



AND

North-Carolina State Gazette.

Once more the plan of false light and peace, Unwarped by party rage, to ill will be brother's...

Vol. VIII.

MONDAY, FEBRUARY 23, 1807.

No. 387.

By Authority.

AN ACT

To alter the time of holding the circuit and district courts in the district of North Carolina.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the times heretofore established by law, for the sessions of the circuit court of the district of North-Carolina, the said courts shall hereafter commence and be holden on the twelfth day of May and the twelfth day of November, in each year, any thing contained in any former act or acts to the contrary notwithstanding. And all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal commenced or to commence in the said court, and all recognizances returnable to the said court, on the twentieth day of June next, shall be continued, returned to, and have day, in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue as if the allegation had never been made:—

Provided nevertheless, That when the twelfth day of May, or the twelfth day of November shall happen on Sunday, the next succeeding day shall be the first judicial day of the term.

Sec. 2. And be it further enacted, That the district courts of the United States, for the district of North-Carolina, shall, after the passing of this act, commence and be holden on the following days instead of the times heretofore established by law, that is to say; at Wilmington, in and for the district of Cape Fear, on the first Mondays in February, June and October; at Newbern, in and for the district of Pamlico, on the Friday next after the first Mondays in February, June, and October; and at Edenton, in and for the district of Albemarle, on the first Tuesday which shall follow the Friday next after the first Mondays in February, June, and October. And that all actions, suits, writs, process, pleadings or other proceedings, commenced or to commence, or which shall be now depending in any of the district courts of the district of North-Carolina, shall be continued over, and have day in the next district court to be holden in the several districts as hereby established, any thing in any former act or acts to the contrary notwithstanding.

NATHL. MACON, Speaker of the House of Representatives. GEORGE CLINTON, Vice-President of the United States, and President of the Senate. Approved, Feb. 4, 1807. TH. JEFFERSON.

AN ACT

For the relief of George Little. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers liquidate and adjust with George Little, the account of damages, interest and charges, in the case of the brig Flying Fish, captured by him while commander of the frigate Boston, in the service of the United States, during the year one thousand seven hundred and ninety-nine, and afterwards libelled in the district court of the United States, for the district of Massachusetts; in which case judgment was ultimately rendered by the circuit court, in pursuance of a decision of the supreme court of the United States; and that so much as may be necessary for satisfying the same, be paid out of any monies in the treasury not otherwise appropriated.

NATHL. MACON, Speaker of the House of Representatives. GEORGE CLINTON, Vice-President of the United States, and President of the Senate. Approved, Jan 17, 1807. TH. JEFFERSON.

EXTRACTS

The Governor of N. York's Address to the Legislature.

"In inviting your attention to the subject of public justice, I cannot refrain from again urging the propriety of a revision of the criminal code, that the degree of punishment may be more accurately proportioned to

the comparative magnitude of the offence. That the value of a cent should warrant the difference between three and fourteen years imprisonment in the case of larceny, or that he who alters a receipt for a few shillings, or knowingly passes a piece of false coin of the lowest denomination, which he has honestly received, should be punished as severely, as he who counterfeits the currency of the country, and thereby impairs the confidence of the community in the general medium of commercial transactions, are certainly defects in the system of criminal jurisprudence, which require a remedy. Instances of some of the latter cases, I understand, actually exist at this moment. Let it not be said, the executive has power to mitigate the severity of punishment in such cases. The prerogative to pardon vested by the constitution can only be exercised discreetly under a discretion strictly legal, or in cases very peculiarly circumstances, and cannot with propriety pronounce the sanctions of the law unjust.

