LAWS OF NORTH CAROLINA

[Passed at the session of Assembly 1844-45.]

An Act concerning the Agents for collecting the Cherokee Land Bonds.

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 it shall be the duty of the Agent or Agents employed to collect monies arising from the sale of Cherokee lands, to transmit or deliver to the Comptroller a duplicate statement or statements of all said monies which may hereafter be paid into the Treasury by such Agent or Agents.

[Ratified the 9th day of January, 1845.]

An Act more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

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 the Governor shall appoint some discreet person, a commissioner, who, with the agent appointed under the act passed at the session of the General Assembly held on the third Monday of November, A. D. 1840, entitled "An act authorising the Governor to appoint an agent in the County of Macon or Cherokee," shall constitute a board charged with the following duties, that is to say, the board shall, as soon as conveniently may be, carefully examine all the bonds given by purchasers of Cherokee lands, and ascertain in which of said bonds the principles are solvent, and in which the principals are insolvent; and when this examination shall have been completed, they shall make out duplicate lists of each class of bonds, setting out therein the names of the principals and their sureties; the amount of the said bonds; the payments, if any made, thereon; and the residue due upon the same, respectively; and shall certify, under their hands, that the said lists contain a true and faithful account of the matters stated therein; and shall transmit, without delay, one list of each class of bonds to the Governor, and the said agent shall retain the other of said lists.

Sec. II. *Be it further enacted,* That the Governor be, and he is hereby authorised, to cancel or surrender up to be cancelled all the bonds in which the principals shall be certified to be insolvent when their securities are purchasers as aforesaid, upon the following conditions, that is to say, that the purchasers respectively, their heirs, devisees or assigns, shall, within three months after such lists shall have been made, surrender to the said agent, for the use of the State, possession of the lands purchased, with all houses and other improvements which have now been made or shall be made thereon at the time of such surrender; and that the purchasers, their heirs, devisees or assigns respectively shall sign under such purchases, and of all claim to any money which may have been paid on account thereof; and if the said purchasers, their heirs, devisees, or assigns, shall fail, refuse, or neglect to surrender possession of the said lands, with all the improvements thereon, and deliver to the Governor a written surrender or release of all right under such purchases, and of all claim to any money which may have been paid on account thereof, within the time prescribed in this section, then it shall be the duty of the Governor to direct the collection of the bonds given by such purchasers, by causing suit to be brought thereon.

Sec. III. *Be it further enacted,* That in order to ascertain to the Governor the performance by the parties respectively of the said precedent conditions, the said written release shall be proved or acknowledged before one of the Judges or in one of the Courts of Pleas and Quarter Sessions of this State; or, where the parties or witnesses reside beyond the State, shall be proved or acknowledged in the mode prescribed either by the 5th, 6th, or 16th section of the Revised Statutes, entitled "Deeds and Conveyances," and the said agent shall certify to the Governor that possession of the lands, with the improvements, has been surrendered to him as required by the second section of this act: after which, and not before, the Governor may cancel or deliver up to be cancelled the said bonds respectively.

Sec. IV. *Be it further enacted,* That on the bonds in which the principals shall be ascertained in manner aforesaid to be solvent, payment shall and may be received in the manner and at the times following, that is to say, one twentieth part of the principal and interest shall be paid on the first day of December, 1845; and one twentieth of the principal and interest due on said first day of December, 1845, together with all accruing interest thereon, shall be paid on the twenty-fifth December in each and every year thereafter, until the payment of the whole shall be made: *provided,* that if the parties to any of said bonds shall fail to make the said payments, or any of them, at the time when the same shall respectively become due, the Governor may direct the immediate collection by suit of the whole amount which may be due on such bonds at the time of such failure: *and provided also,* that when by any report of said agent to the Treasurer, which may be made under the first section of the before recited act, it shall appear that the debtors bound by such bonds, or any of them, are in doubtful circumstances, it shall be the duty of the Governor to direct the immediate collection by suit of the full amount due on such bond or bonds; and the Treasurer shall, immediately after receiving any report shewing any such matters, communicate the same to the Governor for his action thereupon.

Sec. V. *Be it further enacted,* That before entering upon the duties prescribed by this Act, the said agent and commissioner shall, before the Governor, or one of the Judges of the Supreme or Superior Courts, take and subscribe an oath faithfully and diligently, without favor, partiality or prejudice, to discharge all the said duties; and if the said oath shall be taken before a judge, the same shall be transmitted to the Governor and kept by him.

