed property replaced. — And whereas the utility of such an institution is increased in proportion to the extent of its operation, and the number of its members.

1. 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 an insurance be established to be called and known by the name of "The Mutual Insurance Society against Fire on Buildings, Goods and Furniture in the state of North-Carolina" the principles whereof shall be that the citizens of this state or others owning property within the same, may insure their buildings, goods and furniture against loss and damage occasioned accidentally by fire, & that the insured pay the losses & expenses each his share according to the sum insured; & that books be opened in different parts of the state under the direction of John Haywood and Joseph Gales at Raleigh; of David Tate and John H. Stevens at Morganton; of John Steele and Lewis Beard at Salisbury; of Wm. Norwood and Wm. Whitted at Hillsborough; of John Eyles and John H. at Fayetteville; of Goodrum Davis and Abraham Hodges at Halifax; of John Collins, sen. and Samuel Fredwell at Edenton; of John D. Vereux and Francis X. Martin at Newbern; of Joshua G. Wright and George Hooper at Wilmington, for receiving the subscriptions for insurance against fire on buildings, goods and furniture in the state of North-Carolina; such books to be opened on the first day of February next and kept open until the first day of May next, returns shall be made by the several persons heretofore named, to the said John Haywood and Joseph Gales at Raleigh, a transcript of the amount of the subscriptions made on their respective books, distinguishing in such returns what amount is on buildings, goods and furniture respectively; and on the event of the sum so subscribed exceeding the sum of three hundred thousand dollars, it shall be the duty of the said John Haywood and Joseph Gales to give public notice thereof in the State Gazette, and to appoint a meeting of the subscribers in person or by proxy constituted by delivery of the certificate of subscription, the production of which shall be deemed sufficient until other provision be made by the society of the city of Raleigh on the 16th day of June next; and if the subscriptions at or before the said meeting or so soon thereafter as the said amount to the said sum of three hundred thousand dollars, or at least three hundred subscribers shall be considered as sufficient, under the name of "The Mutual Insurance Society against Fire on Buildings, Goods & Furniture in the state of North-Carolina" and by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any Court of Law or Equity in this state or elsewhere; & may buy and sell, receive subscriptions for insurance to any amount, purchase

and hold any real or personal estate in possession or action, reversion or remainder, for the benefit of the society & for the more effectually enabling of them to fulfil the objects for which it is formed; but neither the subscribers, their agents, nor any one or more of them shall be liable to be sued as individuals for any matter done by the said society; and each person at the time of subscribing, shall receive a certificate thereof, paying therefor twenty-five cents.

II. And be it further enacted by the authority aforesaid, That a majority of any number of members not less than one third in number or value, shall have power from time to time to frame and establish such rules & regulations as to them shall seem meet for the said society, and to alter and amend them at pleasure; which rules and regulations shall be binding upon the members thereof to all intents & purposes in law and equity, to the premiums according to certain rates of hazard, to be paid by the persons insured, and to elect a President and Directors, a Cashier General & any other officers.

III. And be it further enacted by the authority aforesaid, That the President & Directors or one third of them shall have power according to the rates of premiums, to fix the quotas to be paid by the persons insured, for the purpose of making reparation to be insured, who shall be obliged to have insurances on loss or damage by fire, and have not directly or indirectly willfully occasioned the fire; and also for the purpose of raising an amount sufficient to pay the annual losses and expenses.

IV. And be it further enacted by the authority aforesaid, That the property insured (but none other shall stand pledged & engaged) as a security, and shall be subject to be sold, if necessary, for the payment of any quota. That in case of a mortgage or other transfer of insured property, the same shall continue equally liable for the payment of the quotas, as if the right thereof had remained in the original owner; but the mortgagee or other transferee shall be entitled to receive the same in the following manner:

