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Concluded.

[Revised Statute.]

An Act concerning the Treasurer of the State.
whereby directed, as soon as his accounts shall be passed on by the General Assembly, to endorse upon each certificate, or other evidence of public stock, that the same has been allowed by the General Assembly as a credit to the Public Treasurer, and the date of such allowance, and to return such certificate or other evidence to the Treasurer for safe keeping.

SEC. 18. Whenever any certificate or other evidence of the claim of the State, to shares or stock in any of the incorporated companies shall be lost or destroyed, a certified copy thereof, from the Secretary's office, shall be as good and valid, to all intents and purposes, as if the original were produced.

SEC. 19. Whenever it shall be necessary to collect any moneys or to enforce any demands of the State, in any other State or country, the Treasurer, with the approbation of the Governor, shall appoint an agent or agents for that purpose, and cause to him or them letters of attorney, specifying the powers to be conferred; and said agent or agents shall receive such compensation from the Public Treasurer, as the Governor and Treasurer may allow, or as the General Assembly may direct.

SEC. 20. The Public Treasurer of this State shall have full power and authority to move for judgment against any person or persons, acting as agent for the State, who are indebted to the State by or on account of such agency, in any court of record of this State, in the same manner, and under the same rules and regulations which are prescribed in cases of delinquent sheriff; and the said courts shall respectively render judgment and award execution thereon: the amount thereof may be within the jurisdiction of a justice of the peace.

SEC. 21. The Treasurer shall be allowed the sum of five hundred dollars as a salary to such clerk or clerks as he may think proper to employ in the office, to be paid out of the public treasury, in quarterly payments, to wit: on the first day of April, July, October and January, in each and every year, on warrants to be drawn by the Governor.

SEC. 22. For the convenience of the Treasurer and persons having business with him, he shall be required to attend to every application made by them for official duties, at his office, which shall be in the city of Raleigh, between the hours of nine and twelve o'clock, and between two and five o'clock on every day in the year, (Sundays and the fourth of July only excepted,) and said officer shall not be required to attend to any call made at any other time of the day.

SEC. 23. If at any time it shall appear that the Public Treasurer hath neglected, in any instance, to call to account, as directed by law, any delinquents herein before described, by which the public revenue of the State may suffer loss, then and in such case, the said Treasurer shall be held and deemed accountable for sums due by such delinquents, to all intents and purposes, as if the same had actually been paid into his office.

SEC. 24. If at any time it shall appear from the accounts kept between the Comptroller and Treasurer, or it shall appear in any other way, that the Treasurer has not accounted for any part of the public moneys of this State, as directed by law, it shall and may be lawful for the State to move for and obtain judgment against the said Treasurer and his securities, or any of them, in any court of record in this State, first giving to the persons against whom such motion shall be made, at least five days' notice of the time and place, when and where such motion will be made; and upon such judgment execution issue shall as in other cases.

SEC. 25. If any person appointed Treasurer, shall die indebted to the State, or being so indebted shall become insolvent, any debt which he may owe to the State shall be first satisfied; and the priority hereby established shall be deemed to extend to cases in which such debtor not having sufficient property to pay his debts, shall make a voluntary assignment thereof, or in which his estate or effects shall be attached, as of absconding, concealed or absent debtors.

SEC. 26. If any person appointed Treasurer, of his own head and imagination, or by false conspiracy or fraud with others, shall willingly or falsely make, or cause to be made, any false entry or charge, in any book or books which he is required by law to keep; or shall willfully and falsely form, or procure to be formed, any statement of the Treasury, to be by him laid before the Governor, the General Assembly or any committee thereof, or to be by him used in any settlement which he is required to make with the Comptroller, with intent, in either or any of said instances, to defraud the State, or any person or persons, such Treasurer shall be deemed and held guilty of a misdemeanor; and upon due conviction thereof, in any of the Superior Courts of this State, shall be fined, at the discretion of the court, not exceeding one thousand dollars, and imprisoned, for exceeding three years.

Ratified 27th December, 1836.

An Act concerning the Comptroller.

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 a Comptroller shall be biennially elected by the General Assembly, in the same manner that the public Treasurer is elected.

SEC. 2. The person thus elected Comptroller, before entering upon the duties of that appointment, shall give bond, with sufficient security, payable to the State of North Carolina, in the sum of twenty thousand dollars, conditioned for the safe keeping of the public books of accounts and all vouchers which may come into his possession, and for the faithful performance of his duty in office; which bond shall be taken by the Governor for the time being and deposited in the Treasurer's office for safe keeping.

