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IN SENATE OF NORTH CAROLINA.

Report of the Committee of Finance relative to GOLD AND SILVER ORE.

The committee of Finance, to whom was referred the resolution of the Senate, instructing them to "enquire into the expediency of securing to the State, in behalf of the Gold and Silver Ore, reserved to the King of Great Britain or the Lords Proprietors of Carolina, the same rights and grants made prior to the year 1776." Report, That in the 25th section of the Declaration of Rights, which is appended to, and made part of the Constitution of this State, it is declared "that the property of the soil in a free government is one of the essential rights of the collective body of the people." And that "therefore all the territories, seas, waters and harbours, with their appurtenances, within the limits of the State, are the right and property of the people of this State, to be held by them in sovereignty: Provided that nothing herein contained shall affect the titles or possessions of individuals holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George the 3rd or his predecessors, or the late Lords Proprietors, or any of them."

The committee further report, that by the charter of King Charles the 2d, made in the year 1667, to certain Lords Proprietors of Carolina, a reservation is made of "one fourth part of all Gold and Silver ore, which, within the limits granted, shall from time to time happen to be found."

This reservation appears to be made solely for the benefit of the crown, the words used in the charter, being "to us, our heirs and successors."

In the year 1744, the heirs of all the Lords Proprietors, except Lord Granville, surrendered their rights and claims to the crown, and relinquished all their rights and claims to the territory granted to them by the said Charter of King Charles the 2d. And in the same year, 1744, King George the 2d granted to the said Lord Granville one eighth part of the territory formerly granted to the said Lords Proprietors. In this grant to Lord Granville, "one fourth part of all Gold and Silver Ore," is also reserved to the crown, the words used being these, "yielding and paying to his said Majesty, his heirs and successors."

The committee further report, that after the surrender of the other Proprietors and the confirmation of the grant to Lord Granville, a considerable portion of the lands lying south of Granville's line was granted to individuals in the usual form of King's patents to settlers; "the one half of all Gold and Silver Mines excepted." In the grants for lands made by Lord Granville to individuals within his district, one fourth of all the Gold and Silver Ore is reserved "to the King's most excellent Majesty; and one moiety or half of the remaining three fourths of all such Gold and Silver Mines is reserved to Lord Granville and his heirs." Thus the committee has exhibited a true statement of the reservations contained in the respective charters and grants; and the conditions upon which the owners of land in this State held the same under the crown, and under Lord Granville. The committee consider that the reservations made in behalf of the crown as a part of the regalia of the monarchy, and not made for the benefit of the people of Great Britain; and that all such droits of the crown or reservations to Lord Granville are incompatible with the nature and customs of a republican government, and became void as soon as the former rights of the King or of the Lords Proprietors became vested in the people of this State in their sovereign capacity. And the State has invariably granted the vacant lands to its citizens, without making any such reservations, indicating thereby that no such special rights to minerals or metals, imbedded in the soil, is claimed by the State as a separate and distinct property from the soil itself.

The committee, acting under these impressions, deem it inexpedient to recommend the passing of a law to secure to the State the benefit of the reservations of the Gold and Silver Ore, as contemplated by the resolution referred to their consideration; and do recommend that the same be rejected.

Submitted. M. STOKES, Chairman.

Legislature of N. Carolina.

SENATE.

Thursday, Feb. 1.

Mr. M'Leary offered the following resolutions, which passed their first and second readings:

Whereas it is represented to this General Assembly that there are sundry plats and certificates of survey, on which patents were issued previous to the Revolution, now in the hands of Newbern, which, for the benefit and convenience of persons owning lands under such patents, ought to be placed in the office of Secretary of State:

Resolved, therefore, That the Secretary of State be, and he is hereby directed to endeavor to procure and file in regular order in his office all such original plats and certificates of survey on which patents may have issued as aforesaid, from which, when so filed, he shall be, and is hereby authorized to make and certify copies as in other cases.

Resolved further, That the Secretary of State be allowed all necessary expenses incurred by him in the execution of the duty above mentioned; and should it be necessary for him to go to Newbern on said business, he shall be allowed — dollars per day for every day he may be necessarily absent from home in going to and returning from Newbern, and in collecting and arranging said papers.

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

Mr. Matthews, from the same committee, reported unfavorably to the petition of Nancy Oakley, of Person county. Concurred in.

Mr. Matthews also reported a bill further to extend the jurisdiction of the Superior Courts on the subject of divorce; which passed its first reading.

Mr. Pickett, from the Judiciary committee, reported a bill to provide for the final settlement of executors and administrators; which was read the first time, passed, and ordered to be printed.