of the policy of insurance and to recover from him any sums of quotas which may be due from the seller at the time of such sale, and shall be decreed to be paid out of the property insured and shall be actually paid; that the said mortgagee or other transferee, his heirs, executors or administrators, shall also be liable for any quota becoming due after such mortgage or transfer; that any quota or part thereof due at any time by any delinquent subscriber or member, may be recovered on the motion of the Cashier of the said society before any court of record within this state, giving such previous notice to any such delinquent subscriber or member as the society by their rules may prescribe, and such court shall have jurisdiction to hear and determine the same and to cause their judgments to be entered with costs to any legal execution favoring any person against whom a motion shall be made, the right of a trial by jury if he shall desire it; that in any action, motion or suit instituted against any person charged to be a subscriber or member for the recovery of a quota due from him to said society any copy from the books, papers or records of the said society, as far as such copy relates to the delinquent member or subscriber certified by the Agent General or Cashier upon oath and signed by the President, or in his absence by any two Directors under the seal of said Society, shall be received as evidence of his subscription & declaration, and have as full faith and credit in all the courts of this state as if the originals were produced & the Agent General and Cashier shall at all times be deemed competent witnesses, notwithstanding any allegation of interest arising from the allowances made them for their services; that upon any judgment or decree for a default in paying a quota, interest at the rate of six per cent per annum until paid or discharged shall be included and the recovery thereof shall be enforced, in the same way and chargeable upon the property insured in the same manner as the principal sum itself; that whensoever it shall be necessary to resort to the property insured the same proceedings, shall be had against the persons who hold the fee simple thereof, as in the ca

of the delinquency of any subscriber as above provided for, infancy or coverture notwithstanding; and in any cause arising under this act, such proceedings shall be had by the direction of the court as justice will permit; that any widow, tenant by courtesy or other person, having a life estate than a fee simple in the property insured, shall pay a reasonable proportion of any quota incurring in their life time to be adjusted by the president and directors on application that as long as there shall be a default in the payment of a quota the property shall cease to stand insured, but upon the payment of the quota, the insurance which may have been discontinued shall be revived, but that a person subscribing and not making a declaration shall forfeit two per centum on the amount of his, her or their subscriptions.

V. And be it further enacted by the authority aforesaid, That buildings held by tenants for life, or years, widow in right of their dower and by orphans may be insured in the aforesaid society, provided that the declarations for insurance shall be signed by the tenants for life or years or widows and the guardian or trustees of such orphans as the case may be, which declarations for insurance shall be binding on the actual owners of such property in the same manner as if such declarations had been signed by the owners in fee simple of such property, subject however to the following provisions, limitations and restrictions: in case the house of a tenant for life, be destroyed by fire after insurance, such tenant for life shall annually share from the said society during his or her life, the interest accruing on the principal sum of the loss insured, and the principal money shall be paid after the death of such tenant for life, to the person or persons who are entitled to such house or houses in reversion or remainder; and in case such buildings be the property of an infant, the principal money shall be paid to the Guardian or trustee of such infant; Provided always, that the society may make and adopt such other rules in the cases of buildings of tenants in possession and expectancy as to them may seem just & proper.

VI. And be it further enacted by the authority aforesaid, That any person whose property stands insured in conformity with the rules and regulations of the said society, shall have the same mode of recovery against them by motion, as is herein before given to them against delinquents. It is also enacted, that all suits against the society shall be brought in the county court of Wake; that it shall be lawful for the said society to require a full number of subscribers or members to convoke a meeting on subjects deemed by them peculiarly important; that in case no proxy is appointed for any meeting of whatsoever number it may consist, the sheriff of the county or representative of the town, and for want of such sheriff, the senior members of the House of Commons from such county may act as such proxy. As there may be persons who will not convoke a meeting, it is hereby enacted, that the president and directors on the terms and conditions, they may agree upon, may be persons who will not convoke a meeting.

THE Subscriber begs leave to inform Friends and the Public, that he has removed from Pitt County, to this place, where he has opened a Boarding house in the Precinct occupied by Mr. Lewis Barge, in B. street. Those who may choose to furnish him with their Custom, may be assured he will use every effort to render their Accommodation agreeable. He has laid in a Stock of the choicest Spirits, Wine and Porter. The Stables are good, well furnished with Forrage, Corn and Oats, and careful to attend them. JAMES BAKER. Fayetteville, Nov. 10, 1803.

FAVORITE FAYETTEVILLE

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