Sec. VI. *Be it further enacted,* That as a full compensation for the performance by them of the duties mentioned in the first section of this act, the said agent and commissioner shall each be entitled to receive two dollars for each day he shall be necessarily employed therein, to be allowed by the Governor, upon the affidavits of the said agent and commissioner, verifying the number of days so employed, and, when allowed, to be paid out of the public treasury: *provided,* that neither the said agent nor commissioner shall receive, on account of such services, more in the whole than two hundred dollars.

[Ratified the 7th day, of January, 1845.]

An Act providing for the appointment of Engrossing Clerks.

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 hereafter one Engrossing Clerk shall be appointed by the General Assembly, at the commencement of its session; and all other Engrossing Clerks which may be needed, not exceeding two, shall be appointed as the business may require it, by the Principal Clerks of the two Houses; and the pay of such clerks shall commence from the day of appointment: *provided,* that no one of the said clerks shall receive more than three dollars per day as compensation for his services.

[Ratified the 8th day of January, 1845.]

An Act to amend the 5th section of the 19th chapter of the Revised Statutes.

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 whenever any Clerk of the County Court of any County within this State, shall die after the adjournment of the Court and before the sitting of the Court next succeeding, not having a lawful deputy, it shall be the duty of the Sheriff of such County to summon the Magistrates of the County, to meet at the Court House of the County within fifteen days after the demise of such deceased Clerk; a majority of whom shall proceed to elect a Clerk, who shall hold the office until the next regular election by the people, he giving bonds and taking the prescribed oaths as in other elections under the act to which this is an amendment.

Sec. II. *And it is further enacted,* That the above act shall be in force from and after the ratification thereof.

[Ratified this 1st day January, 1845.]

From the National Intelligencer of yesterday

THE TREATY WITH CHINA.

The Treaty between the United States and China being yet under the seal of confidence, which has been removed from the greater part of the Documents communicated with the Treaty to the Senate, we have selected from those documents for immediate publication the following paper, which, for all practical uses, will be more interesting to our readers than even the Treaty itself, because it gives per Minister's own view of the character and bearings of the Treaty:

From Mr. Cushing to the Secretary of State.

Macao, July 5, 1844.

Sir: I have the honor to enclose to you copy of the treaty of Wang Hiya, as signed on the 3d instant.

On examining this document, you will find, in the first place, that, in the description of the contracting parties, the language of the stipulations, and the mode of execution, the style of perfect equality between the United States and China has been scrupulously observed, and I may add, that this has been carefully attended to in the Chinese as well as in the English duplicate of the treaty.

You will perceive, in the second place, that this treaty contains many provisions which are not embraced either in the English treaty of Nanking, or in the treaty supplementary thereto, which comprehends the tariff and the commercial regulations.

First. The tariff is amended, by the reduction of the duties on some articles of American production, and by fixing, with greater precision, what goods are contraband, or subjects of monopoly.

There is nothing in the English treaties to limit the power of the Emperor in the exclusion of articles of import or export.

Thus he might render all contraband privileges nugatory, by prohibiting the exportation of tea and silk, and the importation of cotton or cotton fabrics; or he might obstruct the commerce in these or any other articles, by making them the subjects of close monopoly, as is now the case with salt.

This is guarded against in the treaty of Wang Hiya, by making the objects of contraband and monopoly a matter of adjustment between the Governments. And no duties are to be levied on articles not specifically mentioned in the treaty, or without the consent of the tariff are to be made by the English treaties, the Consuls are responsible for the payment of duties, and have no authority to prosecute for all infractions of the revenue laws of China. This is to the British Government the of paying duties, responsibility of officers, which involves much of regulation and of the prosecution of trade, which experience has already shown to be inconvenient to the subjects as well as the Government of Great Britain. All this is avoided in the treaty of Wang Hiya, by making the duties payable in cash, which is perfectly acceptable to the merchant, and in accordance with the course of business in China.

Third. New provisions are made in the simplest manner for the trade, from port to port in China.

A ship which, having touched at Canton, has there paid tonnage duties, and discharged a part of her cargo, may proceed with the residue to any other port in China, without being subject to the payment of tonnage duty a second time; and goods which have been landed, and paid duty at one of the ports of China, may at any time be reexported to any other port of China, without being subject to any further duty. This latter provision is equivalent to a warehousing system for all the coast of China.

Fourth. Due provision is made for the recognition and personal dignity and security of consuls or any other officers whom the Government of the United States may see fit to appoint for the superintendence of our trade in China.

