

Acts of N. Carolina, passed in 1829, 30. (BY AUTHORITY.)

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 descriptive list accompanying the report made to the Public Treasurer by the commissioners under the act of one thousand eight hundred and twenty-eight, entitled an act concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river, authorizing them to sell the reversion of certain lands therein named, containing the boundaries of the several tracts land by them sold, be, and the said descriptive list is hereby ordered to be transferred by the Treasurer from his office to that of the Secretary of State; and that the Secretary of State, upon payment of the purchase money, grant titles according to the boundaries therein contained, and agreeably to the provisions of the before recited act.

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 Public Treasurer be, and he is hereby authorized and empowered to direct the sheriff of the county of Wake to sell the said estate which he may be commanded to sell for cash by the order of sale that may issue, on a credit of one, two, three and four years, with interest from the day of sale; and the Public Treasurer shall receive from the Sheriff a bond or bonds, for the proceeds of the same, after deducting the cost and commissions, in two or more securities, to be approved of by the said Public Treasurer. Provided always, that no title shall be made to any purchaser until the bond for the purchase money shall be fully paid; and the Public Treasurer is hereby authorized to bid on behalf of the State, in case the said real estate shall sell for less than what may be previously adjudged to be the value by the Governor, the Comptroller and Public Treasurer, or a majority of them; and in case the Public Treasurer shall purchase the said estate, he shall sell the same at private or public sale for a sum not less than the value assessed, as aforesaid, on a credit of twelve months, with interest from the date, the purchaser giving and, with two securities, to be approved of by him; and in case purchases shall be made on behalf of the State by the Public Treasurer, and a sale be made as herein directed, he shall give a certificate to the person or persons to whom the sale shall be made of such sale; and on this being filed with the Governor, he shall convey by deed the title to the purchaser, upon the payment of the purchase money; and all cost attending the purchase on behalf of the State by the Public Treasurer shall be paid, and shall be allowed the same; which amount of costs, thus paid, shall be charged to the account of John Haywood, Esq. late Public Treasurer.

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 Board for Internal Improvements be, and they are hereby authorized to cause an examination to be had of Currier Inlet with a view to ascertain the practicability and expense of re-opening and improving said Inlet. And be it further enacted, That if, upon such examination completed, the said Board for Internal Improvement shall be of opinion that it is practicable to re-open and improve said Inlet, so as to form a permanent Inlet, for the sum of two thousand dollars, together with such further sums of money as may be required and put at their disposal by voluntary subscription, the said Board may, and they are hereby authorized and directed to contract for the re-opening and improving said Inlet, taking bond from the contractor or contractors in the sum of four thousand dollars, for the faithful execution of the contract; and the said Board for Internal Improvements shall pay over to such contractor or contractors such sum as may be raised as aforesaid by voluntary subscription, and shall also draw their warrant on the Public Treasurer for the further sum of two thousand dollars in favor of such contractor or contractors; which said warrant shall be paid by the Public Treasurer out of the fund set apart for internal improvements, and be allowed him in the settlement of his public accounts.

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 Samuel W. Davidson, George C. Alexander and James W. Patton, of Bancombe; John Burgin and John Rutherford, of Burke, be, and they are hereby appointed commissioners to lay out and superintend the improvement of the road from the Old Fort, in Burke, to the town of Ashville, in Bancombe. And be it further enacted, That the Board of Internal Improvements shall loan out of the fund for internal improvement, to the said commissioners, the sum of two thousand dollars, for the term, and upon the conditions hereinafter expressed: Provided nevertheless, that the said commissioners shall not be entitled to receive the said sum of two thousand dollars except they give bond and approved security, in the sum of four thousand dollars, to the Governor, to repay the same in four years from the time the gate shall be erected, whether the tolls shall have amounted to the said sum or not.

Be it further enacted, That it shall be the duty of the said commissioners, at as early a period as may be practicable, to lay off a road the nearest and best way from Ashville to the Old Fort, and to expend the two thousand dollars to be obtained from the Board of Internal Improvement exclusively in the improvement of the Swano Gap of the Blue Ridge.

