

**CASES**  
Decided in the Supreme Court at January Term, 1816.

Den on demise of Uriah Chesson & wife vs. Harris Smith and wife.—Judgment for defendant.  
Philemon Hodges vs. Noah Pitman.—Judgment for defendant.  
John Barge vs. James Wilson.—Judgment for defendant.  
Den on demise of Francis Jones vs. Frances Ridley.—New trial granted.  
Den on demise of Wyatt Williams vs. Joseph Harper.—Judgment of the Court below affirmed.  
Blanchard by his Guardian, &c. vs. McGlauchon's administrators.—Motion to dismiss Bill overruled.  
Solomon Cary vs. Frederick Fonville.—Judgment of non-suit.  
Den on demise of the Trustees of the University vs. Hollis Holstead.—Judgment for plaintiffs.  
Same vs. Gideon Merchant.—Judgment for plaintiffs.  
Same vs. Jeremiah Parker.—Judgment for plaintiffs.  
Thomas Jordan vs. Richard Jordan.—Decree, that the Injunction be retained until the final hearing.  
Nathaniel Permenter and others vs. Frederick Philips and others.—Demurrer overruled.  
Henry Delamothe vs. Sarah B. Lanier, Executrix of Clement Lanier.—Judgment for defendant.  
Thomas Moss and wife vs. James Vincent and others.—Judgment for defendants.  
Murdoch Cameron vs. Daniel M'Farland.—Judgment for defendant.  
The Office vs. Gilbert Gray.—Judgment, that the defendant is not liable to pay any of the witnesses in the Execution.  
Grizza Collins vs. Collins's Executors.—Judgment for defendants.  
Robinson Mumford and others vs. Wm. Terry.—Judgment that the Demurrer be overruled—the plea allowed—and suit dismissed.  
Richard T. Berry vs. Elias Haines.—Supersedeas dismissed.  
Surviving Partners of Donaldson M'Millan & co. vs. Louisa Strong and others.—Injunction dissolved, and bill dismissed for want of Jurisdiction.  
James K. Goodloe and others, Executors of Garrett Goodloe, vs. Reddick Stallings.—Injunction dissolved and Bill dismissed.  
The heirs of Nathan Orr vs. Heirs and Executors of Robert Irwin.—Judgment that the plea be overruled.  
Hugh Forsyth vs. Wm. C. McCormick.—Appeal dismissed for the insufficiency of Appeal Bond.  
Henry Dunwoodie's Ex'rs. vs. George Carrington.—Judgment for plaintiffs.  
Gov'r. to the use of John M. Gabie vs. Anthony Mielan & others.—Judgment for plaintiffs.  
Alice Hamilton Ex. &c. vs. James Shepherd Administrator of Oliver Smith.—The defendant allowed to enter the plea upon payment of all costs up to the time of entering it.  
Daniel Petry vs. Daniel Fleming.—Judgment that the release authorised the witness to be sworn. New trial granted, with leave to offer pertinent evidence of fraud, under the plea of general issue.  
John Alston and wife vs. John Branch, Executor of James Branch & others.—Demurrer overruled.  
Richard B. Jones & wife to the use of the Executors of Benjamin Wood vs. Wm. Blackledge.—Judgment that the plaintiffs of record, by themselves or their Attorney in fact, have leave to dismiss the suit.  
John Marriner and wife vs. John Bate-man and Fanny Red.—Judgment that the estate of the decl. in the hands of the defendants is liable for the costs of the suit respecting the will.  
Cullen Cotten vs. Lewis Powell.—Judgment that there be a new trial.  
Wm. Richardson vs. the Adm'rs. of James Fleming.—Judgment that the plea be allowed.  
Hamlin Harris vs. Jacquelin Peterson.—Judgment that the notice for taking the deposition is sufficient.  
Sacrusa and Longboard vs. King's Heirs.—Judgment for plaintiffs.  
Jesse F. Jones vs. Thomas & Luke Ross.—Writ of Error dismissed.—Judgment of the Court below affirmed.  
Willis W. Rhodes vs. James Curtis.—Injunction retained till the final hearing.  
State vs. Williams Landreth.—Judgment for defendant.  
Wm. Britton, Guardian, &c. vs. Peterson Brown.—Motion to dismiss the Bill overruled.  
Jehu Nichols vs. Thomas Palmer.—Motion for New Trial overruled.  
Deson Marshall vs. Executors of Chs. Marshall and others.—Motion to dismiss the bill overruled.  
John McGuire vs. George Blair.—Reasons in arrest of Judgment allowed.—Judgment for defendant.  
Holding vs. Holding.—Judgment for defendant—he not having been regularly summoned. The return of all process must be signed in the name of the Sheriff himself, and not of his deputy.  
Hiram Rossaw vs. David Thornburg.—Judgment that the bond be received and suit retained.  
John Chino vs. Abraham Lemon.—Judgment for plaintiffs.  
Den on demise of Southy Beaner and wife vs. William Pelly and wife.—New trial granted on the terms prescribed by the County Court.  
Thomas Drew's Executors vs. Solomon Drew.—Motion for new trial overruled.  
John Sneed and others vs. William and James Harris.—Appeal dismissed for want of Appeal Bond by the party praying the appeal. Certiorari to issue against to appeal.  
Michael Schinck vs. Robert Hutcher.—Motion for new trial overruled, and judgment for plaintiff.

