

TO THE FRIENDS AND PATRONS OF THE  
OLD-TOWN ACADEMY.

HAVING, at length, completed my third quarterly engagements, I am about to decline the office of Teacher, in which I have been, for some time, employed.

In taking leave of you, in my present capacity, I cannot but express my warmest acknowledgements for that kind liberality with which the institution has been invariably supported. Whether owing to my supposed ability, or the partiality of my friends, it does not become me to say; but so it has happened, that in the course of my vocation, I have received all that encouragement which diligence might claim or anticipation expect. The confidence with which I have been entrusted, is common to me with thousands; and the difficulty of answering expectation is known to all; but there is a responsibility which a Preceptor owes to his God and to himself, that should make the wisest pause before he engages in the pursuit.

With the opportunity, and an ordinary capacity, any man may become acquainted with a large segment of the great circle of arts and sciences; but to read the disposition, as it were, in the very countenance—to discern when to approve—when to chide—when to applaud and when to correct the behaviour of pupils, is an attainment in the knowledge of human character, of which few may boast; and in which none can be perfect.

It has been my lot to have had the care of children possessed, in general, of minds easily to be guided; and I hope each of them may be a credit to his family; and some, I confidently expect will be an ornament to their country. But, even among those, daily experience evidences the hardness of discriminating dispositions. For a Teacher to preserve order, and keep temper, is difficult—to force obedience, and not tyrannise, is unusual—but to do duty to the child in all cases, and not offend the parent in some, is almost impossible.

Having been conversant in the schools from my earliest youth, I had but little difficulty to apprehend in the routine of Academic performances; but having always considered myself rather as a learner than a Master, I cannot but with much mental pain, exercise towards others, that severity which, perhaps, was found necessary for myself. Whilst it is a source of unceasing mortification to be continually correcting the errors of youth, still, to benevolent minds, it is a current of constant pleasure to impart to others that information which it may have been their good fortune to have obtained; and, for myself, what I did know, was on all fit occasions, most cheerfully communicated.

I have lent myself for a while to the public, and trust that the loan has not been, on their part, altogether unprofitable; at any rate, it is with the pleasing reflection of having faithfully performed, to the best of my abilities, the duties imposed upon me, as a Teacher, that I, in my present capacity, bid you and your children, a respectful and affectionate adieu.

JOHN CLOYD.

Old-Town Academy,  
Nov. 28, 1864.

N. B. Those who are indebted for tuition to their children, would oblige by paying when called on, that the subscriber may be the better able to meet his engagements of a personal nature, as well as those incident to the institution. J. C.

The following is a copy of a bill, which was read the first and second time in the house of representatives, of the United States, on the 22d inst. and committed to a committee of the whole for the day following:—

A BILL

For the more effectual preservation of peace, in the ports and harbours of the United States, and the waters under their jurisdiction.

Be it enacted, by the senate and house of representatives of the United States of America, in congress assembled, That whenever any treason, felony, misprison of treason, or of felony, misdemeanor, breach of the peace, or of the revenue laws of the United States, and the person committing the same, shall be on board of any foreign armed vessel, in any port or harbor of the United States, or in the waters within the jurisdiction of the United States, it shall be the duty of any judge or justice of any court, of the United States, or any judge or justice of any state court, or any mayor of a city, upon satisfactory proof thereof to him made, to issue his warrant specifying the nature of the offence, and directed to a sheriff or marshal, commanding him to take the body of the offender, and bring him before the said judge or justice, or other persons aforesaid, to be dealt with according to law. And if the officer, charged with the execution of the said warrant, shall deem the ordinary process comitatus insufficient to ensure the execution of the same, he shall apply to the said judge or justice, or other person, authorized as aforesaid, or to any of them, who shall immediately issue his order, directed to

