

PUBLIC ACTS
Passed at the late Session of the General Assembly of N. Carolina.

CORPORATIONS.
CHAPTER VIII.

An Act to authorize the laying off and establishing a Turnpike Road, from Laxton Lynch's, in Rutherford County, to the Widow Sall's, in Buncombe County.

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 John W. Harris, Aaron W. Whitesides and William T. Twitty, of the county of Rutherford, and Bedford S. Harris, Joseph Garrison and Isaac T. Poor, of the county of Buncombe, be, and they are hereby appointed Commissioners, with power and authority to open Books and receive subscriptions to the amount of Ten Thousand Dollars, which sum shall constitute the Capital Stock of the Company hereby incorporated, for the purpose of making and keeping in repair a Turnpike Road, commencing at or opposite Laxton Lynch's, in Rutherford County, thence along or near the State Road, crossing the Blue Ridge at the Hickory Nut Gap, to the Widow Sall's, in Buncombe county.

And the said Commissioners, or a majority of them, shall prepare books and cause them to be opened at such places, and under the direction of themselves or such persons as they may appoint, on or before the first day of March next; and they shall continue to open until the first day of June thereafter, unless the amount of the said Capital Stock shall be subscribed before that time; at which time, or so soon as the sum of eight thousand dollars shall be subscribed, the said books shall be returned to said Commissioners, at such place as a majority of them may direct. And at the same time, there shall be a general meeting of the subscribers, personally or by proxy, which meeting may continue from day to day, until the business thereof shall be finished; and if the sum of eight thousand dollars, or more, of the Capital Stock, shall have been subscribed, the said subscribers, their heirs and assigns, from the time of the first meeting, shall, and they are hereby declared to be a body corporate and politic, by and under the style of the "Hickory-Nut Turnpike Company," and may, as such, sue and be sued, plead and be impleaded, and have perpetual succession and a common seal, and all other corporate rights necessary for the objects of the Company. Such of the said subscribers as may be present at the meeting aforesaid, or a majority of them, are hereby empowered and directed to elect a President and three Directors for conducting the business and concerns of said Company for one year, and until the next general meeting of the Stockholders.

IX. Be it further enacted, That if the said sum of Ten Thousand Dollars, shall not be subscribed on or before the first day of June, the said Commissioners shall again open books of subscription, and keep the same open until the first day of November, one thousand eight hundred and forty-one, or until the sum of Ten Thousand Dollars shall be subscribed as aforesaid.

X. Be it further enacted, That if any person or persons, shall for the purpose of avoiding the payment of the above recited tolls, either break through or go round the said gate; such person or persons shall forfeit and pay to said Company, the sum of ten dollars, to be recovered before any Justice of the Peace for either of the counties of Rutherford, Buncombe or Henderson.

XI. Be it further enacted, That all privileges and immunities herein granted to said Company, shall continue for the full term of thirty years, from and after the completion of said Road, and no longer; Provided, that this Charter shall be null and void, unless carried into effect within two years from its passage.

XII. Be it further enacted, That the Public Treasurer shall pay the State subscription hereby authorized, out of any monies belonging to the Internal Improvement Fund, in the Treasury, not otherwise appropriated; Provided, that no payment on the part of the State shall be made until the whole sum subscribed by individuals shall have been secured by bond and security, to be judged of by the Governor; and Provided, that afterwards no money shall be paid by the State until a like sum has been paid by individuals.

XIII. And be it further enacted, That this Act shall be, and the same is hereby declared to be in full force from and after the ratification thereof.
[Ratified this 11th day of January, 1841.]

