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TERMS.

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STATE LEGISLATURE.

SENATE.

Tuesday, Dec. 1.

Mr. Edmonston, from the committee on Propositions and Grievances, reported unfavorably to the object of the petition of Richard Loffin. *Conceded.*

Mr. Mays, from the committee on Military Affairs, to whom was referred the bill to incorporate the County Guard in Rockingham, reported the same, with an amendment. The bill was thereupon read the third time, passed and ordered to be engrossed.

Mr. Wilson, from the select committee to whom was referred the bill providing a reward for taking up runaway slaves in non-slaveholding States, recommended the passage of the same without amendment; upon which the bill was read the third time, and on motion of Mr. Wellborn, amended, passed and ordered to be engrossed.

On motion of Mr. Cowper, of Gates, the Committee on Military Affairs were instructed to inquire into the expediency of more effectually providing for the safe-keeping of the public arms in the arsenal at Fayetteville.

On motion of Mr. Palk, a proposition was sent to the House of Commons to ballot immediately for Brigadier General of the 15th Brigade; and stating that Solomon Lounders and James McDowell are in nomination for the appointment. A message was subsequently received from the House of Commons disagreeing to the proposition to ballot immediately, and proposing to ballot to-morrow for said officer. Agreed to.

The engrossed bill to pay jurors in Yancey county, was read three times, passed and ordered to be enrolled.

The bill giving to the County Courts of this State authority to abolish the offices of County Trustee and Treasurer of Public Buildings; and the bill to amend the road laws now in force in this State, relating to public roads, were rejected on their second readings.

Mr. Bryan from the committee on the Judiciary, to whom was referred a resolution and bill on the subject of gaming, reported a bill more effectually to suppress the vice of gaming in this State; which passed first time and was ordered to be printed.

Mr. Hogan presented a bill to incorporate the Concord Gold Mining Company; and Mr. Tillet, a bill providing compensation to the sheriffs in this State for making returns of the votes given in at the last election for a adoption or rejection of the amended Constitution; which were read the first time, and the first named three times and ordered to be engrossed.

Mr. Little submitted the following resolution, which was negative:

Resolved, That the Committee on Finance be instructed to inquire into what alterations, if any, are necessary to be made in the law respecting the manner in which lands are assessed for taxation; also, what alterations, if any, are necessary to be made in the present mode of fixing taxable polls; and that they further inquire into what, if any, other property not already enumerated in our statutes, ought to be subject to taxation; and that they report by bill or otherwise.

The following resignation of Justices of the Peace, were presented and accepted: By Mr. Tillet, the resignation of M. G. Dozier of Camden; by Mr. Stephens, of Levi Swails, of Columbus; and by Mr. Little, of Thomas Griffin of Anson.

HOUSE OF COMMONS.

Mr. Guinn, from the Committee of Propositions and Grievances, reported a bill to divorce Lucy Calvert, of Granville, from her husband, and to divorce Elizabeth Sibley, from her husband. Read the first time.

Mr. Hyatt presented a bill, which had its first reading, to incorporate the Planter's and Mechanic's Bank of Fayetteville, with a Capital of \$500,000.

Mr. Clement said, he held in his hand, three petitions from the different sections of Rowan, praying for a division of that county, together with a bill to carry the prayer of the petitioners into effect. He knew that it was not in accordance with the ordinary rules, on presenting a petition, to do more than state its general contents, but he trusted the House would indulge him on this occasion, with a few remarks, lest any gentleman might take up improper impressions in reference to the application. He wished the subject to undergo the fullest examination and the severest scrutiny, for he was so confident that the appeal of his constituents to the Legislature was founded in justice, that he did not fear investigation.