SEC. 3. The Comptroller shall also, before entering upon the duties of his appointment, take, before some justice of the peace, the oath prescribed by law for the qualification of public officers, and also an oath of office.

SEC. 4. It shall be the duty of the Comptroller to settle and report on all public accounts of the State, and to keep regular books and statements of the same, which he shall do in the manner following, that is to say: he shall report the nett amount which shall annually become due and payable from the respective revenue officers to the Treasurer of the State (to the end he may be informed of the same and enforce the due payment thereof)—first raising an account and debiting in his books each officer so reported against, whom he shall credit by the amount of such receipts as they or any of them shall from time to time produce from the Treasurer.

SEC. 5. The Comptroller shall open an account with the Treasurer, in which he shall debit him with the amount of each respective receipt which the Treasurer shall have given according to the 12th section of the act concerning the Treasurer, and which, pursuant thereto, shall have been filed in his office, and credit him by the amount of such warrants and other cash claims as he shall produce and deliver.

SEC. 6. It shall also be the duty of the Comptroller to raise accounts, and report in like manner, against individuals who may become chargeable on any of the warrants or vouchers hereafter paid them, as though they were revenue officers, taking care not to blend such reports and accounts with those already raised or made, or which may be hereafter raised and made on vouchers in the Comptroller's office.

SEC. 7. All moneys becoming payable to the public, which

shall not be paid in due time, but shall be sued for and recovered, when received, shall be paid into the treasury by the clerk of the court in which the recovery shall be had; and the receipts for such payments shall be rendered to the Comptroller, charged and filed by him as in other cases.

SEC. 8. It shall be the duty of the Comptroller, on the first day of November biennially, to strike a balance against the Treasurer and all other public accountants in arrears, and report a statement of the same to the General Assembly, with whom he shall settle his own accounts for the warrants and other claims received of the Public Treasurer; and in the year when the General Assembly shall not have a regular session, he shall make a like report to the Governor.

SEC. 9. It shall be the further duty of the Comptroller, immediately after the first day of November, in every year, to prepare the account of the Public Treasurer of this State with the State as the same shall appear on the books of the Comptroller's office, for the year preceding the first day of November, stating the balance of the money in the treasury at the settlement, the receipts into the treasury within the year, particularizing the moneys and account from which the same accrued and were received, the amount received from each respectively, and a particular statement of the disbursements from the treasury within the same period, and the money remaining in the treasury; and he shall annex to said account a statement of the revenue, from each subject of taxation in every county of the State; of which account and statement the Comptroller shall have printed two hundred and fifty copies, before the meeting of the General Assembly next ensuing the first day of November in every other year, and within the same time within the first week of the session of the General Assembly, to the clerk of either house, subject to the disposal of the General Assembly; and in each year when the General Assembly shall not have its regular session, the Comptroller shall, immediately after the first day of November, furnish a like account and statement to the Governor, who shall thereupon cause the same to be published in five of the public newspapers of this State; and for the printing and publication as aforesaid, the Comptroller shall pay a reasonable compensation on the certificate of the Comptroller.

SEC. 10. The Comptroller is empowered and authorized to administer an oath or affirmation to accountants and witnesses in support of the justice of such accounts as may be exhibited to him for liquidation, and certify the same accordingly.

SEC. 11. No claim, draft or warrant, from the Governor or any one else, except the certificates for the service of the members of the General Assembly, and their clerks and waiters, and the certificates of the clerks of the Superior Courts, for the salaries of the Judges and the Attorney General and Solicitors, shall be paid by the Treasurer, collector or other receiver of the public revenue or taxes, until such claim, draft or warrant shall have been entered in the Comptroller's office, and charged to the person or persons drawing the same, with the Comptroller's order endorsed to the Treasurer or other receiver of the public revenue to pay the same; and no claim, warrant, or draft, (except as before excepted,) shall be allowed in the settlement of the account of any Treasurer, collector, or receiver of the public revenue or taxes, but under the foregoing rules and regulations.

SEC. 12. The Comptroller is authorized and required to procure an instrument of not less than one and a half inches in diameter, for cancelling papers in such a manner as not to render them illegible; and such instrument shall be hereafter used for the purpose of cancelling the vouchers in the Comptroller's office.

SEC. 13. An official signed by the Comptroller, shall be received as evidence in the different courts in this State.

