

to sell or deliver, wine, spiritous liquor, or malt liquor, for the purpose of being used at the University, or within two miles of the University, by a student thereof, without the permission of the President or some member of the Faculty of said University. Any persons violating the provisions of this act, shall be considered guilty of a misdemeanor, and may be prosecuted in any court having cognizance thereof.

Sec. 2. Be it further enacted, That this act shall be in force from and after the ratification thereof.

[Ratified the 20th of January, 1843.]

CHAP. LXX.

An Act to amend the Revised Statute, entitled "an act for restraining the taking of excessive usury."

Sec. 1. 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 no deed, bill of sale, mortgage or assignment, made to secure the payment of any debt or debts, or the performance of any contract or agreement, shall be held or taken to be avoided, as against any purchaser for valuable or other good consideration, by reason of any interest or discount received, reserved or included in or upon any such debt or debts, contract or agreement, at a greater rate for forbearance, or giving day of payment, than the rate specified by the said statute; such purchaser not having had, at the time of his purchase, notice of the receiving, reserving or including of such interest or discount; but that every such bill of sale, deed, mortgage and assignment, only as respects such purchaser, without notice, his heirs, executors, administrators and assigns, shall be good and effectual in Law and Equity, such excessive usury notwithstanding.

[Ratified the 27th of January, 1843.]

PUBLIC RESOLUTIONS

Resolutions in relation to the United States Arsenal.

Whereas, at its session of 1835-'6, the Congress of the United States, passed an act to establish an Arsenal of deposit and general construction, at some point which would extend to the South the greatest facilities for receiving arms and other munitions of War; and whereas, after mature deliberation on the part of the Military Committee, aided by the experience of the War Department, and at the urgent recommendation of the Chief of Ordnance Bureau, the site of the said Arsenal was fixed near the town of Fayetteville, in this State, because it combined greater advantages than any other position for an institution of its magnitude and utility, which were fully and ably set forth by Colonel Boonford, in his report on the subject to the War Department; and whereas the said Arsenal has been commenced and progressed with on a scale corresponding with the original design of Congress, requiring, now, but little more to render it efficient for all the purposes of such an establishment and conducive to the safety and protection of a large portion of the Southern country, to wit: North Carolina, the middle and western portions of Virginia, the western portion of Tennessee, the north-western portion of Georgia and So. Carolina, important sections of the country which can be furnished with Military Stores from no other depot with facility and economy; and whereas an intention has been manifested by the War Department to postpone the completion of this highly important work to an indefinite period, if not to curtail and cripple its efficiency:

1. Be it therefore resolved, by the General Assembly of the State of North Carolina, That, in the opinion of this General Assembly, it is expedient and proper that the North Carolina Arsenal, now being erected in this State, should be completed in accordance with the intentions and the original design of the Congress of the United States, the interests of this and the adjoining States alike demanding it.

2. Resolved, That the large amount of money already expended on the North Carolina Arsenal, was unnecessary to make it an arsenal of deposit merely; and that to convert it into an arsenal of that class now, would be unwise, as a military measure, and would disappoint the just expectations of the citizens of the wide extended district of country depending upon it for military supplies and protection.

3. Resolved, That our Senators and Representatives in Congress be requested to use their best endeavors to procure sufficient appropriations of money to ensure the completion of the North Carolina Arsenal, as "an Arsenal of deposit and general construction," in pursuance of the original design of Congress.

4. Resolved, That his Excellency the Governor of this State be requested to transmit forthwith a copy of these resolutions to each of the Senators and Representatives of North Carolina, in the Congress of the United States.

[Ratified the 13th day of December, A. D. 1842.]

Resolution for the Clerk of the Senate to purchase a book.
Resolved, That the Clerk of the Senate be authorized and required to purchase a suitable book for enrolling the Committees of the Senate, and the joint Committees of the two Houses of the General Assembly, and his order on the Treasurer, for the amount to be paid for said book, shall be paid by that officer, and shall be a voucher for him in the settlement of his public accounts.

[Ratified the 26th day of December, A. D. 1842.]

