M. Carolina Constitutionalist,

THE SHIELD OF FREEDOM-THE SCOURGE OF TYRANTS"

BY CHARLES R. RAMSAY.

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LITERARY FUND.

To the General Assembly of the State of North Carolina.

The President and Directors of the Literary Fund, in obedience to the Act of Assembly requiring them ro "cause to be kept by the Treasurer for the State, a regular account of all such suns of money as may belong to the said fund; of the manner in which the same has been applied and vested; and to make an annual report thereof to the Legisto them shall seem expedient," respectfully Report,

That the receipts of this corporation for the year ending on the first day of November 1823, have been as follows viz.

\$2,737 28

Amount of tavern tax for 1833, do auction do

675 64 do cash received do on entries of vacant land 6,279 43 dividends received State Bank and Bank of Newbern, 18,180 00

ditto Cape Fear Navigation Company 566 14 Ditto 28,438 49

Add to this sum the amount reported by the Public Treasurer to the last General Assembly, to have been due to the Literary Fund, on the first of November 1832,

Making an aggregate of

of any of the Banks of this State, or in the stock of the Bank of the States. United States." The entire fund has therefore been idle and unproduc- There is another object which may be attained by draining this lake ing that William J. Alexander, the present incumbent, is order to be countersigned by the Speative during this period.

Has the Act of Assembly in question transferred the Swamp lands to other vacant and unappropriated lands?

tion. The grant is express "of all the vacant and unappropriated Carolina, but to the Union. Swamp lands," and not to "all monies paid to the State" as in the former instance. If a right to the latter merely is intended, there was no necessity of any reference to the Swamp lands, all the unappropriated lands except the Cherokee lands, being included by the other form of expression. The corporation neither owns, nor has authority to acquire any "real estate" other than these lands, so that the power "to alter, change and dispose of the real and personal estate," given by the third section, is by any other construction entirely nugatory, so far as it relates

to the former species of property.

The act above referred to, passed at the same session of the Legislature, to prohibit the entry of these lands accords well with this construcbeen duly sensible of the great importance of this portion of the public the several counties of this State."

establish common and convenient schools in every county in the State, duce upon them. rected to the improvement of that part of the fund which consists of real hazard incurred. estate, and that a portion of the money in the Treasury may well be set apart for this purpose, leaving the remainder to be invested in such stocks, as the Legislature may direct.

The Governor in his recent message to the General Assembly; has stated the extent, and made some general remarks with respect to the value of the Swamp and Marsh lands in the State. A minute and interesting description of the entire region, over which they extend, was given to the Board for Internal Improvements in 1827, by Mr. Nash, then Civil Engineer for the State. He concludes his report on this subject by times, passed and engrossed. observing that "North Carolina possesses a mine of wealth in her swamp Mr. Brittain, of Burke, presented a bill to orect a new county by the lands, which if rightly managed may be made a source of great and name of Yancey: which was read the first time and passed, and its further were appointed, on the part of the Senate, to compose the and ordered to be engrossed. lasting revenue. Instead of being the abodes of reptiles and howling consideration postponed until Morday next. beasts, the receptacles of stagnant waters, which spread disease and death through the country for one third of the year, these now loathsome to ballot for a solicitor of the 6th judicial circuit, and stating that Wm, J. Mr. Caldwell presented the petition of sundry citizens of marshes and dismals may all be converted into fruitful fields, and made Alexander is in nomination. the delightful habitations of man."

The Board have taken much pains, to ascertain the correctness of the siding in the eastern section of the State. These enquiries have pro- house, as amenated, was concurred in-ayes 40, noes 21.

duced the conviction that the subject is one of great importance, and well worthy the interest it has excited in the public mind. The general fertility of the soul is universally admitted the extent of the surface has fertility of the soil is universally admitted, the extent of the surface has Martin of Richmond, Martin of Rockingham, Mathews, Mendenbeen ascertained by actual survey, and the effect of the anticipated improvement upon the health of the adjacent country cannot be otherwise son, Norman, Phillips, Sherard, Shuford, Simmons, Sitton, Spaight, Stedman, Stone, Vanhook.

