

STATE LEGISLATURE.

SENATE.

Saturday Nov. 28.

Mr. Martin from the Committee of Claims, to whom was referred that part of the Governor's message which relates to Miss Udny M. Blakely, together with a bill on the same subject, made a report, concluding with a Resolution that it is inexpedient to continue the annual appropriation made for the education and support of Miss Udny M. Blakely. The Report and Resolution having been read, on motion of Mr. Meares, they were laid on the table.

Mr. Cowper presented a bill, to compel the Clerk of the County Court of Gates, to keep his office at the Court-house. Read the first time.

Mr. Sherard presented a petition on the subject of erecting a new county to be composed of part of the counties of Edgecombe, Johnston, Wayne and Nash, which was read and laid on the table, on motion of Mr. Sherard.

Mr. Leonard presented a bill to make compensation to the Jurors of the county of Brunswick. Read the first time.

Mr. Welch presented a bill, to authorize James M. Kee, Sheriff of Haywood county, to collect certain taxes there mentioned. Read the first time.

The bill to amend an act passed in 1824, to establish and regulate a Turnpike Road in Rutherford and Buncombe, was read the third time and ordered to be engrossed.

A message was received from the House of Commons, stating they have passed the following bills, and asking the concurrence of the Senate, viz: A bill to legitimate Alexander Cheshire of Edenton—A bill for the better regulation of the town of Smithville in Brunswick county—A bill concerning the elections in the county of Hyde—A bill concerning the elections in the county of Carteret—A bill to repeal an act of 1805, amendatory of an act, for the better regulation of the town of Morganton—A bill to appoint a committee of Finance for Sampson county—A bill appointing Trustees for Union Academy, in Duplin county, and a bill to alter the names of E. H. Wall and E. A. T. Wall of Columbus county. These bills were read the first time and subsequently, the 1st, 2d, 3d, 5th and 7th were read the second and third times and ordered to be enrolled. They are therefore laws.

Monday, Nov. 30.

Mr. Marshall presented a bill relative to Wadesborough Academy in Anson county, read the first time and subsequently the second and third times, and ordered to be engrossed.

Mr. Wilson, from the Board of Commissioners appointed by virtue of an act passed at the last session of the General Assembly, for the representation of the stock of this State, in all general meetings of the several Banks, made a detailed report, accompanied by sundry documents, which being read, on motion of Mr. Sneed, was referred to the joint select committee on the Banks.

The engrossed resolution in favor of Absalom Williams, of Davidson, passed its third reading and was ordered to be enrolled.

On motion of Mr. Sneed, the Senate proceeded to consider the resolution concerning Samuel Chann, of Buncombe county, offered on the 27th inst. by Mr. Allen. The same having been read, it was so modified on motion of Mr. Sneed, as to instruct the committee of Internal Improvement, to enquire into the circumstances connected with the letting out of the contracts of the Buncombe Turnpike road, and whether any fraud was practiced, and to report such measure as they shall think just and proper.

Mr. Allen presented the petition of sundry persons of the county of Buncombe, praying an appropriation to open a road in said county. Referred.

The bill to amend an act for the relief of certain purchasers of the Cherokee lands, passed in the year 1825; and the bill to compel the Clerk of the County Court of Gates, to keep the whole of his papers, &c. at the Court-house of said county, were read the third time and ordered to be engrossed.

Received from the House of Commons, the Annual Report of the Board for Internal Improvements, with a proposition to print it. Agreed to.

A message from the House of Commons, asking the concurrence of the Senate, to the following bills, which they have passed, viz:—A bill to allow compensation to the Jurors in the county of Burke—A bill respecting Jurors in the county of Hyde—A bill for the better regulation of the Courts of Beaufort; also, a resolution in favor of Arch'd S. Brown, which bills and resolution were severally read the first time.

The resolution in favor of James Riley, was adopted and ordered to be enrolled.

Mr. Burgin presented a bill to repeal an act passed in 1828, appointing Commissioners on a part of the road leading from Morganton to Avery's Turnpike Road in Burke county. Read the first time.