Fifth. In regard to the payment of duties, various provisions are inserted, for the convenience of our commerce, with respect to the modes of payment, and, among others, that merchandise may be landed from time to time, as may be convenient, duty being paid on the articles only when they are landed, and that vessels may within a limited time, depart, if they please without breaking bulk.

Sixth. Citizens of the United States are to have all accommodation at each of the five ports, not only as heretofore in the construction of dwelling houses and magazines, but also of churches, cemeteries and hospitals.

Seventh. Provision is made for the employment, by Americans of persons to teach the languages of the empire; and the purchase of books is legalized: it having been the custom heretofore for the Chinese Government to persecute and oppress such of its subjects as either gave instruction or sold books to foreigners in China: which circumstance has been a great obstacle to the study of the languages of China and the acquisition of the means of satisfactory intercourse with its Government.

Eighth. All Americans in China are to be deemed subject only to the jurisdiction of their own Government, both in criminal matters and in questions of civil right.

I shall have occasion hereafter to enter into these subjects somewhat in detail, and to suggest to the President the expediency of recommending to Congress the enactment of laws in this relation applicable not only to Americans in China, but in Turkey and elsewhere in Asia, where Americans (in common with Europeans) are in like manner exempt from the jurisdiction of the local Government.

Ninth. Citizens of the United States in China, and every thing appertaining to them, are placed under the special protection of the Chinese Government, which engages to defend them from all insult and injury.

If the Chinese authorities neglect their duty in this respect, they of course become responsible for all consequences, on complaint being made to the Government of the United States.

In part execution of this, and other corresponding provisions of the treaty, particular arrangements are in train for the further security of citizens of the United States residing in Canton, of which a report will be made to you in due time.

Tenth. The vessels of the United States are to come and go freely between the ports of China, and those of any other country with which China may happen to be at war, in full security, not only for the ship, but for all descriptions of merchandize: the neutriality of our flag, and every thing it covers, being especially guarantied.

Eleventh. Provision is made for the protection and relief of vessels stranded on the coast of China or driven by any sort of *vis major* into whatever port of China; and also for the restitution of property taken by pirates in the seas of China.

Twelfth. Equality in correspondence between civil or military and naval officers of the United States and those of China is stipulated, as also the observance of all courtesy and respect in the correspondence between individual citizens of the United States and officers of the Chinese Government.

Thirteenth. No presents are to be demanded of either Government by the other.

The usage among Asiatic States of giving and receiving presents has been the source of great inconvenience to the United States and their Government has always hitherto been assumed by the latter as an act of tribute on the part of the Government making such presents, it seemed to be still more desirable to abolish the practice at once by a provision of the treaty.

Fourteenth. Ships of war of the United States and their commanders are at all times to be courteously received in the ports of China.

It seemed to me that such a provision would secure to our ships of war all such access to the ports of China as may be needful, either for their own relief or for the protection of the merchant ships and citizens of the United States; while it would be inconvenient to go so far as the English have done, and engage to keep a ship of war at all times in each of the five ports of China.

Fifteenth. Heretofore, no Government (except Russia) has held direct communication with the Court of China. At the present time, even the British Government does not hold correspondence with the Court of Pekin. I insisted upon and obtained the provision for communications between the two Governments.

The article of the treaty does not specify to *whom* communications from the United States shall be addressed, it being left to the discretion of the American Government to elect whom it will address, not excepting the Emperior.

Upon this point I shall make to you a separate communication, with reference as well to its importance as for the purpose of indicating the parties at Court whom it will be most convenient for the Secretary of State to address, when occasion shall arise.

Sixteenth. In regard to opium, which is not directly mentioned in the English treaties, it is provided by the treaty of Wang Hiya, that citizens of the United States engaged in this or any other contraband trade shall receive no protection from the American Government, nor shall the flag of the United States be abusively employed by other nations as a cover for the violation of the laws of China. Upon this point, also, I shall have occasion to address to you a separate despatch.

I have thus in a brief manner, indicated some of the peculiar provisions of this treaty.

Many of them are new and important. Some of the English newspapers have commented rather boastfully upon the fact that the English arms had opened the ports of China to other nations, and at the same time have, with flippant ignorance, ridiculed the idea of a mission from the United State to do that which (it was said) had been already wholly done by England.

I ascribe all possible honor to the ability displayed by Sir Henry Pottinger in China, and to the success which attended his negotiations; and I recognise the debt of gratitude which the United States and all other nations owe to England for what she has accomplished in China. From all this much benefit has accrued to the United States.