[Ratified 20th December, 1836.]

An Act to amend an act, entitled "an act to establish a department for adjusting and liquidating the public accounts of this State, and for appointing a Comptroller and other purposes."

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 Comptroller of this State shall hereafter enter into the duties of his office on the first day of January, and continue therein for two years and until his successor is qualified.

SEC. 2. Be it further enacted, That the Comptroller of this State be elected by a joint vote of both houses of the General Assembly; and in the said election the members of the Assembly shall vote viva voce; and the Comptroller shall take the oath, and give bond as now required by law, which bond shall be for the term of his office, instead of one year.

SEC. 3. Be it further enacted, That Nathan A. Stedman, the present Comptroller, be, and he is hereby appointed Comptroller of this State until the first day of January, one thousand eight hundred and thirty seven, and until his successor is appointed and qualified.

SEC. 4. Be it further enacted, That this act shall be in force from and immediately after the ratification thereof.

[Ratified 17th December, 1836.]

SURPLUS REVENUE.

An Act to receive the proportion of the Surplus Revenue to which the State of North Carolina is entitled, under the act of Congress to regulate the deposits of the public moneys.

Whereas, by an act, passed at the last session of Congress, it was directed that the money which shall be in the Treasury of the United States on the first day of January, eighteen hundred and thirty seven, reserving the sum of five millions of dollars, shall be deposited with such of the several States of this Union, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their Treasurer, or the competent authorities, to receive the same, on the terms specified in said act:

Be it therefore enacted by the General Assembly of this State, and it is hereby enacted by the authority of the same, That the proportion of the surplus revenue which is allotted to the State of North Carolina, by an act of Congress, passed at the last session, entitled "an act to regulate the deposits of the public money," be, and the same is hereby accepted, by and in behalf of said State.

SEC. 2. Be it further enacted, That the Governor of this State, immediately after the passage of this act, notify the Secretary of the Treasury of the United States of the acceptance, by this State, of such proportions of the surplus revenue to which it is entitled, according to the provisions of the act of Congress aforesaid.

SEC. 3. Be it further enacted, That the Public Treasurer of this State is hereby authorized, empowered and directed to execute in behalf of this State, such certificates of deposit for said money, pledging the faith of the State for the safe keeping, and for the repayment of the same, as may be prescribed by the Secretary of the Treasury of the United States, according to the provisions of said act of Congress.

SEC. 4. Be it further enacted, That the Public Treasurer is hereby authorized and empowered to receive of the Secretary of the Treasury aforesaid, or his agent or agents, such portions of the public money to which the State is entitled aforesaid, and to execute such acquittances and acknowledgments for the same in behalf of the State, as may be prescribed or required, according to the provisions of the act of Congress aforesaid; and when said money shall be received by the Public Treasurer, he shall deposit the same, for safe keeping, in the present banks of this State, as a separate and distinct fund

from the revenues of this State, and not subject to draft except by special order of the General Assembly, or unless the safety of the same shall require it, which shall be determined by the Governor, who may order it to be withdrawn.

SEC. 5. Be it further enacted, That this act shall take effect and be in force from and after its ratification.

[Ratified 11th January, 1837.]

An Act to provide for the redemption of the scrip issued by the State, under the act of the General Assembly, passed in the year one thousand eight hundred and thirty five, and entitled "an act to provide for the payment of the instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina."

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 Public Treasurer is hereby authorized and directed to negotiate with the trustees of the University of this State, for the purchasing in of the scrip issued by the State, and now held by the trustees of said University, amounting to one hundred thousand dollars principal; and to effect such purchase, the Treasurer aforesaid, in the name of and on behalf of the State, is hereby directed to transfer in lieu of said scrip, one thousand shares of the capital stock of the Bank of the State of North Carolina, now owned and held by the State in said bank.

SEC. 2. The Governor is hereby empowered and directed to appoint an agent, whose duty it shall be to purchase in, if practicable, the scrip issued by the State and sold to the Secretary of the Treasury of the United States for the use of the Cherokee Indians, amounting to three hundred thousand dollars; and to effect such purchase, the Governor is authorized to draw on any bank or banks of the State, having in it or their possession, any part of the surplus revenue of the United States, which has been or may be deposited with this State, under an act of the twenty-fourth Congress, passed at its first session, entitled "an act to regulate the deposits of the public money," for a sum not exceeding three hundred thousand dollars, with which said sum the agent aforesaid may purchase the said scrip directly, or purchase such other stocks, and transfer the same to the holder of said scrip in lieu thereof, as shall be agreed on between said agent and the holder of said scrip.