Resolution making disposition of Congressional Documents.
Resolved, That his Excellency the Governor, be authorized and requested to transmit to the President of the University of North Carolina, and to each of the Literary Societies in said University, one copy of the Documents, legislative and executive, of the Congress of the United States, in relation to the public lands, in five folio volumes; and also one copy of the "General Public Act of Congress, respecting the sale and disposition of the public lands, with instructions issued from time to time, by the Secretary of the Treasury and Commissioners of the General Land office, and the official opinions of the Attorney General, on questions arising under the said laws," in two octavo volumes, the same being part of twenty-four copies recently transmitted to the State of

North Carolina, by order of the United States Senate, and to deposit the remaining volumes in the State Library.

[Ratified the 28th of January, 1843.]

Resolution to authorize the printing of Colonial Documents relative to North Carolina.

Resolved, That the Treasurer of the State, be, and he is hereby authorized to have printed, upon terms the most favorable to the State, a manuscript volume in the Governors office, entitled "Indexes to Colonial Documents relative to North Carolina;" and that he deposit ten copies, together with the original manuscript volume, in the State Library.

[Ratified the 26th of January, 1843.]

Resolution in favor of the New York Historical Society.

1. Resolved, by the General Assembly of the State of North Carolina, That the Secretary of State, be, and he is hereby authorized and required to furnish to the agent, or order of the New-York Historical Society, in the City of Raleigh, one bound set of all official Documents, including the decisions of the Supreme Court, and the laws and Journals of the General Assembly of the State, which may hereafter be published under the laws or order of the Legislature; and if the Secretary shall deem it consistent with the State's collection, he is authorized to furnish to the agent of said society as aforesaid, one bound copy of such Documents as have been published for preceding years.

2. Resolved further, That the Secretary of State transmit a copy of these resolutions to the "Librarian of the Historical Society, Stuyvesant Institute, New-York."

[Ratified the 27th of January, 1843.]

Resolutions of Instruction.

1. Resolved, That the Legislature of this State have a right to instruct the Senators of this State in Congress, whenever, in the opinion of the Legislature, they misrepresent the wishes of the State, or the magnitude of the occasion shall require such instructions; and that it is the duty of the Senators to obey the instructions given or to resign their seats: *Provided,* the instructions to be given—and obeyed, require not the Senator to commit a violation of the Constitution, or an act of moral turpitude.

2. Resolved, That while North Carolina, in the opinion of this Legislature, will never object to any amount of taxes, equally apportioned and imposed for the purpose of raising revenue, to support the Government, economically administered; yet this State will never consent to the imposition of taxes, the design and operation of which are to promote the interests of particular occupations at the general expense.

3. Resolved, That the Tariff law, passed by the present Congress, is based on protective principles, operating as a bounty to the manufacturing interests, and imposing unjust, unequal and oppressive burdens upon other branches of industry, and particularly those peculiar to the Southern States, and that such being the effects of this law, it is unwise in policy, dangerous to public liberty, and a perversion of that free constitution of Government, which was framed and adopted for the protection and security of all, and which will be best sustained, by the equal operation of its laws, and the just dispensation of its benefits to every American citizen.

4. Resolved, That this law is not only protective in its character, and unequal in its operation; but that it violates the compromise of 1833, unjustly depriving the South of the benefits of that act precisely at the period when they were to accrue to us, and immediately after we had patiently and patriotically endured all its burdens; and therefore, in the name of honor, justice and good faith, the Legislature of North Carolina, do protest against this law, and insist that it should be modified, so as to place it on the basis of revenue duties.

5. Resolved, That this Legislature do highly disapprove of the Bankrupt law, passed by the present Congress, and desire its immediate repeal, because it impairs the obligation of contracts, destroys confidence and credit; encourages frauds and reckless speculation, and because we believe there is scarcely a division of sentiment among the people of North Carolina, in their opposition to this measure.

6. Resolved, That the fine imposed upon Gen. Andrew Jackson, during the late war, by Judge Hall, should, in the opinion of this Legislature, be immediately refunded, with full legal interest, without any proviso or qualification whatever, as an act of justice to a brave, meritorious and distinguished officer.

7. Resolved, That the Executive Veto, limited as it is by the wisdom of our fathers, is a conservative and necessary power, of which the President should never be deprived.

8. Resolved, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to carry into effect the principles set forth in the foregoing resolutions.

9. Resolved, That the Governor of this State, be required to forward a copy of these resolutions to each of our Senators in Congress, with the request that they lay them before the Senate of the United States.

[Ratified the 26th day of January, A. D. 1843.]