Mr. Love, from the committee of Claims, reported a resolution in favor of the securities of James A. Means, late Sheriff of Cabarrus; which passed its first reading.

Mr. Stokes, from the committee of Finance, reported a resolution, directing the Secretary of State to contract for such fire wood as may be necessary for the use of the General Assembly; which passed its first reading.

Mr. Baird, from the same committee, also reported a bill to perpetuate the evidence of the claim of the State to such shares or stock in the several Banks and other corporations, as have been, or hereafter shall be purchased for the use of the State; which was read the first time and passed.

Mr. M'Kay, from the committee on Education, reported a bill to transfer the stock owned by the State in the Banks of Newbern and Cape Fear, and purchased since 1821, to the President and Directors of the Literary Fund; which passed its first reading.

Mr. Bell presented a bill to compel the clerks of the Superior and County Courts, the clerk and master in equity, and the register, in Pasquotank county, to keep their offices at, or within half a mile of the court house; which passed its first reading.

The Senate proceeded to the consideration of the amendment made by the House of Commons to the engrossed bill to alter the time of the annual meeting of the General Assembly, viz. striking out "the second Monday of December," and inserting "the third Monday of November." Mr. Speight, of Greene, moved to amend the amendment, by substituting the word "December" for that of "November;" which motion was negatived—48 to 12—and the amendment of the other House adopted.

The House of Commons having concurred in the amendment: to the bill to appoint commissioners to lay off a town at Northampton Court House, and to the bill allowing talismen jurors in the County and Superior Courts of Orange to receive pay for their services, the said bills were ordered to be enrolled.

The engrossed resolution in favor of the heirs of Wm. Hulme, was read, adopted, and ordered to be enrolled.

The engrossed bill to restore to credit Thomas Small, of Chowan, passed its first reading.

The bill to amend the act of 1825, to prevent persons, who have been, or may be appointed commissioners on the part of the State for any purposes, from becoming contractors; the bill to incorporate the Ebenezer Library Society; and the bill to incorporate Oak Forest Academy, passed their second and third readings, and were ordered to be engrossed.

The Senate resolved itself into a committee of the Whole, Mr. Beard, of Rowan, in the Chair, on the engrossed bill to authorize the County Courts to permit gates to be erected across the public roads, & to impose a tax thereon;

and, after some time spent therein, the committee rose, and reported the bill with an amendment. The said bill & amendment were then, on motion of Mr. Speight, of Greene, indefinitely postponed.

The Senate also resolved itself into a committee of the Whole, Mr. Miller in the Chair, on the bill to locate the Judges of the Circuit Courts; and, after some debate, the committee reported progress, and obtained leave to sit again.

The bill to amend the act of 1790, making compensation to the owners of outlawed and executed slaves in the counties of Bladen, Halifax, Granville, Cumberland, Perquimous, Beaufort and Pitt, was amended, on motion of Mr. Hollimon, by striking out all except the words "A bill," and inserting the substitute by him submitted, and the third time, passed and ordered to be engrossed.

EVENING SESSION.

The following bills and resolutions, from the other House, passed their first reading: The bill to aid the Clabbot and Harlow's Creek Canal Company in the completion of their canal; the bill to repeal the act for the better regulation of the town of Lumberton; the bill to establish an academy upon the lands of John D. Hawkins, in Franklin county, the bill authorizing the County Court of Richmond to pay certain officers therein mentioned, and to regulate the poll tax thereof; the bill to legitimate Peggy Orrell, and to alter the names of and legitimate Lovey and Sidney Hasel; the bill to permit attorneys from other States to practice in the Courts of this State in certain cases; the bill to regulate the County Courts of Buncombe; the bill to alter the boundary line between the 1st and 2d regiments of Buncombe county; the bill to compel executors to give security in certain cases; the bill to appoint commissioners for the town of Kinston; the bill to appoint commissioners to establish a dividing line between Burke and Lincoln; and a resolution in favor of Green B. Palmer.

Mr. M'Kay presented a bill to amend the act of 1822, declaring what hog-head and barrel staves shall be merchantable; which passed its first reading.

The engrossed bill to restore to credit Thomas Small, passed its second and third readings, and was ordered to be enrolled.

The bill to secure to Mary Turner such property as she may hereafter acquire; the bill appointing commissioners to build a new court house in Surry; the bill compelling the clerks of the Superior and County Courts, the clerk and master in equity, and the register, in Pasquotank, to keep their offices at, or within half a mile of the court house; and the resolution relative to the Secretary of State, were read the 2d and 3d times, and the last mentioned bill was amended on motion of Mr. Bell. Thereupon the said bills and resolution were ordered to be engrossed.

