

THE STAR AND NORTH CAROLINA GAZETTE.

NO. 2

RALEIGH, N. C. THURSDAY, DECEMBER 31, 1835

VOL. XXVII

THE STAR, and North Carolina Gazette, PUBLISHED WEEKLY, BY THOMAS J. LEMAY.

TERMS. Subscribers in advance... three dollars per annum...

FOR THE STAR. M. Editor.—To encourage, in every suitable way, the Southern Institutions of Learning...

The exercises did not appear to be conducted, as well in the case, as if the design were merely external show...

On Tuesday evening, the exhibition of the pupils in the public speaking took place...



Splendid Gold and Silver LEVER WATCHES. English and American Jewellery...

AT NEW YORK PRICES, BY W. J. RAMSAY & CO. 2 doors south of Turner and Hughes

BOOK STORE. All kinds of Watches and Clocks repaired and warranted.



W. J. RAMSAY & CO. Have for sale a fine assortment of Gold and Silver Spectacles...

New Shoe, Hat and Cap Store, Next door to Mrs. Stewart's Boarding House, Fayetteville Street.

H. P. TUCKER Respectfully informs his friends and the public, that he has recently received a full supply of the above articles...

NOTICE. At the late November term of the Court of Pleas and Quarter Sessions of the county of Granville...

BLANKS & JOBS of all descriptions neatly executed at this Office.

FALL GOODS. JUST RECEIVED BY W. A. WILLIAMS & CO. An elegant & extensive assortment of French, English, Italian, German & American Goods.



BERNARD DUPUY. Informs his friends and the public generally, that he has removed his Watch, Jewellery and FANCY STORE.

All kinds of Clocks & Watches Repaired with usual care. GOLD AND SILVER.

NOTICE. State of North Carolina, Court of Wayne County & Equity. Simon Aycock & others.

The Heirs of Benjamin Aycock & Jesse Aycock. In pursuance of a Decree of the Court of Equity...

Witness, JAMES GRISWOLD, Clerk and Master of said court, at Waynesborough, the first Monday after the fourth Monday in September, 1835.

JAMES GRISWOLD, C. M. E. Now, therefore, I, Jas. Griswold, Clerk and Master of said court...

Committed to the Jail of Beaufort county, on the 22nd of October, 1835, as a runaway slave, a mulatto fellow, who calls himself SAMUEL WILLIAMS.

A TEACHER WANTED. The Citizens of Haywood wish to employ a competent Teacher to take charge of the Academy...

Patent Suspensory Paint. The PATENT SOAPSTONE PAINT, (of various colors) which is now used at the North with great success...

NOTICE. BRANCH T. HURT, (late of the firm of HURT & DUGGER) JOHN H. PATTERSON (late of Northampton, N. C.) and P. S. WILLS, having connected themselves in Business...

NOTICE. At the late November term of the Court of Pleas and Quarter Sessions of the county of Granville...

PROCLAMATION By the Governor of the State of North Carolina.

The Convention which met in the City of Raleigh on the fourth day of June last, having adopted certain amendments to the Constitution of the State...

Now therefore, I, DAVID L. SWAIN, Governor of the State of North Carolina, do hereby declare and make known to the people of the State...

NOTICE. Isherbly given to the Public, that the next Session in the MALE DEPARTMENT of the RALEIGH ACADEMY...

Fresh Garden and Flower Seed. WILLIAMS, HAYWOOD & Co. have just received an extensive assortment of fresh Garden and Flower Seed...

GARDEN SEEDS. Raised by the United Society of Shakers and D. & C. Landreth, Philadelphia, warranted fresh and genuine...

The Northampton School. THE exercises of this School closed with a public examination, on Thursday and Friday, the 24th and 25th inst.

LOUISBURG ACADEMY. The Examination of the Students of the Male and Female Schools at this place, closed on Thursday the 20th ult.

Russel, Shattuck and Company, Have in Press, the writings of GEORGE WASHINGTON.

