ACTS

Paſſed the laſt Seſſion of the General Aſſembly.

An act to explain an act, paſſed in 1789, entitled "An act to amend an act concerning proving of wills and granting letters of adminiſtration, and to prevent frauds in the management of inteſtate eſtates, paſſed in 1715, and for other purpoſes."

WHEREAS doubts have been entertained whether that part of the ninth ſection of the ſaid act, paſſed in 1715, which requires the creditors of any perſon deceaſed to make their claims within ſeven years after the deceaſe of ſuch debtor, or be forever barred, is or is not repealed by the ſaid act, paſſed in 1789:

1. *Be it enacted, &c.* That the ſaid act paſſed in the year 1789, ſhall not be conſidered as a repeal of that part of the ninth ſection of the act paſſed in 1715 aforeſaid; but that the ſame ſhall be deemed and held, and taken to be in full force.

And whereas neither the above recited act, nor any act for the better care of orphans, and ſecurity and management of their eſtates have ſufficiently defined the power of the Courts in making allowances to guardians, executors and adminiſtrators, for their charges and commiſſions on the management of the eſtates of deceaſed perſons; and whereas in many inſtances improper allowances are made:

2. *Be it enacted, &c.* That the ſeveral courts of this ſtate are hereby authorized and directed, in making allowances of commiſſions to guardians, executors and adminiſtrators to take into conſideration the trouble and time expended in the management of any deceaſed perſon's eſtate and ſhall make an allowance of commiſſions not exceeding five per centum, for the amount of the receipts and expenditures which ſhall appear to be fairly made in the management of any ſuch deceaſed perſon's eſtate; and any allowance made, ſhall be held and deemed a proper and fair charge againſt the aſſets in the hand of any ſuch guardian, executor or adminiſtrator; and he, ſhe or they, ſhall and may retain for the ſame, as well againſt any creditor of the deceaſed, as againſt perſons claiming as legatees, or as being entitled to diſtributive ſhares of ſuch deceaſed perſon's eſtate: any law, uſage or cuſtom to the contrary notwithſtanding. *Provided*, That nothing herein contained, ſhall be conſtrued to prevent any executor, guardian or adminiſtrator, from retaining for neceſſary charges and diſburſements, in the ſame manner as hath heretofore been allowed by law.

An act to amend the tenth ſection of an act, paſſed in the year 1784 entitled "An act to regulate and aſcertain the ſeveral officers fees therein mentioned; and for altering the time of holding the Superior Courts of Law and Equity for the diſtricts of Halifax, Edenton, Newbern and Wilmington."

WHEREAS the tenth ſection of the before recited act provides for ſuch ſales only as had taken place previous to the paſſing of the above recited act:

1. *BE it enacted, &c.* That where any Sheriff or Coroner has heretofore ſold, or may hereafter ſell, any real or perſonal eſtate in obedience to the executions or writs of *venditioni exponas* to him directed, and have not or may not have executed deeds to the purchaſer for the ſame, ſuch Sheriff or Coroner, though he may be out of office, ſhall and he is hereby required to ſeal and execute ſealed or deeds of ſale for ſuch real or perſonal eſtate ſo ſold, to ſuch purchaſer at ſaid ſale, and have ſatisfied or paid the money for the ſame; and in caſe any Sheriff or Coroner having ſold any eſtate as aforeſaid, has died, or may die, or remove out of the ſtate; then his ſucceſſor in office is hereby required and empowered, on application, to make ſuch conveyance as is herein directed.

2. That ſo much of the above recited act as comes within the meaning and purview of this act, be, and the ſame is hereby repealed; and that this act ſhall be in force from and after the day of its ratification.

An act regulating the duty of Sheriffs during the ſitting of the Superior Courts, and directing them as to the ſervice of juſtices.

WHEREAS it has been heretofore the duty of Sheriffs of the different counties in this State, to attend the Superior Courts in their diſtricts during the term or ſitting of ſaid Courts: therefore,

1. *Be it enacted, &c.* That from and after the paſſing of this act, three Sheriffs only ſhall be compelled to attend to, and do the duties of ſaid Superior Court; and the Sheriff of the county, or in caſe of ſickneſs or inability, then his deputy, wherein the ſaid Superior Court is held, ſhall always be one of the Sheriffs aforeſaid; and the other Sheriffs of the diſtrict ſhall attend in rotation, two at each term, and ſhall be appointed by the Judge or Judges of ſaid Court from term to term. *Provided*, nothing herein contained, ſhall be conſtrued ſo as to prevent or excuſe any Sheriff from making his lawful returns to any of the ſaid Superior Courts in due time and agreeable to law, as heretofore practiſed.