Mr. M'Kay presented a resolution concerning the reservation of the State in the Tuscarora lands; which was adopted and ordered to be engrossed.

Friday, Feb. 2.

Mr. Baird, of Burke, presented a bill to amend the several acts of 1823, incorporating Morganton Academy; Mr. Miller, a bill to alter the times of holding the County Courts of Duplin; and Mr. Locke, a bill to alter the time of holding the elections in Brunswick county; which bills passed their first reading.

The following engrossed bills passed their 2d and 3d readings, and were ordered to be enrolled: The bill to appoint commissioners to establish the dividing line between Burke and Lincoln; the bill to alter the boundary line between the 1st and 2d regiments of Buncombe county; the bill to appoint commissioners for the town of Kinston; the bill to regulate the County Courts of Buncombe; the bill to legitimate Peggy Orrell, and to alter the names of, and legitimate Lovey and Sidney Hasel; the bill authorizing the County Courts of Richmond to pay certain officers therein mentioned, and to regulate the poll tax thereof; and the bill to establish an academy upon the lands of John D. Hawkins, in Franklin county.

The bill to authorize the building of a steam boat on the Roanoke river, and to incorporate a company for that purpose; 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 relates to the counties mentioned in this bill; and the resolution in favor of the securities of James A. Means, were read, the first mentioned bill the third time, and the last mentioned bill and resolution the second and third time, and ordered to be engrossed.

The engrossed resolution in favor of Greene B. Palmer, was read the second time, and on motion of Mr. M'Leary, was

indefinitely postponed.

Mr. Seawell presented a bill to exempt practising physicians from attending as witnesses out of the county in which they reside; which passed its first reading.

Mr. Gilchrist presented the petition of Mary E. Rowland, of Robeson, praying that such property as she may hereafter acquire, be secured to her. Referred to the committee of Propositions and Grievances.

The following engrossed bills passed their first reading: The bill to repeal the act of 1824, entitled "An act to regulate the patrol of the counties of Ashe and New Hanover," so far as relates to the latter county; the bill prescribing the time and place of electing the Members of the General Assembly and of Congress in Martin county; the bill authorizing Wm. Boylan to erect a bridge across Deep river; the bill directing a continuance of the geological and mineralogical survey of the State; the bill for the relief of sick and disabled seamen of the United States; and the bill relating to the exercise of the right of challenge in certain cases.

Mr. Bullock presented the certificate of the County Court of Chowan in favor of Eleanor Trulove; which was countersigned by the Speaker and sent to the House of Commons.

The bill to amend the several acts of 1823, incorporating Morganton Academy; the bill to alter the times of holding the County Courts of Duplin; and the bill to alter the time of holding the elections in Brunswick county, were read the second and third times, and the last mentioned bill was amended on motion of Mr. Locke. Thereupon the said bills were ordered to be engrossed.

Mr. Pickett, from the Judiciary committee, reported a bill to amend the act of 1818, authorizing the sheriff to sell any slave that may be taken up and confined in any Jail as a runaway after certain length of imprisonment and public notice; which passed its first reading.

The bill prescribing the manner in which clerks of the Superior Courts shall hereafter be appointed, was rejected on its second reading.

The House of Commons having received from their vote of non-concurrence in the amendment to the engrossed bill to divide the militia of Richmond county into two regiments, the said bill was ordered to be enrolled.

The following engrossed bills passed their second and third readings, and were ordered to be enrolled: The bill to repeal the act of 1824, for the better regulation of the town of Lumberton; the bill to repeal the act of 1824, entitled "An act to regulate the patrol of the counties of Ashe and New Hanover," so far as respects the county of New Hanover; the bill prescribing the time and place of electing the Members of the General Assembly and of Congress in Martin county; and the bill authorizing Wm. Boylan to erect a bridge across Deep river.

The bill to amend the act of 1818, concerning the Supreme Court, was amended on motion of Mr. Seawell, read the third time, passed, and ordered to be engrossed.

The bill limiting actions on judgments, bonds, and other sealed instruments, was read the third time, amended on motion of Messrs. M'Kay and Pickett, and rejected—30 to 27.

Mr. Seawell presented a bill to alter the time of holding the Superior Courts in the third judicial circuit; which passed its first reading.

Saturday, February 3.

Mr. Stokes, from the committee of Finance, reported the following resolution, which was adopted and ordered to be engrossed:

Resolved, That his Excellency the Governor be, and he is hereby authorized to receive proposals for purchasing the right of all such persons as claim lands under titles derived from Indians, to whom reservations were made by the treaties of 1817 and 1819; and that such proposals, containing the facts in each case, be submitted by his Excellency the Governor to the next General Assembly.

