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Laws of North Carolina.

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(BY AUTHORITY.)

An Act to lay out a road from Waynesville in Haywood County to the Southern boundary line of this State.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Thomas Lenoir, Joseph Chambers and Hodge Rayborne of the county of Haywood, be and they are hereby appointed commissioners to view and lay out a road from the North Eastern boundary line of Haywood at Jesse Bellow's old place to the Southern boundary line of this State, which road shall pass by Waynesville in the county of Haywood, and by such place as shall be designated and set apart for erecting the public buildings for the County to be formed out of the lands lately ceded by the Cherokee Indians.

II. *Be it further enacted*, That the said commissioners or a majority of them shall have power to employ such surveyors, chain carriers and markers as may be required for laying out and marking said Road, and allow them such compensation for their services as they may deem adequate; to be paid in manner hereinafter directed.

III. *Be it further enacted*, That the said commissioners shall cause two fair plats of the route for said road to be made out, one of which shall be returned to the board of Managers of the fund for Internal Improvements, and the other shall be filed in the office of the Clerk of the County Court of Haywood: which plats shall represent accurately the Mountains and water courses which the said road shall pass and the distances from one remarkable place to another, and also the whole distance from the beginning to the termination of said road.

IV. *Be it further enacted*, That on receipt of one of the plats of the survey of the said road, the board of Managers of the fund for Internal Improvements shall have power by themselves, or their agents to contract for cutting out, clearing and marking the said road, in such way, and on such terms and conditions as they may deem most advantageous to the public interest; and when the said road shall be opened and put in good order, it shall thereafter be and remain a public road and highway free for the use of the citizens of this State and all others; and shall be kept in repair as other roads and highways in this State.

V. *Be it further enacted*, That the commissioners appointed to view and lay out the said road shall be allowed the sum of four dollars each for every day they or either of them may be actually engaged in the duties prescribed by this act in full of their services.

VI. *Be it further enacted*, That all the expenses incurred in laying out and marking said road in the manner directed by this act, not exceeding the sum of four thousand dollars, shall be paid out of the fund for Internal Improvements by the board of Managers thereof.

An Act supplemental to an act passed in the year eighteen hundred and eighteen, entitled "An Act to carry into effect an act passed in the year seventeen hundred and ninety three entitled an act to add part of Burke and Wilkes Counties to the County of Iredell."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Montfort Stokes, Esquire, of the County of Wilkes, be appointed commissioner in addition to the commissioners appointed by the act of eighteen hundred and eighteen, which said commissioners shall meet as soon as may be convenient and run the aforesaid line agreeably to the provisions of the before recited act.

II. *And be it further enacted*, That the expenses which may be incurred by running and marking the aforesaid line, shall be defrayed mutually by the counties of Burke and Iredell as pointed out in the above recited act.

An Act to amend an act passed in the year one thousand eight hundred and sixteen entitled "An Act for opening a turnpike road at Mills Gap."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the before recited act as relates to the appointment of commissioners, be and the same is hereby repealed.

And be it further enacted, That George Jones of Rutherford County, William Span and Thomas Case of Buncombe County, be and they are hereby appointed commissioners of the said Turnpike Road and vested with all the powers and authorities, and subject to the same rules and restrictions, of the commissioners under the before recited act; and shall be entitled to receive one dollar each, for every day they may be necessarily employed in viewing and making return of said road, to be paid by the owners of said Turnpike, any law to the contrary notwithstanding.

An Act to amend an act passed at the last session of the General Assembly, entitled an act to empower the County Court of Montgomery to contract for free Ferries on public days.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of Montgomery County, be, and they are hereby authorized to contract with the keepers or owners of as many Ferries as they may think proper to keep free Ferries, on the same days, for the same purposes and under the same rules, regulations and restrictions as prescribed in the before recited act, any law to the contrary notwithstanding.

An Act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain a Branch to Pilot over Ocock Bar and the Swashes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Howard, Jacob Gaskill and William Scarbro of Ocock, and William Wallace, James Howard and Littleton Styron of Portsmouth be and they are hereby appointed a Board of Branch Pilots, and they or a majority of them are hereby authorized and empowered to meet as soon as convenient, and notice all persons, who are or wish to be Branch Pilots for Ocock Bar and the Swashes, to appear before them for the purposes mentioned in this act; and the Board aforesaid shall examine all and every of such persons, and to such as are found qualified for Branch Pilots, the aforesaid board shall give certificates of their qualifications, to act as a Bar and Swash Pilots, and the said certificates shall be signed by a majority of said Board.

II. *And be it further enacted*, That when any person or persons are desirous of becoming Pilots at Ocock Bar and the Swashes, before they shall obtain a Branch from the commissioners of Navigation at the Towns of Newbern, Washington, Edenton, or any other place, they shall first be examined by the said Board of Branch Pilots, and such person or persons so examined and found competent to take charge of any ship or vessel as

a Pilot, the Board aforesaid shall recommend to the commissioners of Navigation in this State to give to him or them Branches accordingly, under the same rules and regulations as heretofore prescribed by law, and no person shall be authorized to act as Bar & Swash Pilot's unless recommended by the aforesaid Board, and licenced by the commissioners of Navigation as heretofore, *Provided*, nevertheless, That if any person shall apply to the within named commissioners for a certificate as before named and shall be refused by said commissioners, that such refusal shall not take away the right of the commissioners of Navigation to grant such person or persons so refused a licence.

