



NORTH-CAROLINA GAZETTE.

FRIDAY, AUGUST 9, 1822.

NO 1194.

VOL. XXIII.

"Ours are the plans of fair, delightful Peace,
"Unwar'd by party rage, to live like Brothers."

APPROPRIATE HONORS.

On the fourth of July, at Nashville, in the State of Tennessee, after the delivery of an Oration suitable to the day in the Presbyterian Church, the Governor of the State, (General Carroll), rose, and delivered to General Jackson the Sword voted to him by the Legislature, and addressed him as follows:

"Major Gen. Andrew Jackson: By a resolution of the General Assembly of this State, at its session of 1819, the Governor was directed 'to procure and deliver to you a sword, with suitable engravings thereon, as a testimonial of the high respect entertained by the State of Tennessee for your public services.' In obedience to that resolution, this Sword has been procured; and I am happy to have the opportunity of presenting it to you, on a day which must excite in your breast so many pleasing recollections. You gave your youthful exertions to the establishment of that independence whose declaration we now celebrate. To its perpetuation you contributed in your early years, by those splendid achievements during the late war which have filled the measure of your country's glory."

Accept, sir, this evidence of the gratitude of Tennessee. With it, I tender you my best wishes for the duration of your health and happiness. In these wishes I know I am cordially joined by our fellow-citizens of the State."

To which the General replied as follows:

"When I look around me, and behold many of those patriot soldiers, descendants of the immortal heroes who achieved that national independence we this day celebrate, and who, when the tocsin of alarm and war was sounded in 1812, voluntarily repaired to the tented field, in defence of their country, with the determination either to preserve inviolate those inestimable rights, or perish in the attempt, I am inspired with feelings more easily to be imagined than expressed."

It was on the military prowess of these brave and patriotic men, and their associates in arms, that the safety and defence of the country, as well as my military fame, rested—and they most nobly supported both. As a testimonial, then, of the approbation of my fellow-citizens of Tennessee, for my public services, and the services of those gallant and meritorious officers and men, who so effectually seconded my exertions in the defence of our frontier borders, throughout the late British and Indian wars, I receive, with pleasure and gratitude, this Sword, which has been prepared agreeably to the resolution of the Legislature of this State, and presented to your Excellency."

It is these brave officers and men, associated with me in those trying scenes, and who so well supported the reputation of their Revolutionary Fathers, that most deserve their country's approbation and warmest gratitude—it is their heroic exploits, as well as my public services, the resolution of the Legislature intends to approve, and, as such, I receive with additional feelings of the sincerest pleasure, that testimonial, so freely bestowed, on both them and me, by my fellow citizens."

That I, the humble instrument in the hands of Divine Providence, should have been the means of deliverance to our frontier borders from Savage cruelty, and New-Orleans, the Emporium of the West, from the ravages and pollution of a British army, is one of the greatest blessings Heaven can bestow; and that I should have been able, through all these difficulties and trying scenes, so to conduct myself as to deserve and obtain the approbation of my fellow-citizens of Tennessee, as expressed by the resolution of their Legislature, will be to me, one of the most pleasing recollections of my future existence."

When I review the disinterested patriotism displayed by the voluntary tender of military services of the brave Tennesseans, during the whole British and Indian war, it excites in me mingled feelings of pleasure and pride. Their proffered services contained no constitutional scruples—were confined by no territorial limits—the order of their government for dismissal was the only limit to their services. This holy zeal, with which the bosoms of the brave volunteers was fired, ought to be fostered and cherished, not damped, by the government; it is this zeal alone that can defend and preserve the liberties of our country, and perpetuate the existence of our happy form of government."

I thank you, sir, most sincerely, for the good wishes you offer for my health and happiness; I cannot conclude without first invoking a similar blessing in your behalf; and, that the prosperity of the State of Tennessee over which you preside, may be commensurate with the courage and patriotism of its citizens, is, and ever will be, the first wish of my heart."

From the Westchester Herald.

CUMMING AND M'DUFFIE.

