

THE MESSENGER.

D. R. MANALLY & J. ROBERTS, EDITORS.

ASHEVILLE, N. C. Friday, October 7, 1842.

Subscribers and others indebted to this Office, in Cherokee county, will please call on Messrs. Sumner & Ramsour, and make settlement.

Henry Clay.

The current in favor of this great statesman seems to be growing stronger and stronger every day.

While such perfect unanimity of sentiment pervades the Whig ranks, dissension and discontent seem to fill the camp of our political enemies.

It is fair, therefore, that a Locofoco should succeed Mr. Graham. We only wish that a man of equal talents and weight of character could be chosen.

Gen. Saunders, we think, will be his competitor. He is of a higher order of talents, but has less personal popularity.

Let these principles be fairly laid before the people, and fully understood by them, and victory will again perch upon our standard.

Messrs. Candler and Burgen, our representatives elect, to the General Assembly, request us to announce to the people of Buncombe and Henderson, that they will attend at Asheville on Saturday the 12th of November.

Iowa... At the recent election in this Territory of the people have by their votes declared that they decline, at present, making an application for admission into the Union.

Another death by boxing... A fight recently took place near Reading, Pa., in which one of the combatants, a fine young man, was killed.

The Hagerstown Torchlight, speaking of the nomination of Mr. Clay by the people of Maryland, says: "The nomination meets with universal approbation."

The next Legislature.

Speaking of the next Legislature, the Fayetteville Observer, of the 28th ult., holds the following language:

The public may look for some queer scenes in the ensuing Legislature of North Carolina. The great squabble for the loaves and fishes, the honors and emoluments, with which the session will begin, continue, and end, will afford some sport to a looker on.

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Limits.

It is exceedingly doubtful whether, even under the existing state of things, our Banks can make 6 per cent. for the Stockholders; and if they are to be incumbered with further restrictions, by which that profit is to be still further reduced, it will be well for the Legislature to devise some other mode of providing a currency.

Newport, Tenn., Oct. 3.

Mr. Rogers.—If it be true, as often quoted, that "distance lends enchantment to the view," this village should always be seen from a distance.

Yesterday being the Sabbath, I rested here, and in the morning and afternoon attended church, where I saw a large, attentive, and very orderly congregation.

The newspaper is the chronicle of civilization, the common reservoir into which every stream pours its living waters.

They have commenced making paper of morus multicaulis leaves at Petersburg, Virginia. The Intelligencer remarks that the difficulty of procuring suitable rags, which has heretofore been a great drawback on the business, will now be obviated.

Vermont is the only State in the Union that never has been either Jackson or Van Buren. The Whigs of this gallant little State have just achieved another most glorious victory.

Read the following article from a late number of the Raleigh Register. The circulation of such documents is too much neglected in this region.

CIRCULATE THE DOCUMENTS.—We trust that every friend of the glorious Whig cause in North Carolina, will assist in extending the circulation of Whig newspapers among his neighbors.

Mr. CLAY has consented to visit the south-west this fall. At Memphis, New Orleans, Mobile, and all along the Mississippi and Gulf, they will give this distinguished patriot and statesman an enthusiastic welcome.

Gen. EATON, of Tennessee, and Gov. REDELL, of North Carolina, have been appointed by the President and Senate commissioners to arrange and settle claims arising under the Cherokee treaty.

Scale of education in the States.

From the census recently completed by the General Government, the Richmond Compiler makes out the following interesting table, exhibiting a comparative view of the number of white persons over 20 years of age in the different States, who cannot read or write:

Table with 3 columns: State, Percentage, and Total. Includes Connecticut (one to every 568), Vermont (473), New Hampshire (310), Massachusetts (166), Maine (108), Michigan (97), Rhode Island (57), New Jersey (56), New York (50), Pennsylvania (43), Ohio (354), Louisiana (27), Maryland (20), Delaware (18), Indiana (18), South Carolina (17), Illinois (17), Missouri (16), Alabama (15), Kentucky (124), Georgia (124), Virginia (114), Arkansas (114), Tennessee (11), North Carolina (7).

It will be seen by the foregoing table that our State is the last on the list! This fact—humiliating as it is—should be kept before the people of North Carolina until some efficient measures are adopted to diffuse general intelligence among her citizens.

The Newspaper.

We commend to the particular attention of the people of Western Carolina, the following article from the Greensboro Patriot:

Some great man—we forget who—is reported to have said that if he were compelled to choose a Government without Newspapers or Newspapers without a Government, he should have no hesitation in raising his voice in favor of that state of society where Newspapers alone controlled and interpreted public opinion.

The newspaper is the chronicle of civilization, the common reservoir into which every stream pours its living waters, and at which every man may come and drink; it is the newspaper which gives to liberty its practical life, its constant observation, its perpetual vigilance, its unrelaxing activity.

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It is said that Dickens has disavowed the authorship of the letter published over his signature in a late London paper, an extract from which we published last week.

LAW OF THE U. STATES.

Passed at the second Session of the 27th Congress.

OFFICIAL PUBLICATION.

[PUBLIC—No. 58.]