The engrossed bill providing for the payment of Jurors in Rowan and Wake, having been read the third time, it was amended on motion of Mr. Askew, so as to apply to the county of Bertie, and on motion of Mr. Moore, so as to include Stokes, and thus amended, passed its 3d reading and was ordered to be enrolled.

Tuesday, Dec. 1.

Mr. Wilson presented a bill, to repeal so much of an act passed in 1810, as prevents persons from working settes and nets in Tar River, above the mouth of Fishing Creek. Read the first time.

On motion of Mr. Wellborn,

Resolved, that the Committee on Internal Improvements be instructed to enquire into the expediency of appropriating a sum of money, to aid the inhabitants living on the main road leading from Wikesborough to Trap Hill, and from thence to the main road leading from Jonesville in Surry county, to the Lead Mines in Wytch county in Virginia, and from thence to the Salt Works and the quarry of Plaster of Paris in Washington county, Virginia.

On motion of Mr. Matthews, Resolved, that the Judiciary Committee be instructed to enquire into the expediency of so amending the laws relative to Deeds in Trust and Mortgages, as to give them more publicity.

On motion of Mr. Caldwell, the Senate entered upon the orders of the day, and resolved itself into a committee of the whole. Mr. Marshall in the chair, to take into consideration the bill to erect out of a part of the counties of Burke and Buncombe, a separate and distinct county, and after some time spent therein, the Speaker resumed the chair and Mr. Marshall reported, that the committee had had the said bill under consideration, and had instructed him to report the said bill without amendment, and recommend that it be passed into a law. The question being taken on concurring with the report of the committee of the whole, it was decided in the negative, 30 to 28, as follows:—

YEAS—Messrs. Allen, Allison, Brower, Burgin, Caldwell, Crump, Davidson, Dick, Franklin, Harris, Hoke, Johnson, Love, M'Donald, M'Intyre, M'Parland, M'Neil, M'Whitt, Martin, Meares, Melchior, Mitchell, Montgomery of Orange, Moore, Ramsay, Smith, Wellborn, and Welch.

NAYS—Messrs. Askew, Barnes, Beasley, Bell, Burney, Cowper, Davenport, Davis, Dickinson, Etheridge, Hinton of Wake, Hinton of Beaufort, Leonard, M'Donnel, Matthews, Miller, Montgomery of Hertford, Moseley, Moyer, Pool, Spaight, Saunders, Sherrard, Sneed, Underwood, Walton, Ward, Williams of Franklin, Williams of Martin, and Wilson.

The question then recurring on the passage of the bill at its second reading, Mr. Sherrard moved to amend it, by adding an additional section providing also, for the erection of a new county, to be composed of portions of Wayne, Edgecomb, Nash & Johnston, to be called Spaight. The said amendment having been read, on motion of Mr. Sherrard, the bill and amendment were recommitted to the select committee who reported the bill.

HOUSE OF COMMONS. Monday, Nov. 30.

A message from the Senate, asking the concurrence of the House, to the engrossed bill, to amend an act passed in 1824, to establish and regulate a Turnpike road in the counties of Rutherford and Buncombe. Read the first time.

Mr. Moore presented a bill to alter the name of Thomas Pettit of the county of Surry and to legitimate him.

Mr. Newland, a bill concerning a troop of Cavalry, in Burke, Wilkes and Iredell.

Mr. Duzier, a bill to amend an act passed in 1824, authorizing the opening a road in the counties of Camden and Pasquotank and the putting a Float bridge across Pasquotank River, which bills passed their first reading.

Mr. Mhoon, from the Committee of Propositions and Grievances, reported a bill for the relief of Sally Speight of Greene county, which passed its first reading.

Mr. Mhoon, from the same Committee, reported unfavorably on the petition of Wm. S. Morris, of Newbern. The report, on motion of Mr. Gaston, was laid on the table.

Mr. Mendenhall, from the Committee of Claims, reported a resolution in favor of Stephen Pearson of Wake, which was read the first time.

The engrossed bill designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters; and the bill, to authorize the County Court of Camden, to appoint a Committee of Finance, were read the third time and ordered to be enrolled.