SEC. 3. Said scrip, when purchased in, under either of the foregoing sections, shall not be cancelled nor be deemed in any wise to be extinguished by such purchase, but shall be deposited in the public treasury of the State, and shall not be re-issued, except in case of a call by the Federal Government, on the State for the surplus revenue deposited with this State, under the before-mentioned act of Congress, and re-issued then only by resolution of the General Assembly.

SEC. 4. The expenses of said agent, and such compensation for his services in the performance of the duties herein prescribed, as the Governor shall deem reasonable and proper, shall be paid him by the Treasurer, on the warrant of the Governor.

SEC. 5. This act shall be in force from the passage thereof.

[Ratified 21st January, 1837.]

Tragic scene.—We witnessed the most tragic scene at Vance Superior Court, that has ever been acted in any court in North Carolina. The facts were as follows: About two years since a man by the name of John Wilson, married Elizabeth Rey of that county. They lived together about seven weeks, when some disturbance took place which caused their separation. Six months ago the husband filed a petition for divorce, setting forth various causes—declaring that he was young and inexperienced when he married her, and was not acquainted with her true character, that her conduct during the time they lived together, was insupportable, and by him could not be endured. She answered, that they were raised in the same neighborhood, and had known each other from their infancy; that he knew her character and circumstances in life perfectly well when he married her, and had taken her with his eyes open to all her frailties; she positively denied ever having been guilty of any misconduct, during the time they lived together, but that she acted towards him the part of an affectionate wife. She further asserted that when he was about to leave her, he made no charges against her, but gave as his reason for separation, that he did not nor had he ever loved her; that his friends had induced him to marry her merely for her property, and that he had ascertained he could not enjoy life with a woman he did not love.

At the last court an issue was made up and submitted to a Jury. The petition and answer having been read, evidence was then introduced which proved decidedly in favor of the petitioner. On the part of the plaintiff the case was submitted without any argument, but the counsel for the defendant resisted the divorce by a long and feeling speech, in which he alluded to the solemnity of the marriage vow, the mutual duties it imposed on the parties, and the want of sufficient cause in that case to dissolve the bonds of matrimony.

During this investigation the parties were both in court. The husband was apparently young and simple, and in fact a mere boy, and there was nothing in the least prepossessing in his appearance. The wife seemed something older and altogether the superior. She is a fine looking woman, with dark hair, black eyes and very expressive face; she manifested great interest in the trial.

The Jury after retiring a few moments, returned a verdict for the plaintiff. The parties were still in their seats behind the bar, some six or eight feet distant from each other, the wife asked a gentleman by whom she was sitting for his knife as if to trim her finger nails; she felt the edge, rose to her feet, paused a moment, turned pale, her eyes flashed fire, and she suddenly sprang forward with the drawn knife and aimed at her husband a deadly blow. But fortunately, a lady who was standing by saw her get the knife, and perceived from her countenance that she was meditating something of a desperate character, watched her until she saw the blow aimed at the throat of the unsuspecting husband, she instantly seized the arm of the infuriated wife and diverted the weapon from the object at which it was aimed; but determined on her hellish purpose, she threw the knife with great violence at her husband and burning, made a most furious attack on her whose hand had arrested the blow and thwarted the wicked design. The court ordered her into custody; she was arrested and borne out of the court, making the most wild and frantic exclamations—calling to her husband in the most tender and passionate language, and seemed to be entirely deranged.

Her conduct was strange and unaccountable, but all who witnessed the scene agree that she must have loved her husband. She had listened to the investigation, the pathetic speech of her counsel, and then the verdict of the Jury pronouncing their final separation; she felt that she loved him above all others, and the idea that he was then at liberty to marry again (for that was said to be his object) was more than she could endure. Her heart was devoted to him, and sooner than see his pledged to another she would see him die, and that too by her own hand, in the presence of the court and the multitude that surrounded her. Of the consequences to herself she never thought, nor for them cared; they could not have been greater than death, and no doubt she felt at that moment that she would gladly take refuge in the arms of death. She remained in jail until the next morning, when she was brought before the court, and after being severely reprimanded, was sentenced to five days imprisonment, for contempt to the court, and required to give bond and

security for her good behaviour for the next twelve months.—Ruth. Gaz.

STARTLING FACTS.

