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## THE STAR,

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## ANNUAL REPORT

Of the Adjutant General of North Carolina.

ADJUTANT GENERAL'S OFFICE,  
Raleigh, January 17, 1827.

To his Excellency Governor Burton:

SIR.—I have the honor to submit the following papers, marked from A to E, which I have to refer you for all the information in relation to the Militia of the State, required by act of Assembly to be annually reported from this office.

The paper marked A will present you with a view of the organization and strength of the Militia—the number and various description of arms, both in the possession of the troops and in the public arsenals.

The paper marked B contains a Report of the General Staff.

The paper marked C, a Register of the General and Field Officers, according to the returns of 1825.

The paper marked D furnishes a detailed account of the arms belonging to the State, their number, situation and condition.

The paper marked E contains a list of deficiencies in returns.

From these papers you will discover that the officers have been faithful and prompt in their returns, enabling me to present a satisfactory account of the Militia for this year, and without being under the necessity of noting many deficiencies.

Nearly the whole of the arms now in the depots will be found, on reference to the detailed account accompanying this communication, to be in good order. By adhering to the course which has been pursued with your sanction for some time past, in refusing further distribution of arms among the volunteer companies, will enable the State, within a few years, (with those which will be received, annually, from the general government under the standing appropriation of Congress,) to arm, when an occasion may render it necessary, any force which may be required for its defence and protection.

However desirable it may be to give encouragement to volunteer companies, by loaning to them the public arms, yet experience has shown that the State must sustain sacrifices under such a disposition, not warranted by any benefits to be derived from the ordinary use of them by the militia. Were the arms that are distributed and never returned, remain in the hands of our permanent citizens, there would be but little loss their not being returned; but, owing the strong current of emigration now flowing from the State, the arms of the description of those belonging to the State, when once put afloat in the community, soon find their way to a country where they are, for common use, more valuable than they are in this.

Under an act of the Assembly of 1818, there were distributed among the militia 2131 muskets, which were required to be collected again, under a resolution of 1818. Measures were taken by the late incumbent of this office, to appear from the files of the office, and made every necessary exertion to carry into effect fully the object of the resolution; yet, notwithstanding, only 88 were recovered out of that number the State sustaining a loss of 2043 muskets; and exclusive of the expense of distributing and of collecting, not less than \$1200 has since been paid for repairing and cleaning those that were returned.

A Board, composed of officers of the War Army and of the Militia, were convened at Washington, by the Secretary of War, for the purpose of arranging the systems of tactics requiring a resolution of Congress at their session, for the use of the Militia. It was important that the systems of tactics to be prepared should be predicated upon some fixed plan of organization of the Militia, and as the present was considered incomplete and extremely imperfect, the attention of the Board was, therefore, directed to this subject also. The Secretary of War, in view to a plan of a new organization, had collected the views of enlightened citizens of the different sections of the United States, on this subject, which were laid before the Board at the time.

The following bills and resolutions were read the second and third times and ordered to be engrossed, viz. The bill to divorce John Gibson, of Stokes,

and Cavalry tactics, and also a system of exercise and instruction of field artillery, including manoeuvres for light artillery or horse artillery—together with a plan of a new organization of the Militia, were prepared and reported; and are now under the consideration of Congress. The systems of tactics will probably be adopted by the present session, and distributed to the Militia within the course of the year.

Should Congress pass a bill in conformity to the plan of organization reported, it will hereafter become a subject of legislation by the State: I have, therefore, thought it of some importance to present you with a copy of the report, together with all the communications which were laid before the Board, upon which it was predicated; and shall also, from the same consideration, furnish each member of the present Assembly with a copy of the report alone. On reference to the communications annexed to the report, it will be seen, that the Militia of every section of the United States are becoming too unwieldy and oppressive upon the community to be sustained much longer in their present state; and in anticipation of an entire change in their organization, which will probably grow out of the report before Congress, I forbear inviting your attention at this time to any of the defects in the existing laws of the State, relative to the Militia.

I have the honor to be, very respectfully,  
Sir, your obedient servant,  
BEV. DANIEL,  
Adj. Gen. N. C.

## Legislature of N. Carolina.

### SENATE.

Thursday, Jan. 18.

Mr. Matthews, from the committee of Divorce and Alimony, reported a bill to secure to Mildred McIlley, of Halifax county, such property as she may hereafter acquire; which passed its first reading.

Mr. Seawell presented the petition of Elizabeth Robertson, of Wake, praying that the property which she may hereafter acquire, be secured to her, accompanied with a bill to carry into effect the prayer of the petitioner. Which bill was read the first time and referred to the committee of Divorce and Alimony.