Which resolution was on motion of Marchigan, Marchigan, Marchigan, Marchigan, Morison, Moye of Pitt, Murchigan, Stone, Norman, Phillips, Sherard, Shuford, Simmons, Sitton, Spaight, duty of the committee on Military Af-

The important inquiry however remains to be answered, In what way Latham, Lindsay, Mann, Mebane, Melvin; Moye of Greene, Nash, adopted. and by what means can this work be most advantageously performed? Pugh, Skinner of Perquimmons, Skinner of Chowan, Skinner of Pas: This has been the subject of much reflection with the Board, and they Messis. Beard, Mendenhall, Martin of Rockingham, Edhave been unable to devise any general system of improvement, with wards, Skinner, of Chowan, Jones and Mann form the said which they are entirely satisfied. They believe, however, that an experi- committee on the part of the Senate. phed and vested, and to make an amount report district the senate.

ment may be made without either hazard or expense to the fund, which Mr. Martin of Richmond presented a bill to incorporate red. they have in charge, which will afford the most satisfactory information the Richmond Manufacturing Company; which was read the by which to determine the propriety of entering upon a general system first time, passed, and referred. of improvement. They propose to select a single tract of sufficient extent, and offer the requisite inducement ro reclaim it, to individual effort try money for lands entered in Rutherford county, was square snall not be rung under any other than by the directions of the Legislature. and enterprise. With this view, they recommend as the first object of attention, the work which has been the subject of such frequent discussion in the Legislature, the improvement of the Swamp land in Hyde that William J . Alexander is duly elected, county, by draining Matamuskeet lake. This lake is represented by Mr. Nash to be 20 miles in length from East to West, and 8 or 9 miles Mr. Courts from the committee of Propositions and Grie-agreed to. After unsuccessful motions to wide from North to South, and to cover an area of 120,000 acres. It is vances, reported a bill to divorce Ann Eliza Viverett, from postpone the resolution indefinitely and to elevated from 7 to 10 feet above the level of Pamptico, sound from which her husband Micajah, which was read, when Mr. Wyche lay it upon the table, it was referred to it is distant four miles, and has at its greatest depth 9 feets of water. He moved for its rejection; which motion was negatived, and committee of Propositions and Grievanestimates that a canal forty feet in wiath, and eight feet in depth, may the bill passed its first reading. be excavated along the line of a canal already existing of the width of 88,586 321 twelve and depth of four feet, by the expenditure of \$8,000, and that it bill to emancipate Joe a slave; which passed its first reading. refer to the committee on the subject of

\$117,024 811 cultivation, 60,000 acres of land, of great fertility. In addition to During the present year no expenditures have been made from this this, the lands of the riparian proprietors would be secured from inunfund for any purpose; and for obvious reasons, the Board have declined dation, and thus greatly enhanced in value, and the healthfulness of a the joint select committee on the expediency of selling the to exercise the authority given by the third section of the act creating neighborhood increased, which is believed to be more densely populated, Cherokee lands, this corporation, "to vest any part or the whole of the fund in the stock than any settlement of equal extent in this or perhaps in the Southern A message from the Senate, proposing to ballot immediberland in favor of Isabella Campbell, al-

