

Gazette of the United States.

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FROM THE DELAWARE GAZETTE.

CONSTITUTION OF GOVERNMENT.

PUBLISHED FOR THE CONSIDERATION OF THE CITIZENS OF THE DELAWARE STATE; Pursuant to an Order of the Convention of the 31st Dec. 1791. (CONTINUED FROM THE GAZETTE OF FEB. 4.)

12. NO lands or tenements shall be sold by a sheriff, upon a judgment and execution, except in the case of mortgages and recognizances, unless it be found upon an inquisition held by the valuation of four judicious and substantial free holders, upon their oaths or affirmations, and under their hands and seals, that their clear yearly rents and profits beyond all reprises are not sufficient within seven years to satisfy all debts and damages with costs of suits, recovered against the defendant, his heirs, executors or administrators; upon which inquisition shall be indorsed a list of all debts and damages, and all the reprises considered by the freeholders in finding the inquest. No deed shall be executed by a sheriff to the purchaser of lands or tenements, unless the proceedings respecting the sale thereof shall be first approved by the court from which the execution issued.

13. Whenever a person, not being an executor or administrator, appeals from a decree of the chancellor or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the chancellor, or by the clerk of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

14. No writ of error shall be brought upon any judgment heretofore confessed, entered, or rendered, but within five years from this time; nor upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering, or rendering thereof, unless the person entitled to such writ be an infant, feme covert, non compos mentis or a prisoner, and then within five years exclusive of the time of such disability.

15. The equity jurisdiction, heretofore exercised by the judges of the common pleas, shall be separated from the common law jurisdiction, and vested in a chancellor, who shall hold courts of chancery in the several counties of this State. The chancellor shall hold his office as long as he shall behave himself well therein, and shall be removable as judges of the supreme court and common pleas are by this constitution to be. The prothonotaries of the several counties shall be clerks in chancery in their respective counties.

16. The judges of the common pleas, or any two of them, shall compose the orphans court of each county, and may exercise the equity jurisdiction heretofore exercised by the orphans courts, except as to the adjusting and settling executors, administrators, or guardians accounts, in which case they shall have an appellate jurisdiction from the sentence or decree of the register. This court may issue process throughout the State to compel the attendance of witnesses. Appeals may be made from the orphans court, in cases where that court has original jurisdiction, to the supreme court, whose decision shall be final.

17. An executor administrator, or guardian, shall file every account with the register for the county, who shall as soon as conveniently may be, carefully examine the particulars with the proofs thereof, and adjust and settle the same according to the very right of the matter and the law of the land; which account so settled shall remain in his office for inspection; and the executor, administrator, or guardian shall within three months after such settlement, give due notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the State, that the account is lodged in the said office for inspection; and the judges of that court shall hear the exceptions of any person concerned, if any be made, and thereupon allow or demand whatever against the estate of the deceased, unless upon consideration of all circumstances, they shall be fully convinced that the same is therewith justly chargeable.

18. The registers of the several counties shall respectively hold the register's court in each county. Upon the litigation of a cause, the deposition of the witnesses examined shall be taken at large in writing, and made part of the proceedings in the cause. This court may issue process throughout the State to compel the attendance of witnesses. Appeals may be made from a register's court to the supreme court, whose decision shall be final.

19. The prothonotaries of the common pleas may issue process as heretofore, take recognizances of bail, and sign confessions of judgment; and the clerks of the supreme court shall have the like powers. No judgment in the supreme court or common pleas held for one county, shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered, of record in the office of the prothonotary of the county wherein the lands or tenements are situated.

20. The judges of the common pleas shall by virtue of their offices, compose the courts of general quarter sessions of the peace and goal delivery within the several counties. Any two of the said judges shall be a quorum.

21. The Governor shall appoint a competent number of persons to the office of Justice of the Peace, not exceeding twelve in each county, until two-thirds of both houses of the legislature shall by law direct an addition to the number, who shall be commissioned for seven years, if so long they shall behave themselves well; but may be removed by the Governor within that time, on conviction of misbehaviour in office, or on the address of both houses of the legislature.

