



AND

North-Carolina State Gazette.

Ours are the plans of fair and faithful peace,
Unwar'd by party rage, to live like brothers.

Vol. VII.

MONDAY, AUGUST 18, 1806.

No. 360.

By Authority.

AN ACT

To provide for persons who were disabled by known wounds received in the revolutionary war.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned or non-commissioned officer, musician, soldier, marine, or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds received during the revolutionary war, and who did not desert the service; or who in consequence of disability as aforesaid, resigned his commission or took a discharge; or who after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said revolutionary war; or who in consequence of known wounds received as aforesaid, has at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labor; whether such officer, musician, soldier, marine or seaman, served as volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any particular state; he shall upon substantiating his claim, in the manner hereinafter described, be placed on the pension list of the United States, during life, or the continuance of such disability, and be entitled under the regulations hereinafter mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

Sec. 2. And be it further enacted, That in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the judge of the district or one of the judges of the territory in which such claimant resides, or before some person specially authorised by commission from said judge.

Decisive disability, the effect of a known wound or wounds received while in the actual service, and line of duty against the common enemy, during the revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel or craft in which such claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received; and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence must be proved by the affidavit of some reputable physician or surgeon, stating his opinion either from his own knowledge and acquaintance with the claimant or from an examination of such claimant on oath or affirmation; which when necessary for that purpose, shall be administered to said claimant by said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for which he was detached or for which he engaged, unless he was discharged; or left the service in consequence of some derangement of the army, or in consequence of his disability resigned his commission, or was after his disability in captivity or on parole, until the close of the revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided and his place of residence, at the time of taking such testimony.

Every claimant shall by his affidavit give satisfactory reasons why he did not make application for a pension before, and that he is not on the pension list of any state: and the judge or commissioner shall certify in writing, his opinion of the credibility of the witnesses, whose affi-

davits he shall take, in all those cases, where by this act it is said the proof shall be made by a credible witness or witnesses. And also that the examining physician or surgeon is reputable in his profession.

Sec. 3. And be it further enacted, That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testimony was closed before him, to the secretary for the department of war, that the same may be compared with muster rolls, or other documents in his office, and the said secretary shall make a statement of all such cases, which together with all the testimony, he shall from time to time transmit to Congress, with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension list as shall be found entitled to the privilege. And it shall be the duty of the judge, or commissioner, aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it and to certify the same to be correct.

Sec. 4. And be it further enacted, That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony, before the authority proper to take the same.

Sec. 5. And be it further enacted, That an increase of pension may be allowed to persons, already placed upon the pension list of the United States, for disabilities caused by known wounds received during the revolutionary war in all cases where justice shall require the same. Provided, That the increase, when added to the pension formerly received shall in no case exceed a full pension.

Every invalid making application for this purpose, shall be examined by two reputable physicians or surgeons, to be authorised by commission from the judge of the district, where such invalid resides; who shall report in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labor. Which report shall be transmitted by said physicians or surgeons, to the secretary for the department of war; who shall compare the same with the documents in his office, and shall make a statement of all such cases, which together with the original report, he shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

Sec. 6. And be it further enacted, That a full pension given by this act to a commissioned officer, shall be one half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions, shall be the correspondent proportions of said half pay, and a full pension, to a non-commissioned officer, musician, soldier, marine or seaman, shall be five dollars a month and the proportions less than a full pension, of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

Sec. 7. And be it further enacted, That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same manner as pensions to invalids, who have been heretofore placed on the pension list are now paid, and under such restrictions and regulations, in all respects as are prescribed by law.