**CONGRESS.**

**HOUSE OF REPRESENTATIVES.**

MONDAY, JAN. 8.

Mr. Pinkney, from Maryland; Mr. Randolph, from Virginia; and Mr. Blount from Tennessee, appeared and took their seats.  
Mr. King presented the petition of Th. Cowan and others, manufacturers of salt on the sea coast of North-Carolina, praying that the Direct Tax imposed upon their establishments may be remitted, as their works have been destroyed by high water, and that the duty on a quantity of salt which was destroyed may also be remitted.  
Several other petitions were presented.  
Mr. Murfree laid before the house the Resolution of the Legislature of the State of North-Carolina, requesting the Senators and Representatives in Congress from that State to use their best endeavors to prevail on the General Government to open a direct outlet to the Ocean from the waters of the Albemarle Sound.  
Mr. Pleasants, from the committee appointed to wait on the President of the U. States with a resolution requesting information from him respecting the transactions at Dartmoor prison, reported that they had performed that duty and received for answer that due attention would be paid to the request of the House.

**NATIONAL CURRENCY.**

Mr. Calhoun, from the committee on the National Currency, reported a bill "to incorporate the subscribers to the Bank of the United States." Accompanying the bill was a letter from the Secretary of the Treasury, to which was annexed the following "Outline," which we here publish, as containing, with few unessential variations, a correct synopsis of the plan embraced by the voluminous bill reported by the committee:

**OUTLINE OF A PLAN FOR THE NATIONAL BANK.**

**I. The Charter of the Bank.**

1. To continue 21 years.
2. To be exclusive.

**II. The Capital of the Bank.**

1. To be 35,000,000, at present.
2. To be augmented by Congress to 50,000,000; and the additional sum to be distributed among the several States.
3. To be divided into 350,000 shares of 100 dollars each, on the capital of 35,000,000; and to be subscribed,
 

By the United States, one fifth, or 70,000 shares,	7,000,000
By corporations and individuals, four-fifths, or 280,000 shares,	28,000,000
	35,000,000
4. To be compounded of public debt, and of gold and silver, as to the subscriptions of corporations and individuals in the proportions
 

Of funded debt, three-fourths, equal to	21,000,000
Of gold and silver, one-fourth, equal to	7,000,000
	28,000,000

5. The subscriptions in public debt may be discharged at pleasure by the government, at the rate at which it is subscribed.
6. The subscriptions of corporations of individuals to be payable by instalments.

- (1) *Specie*, at subscribing,
 

On each share 5 dolls.	1,400,000
At 6 months 5 dolls.	1,400,000
At 12 months 5 dolls.	1,400,000
At 18 months 10 dolls.	2,800,000
	7,000,000
- (2) *Public Debt*, at subscribing,
 

Each share 25 dolls.	7,000,000
At 6 months 25 dolls.	7,000,000
At 12 months 25 dolls.	7,000,000
	28,000,000

7. The subscriptions of the U. States to be paid in instalments, not extending beyond a period of 7 years; the first instalment to be paid at the time of subscribing, and the payments to be made, at the pleasure of government, either

- In gold and silver; or
- In 6 per cent. stock, redeemable at the pleasure of the government; or
- In treasury notes, not fundable, nor bearing interest, nor payable at a particular time, but receivable in all payments to the bank, with a right on the part of the bank to re-issue the treasury notes so paid from time to time, until they are discharged by payments to the government.