22. The style in all process and public acts shall be, THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State, and shall conclude against the peace and dignity of the State.

ARTICLE VII.

SECTION 1. There shall be a court, styled, *The High Court of Errors and Appeals*, which shall consist of the Judges of the Supreme Court and the Common Pleas, and of the Chancellor. Any four of the Judges of this court may proceed on business; but any smaller number may open and adjourn the court. If any of them has rendered judgment, or passed a decree in any cause before removal, he shall not sit judicially upon the hearing of the same in this court, but may assign the reasons upon which such judgment was rendered, or such decree passed. The Chief Justice of the Supreme Court shall preside, except when he cannot sit judicially; and in such cases, or in his absence, the Chief Justice of the Common Pleas; but if he is so disqualified or absent, then the Chancellor shall preside; and if he is so disqualified or absent,

then the next eldest Judge, according to priority in date of commissions, if present, and not disqualified as aforesaid, shall preside. This Court shall have power to issue writs of error to the Supreme Court, and to the Common Pleas, and to receive and determine appeals from interlocutory or final decrees of the Chancellor. Errors shall be assigned, and causes of appeal exhibited in writing speedily, and citations duly served on adverse parties.

[To be concluded in our next.]

FOR THE GAZETTE OF THE UNITED STATES.

EXTRACT

FROM A POEM NOT YET PUBLISHED.

HOLD, Atticus, 'till that grave Doctor pass; He'll meanly, in her trade's a very ass, Compar'd to him—imposing on mankind His gravity for parts—for sense refin'd. Say, is your friend, your father, brother, ill? Pray trull not him—except you wish to kill! If so, 'midst all the Quacks that crowd the town, There is not one, for killing, better known. Who Atticus when languishing in bed He saw his friend? Who would not weep him dead, Should this grave Owl be call'd to give the potion, And launch him to eternity's wide ocean? But to be candid—all ill will await; Some say the Doctor has a generous heart. And friend, in truth, most noble proof indeed! I've heard, how he would freely purge, and bleed A beggar, in the twinkling of a thought; And ask him, only all he had—a groat. Yet can I give another mark of merit, And shew his tender, sympathizing spirit. Nan, shameful fate! was mighty ill, and poor; This man, with mesur'd step, pass'd by her door; Straight was he call'd—he turn'd his head about, And saw—a creature with a tatter'd coat! On still he stately march'd; the wretched man, Distracted with the thought of dying Nan, Pursu'd, o'ertook him, pray'd, intreated, cry'd— But stubborn as a bull's, remain'd his pride— "Here Doctor, here's a dollar, will you come?" "Yes," said the good man, smiling, "shew the room." So back they went—there on the floor," he cry'd, "There's Nan, poor thing!" and wrung his hands and sigh'd. The Doctor felt her pulse, and found her—dead; Then mightily shaking his small head, Observ'd, "the woman's very well, I find; "She's gone, and left this wicked world behind: "So, fir, I thank you much for what you've paid, "Good-bye—you'd better get a coffin made."

For the GAZETTE of the UNITED STATES.

MAGNETIC TIDES.

SHOULD Congress defray the expence of a voyage to the Magnetic point in Baffin's Bay, who knows but a set of observations may be made to explain, in some degree, the nature of this wonderful effect.

It seems to be proved by the principles of geometry, that the magnetic needle has an universal direction towards two magnetic points, and that the magnetic points perform revolutions in certain given times: it is also found by experience, that many changes have taken place on the surface of the earth—at one time and place the sea makes rapid encroachments on the lands, at another time it deserts very extensive districts—these changes are found to take place according to the revolutions of the magnetic points; and as this is the case; there is ten thousand to one in favor of the same cause having an influence as well upon the waters of the ocean, as upon the direction of the magnetic needle.

Many opinions of learned men, such as Buffon, Goldsmith, Ray, Raynal and others, tend to confirm the truth of the observation, that the surface of this globe is subject to perpetual change by reason of the rising and falling of the ocean, which would seem to be governed by laws as certain and uniform as the common tides.