Mr. Speight, of Craven, from the committee on the Patrol Laws, reported a bill to prevent the owners of slaves, charged with a felony without the benefit of clergy, from sending them away to avoid a trial; which passed its first reading.

Received from the House of Commons a message from the Governor in relation to James N. Forsythe, accompanied with a proposition to refer the same to a select joint committee which was agreed to, and Messrs. M'Kay, King, Hill of Stokes, Hill of Franklin and Wilson of Edgecombe, were appointed said committee on the part of the Senate.

Received from the other House a certificate of the County Court of Mecklenburg, in favor of Patsy Thompson; which, on motion of Mr. M'Leary, was

countersigned by the Speaker of the Senate.

The resolution prescribing the duty of the Secretary of State in relation to certain old plats and certificates of survey, was amended, on motion of Mr. Speight, of Craven, read the third time, passed and ordered to be engrossed.

The following engrossed bills passed their first reading: The bill to alter the act of 1816, establishing and incorporating an Academy in the town of Greensborough; the bill to regulate the time of appointing overseers of roads in Anson county; the bill extending the time for the registration of grants, means conveyances, powers of attorney, bills of sale, and deeds of gift; the bill authorizing the commissioners of Halifax to sell the Academy lots and their appurtenances in said town; the bill for the better regulation of the County Courts of Mecklenburg; the bill to amend the act of 1818, authorizing the register and other officers therein named to keep their offices at the court house in the counties of Lincoln and Wilkes; the bill to alter the names of, and legitimate the persons therein mentioned; the bill to render valid certain official acts of Elihu Chambers, of Haywood county; and the bill authorizing the persons therein named to erect gates at the places, and on the public roads therein specified.

The bill to appoint commissioners to run and mark the dividing line between the counties of Duplin and Wayne, was amended on motion of Messrs. Miller and Ward, read the second and third times, passed & ordered to be engrossed.

The bill to declare runaway slaves, who arm themselves, outlaws, and to punish them for such offence, was read the third time, amended on motion of Mr. Seawell, and rejected by the casting vote of the Speaker.

The bill to amend the emancipation laws, was rejected on its third reading.

Mr. Pickett presented a bill prescribing the time in which presumption of payment satisfaction or abandonment of claims shall arise and Mr. Sanders, a bill for the better improvement of the navigation of Neuse River. The former bill passed its first reading, and the latter was rejected.

Mr. Sneed, from the committee appointed to conduct the balloting for a Board of Internal Improvements, reported that Cadwallader Jones, James J. M'Kay and David Clark were duly elected; which report was concurred with.

The bill to compel children, who are of sufficient ability, to maintain their poor parents, passed its second and third readings, and was ordered to be engrossed.

Monday, Feb. 5.

Mr. Stokes presented the petition of sundry inhabitants of Wilkes county, on the subject of altering the time of holding the Courts of said county; and Mr. M'Leary, the petition of sundry citizens of Mecklenburg county, praying that Henry Hargett be placed on the pension list; which petitions were referred to the committee of Propositions and Grievances.

Mr. Speight, of Greene, from the committee of Propositions and Grievances, reported a bill to secure to Mary E. Rowland, of Robeson, such property as she may hereafter acquire; which passed its first reading.

The engrossed bill to regulate the time of appointing overseers of roads in Anson county; and the engrossed bill to compel the register and other officers therein named to keep their offices at the court houses in the counties of Lincoln and Wilkes, were read the second and third times, amended, (the former on motion of Mr. Pickett, and the latter on motion of Mr. Stokes,) and passed.

Mr. Stokes, from the committee of Finance, reported a resolution, authorizing the Treasurer to empower some person to renew the bonds given by Thomas Welch, Andrew Welch, Mark Coleman and Wm. Welch, for the purchase of Cherokee lands; and that, upon sufficient security for the payment of the balance being given, the said bonds shall be cancelled and delivered up to the said Thomas Welch; provided that the costs (if any) of renewing the bonds, shall be paid by the said Thomas Welch. Which resolution was adopted, and ordered to be engrossed.

Mr. Seawell presented a bill relative to advancements; also a bill for the better protection of Raleigh from losses by fire; and Mr. King, a bill for the encouragement of Sunday Schools; which passed their first reading.

Mr. Speight, of Greene, from the committee of Propositions and Grievances, to whom was referred the bill authorizing Isaac Lane, late sheriff of Randolph, to collect arrearages of taxes, reported said bill without amendment, and moved that it be indefinitely postponed; which motion was negatived. The bill was then amended; on motion