Resolution directing the Public Treasurer to carry to the credit of the Literary Fund, the sum of \$22,947 97.

Resolved, That the Public Treasurer, be, and he is hereby directed to carry to the credit of the Literary Fund, the sum of twenty-two thousand, nine hundred and seventeen dollars, and ninety-seven cents, being the amount lately received from the General Government, for the portion to which this State is entitled of the proceeds of the sales of the Public Lands, under the act of Congress, entitled "an act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption rights," to be held, used, invested and managed as money belonging to said President and Directors, in directed by the act passed in the year 1836, entitled "an act to drain the swamp lands of this State, and to create a fund for common schools."

[Ratified the 26th day of January, A. D. 1843.]

BEAUTIFUL EXTRACT.

From the Speech of Garret Davis of Kentucky, in the House of Representatives, January 19, 1843.

"But the Whigs had a man under whom they expected to rally; and who were they that rivaled? What would have been thought of a man that in the days of the Revolution, should have abused and maligned Washington, or Green, or any other of their glorious coeppers in arms? Would he be set down as a friend of the Revolution? No. Neither was he a friend to Whig principles or the Whig party who could frame his lips to speak abuse of Henry Clay. Yes, under that name they expected to rally. His place was now a private station, but he was in the presence of the country and the world. He had come into Kentucky an orphan boy; but there he found himself transferred to a new theatre, where his powers expanded and his mighty genius soon developed itself. In the ever memorable days of ninety-eight, he had impressed upon that noble, that glorious commonwealth, his own image—the living, breathing image of his own unmatched genius, his own free, undaunted soul—and his civil achievements, in the service of his country would last in fame as long as the pages of history should survive the touch of time. In practical Statesmanship, in that *Oratory* which persuaded the understanding, and raised and united men in a great enterprise for the public good, he had no superior. In intuitive accuracy of apprehension, in acuteness of intellect in high and noble purpose, in a system of policy broad as the Confederacy, and based on the eternal principles of equity and public justice, where was his equal to be found? True, he was ambitious but he ever held that characteristic passion of great minds, subject to the dictates of an enlightened patriotism, of constitutional liberty and the rights of the people. His eminent services had not been confined to his own State; no, nor the limits of his own country, dearly as he loved her; they pervaded the world. The rage of party had long beaten upon his head, but he had conquered the confidence of his bitterest opposers, till none were found who would not acknowledge his honesty and uprightnes of purpose. He might or he might not reach the Presidency, but he would ever occupy a summit in his country's glory covered all over with hues of living light; and would transmit to future times an immortal name, without fear and without reproach. He was the Whig's great leader—the living representative, embodiment, and impersonation of their cause.—Under him they hoped to conquer; but if they must fall, their enemies would find their bodies with their backs to the field and their feet to the foe.

The New York Courier maintains that the appointment of a Secretary of War, by the President, is in the teeth of the Constitution, and pronounces the act the most startling annunciation that has ever yet met our notice.

Article 2d, section 2, contains the following:

2. He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors and other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein provided for, and which shall be established by Law.

3. The President shall have power to fill any vacancies that may happen during the recess of the Senate by granting Commissions, which shall expire at the end of their next session.

MR. CLAY IN ILLINOIS.

A meeting of the Whig members of the Illinois Legislature was held at Springfield on the 3d inst.

The resolutions adopted by the meeting embraced substantially, among others, the following points, viz:

1. The imposition of a Tariff of duties, sufficient to raise a revenue to defray the necessary expenditures of the National Government, and at the same time afford adequate protection to American industry;

2. Opposition to direct taxation for the support of the National Government;

3. The necessity of a properly restricted National Bank, to regulate the currency, and aid in the collection and safe keeping of the public revenues;

4. Adhesion to the principle of Mr. Clay's Land Bill, as most according with the best interests of the Nation and of the State;

5. The active support of a Whig candidate, in every Congressional District, at the approaching election, without regard to the chances of success.

The following resolution, offered by a member, was adopted by acclamation:

Resolved, That HENRY CLAY, of Kentucky, has the entire confidence of the Whigs of Illinois: that, as a candidate for the Presidency in 1844, he would be our choice in preference to any distinguished Statesman of the Whig party; but acting as we do, from principle and not from men, we pledge ourselves to rally to the support of the nominee of the National Convention, hoping that the selection will fall on "HARRY OF THE WEST," the first and dearest hope of our suffering country.

