

LAWS OF NORTH-CAROLINA, Passed in 1828-29.

(BY AUTHORITY.)

Whereas the manner in which acts of Congress and other public documents shall be distributed for the future, and for other purposes...

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 Acts of Congress which now are, or hereafter may be...

Be it further enacted, That all the other public documents in file in the Governor's Office, and in the Library and Clerks...

Be it further enacted, That all the documents and papers transmitted to this General Assembly by the Honorable Daniel Macon...

An act to regulate the damages on protest of Bills of Exchange. Be it enacted by the General Assembly of the State of North Carolina...

Be it further enacted, That the damages on such protest bills shall be as follows, that is to say, where the bill shall be drawn or endorsed in this State upon any person or body corporate...

Be it further enacted, That when at any term of a Court, there shall be several judgments obtained against an administrator or an executor...

Be it further enacted, That whenever a judgment shall be obtained on a scire facias as aforesaid, against an infant heir, or devisee...

Be it further enacted, That whenever a judgment shall be obtained on a scire facias as aforesaid, against an infant heir, or devisee, if such infant has a regular and general guardian...

Be it further enacted, That this act shall be in force from and after the ratification thereof.

Be it further enacted, That no bill of review or a petition for a rehearing shall lie or be allowed upon a final decree, in any of the Courts of Equity within this State...

Be it further enacted, That no bill of review or a petition for a rehearing shall lie or be allowed, upon any final decree existing at this time, shall lie or be allowed, but within five years after the passage of this act...

An act to regulate the payment of Salaries to the Officers of State. Be it enacted by the General Assembly of the State of North Carolina...

Be it further enacted, That the provisions of an act, passed in the year one thousand eight hundred and twenty-one, entitled "an act to extend the jurisdiction of justices of the peace..."

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qualities which are given to the Superior Courts by the act entitled "an act to promote the administration of justice in this State by requiring the production of papers in certain cases..."

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 if an executor or administrator be warranted for any demand against his testator or intestate...

Be it further enacted, That whenever an executor or administrator shall be warranted, and on the trial of the warrant, shall suggest that he has any defence to make...

Be it further enacted, That in all cases thus returned to Court by a magistrate, no other or higher costs shall be allowed than may be prescribed by law in cases of appeals.

Be it further enacted, That when a suit shall be brought in any Court against the executor or administrator, before the expiration of nine calendar months as aforesaid...

Be it further enacted, That it shall not be lawful to levy an execution issued by a justice, on any warrant hereafter issued out against an executor or administrator upon the lands of the heirs or devisees of the testator or intestate.

Be it further enacted, That when an officer shall hereafter levy an execution issued by a justice on the land of the defendant, such officer shall serve the defendant with such notice in writing, at least five days before the term...

Be it further enacted, That when at any term of a Court, there shall be several judgments obtained against an administrator or an executor, with an admission or finding that said administrator or executor has no assets liable to the judgments...

Be it further enacted, That whenever a judgment shall be obtained on a scire facias as aforesaid, against an infant heir, or devisee, if such infant has a regular and general guardian...

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Be it further enacted, That this act shall be in force from and after the first day of June next.

An act to amend an act, passed in the year one thousand eight hundred and twenty-one, entitled "an act to extend the jurisdiction of justices of the peace..."

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 from and after the passage of this act, justices of the peace shall have jurisdiction of all sums, due on bonds, notes and liquidated accounts...

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by and from the levy of such execution, and not from the test thereof.

Be it further enacted, That all bonds hereafter to be taken by constables, for the forthcoming of personal property levied on by them, shall be subscribed by at least one credible witness...

LETTERS OF MR. MADISON. From the National Intelligencer. The history of the two letters which we are about to publish, is briefly as follows:

These letters were not originally written for the press, but are now authorized to be published, on the earnest representations of some of the friends of Mr. Madison, to whom the publication appeared to be of great interest...

In the present state of our country, these papers cannot but be highly acceptable to the public. The opinions of the distinguished author, one of the founders of this constitution, if not the father of it, cannot but carry with them great weight.

LETTER I. Montpelier, Sept. 18, 1828. DEAR SIR—Your late letter reminds me of our conversation on the constitutionality of the power in Congress to impose a tariff for the encouragement of manufactures...

