

**Mining Companies.**

An act to incorporate the Cabarrus Gold Mining 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 a gold mining company shall be established in the State aforesaid, by the name and style of "The Cabarrus Gold Mining Company," with a capital of two hundred thousand dollars, in shares of one hundred dollars each; and that Henry Carville, Frederick L. Folger and Robert Pierpont, and all those who now are, or who shall hereafter become their associates, are hereby authorized to open books at Concord, and such other places as they may direct, for the purpose of receiving subscriptions for shares in said company, having advertised such intention in the Farmers' and Miners' Journal, and such other papers as they may deem necessary, for twenty days, and to keep said books open for ninety days, with power to re-open the same in like manner if the amount of capital shall not be subscribed.*

*II. Be it further enacted, That the commissioners under whom the books are to be opened for subscription shall meet at the expiration of ninety days, after opening books as above provided, and compare their books; and if it shall be found that the sum of fifty thousand dollars have been subscribed, the aforesaid commissioners shall forthwith advertise in some newspaper, that a general meeting of the stockholders shall be held at such place and time as they shall attend said stockholders represent by proxy, the said stock subscribed need to appoint five directors in person whom shall be president of the company, and the said directors shall be appointed for one year, and until their successors are appointed.*

*III. Be it further enacted, That it shall be the duty of the directors, within ten days after their appointment as aforesaid, to meet and appoint one of their body president, and to execute such bonds as may be required of them by the stockholders, for the faithful performance of their respective duties while in office.*

*IV. Be it further enacted, That when the sum of fifty thousand dollars shall be subscribed in manner aforesaid, the subscribers, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company by the name and style of "The Cabarrus Gold Mining Company," and by that name may sue and be sued, plead and be impleaded, before any court or justice of the peace, and shall so continue for the term of twenty-five years from the ratification of this act, and shall be capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature and quality, and the same to sell, grant, demise, alien or dispose of, and shall possess all the rights and privileges of a corporation or a body politic in law; and also may make, have and use a common seal, and the same break, alter and renew at their pleasure; and may make and ordain all such bye-laws, rules and regulations, not inconsistent with the constitution of the State, as shall be necessary for the well ordering and conducting the affairs of the company.*

*V. Be it further enacted, That if the whole of the capital stock shall not be subscribed, and the sum of fifty thousand dollars shall have been subscribed, and the company organized as before provided, in that case it shall be lawful for the stockholders to re-open the books, and receive subscriptions for the balance of their stock.*

*VI. Be it further enacted, That if more than the capital stock shall have been subscribed for within ninety days, then it shall be the duty of the commissioners to reduce the subscriptions in fair and equal proportions, reserving to each subscriber at least one share; and if the stockholders shall re-open their books, and more than the capital stock shall be subscribed, then the stockholders shall reduce the subscriptions to the capital stock in the manner above stated.*

*VII. Be it further enacted, That the stockholders of said company shall meet once in each and every year, at some convenient place in the county of Cabarrus either in person or by proxy; and at such general meeting, if a majority of the stock subscribed be represented, the said stockholders may proceed to elect their officers; fix their salaries; take bonds from the officers for the faithful performance of their duties in office; make all necessary bye-laws, rules and regulations for the government of said corporation; and shall have power to do all other acts necessary to be done to carry into effect the object of this act; and the stockholders in general meeting shall be entitled to vote according to the following scale, to wit: each stockholder shall be entitled to one vote for each share he may hold as high as three shares, and one vote for every three shares as high as thirty shares, and one vote for every five shares above thirty shares by him or her held at the time of such general meeting.*

*VIII. Be it further enacted, That the stockholders in said company, who together own or represent one-third of the stock subscribed, may, on any emergency, call a meeting, and shall have power to remove any officer of the company from office, for*

misconduct or other sufficient cause, and to make such rules and regulations as may be necessary for the government of the company until the next annual meeting of the stockholders.