any officer having command of militia, or any officer having command of regular troops or of armed vessels of the United States, in the vicinity, requiring him to aid the said sheriff or marshal with all the force under his command, or such part as may be necessary, in executing the warrant aforesaid. And the said sheriff or sheriff, conforming himself in all things to the instructions which he shall receive from the president of the United States, or from any other person authorized by the president, shall first demand the surrender of the person charged with the offence; and if delivery be not made, or if the sheriff or marshal be obstructed from making the demand, he shall use all the means in his power by force and arms, to arrest the offender, and all others who are with him, giving him aid and countenance, and he shall convey the said offender, and all others arrested as aforesaid, and deliver them to the civil authority, to be dealt with according to law. And if death ensues on either side, those who are concerned in support of the civil authority, shall be justified, and those engaged in resisting, shall be punished as in cases of homicide committed in resisting a civil officer. And if any commanding officer of militia, of regular troops, or armed vessels of the United States, shall refuse to obey the requisition so made of him as aforesaid, he shall be fined a sum not exceeding dollars, and not less than dollars, to be recovered by indictment or information, in any court in the United States having competent jurisdiction.

Sec. 2. And in order to prevent insults to the authority of the laws, whereby the peace of the United States with foreign nations may be endangered, Be it further enacted, That it shall be lawful for the president of the United States, either to permit or interdict at pleasure, the entrance of the harbours and waters under the jurisdiction of the United States, to all armed vessels belonging to any foreign nation, and by force to repel and remove them from the same, except when they shall be forced in by distress by the dangers of the sea, by being pursued by any enemy, or when charged with dispatches or business from the government to which they belong; in which cases, as well as in all others when they shall be permitted to enter, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering the harbor or waters, as shall be assigned him by such collector, and shall conform, his vessel and crew, to such regulation, respecting health, repairs, supplies, stay, intercourse and departure, as shall be signified to him by the said collector, under the authority and directions of the president of the United States; and not conforming thereto, shall be required to depart from the United States.

Sec. 3. And be it further enacted, That whenever any armed vessel of a foreign nation, entering the harbours or waters within the jurisdiction of the United States, and required to depart therefrom by the collector, of the district, shall fail to do so, it shall be lawful for the president of the United States to forbid by proclamation a intercourse with such vessel, and with every armed vessel of the same nation, and the officers and crew thereof; to prohibit all supplies and aid from being furnished them, and also to instruct the collector of the district, where such armed vessel shall be, and of any and every other district of the United States, to refuse permission to any vessel belonging to the same nation or to its citizens, or subjects, to make entry or unlade, so long as the said armed vessel shall remain in the harbours or waters of the U. States in defiance of the public authority. And if after publication of the said proclamation, any person shall, in contempt thereof, furnish any supplies or aid to such armed vessel, or any other contrary to the prohibition contained in the said proclamation, the person or persons so offending shall forfeit and pay a sum not exceeding dollars, to be recovered by indictment or information in any court in the United States having competent jurisdiction, and shall also be liable to be bound to their good behaviour.

Sec. 4. And be it further enacted, That whenever any officer of an armed vessel commissioned by any foreign power, shall be guilty of any offence made punishable by this act, or shall on the high seas or elsewhere have committed any trespass on any citizen or vessel of the U. States, spoliation of their property, or vexation of trading vessels coming to or going from the United States, it shall be lawful for the president of the U. States, on due proof of the facts, by proclamation, forever, to interdict the entrance of the said officer within the limits of the United States; and if he be found therein thereafter, he shall be liable to be arrested, and punished by fine and imprisonment, in any court in the United States having competent jurisdiction, both for the offence with which he was originally charged, and also for having entered within the limits of the United States, after having been interdicted, and shall likewise be transported to such port beyond seas, as the court shall determine, and so as often as he shall be found within the limits of the U. States, after having been interdicted as aforesaid.

Sec. 5. And be it further enacted, That the president of the United States shall be, and he is hereby authorized and required, to give as soon as may be, af-

ter the passage of this act, to the collectors of the respective ports, and to such other persons as he may think proper, the necessary instructions for carrying this act into effect, particularly marking out the line of conduct to be observed by a Sheriff or Marshal, and by the several collectors in performing the duties enjoined by this act.