A HARD CASE.—The Rochester Daily Advertiser, in an excellent article under the head "Deal Justly," intending to enforce the importance of honest dealing and the faithful performance of promises, relates the following:

We knew a man of open and confiding disposition who had invested what he had of worldly goods, in the purchase of a farm—paying part down and promising the rest at a future day. That day was approaching, but not too rapidly for him, as he was prepared to meet its claims according to his promise. In the mean time, a "respectable" man, as the world goes, wished to borrow my friend's money for a few days, promising faithfully to return it in time to meet the demand it was intended to satisfy. The promise was taken—the money lent. The time came round, but the fulfilment of the promise of the borrower—the "respectable man" then and now found it convenient "to fail" with his hands full, while the one who reposed on his honor, lost his money and the farm it was intended to secure to him with all he had previously paid. Did the consequences of this single broken promise end here? Far from it. The confiding, but duped man, reduced to penury, grew morbid and melancholy, and soon thereafter went down to the grave by a self-inflicted death. An expected bride was overwhelmed with sorrow, while his aged mother and sire were compelled to end their days in the poor house. These were among the evils of a single broken promise—a promise made without the remotest intention of fulfilling it. Such are the consequences resulting from a disregard of the injunction to "deal justly."

of no part of said Road shall exceed one foot perpendicular to eight feet horizontal. It shall be the duty of the County Courts of Rutherford and Buncombe, each to appoint a Commissioner to examine and receive so much of said Road as may be situated in their respective counties, and shall be completed according to the foregoing provisions. Whenever the said Road shall be received, as aforesaid, then it may be lawful for said Company to erect a toll-gate or gates at some convenient place on said Road, at which said Company may demand, and be entitled to receive, not exceeding the following rates of toll: that is to say, for a man and horse, twelve and a half cents; for loose horses and mules, six and a quarter cents each; for hogs and sheep, two cents each; for cattle, three cents per head; for five and six horse wagons, one dollar and twenty-five cents; for four horse wagons, one dollar; for two and three horse wagons, fifty cents; for one horse wagon or cart, twenty-five cents; for gigs and sulkies, fifty cents; for four wheeled carriages of pleasure, one dollar; for every animal intended for exhibition, seventy-five cents. And that no coach or stage, in which the mail shall be transported, shall be subject to a toll exceeding three dollars per week.

VII. Be it further enacted, That the said Commissioners appointed to lay off said Road shall have power to assess the damage in favor of any person through whose lands the said Road may pass; and in case the owner of said lands shall object to such assessment, and demand a Jury to assess said damages, then and in that case, said Commissioners shall summon a Jury of good and lawful men, unconnected, who first being sworn to assess the damages, taking into consideration any advantage said Road may be to the owners of said lands, shall, upon their oaths, assess the same; and such assessment, whether by the Commissioners or said Jury made, the same shall be certified by the Commissioners, or a majority of them, and delivered to the owners of said lands, payable by the Stockholders of said Company, and recoverable before any competent jurisdiction in this State, in the names and for the said owners.

VIII. Be it further enacted, That said Road shall be, and is hereby declared to be when completed, a Public High Road; and that the President and Directors thereof, shall be subject to indictment for failing to keep said Road in good repair, either in the County or Superior Courts of the counties in which the part so out of repair shall situate, and be subject to such punishment as is inflicted on the Overseers of Public Roads in this State under the existing laws.

IX. Be it further enacted, That all persons living within five miles of said Road, and such citizens of Henderson and Rutherford counties as cross at the "Reedy-patch Gap," shall be exempt from paying toll.

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Question of an Extra Session.