*IX. Be it further enacted, That the said corporation shall apply their capital to mining only, and all its powers and privileges are granted and to be exercised for the purposes of mining; and the said corporation is hereby declared incapable in law to carry on any operations of banking, or to divert its funds to any other purpose than mining.*

*X. Be it further enacted, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by bond or note of the subscriber, signed by himself, and two good securities, neither of whom shall be a corporator; and if a security shall afterwards become a corporator, the president and directors shall require another security in his place; and in case such requisition shall not be complied with, the president and directors shall forthwith collect the money due on said bond or note. The money secured by said bonds or notes shall bear interest from the date; but shall be paid into the treasury of the corporation in such sums and at such times as the president and directors shall by resolution ordain and require.*

*XI. Be it further enacted, That no subscription shall be for less than one share; and in case any subscriber shall fail to pay in the amount of his subscription, or to give his bond, with two securities, as aforesaid, by this act provided, that the said subscriber, and any and every director conniving or assisting to such failure, shall be liable to any creditor of the company for the full amount of such subscription, to be recovered from such subscriber and director or case, their executors, administrators,*

*XII. Be it further enacted, That by an action on the corporation may make contracts, and the corporation may make contracts, or any agreement, or writing, signed by the president, or by any person duly authorized by him, or by the president and directors; but the legal estate in the lands, tenements and hereditaments, aliened by the corporation, shall pass to the purchaser only by and under the corporation seal.*

*XIII. Be it further enacted, That any legal process against the corporation may be served on the president; and in case he be not in the State, or evades the service, the service of the same on any director; and in case there be no director in the State, the service on any stockholder shall be sufficient.*

*XIV. Be it further enacted, That it shall be the duty of said corporation to keep a full and fair record of all their proceedings in books procured for that purpose, and shall be bound to produce said records in any court of justice in any county of the State, when required so to do by the court. It shall be the further duty of the said corporation to preserve all bonds and notes given for stock in said company, and to enter such payment as shall from time to time be made on such bonds, until they are fully discharged.*

*XV. Be it further enacted, That it shall be the duty of said corporation, at the first Court of Pleas and Quarter Sessions, to be held for the county of Cabarrus after the organization of the said company, and annually thereafter, to present to said court a full and fair statement of the full amount of stock subscribed, the amount which has been paid in cash, and the amount for which the president and directors hold the bonds of the subscribers or stockholders; and also, the amount of the debts due to the corporation, and the name and place of residence of the several stockholders.*

*XVI. Be it further enacted, That the president and directors shall prescribe the manner in which stock shall be conveyed or transferred from one stockholder to another, or to any other person, and that the stock shall be personal property, and go by succession to executors and administrators.*

*XVII. Be it further enacted, That all the property of said corporation of whatever kind or nature, whether lands, negroes, machinery, stock, goods, bonds or other effects, shall be liable to the satisfaction of the debts of the corporation, and shall be subject to be levied on by execution, attachment or other legal process, and sold.*

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

**A large and valuable Cargo.**—The ship *Envoy*, arrived at this port yesterday from Liverpool, is 391 tons burthen, and she has on board 784 tons of measurement goods. Her cargo is the most valuable that has been brought from Liverpool for many years, the invoice value of which at Liverpool was upwards of £300,000, or nearly \$1,400,000, and it is supposed that the duties on the cargo will amount to between \$2 and \$400,000. Capt. Ackerman was informed at the Liverpool Custom House, that the bounty on the goods shipped by the *Envoy*, was greater in amount than had ever occurred on any vessel that ever cleared from that port. This is accounted for in part from the fact that the bounty on all *Live Goods* expired on all not affixed after the 5th Jan. and consequently she was crowded with goods of that description prior to that date, to secure the bounty. *Boston Herald.*

**CONGRESS.**

**CONGRESSIONAL ANALYSIS.**

FROM THE TABLE.

**Washington, March 9.**—In the Senate, yesterday, after the usual morning business, the Apportionment Bill was taken up, and Messrs. CLAYTON, FORSYTH, TAZEWELL, FOOT, MARCY and WEBSTER, continued the debate thereon, until the adjournment.