But, in return the treaty of Wang Hiya in the new provisions it makes, confers a great benefit on the commerce of the British empire; for the supplementary English treaty stipulates that any new privileges conceded by China to other nations shall be enjoyed also by England, and there is a similar provision in the treaty of Wang Hiya; and thus whatever progress either Government makes in opening this vast empire the influence of foreign commerce is for the common good of each other and of all Christendom.

The details of the Tariff are not yet completed, and some incidental questions remain to be arranged.

I shall dispose of these matters as soon as possible, in order to transmit the treaty and all the correspondence, and various other particulars of the negotiation, in season, if possible, to be laid before the Senate at the opening of the next session of Gongress.

I am, with great respect, your obedient servant,

C. CUSHING.

Hon. John Nelson, &c.

From the New York Herald, January 21.

FIVE DAYS LATER FROM EUROPE.

The packet ship Oxford, Captain Rathbone, arrived below last night, from Liverpool, with five days leter news.

The cotton market was firm, and previous prices fully maintained.

Murders and assassinations are increasing to an alarming extent thoughout Ireland.

The mammouth steamship Great Britain has made a trial trip, and proves a fast sailer.

The public dinner given by the merchants of London to Sir Henry Pottinger occurred on the 14th of Dec.

LIVERPOOL MARKET, Dec. 17.

United States wheat was quoted at 6s 10d. a 7. 3d. per 70 lbs; Canadian, 6s 8d. a 7s. 2d; U. S. flour, 26s. 6d. a 28s. per bbl. of 196 lbs.; Indian corn, 31s. a 33s. per 480 lbs.

Liverpool Cotton Market, Tuesday, Dec. 17.—The sales to day are estimated at 4000 bales.

Monday, Dec. 16.—The market opened with an extensive demand both from speculators and the trade, the latter purchasing largely; during the last two days there has been rather less inquiry, but prices closed steady at an advance of ½d per lb. on the ordinary to middling qualities of American and Surat.

In Brazil and Egyptian there is no cange to notice. Speculators have taken 8000 American and 2000 Surat. The sales to-day are 7000 bags, without any change in prices. Speculators have taken 2000 bags. [illegible] and on Friday 6000.

BY LAST NIGHTS' SOUTHERN MAIL.

The New Orleans Picayune of the 12th instant has the following paragraph:

It is now ascertained that President Jones has revoked Gen Duff Green's recognition as a public agent. Various conjectures have been indulged in as to the cause of this extreme measure—some of them quite derogatory to the diplomatic acumen of the United States functionary, and others a little less equivocal in their import.

The Texan President, for some reason or other—whether of a personal or political character—whether because Gen. Green insinuated a menace or a bribe to his Excellency as the rumors have it—has seen fit to repel all further intercourse with him. Be the reason for this conduct what it may, a *faux pas* of some sort has been made which seen through the medium of surmise and exaggeration, looks ugly and boding in a high degree.

A FACTORY GIRL.

The Kennebec Journal gives the following description of the romantic adventures of a New England "Factory girl."

"Miss Irene Nichols, daughter of Mr. Nathaniel Nichols, of Monmouth, Kennebec Co., while at work in a factory in Dorchester, Mass., some four or five years since, was offered very liberal wages to go to Mexico, and engage in a factory just established there. She with 8 others accepted the offer. While there, she became acquainted with Ferrera, the present revolting and successful General with whom she contracted marriage. She made a visit to her friends in Maine, last summer, during which she received frequent letters from Ferrera.—She left here in July or August last via New York, where she obtained a license and was united in marriage to Gen. Ferrera, by his representative, the General not being able to leave Mexico—a step rendered necessary, as the parties were both Protesants, and could not be married in Mexico, a Catholic county. Ferrera is now President of Mexico, having his head quarters at the National Palace in the city, and this Kennebec "Factory Girl" now *revels in the Halls of the Montezumas.*"

A REVELATION

At Dublin, on Tuesday evening, Dec. 3rd there was a dinner of the Orphan Charity Society, at which Mr. O'Connell presided. At this meeting, says the London Speculator, the Rev. Mr. Moriaty of Philadelphia, (now in Ireland to collect funds for rebuilding churches in that city) boasted that Mr. Polk had been elected President by the united spirit of Irishmen:—

"This was a subject perhaps of more consequence to Irishmen then they imagined; for they had for the last two years their monster meetings in America; at New York, at Georgeia and elsewhere they had their meetings. The priests and laymen met, and poured out their prayers for the welfare of this country. Forty thousand Irishmen in America—and they were still alive—were pledged, the moment the drop of Repealer's blood was shed in Ireland, to rush into Canada and rescue from British dominion. (Loud and prolonged cheering.