**III. The government of the Bank.**

1. The bank shall be established at Philadelphia, with power to erect branches, or to employ state banks as branches elsewhere.
2. There shall be 25 directors for the bank at Philadelphia, and 13 directors for each of the branches, where branches are erected, with the usual description and number of officers.
3. The President of the United States, with the advice and consent of the Senate, shall annually appoint 5 of the directors of the bank at Philadelphia.

4. The qualified stockholders shall annually elect 20 of the directors of the bank at Philadelphia, but a portion of the directors shall be changed at every annual election, upon the principle of rotation.

5. The directors of the bank at Philadelphia, shall annually, at their first meeting after their election, choose one of the five directors appointed by the President and Senate of the United States to be President of the bank; and the President of the bank shall always be re-eligible if re-appointed.

6. The directors of the bank at Philadelphia, shall annually appoint thirteen directors for each of the branches, where branches are erected, and shall transmit a list of the persons appointed to the Secretary of the Treasury.

7. The Secretary of the Treasury, with the approbation of the President of the United States shall annually designate from the list of the branch directors, the person to be President of the respective branches.

8. None but resident citizens of the United States, shall be directors of the bank, or its branches.

9. The stockholders may vote for directors in person or by proxy; but no stockholder who is not resident within the United States at the time of election shall vote by proxy; nor shall any one person vote as proxy a greater number of votes than he would be entitled to vote in his own right, according to a scale of voting, to be graduated by the number of shares which the voters respectively hold.

10. The bank, and its several branches, or the state banks, employed as branches, shall furnish the officer at the head of the Treasury Department with statements of their officers, in such form, and at such period, as shall be required.

**IV. The privileges and duties of the Bank.**

1. The Bank shall enjoy the usual privileges, and be subject to the usual restrictions of a body corporate & politic, instituted for such purposes, and the forgery of its notes shall be made penal.

2. The notes of the Bank shall be receivable in all payments to the United States, unless Congress shall hereafter otherwise provide by law.

3. The Bank and its branches, & state banks, employed as branches, shall give the necessary aid and facility to the Treasury for transferring the public funds from place to place, and for making payments to the public creditors; without charging commissions, or claiming allowances on account of difference of exchange, &c.

**V. The organization and operation of the Bank.**

1. Subscriptions to be opened with as little delay as possible, and at as few places as shall be deemed just and convenient. The commissioners may be named in the act or appointed by the President.

2. The Bank to be organized, & commence its operation in specie as soon as the sum of 1,400,000 dollars has been actually received from the subscriptions, in gold and silver.

3. The Bank shall not at any time suspend its specie payments, unless the same shall be previously authorized by Congress, in session, or by the President of the United States, if Congress be not in session. In the latter case, the suspension shall continue for six weeks after the meeting of Congress, and no longer, unless authorized by law.

**VI. The Bonus for the charter of the Bank.**

The subscribers shall pay a premium to the government for its charter. Estimating the profits of the Bank from the probable advance in the value of its stock, and the result of its business when in full operation, at 7 per centum a bonus of 1,500,000 dollars payable in equal instalments of 2, 3 & 4 years after the Bank commences its operation, might, under all circumstances, be considered as about 4 per cent. upon its capital and would contribute a reasonable premium.

The bill received two readings by its title, and was referred to a committee of the whole.

The house resumed the consideration of the bill to regulate the commerce of the United States, according to the convention of Commerce with Great Britain.

The question being on the motion of Mr. Gaston to postpone the bill indefinitely—

Mr. Forsyth and Mr. Barbour opposed this motion, and Mr. Gold and Mr. Hopkinson advocated it.

The ground occupied was wholly that of the constitution, without at all involving the merits of the Treaty.

The question on postponement was decided in the negative—81 to 60.

The question recurred on agreeing to the amendments made in committee of the whole, on which a debate took place the other day. The object of the amendments was to except from the equalization of duties all such British vessels as do not come direct from Europe. The amendments were negatived without a division.

of certain purchases of public lands in the Mississippi territory, accompanied by a detailed report; which was twice read & committed.