With historical notes and illustrations, and a life of the Author.—BY J. J. SPARKS. THE work is to consist of the writings of Washington, selected from the voluminous papers left by him at Mount Vernon...

THE work is to consist of the writings of Washington, selected from the voluminous papers left by him at Mount Vernon, which have been in the possession of the Editor for six years.

The whole work is expected to be completed in the course of the next season. The first volume will be taken up with the life of Washington. This has been purposely delayed, for the obvious reason that it can be much more fully and accurately written, after going through with a minute examination of the voluminous mass of papers for the purpose of selection and preparation for the press...

TEN DOLLARS REWARD. Lost, in the vicinity of Raleigh, and probably on the Tarborough road, a GREEN CASE, with a strap...

HILLSBOROUGH ACADEMY. The Fall Session will end on the 13th inst. The Spring Session will begin on the 15th of January...

FRESH GARDEN AND FLOWER SEED. WILLIAMS, HAYWOOD & Co. Have just received the following assortment of FRESH GARDEN SEED...

Carrot, Sweet Sugar Corn, Tuscarora do, Nasturtium, Onion, Silver Skinned, Parsley, Double Curled, Radish, Long Scarlet, Early Beet, Turnip, Early, Turnip, Large Globe, Non-Fak, Rutabaga, Water Lung Island, Large Cantelope, Round Spillage, Mustard, Brown, White, Beans, Red and 1,000, Early China, Lima, Peas, Dwarf Bishop, Washington, Large June, Marrowfat.

Chrysanthum or Emeralds, China Aster, Crimson sweet William, Scarlet Zinnia, Phlox, Pink Lavatera, Stylisus, Dwarf French Marigold, Sun Flower, Melva Mina, Orange Apian, Bee Larkspur, Double Red Poppy, French Poppy, Carnation do, Starry Marigold.

Blacksmith Wanted. The undersigned is in want of a good blacksmith the ensuing year. One that understands ironing carriages in first rate style...

WILLIAM ROLES. Rolesville, Dec. 15, 1835.

NOTICE. The subscriber having, at the term, 1835, of Franklin county Court qualified as administrator of the estate of James Farrier, dec'd...

WILL BATTLE, Adm'r. The sale of Mr. Farrier's personal estate, including his negroes, will take place at Louisa on the 4th day of January next...

NEW AND BEAUTIFUL ENGLISH ANNUALS FOR 1836. Just received and for sale at The North Carolina Book Store.

ENGLISH AND CLASSICAL SCHOOL. At Smithfield Johnston county, N. C. The exercises of this institution will be resumed on the first Monday in January next...

Bank of the State of N. Carolina. A Dividend of four per cent. on the Capital Stock of this Bank paid in, for the half year ending the 21st November last...

PRIVATE FEMALE BOARDING SCHOOL. The exercises of the Ladies School, situated about a mile west of Hillsborough, will be resumed on the second Monday of January...

State of North Carolina, TYRRELL COUNTY.

NOTICE is hereby given to the heirs of Robert B. Webster, if any within the limits of this State, or any other State in the United States...

STATE LEGISLATURE. HOUSE OF COMMONS. Monday, Dec. 1.

The House took up, for consideration, the following Resolutions submitted by Mr. CLINGMAN, of Surry: Resolved, As the opinion of this General Assembly, that any act by which the Congress of the United States shall give the public lands to the States in which they are situated...

The Clerk having read them, and the Speaker stating the question to be on their passage, Mr. C. addressed the House as follows: MR. SPEAKER: In presenting the Resolutions on your table, I have consulted my own feelings less perhaps than those of my constituents...

It is incumbent upon me, however, as the mover, to make a brief statement of those facts and arguments on which I rely to sustain the principles of the Resolutions. Though the details may be uninteresting in themselves, yet on account of the magnitude of the question, itself, I trust the House will indulge me, especially as I promise to be as brief in my observations, as the nature of the subject will permit.

