

to independence and liberties of the United States.

"United we stand, divided we fall." If we are united, we can despise the intrigues of Foreign nations, and where ought this example of Union to be set? In our General and State Governments. In the Congress of the United States, and the several State Legislatures. As long as the Members of our Legislatures are not united, how can it be expected that the Citizens will be so. No, it is the duty of the Members of our Legislatures, to be united in one firm body, and go hand in hand, and then we can bid defiance to the despots of Europe.

If we are to exchange our independence for the luxuries of life, if we are to stoop to the degrading attitude of Colonies, in the name of common sense, let us have no Commerce at all; if the nations of Europe will not permit us to trade with them on equal terms, let us cultivate our soil, and manufacture our own materials, which in a few years might be done in the greatest plenty.

#### A FRIEND TO HIS COUNTRY,

FOR THE REGISTER.

Messrs. Editors,

IN your Paper, of the 12th inst. I observed a piece, signed "A Caswell Matrimonist."—Permit me to make a few remarks upon this piece, which is intended to teach the Legislature their duty, and, once more, turn the scale against the Divorce Bill.

In the first sentence, this worthy friend to Matrimony says—"we are informed by the Scripture, that marriage is a covenant not to be dissolved." A little reflection, mixed with a small share of common sense, would have taught him, that all contracts are, or ought to be, mutual and equal, binding on both parties; it is a maxim, well understood, that in all contracts, where one of the parties is incapable of performing, or violates the contract, it amounts to a complete dissolution, as to the other, and this, I think, will be found agreeable to Scripture.

This worthy friend to Matrimony goes on, and says, he believes, "to pass any Law on that subject would be attended with pernicious consequences;" he might as well have said, to pass a Law against horse-stealing would be attended with pernicious consequences.—Pray, Sir, is not the intention of Laws to protect the innocent, and punish the guilty? Can you point out a crime more baneful to Society—or can you point out a situation more wretched, than that of a man or woman, when a wife or husband has left them, & attached themselves to another? And yet you will say, they shall have no relief!

This writer, in the third section, goes to state objections to the Bill—I will only observe, as to them, that they are unworthy of notice. Such trifling objections would disgrace a school-boy. The friends to the Bill did not pretend to say it was perfect; but I will venture to say, this author could not produce one from his own pen, less liable to objections, in 6 months.

In the latter part of the third clause, he says, "But I will make some remarks, with respect to the impropriety of trusting our Courts of Justice with the power of granting Divorces;"—and what are they—the first is, that it would have a tendency to destroy the ties of Matrimony, and that, in a few years, the Dockets in each County would be filled with Petitions for Divorce. This is the first time I ever heard, that our Courts of Justice ought not to be trusted, or that they had a tendency to destroy the ties of Matrimony. Are our Judges so base and immoral, that they ought not to be trusted?—I believe this is not the case: from the acquaintance I have with them, I think they are well deserving of confidence, and before whom, the honest complainant may at all times appear, with confidence, and the villain with fear & trembling.

As to the fashion of the day, in Caswell County, I must confess, I know but little about it; if the fashion or practice is as stated by this writer, I must confess, it is somewhat different in the part of the State where I live. I will further add, that if this friend to Matrimony has daughters to raise, and will do them justice, in bestowing on them a good education, he will find they will not be so very easily duped by every swindler that passes.

This writer goes on, and says, "I contend, that the Legislature is the proper tribunal to hear such complaints."—Pray, sir, did you ever read the Constitution of the State?—I think you will find it expressly says, that the Legislative, Executive and Judicial branches of the Government

shall be forever separate and distinct from each other; from which I understand, the Legislature are to pass Laws, & the Courts of Justice are to decide on, and enforce them. I contend and say, the Legislature have no right to grant Divorces; that it is contrary to the Constitution, for the Legislature to hear and determine causes; they have the same right to hear and determine, between debtor and creditor, as between a man and his wife.