Diodorus, Siculus, Plato, Aristotle and others, besides the Egyptian Priests, describe a continent as large as America to have existed about twenty-five hundred years ago, many days sail westward from Europe and Africa; this great country, they say, was afterwards covered with water—Surely these lovers of truth would not publish a falsehood. Many of the moderns think America answers the description of the country; yet the generality of historians who treat of the new world, have passed this account in silence. It is certain there are large bodies of petrified sea-shells on many mountains of America, a proof that it must have continued many years under the sea.

An inundation is well known to have buried in modern times, with astonishing rapidity, the half of Friesland; it is said that something more than sixty years ago, the church steeples of eighteen villages near Mardike testified the unhappy event, they then appeared above the surface of the sea, but have since yielded to the force of the waves.

The Baltic Sea has destroyed and overwhelmed among many others, the famous port of Vinea; and covered by slow degrees, a large portion of Pomerania. The German ocean gradually encroaching on the shores of Holland, overwhelmed the ruins of an ancient citadel of the Romans, which had formerly been built on that coast, and which is now actually under water.

In the same manner the sea washing the coast of Norway, is well known to have detached several little islands from the main land; and is still making daily depredations upon the continent of Europe as well as Asia.

In some parts of the East-Indies, it is known that the ocean in modern times has encroached four hundred leagues on the land, so as to cover the low grounds and transform the tops of mountains into island.

Hence, after knowing the periodical revolution of the two magnetic points, it is found they cannot meet twice on the same meridian under five thousand years; and knowing the quantity of acres on the surface of the globe, and the proportion between land and water, it is found there is every year throughout the world about two millions of acres covered with the sea in some places, and about as much deserted by it in others.

By the laws of nature and of nations, new found lands are universally allowed to belong to the Prince whose subject makes the first discovery; as the author of the foregoing system is a citizen of the United States, should the addition of two millions of acres annually on this account be claimed by this country, our territories would soon become much more extensive than the largest empire in the world. X.

FROM A LATE HALIFAX PAPER.

WHENEVER a measure is proposed, which affects the interest of society, or even the happiness of any particular description of individuals, who form a part of that society, an unquestionable claim results, from that relation in which we stand to each other, as the offspring of one Universal Parent, of pointing out those evils and inconveniencies that may arise from the prosecution of that measure, more especially, when it immediately concerns those, who, from their unfortunate situation, cannot have the means of that information which is essential to the forming a proper estimate of either their present or future happiness. In such instances humanity will lend her aid, and the Christian then considers himself of no country, but a citizen of the world, and that the inhabitants of the remotest regions, as well as those dwelling in the same district with himself, are his neighbours and countrymen, whenever their distresses demand his friendly assistance.

The attempts which are now making to induce the Blacks, who in general are comfortably settled in this country, to remove to the Coast of Guinea, led me into this train of reasoning; and I did hope some abler pen would have undertaken the subject in behalf those unfortunate people, who, probably, will fall victims to the mistaken principles of commerce, if not warned of their danger, and the perilous situation to which they will inevitably be exposed.

Of the policy and justice of the measure, as it respects this country, I shall not, at present, make any remarks further than to observe, that it wears an unfriendly aspect, as it will remove from the Province a number of valuable settlers, and therefore ought to be discountenanced, unless it was evident that those who are the immediate objects of it would be placed in a happier or more comfortable situation.—But of the proposals offered by the Sierra Leone Company, I will say, they are too vague and indefinite as the basis of a Colonial establishment, and however respectable the members of that Society may be, either for their probity and humanity, it is a circumstance of very serious consequence that the Blacks should be told, that the terms of settlement—the time they will be victualled, and the manner in which they are to be provided with such necessaries as are essential to their existence—are neither ascertained nor pointed out with that clearness and precision, which they have an undoubted right to expect; without saying any thing respecting those other privileges which, as members of society, they have an equal and common claim fully to participate in.—Besides, the country to which these devoted people are to be sent, notwithstanding the fertility of