AN ACT further supplementary to an act entitled "An act to establish the judicial courts of the United States," passed the fourth of September, seventeen hundred and eighty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners who now are, or hereafter may be, appointed by the circuit courts of the United States to take acknowledgments of bail and affidavits, and also depositions of witnesses in civil cases, shall and may exercise all the powers that any justice of the peace or other magistrate of any of the United States may now exercise, in respect to offenders for any crime or offense against the United States, by arresting, imprisoning, or bailing the same, under and by virtue of the thirty-third section of the act of the twenty-fourth of September, Anno Domini seventeen hundred and eighty-nine, entitled "An act to establish the judicial courts of the United States;" and who shall and may exercise all the powers that any justice or justice of the peace may exercise under and in virtue of the sixth section of the act passed the twentieth of July, Anno Domini seventeen hundred and ninety, entitled "An act for the government and regulation of seamen in the merchant service."

Sec. 2. And be it further enacted, That in all hearings before any justice or justice of the United States, or any commissioner appointed as aforesaid, under and in virtue of the said thirty-third section of the act entitled "An act to establish the judicial courts of the United States," it shall be lawful for such justice, judge, or commissioner, where the crime or offense is charged to have been committed on the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States, in his discretion to require a recognizance of any witness produced in behalf of the accused, with such surety or sureties as he may judge necessary, as well as in behalf of the United States, for their appearing and giving testimony at the trial of the case, whose testimony, in his opinion, is important for the purposes of justice at the trial of the case, and is in danger of being otherwise lost; and such witness shall be entitled to receive from the United States the usual compensation allowed to the Government witnesses for their detention and attendance, if they shall appear and be ready to give testimony at the trial.

Sec. 3. And be it further enacted, That the district courts of the United States shall have concurrent jurisdiction with the circuit courts of all crimes and offenses against the United States the punishment of which is not capital. And in such of the districts where the business of the court may require it to be done for the purposes of justice and to prevent undue expenses and delays in the trial of criminal cases, the said district courts shall hold monthly adjournments of the regular terms thereof for the trial and hearing of such cases.

Sec. 4. And be it further enacted, That in lieu of the punishment now prescribed by the sixteenth section of the act of Congress entitled "An act for the punishment of certain crimes against the United States," passed on the thirtieth day of April, Anno Domini one thousand seven hundred and ninety, for the offenses in the said section mentioned, the punishment of the offender, upon conviction thereof, shall be by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both, according to the nature and aggravation of the offense.

Sec. 5. And be it further enacted, That the district courts as courts of admiralty, and the circuit courts as courts of equity, shall be deemed always open for the purpose of filing bills, petitions, answers, pleas, and other pleadings, for issuing and returning mesne and final process and commissions, and for making and directing all interlocutory motions, orders, rules, and decrees, and for all cases pending thereon upon their merits. And it shall be competent for any judge of the court, upon reasonable notice to the parties, in the clerk's office or at chambers, and in vacation as well as in term, to make and direct, and award all such process, commissions, and interlocutory orders, rules, and other proceedings, whenever the same are not grantable of course according to the rules and practice of the court.

Sec. 6. And be it further enacted, That the Supreme Court shall have full power and authority, from time to time, to prescribe, regulate, and alter forms of writs and other process to be used and issued in the district and circuit courts of the United States, and the forms and modes of framing and filing bills, bills answers, and other pleadings and pleadings, in suits at common law or in admiralty and in equity, pending in the said courts, and also the forms and modes of taking and obtaining evidence, and of obtaining discovery, and generally the forms and modes of proceeding to obtain relief, and the forms and modes of drawing up, entering, and enforcing decrees, and the forms and modes of proceeding before trustees appointed by the court, and generally to regulate the whole practice of the said courts, so as to prevent delays, and to promote brevity and succinctness in all pleadings and proceedings therein, and to abolish all unnecessary costs and expenses in any suit thereon.

Sec. 7. And be it further enacted, That, for the purpose of further diminishing the costs and expenses in suits and proceedings in the said courts, the Supreme Court shall have full power and authority, from time to time, to make and prescribe a table of the various items of costs which shall be taxable and allowed in all suits, to the parties, their attorneys, solicitors, and proctors, to the clerk of the court, to the marshal of the district and his deputies, and all other officers serving process, to wit: fees, and to all other persons whose services are usually taxable in bills of costs. And the items so stated in the said table, and none others, shall be taxable or allowed in bills of costs; and they shall be fixed as low as they reasonably can be, with a due regard to the nature of the duties and services which shall be performed by the various officers and persons aforesaid, and shall in no case exceed the costs and expenses now authorized, where the same are provided for by existing laws.

Sec. 8. And be it further enacted, That on all judgments in civil cases, hereafter received in the circuit or district courts of the United States, interest shall be allowed, and may be levied by the marshal, under process of execution issued thereon, in all cases where, by the law of the State in which such circuit or district court shall be held, interest may be levied under process of execution, on judgments recovered in the courts of such State, to be calculated from the date of the judgment, and at such rate per annum as is allowed by law on judgments recovered in the courts of such State.

der this act which contains mines or discoveries of lead ore, or on which there may be an improvement, or on which any person may have a real, lease, or which may have been reserved from sale; And provided, further, That the claimant under this act, and his witnesses, shall make oath, before a person duly qualified to administer oaths, to all the facts stated by him.

