



NORTH-CAROLINA GAZETTE.

FRIDAY, AUGUST 13, 1813.

No 725

VOL. XIV.

CASES DECIDED

AT THE
Late Term of our Supreme Court;
[Till now necessarily postponed.]

FROM BEAUFORT.

Hugh Everitt vs. Alderson, Ellison and others. Reasons in arrest of judgment overruled; but no execution to issue until the next Superior Court, and then on motion.

FROM BURKE.

Henry Miller vs. Joseph Spencer's Administrators. Greenlee's judgment creates no Lien on the assets; but the costs of the compromise with Davidson create a Lien.

FROM CRAVEN.

The President and Directors of the Bank of Newbern vs. Jeremiah Mastin. Judgment for the Plaintiffs.
The President and Directors of the Bank of Newbern vs. Jas. Taylor. Judgment for Plaintiff.
The Executors of R. D. Spaight dec. vs. the Heirs of Wade. Demurrer overruled.

FROM EDGECOMBE.

Hunter & Hunter vs. Jackson and Jackson. Judgment for Defendants.
Thomas Page vs. Asail Farmer. Reasons in arrest of judgment overruled.

FROM GREENE.

Louisa Strong & others vs. James Glasgow & others. Parol evidence may be received to prove the Trust charged in Complainants Bill.

FROM GUILFORD.

William Nelson vs. William Stewart. The proceedings before the justice and the report of the two freeholders, conclusive against the Defendant. But Plaintiff pays his own witnesses.

FROM HALIFAX.

Den on demise of Nicholson vs. Isaac Hilliard. Where land is sold without warranty, or with warranty only against the feoffee & his Heirs, the purchaser shall have the deeds as incidental to the land, in order that he may the better defend it himself. But if the feoffee be bound in warranty and to render in value, he must defend the title at his peril; and the feoffee is not to have the custody of any deeds that comprehend warranty, of which the feoffee may take advantage. A purchaser at a Sheriff's sale may give the copies in evidence, where it is necessary to deduce the title of him whose land was sold; because he is only privy in estate, and is not supposed to have custody of the originals.

FROM HERTFORD.

Nathaniel Nichols vs. David Newsom. Judgment for the Plaintiff.

FROM JOHNSON.

John Atkinson vs. John Farmer and others. Bill of complainant dismissed.

FROM MARTIN.

Marth Boyt vs. Jesse Cooper. The plea of Defendant is too general to enable him to give in evidence the special matter of compounding a felony: But he may add a special plea without costs.

FROM MECKLENBURG.

Alice Parish vs. Jacob Rite. Rule for new trial discharged.
John M'Nit Alexander, County Trustee vs. Abner Alexander's Executors. The act of 1715, bars the Plaintiff.

FROM NASH.

Daniel Mann vs. Solomon S. Parker. New trial granted.

FROM NORTHAMPTON.

Archer Cheatham vs. Lucy Boyan. Demurrer overruled.

FROM ORANGE.

William H. Goodloe vs. Pomfret Herndon. Bill retained until the

hearing, unless further answer be filed.

Daniel Carthey vs. James Webb. The Plaintiff is entitled to the administration, and a procedendo to issue to the County Court, to grant the administration to him.

FROM PASQUOTANK.

Den on demise of the Heirs of Reding vs. Albertson. Judgment for the defendant.

FROM STOKES.

Obadiab Dodson vs. Francis Bush. Judgment of the Superior Court affirmed.

FROM SURRY.

James Stewart for the use of Matthew vs. James Fitzgerald. Judgment for the Plaintiff.

FROM WARREN.

Drury Andrews vs. John C. Johnson. The trial is to be by a jury on the premises, in the same way as the trial took place on the premises, whilst the cause was pending in the County Court.

James Meador vs. Benjamin Kemble. New trial granted.

Micajah T. Cotton vs. Thomas Beasley. New trial granted.

FROM WAYNE.

David Dickinson, jun. vs. Shad. Dickinson and others. Complainant's bill dismissed.

THE LATE SESSION OF CONGRESS.