Contrary to public opinion, which required an amicable adjustment of their differences, and explicitly declared its hostility to their intention, and notwithstanding the intervention of their mutual friends, the contemplated meeting between Colonel Cumming and Mr. M'Duffie has taken place. In extension of Mr. M'D. it is said, that he assented to the proffered mediation. Col. C. pertinaciously refused to admit any reconciliation. This affair has elicited in every section of the Union an unusual and unmerited excitement. When men thus outrage the ordinances of God and man, their conduct should cancel all considerations of respect or solicitude, and burst the ties which unite them to the affections of their country. The politi-

cal elevation and individual respectability of the parties, have created this interest. Mr. M'Duffie is known to the community, as the bold and powerful vindicator of the official character of his early friend and patron. We no less admired the towering abilities the vindication developed, than we were pleased with his ardent and generous sentiments. In advocating, both with his eloquence and pen, the measures of his patron, he pursued the impulse of gratitude. Col. C. is also represented to be a man of eminent talents. We are, however, unacquainted with any public manifestation of his superior abilities. Thanks be to heaven, the period is past in which personal prowess was the test of assertion, and the shedding of blood the seal of truth. America has suffered deeply from a remnant of this mistaken principle. Many of her worthiest sons, in the spring time of life, and the vigor of manhood, in the morning of their usefulness, and in the freshness of their glory, have been immolated upon the altar of this accursed vestige of feudal barbarism. Whilst we glory as patriots in the names and achievements of a Hamilton and a Decatur; as christians we fain would shroud by the veil of forgetfulness, the circumstances of their death; and permit the waters of oblivion to screen their pernicious example from the observation of posterity. These reflections have been suggested by the perusal of an article, copied from the Augusta Chronicle, purporting to be an authentic account of the late affair between Col. Cumming and Mr. M'Duffie. As I regard humanity, and as I regard the honor of the gentlemen implicated, particularly the former, I trust that statement is not correct. Conceding its authenticity, it evidently emanated from Col. C. or his friends. It is astonishing that any man should give publicity to circumstances, that evince so little of the better feelings of our nature, so sovereign a disregard to the influence "of the milk of human kindness." It is hostile enough to our conceptions of honor and virtue, for a man in "cold blood" to canvas the facility with which the garments of his adversary may be penetrated; but when he beheld him prostrate and bleeding, and apparently in the agonies of dissolution, still to insist upon a continuation of the contest, argues a more deliberate and unappeasable spirit of malignity, and a more insatiable thirst of blood, than I have witnessed in the whole issue of the annals of duelling. The conduct and feeling manifested on that occasion, the savage who binds his victim to the stake, and fires the faggots that surround him, might emulate; but I did hope, no man, blessed with the light of christianity and civilization, would have whispered to his own breast, much less avowed to the world, such sentiments. In the statement alluded to, the author not only impeaches the rectitude and skill of the surgeons, but also expresses insinuations derogatory to Mr. M'D. This is evidently intended to provoke another encounter. Is Col. C's revenge not yet sated? Will he still trample upon the opinion of the public? Will he still neglect the injunctions of religion, and again "imbrue his hands in a brother's blood?" Mr. M'D. has passed the ordeal, constituted by a charlatan notion of honor. Let him listen to the voice of society; let him hearken to the dictates of religion; let him not again involve himself in a course that equally outrages the command of heaven as it is repugnant to the feelings of the truly honorable, and virtuous; let him reflect, that the life of a public man is the property of his country, and should only be sacrificed in support of her immunities and liberty; let him adhere to correct principles, and disregard imputations that have only augmented the public disapprobation of their author. He may then erase the stigma attached to his name in the estimation of society, and may acquire a political eminence commensurate with his abilities and anticipations. FRANKLIN.

COMMODORE HULL.