Be it further enacted, That the said commissioners shall have power and authority to call upon all hands residing within two miles of said road, to assist in the improvement of the same.

Be it further enacted, That so soon as the sum of two thousand dollars shall have been expended as aforesaid, it shall be the duty of the said commissioners to erect a gate at some suitable point, and collect the following rates of toll, viz. on each wagon, drawn by four or more horses, seventy-five cents; each cart, thirty-seven and a half cents; each traveler on horse back, six and a fourth cents; each horse or mule, without a rider, four cents; hogs, one cent; beef cattle, four cents each; pleasure carriages, seventy-five cents; gigs or sulkeys, twenty-five cents; pedlars' waggons, thirty-seven and a half cents.

Be it further enacted, That the said commissioners shall pay to the Board of Internal Improvements the aforesaid sum

of two thousand dollars, within four years from the time the same shall have been expended, and shall faithfully apply the surplus to the further improvement of the road.

Be it further enacted, That the said commissioners shall have power to assess the damages done to any land over which the said road may be laid out, subject to an appeal from their assessment to the County Court of the county in which such lands lie, where the matter may be submitted to a jury; and such assessment shall be paid by such county.

Be it further enacted, That said commissioners shall, before proceeding to act, take an oath for the faithful discharge of the trust hereby reposed in them, and that they will not, either directly or indirectly, become contractors for the execution of any work upon said road, during their continuance in office; and shall, moreover, give bond and security to the Governor, in the sum of five thousand dollars, for the faithful discharge of their duties, and the application of the tolls as directed in the fifth section of this act.

Be it further enacted, That any vacancy which may happen in said Board of Commissioners, shall be supplied by the appointment of the Governor of this State.

Be it further enacted, That the said commissioners shall receive, out of the tolls hereby authorized, the sum of one dollar and fifty cents per day, for every day they may be actually employed in laying out said road and superintending the construction of the same.

Be it further enacted, That the authority of the said commissioners to collect tolls shall continue until the said road shall be made twenty feet wide, present a smooth and solid surface and a rate of inclination no where greater than one foot perpendicular to ten feet horizontal; when the same shall cease, and the road become free for the use of all persons travelling thereon.

And be it further enacted, That the authority hereby granted shall cease on the first day of January, 1841.

And be it further enacted, That the said lands mentioned in this act shall not be called out more than three days in each quarter of the year.

And be it further enacted, That if, at the end of four years from the erection of the gate aforesaid, the tolls shall not amount to the sum of two thousand dollars, the right to receive the same shall continue in said commissioners until they shall receive the sum which may be by them advanced, with interest on the same.

An act concerning the bonds in the office of the Public Treasurer for the purchase of the Cherokee and Tuscarora lands.

Whereas, according to the provisions of the several acts of Assembly prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians, the Comptroller is directed to raise an account against the several obligors for their respective purchases; and the bonds given by them were deposited with the Treasurer by the commissioners who took the same, without any statement or receipt therefor being filed with the Comptroller, so as to enable him to perform his duty; and whereas the check intended to be preserved upon the Treasurer in the discharge of his duty in this respect, as required by the several laws passed for that purpose, does not exist; Therefore,

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 Public Treasurer to prepare a full and particular statement of the bonds in his office given for the purchase of the lands lately acquired by treaty from the Cherokee Indians, as they were at the time he received the same from the committee of investigation of the Treasury Department in one thousand eight hundred and twenty-seven, which shall be certified by him to be and contain a true and correct statement thereof as aforesaid; and it shall be his duty to deliver the same to the Comptroller, to be by him filed in his office, who shall raise an account against the Public Treasurer for the same, and debit his bond account with the interest that has or may hereafter accrue on said bonds, as the same shall have been or may hereafter be paid, and credit his said account with such sums of principal or interest as may have been by the Public Treasurer heretofore, or according to receipts on file in the Comptroller's office, and for all sums that may hereafter be paid agreeably to law, for and on account of said bonds.