2. That in future, where any *ſcire facias* ſhall iſſue to the Sheriff of any county within this ſtate, the return of the Sheriff thereon that the ſame has been executed, ſhall be deemed ſufficient evidence of the ſervice of ſuch *ſcire facias*, and ſhall not be held neceſſary that the ſame ſhould be made known in the preſence of witneſſes: any law, uſage or cuſtom to the contrary notwithſtanding.

An act to amend an act, for giving further time for probate and regiſtration of bills of ſale for ſlaves and marrage ſettlements.

WHEREAS in the firſt ſection of an act, entitled "An act directing that marriage ſettlements and other marriage contracts ſhall be regiſtered, and for preventing injuries to creditors," paſſed at Newbern in the year 1785, it is directed that all marriage ſettlements and other marriage contracts ſhall be proved in the ſame manner as other deeds, and ſhall be regiſtered: and whereas it appears to this General Aſſembly that a number of good citizens, for want of ſufficient information, have neglected to avail themſelves of ſaid act; for remedy whereof,

1. *Be it enacted, &c.* That all marriage contracts which were made, ſigned and entered into previous to the paſſing of the above recited act, ſhall have a further time of twelve months allowed for probate and regiſtration; and ſhall when thus authenticated and perpetuated, be held and deemed as valid in law, to all intents and purpoſes, as if they had been proved and regiſtered within the time required by the above recited act; any law, uſage or cuſtom to the contrary notwithſtanding.

2. And whereas the time allowed for regiſtering bills of ſale is expired: *Be it enacted*, That a further time of two years be allowed for proving and regiſtering bills of ſale for ſlaves, which, when regiſtered within the time aforeſaid, ſhall be good and valid to all intents and purpoſes as if proved and regiſtered within the time required by an act, paſſed in the year 1797, entitled "An act granting a further time for proving and regiſtering bills of ſale and deeds of gift."

BALTIMORE, February 8.

The publiſhers of Gen. WASHINGTON's WILL have favored us with the following extracts for publication, and authoriſe us to ſay they have engaged perſons to carry round and diſpoſe of this beneficent production on Monday next. It is comprized in a pamphlet of 32 pages.

[*Fed. Gaz.*

"*Item.* To the truſtees (governors, or by whatſoever other name they may be deſignated) of the academy in the town of Alexandria, I give and bequeath, in truſt, 1000 dollars, or in other words, twenty of the ſhares which I hold in the bank of Alexandria, towards the ſupport of a free ſchool; eſtabliſhed at, and annexed to, the ſaid academy, for the purpoſe of educating ſuch orphan children, or the children of ſuch other poor and indigent perſons as are unable to accompliſh it with their own means; and who, in the judgment of the truſtees of the ſaid ſeminary, are beſt entitled to the benefit of this donation."

"*Item.* Whereas by a law of the commonwealth of Virginia, enacted in the year 1785, the legiſlature was pleaſed, as an evidence of their approbation of the ſervices I had rendered the public during the revolution, and a part, I believe in conſideration of my having ſuggeſted the well known advantages which the commonwealth muſt derive from the extention of its inland navigation under legiſlative patronage) to preſent me with one hundred ſhares of one hundred dollars each, in the incorporated company eſtabliſhed for the purpoſe of extending the navigation of James River, from tide water to the mountains; and alſo with fifty ſhares of one hundred pounds ſterling each, in the corporation of another company likewiſe eſtabliſhed for the ſimilar purpoſe of opening the navigation of the river Potomac from tide water to Fort Cumberland; the acceptance of which, although the offer was highly honorable and graceful to my feelings, was refuſed as inconſiſtent with a principle which I had adopted, and had never departed from; namely, not to receive pecuniary compenſation for any ſervices I could render my country in its arduous ſtruggle with Great-Britain for its rights; and becauſe I had evaded ſimilar propoſitions from other ſtates in the union. Adding to this refuſal, however, an intimation that, if it ſhould be the pleaſure of the legiſlature to permit me to appropriate the ſaid ſhares to *public uſes*, I would receive them on thoſe terms with due ſenſibility; and this it having conſented to, in flattering terms, as will appear by a ſubſequent law and ſundry reſolutions, in the moſt ample and honorable manner, I proceed after this recital, for the more correct underſtanding of the caſe, to declare, That as it has always been a ſource of ſerious regret with me to ſee the youth of the United States ſent to foreign countries for the purpoſe of education, often before their minds were formed, or they had imbibed any adequate ideas of the happineſs of their own; contracting too frequently, not only habits of diſſipation and extravagance, but principles unfriendly to republican government, and to the true and genuine liberties of mankind; which thereafter, are rarely overcome. For theſe reaſons, it has been my ardent wiſh to ſee a plan deviſed on a liberal ſcale which would have a tendency to ſpread ſyſtematic ideas through all parts of this riſing empire, thereby to do away local attachments and ſtate prejudices, as far as the nature of things would, or indeed ought to admit, from our national councils. Looking anxiouſly forward to the accompliſhment of ſo deſirable an object as this is, (in my eſtimation) my mind has not been able to contemplate any plan more likely to effect the meaſure than the eſtabliſhment of a UNIVERSITY in a central part of the United States, to which the youths of fortune and talents from all parts thereof might be ſent for the completion of their education in all the branches of polite literature; in arts and ſcience; in acquiring knowledge in the principles of politics and good government, and (as a matter of infinite importance in my judgment) by aſſociating with each other and forming friendſhips in juvenile years, be enabled to aſſimilate themſelves in a proper degree from thoſe local prejudices and habitual jealouſies which have juſt been mentioned; and which, when carried to exceſs, are never failing ſources of diſquietude to the public mind, and pregnant miſchievous conſequences to this country; under theſe impreſſions, ſo fully dilated,