This Caswell writer goes on to describe those who apply to the Legislature for Divorce; he says, that they are generally devoid of "morality and virtue, and destitute of every moral principle"—that one of them is so, is admitted, which is the cause of the Petition, and your doctrine has a tendency to make the other so, by denying them common justice.

The Matrimonist says, that there is no instance, where a Divorce has been improperly granted by the Legislature, but relief has been given, when it appeared necessary. I contend and say, every Divorce granted by the Legislature is improper. I also say, they have often denied relief to the innocent petitioner, when his case was as plain as the blaze of day.

Suffer me to give a short history of this business, as it has been acted on by the Legislature, and see whether the innocent sufferer has always obtained relief or not. The first session of the Legislature, in which, I think, there was some little swerving from the tract, was the fall session of 1791. John Naylor, of Fayetteville, laid in a memorial, stating that his wife had left him, and had been guilty of base and flagrant breaches of the matrimonial contract, and praying to be divorced—(her seducer was a Member of the Assembly) Naylor's Petition was granted, and he divorced.

At the same session, Ezra Bostwick, of Anson County, laid in his memorial, stating, that in the fall of the year 1781, while he was in the service of his country, his wife left his house, with one Timothy Hony, and had continued to live with said Hony, ten years, and had five children by said Hony; these facts were substantially proven; Bostwick's petition was rejected. At the last session, Dr. James Norcum, of the town of Edenton, laid in his memorial, stating, that his wife had left him and had been guilty of several acts of lewdness, and praying to be divorced; the facts stated in the memorial were proven, and his petition was granted. A man, from Halifax, whose name is not now remembered, laid in his memorial, stating, that about eleven years before, his wife left him and attached herself to a free Negro, by whom she then had several children; these facts were fully and substantially proven; this man's Petition was rejected. Young Utley, of Wake County, at last session, laid in his memorial, stating, that sometime in the summer of 1817, he married his wife, that in a few months after marriage, she was delivered of a Mulatto child; these facts were fully proven; his petition was rejected.

Do you think, from this statement, (which is substantially correct) that the Legislature is the proper place to apply for relief in cases of this kind? As to the expence, it was said, that at the session of 1791, the Divorce business cost the State near three thousand Dollars; that at the last session, it cost the State near six thousand; that from the year 1787, it has cost the State nearly forty thousand dollars!

Do you not think this money could be applied to a much better use? Do you know that a large proportion of the taxes, which the people pay, is swallowed up in this sort of business. When you undertake to write a gain for the instruction of the Legislature, pray try and inform yourself a little better on the subject.

#### A CITIZEN OF RICHMOND.

Rockingham, Oct. 24.

#### State of North-Carolina,

Granville County.

Superior Court of Law, September Term, 1809.

Henry Potter, Esq. vs. Reuben Searcy.

Original Attachment.

Levied on Reuben Searcy's right and title to a tract of land lying on Boling's Creek, or the waters thereof, described in land warrant No. 640, supposed to contain three hundred and fifty acres, be the same more or less, and is the overplus of land in the lines of an old survey made by Thomas Person, for which a dispute has been between Searcy, Person and Johnson.

It being made appear to the satisfaction of this court, that the Defendant is not an inhabitant of this State—Ordered, that publication be made in the Raleigh Register for the space of three months, that unless the defendant appear at the next Term of our said court, reply property and plead to issue, judgment final will be entered against him.

Witness, W. M. SNEED, Clerk.

#### Foreign Articles.

#### FROM ENGLAND.

Baltimore, Nov. 17.

The ship Philip, captain Williams, arrived here yesterday, in 36 days from Cowes, Isle of Wight, from which she sailed the 10th October, bringing London dates to the 7th, being one day later from London. They contain no news of moment, excepting that no new ministry had yet been formed. The continental news is neither so late as the arrival from Rotterdam at Boston, published in our paper of Tuesday last, or the arrival at New-York, in 36 days from Tonnigen.

#### FROM PORTUGAL.

Philadelphia, Nov. 16.