And be it further enacted, That it shall be the duty of the Comptroller to make out and complete the books in his office, on which the accounts of the obligors in the bonds for the purchase of the lands acquired as aforesaid are opened and kept up to the end of each fiscal year, in the same manner as the same are now kept in the office of the Public Treasurer, so as to exhibit the different amounts of principal and of interest to the time of the payments heretofore made, or which may hereafter be made, and the true and actual amount of each debt, and of the balance due the State on account thereof.

And be it further enacted, That a statement and certificate of the bonds in the office of the Public Treasurer for the purchase of the Tuscarora lands, shall be made out by him and filed with the Comptroller; and that the same accounts shall be raised and general course pursued in regard to them as is required in the first and second section of this bill as to those therein referred to.

An act to amend the charter of the Catawba Navigation Company.

Whereas, sundry sections of an act, passed in eighteen hundred and twelve, incorporating the Roanoke Navigation Company, is recognized and made part of an act incorporating the Catawba Navigation Company, passed in eighteen hundred and sixteen; and whereas, by some mistake or omission in the fourth section of the aforesaid act, the town of Halifax is designated as the place for selling the shares of delinquent stockholders in both those companies; To remedy which so far as respects the Catawba Navigation Company,

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 president and directors of the Catawba Navigation Company, or a majority of them, or their successors in office, shall have full power and authority to call upon the stockholders from time to time for such portion of their stock as may be deemed necessary for carrying on the work of said company; and in case any of the stockholders in said company shall fail to pay such portion of their stock as may be ordered and required to be paid, the president and directors, or a majority of them, or their successors in office, may sell for cash at auction, in the town of Charlotte, or such other place convenient to said navigation as they may direct, the shares of delinquent stockholders, agreeable to the other provisions and regulations of the before recited act.

Be it further enacted, That the president and directors of the aforesaid Catawba Navigation Company, or their successors in office, shall have the further time of five years from and after the first day of January, in the year eighteen hundred and thirty-six, to complete the navigation of said river.

Be it further enacted, That all notices on any process of any kind which shall hereafter issue to or against any delinquent stockholder or stockholders, their heirs or assigns, shall be held and deemed good and sufficient in law, whether the same shall issue in the name of the North Carolina Catawba Navigation Company or in the name of the Catawba Navigation Company.

An act to provide for a division of negroes and other chattel property held in common.

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 passing of this act, when any two or more persons shall be entitled, as tenants in common, to any negro or negroes, or other chattel property, and any one, more or all shall be desirous to have a division of the same, it shall and may be lawful for such person or persons to file a petition in the County or Superior Court for that purpose, under the same rules

as are prescribed by the act of one thousand seven hundred and sixty-two, entitled an act for the better care of negroes and security and management of their estates; and when a sale of such property may be deemed necessary by the court, it may be ordered in such manner as to secure to each tenant in common his or her equitable share, in severalty, of the proceeds of such sale; but when a sale of such property in common is ordered by the court deemed necessary, and a division can be had without, then the court may appoint three freeholders unconnected with the parties by consanguinity or affinity, who first being duly sworn shall divide such property as nearly co-equal as possible, and allot to each tenant in common his or her share in severalty, and make report to court as directed; and if such report be confirmed by the court, a decree or judgment shall be entered accordingly, and vest in each tenant in common his or her share in severalty.

And be it further enacted, That the freeholders shall be entitled to a compensation for their services, to be adjudged of by the court and taxed in the bill of costs, all of which shall be paid by the parties to said petition, in such manner as the court may deem just.

An act to amend and improve the Hickory Nut Gap road. 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 twelve hundred dollars be, and the same is hereby appropriated, out of the fund for internal improvements, to amend and improve the Hickory Nut Gap road from Rutherfordton to Ashville.

Be it further enacted, That Thoslerick E. Birchett and James Graham be, and they are hereby appointed commissioners to receive the aforesaid sum, and to apply the same in amending and improving said road.

Be it further enacted, That said commissioners shall report to the Board of Internal Improvements a detailed statement of each expenditure of said appropriation.

Be it further enacted, That said commissioners may make all necessary alterations in said road; and if any person shall sustain damages thereby, such person may petition the Court of Pleas and Quarter Sessions of the county in which said road may be so altered, and the court may direct the sheriff to summon a disinterested jury to inquire, upon oath, whether any, and what damages the petitioner may have sustained; and the damages thus ascertained shall be paid as other county claims.

