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BY GEORGE HOWARD,

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DOMESTIC.

AN ACT

Further to provide for the collection of Duties on Imports.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, it shall become impracticable, in the judgment of the President, to execute the revenue laws, and collect the duties on imports in the ordinary way, in any collection district, it shall and may be lawful for the President to direct that the custom house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel; and, in that case, it shall be the duty of the collector to reside at such place, and there to detain all vessels and cargoes arriving within the said district until the duties imposed on said cargoes, by law, be paid, in cash, deducting interest according to existing laws; and in such cases it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons too great to be overcome by the officers of the customs, it shall and may be lawful for the President of the United States, or such person or persons as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

Sec. 2. *And be it further enacted*, That the jurisdiction of the circuit courts of the United States shall extend to all cases, in law or equity, arising under the revenue laws of the United States, for which other provisions are not already made by law; and if any person shall receive any injury to his person or property for or on account of any act by him done, under any law of the United States, for the protection of the revenue or the collection of duties on imports, he shall be entitled to maintain suit for damage therefor in the circuit court of the United States in the district wherein the party doing the injury may reside, or shall be found. And all property taken or detained by any officer or other person under authority of any revenue law of the United States shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. And if any person shall dispossess or rescue, or attempt to dispossess or rescue, any property so taken or detained as aforesaid, or shall aid or assist therein, such person shall be deemed guilty of a misdemeanor, and shall be liable to such punishment as is provided by the twenty-second section of the act for the punishment of certain crimes against the United States, approved the thirtieth day of April, anno Domini one thousand seven hundred and ninety, for the wilful obstruction or resistance of officers in the service of process.

Sec. 3. *And be it further enacted*, That in any case where suit or prosecution shall be commenced in a court of any State against any officer of the United States, or other person, for or on account of any act done under the revenue laws of the United States, or under color thereof, or for or on account of any right, authority, or title, set up or claimed by such officer, or other person, under any such law of the United States, it shall be lawful for the defendant in such suit, or prosecution, at any time before trial, upon a petition to the circuit court of the United States, in and for the district in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate signed by an attorney or counsellor at law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth that, as counsel for the petitioner, he has examined the proceedings against him, and has carefully inquired into all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit and certificate, shall be presented to the said circuit court, if in session, and if not, to the clerk thereof, at his office, and shall be filed in said office, and the cause shall be thereupon entered on the docket of said court, and shall be thereafter proceeded in as a cause originally commenced in that court; and it shall be the duty of the clerk of said court, if the suit were commenced in the court below by summons, to issue a writ of certiorari to the State Court, requiring said court to send to the said circuit court the record and proceedings in said cause; or if it were commenced by capias, he shall issue a writ of habeas corpus cum causa, a duplicate of which said writ shall be delivered to the clerk of the State court, or left at his office by the marshal of the district, or his deputy, or some person duly authorized thereto; and, thereupon it shall be the duty of the said State court to stay all further proceedings in such cause, and the said suit, or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be deemed and taken to be moved to the said circuit court, and any further proceedings, trial or judgment therein in the State court shall be wholly null and void. And if the defendant in any such suit be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the said cause according to the rules of law and the order of the circuit court, or of any judge thereof, in vacation. And all attachments made and all bail and other security given upon such suit, or prosecution, shall be and continue in like force and effect, as if the said suit or prosecution, had proceeded to final judgment and execution in the State court. And if, upon the removal of any such suit, or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein, in the State Court, can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court; and on failure of so proceeding, judgment of *non pros.* may be rendered against the plaintiff with costs for the defendant.

Sec. 4. *And be it further enacted*, That in any case in which any party is, or may be by law, entitled to copies of the record and proceedings in any suit or prosecution in any State Court, to be used in any court of the United States, if the clerk of said State Court, shall, upon demand, and the payment or tender of the legal fees, refuse or neglect to deliver to such party certified copies of such record

and proceedings, the court of the United States in which such record and proceedings may be needed, on proof, by affidavit, that the clerk of such State court has refused or neglected to deliver copies thereof, on demand as aforesaid, may direct and allow such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment, may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

Sec. 5. *And be it further enacted*, That whenever the President of the United States shall be officially informed, by the authorities of any State, or by a judge of any circuit or district court of the United States, in the State, that, within the limits of such State, any law or laws of the United States, or the execution thereof, or of any process from the courts of the United States is obstructed by the employment of military force, or by any other unlawful means, too great to be overcome by the ordinary course of judicial proceeding, or by the powers vested in the marshal by existing laws, it shall be lawful for him, the President of the United States, forthwith to issue his proclamation, declaring such fact or information, and requiring all such military and other force forthwith to disperse; and if at any time after issuing any such opposition or obstruction shall be made, in the manner or by the means aforesaid, the President shall be, and hereby is, authorized, promptly to employ such means to suppress the same, and to cause the said laws or process to be duly executed, as are authorized and provided in the cases therein mentioned by the act of the twenty-eighth of February, one thousand seven hundred and ninety-five, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for that purpose;" and also, by the act of the third of March, one thousand eight hundred and seven, entitled "An act authorizing the employment of the land and naval forces of the United States in cases of insurrection."