The constitution vests in congress, expressly, "the power to lay and collect taxes, duties, imposts, and excises;" and "the power to regulate trade."

That the former power, if not particularly expressed, would have been included in the latter as one of the objects of a general power to regulate trade, is not necessarily impugned by its being so expressed.

And in another clause, where it is said, "no state shall lay any imposts or duties, &c." the terms imposts and duties are synonymous. Pleonasm, tautologies, and the promiscuous use of terms and phrases, differing in their shades of meaning, always to be expounded with reference to the context and under the control of the general character and manifest scope of the instrument in which they are found...

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known to have been the protection and encouragement of her manufactures.

Such was understood to be a proper use of the power by the states most prepared for manufacturing industry, whilst retaining the power over the foreign trade.

By Mr. Dawes, an advocate for the constitution, it was observed, "Our manufactures are another great subject which has received no encouragement by national duties on foreign manufactures, as they never can by any authority in the old confederation."

By Mr. Widgery, an opponent: "All we hear is, that the merchant and farmer will flourish, and that the mechanic and tradesman are to make their fortunes directly, if the constitution goes down."

The convention in Massachusetts was the only one in New England whose debates have been preserved, but it cannot be doubted that the sentiment there expressed was common to the other states in that quarter, more especially in Connecticut and Rhode Island, the most thickly peopled of all the states, and having of course, their thoughts most turned to the subject of manufactures.

A like inference may be confidently applied to New Jersey, whose debates in convention have not been preserved. In the populous and manufacturing state of Pennsylvania, a partial account only of the debates having been published, nothing certain is known of what passed in her convention on this point.

But ample evidence may be found elsewhere, that regulations of trade, for the encouragement of manufactures, were considered as within the power to be granted to the new congress, as well as within the scope of the national policy.

Of the states south of Pennsylvania, the only two in whose conventions the debates have been preserved are Virginia and North Carolina, and from these no adverse inferences can be drawn.

Nor is there the slightest indication that either of the two states farthest south, whose debates in convention, if preserved, have not been made public, viewed the encouragement of manufactures, as not within the general power over trade to be transferred to the government of the United States.

If congress have not the power, it is annihilated for the nation; a policy without example in any other nation, and not within the reason of the solitary one in our own. The example alluded to, is the prohibition of a tax on exports, which resulted from the apparent impossibility of raising, in that mode, a revenue from the states, proportioned to the ability to pay it—the ability of some being derived, in a great measure, not from their exports, but from their fisheries, from their freights, and from commerce at large, in some of its branches altogether external to the United States; the profits from all which, being invisible and intangible, would escape a tax, on exports.

A tax on imports on the other hand, being a tax on consumption, which is in proportion to the ability of the consumers, whencesoever derived, was free from that inequality.

If revenue be the sole object of a legitimate impost, and the encouragement of domestic articles be not within the power of regulating trade, it would follow that no monopolizing or unequal regulations of foreign nations, could be counteracted; that neither the staple articles of subsistence, nor the essential implements for public safety, could, under any circumstances, be insured or fostered at home, by regulations of commerce, the usual and most convenient mode of providing for both; and that the American navigation, though the source of naval defence, of a cheapening competition in carrying our valuable and bulky articles to market, and of an independent carriage of them during foreign wars, when a foreign navigation might be withdrawn, must be at once abandoned, or speedily destroyed; it being evident that a tonnage duty in foreign ports against our vessels, and an exemption from such a duty in our ports, in favor of foreign vessels, must have the inevitable effect of banishing ours from the ocean.

The same power to protect our navigation, and the cultivation and fabrication of all articles requisite for the public safety, as incident to the war power, would be a more latitudinarian construction of the text of the constitution, than to consider it as embraced by the specified power to regulate trade; a power which has been exercised by all nations for those purposes, and which effects those purposes with less of interference with the authority and convenience of the states than might result from internal and direct modes of encouraging the articles, any of which modes would be authorized, as far as deemed "necessary and proper," by considering the power as an incidental power.

That the encouragement of manufactures was an object of the power to regulate trade, is proved by the use made of the power for that object, in the first session of the First