or reducing its waters, which recommend it still more forcibly to in nomination. The proposition was agreed to, and Messrs ker. The President and Directors have had some difficulty in determining public patronage. The distance from the lake to Alligator river is but Hargrove and Marsteller were appointed superintendents Mr. Barringer, from committee on the the construction, which ought to be given to the act of incorporation; four miles. If a caual be cut from the north side of the ballotting on the part of this House: Messrs Hoke, Judiciary, to which were referred the reand as the question involved is one of much importance, they beg leave Pamptico sound, and from its southern margin to Alligator river, which and Murchison compose the ballotting committee on the part solutions directing said committee to into refer it to the consideration of the Legislature. The second section it is believed may be effected without much difficulty, a direct communiprovides that the Literary Fund, shall consist "of the dividends arising cation will be opened between Albemarle and Pamptico sounds. The from certain bank stock owned by the State, the dividends arising from Dismal Swamp Canal is already in successful operation, and the im stock owned by the State in certain navigation companies; the tax im-provement now proposed will afford a channel of communication beposed by law on licenses to the retailers of spirituous liquors and auc- tween Norfolk and Newbern, of great importance, not only to the immetioneers; the unexpended balance of the agricultural fund, which by the diate section of country through which it will pass, but to a large portion First Broad river, in Rutherford country; the bill authoris act of the Legislature is directed to be paid into the Public Treasury; of the Atlantic coast. Within the last two months, a company of entering the register of Buncombe county to appoint a deputy; cases of fraudulent concealment, reported all monies paid to the State for entries of vacant land excepting the prizing gentlemen have established a line of steam boats between Eliza- and the resolution in favor of Archibald Campbell, of Cum- that it is inexpedient to alter said laws. Cherokee lands, the sum of \$21,090, which was paid by the State to beth City (near the point of connexion between Pasquotank river and berland county. certain Cherokee Indians for reservations to land secured to them by the Dismal Swamp Canal) and Newbern. It is in contemplation to extreaty, when the said sum shall be received from the United States by tend this line from Newbern, through the Club Foot and Harlows Creek Senate, proposing to ballot, on Thursday next for Governthis State; and of all the vacant and unarpropriated swamp lands in Canal to Beaufort, and thence along the coast by Wilmington to Charles- or of the State for the ensuing year, and stating that David this State, together with such sums of money as the Legislature may ton, S.C. Through the canale connecting Mattamuskeet take with L. Swain is in nomination. hereafter find it convenient to appropriate from time to time." The Pamptico and Albemarle Sounds, a hundred miles would be saved in third section declares that the President and Directors shall have author-distance between Elizabeth City and Newbern, and the dangerous naviity "at all times to change, alter, and dispose of the real and personal gation of the lower part of Albemarle Sound avoided. This improveestate, belonging to the said fund, in such manner and upon such terms ment would constitute a link of the great chain of internal communias may in their opinion be best calculated to improve the value thereof." cation which has for many years attracted the attention of some of our speciable meeting of the members of the Legislature of this State, An Act passed at the same session, prohibits the entry of Swamp lands. most distinguished statesmen. The facilities of inter-communication, held at the Government House in this city on the 4th day of January which it would afford in time of peace, would greatly promote the conthis corporation with authority to dispose of them? or merely a right "to venience, and advance the prosperity of that section of the State; but if Carolina. I also transmit, in further compliance with the request of Courts of Haywood county and the bill all monies paid to the State" on account of them, as in the case of at any time the fleet an enemy should cut off all intercourse with our the meeting, a file of certificates which have been forwarded to me sea ports, a safe and direct inland navigation, of the character proposed by the Sheriffs of the respective counties to which they relate, showing The Board entertain the opinion that the former is the true construction at the annual election in August last.

induced, long since, by the obvious advantages which must result from wise, the able exposition of my views in the accompanying address of amending the Constitution of the State the successful prosecution of such an enterprize, to offer the entire body the committee above mentioned, which received my sanction at the was occurred in, and Messrs. Irving, of land, which might be reclaimed, to the first individual who would polls, and in the correctness of which my confidence continues un-Barringer, Poindexter, Fisher, Outlaw, drain the lake. The Board entertain the opinion, however, that if the the subject to the patriotism, the prudence and the justice of the compose said committee on the part of General Assembly concur with them in the construction they have given General Assembly, and cherish the hope that it will receive the fato the Act creating this fund, and sanction the course which they propose vorable consideration to which it is entitled by the important principle this House. to adopt, liberal and enterprizing individuals will be willing to incur the involved, and the respect due to the opinion and feelings of so large Mr. Smithwick presented a bill to inhazard of such an undertaking, upon terms much more favorable to the State, if successfully prosecuted, and attended by no public loss should subject, so upon you rests the responsibility attached to its exercise.