"*Item*, I give and bequeath in perpetuity, the fifty ſhares which I hold in the Potomac company (under the ſeveral acts of the legiſlature of Virginia) towards the endowment of a UNIVERSITY to be eſtabliſhed within the limits of the diſtrict of Columbia, under the auſpices of the general government, if that government ſhould incline to extend a foſtering hand towards it; and until ſuch time as this may be eſtabliſhed, and the funds ariſing on theſe ſhall be required for its ſupport, my further WILL and DESIRE is, that the profit accruing therefrom ſhall, whenever the dividends are made, be laid out in purchaſing ſtock in the bank of Columbia, or ſome other bank, at the diſcretion of my executors, or by the treaſurer of the United States for the time being, under the direction of congreſs, provided that honorable body ſhall patronize the meaſure, and the dividends proceeding from the purchaſe of ſuch ſtock is to be veſted in more ſtock, and ſo on, until a ſum adequate to the accompliſhment of the object, is obtained; of which I have not the leaſt doubt, in ſome few years paſt away, even if no aid or encouragement is given by legiſlative authority, or from any other ſource.

"*Item.* The hundred ſhares which I hold in the James River company, have given, now confirm in perpetuity, to and for the uſe and benefit of Liberty Hall Academy, in the county of Rockbridge, in the commonwealth of Virginia.

"*Item.* To my nephew, *Buſhrod Waſhington*, I give and bequeath all the papers in my poſſeſſion, which relate to my civil and military adminiſtration of the affairs of this country. I leave to him all ſuch of my private papers as are worth preſerving; and at the deceaſe of my wife, and before, if ſhe is not inclined to retain them, I give and bequeath my library of books and pamphlets of every kind.

"*Item.* To each of my nephews, *William Auguſtine Waſhington*, *George Lewis*, *George Steptoe Waſhington*, *Buſhrod Waſhington* and *Samuel Waſhington*, I give one of the ſwords or cutteaux, of which I may die poſſeſſed: and they are to chooſe in the order they are named. The ſwords are accompanied with an injunction not to unſheath them for the purpoſe of ſheading blood, except it be for ſelf defence, or in defence of their country and rights; and in the latter caſe to keep them unſheathed, and prefer falling with them in their hands to the relinquiſhment thereof."

The recent revolution in France, does not appear to be accompanied with thoſe violent emotions, which might have been expected from the nature of the event. But the paſſive conduct of the Pariſians on this occaſion, can be accounted for only in the glittering allurement of a peace deluſively preſented them. We ſee in it, a revolutionary operation, ſupported by revolutionary means—an uſurpation—a change—a change of tyrants only.

The very ſpectacle of a government, periſhing by the hands of thoſe who fought and bled in its defence, precludes all the reliance upon the ſtability of that which may ſucceed, under ſimilar auſpices; for any one who may have the power, will have the right, in ten days, or in as many hours, to diſmiſs the preſent uſurpers, and ſeize for himſelf the ſovreign power.

How this change in France will operate upon the intereſts of the United States, is merely conjectural. It is believed, however, that it can, in no point, very materially affect us. The reception or non-reception of our commiſſioners for peace, muſt be immaterial; ſince no reliance can be placed in any treaty made with the perſons now in power, who exerciſe no authority emanating from the people;—another guilt of ambition, at a breath may ſweep away this fabric of a day, and erect another as mutable as the firſt.—The government of the United States will be ſafe, in keeping a ſteady hand and piercing eye, upon French licentiouſneſs—chaſtiſing where chaſtiſement is neceſſary.

We diſcover no features of royaliſm in this revolution, as was ſtated in our firſt account. Tho' we confeſs we ſhould not be ſurpriſed, if, at no diſtant period, a ſyſtem of royalty, with firm features were to riſe from this ſcene of anarchy.