Be it further enacted, That the said commissioners shall contract with some person or persons for the completion of such parts of said road as the commissioners shall direct, taking from such person or persons bonds with sufficient security, for the faithful performance of such contract; and the said commissioners shall not be entitled to receive any part of the appropriation hereby made before the said contracts shall have been entered into, and bonds given as aforesaid.

An act vesting in the Superior and County Courts jurisdiction of applications for the legitimation of bastard children.

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 ratification of this act, it shall be lawful for the putative father of any illegitimate child or children to apply by petition in writing to the Superior Court or Court of Pleas and Quarter Sessions of the county in which such father may reside, praying that the said child or children be declared legitimate; and if it shall appear to said court, from the oath of said petitioner, and such other evidence as the court may require, that the petitioner hath intermarried with the mother of said child or children, or that the said mother is dead, and that such petitioner is reputed the father of such child or children, the said court may thereupon declare and pronounce the said child or children legitimated accordingly.

And be it further enacted, That it shall be the duty of the clerk of the court where such petition is filed, and such decree made, to record the decree of the court thereon; and for said services he shall be entitled to receive a fee of one dollar from the petitioner.

And be it further enacted, That the effect of such legitimation shall extend no further than to impose upon the father all the obligations which fathers owe to their lawful children, and to enable the child thus legitimated to inherit from the father only, lands whereof the father may have seized absolutely in fee simple, and to transmit the same in the course of descent, in the same manner as though such child had been born in lawful wedlock, and also to entitle such child to distribution of the personal estate of his or her father, in the same manner as though he or she had been born in lawful wedlock.

An act to prevent fraud in deeds of trust and mortgages.

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 no deed of trust or mortgage, for real or personal estate, executed after the fourth day of July next, shall be valid at law to pass any property as against creditors or purchasers, for a valuable consideration from the donor, bargainor or mortgagor, but from the registration of such deed of trust or mortgage, in the county where the land lies, or in case of chattels, where the donor, bargainor or mortgagor resides; or in case the donor, bargainor or mortgagor shall reside out of the State, then in the county where the said chattels, or some of them, are situate.

Be it further enacted, That the clerks of the several Courts of Pleas and Quarter Sessions in this State shall hereafter have authority in their respective counties to take the probate or acknowledgment of deeds of trust or mortgages at any time, in any full a manner as their respective courts now can or may do.

Be it further enacted, That the register shall endorse on each deed of trust or mortgage the day on which it is presented and delivered to him for registration; and such endorsement made shall be entered on the register's book, and form a part of the registration, and he shall immediately thereafter register the same in the order of time in which it was presented and delivered to him.

Be it further enacted, That any register, not complying with the provisions and requisitions of this act, shall be liable in an action on the case to the party injured, and also to be indicted in the Superior Court, and, upon conviction, fined at the discretion of the court.

THE VILLAGE GARRISON.

AN ANECDOTE OF THE THIRTY YEARS' WAR.

It happened, in the course of the Thirty Years' War, that Gonsalvo de Cordova, who commanded the Spanish troops then overrunning the Palatinate, found it necessary to possess himself of a little walled village, called Ogerstein, that lay in his way. On the first intelligence of his approach, all the inhabitants fled to Mannheim; and when Gonsalvo at length drew near, and summoned the place to surrender, there remained within the walls only a poor shepherd and his wife, the latter of whom, having that very morning brought a little infant into this world of misery, was unable to leave her bed; and her husband, of course, staid with her. The anxiety and distress of the poor man may be more easily conceived than described. Fortunately, however, he possessed both courage and shrewdness; and, on the spot of the moment, belthought himself of a scheme to give his wife and baby a chance of escape, which, after embracing them both, he hastened to put into execution. The inhabitants, having run off in a tremendous hurry, had left almost all their property at his disposal; so he had no difficulty in finding what was requisite for his purpose—namely, a complete change of dress. Having first agreed

with his lower man in military guise, he went away to his chamber, where he changed with a huge helmet, a sword, and a musket; he then dressed in a long sword to his side, threw a gaudy cloak over his shoulders, stuck two enormous pistols in his belt, and putting on boots as thick as the walls, and high in the heels, that they lifted him about half a yard from the ground, he fastened to form a pair of those prodigious jangling spurs which were the fashion of the times. Thus accoutred he forthwith betook himself to the walls, and leaning with a pronounced air on his sword, he listened coolly to the herald, who advanced to summon the village to surrender.