They therefore respectfully recommend to your honorable body to auterest and feelings of every section of the State, and thus ensure the the time of holding two of the Courts of tion. The Legislature seems at that period for the first time, to have thorize the President and Directors of the Literary Fund to loan upon harmony and prosperity of the whole. good security, to any number of individuals, not exceeding thirty, who domain, and it must have been upon this "real estate" alone, that any will associate themselves, and shall be incorporated for the purpose of reliance could have been placed, or even hope entertained for the accu-engaging in the work, a sum of money, not exceeding 50,000 dollars, to mulation, within any reasonable period, of a sufficient "fund for the sup- be applied by the said individuals to the accomplishment of the projected port of common and convenient schools for the instruction of youth in enterprize. The money to be repaid at the expiration of five years from communication with the accompanying documents, be traus. Court Judges; which were read the first the period at which the loan shall have been obtained, without interest. mitted to the Senate and referred to the joint select com- time and passed. Having arrived at this conclusion it becomes the duty of the Board in The lands when reclaimed, to be sold, and the proceeds, after the repay-mittee on the subject of Convention. connexion with the subject, "to make such recommendations to the Legislature for the improvement of the Fund as seem to them expedient." poration and the individuals concerned. The canals to be joint property, It is apparent that no general good could be effected, by an attempt to and reasonable rates of toll to be allowed for the transportation of pro-

with a fund amounting to little more than a hundred thousand dollars .- By this plan, the Literary Fund, for the use of the capital employed, There is at present no opportunity afforded for an investment in the stock and the land surface of the lake, which in its present condition is des-ners in certain cases, as to make all the fees to which a act of last session, regulating the County of any bank in this State or of the United States, though it is probable titute of value, would receive one half the amount of tolls levied on the coroner may be entitled in the cases mentioned in the said Corts of Washington and Hyde, was read this state of things will not long continue. In the mean time, they en- canals, and the individuals under whose direction the work shall be per- act a charge against the estate of the deceased, if a free the third time, passed, and ordered to be tertain the opinion that their attention may with great propriety be di- formed, the remaining half, as a compensation for their attention and the person, or against the owner, if a slave.

N. C. LEGISLATURE.

SENATE-Monday, Nov. 25. Mr. Stedman presented a bill to incorporate the Farmer's Library Asso- third time, passed and ordered, to be engrossed. ciation in Chatham county, and Mr. Sitton, a bill to make compensation to the Jurors of the Superior Court of Haywood county: which were read three

On motion of Mr. Hoke, a message was sent to the other house, proposing ing cannot be done on terms more advantageous.

sition of the House of Commons to raise a joint select committee to take un- red. der consideration the propriety of amending the Constitution of the State, description given by this gentleman of the several tracts of country surveyed by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to test the general accuracy of his estimates. Various by him, and to inquire what mode it is most expedient to bart of each House, whose duty it shall be to inquire into the expedient. publications on the subject have been consulted, the maps belonging to the Executive Department attentively exempting from the performance of military du lenburg county, securities of John Sloan, the Executive Department attentively examined, and much information has been obtained by an extensive correspondence with gentlemen residing in the content of the same; which amendment was agreed to. The proposition of the other same; which amendment was agreed to the same; who have served in a constant of the payment of a forleiture of 400 dollars, and the same; who have served in a constant of the payment of a forleiture of 400 dollars, and the payment of a forleiture of 400 dollars, and the same; who have served in a constant of the payment of a forleiture of 400 dollars, and the same; who have served in a constant of the payment of a forleiture of 400 dollars, and the same; who have served in a constant of the payment of a forleiture of 400 dollars, and the same; who have served in a constant of the payment of a forleiture of 400 dollars, and the same; who have served in a constant of the payment of a forleiture of 400 dollars, and the same; who have served in a constant of the payment of a forleiture of 400 dollars, and the payment of a forleiture of 400 dollars, a

The engrossed bill to give longer time for paying in enread the first time and passed.

HOUSE OF COMMONS.

Mr. Courts, from the same committee, also reported a

would have the effect to lay bare and sufficiently dry for the purposes of Slade; which was read the first time, passed and referred, Governor relative to a change of the Con-

Messrs. Weaver, Tatham, Grady, Dobson and John B, stitution, was concurred in-

ately for a solicitor of the 6th Judicial Circuit, and inform- lowing her a pension; which was read and of the Senate.