[*N. York paper.*]

It is confidently reported, that a veſſel has arrived at Newport [R. I.] from the coaſt of Africa, and brings the following highly important and intereſting intelligence, &c.

That a ſquadron of three large French frigates & a corvette, has deſtroyed the Engliſh ſettlements on that coaſt, and taken the collected riches of their factors, conſiſting of gold duſt, ivory and gums, with many Engliſh ſhips of great value.—The amount of damage ſuſtained by the Britiſh in this expedition, is ſaid to exceed eighteen millions of dollars. The dollars taken by the Engliſh from the Spaniards lately, will bare no compariſon to the above; and even they, it is ſaid, were inſured in England, ſo that the prize money of Engliſh ſailors, muſt come from the pockets of Engliſh underwriters.

(*Boſton paper.*)

Sentiments of General Waſhington
From his Farewel Address.

"OF all the diſpoſitions and habits which lead to political proſperity, Religion and Morality are indiſpenſible ſupports. In vain would that man claim the tribute of patriotiſm, who ſhould labour to ſubvert theſe great pillars of human happineſs—theſe firmeſt props of the duties of men and citizens. The mere politician, equally with the pious man, ought to reſpect and cherish them.

"A volume could not trace all their connections with private and public felicity. Let it be ſimply aſked, Where is the ſecurity for property, for reputation, for life, if the ſenſe of religious obligations deſert the oaths, which are the inſtruments of inveſtigation? And let us with caution indulge the ſuppoſition that morality can be maintained without religion.

"Whatever may be conceded to the influence of refined education on minds of peculiar ſtructure; reaſon and experience both forbid us to expect that national morality can prevail in excluſion of religious principle: 'Tis ſubſtantially true, that Virtue or Morality is a neceſſary ſpring of Popular Government.

"The rule indeed extends with more or leſs force to every ſpecies of free government: Who that is a ſincere friend to it, can look with indifference upon attempts to ſhake the foundation of the fabric.

At preſent there are [illegible] pretending to be wits, diſtinguiſhments, and with to make it believed that religion is fit only for fools.

Dare they contradict the authority of ſo great a man, they muſt be inſane and wicked; for they ſeek to deſtroy the happineſs of the public, and even their own, by depriving us of the moſt powerful comfort of mankind and the ſweeteſt conſolation.

THE Truſtees of the Fayetteville Academy are happy in having it in their power to announce to the Public that the difficulty heretofore experienced in procuring ſuitable boarding for young ladies, who live at a diſtance & wiſh to attend the Academy, is now removed. Mrs. Emmett has concluded to open a Boarding-Houſe for that purpoſe, and will be equally attentive to the manners, dreſs, and behaviour of the young ladies commited to her charge, as to their cleanlineſs and diet. To thoſe parents who are acquainted with Mrs. Emmett, any thing in her behalf is unneceſſary to be ſaid; but to thoſe who have not that pleaſure, the Truſtees without reſervation, do not heſitate to ſay that they are acquainted with no lady more highly qualified for ſuch a charge than Mrs. Emmett.

Her terms for boarding and Waſhing are 60 dollars a year, and bedding found, or where that is not convenient, bedding may be found on an extra allowance. One quarter's board will be required in advance.

THE ſubſcriber wiſhes to Sell or to Leaſe for a term of years, the place in Fayetteville where he now lives—any quantity of the adjoining incloſed Lots of Land in Fields and Meadows, from 4 to 100 acres may go with the buildings as may beſt ſuit the purchaſer or leſſee—it is a healthy pleaſant ſituation, the Houſe, Out-Houſes and Garden in good repair: if Sold, payments by inſtallments, may be made eaſy to the purchaſers or if Leaſed, a very moderate rent will be taken from a tenant who will not ſuffer the place to go to waſte.

JOHN SIBLEY.

Fayetteville, Jan. 28, 1800.

Ton Timber Wanted.

FROM 20 to 30 feet long, 12 to 16 inches ſquare, Yellow Pine and clear of ſap. For ſuch, delivered in Wilmington, between this and the 1ſt of April, a great price will be given—Enquire of the Printer.

February 13.

FOR SALE,

A Carriage and Harneſs—Alſo a pair of Bay Horſes.

For terms apply to the Printer.

Wilmington, January 16.

THE ſubſcriber begs leave to inform the inhabitants of Wilmington and its vicinity, that he has taken the houſe at preſent occupied by Mr. Thomas Murphy, where he intends carrying on the buſineſs of Saddle and Harneſs making in all its various branches, and will be thankful to thoſe who will oblige him with their cuſtom.

DAVID DUDLEY.

Wilmington February 6.

FOR SALE,

A NEGRO MAN,

Uſed to Plantation work.

Enquire of the Printer

February 6.