The good people of Boston seem to have been a good deal excited by the case of Lieut. Abbot. Com. Hull, the hero of the Constitution, is the superintendent of the Navy Yard, and Mr. Amos Binney the Navy Agent at Boston. In October last, Lieut. A. addressed a letter to the Secretary of the Navy, containing charges and suspicions against both these officers—intimating particularly that frauds had been committed in the waste of copper belonging to the public. A Court of Investigation was ordered, of which Com. Porter was the principal member—the enquiry was carried on but a short time into the case of Mr. Binney, when the conduct of Com. H. came under review; Mr. A. stated that he was not prepared to go into that case, and refused to give in a list of witnesses—on which Com. Porter placed Lieut. A. under arrest; and he was tried himself for having brought vexatious and groundless charges against a superior officer. The Court found him guilty, and the President has confirmed his sentence. Com. Hull then demanded a Court of Inquiry into his own conduct: which the Secretary of the Navy refused, on the ground that it was not a case which called for inquiry. The trial of Lieut. A. will soon be published—and the world will judge for themselves of the merits of the case. The matter did not end here. The friends of Lieut. A. or the enemies of Com. H., appealed to the newspapers; and no little irritation has crept into the discussion which they have provoked. The National Intelligencer took up the matter warmly on the side of the Commodore—while a writer under the signature of *A Republican* has raised the flag against old Ironsides. The Editor of the Boston Patriot declares: "we feel safe in saying that for many years public feeling in Boston and its immediate vicinity has never been so much excited, as now in relation to Capt. Hull and the affairs of this naval station. Among those most active in denoun-

cing Capt. H. and his conduct, were some who had, in the times which tried men's souls, done good service to the cause of republicanism."

The author of *A Republican* has come out in the last Patriot with a long Essay on the matter, which winds up with the following remarks:

"Capt. Hull being the most important character we shall first examine his case, leaving Mr. Binney as much out of the question, for the present, as the nature of their joint concerns will admit. It is our intention to bring these gentlemen before the public singly, in order that the public may the better judge of the merit of each. For this purpose we shall examine in our next the following question:—

"Did Captain Hull take and apply to his private use any part of the public property under his charge, for his private benefit, or did he avail himself of the services of men, who at the same time were in the employ and pay of government; and did he make compensation therefor to the government?"

We confess that all our good wishes are on the side of Com. Hull—the man who first broke the spell of British invincibility, has a character at stake, in which we are all concerned. We can scarcely believe, that, covered as he is with ever-green laurels, he would stoop to filch a little copper from a public yard. We shall not believe it but on the most powerful evidence. We hope that he may again demand a Court of Enquiry, provided the proofs to be exhibited in the published trial of Lieut. Abbot do not remove every shade of suspicion from his character. He ought not to rest satisfied until the public hold him "thoroughly above suspicion."

Richmond Enquirer.

The following is a copy of a letter which has recently been addressed by Capt. Hull, of the Navy, to the Secretary of the Navy:

Navy Yard, Charlestown, July 13th, 1822.

SIR—I have again to draw your attention to my application for a Court of Inquiry.

For, notwithstanding the opinion expressed by the Department, that there was no necessity for an investigation of my official conduct, yet slanderous pens and tongues are still employed in assailing my reputation.

Conscious of my innocence, as well as of the fidelity with which I have discharged my duty, it ought not to be required of me to remain a silent spectator. I am not insensible to the good opinion of my fellow-citizens—it has always been my aim to deserve it—and I am unwilling that malice or envy should deprive me of that which can alone render life desirable, or myself of any use to the naval service of my country.

I have always understood that it was the tacit if not express engagement of the government with its officers, that they should of right be entitled to an investigation of their conduct whenever it was made the subject of reproach. The expense attending an inquiry, ought not, I apprehend, under these circumstances, to have the slightest weight.

I do therefore most earnestly request a reconsideration of the answer given to my application; and hope that the President will be pleased to order a court of inquiry to be immediately assembled, with directions to enter into a general scrutiny of my administration of the affairs of this yard.

With sentiments of great respect, I have the honor to be, sir, your obedient servant,
I. HULL.

Hon. SMITH THOMPSON, Secretary of the Navy, Washington.

There is no doubt but a Court of Inquiry will be detailed, as requested.
Nat. Intel.

Laws of the United States.

An act for ascertaining claims and titles to land within the territory of Florida.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for the purpose of ascertaining the claims and titles to lands within the territory of Florida, as acquired by the treaty of the twenty-second of February, one thousand eight hundred and nineteen, there shall be appointed, by the President of the United States, by and with the advice and consent of the Senate, three Commissioners, who shall receive, as compensation for the duties enjoined by the provisions of this act, two thousand dollars each, to be paid quarterly, from the Treasury; who shall open an office for the adjudication of claims, at Pensacola, in the territory of West Florida, and St. Augustine, in East Florida, under the rules, regulations, and conditions, hereinafter prescribed.