In the House of Representatives, the resolution in relation to an inquiry into the affairs of the Bank of the United States, was further discussed by Messrs. BEARDSLEY, ROOR and BELL. The amendment which proposed that the Select Committee should be chosen by ballot, was rejected—Yeas 88; Nays 92. Mr. WAYNE then submitted an amendment, that a Select Committee be appointed to make sundry inquiries, in the recess of Congress, touching the general management of the Bank of the United States, with instructions to report the result of their inquiries on or before the third Monday of December next. Mr. BURGES proposed to amend this amendment, but before the Speaker had decided whether the latter proposition was in order, the House adjourned.

**March 10.**—In the Senate, yesterday, many private bills were passed, and others introduced. The Apportionment Bill was taken up, the question being on Mr. FORSYTH's motion to amend the substitute offered by Mr. WEBSTER, by striking out therefrom the provision for the representation of fractions. Mr. HOLMES, Mr. SILSBEE, and Mr. SPRAGUE, spoke in opposition to the motion, and Mr. WHITE in its support. Mr. DICKERSON has the floor for Monday. The Senate adjourned over to Monday.

In the House of Representatives, Mr. VERPLANCK reported a bill making an appropriation for the publication of certain diplomatic correspondence. On motion of Mr. BARSTOW, the vote of Thursday, rejecting the amendment offered to Mr. CLAYTON's resolution for an inquiry into the affairs of the Bank of the United States, which was taken by ballot, was reconsidered—Yeas 98; Nays 93. The hour allotted to morning business, of the day was spent in Committee on the bill for the benefit of Mrs. Susan Decatur, *et al.*—The Committee finally rose, and reported the bill without amendment. The several amendments proposed in Committee were renewed in the House and rejected. The question was then taken on engrossing the bill for a third reading, which was decided in the negative—Yeas 78; Nays 95, and so the bill was rejected.

**March 11.**—The Senate did not sit on Saturday.

In the House of Representatives, Mr. E. EVERETT, from the Committee on the Library, reported a resolution directing the Clerk to purchase two hundred and forty copies of the *Documentary History of the Bank of the United States*. After a short debate the resolution was agreed to. The bill to establish certain post roads, and for other purposes, was read the third time and passed. Mr. DODDING moved a reconsideration of the vote rejecting the bill for the benefit of Mrs. Susan Decatur; but before the question was decided, the House adjourned.

**March 13.**—In the Senate, yesterday, after the morning business, the Apportionment Bill was taken up, the question being on the motion to amend the amendment offered by Mr. WEBSTER, by striking out that clause of it which provides for the representation of fractions. The subject was discussed nearly three hours, by Messrs. DICKERSON, ROBBINS, BUCKNER, WAYNE, MANGUM, SPRAGUE, CLAYTON, WEBSTER, and FRANKLIN, when the motion to amend the amendment was carried by a vote of 24 to 23. Mr. HILL moved to strike out 47,700 and insert 44,000, as the ratio in the bill, which was lost. The bill was then ordered to a third reading, by a vote of 27 to 20.

In the House of Representatives, after the presentation of petitions, the House resumed the consideration of Mr. CLAYTON's resolution for the appointment of a Select Committee to examine the affairs of the Bank of the U. S. The question being on the amendment proposed by Mr. ROOR, that the Committee be chosen by ballot. This amendment was supported by Messrs. DANIEL and E. EVERETT, and opposed by Messrs. BLAIR, of S. C. LEAVITT, DRAYTON, CARRELENG and ANGEL. Mr. JENIFER proposed to amend the resolution by directing the Committee to report by the third Monday in April. Mr. COLLIER has the floor for this day.

**March 14.**—In the Senate, yesterday, Mr. CHAMBERS introduced a bill for re-annexing Pennsylvania Avenue. A bill was reported for the relief of Columbia College, in the District of Columbia. Mr. DALLAS, from the Select Committee to which was referred the application of the U. States Bank for a renewal of its charter, reported a bill, which was read, and ordered to a second reading. The resolution for the purchase of sixty copies of the Legislative and Documentary History of the United States Bank was adopted, after a long debate, in which Messrs. HILL, FRANKLIN, BENSON, JOHNSON, SMITH, BUCKNER, HOLMES, FORSYTH, FOOT and KANE took part.