Sec. 2. And be it further enacted, That the provisions of this act be carried into effect, in conformity with the instructions which may be given by the Secretary of the Treasury to the register and receiver of the land office at Muscoday. Approved, August 23, 1842.

[PUBLIC—No. 40.]

AN ACT for the payment of Florida militia called into service in the years eight hundred and thirty-nine and eighteen hundred and forty. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the War Department, be, and they are hereby, directed to examine and adjust the claims for pay of Lieutenant Colonel Bailey and staff, Major Bailey and staff, the officers of the quarter-master's department, and the companies of Captains Gigsby, Hagan, McIvers, Langford, Hall, Brynne, and Baly, all of the Florida militia, called into service in the years eighteen hundred and thirty-nine and eighteen hundred and forty, as if they had been regularly called out and mustered: Provided, That none of the troops herein specified shall be paid but such as the Secretary of War may consider to have been called into service under authority from said Department; and that no payment shall be made to any of the officers but such as were in proper proportion to the number of men in service, according to the existing laws, and for none of the supplies beyond the proportion or not of the description authorized by existing laws and regulations; and that the said accounting officers be further directed to settle and adjust all claims growing out of said service in the quartermaster's department, the subsistence department, for ordnance supplies, and supplies of the medical department, and private physicians.

Sec. 2. And be it further enacted, That the Secretary of War be authorized to direct the payment of the accounts so settled and adjusted by the said accounting officers, provided the whole amount of pay shall not exceed the sum of seven thousand six hundred and eight dollars and six cents; for the quartermaster's department, shall not exceed the sum of fifty-six thousand dollars; for subsistence, shall not exceed thirty-two thousand nine hundred and twenty-two dollars and ninety-six cents; for ordnance supplies, shall not exceed one thousand seven hundred and one dollar and eighteen cents; and for private physicians and medical attendants, shall not exceed five thousand dollars; and that, for the payment aforesaid, a sum not exceeding one hundred and sixty-two thousand two hundred and forty-two dollars and twenty cents be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, August 23, 1842.

[PUBLIC—No. 64.]

AN ACT to provide for publishing an account of the discoveries made by the Exploring Expedition, under the command of Lieutenant Wilkes of the U. S. Navy.

Be it enacted by the Senate and House of Representatives of the U. States of America in Congress assembled, That there shall be published, under the supervision and direction of the Joint Committee on the Library, "an account of the discoveries made by the exploring expedition, under the command of Lieutenant Wilkes, of the United States navy;" which account shall be prepared with illustrations, and published in a form similar to the voyage of the Astrolabe, lately published by the Government of France.

Sec. 2. And be it further enacted, That when such account shall have been written, and the illustrations for the same shall have been prepared, an advertisement shall be inserted in the papers publishing the laws of the United States, inviting proposals for printing one hundred copies of the same for the United States, to be delivered to the Librarian of Congress, in a time and at a price to be stipulated in such contract; and the contract shall be made with and given to the person offering and giving sufficient assurance to perform the work at the lowest price; and on such contract being made the "account" shall be delivered to such contractor.

Sec. 3. And be it further enacted, That until other provisions are made by law for the safe-keeping and arrangement of such objects of natural history as may be in possession of the Government, the same shall be deposited and arranged in the upper room of the Patent Office, under the care of such person as may be appointed by the Joint Committee on the Library.

Approved, August 26, 1842.

[PUBLIC—No. 65.]

AN ACT to establish a district court of the United States in the city of Wheeling, in the State of Virginia.

Be it enacted by the Senate and House of Representatives of the U. States of America in Congress assembled, That one annual term of the district court of the United States, for the Western district of Virginia, be, holden in the city of Wheeling on the 25th day of August.

Approved, August 26, 1842.

[PUBLIC—No. 66.]

AN ACT to confirm the sale of public lands in certain cases.

Be it enacted by the Senate and House of Representatives of the U. States of America in Congress assembled, That in cases where any entry has been made, under the preemption laws, of land which was public land, subject to sale at the date of such entry, and when patents for the same have not been issued from the General Land Office, because of the original tract claimed, or the tract arising therefrom exceeding the quantity specified in the law, or when the adjudication has been made by the receiver and the clerk of the register, acting in the stead of the register, or when the proof upon which the claim is founded is not in the form, nor full as to all the facts required by law, but substantially so, such entries and sales are hereby confirmed, and patents shall be issued thereon, as in other cases: Provided, That the Secretary of the Treasury shall be satisfied that such entries have been in other respects fair and regular, and that the evidence sustains the claim; and that they are not contested by other persons claiming the same, and that no fraud shall appear in them: And provided, also, That the act of fourth September, eighteen hundred and forty-one, entitled "An Act to appropriate the proceeds of the sales of public lands and to grant preemption rights" shall be so construed as not to confer on any one a right of pre-emption by reason of a