Sec. 6. And be it further enacted, That if any person shall be fined for any thing done in pursuance of this act, he may plead the general issue and give this act in evidence, any thing in any law, custom, or usage to the contrary notwithstanding.

Congress

OF THE  
United States of America.

HOUSE OF REPRESENTATIVES.

MONDAY, November 16, 1864.

The Speaker laid before the House the following letter received by the Clerk.  
Salem, [Mass.] U. S. A.  
November 16, 1864.

SIR,

I have received with every sentiment of gratitude, the notice of the late appointment as Chaplain to the House of Representatives at Washington; the highest sense of the honor done me, and the most sincere affection to the administration of government in the United States urge my acceptance, but the nature of my habits and my present employments and engagements oblige me to ask, that I may be permitted to continue my services to my country in the sincere duties which belong to my present situation, while I shall never forget the testimony of public favor, and never refuse to my country my best endeavors for its freedom and happiness.

I am with due respect,

Your devoted servant,

WILLIAM BENTLEY.

John Beckley, Esq.,  
Clerk's Office of the House  
of Representatives of the  
United States.

The petition of Benjamin Emmons as agent of sixty associates in Vermont praying for a grant of land in Louisiana, for settlement, which was postponed at the last session, was called up.

Mr. Elliott moved its reference to a select committee.

Mr. Nicholson thought it ought to go to the committee appointed on that part of the President's message which relates to the amelioration of the government of Louisiana, and asked if such a motion would be in order?

The Speaker said that both committees must be considered as select ones, and Mr. Elliott insisting on his motion, it was put and carried by a great majority, and a committee of seven appointed, viz.

Messrs. Elliott, Clopton, Whitehill, Hastings, Palmer, Winston and Butler.

Mr. Elliott presented the petition of Timothy Phelps, of Marlborough, in the state of Vermont, stating—That he was commissioned by the government of New York, in 1782, as sheriff of the county of Cumberland, in said state, now a part of Vermont, that while exercising the duties of that station, he was attacked and arrested under the assumed authority of Vermont, his personal property plundered, his real estate confiscated, and himself banished & forbidden to return on pain of death. That a statement of his wrongs and situation was made to Congress, convened at Philadelphia, in December, 1802, which body, after recognising his case and that of others, similarly circumstanced, passed resolutions, requiring full and ample restitution to be made to the sufferers, and that they should not be molested on their return, and pledging the faith of the United States that effectual measures should be taken to enforce a compliance with those resolutions. That, with these resolutions in his hand, the petitioner did return, and that the persons thus exercising the authority of Vermont, did not only disregard them, but imprisoned him for the space of five months, which added the loss of health to all his other sufferings; and submitting the justice of his claim for remuneration, to "The representatives of a great, free, and prosperous Republic."

Referred to the committee of Claims.

Several petitions from Alexandria were read against Congress making any alteration in their charter at present.

Referred to the committee appointed on that subject.

The petition of George Ball, a lieutenant in the 12th Pennsylvania regiment, who was wounded in 1777, and has never been cured and in the opinion of competent judges never will; praying relief.

Referred to the committee of Claims.

A message from the president informing that he had approved and signed the act making further appropriation for carrying into effect the British convention. A message from the Senate announcing their concurrence in the joint resolve in relation to captain Decatur, officers and crew.

The bill declaring the assent of Congress to the act of North Carolina, respecting lands in Tennessee went through the committee of the whole, and was ordered to be engrossed for a third reading to-morrow.

The bill for the more effectual preservation of peace in the ports and harbours of the United States, and in the waters under their jurisdiction, went to the committee of the whole Mr. Dawson in the chair.

(A copy of the bill will be found in this day's paper.)

The first section authorizes the president and other proper officers to call in the aid of the militia, regular troops or armed vessels to execute civil process upon offenders who take refuge on board foreign armed vessels.

On motion of Mr. Nicholson, any commanding officer refusing to obey a requisition to this effect was subjected to a fine not exceeding 3000 dollars.