Arrived yesterday morning, the brig Reindeer, Wade, 23 days from Lisbon. Captain W. sailed the 15th of October, the day previous to which Lord Wellington arrived in that place, and it was reported the French were within 70 miles, and the British about 40 miles distance. It was generally expected the English would not risk an engagement; but avoid it by embarking their troops on board several transports and men of war lying in the roads for that purpose.

#### FROM HAVANNA.

We have been favored by a valuable correspondent at Havanna, with the following documents, which explain the state of our commercial admission to that place.

Havana, September 19th, 1809.

"The president, governor and captain general and the intendant general of the army, and royal revenue of this island, have determined by a decree of yesterday, that the foreign vessels anchored in the road of this place, and those which have been permitted an entry, on account of inconvenience, may unload the articles permitted by the Royal Cedula of the 25d April, 1804. Accordingly the consignees will make the manifests of all their lading for the dispatch of the articles expressed in that indulgence, which will cease on the 30th April 1810. "ISLA."

Extract from the Royal Cedula, concerning the New Trade, dated at Aranjuez, April 22, 1804.

I declare for the benefit of my subjects, that returns, which for want of negroes on account of their excessive dearthness or for other just causes, they may make in tools for the mechanic arts, and utensils for the arts which are the subject of the 3rd article of the Cedula of the year 1791, in planks for sugar boxes, staves or hoops, shall be free from all duty, and even though they may be imported by foreigners with new negroes, and not for themselves only; but I prohibit the entry into my ports of foreign vessels, even with cargoes of these articles, unless they bring at the same time new negroes; but neither Spaniards nor foreigners, who carry on this trade can import iron and steel, though they be of the national produce, under the pretext of their being necessary for mending and repairing the said tools or utensils, nor otherwise.

#### FRENCH PIRACY.

Charleston, November 11.

The Swedish ship Gustavus, Grandison, anchored off the bar the evening before last, from Liverpool, which place she left on the 8th of October.

It was reported in Liverpool that the Russians were about to join the Austrians, but it was not generally credited.

A French privateer called the Decide, out of Bordeaux, had captured several American vessels; the captain of which said that he had orders to capture all American vessels, and those which did not give him a ransom, by drawing bills and leaving with him one of the officers of the ship captured, were to be burnt. On the 12th of October, in lat. 48. long. 19. she captured the ship Henrietta, Nickolls, from Liverpool to New-York, with a valuable cargo of hardware and dry goods, which was sent to France—on the same day she captured the ship Laconia, Walker, from Liverpool to Portsmouth, N. H. which was in company with the Henrietta; she not having a valuable cargo on board, was ransomed for 9000 dollars—also the ship Resolution, Bunker, from London to New-York, in ballast; the crew was taken out and the ship scuttled—Five ships were then in sight, supposed to be Americans, one of them thought to be the Sally, Webber, from Liverpool to this port, which sailed in company with the Gustavus. As the privateer stood for them, it is believed most of them were captured. The privateer also captured the Gustavus, and intended to burn her, but afterwards ransomed her for 25,000 dollars.

The captain of the privateer said it was his orders to capture all American vessels from English ports; those that were worth more than 40,000 dollars were to be sent in, others of less value were to be ransomed or destroyed, as it was the determination of the French government that neutrals should not

trade with Great-Britain. The Mate of the ship Henrietta is on board the Gustavus.

The captain of the privateer informed, that several other vessels were to sail from Bordeaux to cruise against the American commerce. The Decide, is a corvette of 18, 18 pounders, has a crew of 160 men, and sails very fast.

The verbal reports by this ship are, that peace was not concluded between France and Austria; that a Ministry had been formed in England, but it was considered as one that would not continue long in office.

#### General Assembly.

#### HOUSE OF COMMONS.

Thursday, November 23

Mr. Gisson presented the petition of Michael Dockery, of Richmond County, stating that the election of Thorogood Pate, from that county, was illegal, and that he is not constitutionally qualified to keep his seat, and praying that the facts may be enquired into.

