

Legal Department.

ISSUANCE OF THE LAW BOOKS BY MR. W.

ASHBOROUGH, N. C.

Saturday, May 6, 1837.

TO QUERISTS.

The extent of commissioners' power in laying off a year's provision for a widow and family, would have appeared some weeks ago, but the question was overlooked till within a few days.

What is to be considered a "Meeting of negroes," within the prohibition of our Acts of Assembly, will be attended to in due time, according to request.

The subject of collecting Debts contracted by a woman before marriage, &c. promised this week, will appear as soon as we can get an opportunity of a thorough examination of the authorities.

An Enquiry, as to the burthen of proof, when it appears that the name of the obligor has been erased from a Bond or other sealed instrument, is on file, and will be duly attended to.

GUILFORD SUPERIOR COURT,
3d Monday of April.—His Honor Judge Dick presiding.

The State vs. Eschiel W. Morgan. } *Forgery.*

It appeared in evidence, that a forged bond had been presented at the Salem Agency of the Bank of Cape Fear, for \$800, and discounted before the forgery was detected. The main question was as to the identity of the defendant.

The State, (represented by Mr. Poin-dexter, Solicitor General, and Mr. J. T. Morehead,) offered to prove, that shortly after this forgery was committed, papers of the same character (forged) were presented by this defendant at the Bank in Hillsborough; and that they were in the same hand writing that these were, now before the court. The papers from Hillsborough were present in court. But his Honor rejected the evidence.

While the State was proving that shortly after the money was drawn from the Bank at Salem, the defendant was seen at New Salem, in Randolph County, in possession of more than \$200 in Cape Fear bills, it was objected by the defendant's counsel, G. C. Mendenhall and J. M. Morehead, that Bank bills were on the same footing as other paper writing; and consequently must be produced in court, or notice given for the other side to produce them, before any proof could be given by *parol*, of their existence, perport &c. and alleging, as one reason of the extension of the rule, that the bills, if they were in fact seen as described by the witnesses, might be counterfeited: and in that event, would raise no presumption against the defendant. But the court over-ruled the objection, remarking that Bank bills were, for many purposes (and this for one) to be regarded as money.

The defendant was convicted, and sentenced to the Pillory two hours, to receive thirty-nine lashes, and be imprisoned six months. But an appeal was taken to the Supreme Court.

Poor debtors.—The last Legislature of Va. has passed a law in favor of poor debtors. The following are its provisions: "The bill authorizes each white person in the State, being a husband or parent, against whom an execution may hereafter issue upon judgements for which the cause of action shall arise, after the first of August, to set apart a cow, beadstead, bed, &c. half a dozen knives and forks, six plates, two dishes, two basins, one pot, one oven, six pieces of wood or earthenware, a loom and its appurtenances, a spinning wheel, pair of cards, axe, five barrels of corn, one barrel of flour, 200 pounds of bacon or pork, and 5 dollars' worth of hay or other forage, or such portion of these articles as they may have, which articles are exempted from execution: provided all personal property is delivered up to the officer, and affidavit be made before a

magistrate, that there is no other property owned, except such exempted articles; and provides, that where such poor persons shall die intestate, the same articles shall be set apart for his widow or infant children, and be exempted from execution as aforesaid; and declares all mortgages, deeds of trust, and liens upon any such property to be null and void, and gives to Circuit Courts, and the County and Corporation Courts jurisdiction to grant injunctions against the sale of any property exempted by the act from execution.

JUDGE PEARSON.—We copy the following from the letter of a gentleman to us, who attended Haywood Superior Court last week:—*Carolina Gazette.*

"The more I see of Judge Pearson on the bench, the better I am pleased with his appointment; in fact, I think him one of the most able judges in the State, and certainly one of the most agreeable to practice before. When in court he sustains the dignity of the bench, but when out he is one of the bar. I have never seen any Judge with whose charges to the Jury I was more pleased, than I am with his; he is certainly a very clear headed man, and take him in every point of view most admirably calculated for the station he fills. He has clear views on every question which is presented for his decision, and has the happy talent of communicating his thoughts to others in a clear and distinct manner. He is entirely free from prejudice and partiality in his charges, always leaving the matters of fact to the jury, and charging on the law without even intimating an opinion of his own."

Justice Story.—The following complimentary notice of this gentleman, is from the London Legal Examiner.—"Professor Story has long been known to the jurists of every country in Europe, as one of the few great Masters of Jurisprudence that the world at present possesses; and one, who has been mainly instrumental in pushing forward those legal reforms, which have, of late years, done honor to the United States."

A Valuable Witness.—At the Taunton Assizes, a few days ago, a countryman who was put into the witness-box to give a prisoner the benefit of his evidence as to his character, on being asked by the counsel whether he ever knew any harm of the prisoner at the bar, replied "That he never new much harm of him, only that he was given to thieving a little." "Has he ever stolen from you?" (indignantly.) "Never more than once or twice, I believe."