Mr. R. Griswold, observing in the latter part of the first section, the words "and if death ensues on either side those who are concerned in support of the civil authority, shall be justified, and those engaged in resisting shall be punished as in cases of homicide committed in resisting a civil officer," wished to know what the punishment should be, as he did not recollect that congress had heretofore ever made any law on this point, or perhaps it was intended to be punished under the State laws where the cases should arise; in the latter mode, the punishment would not be equal for some states punished this offence with more severity, others more mildly. As this was a penal law he thought that great precision was expedient, so as to leave as little latitude as possible for construction.

Mr. Nicholson remarked that Homicide committed in resisting a civil officer did not stand in their statute book; but the law of 1789, defining crimes and punishments in the exclusive territory of the United States, its forts, and arsenals, made provision for punishing manslaughter: He would agree to strike out the first and insert the last, and then the punishment would be uniform for crimes of the same species, viz three years imprisonment and 1000 dollars fine.

Mr. Nelson was sorry to differ from his colleague (Mr. N.) on this point, but he could not view the trifling punishment of fine and imprisonment, any wife adequate to the crime. Shall the murder of your officer in the execution of the duties of his office be commuted for fine and imprisonment?—You fine your militia officer 5000 dollars for not going upon this service, and the man who kills him in resisting your process is fined 1000 dollars, and imprisoned for three years, I should certainly recommend something more commensurate to the offence.

Mr. Nicholson remarked that Homicide, happening in resisting a civil officer, was not considered in the bill as murder; of course the punishment of death was not the proper one, whether three years imprisonment and 1000 dollars fine was exactly what the punishment ought to be, he would not undertake to say. That however is the punishment to which such criminals would be liable—upon their arrest they are delivered over to be dealt with according to law. He should have had no objection to let the punishment remain as it stood under the several states, but that he considered they were in a considerable degree unequal. The punishment in Maryland was different from that in New-York he believed, but he was certain that it was milder in Pennsylvania. The punishment by death might defeat the object of justice; it being more than the offence deserved, juries would be inclined to mercy and acquit the criminal, in order to avoid taking his life upon their consciences. Liberty being one of the most desirable things on earth, tends in some degree to justify, and if not to justify at least diminish the offence as flowing from the principle of self defence.

Mr. Nelson would briefly state the case, and then he trusted his worthy friend would be of his opinion. They seemed to differ more about words than things. Man-slaughter was a hasty killing upon a sudden affray; this, it is true, was never punished with death, either here or in England; but murder was a deliberate killing with malice proferse, and in case such killing takes place in demanding an offender from on board an armed vessel & murder ensues surely the party ought to suffer the punishment of a murderer.—The crime of murder is not defined in any of the United States statutes; neither in Maryland, nor perhaps in the laws of any state in the Union; how then are we to come at the description of this offence, or distinguish it from man-slaughter, but by a reference to the common and statute laws of England, from which we have borrowed all our legal definitions. Look into all the elementary writers on criminal law, and you will find that the crime of murder is aggravated when a civil officer is killed in the execution of his official duties, by a person maliciously opposing the course of legal jurisdiction, and as a punishment he is deprived of life, as a person unworthy of being any longer a member of society, and the clause in the bill contemplates the apportioning of the punishment to this description of Homicide, man-slaughter, or murder; call it which you will, the effect is the same, and you must support your officers in the execution of their duty or your laws will be without support.

Mr. Early. The observation made by the gentleman from Maryland who has just sit down (Mr. Nelson) struck my mind very forcibly as deserving serious consideration; upon turning to the law of 1789 for the government of our forts, arsenals, &c. where the United States enjoy exclusive jurisdiction, I find that there is provision made as well for the

case of murder as of man-slaughter; now with a view to make our penal law correspond throughout, I would suggest to the gentleman engaged in the discussion, whether it would not be as well to strike out all the words from "resisting" in the thirty-eighth line to the end of the period, and insert in their place the following, "in case such killing amounts to murder, it shall be punished with death—and in case such killing is only man-slaughter, then such offender shall be imprisoned not exceeding 3 years, and not exceeding 1000 dollars.