Sec. 8. And be it further enacted, That from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension, payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And every person claiming such pension or any part thereof, under power of attorney or substitution, shall, before

the same is paid, make oath or affirmation, before some magistrate legally authorised to take the same, a copy of which attested by said magistrate, shall be lodged with the person who pays said pension: that such power or substitution is not given by reason of any transfer of such pension, or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

Sec. 9. And be it further enacted, That all laws of the United States heretofore passed, so far as they authorise persons to be placed on the pension list of the United States, for, and in consequence of, disabilities derived from known wounds received in the revolutionary war, shall be and they are hereby repealed. Provided, That nothing in this repealing clause shall injure, or in any way affect those persons already upon the pension list of the United States, and that the secretary for the department of war, shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

Sec. 10. And be it further enacted, That this act, so far as it authorises the admission of persons upon the pension list of the United States, shall remain in force for and during the space of six years, from the passage thereof, and no longer; Provided, That this limitation shall not affect or impair the right of any invalid who may have completed his testimony in the manner prescribed by this act before this limitation commences its operation, but which has not been transmitted to the secretary for the department of war.

NATHL. MACON,
Speaker of the House of Representatives.
SAM. SMITH,
President of the Senate pro tempore.
April 10, 1806.—Approved.
TH. JEFFERSON.

Latest European News.

NEW-YORK, AUG. 2.

By the ship Oliver Ellsworth, Capt. Bennett, arrived at this port last evening, we have been put in possession of London dates to the 18th of June, and Liverpool to the 20th.

By passengers in this vessel, we learn, that the most prevalent opinion was, that a peace would take place between G. Britain & France in the course of the summer, as pacific overtures from Bonaparte were under consideration.

Lord Selkirk, appointed ambassador to the U. States, had taken leave of his government, to depart immediately for his voyage.

The interesting trial of Lord Melville has terminated in a manner agreeable to the expectation of all classes of men, and verifies the truth of the adage, 'that laws are cobwebs, in which little flies are caught, but the great break thro.' Throughout the trial, his lordship is said to have acquitted himself with dignity and firmness, and as soon as the acquittal was pronounced, he bowed and retired. His friends pressed round him, all eager to offer him their warm congratulations, and an express was immediately sent off to Scotland with the intelligence.

The following are the divisions on the different charges. On the first article, charging him with applying 10,000l. of the public money to his own use, previous to January, 1786:

Not guilty 120, guilty 19.

On the 2d article, charging him with permitting Alex. Trotter to apply sums of the public money to his own use, and conniving at such fraudulent application:

Not guilty 79, guilty 57.

On the 3d article, charging him with permitting Alex. Trotter to draw public money from the bank, and place it in the hands of his bankers, in his own name and at his own disposal:

Not guilty 84, guilty 58.

On the 4th article, charging him

with similar connivance in respect of public money placed by said Trotter in the hands of Mark Sprot for the purpose of private emolument:

Not guilty unanimously.

On the 5th article, charging him with the same as in the first article, only laying the act subsequent to January, 1786.

Not guilty 131, guilty 4.

On the 6th article, charging him with receiving public money from Alex. Trotter, and applying it to his own use, and in participating with said Trotter in the profit made of the public money:

Not guilty 86, guilty 47.

On the 7th article, charging him with receiving 22,000l. of the public money, without interest, from Alexander Trotter:

Not guilty 82, guilty 51.

On the 8th article, charging him with receiving from Alex. Trotter, 22,000l. of the public money, for which the defendant was to pay interest:

Not guilty 100, guilty 30.

On the 9th article, charging that while the said Alexander Trotter transacted the business of the defendant as his agent, he the said Trotter was, from time to time in advance to the said Viscount Melville in that respect, to the amount of from 10,000 to 20,000l. which sums was partly taken from the public money, and partly from a mixed fund of public and private money:

Not guilty 119, guilty 16.

On the 10th and last article, charging him with making at divers times, between 1782 & 1784, and between 1784 & 1786, 27,000l. of the public money, and converting the same to his private use:

Not guilty 123, guilty 12.

The Lord Chancellor then informed the defendant, that he was acquitted of all the charges, and the court broke up.

Their Royal Highnesses the Dukes of York, Cumberland and Cambridge, and his Highness the Duke of Gloucester, generally voted, *not guilty*; and their Royal Highnesses the Dukes of Clarence, Kent and Sussex, generally *guilty*, except on the 4th article, on which all were unanimous for an acquittal.