The Speaker laid before the House a letter from the Commissioners of the Navy Pension Fund, transmitting their annual statement respecting the operation of their trust; shewing the amount of the fund, the number of pensioners, and the amount of disbursements; which was ordered to lie on the table.

Mr. Johnson, from the committee to whom was committed the bill to establish an additional Military Academy, reported the same with a few amendments to the detail of it; and the bill and amendments were referred to a committee of the whole.

Mr. Lowndes, from the committee of Ways and Means, to whom was referred so much of the President's Message as relates to the Revenue, and the Annual Report of the Secretary of the Treasury, excepting that part which relates to the establishment of a Bank, made a report of some length, concluding with a series of propositions, on the subject of the Ways and Means for the ensuing and following years. We believe the propositions nearly resemble those submitted to Congress by the Secretary of the Treasury in his annual Report. The report was referred to a committee of the whole.

Mr. Birdseye submitted for consideration, a resolution instructing the committee of commerce and manufactures to enquire into the expediency of prohibiting by law, all commercial intercourse between the citizens and subjects of any foreign power and any of the Indians within the states or territories of the United States.

This motion was opposed by Mr. King of Mass. on the ground that the Indians had been recognized by us as independent nations, whose commerce we had no right to regulate.

The motion was, however, agreed to, by a large majority.

The house resumed the consideration of the bill for carrying into effect the convention of commerce between the U. States and Great Britain.

The question being on ordering the bill to be engrossed for a third reading—

The bill was advocated by Mr. Gholson, Mr. Randolph and Mr. Reynolds, and opposed by Mr. Hardin and Mr. Calhoun, in speeches of considerable length and interest.

The question was taken on ordering the bill to a third reading, about three o'clock and decided in the affirmative by a majority of about 20 votes. [The yeas and nays hereafter.]

WEDNESDAY, JAN. 10.

After the presentation and reference of petitions,

Mr. Pleasants, from the naval committee, reported a resolution directing the presentation to Captain Stewart, and the other officers of the Constitution, suitable medals, in testimony of the sense of Congress of the merits of their exploit, in the capture of the British sloops of war Cyane and Levant; which was read and referred to a committee of the whole.

The engrossed bill to regulate the commerce of the U. States, according to the Convention of Commerce concluded with Great Britain on the 3d day of July last, was read the third time, and the question was stated "shall the bill pass?"

The passage of the bill was advocated by Mr. Easton, Mr. Tucker and Mr. Cuthbert, and opposed by Mr. Pinkney; to whom Mr. Randolph replied.

The question was about to be put, when Mr. Stanford having intimated his desire to speak on the question—

On motion, the house adjourned.

THURSDAY, JAN. 11.

A number of petitions were presented and referred to appropriate committees.

Mr. King of N. C. submitted for consideration the following resolution, which lies on the table one day of course:

Resolved, That the rules of this House be so amended, that the Commissioners of the Navy Board shall be admitted to seats within the Hall of this House.

A bill from the Senate concerning the Convention between the United States & Great Britain ratified on the 23d day of December last, was taken up and read the first time.

The question being stated, "Shall the bill be read a second time?"

Mr. Forsyth briefly stated the grounds of his hostility to the bill. He considered it as an attempt on the part of the Senate to evade the question now before the house. Evasion, he said, was sometimes said to be admissible in diplomacy, when dangerous or difficult questions were presented for consideration; but it was never proper in legislation. The bill before the house, he said, was moreover, not an act to repeal certain acts or parts of acts, but a mere declaration that the laws which contravene the Treaty are of no effect; it was in effect a declaration that a Convention between this country and a foreign country does ipso facto repeal the laws of the land. He therefore moved that the bill be rejected.

FRIDAY, JAN. 12.

Several petitions were presented and referred to various committees.

The resolution proposed yesterday by Mr. King of N. C. to admit the Commissioners of the Navy Board to the privilege of seats within the bar of the House, was taken up and concurred with.

**THE BRITISH TREATY.**

The House resumed the consideration of the bill for regulating the commerce of the United States according to the late convention with Great Britain.