[Mr. C. here went into a detailed

statement of the localities of Rowan, for the purpose of showing that the proposed division would, in every respect, contribute to the convenience of the people; and exhibiting a Map of the county, taken from accurate survey, he pointed out on its face the various points and boundaries referred to. He spoke also of the character of the Yadkin, which, in passing to court, the petitioners had now to cross, as a dangerous stream—the wild and rapid current of which rendered it impracticable to bridge it. The experiment had been tried, but the Bridge was soon carried away. The new county would, contain, he said, (the limits of which he pointed out,) a population of about 8,000, and from 25 to 50 miles of territory in extent.]

It will thus be seen, continued Mr. C. that the territory, which it is proposed to erect into a county, possesses every ingredient to constitute one. It has a sufficient population, the necessary wealth, and as to fertility of soil, it can be attested to by every one who has ever travelled in that section. Though locked up from the markets of the State, whenever there was a scarcity or shortness of crops in that region, the *Peas* of the Yadkin were sought as a sort of Egypt from which to draw fresh supplies. The application was made, Mr. C. said, not to gain additional Representatives in the West, as must be obvious to all, when the certainty of the ratification of the amendments was borne in mind. If then the new county would make the present seat of Justice of Rowan nearly central, could not affect Representation in the Legislature, would promote the convenience of a large number of citizens, and could do no injury to any portion of the State, why should not the prayer of so large a number of citizens be heard? Not for his existence, would he urge, on that floor, the passage of the bill, if its provisions conflicted either with honor, justice or patriotism. Mr. C. then presented the bill for the creation of a new county by the name of *Hawkeson*. The bill having been read the first time, Mr. C. moved its reference to a select committee. He remarked that it was usual, he knew, from courtesy to the mover, to place him on the committee; but he would be gratified to be excused in this matter, that he might appear before the committee, with the other Representatives of Rowan, in the character of witnesses.

[This committee consisted of Messrs. Waddell, Dudley, Manly, Cotten and Clingman.]

Mr. Clarke rose to present a bill to establish a Bank in the town of Washington. This was not the first time, he said, that the people of Washington had had their eyes open to the necessity of a Bank. They had made efforts repeatedly to get branches of other Institutions, but without success. In 1835, a similar bill to that which he now held in his hand, was offered in the House, but met with very little encouragement, having been rejected on its second reading. In 1834, he introduced the bill again, and was glad to find that it had increased in favor. It passed the House of Commons, but, owing to want of time, or some other reason, was rejected in the Senate. At the particular instance of their constituents, the Representation from Beaufort county were again about to bring this bill to the consideration of the House, and trusted they would not subject themselves to the imputation of being importunate. It is the duty of the Legislature to listen to well-grounded complaints, and to redress grievances which are oppressive. The people of Washington had been for years, hewers of wood and drawers of water for the citizens of Newbern. This state of things had not been brought about by the Representatives of that section of country; on the contrary, he was glad of this public opportunity of testifying to the efficient support which he had uniformly received from the members interested in the success of the Newbern Institutions. But if there was a town in the State, whose absolute necessity, and whose commercial importance demanded a Bank it was Washington. Mr. C. then presented his bill, stating that it had allowed to pass its first reading, he had no doubt before it again came up for consideration, he should be in possession of satisfactory documents to demonstrate to the House the expediency of passing the bill. Read the first time.

Mr. Graham presented a bill to incorporate the Raleigh and Gaston Rail Road Company. Read first time.

Mr. Jacobs, from the committee of Finance, reported a bill to amend an act passed in 1784, prescribing the manner of listing property for taxation. (Provides that persons shall give in all property owned on the 1st of July, instead of the 1st of April.) Read first time.

The engrossed bill to amend the act establishing the Merchant's and Farmer's Bank of Newbern, was returned from the Senate, with an amendment to strike out the second section. The House refused to concur in the amendment, and the Senate was there informed by message.

The bill to prohibit Sheriffs and their deputies from executing process in civil cases, was read the second time. Mr. Jacobs said he should like to know from the friends of this bill, the reasons for its introduction.