In the House of Commons, Mr Wilberforce, after a few prefatory observations, moved that an humble address be presented to his Majesty, beseeching that he may be graciously pleased to adopt such measures as to him may seem meet to induce America, and the powers of Europe, to unite with England in a resolution to abolish the trade in Slaves.

The Swedes are busied in constructing works along the river Pene, which divides Swedish Pomerania from Prussian Pomerania—and the Prussians who crowd the opposite bank, do not offer the least impediment. At Stralsund, the fortifications are completed, and a militia to the number of 5000 men, been organized to assist in the defence of the place.

The archduke Charles has induced the organization of volunteer corps in Vienna, to the number of 20,000 men, and has encouraged similar associations in all the other cities of the empire. It is confidently stated, that the levy en masse and volunteers, now occasionally assembling and training in Hungary, Bohemia, Austria, &c. amount to between four and five millions of men; while the most extraordinary and successful exertions are making to reinforce the army. A letter from Rotterdam which announces these measures, adds, that they became the subject of a strong remonstrance on the part of M. Rochefoucault, and an enquiry as to the occasion of them, to which Count Stadion replied,

that they were considered necessary for the purpose of internal defence.

The French continued to the date of the last accounts from the Inn, to be unremittingly employed in strengthening Branau. Three thousand of the neighbouring peasantry had for three weeks, been engaged on the works.

PARIS, JUNE 5.

At noon, their Excellencies the Ambassadors Extraordinary of their High Mightinesses the States of Holland, were admitted to the audience of his Majesty the Emperor and King. A master of ceremonies preceded them from their hotel, in their imperial coaches drawn by six horses each. The Ambassadors were conducted into the audience of his Majesty by the Grand Master of the Ceremonies, and received at the door of the first room by his Excellency the Marshal Colonel-general of the grand service. Arrived at the hall of the throne, they made three profound reverences, and Vice-admiral Verheul, President of the deputation, pronounced the following discourse:

"SIRE—The representatives of a people known in difficult times for its courageous patience, celebrated, we dare say, by the solidity of its judgment, and by its fidelity in fulfilling its engagements, have given us the honorable mission of presenting ourselves before your throne. This people has long suffered from the agitations of Europe, and its own; witnesses of the catastrophes which have overturned some states, victims of the disorders which have shaken all, it has felt that the weight of the interests which this day unite or divide the grand powers, prescribes the law for it to place itself under the first political safeguards of Europe; and its weakness prescribes to it the necessity of placing their institutions in harmony with those of the states, whose protection alone can guarantee it against the danger of servitude and ruin.

"These representatives have coolly and solemnly deliberated on the circumstances of the present times, and in the frightful probabilities of the future; they have seen for a long time the calamities which Europe has been afflicted with the causes of their own misfortunes, and the remedy to which they ought to recur.

"We are, Sire, charged to express to your Majesty, the wish of the representatives of our people. We pray you to grant to us, as supreme chief of our republic, as King of Holland, the Prince, Louis Napoleon, brother of your Majesty, to whom we remit, with an entire and respectful confidence, the guard of our laws, the defence of our political rights, and all the interests of our dear country."

His Majesty replied in these terms.

"Gentlemen, Representatives of the Batavian people... I have always regarded it as the first interest of my crown to protect your country. Every time that I have had to interfere in your interior affairs, I have been struck with the inconveniences attached to the uncertain form of your government. Governed by a popular assembly, it was always influenced by the intrigues and agitated by the neighbouring powers. Governed by an elective magistracy, every renewal of this magistracy has been a crisis for Europe and a new signal for new maritime wars; all these inconveniences can be warded off no way but by hereditary government. I recommended it to your country at the time of the establishment of your last constitution; and the offer which you make of the crown of Holland to Prince Louis, is conformable to the true interests of your country, to mine, and pro-