With the Richmond Whig, Alexandria Gazette, Albany Evening Journal, N. Y. Log Cabin, Cincinnati Republican, and other respectable democratic journals, and with Mr. Webster, we have fully concurred in the opinion that an extra session of Congress should be averted, if possible to do so, with due regard to the public interests. We have, however, on several occasions, and as early as December last, expressed our apprehension that the conduct of the expiring dynasty would render an early convocation of Congress absolutely necessary. The experience of the winter, thus far, has strengthened our impressions. The efforts of nearly every democratic member of Congress have been directed to the passage of such measures at this session as would obviate the necessity of new legislation before the next regular meeting of Congress; but in vain. The Loco-focos have been as obstinate and perverse, as they are odious to all the crying wants of the country. They have resisted or impeded every democratic measure, and wasted more than two-thirds of the session in passing in one branch a five million Treasury note bill, and in the other, in enacting a prospective pre-emption law not at present called for, or necessary. All bills, amendments, or motions of relief, they have invariably voted down or refused to take up. The Loco-foco party going out, know very well that, they will leave behind them an exhausted Treasury, a decreasing revenue, and millions of suspended appropriations, unsettled claims, and dead debt. The liabilities of the Government, according to Mr. Barnard's estimate, are \$40,380,000! And with a full knowledge of all this indebtedness, with a full knowledge of the additional exactions of specie under the Sub-Treasury law, and of the fact that five millions of revenue is still to be cut off within the next twelve months by the operations of the compromise act, what do they propose? What will they permit? Why the stoppage of all legislation excepting an act authorizing the issue of five millions Treasury notes. Of this amount they will probably expend two millions before the 4th of March, so that Mr. Wise's amendment, which has already led some to suppose authorizes five millions of Treasury notes to be issued by the new administration, in reality authorizes not more than two millions; an amount which would not last more than a month. But at best it is only borrowing of Peter to pay Paul, not knowing when or where they can procure the means to reimburse Peter. Is this permanent, prudent, sensible statesmanship? Is it more than postponing their own debts for Gen. Harrison to pay without means?

Beyond the embarrassments of the Government itself, look at the condition of the country! A third time since Mr. Van Buren undertook the administration of public affairs, have the banks suspended payment—a third time has all confidence been dissipated, and disaster and confusion, fallen like a pall upon the circles of trade and commerce. We have seen an hundred millions of banking capital struck out of existence within the last few years, and that which exists confined mostly to the vaults of banks. We have seen the channels of industry torn from those natural conjunctions and mutually dependent relations, which are so essential to tranquility and prosperity. We see multitudes petitioning for the benefits of a national system of bankruptcy. We see the public stocks sinking to comparatively nothing. We see a majority of the States themselves struggling in debt, and in some cases absolutely threatened with bankruptcy. Even Virginia, remaining comparatively passive, we see seeking a loan to pay her current expenses. As for American credit, at home and abroad, it has received a shock from which scarce half a century will relieve it. Nor is this paralysis confined merely to our fiscal and commercial affairs. It extends to our arms and defences. Our Army is nearly wholly absorbed in the swamps of Florida—our Navy is but a spectre on the sea, while in scarcely an instance are our coast defences in a condition to repel the invasion of an enemy. Great Britain knows all this, and hence seizes and searches our vessels with indifference, pushes on her settlements in Oregon, with impunity, and laughs at our demands upon her to settle the Northern boundary of Maine, and the Northern boundary line of Wisconsin. Have we no sagacity, no resources, no patriotism?

It is in the power of Congress to restore confidence, regulate the currency, lay a tax for adequate revenue, pay off the public debt created by Mr. Van Buren, re-bur-nish and replenish our arms and ammunition, maintain our national rights, and re-annate the Republic in such a manner that, if tranquility and prosperity are not fully restored and maintained, it will be no fault of the Government. Will Congress do it this session?

The way for beginning at least, to accomplish some of these benefits, is clear. It is as clear to the present Congress as it possibly may be to the next. If it is not seen and pursued, it is to be attributed to the blindness of faction, and the perverseness of Loco-focism.

Past experience admonishes us that little is to be hoped for from the existing Congress—much less can be expected from the present Executive. The will of the people cannot be executed until both these obstructions have passed away.—The moment they are removed, therefore, is it not proper that immediate steps should be taken, to give to the country as soon as possible whatever benefits are to be derived from the great and radical changes in the men, measures, and policy of the Government which the late elections indicated?

It will be for President Harrison and his Cabinet to determine whether an extra session should be called.—We have no doubt they will weigh well the arguments for and against such a step. And if the inconvenience, the expense, and the danger of precipitating legislation or of doing nothing, with other reasons calculated to raise doubt, outweigh those which grow out of the necessities of the Treasury and the expectations of the country, then, we trust, indeed expect that no extra session will be called. But if, on the contrary, the condition of the Treasury, the burdens of the Sub-Treasury operations, the state of the currency, &c., &c., &c., are found to require new legislation, we cannot doubt but that Congress will be convoked at an early day. For ourselves, we are content to leave the whole question to Gen. Harrison and his Cabinet, in whose justice and wisdom we have entire confidence, and we are disposed to leave their judgment to be made upon the facts and the reasons they shall discover for themselves, without any reference whatever to newspaper opinions.—Madisonian.