The following is an extract from the Report of Mr. Wassa's Committee, to examine into the Executive Department:

"Nowithstanding the committee refused to inquire into the appointment, and removal of officers, yet several instances of retaining corrupt and fraudulent officers, whose malfeasance was made known to the President and Heads of Departments, have been proved beyond cavil or dispute.

The clearest case of this kind, and there could be none clearer, is the case of Joseph W. Reckless, a collector at Perth Amboy, New Jersey. He was charged, on the 5th of January, 1835, with the grossest official misconduct, as a Collector. The charges were, of embezzlement and fraud, and the specifications were made. His excuses and apologies for his misconduct were proved to be knowingly and willfully false before a commissioner appointed by the Department, to take depositions in the case, and to report thereon. He actually confessed himself to be guilty of the most serious charge of fraud, and offered no testimony or excuse, which could, in any respect be considered as extenuating or in palliation. The evidence was fully reported to the Department. A most false and exparte abstract of that testimony was laid before the President, by the Secretary of the Treasury, containing scarcely any of the evidence, on one of the main charges, and only the exculpatory testimony on another. The President, however, as proved by the Secretary, and by Mr. Pearce, read all the evidence in the case—and yet he made a decision, in flagrant contradiction to the testimony of one of the witnesses, (Brinly, making him acknowledge what he expressly testified to the contrary of—found that to be merely irregular, which was proved and confessed to have been corrupt; and what was more shocking still to all moral sense, he acquitted the officer and yet ordered him to pay back the money which he had embezzled and defrauded the government of, according to an account thereof by the comptroller. The amount involved in this case was small, being only some three or four hundred dollars. But though it was but petty larceny in the interior officer, it was the grandest dereliction of duty, and injustice to the Government, on the part of his superiors, the President and Secretary.—(See the entire testimony of the Hon. James Parker, and Wm. Hook, Esq., contained in the printed journal hereto appended, pages 129 to 183, inclusive. See also the testimony of the Hon. G. D. Wall, and the Hon. D. J. Pearce.) This officer was detained in place, it is hardly necessary to add—is, and was, as stated by Mr. Parker, verbally, a warm and active partisan of the present and coming administration, taking a zealous part in political meetings and arrangements in New Jersey.

Another case of precisely similar character was proved in the instance of retaining a land receiver, Spencer, at Fort Wayne, Indiana, after he had been proved guilty of official neglect in not making his deposits, of retaining balances due the government for unreasonable periods of time, of receiving prohibited Bank notes of the denomination of five dollars, and of shaving the money brought to his office to purchase the public lands. (See printed documents appended to the testimony of the Hon. Balie Peyton, and his statement in relation thereto, hereto appended.)

Another instance is the case of Samuel Gwin, a register of the Land Office in Mississippi, who has been repeatedly charged with the grossest official misconduct and violation of the law in purchasing land at sale of the public lands under his superintendency of which the President has been informed by a responsible person, and yet no inquiry even into his conduct has been instituted. (See the testimony of the Hon. B. Peyton, hereto appended.)

A most flagrant instance of retaining an incompetent officer is proved in the case of Herring, who was at the head of the Indian bureau. He was considered as incompetent by the Secretary of War that the Secretary sought at the session of 1831-'32 to create a new office, that of Commissioner of Indian Affairs, in order to supersede Mr. Herring, or take the superintendency of those affairs from his care. Mr. Herring was then receiving a salary of fourteen or sixteen hundred dollars; the Commissioner of Indian Affairs was to receive 25,000 per annum. The Secretary applied to the respective Chairmen of the Committees on Indian Affairs of the Senate and House to have the law, which he drafted, passed, creating the new office. The Chairman of the Senate's Committee objected, among other reasons, that if created it might be filled with an incapable person. Pledge was given that it should be well filled.

The office was created, and the same Mr. Herring was promoted to fill it by the President. (See the testimony of the Hon. H. L. White and John Bell.)

And it will be found, on a strict examination of all testimony, that not only have prostituted political partisans, as in the case of Hoke, been appointed to office—that faithful and efficient officers, as in the case of Melville, have been removed from office for opinion's sake or the want of political influence—that feeble, and fraudulent, and corrupt officers, as reckless, Spencer and Gwin, and incompetent officers, as Herring, have been retained in office after a full knowledge of their corruption and incompetency by the President and heads of Departments; but that an officer has been paid for services he never rendered, has been appointed for months before he entered on the