The Legislative business of the session of Congress which has just terminated, has been conducted with more assiduity and zeal, perhaps, and with more celerity and effect certainly, than at any previous session which has fallen within our observation. The object for which Congress was convened at this Extra Session, was generally understood to be, to provide a system of war taxes, calculated to defray the interest of the Public Debt now existing, and which may be created during the war. To this object then, they bent their principal attention. It has been deliberately but speedily accomplished; and the session was not protracted a moment after the several bills on this subject were perfected. There was considerable difference of opinion, even among the majority, on the proper objects of taxation; but these differences were not permitted to interfere with the public interest, or frustrate the measures it required; and those who could not obtain such a variation or modification of the system as they wished, gave their support to that system which was proposed by the committee of Ways and Means, rather than defeat the measures necessary to support the credit of the Government. The laws on this subject, therefore, notwithstanding the opposition (habitual on all occasions) of those who have clamoured most about the necessity of taxes, were passed by commanding majorities. These several laws, besides containing the general provisions for the assessment & collection of direct and internal taxes and for establishing the office of Commissioner of the Revenue, embrace the following provisions, viz. to lay duties on licences to retailers of wines spirituous liquors and foreign merchandise; on licences to distillers of spirituous liquors; on sales at auction of merchandize and of ships and vessels; on sugar refined within the United States; on bank notes and certain negotiable paper; and on imported salt. These laws to continue in force during the present war, and until one year after its termination.

Besides these several laws, in number ten, providing a system of direct and internal taxation, a law was passed authorising a loan of \$7,500,000, a part of which is to be appropriated to the service of the present year, for expenses (of militia principally) not before calculated on, and the remainder for the service of the first quarter of the next year, which it is supposed

could not be provided for in time at the next session of Congress.

These are all the measures taken for raising a revenue, or providing the ways and means for the support of government.

Besides the passage of these laws, however, Congress adopted many provisions for encouraging the prosecution of the war, and to render it, both offensively and defensively, more efficient. Of this character, we may pronounce the acts which were passed, to authorise the raising a corps of sea fencibles; to authorise the purchase and sinking of hulks for the further defence of the ports and harbors of the United States; to authorise the building of barges to protect our bays and rivers; to continue in force the several acts authorising the employment of mounted rangers on the frontiers, and to explain and amend those acts; to prolong the term of enlistment of 5 regiments of the twelve months' men authorised by the act of the last session, to five years or during the war; to amend the act establishing the ordnance department; to regulate the allowance of forage to the officers of the army, &c. Besides these military and naval preparations and regulations, two acts were passed the first of them unanimously in both Houses, which, having an important bearing on our military operations, we also class under this head. We speak of the act to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States; and the act making compensation for waggons and teams captured and destroyed by the enemy at Detroit. The first of these acts assures to the militia man who is called out under his country's banners, that if he is disabled his government will secure him from want, and that, if he falls, his country will take his family under its guardian care; the last assures compensation to the citizen for his property destroyed in the public service.

It had become notorious, and the fact was established by the woful experience of many who had engaged in & suffered by it, that Privateering on the ocean, that mode of warfare which we believe more than any other, harrasses the enemy by distressing his commerce, had languished & had almost ceased, from the want of encouragement from the government, the absence of which, together with the obstructions thrown in the way by those opposed to the success of their country's arms, had discouraged and smothered that enterprising spirit, under the impulse of which, on the declaration of the war, privateering so vigorously commenced. Congress took this subject into their mature consideration; and, during the session, passed several laws, having for their object to release the claims of the United States to certain British property captured by private armed vessels; to reduce the duties on prize goods captured by the private armed vessels; to allow a bounty of 25 dollars for every prisoner captured and brought in by them; to extend the act allowing pensions to the wounded in action on board private armed vessels, to such as shall be accidentally wounded during the cruise. Under these salutary provisions, it is hoped and believed a new spring will be given to enterprize, and that the ocean will again swarm with our hardy and adventurous seamen, who have already signalized themselves in every sea by their bravery and skill whenever they have encountered an enemy.

The only law passed of a general commercial nature, is one very important in its effects on the present state of our commerce, and which had become necessary to prevent our trade from becoming wholly subservient to the interests of the enemy; we mean the act prohibiting the use of British licences. This will put an end, we trust, to the disgraceful intercourse carried on with the enemy under this guise at least; though we fear that a neutral character is as easily purchased as a British license, and that many

of our vessels will assume the former which cannot now take the latter. Still, much will have been done to remedy an evil, which could only have been cured by a general embargo.