A STRONG TEMPERANCE ARGUMENT.

Professor Silliman is reported to have stated, during a recent lecture in Boston, that in the course of a few years it would be as common a thing to see persons over a hundred years of age, as it is now to see those of 75 years, and this probable result in favor of long life, he attributed to the temperance movements of the present day.

A NEW CRUSADE.

The following was translated from the New York "Deutsche Schnell-post":

A curious association has been formed among the lower classes of the inhabitants of Berlin, with the object of once more marching to take possession of the Saviour's sepulchre and the Holy Land. The association is called the *Loewenburgerband*; each member, on joining, receives a metal badge stamped with the figure of a lion, and makes a vow to be ready when the hour for marching shall sound. The Lord himself is to lead on the host, and appearing in the body among his people, is to bring back the kingdom of God. The association already, to the knowledge of the public authorities, numbers 500 members.

MR. WISE.

This consistent gentleman, in his laudatory appeal to the constituents whose cause he has betrayed, objects to the practice of the Senate's sitting with closed doors when nominations are pending before that body.

The Whig, in order to show that Mr. Wise had no right to complain of the proceedings of the Senate in his own case, says:

But after all, what actually passed in this Senatorial conclave which Mr. Wise now represents as so terrific and formidable to Liberty? Nothing we have heard but that Old "Bullion" (Benton) got up and read one of Mr. Wise's own speeches—his Louisiana Court House speech we hear it was, delivered in November, 1839! Not a word, report alleges, was added pro or con, from any quarter! Mr. Wise's own speech was all the argument which the "Inquisitors" as he would fain have the world think them, had addressed to them for the purpose of influencing their decision! Upon the evidence of his own Louisiana Speech exhibiting however, as it unquestionably does, the most enormous amount of inconsistency which any public man ever committed in so short a time, Mr. Wise was judged and rejected.

Mr. Benton it is stated emphasised, particularly that part of Mr. Wise's speech in which he expatiates upon the dangerous principle of appointing members of Congress to office—its injury to the People in debauching their Representatives from the duty they owe to them—its corrupting influence over members of Congress in the votes they give—their infallible tendency to strengthen the President,—already too strong for a R-public, and to make Congress the purchased slaves of his will.

WASHINGTON.

The subjoined sketch of the character of Washington is from Alison's History of Modern Europe. The eulogium here pronounced is not without discrimination.

We may remark, however, that in ascribing Washington's military successes rather to the wisdom of his designs and the perseverance of his character, than to any extraordinary genius for the art of war, the historian appears to have fallen into the common error of less accurate observers. When the circumstances are considered under which the Revolutionary hero conducted his military operations, the vast expanse of country allotted to the movements of the armies—the inconveniences which the enemy were subject to in carrying on hostilities so far from home—the inequality of the respective parties with regard to discipline, equipments and means—when it is recollected that perplexities and embarrassments, beset the American leader at every step, resulting from the weakness of the Confederate Government, a depreciated currency, and the inefficiency of new levies—it will be seen that the system adopted by him in conducting the struggle was chosen not as a matter of preference in accordance with his own disposition, but as the only system adapted to the emergency of the case. That Washington possessed all those high qualities of decision, energy, quick despatch and ready invention which characterize the first order of military heroes, is evident from his campaign in the Jerseys, including the passage of the Delaware, and the battles of Trenton and Princeton, where boldness became proper. His manoeuvre which deceived Sir Henry Clinton, and by which he concentrated his forces at Yorktown and compelled the surrender of Cornwallis before any assistance could reach him, displays the same qualities. If he could be a Fabius in prudent circumspection, so could he also show himself a Hannibal in terrible energy.

The admirable equilibrium of Washington's character, whereby all the faculties of his great mind were harmoniously proportioned and undue preponderance allowed to none, has induced some to suppose that because startling eminences were seen in particular parts, there was no elevation in such points. But let it be remembered that the whole man, stood majestic, high above the common level. His whole character was one of massive grandeur. If one quality did not tower aloft to overshadow the rest, it was because all were exalted. The solemn earnestness of his soul precluded all vain ambition—all desires for mere show. There was nothing about him that was not solid—substantial—great, in him the elements of all noble qualities were so mixed.