The bill for the better administration of justice in Haywood county, was read the third time, passed, and order- footing with other judgment debts; of a-

The following engrossed bills and resolution passed and of amending the existing laws for the

On motion of Mr. Graham, a message was sent to the

To the General Assembly of North Carolin. GENTLEMEN -I transmit to you a communication, which I have reduction of the tax on sales by auction; the number of votes which were given in each for and against a sociation in Chatham county.

Myopinions upon the interesting question to which these papers re- to the proposition of this House to raise It seems to be matter of surprize, that the Legislature had not been fer, have been so frequently expressed, and are so generally known a joint select committee on the subject of diminished, relieves me from all difficulty. I begleave to commend Long and Shepard were appointed to

You will recollect that, as with you resides the power to control this Williamston, which was read three times I earnestly hope that a spirit of conciliation and compromise may direct your conneils, and lead you to a result which will unite the in-

I have the honor to be, &c.

Executive Department,

DAVID L. SWAIN.

On motion of Mr. Courts, ordered that the foregoing to reduce the salaries of the Supreme

duct the ballotting for a solicitor of the 6th Judicial Circuit, holding the superior Courts for the counreported that William J. Allexder is duly elected,

On motion of Mr. Battle, the committee on the Judicia- was read the third time passed and orry were instructed to inquire into the expediency of so a- dered to be engressed. mending the act of 1826, making compensation to coro- The engrossed bill to repeal in part the

On motion of Mr. Alexander, the same committee were Mr. Shepard presented a petition from instructed to inquire into the expediency of defining the sundry merchants and others of Newbern. respective duties of sheriffs in holding elections for mem- praying the establishment of a Bank in bers of the General Assembly, clerks and sheriffs.

Mr. Marsteller presented a bill to incorporate New Han- select committee on the Currency and over Academy; which passed its first reading. The bill to incorporate Morven Academy, was read the

Tuesday Nov. 26.

SENATE. Mess. Montgomery, Sherard, Lindsey, Vann and Wilder bill was then read the third time, passed, joint select committee to examine whether the public print-

Iredell county, praying that John Andrews, of said county, On motion of Mr. Clayton, the Senate proceeded to consider the propo- be restored to the privileges of a citizen; which was refer- of Isaac Weston and others, citizens of

> Mr. Morris presented the following resolution: Resolved, that a message be sent to the House of Commons, propos citizen, referred.

Noes .- Messrs. Arrington, Flowers, Foy, Hall, Harrison, Howell, fairs to make the inquiry alluded to, and

Mr. Lindsey presented a bill concern' ng the Beach and Marshy lands lying in Currituck county; which was read three times, passed, and ordered to be engros-

Mr. Brittain, of Burke, presented the following resolution:

Resolved, that the public bell on the public square shall not be rung under any other order

Which was read the first time and thereto the words "during the sitting of

The proposition of the other House, to

HOUSE OF COMMONS. Mr. Seawell presented the certificate of the clerk of the county court of Cum-

uire into the expediency of placing fines imposed by courts of law upon the same mending the law respecting Bastardy; bolish imprisonment for debt except in Concurred in.

On motion of Mr. Waugh, a message was sent to the Senate, informing that the name of Henry Seawell is added to the nomination for judge of the Supreme

Mr. Shepard presented the petition of the actioners of Newbern, praying for a which was referred.

The following engrossed bills passed to incorporate the Farmers' Library As-

The amendment made by the Senate

Mr. Guinn presented a bill to alter Pleas and Quarter Sessions of Macon county; Mr. Irvine, a bill to authorise Laxton Lynch to erect two gates in Rutherford county; and Mr. Allison, a bill

The bill to extend and continue in force Mr. Marsteller, from the committee appointed to con- certain acts for regulating the times of ties of Moore, Montgomery and Anson.

that town; which was referred to the joint

The bill to divorce Ann Eliza Viverett, after motions for laying it upon the table and postponing it indefinitely had been unsuccessfully made, passed its second reading-yeas 69, nays 59. The

> Wednesday Nov. 27. SENATE.

My. Hussey presented the memorial Duplin county, praying that said Isaac Weston be restored to the privileges of a