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THE MESSENGER.

Ashtobille, N. C.

FRIDAY, FEBRUARY 26, 1841.

Well! here we have been sitting at our table for at least two long hours, cudgeling what few brains are left us at a sound rate, in order to find something out of which we could make, at least, an apology for an editorial, until we were just about to give up in despair, and write that we could not find any thing to write about. Satisfied that we could get nothing abroad, we concluded to try and conjure up something at home. But what! ay there was the rub! our town, what little there is of it, has nothing transpiring about it, out of which we could make readable matter; so we turned to the country, and at first, it behooved us to tell of the dizzy heights—the craggy precipices, and pendant horrors of the cliffs along the French Broad River, which roars, foams and dashes along over ten thousand rocks. But then we recollected how many newspaper and magazine writers had attempted this already, and thought it would be idle to swell the number of those who have gone on—

"Snivelling, drivelling nonsense without end," merely to fill up the columns of their papers; so we abandoned that idea at once. Next we thought of the Teruree falls in Georgia, which we had the pleasure of visiting not long since. Here thought we, is an admirable subject—then to work. But stay, let's have a plan. How shall we write? Let's see, first give the geography of the country, its latitude and longitude, soil and productions. Secondly, its history—1st, under the different sachems or Indian chiefs—2dly, its grant to Oglethorpe and the adventures of his settlers, with all the important changes, down to the time of the revolutionary war—3d, during the revolution, how many whigs and how many Tories were there, and 4th, from the revolution to the present time. Then as a third general division, we must note the discovery, course, width, depth and length of the river—and lastly the falls themselves, their number, height, depth of the water at the foot of each—their means of access—height and appearance of the cliffs on each side; the eagles that annually nestle there—how loud and shrill they scream—the feelings of the visitor—and finally the scenery as a whole, when all the particulars are summed up. This was the plan, and no wonder we in despair gave up the thought of writing on this subject. But why did you not write a plain account of the falls without all this rignarole? A plain account, indeed! who would read a plain common sense article in these days? who will read any thing that has not been beat in the furnace of political excitement, or carried through such a round of romance, as to give it more shadow than substance? No! every thing to take in these days, must have a great long preface. If a lawyer speak, his preface must be as long as his argument. If a political aspirant declare before a popular assembly, or a legislator hold forth, he must hem and haw and tell what he is going to say, and what he is not going to say, until he ought to be through with his speech. And if a minister preach, he must have a long preface; drag along until he gets about "ninthly," and then conclude as he may be enabled.

However, these things of prefaces and incidentals, are remarkably convenient, and often serve to keep up a good appearance, and save credit that might otherwise be lost. Leave some of our modern writers and speakers to sober reality, and they would soon run ashore; but give them all the advantages of an array of et ceteras, and they can detain an audience ad libitum. Fortunately for the credit of such, a great portion of every community look not so much to what a man says, as to how he says it; like a good old lady praised a preacher, not that she understood any thing he said, but he had such a blessed tone. To "fill up" sometimes with innocent words, when there is rather a barrenness of ideas is not so very reprehensible, at least so we thought while writing the above article.

Gen. Harrison's Cabinet.

The Madisonian says that so far as depends upon Gen. HARRISON, his cabinet will be composed as follows: DANIEL WEBSTER, of Massachusetts, Secretary of State. THOMAS EWING, of Ohio, Secretary of the Treasury. JOHN BELLE, of Tennessee, Secretary of War. GEORGE E. BADGER, of North Carolina, Secretary of the Navy. FRANCIS GRANGER, of New York, Post-Master General. JOHN J. CAITTENDEN, of Ky., Attorney General. P. S. A private letter from Washington confirms the above.