Mr. Rodney observed, that when a death ensues in the case mentioned by the bill it must be murder.—In ordinary cases between man and man, and death ensues by killing, it might be either murder or manslaughter. Where are we to resort for a meaning but as has been said, to the common law, as a known standard, uniform and invariable. The decisions in the courts of the several states, and its laws on this head, may vary; but the common law describes each of these crimes with accuracy. The definition is founded on the fact. If I take a life by beating a man with a weapon that may naturally be expected to produce death, and death ensues, then my using such a weapon proves malice proferse, for it is an illegal weapon.—So if I resist an officer in the execution of his legal duty, and kill him in the resistance, it is also murder, for my resistance was illegal and implies malice.—Then according to the language of this act, if death ensues, it is murder and not manslaughter. If a man strikes another upon a sudden heat, with a stick, upon the scull, and death ensues, it is manslaughter; but if he strikes with an iron crow bar it is murder—the intention being inferred from the weapon.—While Mr. R. urged the propriety of classing the present offence with murder and consequently punishing its commission with death, he would not be understood as an advocate for that kind of punishment. On the contrary, he was desirous of ameliorating these severe punishments, and introducing a system that should reform the offender, and restore him, after repairing his offence, to his family and his country;—but this cannot at present be done; of course we must apply the rule of punishment as we find it to make it general and uniform.

Mr. Early, while he concurred in the general doctrine laid down by M. R. respecting the common law, was not convinced that the manner in which they had been applied to this particular case was correct—it seemed to him Mr. R.'s opinion that no other offence than murder could be committed, if death ensued in resisting the officer; without seeking far, he would adduce one case where a resistance to death would amount only to homicide. Suppose the marshal or sheriff does not conform himself in all things to the instructions of the president, or that he demeans himself improperly, and death ensues, will it be held that the resistance and its consequence amounts to murder. No, certainly; but if he behaves properly, the killing is murder; hence this double provision is necessary to provide for the two cases.

[To be continued.]

NEW YORK, November 27.

The ship Illinois, was yesterday launched from the ship-yard of Cheeseman and Brown. She is a very fine vessel, of the burthen of 400 tons, and was finished under the inspection of captain Rodgers her commander. The Illinois is owned by Messrs. Franklin, Robinson & Co. and after a voyage to Europe, is intended for the India trade.

Capt. Miller, of the An'elope, (arrived yesterday) informs us, that when he left Lisbon, the American frigate Essex, capt. Barron, had arrived there, and had been put under quarantine. Two Moorish ships were lying in the Tagus, one of them was of 36 guns, the other 18; they were badly mauled, and were taking in a supply of provisions and stores. As their designs were not known, the Essex was to remain there, to watch their motions.

Deaths in this city during the last week.—Of Consumption 12, pavel 2, small pox 15, still born 3, cold, convulsions, intermittent fever, remittent, palsy, malignant sore throat, suicide by taking laudanum, teething, and whooping cough, of each one—Men 12, Women 11, Boys 9 Girls, 10—Total 42.

EVACUATION.—The evacuation of this city on the 25th of November 1783, after the termination of the contest with Great Britain, was commemorated yesterday, with the usual demonstration of joy. The line consisting of the first regiment of Artillery under the command of Col. Custerius, the Sixth regiment commanded by Major Loomis, the Flank companies of the brigade; and Captain Warner and —, troops of Horse, was formed in Droad way at 12 o'clock. The line of march was through Broadway, Beekman street, Pearl street and Wall street, to the Battery. At two o'clock the whole were reviewed by Brig. General Sieveks and Boyd, his Honor the Mayor the French, Spanish, and Danish Consuls, the Recorder of the city, &c. &c. After the review a battery of manoeuvres, were gone through, and the duty of the day finished with a *Te Deum*.

The Corporation gave their annual dinner yesterday, in celebration of the Evacuation.