—that Nature might stand up, And say to all the world, *This was a man!*

In the sketch which follows it will be seen that the British historian takes pride in the fact that the hero of Republic came of the old English stock. We are not disposed to deny the claim of sympathy

which he advances, for we, on this side of the water, also, claim a common inheritance in the glory of British worth, whose names are identified with the progress of human freedom and with some of the noblest achievements of man:

Baltimore American.

WASHINGTON.

Modern history has not a spotless character to commemorate. Inevitable in resolution, firm in conduct, incorruptible in integrity, he brought to the helm of a victorious republic the simplicity and innocence of real life. He was forced into greatness by circumstances, rather than led into it by inclination; and prevailed over his enemies rather by the wisdom of his designs and the perseverance of his character, than any extraordinary genius, for art of war. A soldier from necessity and patriotism rather than disposition, he was the first to recommend a return to pacific counsels when the independence of his country was secured; and bequeathed to his countrymen an address on leaving their Government, to which there is no composition of uninspired wisdom which can bear a comparison. He was modest without diffidence; sensible to the voice of fame, without vanity; independent and dignified without either asperity or pride. He was friend to liberty, but not licentiousness; not to the dreams of enthusiasts, but to those practical ideas which America had inherited from her English descent, and which were opposed to nothing so much as the extravagant love of power in the French democracy. Accordingly, after having signalized his life by successful resistance to English oppression, he closed it by the warmest advice to cultivate the friendship of Great Britain, and by his casting vote shortly, before his resignation, ratified a treaty of friendly and commercial intercourse between the mother country and its emancipated offspring. He was a Cromwell without his ambitious a Sylla without his crimes; and, after having raised his country, by his exertion, to the rank of an independent state, closed his career by a voluntary relinquishment of the power which a grateful people had bestowed. It is the highest glory of England to have given birth, even amid transatlantic wilds, to such a man; and if she cannot number him among those who have extended her provinces or augmented her dominions, she may at least feel a legitimate pride in the victories which he achieved, and the great qualities which he exhibited, in the contest with herself; and indulge with satisfaction in the reflection that that vast empire, which neither the ambition of Louis XIV nor the power of Napoleon could dismember, received its first rude shock from the courage which she had communicated to her own offspring; and that, amid the convulsions of other states, real liberty has arisen in that country alone which inherited in its veins the genuine principles of British freedom.

To the Freeman of the counties of Johnston, Wayne, Greene, Lenoir, Jones, Craven and Carteret.

FELLOW CITIZENS:

The term for which I was elected to Congress having now expired, I surrender into your hands the commission which you gave me; and, acknowledging the responsibility of the Representative to his Constituents, would (did time now allow) render a strict account of my stewardship; but the pressing nature of other engagements will not suffer me to do so at present. I shall, however, have an opportunity of seeing most of you at the several courts in my circuit, and I will always take pleasure in conversing freely and fully with you on all the important measures that were before Congress while I had the honour of a seat in that body.

The object of the present communication is simply to announce my determination not to be a candidate for re-election. I have already made known my intention on this subject to many of my friends, through private letters, and I make it public thus early in order to prevent collision or embarrassment in the selection of a candidate for the next Congress.

In declining to be a candidate for re-election, I trust I am by no means insensible to the partiality and kindness heretofore manifested towards me by my constituents. I duly appreciate their kindness, and am happy in the belief of a continuance of their confidence. Circumstances however, exclusively domestic in their character, and with which it is unnecessary to trouble the public, render it impossible for me to remain longer in public life without subjecting myself to such sacrifices as I am not well able to make.

I regard the present as an exceedingly auspicious moment for yielding obedience to these considerations of prudence, as under the new arrangement of Congressional districts, my political connexion with a large portion of my late constituents is necessarily severed, though, I trust, we shall always be bound together by mutual sentiments of regard and esteem. Besides, in retiring from the contest in the district as it now stands, I feel that I am but yielding the just right of the people to select a candidate of their own choice, unembarrassed by me or my friends.

In the retirement of private life I shall readily seek for and cheerfully improve every occasion to serve you, and to evince those feelings of gratitude, friendship and regard for you with which my heart is deeply penetrated.

Very respectfully,
Your fellow citizen,
W. H. WASHINGTON.

NEW POLITICAL MOVEMENT.

The meeting of last week in the city of New York, the object of which was to prevent President Tyler as a candidate for re-election, has been followed by a retreat of those who got it up, of which the best that can be said is that it was much