Mr. Manly said, he did not know who introduced the bill, but its object, as he gathered from its reading, was to prevent sheriffs and their deputies from serving warrants &c. directed to Constables. It seemed to him that, in its practical operation, it would prove highly inconvenient. The election of Constables had been given to the people, and the duty was either reluctantly performed or omitted altogether. The consequence was, that in many counties, there were few or no Constables. To pass this bill then, by which Sheriffs and their deputies would be precluded from collecting money on Justices' judgments, would be tantamount to the enactment of a general stop law. He was not certain with regard to the fact, but he doubted whether, in the county of Craven, any constables had been elected except for the town of Newbern.

Mr. Guinn said, that he had introduced the bill, and would briefly state his reasons for doing so. It was well known, with what facility deputy Sheriffs are made. Every one who wanted to be a deputy, applied to the Sheriff, and was straightway authorized to act. But where is the evidence of the appointment? The only evidence is in the pocket of the deputy, and is exhibited by him when questioned as to his authority; but the Sheriff on his bond for the default of his agents; and you may whistle for the record of his appointment. In fact, he never knew a Sheriff sued on his bond for acts done by his deputies in the capacity of Constables. The gentleman from Newbern had said, that to pass this bill would be tantamount to a stop law. He wished there was a stop law to all the little warrants with which the country is deluged. If the people failed to elect Constables, it was the duty the County Courts to appoint them. However made, they had to give bond for the faithful performance of their duty, and expected to make their living by it. He thought it extremely hard therefore, that a host of deputy Sheriffs, who gave no bond, and could not be sued, should rush in and monopolize their little fees.

Mr. Hoke said the bill was partly correct and partly incorrect. If the gentleman from Chatham would amend it, so as to place deputy Sheriffs on the same footing with Constables, he would sign for it; for some of the evils complained of, had come under his own observation, and required a remedy.

Mr. Manly said, that the arguments which had been advanced in favor of the bill seemed, to be founded on the presumption that individuals were bound to place their debts in the hands of Sheriffs and their deputies for collection. But it was entirely a matter of choice whom they selected. It seemed to him however an inconvenient abridgement of the right of the citizens, to say, you shall not employ a Sheriff or deputy, however trustworthy, to collect money coming to you. Every Officer is bound to use a certain degree of diligence in the execution of process; though it was given up, he believed, that a Sheriff was not liable on his bond for delinquency in accepting the office of Constable. He is however individually liable to the person employing him. If the gentleman from Chatham thinks proper to make any alteration, let him amend the condition of Sheriff's bonds, so as to make them liable.

Mr. Guinn did not expect that his bill would give rise to so much discussion. The Legislature has said that the people shall elect Constables, and he wanted that they should, when chosen, enjoy the prerogatives of their office. The Legislature have declared, by striking away from the Courts the power of appointing Constables, that they are incompetent to make judicious appointments; yet Sheriffs virtually exercise the power taken from the Courts, by appointing deputies who exercise all the functions of Constables. It was true, as remarked, that persons are not compelled to put their claims into irresponsible hands; but every man is not a lawyer, like the gentleman from Newbern, and knowing an individual is an Officer, he presumes that all is right and employs him accordingly.

He had dropped an expression, when up before, in relation to stop laws. He had no allusion to large debts, and would repeat here or elsewhere, that he did wish there was a stop law to the frivolous little warrants which officers are continually hunting up to annoy people, and the costs on which amounted to more than the whole debt.

The question on the passage of the bill was decided in the negative, by Ayes and Noes, 98 to 27.

SENATE.

Wednesday, Dec. 2.

Mr. Britain presented the memorial of Elizabeth M. Stearns, with a bill to divorce her from her husband

John Stearns. Referred.

Mr. Bryan presented the memorial of sundry citizens of Carteret county, praying the Legislature to instruct our Senators and request our Representatives in Congress to use their best endeavors to procure an appropriation for the improvement of the navigation of Core Sound. Referred to the Committee on Internal Improvement.