A message from the Senate proposed the appointment of a Committee of Emancipation, and naming on their part, Messrs. Welborn, Bloodworth, Hinton, Wake, Hart, Blackman, Bryan, Alexander and Brickell. The proposition was agreed to, and Messrs. McDowell, Love, Harden, Davidson, K. Jones, Bulfinch, Vanhook, Flowers, Perry, B. Bell, Moring, May, Frink, D. Jones, H. Brown and Wade, were named by the Commons.

Mr. Davidson, from the committee appointed to superintend the balloting for Public Painter, reported, that Gales and Seaton had 135 votes and T. Henderson 50, and that the former were duly elected.

Mr. Drew presented a bill to regulate the Banks of Newbern and Cape Fear, which was referred to the committee on the Governor's Message, and Mr. Drew added to that Committee.

A committee was appointed to be denominated a Committee for the alteration of names.

Mr. James moved for the appointment of a committee to take into consideration the propriety of establishing a Court or Courts of Chancery, with power to report by bill. The motion was ordered to lie till to-morrow.

The House proceeded to consider the motion introduced yesterday, proposing the appointment of a committee to take into consideration whether any, and if any, what further relief shall be granted to debtors, which was agreed to, and a committee appointed accordingly.

Friday, November 24.

Mr. Barringer, from the balloting for the third Engraving Clerk, reported that Danl. Forney was duly elected.

The resolution introduced yesterday proposing the establishment of a Court of Chancery was taken up, agreed to, and a committee appointed accordingly.

Mr. W. W. Jones presented a bill to cede to the U. States the jurisdiction of certain lots of land in Smithville, and to allow further time for building the Fort of that place.

Received from the Senate, a bill authorizing the Governor and other Officers to relieve the State and citizens thereof from pecuniary embarrassments, and, by degrees, to sink the present paper currency of the State; and

A bill to repeal an act passed at the last session to repeal an act passed in 1775 for appointing a town in the county of Bath (now Beaufort) and for securing the public library belonging to St. Thomas's Parish.

Saturday, November 25.

Mr. James presented the petition of the citizens of New-Hanover county, praying for the erection of a new county.—Referred.

Mr. J. Hill moved the following resolution, which was ordered to lie on the table till Monday.

"Whereas John Clary, a member of this house from the county of Perquimans, has been legally convicted of cohabiting with the daughter of his wife; and whereas, this crime, detestable in itself, was committed under such circumstances of aggravation and enormity as manifested an utter depravity of heart and destitution of principle: And whereas it is due to the honour of the House of Commons of the State of North-Carolina to free itself from the contamination of grossly impure and unworthy characters.

Resolved, That the said John Clary be, and he is hereby expelled from this house, and his seat therein declared vacant."

The following bills were introduced: By Mr. Hannah, a bill to establish an Academy in Guilford county.

Mr. Burton, a bill for the better securing the estates of Orphans & of persons non compos mentis.

Mr. Love, a bill to legitimate Mary Perry, of Haywood county.

Mr. J. H. Bryan, a bill to authorise William Sutton to erect and keep up Gates across the public road.

Mr. B. Bell, a bill to establish the mode of elections in the county of Currituck.

Received from the Senate, a bill to extend the right of challenging of jurors in certain cases; and

A bill to revive and continue in force certain acts for ceding to the U. States the lands therein mentioned.

A committee was appointed on Military Land Warrants.

Monday, November 27.  
The resignation of M. R. Byrd, Colonel of Washington county, was received and accepted.

A message was received from the Senate, proposing to ballot to-morrow morning for a Solicitor of the 5th circuit. The proposition was agreed to, and Messrs. D. Toomer, Hutchings G. Burton, Cook Shaw and W. R. King were nominated for the office.

The following bills were introduced: By Mr. Wright, a bill to establish a rate election in the county of Duplin.

Mr. Pearce, a bill to appoint commissioners for the town of Kinston in Lincoln county.

Mr. Goston, a bill to confirm the grant of freedom of entry, the wife of John Goston, Stanley, and others.

Mr. Norsworthy, a bill to prevent application to the passage of fish up Little River.

Mr. T. Brown, a bill to provide for the building of a new jail in Johnston county.