Mr. Hill, from the Committee of Internal Improvements, to whom the memorial of the Roanoke Navigation company was referred, made a report accompanied by a resolution, directing the Treasurer to pay said Company, \$969—being the amount of interest due by the State, on deferred payments of the subscription for 250 shares of the Stock of said Company. Also, instructing the Treasurer to pay the installment of \$5,000 now due on said subscription.

Mr. Callaway submitted the following Resolution, which the House refused to adopt:—

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of amending the criminal law so as to prevent the removal of criminal causes from one county to another, (except in such cases as may appear to the entire satisfaction of the Court to be indisputable to the ends of justice in behalf of the State, and in such cases where the criminals who may petition the court for the removal of suits can show, by other good evidence, that there is a strong probability they cannot have justice done them in the county, where such suit may be commenced.

Mr. Hill, from the committee of Internal Improvements to whom was referred the message of the Governor, in relation to the manner in which the \$25,000 subscribed by the State to the Yadkin Navigation Company, has been disposed of, reported, that it is not in the power of the committee to ascertain any satisfactory information on the subject, but suggests the propriety, if the Legislature deem it advisable, of compelling the Treasurer of the Company to state a full account.

Tuesday, Dec. 1.

Mr. Swain presented a bill to incorporate the Vance Circulating Library Society of Asheville. Read the first time.

Mr. Swain also presented a bill to amend an act passed in 1827, prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated land. Read the first time.

Mr. Houghton, a bill for the more perfect administration of Justice in capital cases. Read the first time and ordered to be printed.

A message from the Senate, asking the concurrence of the House to the following bills, viz: To make compensation to the Jurors of the county of Brunswick—Relative to the Wadesborough Academy, in Anson county—To compel the Clerk of the County Court of Gates, to keep the whole of the Records, books &c. at the Court-house—To amend an act passed in 1825, for the relief of certain purchasers of the Cherokee lands—which bills passed their first reading.

The bill amendatory of the law respecting the crime of Bigamy, passed its third reading and was ordered to be engrossed and sent to the Senate for concurrence.

The bill to render void, contracts for the sale of spirituous liquors by the small measure, was rejected on its second reading, 85 to 36. This bill elicited very considerable discussion, in which Messrs. Gaston, Nash, O'Brien and Wyche participated. Those who voted for the passage of the bill, were—

YEAS—Messrs. Baker of Edgecombe, Banner, Baringer, Bateman, Bogle, Borden, Blue, Buttner, Byrum, Campbell, Chesson, Cunningham, Fisher, Gaston, Gauze, Graham, Green, Houghton, Hellen, Kendall, King, Mendenhall, Murchison, Murphy of New-Hanover, Murphy of Richmond, M'Lean, M'Neil, Nicholson of Richmond, Patrick, Purrell, Stockard, Swain, Taylor, Whittaker of Macon.

Those who voted against it, were—

NAYS—Messrs. Alexander, Arrington, Baker of Ashe, Barnard, Bell, Bethell, Blair, Branch, Brooks, Brown, Brover, Chamblee, Cooper, Cox, Davenport, Dozier, Edmondston, Enloe, Farrier, Gary, Grandy, Hancock, Harper, Hatch, Hayley, Hill of Wilmington, Hill of Rockingham, Horton, Hough, Jarvis, Jones of Warren, Jones of Wake, Kerr, Larkins, Lilley, Little, Loretz, Love, McCabe, Melvin, Moon, Monk, Moore, Morris, Moyer, Mullin, M'Ghee, Neill, O'Brien, Orr, Pearson, Pook, Rawls, Rhodes, Richardson, Russell, Sasser, Sawyer, Simpson, Simmons of Columbus, Simmons of Currituck, Sloan, Smallwood, Smith, Snyder, Speight, Stany, Steadman, Thompson, Waddy, Webb, Whittaker of Wake, Wilkes, Williams, Wilson, Wiseman, Wooten of Columbus, A. W. Wooten, C. Wooten of Kenon, Wright, Wyche, York, Calloway, Clark, Carson.