Duplin County.—At the last Term of Duplin Superior Court, Judge Nash presiding. W. Huggins was put on his trial for murder. The prosecution was managed by Mr. Solicitor Stanly, the defence by Messrs. Henry and J. G. Wright. The jury returned a verdict of man slaughter.

Fayetteville Journal.
Bladen County.—At the Spring Term of Bladen Superior Court of Law, Judge Settle presiding, James Davis and wife Elizabeth, and A. Devers, were put on their trial for Negro stealing. The prosecution was managed by Mr. Solicitor Troy, assisted by H. L. Holmes, Esq. The defence by Messrs. Strange, O. Holmes and Barker. The Jury returned a verdict of "Not Guilty."

Ibid.

A prisoner at the bar of the Mayor's Court, being called on to plead to an indictment for larceny, was told by the clerk to hold up his right hand. The man immediately held up his left hand. "Hold up your right hand," said the clerk.—"Please your honor," said the culprit, still keeping his left hand up, "please your honor, I am left-handed."

From the Washington Globe.

MAIL IMPROVEMENTS.

It will be recollected, that the Postmaster General, in his last annual report, recommended a reduction of postages, equal to about twenty per cent. on the entire revenues of the department. Congress adjourned without taking any step to effect a reduction, and left the department with an accumulating surplus, which, at the end of the present month, will amount to about \$700,000 cash in bank.

Believing it to be the will of Congress, that the whole revenues of the department shall be devoted to the extension and improvement of the mail service, the Postmaster

General has applied himself to ascertain how and where this surplus can be most advantageously expended. The advertisements, issued from time to time, have shown his progress in coming to conclusions, and not the least important of them will be found in this day's Globe.

It is expected that the rail road between Baltimore and Philadelphia will be finished as far as Wilmington, Del. before the first of July next; and it is desired to continue over that road to Baltimore, connecting with Philadelphia at present by a steam boat, the two mail lines now run daily by the Camden and Amboy rail road from New York to Philadelphia.

According to the schedules proposed, travellers and the mails may leave New York at 6 o'clock in the morning, and arrive in Baltimore by 9 o'clock in the evening of the same day. Thence they may go out in a steam boat to Norfolk at 11 o'clock, arriving there at 5 o'clock in the evening of the same day, making about 280 miles in 35 hours. Eight or nine hours more will carry them to Halifax, N. C. making 350 miles in about 43 hours.

Or, if the traveller wishes to pass along the inland line he may go to Washington by the rail road from Baltimore, where he will arrive about 4 o'clock in the morning and pass on by the steamboat on the Potomac, and the Richmond and Fredericksburg rail road, may be in Richmond, Va. by 6 in the evening, being about 36 hours from New-York.

It is proposed also to throw the travel and mails from the South, South west and West, into Baltimore early in the morning, so that they may be in Philadelphia by 1, afternoon, and in New-York by 9 or 10 the same evening.

These arrangements, if effected will so facilitate travel, and lessen the expense of it, that the number of travellers will be greatly increased, much to the advantage of the travelling lines and the cities through which they pass. They will equally expediate the great mails, and will supersede the express between New York on the one hand, and Halifax, N.O. Washington, D. C. and Frederick, Md. on the other. If, as some think, a speed of eight or nine miles an hour can be obtained on the turnpike and National roads west, it may supersede the express as far as Columbus, Ohio.

If, however, the morning and evening connexion cannot be made at Baltimore as proposed, and the department shall be obliged to connect there with the second one about midday, travellers will be obliged to spend a night in Philadelphia, and there will be a day lost.

New York, April 20.

LATER FROM EUROPE.

The packet ship Burgundy, from Havre, 19th March, Capt. Rockett, arrived yesterday, by which the Editors of the Daily Express are furnished with their files up to the day of sailing.

FRANCE.

Business in Paris very gloomy.

The Courrier Francais presents some considerations on the present commercial crisis. The number of failures in Paris, says that Journal, since the commencement of 1837, has been four times as great as during the corresponding period of last year. The markets for the sale of provisions are glutted; purchasers are scarce in the great provision marts of Sceaux and Poissy. Yet the mania for speculation, which has proved so injurious in England and America, had not made its appearance among us. The harvest has been abundant.—The real cause of this distress must be sought for in the moral position of the country, and in the want of confidence and public security.—

The same torpor which Government had sought to instil into the minds of men, has communicated itself to their physical energies; and the material world has re-echoed and re-produced the sentiment which pervades the political system.—Gloom and despondency have hence insinuated themselves throughout the whole frame-work of society.

The mayor of Lyons, says the Paris Messenger, left Paris, having come to the capital for the purpose of communicating to the Government the deplorable state of the silk-weavers, in consequence of the stagnation of the silk trade. The magistracy it is stated to have insisted strongly on the urgent necessity of supplying the thousands of sufferers with bread, by affording them employment in the public works.