The proposed amendment to the naturalization law, which has been for two or three sessions bandied about between the two Houses of Congress, has at length passed, in an imperfect shape, we believe, but the only form in which it could meet the views of a majority of both Houses, and in such a form, too, as will materially amend and improve the existing provisions on that head.

In consequence of the first session of the Thirteenth Congress having been held in anticipation of the period, prescribed by the Constitution as that on which the first session of each Congress shall be held, unless otherwise directed by law, it became necessary to provide by law on what day Congress should again assemble. A law was accordingly passed, fixing the next meeting of Congress for the first Monday in December, the day on which Congress would have assembled, had no law passed authorising an Extra Session.

The above statement comprises all the laws of a public nature which were passed during the session. Several other measures of importance were proposed, and received their quietus in one or the other branch of the Legislature, among which was a general Embargo, the fate of which is too recent to require any particular remarks from us. The subject, besides, is pretty well understood by the People at large, who are quite as competent as ourselves to judge of its expediency. Our intention was merely to offer a general statement of all the measures of a general nature, which passed the Congress; and all the laws of that description, we believe, are comprised in the above recapitulation.

From the Baltimore Register.

AMERICAN PRIZES.

- 455 Ship Susan, of Liverpool, from Gibraltar for that port, captured by an American letter of marque, and carried into Marennes, France.
- 456 Ship Seaton—captured by the Paul Jones, and afterwards burnt by the Globe of Baltimore, at the request of the prize-master, she not being seaworthy.
- 457 Sch. Elizabeth, from Lisbon for London, captured by the Globe and burnt.
- 458 Ship Pelham, from Lisbon for Figaro, laden with rum, captured by ditto; and do. The Globe captured and ordered into port several valuable vessels.
- 459 Brig Margaret, 220 tons, 10 guns, laden with 1000 hhd. salt, from Cadiz for Newfoundland, captured by the America of Salem, and sent into that port.
- 460 Sch. Lady Murray, commanded by a Lieut. of the navy, with 21 men, laden with military stores worth 20,000 dollars, captured by the Lady of the Lake, and carried into Sackett's Harbor, Ontario.
- 461 Brig Morton, 12 guns, from London for Madeira, captured by the Yorktown and divested of her dry goods and 7000 sterling.
- 462, 463, 464. Three schooners captured by the Young Teazer, and sent into Portland, one laden with salt, the other two with 146 puncheons of Jamaica rum, and some mahogany.

PHILADELPHIA, June 25.

Mr. H. Miles,

SIR—Herewith you will receive a list of 27 vessels which I believe you have omitted in your valuable paper. Yours, &c.

A FRIEND.

The editor was sensible that some such omissions must and would occur, for the reasons that have been heretofore stated—we have examined our lists, and it appears that from No. 465 to 486 have not been entered—and we gratefully comply with the wishes of our "friend" in giving them a place.]

- 465 Brig Sally, Bedford, of London, from Plymouth of Pictou, in ballast, with some cordage & crockery—mounting four 4 pounders, by the Benjamin Franklin.
- 466 Brig —, from Jamaica, sent into N. York, prize to the Teazer.
- 467 Brig Hero, from St. Andrews, sent into Castine, by the Teazer.
- 468 Brig Resolution, with flour arrived at Portland, prize to the Nancy, Capt. Smart.
- 469 Brig Hero, from Guernsey, in ballast, taken by the Essex and burnt.
- 470 Brig James and Sarah, captured by the Essex and ransomed.
- 471 Brig —, from Madeira for Jamaica, laden with wine, arrived at New London, Oct. 9, a prize to the Marengo.
- 472 Brig —, from the Leeward Islands to Guernsey, mounting 6 guns, with a full cargo of West India produce; arrived at Martha's Vineyard, prize to the General Armstrong.

473. Brig —, with salt, cut out of Turk's Island by the Orders in Council, arrived at New York, Dec. 17.

474 Brig —, (a new light vessel) from Gibraltar to Halifax, a prize to the John, arrived at Boston, Aug. 6.

475 Brig Ann, prize to the Teazer, arrived at an eastern port.

476 Brig Thomas, from Aberdeen for the St. Lawrence, mounting 2 guns, in ballast, captured by the Decatur and sent as a cargo to Halifax.