LEGISLATIVE REPORT. The Select Committee to whom was referred the memorial of sundry citizens of Buncombe and Burke counties, praying for the erection of a new county, have attentively considered the subject, and respectfully report,

That evidence has been adduced before them, which clearly satisfies them of the following facts:—

I. That the area of the counties of Buncombe and Burke is not less than five thousand square miles;

II. That the county proposed to be erected into a new county is at least fifty miles in average length, and thirty-five miles in average width, making an area of seventeen hundred and fifty square miles;

III. That the population is not less than six thousand souls;

IV. That, in the language of the petition, the inhabitants have a reasonable portion of wealth; and lastly, that the inconveniences represented, to-wit: that they have to travel from forty to seventy miles over rough mountainous roads to reach their respective court houses, really exist.

The question arising upon this state of facts then presents itself, shall their grievances be remedied? Your committee maintain the affirmative of this proposition, and will briefly submit to the consideration of the Senate the reasons upon which their opinion is founded.

The State was originally divided into counties, to promote the general convenience of the inhabitants, and with a view to no other end. The history of this State in the union, proves this fact. In 1755, there were twenty counties upon the coast of North Carolina, containing a population of 45,000, or 2,250 souls to each county. What the population was when these counties were respectively erected, there are no records to show. It is not improbable that at that day some of them did not contain twenty families. No one will contend, that the colonial legislature stopped to enquire into the population and wealth of each respective district of country, erected into a new county.

The fathers of the State, like a wise father of a family, did not require from infancy the fruits of manhood. Counties were laid off, and court houses erected at the public expense, to induce an extension of settlements. Why has this wise policy been changed? There is no precedent for it. The example afforded by the General Government in the admission of new States into the confederacy, is of a very different character; and the same liberality has marked the course of the individual States. Tennessee, for instance, immediately after the acquisition of her western district from the Chickasaws, divided the wilderness into fourteen counties. Georgia has pursued the same course with each successive acquisition of lands from the Creeks and Cherokees, and the increasing wealth, population and respectability of these States, arising from this very cause, exhibit the most cheering evidence of the effect of liberal and enlightened legislation.

Your committee conceive that they might rest the argument upon the broad principle assumed in the outset, that it is the duty of the Legislature to promote the convenience of the citizens in the erection of counties, without a view to any other end. For if this be admitted, surely no one can be found who will contend, that counties containing an area of twenty-five hundred (2500) square miles are not inconveniently large, or that a district of country containing an area of seventeen hundred and fifty (1750) square miles, will not constitute a county respectable in point of territorial extent. If they are mistaken in this supposition, however, they respectfully submit these

facts in support of their views. The average extent of counties throughout the United States, has been ascertained to be eight hundred and sixty six (866) square miles; of the thirteen old States, seven hundred and eighty-five (785) and in North Carolina, six hundred and sixty-eight (668) square miles. The same extent of country, of precisely the same character which constitutes these two counties, and bordering immediately upon them, is in Tennessee divided into six counties.

But it has been alleged by those who deny the principle on which this reasoning is founded, that in the erection of new counties, we should look to population and to wealth as the source of revenue, as the only motives by which our legislation in this respect should be influenced. In other words, that under a government like ours, which guarantees equal rights and privileges, to all, that legislation is legitimate alone which extends privileges and removes inconveniences precisely in proportion to the ability of the party to pay for them. If this is not the argument, what is the scale by which rights to be graduated? Shall a State, before its admission into the confederacy, have the wealth and population of New-York? and a district, in order to have the privileges of a county, bear comparison in these respects with Wake or Craven?

The committee fancy that the most earnest advocate for this doctrine would blush to present such a standard; and yet, if taxation be the criterion of wealth, and the frehold be regarded as the only proper basis of representation, he may be met upon this ground, and foiled. For, strange as it may seem, your committee are satisfied of the fact, that the counties of Burke and Buncombe, computing from the period of their erection to 1815, and perhaps to the present day, have paid into the Public Treasury a greater amount of land tax than any other two counties in the State.

An accurate calculation upon this subject, founded upon the Comptroller's statement for the last year, and the census of 1820, will shew, that divide the revenue and the population of these counties by three, so as to embrace in the calculation the county proposed to be erected, and the new county will in the first year of its existence contain a larger population, and pay a greater amount of tax of every species, than the average population and taxation contained in and paid by twenty-one counties in this State; some of which have existed for more than a century.