Mr. Forney, from the committee of Propositions and Grievances, reported a resolution in favor of Sherwood Fort; which passed its first reading.

Mr. Pickett, from the Judiciary committee, to whom was referred a resolution, instructing them to inquire into the expediency of passing a law empowering the justices of the County Courts to establish poor and work houses in their respective counties, reported that it is inexpedient to pass a general law on the subject, which report was concurred in.

Mr. Pickett, from the same committee, to whom was referred a bill to amend the act of 1819, to prevent the fraudulent trading with slaves; and a bill for the relief of securities and endorsers in certain cases, reported the said bills without amendment, when they were laid on the table.

Mr. Croom, from the committee on Cherokee Lands, reported a bill prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians; which was read the first time and ordered to be printed.

Mr. Lock presented a bill to alter the time of holding the County Courts of Brunswick; Mr. Deberry, a bill providing for free ferries in Montgomery county; Mr. Ward, a bill to repeal part of the 3d section of the act of 1820, extending the jurisdiction of justices of the peace; and Mr. Gray, a bill authorizing Isaac Lane, late sheriff of Randolph county, to collect arrearages of taxes; which bills were read the first time, and the last mentioned referred to the committee of Propositions and Grievances.

A message from the other House, proposing that a select joint committee be appointed to prepare a memorial to Congress, asking that an appropriation be made by the general government for the extinguishment of the Indian title to such lands in this State as are yet occupied by the Indians; which proposition was agreed to, and Messrs. Croom, M'Kay, King, Love and Beard of Rowan were appointed the said committee on the part of the Senate.

Mr. Seawell presented the petition of Siddy Smith, of Wake; and Mr. Montgomery, the petition of Rachael Dickey, of Orange, praying that the property which they may hereafter acquire, be secured to them; which were referred to the committee of Divorce and Alimony.

The bill to repeal the act of 1820, entitled "An act directing the County Courts to pay fees to certain officers therein named in certain cases," so far as respects Guilford county, after having been amended on motion of Messrs. Roberts and Stokes, was referred to the Judiciary committee, with instructions to report a general bill on the subject.

The following bills and resolutions were read the second and third times and ordered to be engrossed, viz. The bill to divorce John Gibson, of Stokes,

from his wife; the bill to prevent the falling of timber in, or obstructing the run of Abbot's creek, in Davidson county; the bill to alter the names of John Baptist Wm. Cook and Mary F. Cook, and to legitimate them; the bill to establish a poor and work house in Pitt county; the bill to establish Bachelors' Academy, in Martin county, and to incorporate the trustees thereof; the bill to divorce Mary Fields, of Ashe, from her husband; and the resolution in favor of Elizabeth Reeves.

The bill to prevent free persons of color from migrating into this State, for the good government of such persons in the State, and for other purposes, was read the third time and ordered to be engrossed.

The Senate resolved itself into a committee of the Whole, Mr. Seawell in the Chair, on the bill to alter the time of the annual meeting of the Legislature; and, after some time spent therein, the committee rose and reported the bill with an amendment, to strike out the words "third Monday in November," and insert "second Monday in December." Mr. Speight, of Greene, moved that the bill and amendment be indefinitely postponed; which was negatived—yeas 23, nays 85. The amendment of the committee of the Whole was then agreed to; and the bill read the 2d and 3d times and ordered to be engrossed.

Mr. Stokes, from the committee of Finance, reported that it is inexpedient to alter the time for collecting the public taxes. Concurred in.

Friday, January 19.

On motion of Mr. Speight, of Greene, the committee of Divorce and Alimony were instructed to inquire into the expediency of extending the jurisdiction of the Superior Courts on the subject of divorce, so as to embrace cases where either of the parties have abandoned or separated him or herself from the other.

Mr. Montgomery presented a bill to establish Cedar Grove Academy in Chatham county, and to incorporate the trustees thereof; Mr. Hawkins, a bill to incorporate the Warren Academy; Mr. Roberts, a bill to limit the County Courts of Surry in making allowances to their county officers; Mr. Sneed, a bill concerning the entry of land in this State; and Mr. Miller, a bill to secure to Mary Waller, of Duplin, such property as she may hereafter acquire. Which bills passed their first reading, and the last mentioned was referred to the committee of Divorce and Alimony.

The resolution, from the House of Commons, in favor of Francis Moreau, of Wilkes, was adopted and ordered to be enrolled.

The following bills from the other House passed their first reading: The bill respecting the County Courts of Moore; the bill to divide the 3d regiment of Burke county; the bill to authorize the County Courts to permit gates to be erected across the public roads; and the bill concerning net stakes in Pamlico River and Core Sound, in Carteret county.