The *Bulletin des Lois*, contains a census of the population of France, divided into departments, cantons, and communes, and amounting to a total of 22,540,910 individuals.—This census will for the next five years be considered the official return of the population.

RAIL ROAD SURVEY.
The Editor of this paper has just returned from accompanying the Engineers on the survey of the Fayetteville & Western Rail Road, and he is glad in being able to state to those interested in this undertaking, that it is progressing in the most satisfactory manner. The Party commenced on last Monday, at the mouth of Crane Creek, and descending the River, crossed Abbott's Creek, about a mile and a half above the mouth. They then left the flat land and made directly for the gap of Flat Swamp mountain, intending to strike Lick Creek, at Green's mill, and to ascend that to the summit land, between the waters of Uwharrie and the Yadkin. We went with Mr. Bennet, (who has charge of the survey, in the absence of Mr. Cushman,) for at least 25 miles of the proposed route, and have his authority for saying that if no greater difficulty is presented than what we witnessed, the country must be considered in the highest degree favorable for a Rail Road: indeed 9-10ths of that distance may be almost called a dead level, and as to the rest, it is not calculated that there is forty feet in the mile of raise or fall at any place. The friends of this great enterprise have every cause for congratulation, for although the next 12 miles (that is about Uwharrie, & Caraway creeks) are supposed to present many serious and formidable difficulties—yet the whole of the remainder of the distance being so eminently favorable, that the average will be kept low: Besides we have great confidence in the zeal and ability of the two gentlemen, Messrs. Bennet and Nelson, to whom this end of the survey has been entrusted, by Captain Cushman; they declare with great energy, that if a route can be had it shall be hunted out: and from the untiring industry which we saw them exhibit day after day, we have no doubt, they will make this declaration good. With Capt. Cushman we have not the pleasure of an acquaintance, but we doubt not his entire capability, for the conducting of this work: It is sufficient that he has been selected by Major McNeil, as the chief assistant in the Corps.


The other end of the route is undergoing a survey, under the immediate direction of Mr. Cunningham, whom we have heard spoken of very well: we understand that it is proposed to connect this survey with that already completed, at Chisholm's, with which to that point, we learn, Capt. Cushman is well satisfied.

Before dismissing this subject, we must be permitted to bear witness to the very gentlemanlike and orderly deportment of the whole of

this party: It seemed to us that every individual was determined to do his duty faithfully, and diligently. We must also commend the public spirit of the neighborhood, in affording the Engineers every assistance and convenience in their power towards carrying forward the work. On the whole, we are more than well pleased with our visit, and feel our confidence issue higher than ever, as to the successful issue of the enterprise.

Carolina Watchman.

Southern Citizen.


ASHBOROUGH, N. C.
Saturday, May 6, 1837.

CANDIDATES.

Hugh McCain, Esq. the present Clerk of the Court of Pleas & Quarter Sessions of this County, is a candidate for re-election.

James Elliott Esq. is a candidate for the office of Clerk of the Court of Pleas and Quarter Sessions of this county. See his circular, which appears on our first page.

It is understood that Dr. Parsons is a candidate for the office of Clerk of the Court of Pleas & Quarter Sessions of this County.

Col. Joshua Craven, the present Clerk of the Superior Court of this County, is a candidate for re-election.

Mr. John Sherwood is a candidate for the office of Clerk of the Superior Court of this County. He will shortly publish a circular.

Moses Swain Esq. is a candidate for the office of Clerk of the Superior Court of this County. He will also publish a circular in a few weeks.

Mr James M. A. Drake, is a candidate for the office of clerk of the Superior court of this county.

OUR COUNTY COURT.

Has been in session all the present week. The quantity of business transacted was as usual, *no great scratch*. All the litigated cases of any importance went by appeal to the Superior court.

On Tuesday, the court proceeded (a majority being present) to appoint a special court, and allow the members of it pay, according to the late act of Assembly. The bench of our County Court will therefore be occupied for the ensuing year, by John B. Troy, Esq. *Chairman*, and John Branson, Thomas Arledge, Thomas Fruit, and Michael Cox, Esq's, *Justices*;—with a compensation of \$2.00 a day.

We think this measure well calculated to restore some degree of confidence among the people, in the proceedings of the County Court; as it is apparent that a better selection of Justices could not well be made. It is greatly to be hoped that their *worships* will discharge the duty assigned them with promptness and diligence.

The following is a continuation from no. 17, of our cash paying Subscribers; some of whom were overlooked in the commencement of the list, and others have since paid.

No publication is made of those who have paid for less than a year.

William Wilborn, George Albright, Anderson Eiam, B. Hicks, Joshua Foy, Julian E. Leach, Robert Julian, Moses Hammond, Samuel Brown, Richard Elder, William Isely, William Wood, John Elder, John Basinger, A. Rencher, William Commons, Bryant Ragan.

It is stated in the New York Commercial Advertiser, that there are 82,296 colored persons belonging to the Methodist Episcopal church in the United States—71,181 are in the Slave States.

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