If then the citizens of the district of country in question labour under most serious inconveniences under the present system; if it is in extent more than twice as great as the average size of counties throughout the union, and three times as great as those in our own State; if in point of population and wealth this community is not in its infancy, but exhibits the vigour and promise of ripening manhood; upon what principle, your committee would respectfully ask, of equality, of magnanimity, of patriotism, are they to be excluded from the privileges extended to citizens of all other States to and at all previous periods citizens of North-Carolina? It is not in the Declaration of Independence; the bill of rights; the principles of our free institution; and the committee fondly hope not in the disposition of those, whose high privilege and prerogative it is to control the destinies of the petitioners.

Respectfully submitted, JAMES ALLEN, Chm'n.

More New and Seasonable DRY GOODS, &c. George Simpson & Co. HAVE just received, direct from New-York, an additional supply of Superfine Blue, Black & Steel-mixed Cloths Satinett, Caplet and Tartan Plaids Black Worsted Gauze Barege Black Gauze Handkerchiefs Italian Crapes and Lutestrings 30 ps. Crapes, well assorted Gentlemen's Seal and patent Leather Caps Youth's Morocco and Leather do Fancy Printed Cravats Green Bazes and Green and Red Flannels 2 bales Brown and Bleached Shirtings A general Assortment of Hardware, &c. G. S. & Co. have for sale, on Commission, Fayetteville Mould Candles, all sizes, from Frink's Manufactory Raleigh, Nov. 30, 1829. 30

NOTICE. STOLEN out of my pocket, in the Clerk's Office, at Roxborough, Person county, a Black Leather Pocket-book, containing a number of valuable papers, a number of notes of hand, which cannot at present be remembered. I recollect one, on Lewis Daniel, for \$450; one on Francis Lawson, with Wm. Street security, for \$100; likewise, a number of small Notes, not at present recollecting. There was one-half of a Hundred Dollar note, U. S. money, payable at the Branch Bank of New-Orleans, letter L. No. 3881; also, one-half of a Fifty Dollar note, U. S. paper, payable at Charleston, letter L. No. 2146; one Ten Dollar note, of the State Bank of N. C. and one Dollar Note, of the same Bank, with a number of Consignable Receipts, and other valuable papers. I would, for-warn any person from trading for any of the Notes of hand or other papers. To any person finding or giving information of the Pocket-book, I will give a reward of \$30, by delivering of the same with the contents to JAMES WILLIAMSON, Person county, Nov. 30, 30 3m

Stop the Swindler. ON Tuesday morning last, a man obtained a Horse from my Stable, under pretence of going a few miles into the country, with which he absconded. He is a person about five feet ten inches high, light complexion, brown hair, blue eyes, and has lost the two middle fingers on his left hand; he wore a blue cambric cloak. The horse was a dark brown, about 16 hands high, 5 years old, and of a slim make. One Hundred Dollars reward will be given for his apprehension and confinement, so that he may be brought to punishment, and the recovery of the horse, or twenty dollars for the horse alone. JAMES LINDSAY, Charleston, Nov. 26. 30 6c

Supreme Court Reports.

JOSEPH GALES & SON, have just published No. 2 Vol. 12 of DAVENANT'S Reports of the Decisions of the Supreme Court. It will be delivered to such subscribers as are now in the City immediately and forwarded by mail to distant ones. Raleigh Nov. 21.

BUCAMT.

For sale, or to be farmed out for the next year, A LARGE well proved Young JACK, imported from Malta. Inquire of the Editor of the American Farmer, Baltimore. Nov. 26. 30

Atlantic Souvenir, for 1830.