During the contest for territory among the nations of Europe, consequent upon the discovery of America, most of the Charters under which the Colonies were originally settled, contained a grant of a portion of land, definite and well defined on the seacoast, but extending without limits to the westward.

Thus the limits of North Carolina extended back to the Mississippi River. What is now Tennessee, was then a part of this State. Virginia claimed a large extent of territory lying North West of the River Ohio, out of which have since been formed several new States. In fine, the boundaries of all the old States, except three, were more extensive than they now are. In this state of things, we went into the war of the Revolution.

During its progress, the disposition of the unsettled territory was a most embarrassing question to the Federal Congress. Some of the States attempted to dispose of their waste lands for their own benefit. This produced much discontent—three of the States, Maryland, Rhode Island, and New Jersey, had no such lands lying within their boundaries. It was urged on the part of these States, that the Colonies, were then engaged in a common struggle—that the blood and treasure of all were alike expended in defence of the vacant territory—and that if it were won at all, it must be won by the united effort of all the States.

It was said that these lands ought to be regarded as a common fund to defray the expenses of the war, and to secure the payment of those debts which the United Colonies were obliged to contract in its support. It was on this ground that Maryland refused to enter into the articles of Confederation. Congress more than once urged upon the States owning waste lands, the propriety of ceding them, in order that they might become a common fund for the use of all the States; and finally, in the year 1780, passed a Resolution in the following words:

Resolved, That the unappropriated lands which may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress, of the 5th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct Republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom and independence, as the other States, &c.

In compliance with the recommendation of Congress, all the States, sooner or later, made cessions of their waste territory. These treaties or compacts are all similar in character. I will call the attention of the House to some of them. That of North Carolina, in the parts important in relation to the present enquiry, is in the following words:

Whereas, the United States, in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant Western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said Western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received; Now this State, being ever desirous of doing justice to the public creditors, as well as of establishing the harmony of the United States, and complying with the reasonable desires of her citizens, &c.

Then comes a clause directing the manner in which the fund shall be applied: That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund, for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.

That of Virginia, of which ours seems to be almost an exact copy, is in the following words: That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona-fide disposed of for that purpose, and for no other use or purpose whatsoever.

All of these deeds of cession are similar in substance, and in several instances the same language is used. I shall, therefore, sir, not detain you by making any other references.

The first thing, Mr. Speaker, that occurs to the mind on reading these deeds of cession, is that the Legislatures of the States having made treaties, have a right to defend them. They have entered into solemn compacts with the Federal Government, by which they have conveyed a large amount of property for certain purposes therein specified, and if the fund thus granted is likely to be wasted or misapplied, it is their right and duty to endeavor to avert such an evil. It is undoubtedly the province of the General Assembly to guard all the great interests of North Carolina, but it is more especially our duty to take care that our constituents are not prejudiced by our own past acts.

We are next, sir, to consider the nature of the compacts themselves. On this point there is diversity of opinion. It has been supposed that as the payment of the public debt was the inducement, and in fact the main object of the cessions, that the debt being now paid, Congress has no further power over the lands so ceded. If the payment of the public debt had been expressly so declared in the deeds themselves, then there would be an end of the question. For the debt being paid, and the trust discharged, the remainder of the property not being disposed of, would revert to the original donors. And I admit that the Preambles of some of the acts sustain this view of the question.

After an examination of all of these compacts, however, I prefer taking a different ground. The payment of the National debt was undoubtedly the principal object of the cessions; but at the same time it was foreseen that there might be other burdens from which it was desirable that the States should be relieved. In order therefore, that the power of Congress might be sufficiently ample for all of these purposes—all the clauses directing the application of the lands so ceded declare, in substance, that they shall be considered as a common fund for the use and benefit of the United States of America, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Such is the language of Virginia, North Carolina and Georgia, and in substance, it does not materially vary from that used by the other States. It makes Congress the trustee of all the States, and Congress is the legal owner of this property, but is nevertheless bound to use it for the benefit of each of the States in proportion to her share in the general charge and expenditure. Its application to the payment of the public debt was strictly in obedience