"I should consider myself, Gentlemen, manifestly deficient in the discharge of my duty, were I to relax my exertions to impress on your minds a conviction of the propriety of greater attention to the state of the national force than has yet been bestowed on it. If we are sincere in the belief that standing armies are hostile to liberty and economy, and mean to avoid the necessity of employing them, by entrusting the national defence to the militia of the country, that militia should certainly be rendered as efficient as possible. It requires not argument to convince the reflective mind, that, in the present improved state of military tactics, numbers alone give not national strength—And that well disciplined invading armies, when opposed by ill provided irregulars only, spread desolation, inflict calamity and achieve conquest with little difficulty. Even the generous love of country and the public good, which republicans ought to cherish, and which nerve the patriot's arm when encountering the enemies of his native soil, is then but the sad mean of swelling the dire catalogue of human misery. This is not a picture of the imagination, it is drawn from real life, and I forewarn you in time, Gentlemen, that it may not be realised in our own country. I have been an eye witness to the state of the militia. I have personally inspected nearly the whole, and I can with truth assert to you that they have not, I verily believe, such arms as our soldiers should have, a musket to every tenth man, nor a bayonet to every twentieth. Many are destitute of arms of every description, and appear on parade shouldering a staff in place of a firelock. Nor is the fault imputable to them. Arms they cannot procure, and it is the duty of the government to furnish them. I say the duty because I am warranted in saying so both by the intrinsic nature of the thing, and the construction of our country.

The fourth article of the constitution ordains, that the militia of the states shall at all times, as well in peace as in war, be armed, disciplined and ready for service; and that a proper magazine of warlike stores, proportionate to the number of inhabitants, shall be forever thereafter, at the expence of the state, and by acts of the legislature, established, maintained and continued in every county in the state. An injunction so solemn cannot consistent with duty be disregarded—Nor is the deficiency in arms greater than that in colours, and in martial music. Many regiments are totally destitute of the former, and very ill provided with the latter. So great is the deficiency in this last particular, that, with the exception of the city of New-York, there can scarcely be collected throughout the state, a dozen drummers capable of distinguishing a retreat from a charge. If the legislature should entertain doubts as to the importance of having in the militia, musicians skilled in the various branches of military music, I would recommend to their perusal the act of Congress of the 3d of March, 1803, for the organization of the militia of Columbia—they will there find it of sufficient magnitude, to justify the holding

out considerable inducements to engage in that service.—I have found every where a laudable military ardor; an emulation to excel in military discipline and knowledge, which if properly encouraged, and united with a just confidence in our own strength, may bid defiance to foreign aggression. To inspire that confidence is completely in the power of government."

ADDRESS

to the President of the United States, from the LEGISLATURE OF MASSACHUSETTS.

Boston, Jan. 25, 1807.

The following is a copy of the Address to the President (with an accompanying letter) which passed the House of Representatives on Saturday last by a majority of every.

To the President of the U. States. SIR,

It is with the most cordial satisfaction and peculiar delight, that we perform the duty enjoined upon us by the Senate and House of Representatives of this Commonwealth, in communicating to you the high and grateful sense which they entertain of the important services rendered by you to these United States, in the capacity of Chief Magistrate, during the whole course of your administration. The two branches of the legislature, in the expression of their own respect and esteem, have undoubtedly expressed that of their constituents, who now appear to compose a decided majority of the citizens of Massachusetts. Altho' behind most of our sister states in this respect, we are highly becomingly tributary of approbation, yet, as it is now the result of a long and tried experience of the wisdom and rectitude of your administration, it is respectfully hoped, that it will not be less acceptable to you or to the community at large, than if it had been expressed to you at an earlier period.

That your life and health may long be preserved, your distinguished services long be continued, and your happiness constantly increased, is the sincere and ardent wish of your most respectful and humble servants, JOHN BACON, PEREZ MORTON.

To the President of the U. States.

It is with pleasure that the two branches of the Legislature of Massachusetts improve the opportunity afforded by their annual meeting, to offer to you the only tribute which can be acceptable to the chief magistrate of a free nation;—the tribute of their approbation—and to present the only homage which a grateful people can pay to their most distinguished citizen;—the homage of their confidence and esteem.