Mr. Edmonston, from the committee on Propositions and Grievances, made a report, which was concurred in, unfavorable to the petition from Macon, praying a law to prevent hunting with dogs in the woods. Mr. E. also reported a bill to divorce Rachel Edwards. Read first time and laid upon the table.

Mr. Mays, from the committee on Claims, reported a resolution in favor of James Calloway, which was read three times and ordered to be enrolled.

Mr. Hogan, from the committee on the Judiciary, to which was referred the bill concerning the County Courts in this State, reported the same with sundry amendments. The bill was thereupon read the second and third times, passed, and ordered to be engrossed. Mr. H. also reported the bill to amend the law so far as respects executors and administrators, and recommended its rejection. The bill was read and rejected. Mr. H. also reported the bill fixing the punishment for the crime of bigamy, and recommended its passage into a law. Read second and third times, passed and ordered to be engrossed. Mr. H. also reported the bill to provide for the appointment of Registers in certain cases, by three Justices in vacation of Court, with an amendment, recommending its passage into a law. Laid on the table. Mr. H. also reported the bill to suppress more effectually the vice of gaming, and recommended its rejection. Laid on the table.

On motion of Mr. Harry, the Military committee were instructed to inquire into the expediency of prohibiting persons from enrolling themselves in one volunteer company, and attaching themselves to another.

Mr. Moore of Stokes, presented a bill to give further time for perfecting titles to entries of vacant land in Stokes county. An ineffectual motion was made by Mr. Moore, of Rutherford to amend the same so as to extend its provisions to the county of Rutherford; and the bill was then read three times and ordered to be engrossed.

Mr. Long presented a bill to incorporate the Concord Gold Mining Company. Read three times and ordered to be engrossed.

The engrossed bill to repeal the second section of an act of 1831, to amend in part an act of 1829, to compel the trustees of Moore, Chatham and Robeson counties to pay the jurors in preference to other claims, so far as respects the county of Moore, was read three times, passed and ordered to be enrolled.

The bill for the relief of Rachel Edwards; and the bill providing compensation to the Sheriffs, for making the returns of the votes given at the late election for adoption or rejection of the amended Constitution, were read the second and third times, passed and ordered to be engrossed.

HOUSE OF COMMONS.

Petitions presented.—By Mr. Hoskins, of Margaret Massey of Edenton, and by Mr. Walker, of Mahala—of Haywood, praying to be divorced from their husbands. Referred.

Bills presented.—By Mr. Erwin, to permit lawyers residing in other States to practice in this State. By Mr. Gorrell, to incorporate the South Buffalo Gold Mining Company. By Mr. Dunn, to amend the Militia Laws as respects Mecklenburg county. By Mr. Rogers, to repeal in part and amend an act passed in 1835, to incorporate the Roanoke and Raleigh Rail Road Company. By Mr. Bird, to prevent transfers of the Revenue, in the assessment of lands in Yancey county. By Mr. Woolen, to alter the name of David Waterer, of Lenoir. By Mr. Hutcheson, to incorporate the Lincoln Gold Mining Company. These bills passed their first reading, and the fourth mentioned one was referred to the committee on Internal Improvements.

The Speaker communicated the annual report of Adjutant General, which was ordered to be transmitted to the Senate and be printed.

Mr. Hawkins, from the Military Committee, reported with an amendment the bill to legitimate John Pettus Johnston, of Warren, which passed its second and third reading and was ordered to be engrossed.

Mr. Guinn begged leave to present the petition of sundry citizens of Macon, and especially of one Hiram Lovinsgood, complaining of an outrage inflicted on him by being publicly whipped for stealing a horse, and praying to be restored to credit. Referred.

Mr. Jacobs, from the Committee of Finance, reported a resolution authorizing the Public Treasurer to exchange certain bonds due the State for the purchase of Cherokee Lands for others equally good. Read first time.