Sec. 6. *And be it further enacted*, That in any State where the jails are not allowed to be used for the imprisonment of persons arrested or committed under the laws of the United States, or where houses are not allowed to be so used, it shall and may be lawful for any marshal, under the direction of the judge of the United States for the proper district, to use other convenient places, within the limits of said State, and to make such other provision as he may deem expedient and necessary for that purpose.

Sec. 7. *And be it further enacted*, That either of the justices of the Supreme Court, or a judge of any district court of the United States, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases of a prisoner or prisoners, in jail or confinement, where he or they shall be committed or confined on, or by any authority of law, for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree, of any judge or court thereof, any thing in any act of Congress to the contrary notwithstanding. And if any persons to whom such writ of habeas corpus may be directed, shall refuse to obey the same, or shall neglect or refuse to make return, or shall make a false return thereto, in addition to the remedies already given by law, he or they shall be deemed and taken to be guilty of a misdemeanor, and shall, on conviction before any court of competent jurisdiction, be punished by fine, not exceeding one thousand dollars, and by imprisonment, not exceeding six months, or

by either, according to the nature and aggravation of the case.

Sec. 3. *And be it further enacted*, That the several provisions contained in the first and fifth sections of this act, shall be in force until the end of the next session of Congress, and no longer.

A. STEVENSON,

Speaker of the H. of Represent's.

HU: L. WHITE,

President of the Senate pro tem.

Approved, March 2, 1833.

ANDREW JACKSON.

From the Washington City Globe.

A FINE COMPLIMENT.

Mr. Blair—As a North Carolinian, I cannot but feel proud of every honor won by my fellow citizens of that State. I am more than proud of the merited tribute paid to *Joseph B. Hinton, Esq.* the enlightened and influential Senator from Beaufort in the General Assembly of that State, now on a visit to this city, which is contained in the annexed extract of a letter, written by a distinguished member of the bar of North Carolina, in December last, to the Clerk of the House of Commons of that State, at the time the elections of Judges, Generals, and Governor were about to come on.

That night-mare of our State Constitution which required "the belief of the truth of the Protestant Religion"—as a condition of holding office in that State, and which excluded therefrom every conscientious Roman Catholic, had maintained undisturbed its horrid seat on the bosom of the Constitution, nearly three-fourths of a century, when Mr. Hinton at the last session, with a moral courage and generosity as a Protestant, which deserves all praise, stepped forward and hurled the monster headlong from its resting place. I am not a Roman Catholic, sir, but I contend that too much honor cannot be given to this intrepid friend of civil and religious liberty, by Catholics, and freemen of every denomination—for originating and successfully carrying through the Senate and the Committee of both Houses, his patriotic resolution upon that subject, which breathes alike his devotion to Christianity and to freedom of conscience. Sir, this meed of approbation to an honored son of North Carolina, should not be lost to society, and I therefore ask you to give it a place in the Globe.

STANLY.

The extract is as follows:—

"Joseph Hinton is the only man in North Carolina who has, for twenty years past, done any thing which deserves historical commemoration. I refer to his resolution about the religious test in the Constitution. I am not disposed to flatter any man, and think I predict what will assuredly come to pass, when I say, that fifty years hence, Hinton will be the only man in North Carolina, of the present age, who will have a name and a local habitation in history. I would rather have my name connected with such a movement than to be a General, or a Judge, or a Governor."

The Elephant.—It is stated in the New York Advocate that one of the Elephants now exhibited at the menagerie in the Bowery, a few nights since broke the lock to the chain which confined him; no sooner was he extricated from his fastenings, than with one stroke of his trunk he demolished the stable containing four or five ponies, with one of which he had travelled for the last year, and for some cause or other had frequently evinced a hostility towards him—he passed his trunk over two other ponies, and the moment he came to the object of his hatred, he plunged his trunk through his body which caused instant death. Having satiated his malignity against the offending pony, he returned to his place, and there remained until morning, without offering injury to any other animal, although there were at least one hundred contained in the same building.

There is no cause of misery more fruitful than incurring expences that we cannot afford.