Mr. Nathan Williams, a bill to prevent the practice of bringing stud horses to places of public worship.

Mr. Sterling, a bill to alter the mode of elections in the county of Johnston.

Mr. Grodman, a bill to amend the practice of court of Randolph to lay a tax on the expenses of building a Gaol in that county.

Mr. B. Bell, a bill to amend the act of Hardy, of Currituck, to seal records and therein mentioned.

Mr. J. H. Bryan, a bill to amend the county court of Bertie to cause the parts of the Register books as may appear necessary.

Mr. Nelson, a bill to establish separate elections in Currituck.

Mr. Glisson, a bill directing the duty of clerks in making up the transcripts from the county to the state for courts.

Received from the Senate, a bill to authorise the Deep and New River Company to raise by way of stock a sum not exceeding \$100,000 to complete the navigation of Cape Fear River.

A bill for altering the time of altering the county court of Craven.

A bill to regulate the practice of declaratory declarations.

A bill to authorise the Trustees of the Academy to raise a sum by way of subscription for the benefit of said Academy.

Tuesday, November 29.

On motion of Mr. Kenan, the following resolution was agreed to, and a committee appointed accordingly:

"Whereas the extensive circulation of credit or due bills, issued by private banks, become a matter of serious consequence to the good citizens of this State and a national disgrace; Resolved, that a joint committee be appointed to take the subject into consideration, and that they be authorised to report thereon by bill or otherwise."

Mr. Gisson, from the balloting for Solicitor-General, reported that no candidate had a majority of votes. Another balloting was ordered for to-morrow.

A message was sent to the Senate, proposing to ballot to-morrow morning for a Colonel and 2d Major of Cavalry for the 5th brigade in the 2d of the Militia, nominating for Colonel, Joseph Hawkins of Warren county; and for Major, Henry Taylor.

Mr. Pearson was added to the committee on the Governor's message.

The following bills were introduced: Mr. Pearson, a bill to amend an act enabling the county courts to appoint commissioners to keep open markets, and cracks in their several falls, so far as they think necessary for the passage of fish up the same.

Mr. T. Brown, a bill to alter the times of holding the county courts in Robeson and Cumberland.

Mr. Norsworthy, a bill to prevent any person from working mines, in North-Carolina.

Mr. Dalton, a bill establishing a special election in the county of Stokes.

Mr. W. King, a bill to amend an act passed in 1808, to give concurrent jurisdiction to the superior and county courts.

Mr. Beasley, a bill to incorporate Trinity Lodge No. 54 in the town of Elizabethtown.

Mr. Roberts, a bill to amend the 2d, 3d, and 4th sections of an act passed last session for altering the county courts in Carter county.

Received from the Senate, a bill to alter the places of holding separate elections in Tyrrel county.

A bill to authorise the wardens of the port of the county of Washington to lay an additional tax for the support of the bridge.

A bill to amend an act passed at the last session, relating further county courts and jurors of the Superior Court of Halifax county.

A bill to authorise the sheriff of Martin to collect the arrears of taxes.

A bill granting another separate election to the inhabitants of Wilkes county.

A bill concerning divorce and alimony.

A bill to mitigate the severity of executions, by a valuation of property of instalments of the estates of deceased persons.

Mr. Glisson moved that the house proceed to the consideration of the resolution introduced on Saturday last, proposing to vacate the seat of Mr. John Clary; which being agreed to, he moved that the house do sit till the next day.

Mr. J. H. Bryan submitted the propriety of referring the matter to a select committee, as he perceived that the gentlemen had arrived at no conclusion with additional information on this subject, which could be best laid before such a committee. This resolution was made and a select committee appointed.

A message was sent to the Senate, proposing the appointment of a committee to examine the laws relating to the building of public mills, and the damage for injuries sustained by mill ponds, appointing a committee on the part of this house.

A General Return of the Members of the State for the present year, with a Roster of the General and Field Officers, was received from the Adjutant-General. The letter accompanying this return points out many imperfections in the present system, and recommends a number of improvements.