Mr. M'Kay presented a bill to require defendants, before they are put upon their trial, to except to such matters in the indictment as might after conviction be assigned as reasons in arrest of Judgment; which passed its first reading.

The following bills and resolutions were read the 2d and 3d times and ordered to be engrossed: The bill to secure to Mildred M'Lilly such property as she may hereafter acquire; the bill to validate all grants issued by the Secretary of State from the 29th of Nov. to the 29th of December, 1826; the bill to alter the time of holding the County Courts of Brunswick; a bill to provide for free ferries in Montgomery county; and a resolution in favor of Sherwood Fort.

The bill for the relief of securities and endorsers in certain cases, was read the 2d time; when Mr. Hill of Franklin moved to amend the bill by adding another section; which was not agreed to. The bill was then referred to a select committee, consisting of Messrs. Hill of Franklin, M'Kay, Seawell and Speight of Greene.

Mr. Pickett, from the Judiciary committee, reported the following resolution, which was concurred in:

Resolved, That it is inexpedient to change the present constitution of the Supreme Court, requiring all the Judges to hold the same.

The engrossed bill concerning net stakes in Pamlico River and Core Sound, was read the 2d and 3d times and ordered to be enrolled.

Saturday, January 20.

Mr. Matthews, from the committee of Divorce and Alimony, reported the bills to secure to Mary Waller, of Duplin, and Elizabeth Robertson, of Wake, such property as they may hereafter acquire, without amendments; which bills

were then read the second and third times, and ordered to be engrossed.

Mr. Matthews, from the same committee, reported a bill to secure to Rebecca Ruffin, of Halifax county, such property as she may hereafter acquire; which passed its first reading.

Mr. Hill, of Franklin, from the select committee to whom was referred a bill for the relief of securities and endorsers in certain cases, reported the said bill with an amendment, to strike out all except the words "A bill," and insert the substitute by him submitted; which amendment was agreed to, and the bill passed its second reading.

Mr. Speight, of Greene, from the Military committee, reported a bill to amend the militia laws of this State; which passed its first reading.

Mr. Lock presented a bill to amend the act of 1825, granting to the Superior Court of Brunswick original and exclusive jurisdiction in all cases, where the intervention of a jury may be necessary; which passed its first reading.

Mr. Hill, of Franklin, offered the following resolution:

Resolved, That the Senate and House of Commons be adjourned, sine die, by their respective Speakers, on Saturday, the 3d day of February next.

Mr. Love moved that the resolution lie on the table; which was not agreed to. The resolution was then adopted and ordered to be engrossed.

The following resolution, submitted by Mr. King, was adopted and sent to the other House for concurrence:

Resolved, That on Saturday evening next, the two Houses of the General Assembly will proceed to consider the recommendations which may be made of justices of the peace and field officers of the militia of this State.

The House of Commons having concurred in the amendments to the engrossed bill to authorise the commissioners of Fayetteville to select a special justice for said town, and for other purposes, the said bill was ordered to be enrolled.

The Speaker laid before the Senate a communication from the Chief Justice of the Supreme Court, accompanied by a Revisal of the Public Laws for the last five years; which was referred to a select committee, consisting of Messrs. Forney, Sneed, Hill of Franklin, Hawkins and Gilchrist.

On motion of Mr. Buddie, the Judiciary committee were instructed to inquire into the expediency of amending the act of 1818, entitled "An act to authorise the County Courts in this State to direct the sheriffs to sell any slave that may be taken up and confined in jail as a runaway after certain length of imprisonment and public notice," so far as to lessen the time of imprisonment before the sheriff advertises to sell.

Mr. Wilson, of Edgecombe, from the committee appointed to conduct the balloting for Trustees of the University, reported that Nathaniel Macon, Charles Manly, James F. Taylor, William A. Blount, John R. Donnell and Thomas Settle, were duly elected; and that no other person in nomination had received a majority of the votes; which report was concurred in.

Mr. Pickett, from the Judiciary committee, to whom was recommitted the bill limiting the time within which certain offences shall be prosecuted, and prescribing the duties of Grand Jurors relative thereto, reported the said bill with amendments; all of which, with the exception one, were concurred in. The bill was further amended on motion of Mr. Gilchrist, read the third time, and ordered to be engrossed.

The bill to unite the office of Clerk and Master in Equity to that of Clerk of the Superior Court, passed its third reading, and was ordered to be engrossed.