Mr. Graham, from the Committee on the Judiciary, to whom a resolution was referred to enquire into the expediency of increasing the powers of single Magistrates, so as to authorize them to summon a Jury, when demanded by either of the parties, reported against the propriety of so altering the law. The committee state that such a regulation would, in practice, produce great inconvenience by calling people away so frequently from their regular business.

Mr. Guinn submitted a resolution, which was adopted, instructing the Committee of Finance to enquire into the expediency of directing the Governor to have the unsurveyed lands, acquired by treaty with the Cherokee Indians, brought into market.

Mr. Hutchison, from the Committee of Propositions and Grievances, reported a resolution in favor of Matthew Miller, which had its first reading. The bill to allow the Trustees of the University and the President and Directors of the Literary Fund to subscribe for a portion of the reserved stock of the Bank of the State, was read the third time.

Mr. Carson moved that the bill lie on the table. His object was to ascertain what disposition would be made of the bill, now before the other branch of the Legislature, directing a loan by the State to take up the whole of the reserved stock. If the bill should pass, no doubt the Legislature would consent to an enlargement of the capital stock of the Bank for the purpose of affording the corporations in question an opportunity of investing their funds.

Mr. Manly said, that so far as he or his constituents were personally interested in this matter, they might be supposed to desire the rejection of this bill; for if the University and Literary Fund were denied the privilege of taking stock in the Bank of the State, they would most probably invest their funds in the stock of the Merchant's Bank of Newbern, there being no stock of the Bank of Cape Fear in market. But this consideration had no weight with him; he only viewed the question in reference to its bearing on the great interests of the State, and had come to the conclusion that the House ought to pass the bill without hesitation.

The suggestion of the gentleman from Rutherford, that the Legislature would re-open the charter to accommodate these Institutions, is not a supposable case. But he did not believe that North Carolina was prepared to borrow the money to take any portion of the reserved stock. She had to borrow now, every year, to defray the current expenses of the Government, and he was not disposed himself to go further in debt for any purpose. He presumed, however, there was not the most remote probability of the State's authorizing the loan spoken of.

In the opinion of some gentlemen, the University and the Literary Fund seemed to be regarded as having interests distinct from the State itself. For his part, he considered them as the two greatest interests in North Carolina, upon the proper establishment and liberal maintenance of which depended, in a great measure, the respectability of the State abroad, and its peace, comfort and happiness at home. He regretted to perceive on this occasion a disposition to place the State in an attitude of hostility to the University. It was the countenance of the ancient foe of the rebellion of the stomach against the head—a rebellion of the body of the State against its intellectual members. It was not necessary, he was sure, to remind gentlemen that the members of that body were bound by the solemn sanctions of an oath to support the University. To grant the privilege now asked for by her, would only be fulfilling that oath.

Mr. Carson said, he desired to see the University flourish, and regarded the Literary Fund as identified with the common funds of the State; but he considered it true policy for the State to subscribe for the whole stock. He thought it would answer the purpose of gentlemen on both sides, to lay the bill on the table for the present.

Mr. Williamson wished to make a single remark on the subject. Viewing the respectable source from whence it came, he did not attribute the opposition to this bill, to feelings of hostility against the University; but rather to a laudable zeal to increase the diminished and beggared resources of the State. He was willing to lay the bill on the table and await the action of the Legislature on the subject of a State loan; or if the bill passed, granting the privilege asked for to the University, he would be willing to enlarge the capital stock to accommodate the State. He believed a large capital was required by the necessities of the State, and he would go to any reasonable length in increasing it.

Mr. Foreman hoped the bill would pass. It would be recollected that, at the last session, a bill was introduced authorizing the issuing of a scrip to take up this reserved stock, and that it was rejected. He believed, there would be as great difficulty in passing it now. The State could hardly find funds enough to carry on the building

of the Capitol, much less to take stock; and if that work were finished according to the proposed plan, he much feared they would have to borrow money to complete it. This bill only proposed to give to the University an equitable right, for which they were to pay a full equivalent. There was, at present, a great deficiency of Banking capital in the State. If this bill be rejected, and the State refused to take the stock, a large amount of capital will be idle and unproductive. Pass the bill, and an essential service will be rendered to the University, while no possible detriment can accrue to the State.