In the House of Representatives, bills granting pensions to numerous individuals, were reported from the Committee on Revolutionary Pensions. The House, at an early hour, resumed the consideration of the resolution proposing an inquiry into the affairs of the Bank of the United States—the amendment offered by Mr. ROOR, that the Committee be chosen by ballot, being under discussion, Mr. COLLIER addressed the House at length, and Mr. McDEVITT briefly, in favor of the amendment. The question was then taken by yeas and nays, and the amendment was lost—Yeas 100, Nays 100—the SPEAKER giving the casting vote in the negative. Mr. WAYNE's amendment, which proposed the appointment of a Committee, to meet in the recess of Congress, to examine into the general arrangement of the Bank, was next considered.—Mr. WAYNE addressed the House for about two hours in favor of his amendment, but without having concluded, at a quarter past 4 o'clock, he gave way to a motion for an adjournment, which was carried.

**March 15.**—In the Senate, yesterday, some time was spent in the consideration of Executive business. The Apportionment Bill was read a third time and Mr. WEBSTER moved its recommitment to the Committee from which it was reported, with general instructions for the report of a bill apportioning the representatives, as nearly as may be, among the several States, according to their representative population as compared with the representative population of the United States. After some discussion the bill was laid on the table, and a motion made to reconsider the vote of Monday last, by which the proposition to represent fractions was rejected, which motion is still pending.

In the House of Representatives, Mr. JOHNSON, of Kentucky, from the Committee on Post Offices and Post Roads, reported a bill to provide for opening a road in Arkansas Territory, from Villenont, in Clinch county, to Little Rock. The House resumed the consideration of the resolution for the appointment of a Select Committee to examine the affairs of the Bank of the United States. Mr. WAYNE concluded his remarks in favor of his amendment, which was rejected by striking from it that part which related to the Committee to act in the recess. A further debate of some length, a part of which was of a personal character, the question was taken and the amendment rejected—Yeas 164, Nays 106. Mr. ADAMS then proposed to amend the original resolution by limiting the enquiry to the alleged violations of the charter of the Bank, &c., and directing the Committee to report by the 21st of April. Several unsuccessful attempts were made to amend this amendment so as to extend the proposed enquiry, when it was finally adopted—Yeas 106, Nays 92. The resolution thus amended was agreed to, the Committee directed to consist of seven, and the House, at 8 o'clock, adjourned.

**FROM THE LEGISLATION OBSERVER.**

**A new candidate.**—An "Abel M. Smith, Esquire," of New Albany, Indiana, has come out for the Presidency. Mr. Smith, if we may judge from his communication to the public, fights altogether upon his "own hook." He is neither a Clay, Jackson, Wirt, or Calhoun man, but entirely a Smith man; and as he belongs to a large family, he probably expects to get a respectable support. Mr. S. goes for redeeming the old *Continental money* by giving every person in the United States, a quarter section of the public domain. That Mr. Smith may have a fair start on the track, we publish in full his pithy and unique announcement.

"Why should we be so particular in the choice of men? There are thousands raised in America as capable of leading the nation as those who have done it; and again, why should so many millions of first rate land lie in our Nation in debt to the general inhabitants, for Continental money? It is as much incumbent on the Nation to pay the debt now, as when contracted. Was I at the helm of Government, I would pay the debt, by donating to every man in America, a quarter section of first rate land. I was born in Dutchess county, New York, and now reside in Indiana, and offer for President of the United States.

ABEL M. SMITH, Esq."

**Valuable Relief.**—There was on the Mayor's table at Faneuil Hall, at the Centennial Celebration on Wednesday, a handsome massive silver wine cooler, which had always been used on President Washington's table, and on his retirement from office, was presented by him to the Hon. Timothy Pickens, Secretary of State. At a suitable spot in this piece of Plate, was a neat inscription, stating its bestowment.

This valuable relic excited much attention—and the Mayor took occasion to mention its history, and to found on it a wish that its substantive name might suggest the cooling of irritations and party spirit.

Hon. Mr. Austin made it a subject of a toast.

We understand there is also in this city, a gorget which was worn by Washington in his youth, while serving under Braddock. *Boston paper.*

**Houses Afloat.**—A Cincinnati paper states, on the authority of a gentleman of unquestionable veracity, that not less than sixty-nine houses were seen floating down the Ohio river, in the course of a single day, during the flood.