Sec. 2. *And be it further enacted,* That it shall be the duty of said Commissioners to appoint a suitable and well qualified Secretary, who shall record, in a well bound book, all and every their acts and proceedings, the claims admitted, with those rejected, and the reason of their admission or rejection. He shall receive, as a compensation for his services, one thousand two hundred and fifty dollars, to be paid quarterly, from the Treasury. He shall be acquainted with the Spanish language; and, before entering on a discharge of the duties of his office, shall take and subscribe an oath, before some authority competent to administer it, that he will well and truly and faithfully discharge the duties assigned him, and translate all papers that may be required of him by the Commissioners.

Sec. 3. *And be it further enacted,* That

said Commissioners, previously to entering on a discharge of the duties assigned them, shall, before the Judge of the Territorial court at Pensacola, or some other authority in his absence, competent to administer it, take an oath faithfully to discharge the duties of their offices, and shall commence and hold their sessions on or before the first Monday of July next, at Pensacola, and on the first Monday of January thereafter, at St. Augustine, for the ascertaining and determining of all claims to land within the said territories; notice of which shall be given, by said Commissioners, in some newspaper printed at each place, or, if there be no newspaper, at the most public places in said cities, respectively, of the time at which their sessions will commence, requiring all persons to bring forward their claims, with evidence necessary to support them. The session at St. Augustine shall terminate on the thirtieth of June, one thousand eight hundred and twenty-three, when said Commissioners shall forward to the Secretary of the Treasury, to be submitted to Congress, a detail of all they have done, and deliver over to the surveyor all the archives, documents, and papers, that may be in their possession.

Sec. 4. *And be it further enacted,* That every person, or the heirs or representatives of such persons claiming title to lands under any patent, grant, concession, or order of survey, dated previous to the twenty-fourth day of January, one thousand eight hundred and eighteen, which were valid under the Spanish government, or by the law of nations, and which are not rejected by the treaty ceding the territory of East and West Florida to the United States, shall file, before the Commissioners, his, her, or their claim, setting forth, particularly, its situation, and boundaries, if to be ascertained, with the deaignment of title, where they are not the grantees, or original claimants; which shall be recorded by the Secretary, and who, for his services, shall be entitled to demand from the claimants ten cents for each hundred words contained in said papers, so recorded; he shall be also entitled to twenty-five cents for each subpoena issued; *Provided,* That if the amount so received shall exceed one thousand two hundred and fifty dollars, which is hereby declared the compensation for his services, the excess shall be reported to the Commissioners, and be subject to their disposition, and said Commissioners shall proceed to examine and determine on the validity of said patents, grants, concessions, and orders of survey, agreeably to the laws and ordinances heretofore existing of the governments making the grants respectively, having due regard, in all Spanish claims, to the conditions and stipulations contained in the eighth article of a treaty concluded at Washington, between his Catholic Majesty and the United States, on the twenty-second of February, one thousand eight hundred and nineteen; but any claim not filed previous to the thirty-first day of May, one thousand eight hundred and twenty-three, shall be deemed and held to be void, and of none effect. *Provided nevertheless, and be it further enacted,* That in all claims submitted to the decision of the Commissioners, where the same land, or any part thereof, is claimed by titles emanating both from the British and Spanish governments, the Commissioners shall not decide the same, but shall report all such cases, with an abstract of the evidence, to the Secretary of the Treasury.