The question still being on the passage of the bill—

The bill was opposed by Mr. Pickering and Mr. Hopkinson, and advocated by Mr. Taylor of N. Y. Mr. Wilde, Mr. Root and Mr. Sheffey, all at considerable length, and with the ability which has characterized this debate.

And the House then adjourned.

**Adj't. & Insp. General's Office, January 9, 1816.**

**GENERAL ORDER.**

The rank and file of the army are so far reduced below the authorized Peace Establishment, that no discharges will be given to soldiers, who are not regularly entitled thereto, except on application to commanding officers of regiments, corps, or posts, and on furnishing good and able substitutes to the satisfaction of the respective commanding officers.

In all such cases, substitutes must be regularly enlisted without expense to the U. States. By order of the Secretary of War, D. PARKER, Adj't. & Insp. Gen.

**Plan for coast and river defence, by means of Horse-marine Artillery; by Capt. David Porter of the United States Navy.**

Have four flat bottomed vessels or floats each 300 feet long and 14 feet wide, secured parallel to each other 10 feet apart strong beams running at right angles with their length, and projecting 10 feet beyond their outer sides; over which lay a strong platform or deck, making a surface of 31,800 square feet. Surmount this with a breast work, shot proof, and mount on it, en barbet, 30 or 40 eighteen or twenty-four pounders on travelling carriages. Have three water-wheels, connected with each other, each worked by 20 horses geared to bows and pivots, and also protected by breast-work from shot. Let the battery thus formed be steered by two equivalent rudders, and supplied with falling bridges for the convenience of landing the artillery and horses. Let the floats be divided into compartments and rendered tight, to prevent their sinking in the event of a shot passing through them.

A machine, thus constructed, with guns, horses, and men on board, will draw four feet water and may be moved at the rate of six miles an hour without putting the horses off a walk.

**How to use the Machine.**

Supposing it be at Washington and the enemy ascending the Patuxent, descend the Potomac until you arrive opposite to a suitable point on the Patuxent for erecting batteries—land your guns—gear your horses—march across the country—and take the best position for annoying him.

In this way it may be used for the protection of three rivers not far distant from each other. Should the enemy attempt to ascend the Potomac with a force too strong for the Battery alone to repel; retreat to a favorable position—land one half of the guns on an eminence directly over the battery—and this will give you all the advantages of two tier of guns. In this way it may be used with double the effect of any other floating battery now in use.

If marauding parties of the enemy land at any point on either of the three rivers, for whose protection the battery is intended, & if it should not be deemed necessary to land the artillery; move the battery to the nearest point, and you have at once a body of 60 horse and as many soldiers as you may wish to carry—all fresh, & prepared to march against him.

These troops, guns, and horses might also be employed for all other military purposes, and the advantages which such a machine would offer for the speedy transportation of large bodies of troops are incalculable.

**Translated for the National Intelligencer.**

From the Commercial Diary of Havana, of Dec. 12th, 1815.

**Total Defeat of the Army of the Mexican Insurgents, headed by their first ringleader, Morello.**

This monster is at last in the hands of the Royal troops. His career of blood and devastation is at an end. His crimes will soon be expiated on the scaffold, an awful lesson to his followers, whom the same fate attends if they continue tearing the heart of their country, misled by the ambition of a gang of seditious who have the impudence to call themselves Patriots.

The following letter announces the event: SIR—I just received the flattering account, by Colonel Don Manuel de la Concha, that Morello's army has been lately defeated near this place; himself and another of the first ringleaders, called Morales, taken, together with all his artillery, arms, ammunition, and a rich booty.

The number of killed and prisoners is very considerable; among the first are reckoned the ringleaders Sesma, Lobats, and many others.

This glorious and important victory, obtained by the measures I had previously concerted, and by the bravery of the troops I have the honor to command, their steadiness during the action, and the fortitude with which they have braved every danger and fatigue, will not fail, I hope, to be rewarded by his Majesty with the generosity that deserves their zeal and patriotism. I recommend very particularly to your Excellency the distinguished merit of Lieut. Don Matias Carrasco, who had the glory to pursue, overtake, & bring safe to his commander, the monster Morello.

God preserve your Excellency's life many years.

Antago del Rio, Nov. 6, 1815.

Signed by Eugenio de Villasana, & addressed to his Excellency the Vice Roy of New Spain, Don Felix Maria de Cevallos.