**FROM THE GEORGIA (MILLEDGEVILLE) JOURNAL.**

**The Missionaries.**—It is certainly true that the Supreme Court has decided in favor of these men, and against the State of Georgia.

For the information of persons of other States, and per adventure to refresh the recollection of some in this, we will premise, briefly: that the legislature of Georgia in December, 1830, enacted (with certain provisions and exceptions not applicable here) "that all white men who should be residing on the Cherokee Territory on or after the first of the ensuing March, without a license from the Governor, should, if they continue there, each take an oath to support and defend the Constitution and laws of the State of Georgia, and uprightly denounce himself as a citizen thereof," on pain of confinement in the Penitentiary not less than four years.

Certain Missionary preachers continued to reside there after that date, and were found to exert the most active and formidable influence with the Indians, in inducing them to oppose the laws and policy of the State. They were requested by the Government of Georgia to go away; but would not. They would neither leave the State, nor submit to its laws; but remained in defiance, feeling it, as they said, to be their duty to do so. They were of course, prosecuted, convicted and sentenced, as they, doubtless, wished to be. Even after their sentence they were offered a pardon if they would promise obedience to the laws in future. They refused to do this; and were committed to the Penitentiary, where they now are.

The cause was carried to the Supreme Court of the United States. The State of Georgia denying the jurisdiction of the Court, refused to appear before it. The Court on hearing the argument for the Missionaries, have decided in their favor; declaring as we understand, that the law of Georgia, under which they were convicted, is unconstitutional; and that we have no right to extend our laws beyond the Cherokee line.

We give to-day in another column, a sketch of the decision, copied from the *National Intelligencer*; and it may be that the Editors have misapprehended, or insufficiently stated in this brief and hasty analysis, the nature and extent of some of the grounds assumed by the Court. The Court is made to say that "by the Constitution, exclusive power belonged to the United States to receive cession of Indian lands; and to make treaties with them." They are reported to assert, as a historical fact, that France, Spain, and Great-Britain have uniformly recognized the Indian tribes to be in no respect under the power of the Europeans, except as to their right of intercourse with other European nations; and the right of pre-emption in the discoverers to purchase their soil. Still more startling is the proposition as we understand it to be stated, "that their independence of State Governments had been constantly upheld." It is difficult to suppose the Court assumed these positions, in the face of history; in the face of constant experience; and in the teeth of some of their own decisions.

The abstract in the *Intelligencer* is very brief, and we presume is not pretended to be perfect. We shall soon see the decision at full length.

There can be no two minds on this point among the people of Georgia; but they will have abundant time for calm reflection and full deliberation. Nothing like force will or can for a long time be in operation, if indeed ever; and we devoutly hope and are inclined to believe it never will be. The Judge of the Western Circuit will probably in due time and in due form, receive a copy of the decree, ordering him to reverse the aforesaid decision. The answer to this mandate can hardly reach the Supreme Court within its present term, and the next term commences on the 23 Monday in January of next year. In the interim the judges of the State will convene at this place; the legislature, fresh from the people, will hold its annual session; and all will proceed deliberately, and no doubt in that peaceable, firm and steady manner, which best becomes the dignity of a great State, in the fulfillment of its high duties on so momentous and vital a subject. The State has now a part to act, that is to be distinguished in history, as important to the Union and to the world. Much, we may say all, depends upon herself; and it is obvious, that the less of herself, the more of weight and strength, will be in her position and her movements.—What we believe right, that we will do, calmly and quietly, and meet the consequences without fear, and without just reproach.

We have no time to look up cases that may indicate the course to be pursued by the Supreme Court, when it learns that Georgia declares a dismemberment and partition of territory. We happen to have before us, the Virginia case of *Hunter vs. Fairfax*; when their attention was rather invited to the *modus operandi* of coercing a sovereign State; but the court declined to consider it.

In the case of *Fairfax vs. Hunter*, a writ of error from the Supreme Court of the United States, was awarded to the Court of Appeals of Virginia upon a judgment in that court, against the right claimed under a construction of the treaties made with Great Britain in 1783 and 1794, and the judgment of the Court of Appeals was reversed, and the cause remanded, and the Court of