Sec. 5. *And be it further enacted,* That the Commissioners shall have power to inquire into the justice and validity of the claims filed with them; and shall be, and are hereby, authorised to administer oaths to compel the attendance of witnesses, by subpoenas issued by the Secretary, and the adduction of such testimony as may be wanted; they shall have access to all papers and records of a public nature relative to any land titles within said provinces, and to make transcripts thereof. They shall examine into claims arising under patents, grants, concessions, and orders of survey, where the survey has been actually made previous to the twenty-fourth day of January, one thousand eight hundred and eighteen, whether they are founded upon conditions, and how far those conditions have been complied with; and if derived from the British government, how far they have been considered valid under the Spanish government; and if satisfied that said claims be correct and valid, shall give confirmation to them: *Provided,* That such confirmation shall only operate as a release of any interest which the United States may have, and shall not be considered as affecting the rights of third persons; *And provided,* That they shall not have power to confirm any claim or part thereof where the amount claimed is undefined in quantity, or shall exceed one thousand acres; but in all such cases, shall report the testimony, with their opinions, to the Secretary of the Treasury, to be laid before Congress for their determination. Every witness attending under any process from the Commissioners, shall be allowed one dollar a day, and one dollar for every twenty miles travel; to be paid by the party summoning him: *Provided nevertheless,* That the Commissioners shall not act on, or take into consideration, any British grant, patent, warrant, or order of survey, but those which

are bona fide claimed and owned by citizens of the United States, and which have never been compensated for by the British government.

Sec. 6. *And be it further enacted,* That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a surveyor, who shall possess the power and authority, and receive the same salary, as by law appertains to the surveyor south of the State of Tennessee; but his duties shall not commence until the Commissioners shall have examined and decided upon the claims in West Florida, who shall thereupon furnish the surveyor with a list of those admitted, and he shall thereupon proceed to survey the country, taking care to have surveyed, and marked, and laid down, upon a general plan, to be kept in his office, the metes and bounds of the claims so admitted; causing the same to be surveyed at the expense of the claimants, the price whereof shall be the same as is paid for surveying the public lands; but no surveyor shall charge for any line except such as may be actually run, nor for any line not necessary to be run. He shall appoint a suitable number of deputies, and shall fix and determine their fees: *Provided,* That the whole cost of surveying shall not exceed four dollars a mile: *And provided also,* That none other than township lines shall be run where the land is deemed unfit for cultivation; Said surveyor shall reside at such place as the President of the United States may direct, and shall keep his office there, and may charge the following fees, to wit: for recording the plat and surveys of private claims made by any of his deputies, twenty-five cents for each mile contained in the boundary of such survey, and twenty-five cents for any copy certified from the books of his office.
Approved—May 8, 1822.

An act further to amend the several acts relative to the Treasury, War, and Navy Departments.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the second section of the act, entitled "An act making alterations in the Treasury and War Departments," passed the 8th day of May, seventeen hundred and ninety-two; the second section of the act entitled "An act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed the sixteenth day of July, seventeen hundred and ninety-eight; and the seventh section of the act, entitled "An act to provide for the prompt settlement of public accounts," passed on the third day of March, eighteen hundred and seventeen, be, and hereby are, repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.

Sec. 2. *And be it further enacted,* That on the day and year last aforesaid, all moneys which may remain in the hands of the Treasurer of the United States, as agent of the War & Navy Departments, shall, under the direction of the Secretaries of those Departments, respectively, be repaid into the Treasury, and carried to the credit of the proper Department upon the books of the Treasury.

Sec. 3. *And be it further enacted,* That all moneys appropriated for the use of the War and Navy Departments, shall, from and after the day and year last aforesaid, be drawn from the Treasury by warrants of the Secretary of the Treasury, upon the requisitions of the Secretaries of those Departments, respectively, countersigned by the Second Comptroller of the Treasury, and registered by the proper Auditor.

Sec. 4. *And be it further enacted,* That so much of the said act of the third day of March, eighteen hundred and seventeen, as is repugnant to the foregoing provisions, be, and is hereby repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.
Approved—May 7, 1822.

An act to remit the duties on a sword imported, to be presented to Capt. Thomas Macdonough, of the United States Navy.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the duties which have accrued, or which may accrue to the United States, upon the importation of a sword, to be presented to Captain Thomas Macdonough, of the United States Navy, in behalf of the petty officers, seamen and marines, who served on board the frigate Guerriere, when she was lately under his command in the Mediterranean, which sword is represented to be, or lately to have been, in the custody of the Collector of the district of New-York, be, and the said duties are hereby remitted.
Approved—April 17, 1822.

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