We are happy in being able to assure you, that the sentiments which we now express for ourselves, have, during the various periods of your administration, experienced a constant and increasing progression with the great body of our constituents.—They have viewed with gratification, a system of frugality, retrenchment and economy in our national expenditures (congenial to the primitive habits and systems of Massachusetts) introduced and pursued with a faithful and disinterested perseverance, as a natural consequence of this system, so plain and obvious in its principles, and so familiar in its application to their private or local concerns—they have contemplated with satisfaction, the relinquishment to the several State Governments of those branches of public revenue, which had by the constitution been submitted to the control of the Federal Government; under the confidence, that they would be put into requisition only upon extraordinary exigencies, and at periods of great national pressure. They found the increasing produce of the public revenue, applied with a steady and unvarying hand, to the rapid extinction of a debt, which had threatened by its increasing weight, to repress the rising energies of an infant nation. It is in view of these effective measures which have been adopted for the accomplishment of this great and desirable object, that our peculiar so-

litude has been excited; and it is in their successful execution, that our highest expectations have been surpassed.

Our intercourse with the nations of Europe, tho' frequently embarrassed by the jealousy and rivalry of contending interests, has been preserved on terms conducive to our national interests & compatible with our national honor—and the inestimable blessings of peace have been secured to our country, during a period of unexampled difficulty, devastation and distress throughout the civilized world; whilst by the judicious application of our public force, we commanded the respect of those piratical and barbarous powers, upon whom the customary laws of nations or the common principles of reason and justice, have no governing influence. The abundant advantages of our agricultural and manufacturing interests have been secured to us by means the most safe, efficient and desirable, the removal of burdensome impositions and embarrassing restrictions. Our extensive commerce, though harassed at times by vexatious seizures and unreasonable interruptions, has, under the fostering care of the government, been attended with a very general and encouraging success.

The recent extension of our territorial limits (an event which is too often gratifying only to the pride and ambition of nations) derives in this instance its chief importance to us, from its capacity of contributing to our permanent safety and defence,—and above all, from the morality of the means by which it has been obtained.

It has been a consideration condescending to the feelings of philanthropy, and propitious to the interests of humanity, that your benevolent efforts for the civilization of our aboriginal inhabitants, have been crowned with success worthy the ardent and generous zeal with which they have been directed.

Impressed as we are with these unfeigned and grateful sentiments of approbation towards the past measures of your administration, we have only to assure you of that rational and steadfast confidence, with which they have inspired us respecting the future; and that whether our rights are hereafter to be vindicated against the aggressions of foreign foes, or the machinations of internal conspirators, the people of Massachusetts will not be found wanting in their duty to the calls of their country, or the requisitions of their government.

That your life and personal happiness may long be protected by a beneficent Providence, and your public usefulness be for many years continued, is, for the sake of our country, our sincere and ardent wish. Signed, &c.

State of North-Carolina.

Rutherford County, October Sessions, 1806

Adam Whiteside } Original Attachment. A. et al. vs. Hardin } John McClure

I having been made appear to the Court, that the said Attachment was levied on a Tract of Land the property of the Defendant, situate in said County, on a branch of Robinson's Creek, containing 200 Acres, and returned to this session. It also appearing that the Defendant resides without the limits of this State: It is therefore ordered by Court, that if the Defendant does not appear at our next Court to be held for said County and make his defence, final judgment will be entered against him, and the ordinary process will issue for collecting the money contained in such judgment, with costs. It is further ordered, that this Order be published for three months in the Raleigh Register. RICHARD LEWIS, C. C. Oct. 16, 1806.

NEW BOOKS.

J. GALES has just received the following new Books: The Life of William Pitt Do. of Lord Nelson The Revolutionary Plutarch, containing Biographical and secret Memoirs of the Bonaparte Family. Secret History of the Court of St. Cloud. History of Bonaparte, with an Account of the Battle of Austerlitz. Ewell's Discourses on Chemistry. ALSO in Morocco, or common binding, THE GENTLEMAN'S ANNUAL POCKET REMEMBRANCER, for the year 1807, containing an Almanac, ruled Pages for Memorandums, an Account of the Government of the U. States, a List of the Navy and Army, &c.

CELEBRATED MEDICINES.

THE following celebrated Patent and Family Medicines, have been in use throughout the United States, for upwards of eight years past, during which time they have probably cured more persons than all the Medicines heretofore made public in America. Many of them (independent of their superior efficacy) are sold for less than the Drugs of which they are compounded could be purchased at a Retail Store.