Mr. Dudley said, that the opposition offered to the bill had been attributed to hostility to the University. He disavowed it, so far as he was concerned. His objection was founded on a mere calculation of dollars and cents. The University wishes to take \$150,000 worth of the stock reserved for the use of the State—which stock is now worth ten or fifteen per cent. above par value. It certainly required no great art in arithmetic, to tell whether this is not virtually making a gift of some fifteen or twenty thousand dollars to that Institution.

The Literary Fund and State Fund he considered identical. It is proposed that the former shall borrow money of some of the Banks, at 61 per cent. interest, to invest in this reserved stock; while if the State should take the stock, she could effect a loan at 5 per cent. Is North Carolina in so prosperous a condition, that she can afford to lose on so large a transaction as this, 14 per cent. interest?

Some gentlemen seemed greatly alarmed at the idea of running the State in debt; but if the State issues 5 per cent. scrip and gets stock in exchange for it, where is the debt? There is no debt—it is a mere matter of arrangement—a negotiation—by which the State is gainer, because she has the stock to redeem the scrip. Away then, with this lug head!

Allusion had been made to the oath, taken by the members of the Legislature to support the University. He admitted the solemnity of the obligation, but they were under equally imperative sanctions to discharge faithfully all their duties as legislators.

Mr. Graham asked to say a word in explanation. It required no disclaimer on the part of the gentleman from Wilmington, to satisfy him that he felt no hostility to the University or was opposed to the accumulation of the Literary Fund; but he still thought him mistaken in his opinion that the passage of this bill would operate as a gift to the University. It is true, the Stock is worth more than par; but to whom? Not to the State, but to the individual who purchases it for purposes of speculation. The only profits which will accrue to the State, will be the dividends declared; though, as has been remarked, were she immediately to sell out to others she might realize a gain of some ten or twelve per cent. by the transaction.

Mr. G. said, he rose however, for another purpose. The gentleman from Wilmington seemed to consider it an injudicious step for the Literary Fund to borrow money to invest in this Stock. The reason why it had to be borrowed at all, was, that unless the Stock be taken by the first of January, 1837, the reservation to the State will cease and the opportunity be lost for investment. The accumulation of the Fund will enable the directors to pay off the loan in a few years, and interest therefore will not run long; though he could not perceive how the State could effect a loan at a lower rate of interest, than the officers of that State, acting for the Literary Fund.

The State ought not, if she felt disposed to take the Stock, to prevent Corporations from participating in its benefits. It certainly would be bad policy to force them to invest their funds in Northern Stocks and subject them to the expense of employing agents to attend to receiving dividends, &c. The chief object of Banking in a State, is not to swell the public coffers, but to furnish its citizens with a sound currency. And whenever a conflict arises between a State and Institutions established within her borders to diffuse the blessings of Education, as to which of them shall realize a benefit, there should be no scruples in deciding for the latter.

The question—"Shall this bill pass its third and last reading?"—was decided in the negative, 69 to 61.

The House again entered upon the orders of the day, being the Resolutions in relation to the Public Lands, submitted by Mr. Clingman, the question pending being on the adoption of the amendment offered by Mr. Guinn. Mr. Rayner delivered his views at great length in support of the Resolutions and in opposition to the amendment. Mr. Jordan followed in opposition to the Resolutions, and in conclusion offered an entire substitute for them. The Speaker decided that it was not in order to submit this amendment, before that previously offered by Mr. Guinn was passed upon. Mr. Guinn, to obviate difficulty, withdrew his amendment, and Mr. Jordan then introduced his. It is considered unnecessary to insert this substitute, as it