477 Brig Tulip, British property under American colors, sent into Philadelphia, by the Atlas, Capt. Moffit.

478 Brig —, 14 guns at New York, March 11, sent in by the Holkar.

479 Barque —, captured and burnt by the Dolphin, Capt. Endicott, on her 2nd cruise.

480 Ship —, in ballast with specie, sent into Wilmington N. C. Dec. 29, by the Revenge.

481 Ship Eliza Ann, from Liverpool arrived at Boston, prize to the Yankee.

482 Schooner Success, from Newfoundland for New Brunswick, with 250 barrels salmon, prize to the Benjamin Franklin.

483 Sch. Lady Clark, arrived at N. York, Aug. 31, prize to the Bunker Hill.

484 Sch. Sally, from Sidney, N. S. arrived at Boston, Aug. 5, prize to the Wiley Reynard.

485 Sch. Bloude, from Dominico for St. Johns, N. F. prize to the John.

486 Sch. —, from Jamaica, with 160 puncheons of rum, arrived at Salem, August 16, prize to the John.

487 Armed sch. Dorcas, taken by the Liberty of Baltimore, divested of her dry goods, &c. and released.

488 Sloop Eagle, a tender to the Poitiers off New York, captured by a fishing smack fitted out for the purpose.

489 Brig Union, from Ireland, laden with provisions, sent into Abrevreche (France) by the True Blooded Yankee.

490 Ship Aurora, from Belfast for London, sent into Roscoff (France) by the same.

491 Ship of 20 guns, chased on shore on the coast of Africa, by the Rambler of Bristol.

492 Ship Integrity, from Waterford to Lisbon, captured between Waterford and Cork, by the True Blooded Yankee, and carried into Norway.

493 Brig Avery, from Magadore, 12 guns, laden with gums, almonds, beeswax, skins, &c. sent into N. Bedford, by the York Town—valued at 200,000 dollars.

494 Ship Susan, from Liverpool for Gibraltar, captured by an American privateer, and sent into Marcebes, France.

495 The ship Fox, for Lisbon, captured off Cape Clear, after a running fight of about an hour, by an American vessel unknown—She went down in half an hour after her capture.

496 Sch. Leonard, taken & sunk in Dublin Bay, by the True Blooded Yankee.

497 Brig Betsey, with a full cargo of wine, raisins, &c. from Malaga for St. Petersburg, sent into Plymouth, by the Jack's Favorite; valued at 75,000 dollars.

498, 499, 500. Three vessels captured by the America of Salem, and given up to discharge her prisoners.

501 Sch. —, from the Falkland Islands for Lisbon, captured by the Fox, of Portsmouth, & her cargo of skins taken on board the privateer. The vessel was afterwards recaptured by the Dover Frigate.

502 Brig —, heavily laden, sent into Bristol, Mass. by the Yankee.

503. A gun boat mounting a 24 pounder, &c. captured on lake Ontario; at which time, fourteen batteaux were taken, with 4 officers and 61 men.

PARTIALITY TO FRANCE.

Because while the French People were struggling for a free Government like our own, and all the powers of Europe were united in their exertions to perpetuate the tyranny of the Bourbons—because at that time the friends of liberty in this country wished success to the Republicans of France, and defeat to the Royalists of Europe, they have been accused even down to the present day of partiality to France. This accusation is unjust and untrue. When the flame of liberty was suffered to be extinguished in France, and a military despotism erected in its place, we no longer felt that sympathy for the French that one free People will and ought to feel for another, and that we once felt for them. Our partiality towards them was not as Frenchmen but as freemen—and when they ceased to be free, our attachment to them ended. We now feel no other concern in their quarrels and wars with other nations, than as we may be benefited or injured. We consider every government in Europe founded in usurpation or injustice, and heartily detest them all. If we can preserve our own—the only free Government on the globe—the first wish of our hearts will be gratified. If the fire of liberty can be preserved here, it may some day or other be communicated to other quarters of the earth. If it is extinguished here