The following bills received their several readings, and were ordered to be engrossed, viz. The bill supplemental to the act of 1825, authorizing the County Courts of Beaufort to appoint a committee of Finance; the bill to limit the County Courts of Surry in making allowances to their county officers; the bill to establish Cedar Grove Academy, in Chatham county, and to incorporate the trustees thereof; and the bill to incorporate the Warren Academy.

The bill respecting the County Courts of Moore; and the bill to divide the 3d regiment of Burke county, passed their second and third readings, and were ordered to be enrolled.

The following bills, from the other House, passed their first reading: The bill appointing commissioners to erect a building in Lincolnton for the accommodation of Jurors; the bill appointing commissioners to lay out a road from Lincolnton to Rutherfordton; the bill to legitimate, and alter the name of Henry Brown, of Robeson; the bill appointing commissioners to lay out a road from Salisbury to Lincolnton; and the bill appointing commissioners to lay off a road in Lincoln county.

Monday, Jan. 22.

Mr. Sneed presented a bill to give additional publicity to mortgages and deeds of trust, and for other purposes; which was read the first time and referred to the Judiciary committee.

Mr. Sneed also presented the petition of John Williams, praying that a law be passed to alter the names of, and to legitimate Margaret, Washington, Persons and John S. Kennedy, of Granville, accompanied with a bill to carry the prayer of the petitioner into effect; which bill was read the 1st, 2d and 3d times, and ordered to be engrossed.

Mr. Pickett, from the Judiciary committee, to whom was referred the petition of sundry citizens of Iredell county, praying that the powers of constables may be confined to the captains' districts in which they reside, in all civil cases, reported that his inexpedient to alter the existing laws on that subject; which report was, on motion of Mr. King, laid on the table.

The letter of Chief Justice Taylor and a copy of his Revisal of the public Acts for five years back, was referred to a select joint committee, and Messrs. Forney, Sneed, Hill of Franklin, Hawkins and Gilchrist were appointed the said committee on the part of the Senate.

The following resolution, submitted by Mr. M'Kay, was adopted and ordered to be engrossed:

Resolved, That Archibald D. Murphy, of Orange county, be permitted to have the use of such books in the Public Library as he may think will aid him in compiling the history of this State, upon his giving to the Librarian a receipt therefor.

Mr. Beard, of Rowan, from the select committee, to whom was referred a bill to establish a Medical Board and to regulate the practice of physic and surgery within this State, reported the said bill with amendments; which amendments were agreed to, and the bill and report ordered to be printed.

Mr. Miller presented a resolution in favor of James Grimes; which was read the first time and referred to the committee of Claims.

Mr. Pickett presented a bill to amend the laws respecting the sale of land and slaves by sheriffs and other officers; and Mr. Foreman, a bill concerning the County Courts of Hyde; also a bill to establish two separate elections in Hyde county; which bills passed their first reading.

Mr. Elliot presented the petition of John M'Ray, soliciting a loan of money, to aid him in completing his Map of the State; which was referred to a select committee, consisting of Messrs. Elliot, Gilchrist, L. Ak. Beard of Rowan, and Wilson of Edgecombe.

Mr. Bell presented the petition of sundry citizens of Pasquotank county, praying for authority to set guns in the Great Dismal and Pocosin Swamps, for the destruction of bears. Referred to the committee of Propositions and Grievances.

Mr. Pickett, from the Judiciary committee, reported a bill making compensation to coroners in certain cases; which passed its first reading.

Mr. Pickett, from the same committee, to whom was referred a bill further to amend the act of 1812, making the protest of a notary public evidence in certain cases, reported the said bill without amendment. It was then read the third time and ordered to be engrossed.

The engrossed bill appointing commissioners to lay off a road in Lincoln county, was rejected on its second reading.

The engrossed bill appointing commissioners to erect a building in Lincolnton for the accommodation of jurors, was read the second and third times, amended on motion of Mr. Forney, and sent to the other House for concurrence.

The bill concerning the Superior Courts of Orange, was read, and, on motion of Mr. Montgomery, laid on the table.

The bill to secure to Rebecca Ruffin, of Halifax, such property as she may hereafter acquire, was read the second and third times and ordered to be engrossed.

The following engrossed bills were read the second and third times and ordered to be enrolled: The bill to alter the name of, and to legitimate Henry Brown, of Robeson; the bill appointing commissioners to lay out a road from Salisbury to Lincolnton; and the bill appointing commissioners to lay out a road from Lincolnton to Rutherfordton.

The bill to amend the act of 1819, to prevent the fraudulent trading with slaves, was amended on motion of Messrs. M'Kay and Pickett, and postponed until to-morrow.

The bill to repeal part of the 3d section of the act of 1820, extending the jurisdiction of a justice of the peace, was read the 2d and 3d times and ordered to be engrossed.