THE Atlantic Souvenir, for 1830, splendidly bound in embossed leather, with gilt leaves, and twelve highly finished engravings on steel, by the first Artists. Just received and for sale by J. GALES & SON. EMBELLISHMENTS: Frontispiece—The Wife, engraved by Debrand, from a picture by S. F. B. Morse. The Village School, engraved by Ellis, from a picture by Ritcher. The Cottage, engraved by Kearney, from a picture by Westall. The Gipsying Party, engraved by Durand, from a picture by Leslie. The Three Sisters, engraved by Longacre, from a picture by Sir Thomas Lawrence. The Cottage Door, engraved by Kelley, from a picture by Gainsborough. The Parting Hour, engraved by Ellis, from a picture by Corbould. The Bandit, engraved by Ellis, from a picture by East-ke. The Portrait, engraved by Hamilton, from a picture by Bowden. The Fisher Boy, engraved by Ellis, from a picture by Inman. Reconciliation, engraved by Illman and Philbow, from a picture by Stephanoff. The Temple of Egina, engraved by Kelly, from a picture by Turner. Raleigh Nov. 24. 28

MANAGER'S OFFICE, RICHMOND DICK COMPANY. Class No. 4.

To be drawn at Richmond, On Friday, the 11th December, 1829. 60 No. Lottery—Nine drawn Balls.

SCHEME. 1 Prize of \$15,000 is \$15,000 1 6,000 6,000 1 4,000 4,000 1 3,000 3,000 1 2,025 2,025 5 1,000 5,000 5 500 2,500 5 400 2,000 10 300 3,000 20 200 2,000 24 150 3,000 51 70 3,570 51 60 3,060 51 50 2,550 51 40 2,040 102 30 3,060 1,530 15 15,300 11,475 5 57,375

13,325 Prizes, } \$4,220 \$150,880 20,825 Blanks, }

Whole tickets \$5. Halves 250. Quarters 125. Address all your orders to YATES & M'INTYRE.

NOTICE.

STRAYED from the Subscriber, on the 5th of January last, a Horse MULE, about ten years of age, dark color, compactly built, and has the hair rubbed off his shoulders by the collar. He was seen at one time, between Murphy's Mills in Orange & Greensboro' in Guilford county, making for this place. He has no doubt been taken up or he would before this have reached home. A reasonable reward will be given and all expenses paid, for his delivery to me in Raleigh. LEWIS HOLLOMAN. Raleigh, Nov. 10. 24

NEW AND CHEAP Seasonable Dry Goods.

Fine and Common Cloths of all colours, Cassimeres, Sattinets, Calicoes, Ismarinne and Gros de Indre Silks, Plain, Figured and Black Palmatine, Swiss and other Muslins, Merino Shawls, Splendid Belt and Bonnet Ribbons, Lace Capes and Veils, Fine Hats, Seal Caps, Shoes of all kinds, Rose and Point Blankets, Irish Linens, &c. &c.

B. B. SMITH, has just received and opened the Cheapest and most extensive assortment of SEASONABLE DRY GOODS (of which the above named compose a part,) he has ever offered in this market; and which having been purchased by a friend of his at the Package Sales in New-York, on the most advantageous terms, he is necessarily enabled to sell them remarkably cheap. His CLOTHS he would particularly recommend to the attention of buyers, as many of them are 50 per cent lower than formerly. He has besides, superior Loaf & Brown Sugar, Tea and Coffee, Cotton Bagging and Iron. Raleigh, Nov. 12. 24 4t

Ready-made Clothing, &c.

THE Subscriber respectfully informs the citizens of Raleigh and its vicinity, that he has taken a Store on Fayetteville street, a few doors below the Bank of Newbern, where he intends keeping on hand, an assortment of READY-MADE CLOTHING consisting of Gentlemen's Over, Frock & Dress COATS. Do. PANTALOONS & VESTS. Do. FINE DRESSING & SHIRTS. Together with an assortment of Fancy Articles, such as fine LINEN COLLARS—1st. 2d. and 3d. quality SUSPENDERS—CRAVAT STIFFENERS—Plain and Fancy SILK CRAVATS—Libridge's Patent Composition STOCKS, &c. He expects to receive from Newbern, weekly additions to his Stock; and he assures the public, that the articles are well-made, and after the latest fashion. ISAAC C. PATRIDGE. Oct. 28, 1829. 20—1aw 6c

NOTICE.

ON the 10th inst. I lost my Child, a boy about 5 years of age, neat Pappal Crook Meeting House. He has a fair skin with blue eyes and white hair, and had on a wool Hat and a suit of white and copperas cotton cloth. When taking he does not speak very plain. Any information of said child will be thankfully received. RICHARD CROSS.