HAMILTON'S WORM-DESTROYING LOZENGES, the only mild, safe and infallible Remedy hitherto discovered: it may be used by the most delicate Females and the youngest Infants, with perfect safety.

Hamilton's Worm Destroying Lozenges there is reason to believe, have within 7 years past cured upwards of 1 wo Hundred Thousand Persons, of both sexes, & every age, and in every situation, of various dangerous complaints arising from Worms, and from obstructions or foulness in the stomach and bowels, bears no analogy whatever to others of a similar title, so commonly complained of as operating with violence, on the contrary, a particular excellence of this remedy is its being suited to every age and constitution. It contains nothing but what is perfectly innocent, and is so mild in its operation, that it cannot injure the most delicate pregnant lady, or the tenderest infant of a week old, should no worms exist in the body, but will without pain or griping, cleanse the stomach and bowels of whatever is foul or offensive, and thereby prevent the production of worms and many fatal disorders. The Lozenges are particularly efficacious in carrying off all gross humours and eruptions, feverish and bilious complaints, and are the safest and mildest purgative that can be used on any occasion. A dose of this medicine given occasionally during the warm season, will effectually prevent "vomiting and purging of children," a dreadful disorder, which annually destroys thousands of the infant part of our citizens. It is likewise the mildest and most certain remedy known, and has restored to health and strength a great number when in an advanced age, of the fatal complaint. Particular and plain instructions are given for every part of the necessary treatment in such cases.

Children generally take this medicine with eagerness: having a pleasing appearance, and an agreeable taste.

HAMILTON'S ELIXIR, For Coughs, Colics, Asthmas and the Whooping Cough; and celebrated for removing approaching Consumptions.

HAMILTON'S ESSENCE AND EXTRACT OF MUSTARD, for the Rheumatism, Gout, Palsy, Lumbago, Numbness, White Swellings, Sprains, Bruises, Pains in the Face and Neck, &c

INFALLIBLE AGUE AND FEVER DROPS.

Recommended to the Inhabitants of low marshy Neighbourhoods, where the worst sort of Agues, Remittent and Intermittent Fevers prevail, as the only certain remedy.

SOVEREIGN OINTMENT FOR THE ITCH—A certain cure, by once using.

THIS preparation (which is watered not to contain a particle of mercury or any pernicious ingredient) has been in use upwards of twenty years in Europe, and for eight years in the United States, during which time it has never failed to perform a cure; and it is so innocent that it may be used on the youngest infant with the greatest safety. The proprietor is so confident of this vegetable ointment being an infallible remedy, that all the venders of Lee's celebrated patent and family medicines are authorised to return the purchase money, should any person certify its having failed, or perform the promised cure.

Dr. HAHN'S ANTI-BILIOUS PILLS celebrated for preventing and curing all those disorders which proceed from aacid state of the Bile, such as Bilious Cholera, Bilious Fevers, &c. also for removing habitual Costiveness, Sickness at the Stomach, and severe Head-ache.

PERSIAN LOTION, for beautifying the Skin, also a certain cure for Cutaneous Disorders, Blotches, Freckles, Pimple & Scurs, &c.

DAMASK LIP SALVE, a pleasant Remedy for chapped and sore Lips, and every blemish of the Lips, arising from colic, fevers, &c. speedily restoring them and adding a delicate softness.

RESTORATIVE TOOTH POWDER. For the Teeth and Gums, strengthening of them, preserving the Enamel, and whitening of the Teeth

Dr. HAHN'S EYE-WATER, a sovereign Remedy for diseases of the Eyes, whether the effect of weakness or of accident, never failing to cure those maladies which succeed the Smallpox, Measles, &c. HAHN'S GERMAN CONN PLAIS, TER.

TOOTH-ACHE DROPS. ANODYNE ELIXIR. For the cure of the Head-ache.

Sold at Raleigh by Joseph Gales only, and wholesale by the Proprietor, at the Patent Medicine Warehouse, No. 56, Maiden Lane, New-York, where may be seen a multiplicity of Recommender Letters from many public, and other well known characters, which the limits of an Advertisement do not permit to be inserted.

A PAIR OF TWELVE-INCH GLOBES. For Sale at Joseph Gales's Store.