III. *And be it further enacted*, That the Board aforesaid shall receive one dollar for each certificate by them given, to be paid by the person applying for such certificate.

IV. *And be it further enacted*, That every Pilot who stands an exauration under the aforesaid Board, and receives a Branch, and is afterwards found incompetent by intoxication, or otherwise to perform the duties of a Pilot: The commissioners aforesaid shall have power upon the request of the Board aforesaid to revoke said Branch and from that time such Pilot or Pilots shall be disqualified from any further exercising the business of a Pilot any law to the contrary notwithstanding.

V. *And be it further enacted*, That the Board of Branch Pilots by this act appointed; before they enter upon the duties of their Office shall take and subscribe before some Justice of the Peace for the County of Carteret the following oath, to wit. I do solemnly swear that I will truly, faithfully and impartially examine all persons by this act, directed according to the best of my skill and ability so help me God.

An Act in addition to the acts relative to the power of Courts of Equity in cases of partition.

Be it enacted and declared by the General Assembly of the State of North Carolina, and it is hereby enacted and declared by the authority of the same, That when an application shall be made to a Court of Equity by joint tenants tenants in common or tenants in coparcenary, for a sale of real Estate which is incumbered with dower, it shall and may be lawful if the person holding or entitled to dower thereon shall join in said application, for the court to decree an immediate sale of the said real estate, and to cause a third part of the proceeds thereof to be secured to the use of the person so holding or entitled to dower therein for life.

An Act concerning the public arms.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Governor to procure some suitable place of deposit in the Towns of Edenton, Newbern and Fayetteville by renting or otherwise, for such arms as now belong to, or may hereafter become the property of this State, and to cause such arms to be collected and removed to one of the places of deposit aforesaid: *Provided however*, That the Governor may from time to time direct such portion of said arms as may be necessary for arming any Volunteer Companies equipped according to law, to be delivered to the commanding officer of such Companies, taking his receipt for the same.

II. *Be it further enacted by the authority aforesaid*, That it shall be the duty of the Governor to cause all such arms to be repaired and cleaned before they are boxed up and placed in deposit: it shall moreover be his duty to employ some suitable person to take charge of each of said places of deposit with the arms which may be deposited therein; and he shall have power from time to time to draw on the Treasury for money to defray all the expenses incurred in carrying this act into effect.

An Act to amend the laws now in force respecting the town of Edenton.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Edenton, shall have full power and authority to enforce a compliance and observance of such regulations, rules and ordinances as they are authorized by law to prescribe and enact, by laying fines and penalties on those who shall refuse or neglect to conform to such rules, regulations and ordinances, not exceeding twenty five dollars, and in case of slaves, the punishment of thirty nine lashes; the said penalties to be recovered for the use of the town, and the punishment to be inflicted in manner hereinafter mentioned.

II. *Be it further enacted*, That the said commissioners shall also have power to appoint a Town Constable, whose Jurisdiction shall not extend beyond the limits of said town, who shall give bond and security as other Constables, and shall receive such fees for their services as other Constables receive for the same or similar services: they shall also have power to appoint a town watch, and allow them such compensation for their services as the said commissioners may deem reasonable.

III. *And be it further enacted*, That a proper person shall be elected, at the time and in the manner directed by law for the election of commissioners, who shall be called the magistrate of Police for said Town, whose duty it shall be to enforce obedience to the laws and punish offenders, and shall be and is hereby authorized to issue his warrant directed to the Sheriff or deputy Sheriff or to the Town Constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of said town, to appear before him, which shall be in the manner of warrants issued by a Justice of the Peace; and the said Magistrate is hereby required and authorized to give judgment and award execution agreeably to the laws, rules and ordinances for the government of the said town, which warrant the said Sheriff, deputy Sheriff or Constable is hereby required to execute and return: and on such trials or enquiries the said Magistrate is hereby authorized and declared to possess all the necessary powers to administer oaths and Subpoena and examine witnesses: and the said Magistrate before he enters on the duties of his Office shall take before some Justice of the Peace of Chowan County, the following Oath: "I, A. B. do solemnly swear, that as Magistrate of Police for the town of Edenton, I will do equal right in all cases whatever to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said Town: all fines and amercements that may be made, I will cause to be duly returned to the proper office: and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly demean myself, according to the best of my skill and judgment."

IV. *And be it further enacted*, That in all cases where any person is dissatisfied with the judgment of said Magistrate, he shall have the privilege of appealing to the County Court of Chowan in the same manner, and under the same rules and restrictions as in the case of appeals from a Justice of the Peace.

V. *And be it further enacted*, That the commissioners may allow the said Magistrate such compensation for his services as they may deem reasonable.