WILLIAM WOODBRIDGE, has been elected United States Senator from the State of Michigan, for four years from the 4th of March next, vice Hon. Mr. Norvell, whose term of service will then have expired.

The Treasury note bill has passed the House of Representatives in Congress. Mr. Wise offered an amendment to the original bill, authorizing the Administration of dollars between the 31st of March, and the end of the year, in addition to what has been issued by the present Administration. This amendment was adopted by a vote of 111 to 89.

Hello! you man of the Journal, away down yonder at the town yet you call Housburg. How of your insinuations about our big potato? Just call up in these diggings next summer, where you can get a little fresh air, and be out of the perpetual coughing of your musquito neighbors, and we'll show you potatoes that will make your mouth water. Ay—and we'll have some of them well cooked, and you shall have the "chief seat" at our table, where we will discuss the merits of the aforesaid potatoes in extenso, and after we have taken a good hearty dinner of beef and potatoes topped off with a glass of "hard cider," all things shall be in statu quo ante bellum. There! there! Latin for you!—take that—come and dine with us, and quit talking about "our mamma."

The Hon. William A. Graham, will please accept our thanks for some interesting matter forwarded us.

Tennessee. The political parties of Tennessee, are making vigorous preparations for their electioneering campaign next summer; when they have to elect a Governor, members of Congress, and the State Legislature. Gov. Polk is a candidate for re-election, and a Whig Convention is to meet at Murfreesborough, on the first day of March to nominate an opposing candidate.

The cultivation of Sugar Cane has been commenced in the colony of Liberia, Africa; it is said to succeed very well.

Last Tuesday was the day of the month in which it has long been customary to hold simultaneous Temperance meetings throughout the Union. What others did we have not learned, at this place we did nothing.

A touch of the sublime. The Albany Argus lately announced that a certain Mr. Buxton, would deliver a lecture at Knickerbocker Hall "on analogy out-analogized, being the doctrine of Oology Extended, proving by inconceivable analogies, the Earth to be endowed with Animality!"

W-h-e-u-g-h! (stop that whistling, Mr. Reader, it's not very polite while we are writing.) We once heard a bit of an exquisite, ask a lady across the table for a pair of snuffers in this wise, "Most beautiful, and accomplished lady—will the unmerited and undeserved condescension of your ladyship's infinite goodness, be pleased to attend to your obsequious, devoted and very humble servant that pair of impotent dign, that I may extirpate the excrescencies of this nocturnal, cylindric luminary, that the light of its refulgent brightness and resplendent brilliancy, may dazzle our ocular optics more potently!" Don't begin to writtle again.

THE LADIES' REPOSITORY.—We see many of our exchange papers notices of this work. We published the prospectus, and sent our paper, but have not received that in return. How is this, friends?

BOOKS OF TRAVELS.—Harper & Brothers, of New York, have, we learn, in process, and will soon lay before the world, two books of travels. One by Mr. Stephens, who travelled in Central Asia—The other by Miss Sedgewick, who travelled in Europe. It will soon, we opine, be as common for Americans travelling in Europe, to enlighten the world, (i. e. that portion of it who may happen to read them, which will probably be one to every one hundred millions) with a book of travels as it heretofore has been for Europeans and especially Englishmen to write their travels in America.

THE WEATHER.—As all our exchange papers talk about the weather in their regions we thought we might just as well say, that in these parts, it is sometimes wet and sometimes dry, sometimes hot and sometimes cold; in short, it seems to move on without any particular regard to the surmising or prophecies of the weatherwise. For a few days past, it has been remarkably pleasant.

Soon after Gen. HARRISON arrived at Washington City, he called on the President, and shortly after the President returned his visit, and then again the General dined with the President, so that the usual civilities between gentlemen, are carried on between these distinguished individuals. This is nothing more however, than might reasonably have been expected, and it is to be hoped these courtesies between the heads of the opposing parties, will do something towards allaying those party asperities which have so long characterized our country.

We have on file a speech of the Hon. W. Thompson, of S. C., on the bill to authorize the issue of Treasury notes, of which we will speak more particularly next week.