"Friend," said our hero, as soon as the herald had concluded his speech, "well your commander that though I have not yet made up my mind to surrender at all, I may possibly be induced to do so, provided he agrees to the three following conditions, in which I shall make no abatement whatever: First, The garrison must be allowed to march out with military honors; second, The lives and property of the inhabitants must be protected; third, They must be left to enjoy the free exercise of the Protestant religion."

The herald immediately replied, that such preposterous conditions could not for a moment be listened to; adding, that the garrison was known to be weak, and concluding by again demanding the instant surrender of the place.

"My good friend," answered the shepherd, "do not be too rash. I advise you to inform your general from me, that nothing but my desire to avoid blood shed could make me think of surrendering on any terms whatever; and please to add that if he does not choose to agree to those I have already stated, he will gain possession of the town only at the point of the sword; for I swear to you, by the faith of an honest man and a Christian, as well as by the honor of a gentleman, that the garrison has lately received a reinforcement that he little dreams of."

So saying, the shepherd lighted his pipe, and puffed away with an air of the most consummate nonchalance. Confounded by this appearance of boldness and security, the herald thought it prudent to return, and state to Gonsalvo the demands which had been made. The Spanish general, deceived by this show of resistance, and being unwilling to waste either men or time in reducing this paltry town, resolved to agree to the conditions offered; and, followed by his troops, approached the gates. This lenient determination was announced by the herald to the shepherd, who only vouchsafed to say in reply, "I find your commander is a man of some sense." He then left the walls, let down the drawbridge, deliberately opened the gates, and allowed the Spanish troops to pour into the town. Surprise at seeing no one in the streets but a strange looking fellow, whose caricature of a military costume hung upon him like patch work, Gonsalvo began to suspect treachery, and, seizing the shepherd, demanded to know where the garrison was?

"If your highness will follow me I will show you," answered the rustic.

"Keep by my stirrup, then," exclaimed Gonsalvo; "and on the least symptom that you mean to betray me, I shall send a bullet through your heart."

"Agreed," said our friend. "Follow me, Spaniards, for I swear by the word of an honest man and a Christian, as well as by the honor of a gentleman, that the garrison will offer you no injury."

He then placed himself by Gonsalvo's stirrup, and, followed by the troops, passed through several silent and deserted streets, till at length, turning into a narrow lane, he stopped before a mean looking house, and having prevailed on Gonsalvo to enter, he led him into a small room, where lay his wife with her little boy beside her.

"Noble General!" he said, pointing to the hearth, "this is our garrison; and this," he added, taking his son in his arms, "is the reinforcement of which I told you."

Aware, now, of the real state of matters, the absurdity and cleverness of the tricks, moved even Spanish gravity, and Gonsalvo gave free course to his mirth. Then taking off a rich gold chain which decorated his own person, he passed it round the neck of the infant.

"Permit me to offer this mark of my esteem," he said, good naturedly, "for the valiant garrison of Ogerstein. By the hand of a soldier, I envy you the possession of such a reinforcement; and you must let me present you with this purse of Gold, for the use of the young recruit." He then stooped down and kissed the delighted mother and her boy, and quitted the house, leaving the shepherd to boast for many a summer day and winter night, of the success of his stratagem.

Below, we insert an article from the Columbian Star, a religious paper, published at Washington. Coming from the source it does, we hope the honest part of the opposition, who are now opposed to the administration, and who have imbibed an unfavorable opinion of President Jackson, by reading the Bible published in the coalition papers, will give this a careful perusal, and be as candid as the author himself. The dishonest part we expect will grow out of usual. It is hard convincing those who are