Congress.

MR. MACON'S SPEECH
ON THE MISSOURI QUESTION,
JANUARY 20.

Mr. Macon, of North-Carolina, said, he agreed in opinion with the gentleman who had declared this to be the greatest question ever debated in the Senate, and that it ought to be discussed in the most calm and cool manner; without attempting to excite passion or prejudice. It was, however, to be regretted, that, while some of those who supported the motion were quite calm and cool, they used a good many hard words, which had no tendency to continue the good humor they recommended. He would endeavor to follow their advice, but must be pardoned for not following their example, in the use of hard words: if, however, one should escape him, it would be contrary to his intention, and an act of indiscretion, not of design or premeditation; he hoped to examine the subject with great meekness and humility.

The debate had brought forcibly to his recollection the anxiety of the best patriots of the nation, when the present constitution was examined by the state conventions which adopted it. The public mind was then greatly excited, and men in whom the people properly placed the utmost confidence, were divided. There was then no whisper about disunion: every one considered the Union as absolutely necessary for the good of all. But, to-day we have been told, by the honorable gentleman from Pennsylvania; (Mr. Lowrie) that he would prefer disunion, rather than slaves should be carried west of the Mississippi. Age, Mr. M. said, may have rendered him timid, or education may have prevailed on him to attach greater blessings to the Union and Constitution than they deserve. If this be the case, and it be an error; it was one he had no desire to be free from, even after what he had heard in this debate. Get clear of this Union and this constitution, and it will be found vastly more difficult to unite again and form another, than it was to form this. There were no parties in the country at the time it was formed; not even upon this question. The men who carried the nation through the revolution were alive and members of the convention; Washington was at their head. Have we a Washington now? No. Is there one in the nation to fill his place? No. His like, if ever, has been rarely seen; nor can we, rationally, expect another in our day. Let us not speak of disunion as an easy thing. If ever it shall unfortunately, come, it will bring evils enough for the best men to encounter; and all good men, in every nation, lovers of freedom, will lament it. This constitution is now as much an experiment as it was in the year 1789. It went into operation about the time the French revolution commenced. The wars which grew out of that, and the difficulties and perplexities which we had to encounter, in consequence of the improper acts of belligerents, kept the people constantly attached to the government. It has stood well the trial of trouble and of war, and answered, in those times, the purposes for which it was formed and adopted: but now is to be tried, in time of universal peace, whether a government, within a government, can sustain itself and preserve the liberty of the citizen. When we are told disunion, rather than slaves be carried over the Mississippi, it ought not to be forgotten that the union of the people and the confederation carried us through the Revolutionary War; a war, of which no man can wish to see the like again in this country; but, as soon as peace came, it was found to be entirely unfit for it; so unfit, that it was given up for the present constitution. Destroy it, and what may be the condition of the country, no man, not even the most sagacious, can even imagine. It will surely be much worse than it was before it was adopted, and that must be well remembered.

The amendment is calculated to produce geographical parties; or why admonish us to discuss it with moderation and good temper. No man who has witnessed the effect of parties nearly geographical, can wish to see them revived. Their acts formerly produced uneasiness, to say the least of them, to good men of every party. General Washington has warned us against them; but he is now dead, and his advice may soon be forgotten; form geographical parties, and it will be neglected. Instead of forming sectional parties, it would be more patriotic to do them away. But party and patriotism are not always the same. Town meetings and resolutions to inflame one part of the nation against another, can never benefit the people, though they may gratify an individual. A majority of them want things right. Leave them to form their own opinions, without the aid of inflammatory speeches at town meetings, and they will always form them correctly. What interest or motive can the good people of one part of the country have, for meeting and endeavoring to intimidate those of another? No town meeting was necessary to inform or inflame the public mind against the law giving members of Congress a salary instead of a daily allowance. The people formed their own opinions, disapproved it, and it was repealed. So they will always act, if left to themselves. Let not parties, formed at home for state purposes, be brought into Congress, to disturb and distract the Union. The general government hitherto has been productive enough of them, to satisfy those who most delight in them, that they are not likely to be long wanted in it. Enough, and more than enough, has been produced, by the difficulty of deciding what is, and what is not, within the limits of the constitution. And, at this moment, we have difficulties enough to scuffle with, without adding the present question. The dispute between the Bank of the United States, and those of the States; the want of money by the government, the people not in a condition to increase the taxes, because more indebted at home than they ever were; and the dispute with Spain; might serve for this session.—But the beginners of these town meetings may be like the beginners of the address of old—want office. If this should be the case, the government is too poor to gratify them. It is more easy to inflame the public mind, than to quiet it when inflamed. A child may set the woods on fire, but it requires great exertions to extinguish it. This now very great question, was but a spark at the last session.

All the states now have equal rights, and all are content. Deprive one of the least right which it now enjoys in common with the others, and it will no longer be content. So, if Government had an unlimited power to put whatever conditions it pleased on the admission of a new state into the Union, a state admitted with a condition unknown to the others, would not be content, no