instruction of 24th June, 1808—which he read in these words:

"In consideration of the present state of commerce, we are pleased hereby to direct the commanders of our ships of war and privateers, not to seize any neutral vessels which shall be carrying on trade merely between the colonies of the enemy and the neutral country to which the colonies belong, and laden with the produce of inhabitants of such neutral country, provided that such neutral vessels shall be employed, for that purpose, on the outward voyage, supplied with cargoes suitable to the neutral island, or port, and shall not be trading with any other port, or place.

He said this was not the law, for his majesty did not pretend to hold any right or power in the law to make regulations,—he was a relaxation of the established law of nations, to which this tribunal should be bound, in consideration of the present state of commerce, and for the benefit of the nations who were not engaged in the war.

He then proceeded to examine the effect of continuance of the opinion pronounced, on the 17th of January, 1799, and if there was a doubt in the judge's mind, he would give up the cause. The instructions not expressly revoked, or superseded by those of the 24th June, which had been given to their predecessors in the chair, he should read, in the words, in consideration of the present state of commerce.

The hearing was then continued, permitted only a direct trade—not could it be said that the ship was therefore, at home, during the four days she was in her harbour, and at Hamburgh in the interim; suppose one of the king's ships had fallen in with her, and had sailed from Hamburgh to Copenhagen—either she was found—and what she had in hand;—or, she was not found—and the question then have made her a good prize?

He could not conceive, that condemnation ought to be decreed, upon the process which he had stated, at setting out, in the beginning of his speech, and therefore strenuously upon the opinion of the court.

The substance of the judgment pronounced in this case, by Sir William Scott, is so fully repeated upon the adjudication of the Acteon, strong, manifest, expressly, in the royal Proclamation of 6th of Oct., that, that I think it is unnecessary here again to insert it.

Louisville, C. J. Nov. 4.

On Monday last, the Legislature of this state convened at this place, and on the day following, having formed a house, they proceeded to the choice of their officers, when general Jared Irwin was elected to the office of the Senate, William Robertson, esq. secretary, major Archibald Jackson, sergeant at arms, and respectively, Colonel Hines Holt, esq. clerk.

Thursday both branches proceeded to the choice of a governor, by ballot, when it appeared that his Excellency John Milledge, had 61 votes, whereas the two declared candidates,

GEORGIA (MILLEDGE).

His excellency the governor being notified of his appointment, the legislature were dispatched and ready to receive his communication, his excellency delivered the following interesting paper:

Fellow-citizens of the senate, and gentlemen of the house of representatives,

A few days after the legislature had adjourned in December last, I received from the commissioners of Kentucky and Tennessee, the state and the state of Tennessee, on the Cherokee Nation, a copy of a resolution adopted by them, on that the road was completed, so far as this state was concerned, to the Tennessee River—and I have since been informed, that the road is open, and in good order, and is used by the citizens of both states, in passing and repassing with wagons and other carriages.

The dispute respecting the boundary line, between the state of North Carolina, and us, still unsettled. On the 24th of December last, I wrote to the governor of that state, and enclosed him a copy of the act of the general assembly of Georgia, and of their address, thereto, "An act for appointing commissioners for the ascertaining and fixing the boundary line between this state and the state of North Carolina, accordingly, I should lay the matter before the legislature of that state, if it was not informing me, that it was my business to appoint commissioners on the part of this state, to run the line, in his answer to my letter he informed me, that the legislature of North Carolina, had passed a law, at their last session, for ascertaining by letter with his enclosure, but I have not seen and examining the act of assembly of that state passed in 1809, for ascertaining and fixing the boundary line between that state and South Carolina and Georgia—and that if I should think proper to appoint a person on the part of this state, he would direct the commissioners of the state of North Carolina, to attend to the business, which was to be joined by this state. The great transaction contained in a late proclamation of the president of the United States, to the inhabitants of Georgia, and the state, were to receive the proclamation of North Carolina, again were to the great honor of that state, endeavoring to point out the impropriety of the claim made by North Carolina on Georgia. My letter, together with the answer, are contained in the Raleigh Register, of twelve months, and have been committed within our supposed jurisdictional limits of Walton county, as a matter the authority of the state is at little or no weight, or influence in such matter. It therefore behoves you, as early as possible, to take this subject under your consideration. If you should be with me in opinion that North Carolina has no rightful claim to what she requires, permit me to suggest the propriety of your calling on the legislature of that state, to agree to a convention being held by three or more citizens appointed by each state, to take under consideration the subject matter of controversy, and to determine the same—and, in the event of their not agreeing, for them to be sealed with the power of holding for one or more persons, not interested in the matter, whose decision shall be conclusive and binding on both states. Packet No. 2, contains a copy of the resolution of the legislature of this country, stating that I would not accede to the line run by Walton, and the running the line—together with copies of several letters, by stating the outrages there alluded to.

In compliance with the act entitled, "An act for the relief of sufferers on the land south of the Oconee, lately ceded by the Creek Indians, to return to the state the settled limits of the state," I issued my proclamation bearing date the 20th day of December last, requiring the commanding officers of the regimental divisions, in the respective counties, to employ persons to make lists of the citizens of this state, who had been sufferers thereon, and of other transgressors or citizens of this state, who should be found on the lands, in violation of that proclamation, and transmit the same to the commissioners appointed for the purposes contemplated by the act, on or before the 1st day of January of that proclamation. No lists have yet been transmitted me, on the 15th of last month, I wrote to the two commanding officers of the regiments before mentioned, and sent them a certified copy of their letter, with the answers thereto, which will point out to you that I have not been left unemployed, nor have the act aforesaid carried into effect, I have ordered, that, in no will in no instance only but a return of the trespassers, shall be made to me, but, in every case, where a person has been named a trespasser, he shall be forthwith removed by the sheriff, I deemed it proper to withhold my answer.

The Senate of the United States, having rejected the treaty, made by the commissioners of the United States for the southern department, with the Creek nation, and, with a view to extend a boundary to the Oakmulgee river, required it amicably to be settled, by a reciprocity meeting of the legislature; I was therefore left to pursue the measures pointed out by the act entitled "An act to make distribution of the lands ceded by the Indians, at the Creek nation, by the United States commissioners, at the treaty of Indian Springs, on near Fort Wilkinson, on the 12th day of June, 1802." Several of the original lots, drawn, and distributed, were by returns of their surveys into the surveyor general's office, in consequence of the drawing of the lottery to be preserved to be the property of the state. The surveyor general of surveys, now only remain at the disposal of the state—A day of drawing, for distributing the remaining lots, I deemed it, under all the circumstances, proper, not only to remedy defects which may have taken place, but, to give superior courts may be held within the new counties agreeably to the constitution.

I submit to the legislature whether a compensation should be made, to the sufferers—some cases it appears to me, that the sufferers, have, in the opinion of the effect of which has a tendency too often to induce the jury, illegally to give verdicts against the defendant, which, in fact, is, in reality, the superior courts may be held within the new counties agreeably to the constitution.

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Instruct