It will be seen that the Chief Clerk of the House of Representatives has been found to be a defaulter to the amount of $170 0, and has been expelled and a French, the Assistant Clerk, elected in his place.

McNulty was the Democratic candidate for Congres in one of the Ohio Districts last fall, and was beaten by a small majority. His general character and conduct whilst Clerk of the House were such as to make it apparent that he was anything but a proper man for the station.

☞ Punch thus exposes to the world the sufferings of the waiters who officiated at the late banquet given to Queen Victoria by the authorities of the City of London:

It will hardly be believed that these functionaries, who were decked out in all the splendor of pumps and pigtails, were paid only three and sixpence each for their services on the occasion of Her Majesty's visit. We have received a letter from one of those individuals, who alludes tougely to the misery of a crushed and embittered heart sinking beneath a vest of black satin. He asks us to conceive the feelings of a man with curdled blood and curled hair, with silver buckles in his shoes and daggers in his bossom: a velvet collar on his coat and the chain of poverty dragging heavily on his heart; how a human being, he eloquently asks, to stand erect while stooping to receive a pay of three and sixpence? They would have crushed him with the consciousness of his own littleness, and yet required him to be at least five feet ten inches high! which was the lowest standard allowed to the waiters at the civic banquet.

DESTINATION OF THE PRINCETON.

The steam frigate Princeton, now at Philadelphia, sailing orders from Philadelphia, thence to England to receive a new battery in the place of the "Peace Maker." The contract for the construction of the gun has already been sent out.

COLT AND THE MAGNETIC TELEGRAPH.

A correspondent amuses himself, by imagining the following dialogue between Colt, and the Magnates at Washington, when it comes desirable to blow a British fleet to pieces and the magnetic Wire has been made the bearer of despatches between New York and the seat of Government. Our correspondent supposes Mr. Polk or some of his "Ministers of State," would like to pull trigger on the occasion, and that the following colloquy might precede the catastrophe:

Colt is on the Point of Staten Island, Polk at the War Office:

Colt. I see the British fleet of twenty-one steamers passing the Hook, shall I blow them to ——, or do you wish to do it yourself?

Polk. Let me know when they get opposite to you.

Colt. They are within one hundred yards.

Polk. I'll fire; let me know when.

Colt. Now's your time.

Polk. Bang, bang, bang.

Colt. The fleet has disappeared, and the whole harbor is covered with wrecks and fragments, and drowning men.

Polk. Served 'em right: hurrah for Texas!

A GOOD JOKE.

The Hartford Times mentions the following amusing incident as occurring at the post office in that town:

"*Louder!*"—A colored man lately went to the post office, and putting his nose close up the delivery-box, cried out "Louder!" The clerk, supposing the negro to be deaf, and that he was making a request of him to speak louder, so that he could hear, asked him in a very loud tone, the name of the person for whom he wanted the letter.

"Louder!" cried the negro.

"What name?" yielded the clerk.

"Louder!" again bawled the negro, who now supposed the clerk to be deaf.

The clerk took a long breath, and with all his might again bellowed out in the negroes face the same question—"What name?" This was done in so loud a tone that the echo seemed to return from the far-off hills.

The negro started back in alarm, shouting to the very top of his lungs, "Louder sir, Louder! I told you Louder! my name is nothing else!"

"Oh, ah! oh, ho!" said the clerk, "your name is Louder, eh? Didn't think of that—here's your letter; Mr. Louder here's your letter!"

PRESIDENTIAL ELECTION.

The N. Y. Journal of Commerce, in a tabular statement of the Presidential Election makes out Mr. Polk as wanting about 2000 votes of a majority over Mr Clay and Mr. Birney.

The Baltimore American makes 5,843.

The entire vote for President stands as follows:

Mr. Polk, 1,327,323; Mr. Clay, 1,288,553; Mr. Birney, 62,273; Mr. Polk over Mr. Clay, 38,769; Mr. Clay and Mr. Birney over Mr. Polk, 23,474.

South Carolina elects Electors by her Legislature and her white population being comparatively small and the right of suffrage restricted about 20,000 is estimated as a fair majority in that State for Mr. Polk.

☞ The story of Mr. Clay's postage during the last year having cost him $10,000, it is not true.