

Department of State  
Washington City

# The Constitutional PEOPLES' ADVOCATE AND STATE GAZETTE.

"THE LIBERTY OF THE PRESS—THE SHIELD OF FREEDOM—THE SCOURGE OF TYRANTS"

BY CHARLES R. RAMSAY.

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(BY AUTHORITY.)

Laws of North Carolina.

Passed at the session of 1832-'33

CHAPTER V.

An act to amend the militia laws.

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 in future it shall be the duty of a Major General, to review his division once in every three years, and a Brigadier General to review his brigade once in every two years; and should any General Officer fail to review, equip himself, or to make an annual report of the militia of his division or brigade as is now required by law, it shall be the duty of the Governor to cause the Adjutant General to give such delinquent officer thirty days notice of his neglect of duty, and if such delinquent does not within forty days thereafter tender a satisfactory excuse for such neglect, by showing to the Governor that such delinquency happened in consequence of indisposition, absence from the State or other unavoidable accidents, it shall be the duty of the Governor to strike his name from the list of Officers, and report to the next Legislature accordingly.

II. Be it further enacted, That when the Governor shall strike the name of any officer from the list of officers, in compliance with the militia law, he shall communicate it to the Adjutant General who shall have it published in the State paper.

III. Be it further enacted, That it shall not be lawful for the captains of the several companies within this State to call their men together, without their consent for the purpose of company matters, more than twice in each year, except in cases of insurrection or invasion. Provided, That nothing herein contained shall be construed as applying to Volunteer companies; and provided further, That whenever any person enters into rank in the extra-musters, he shall be subject to the same discipline, and governed by the same rules and penalties, as govern them in their regular musters.

IV. Be it further enacted, That in future it shall be the duty of the Commanding Officer, at any regimental, battalion or company muster, to cause the militia to be exercised not less than two hours on each day.

V. Be it further enacted, That for the future there shall be to each company of militia second and third Lieutenants.

VI. Be it further enacted, That the counties of Macon, Haywood and Buncombe, shall form the nineteenth brigade; Burke and Iredell the fifteenth brigade; and the nineteenth and fifteenth brigades shall form the fifth division; Montgomery, Cabarrus and Mecklenburg shall form the eleventh brigade; Rowan and Davidson shall form the seventh brigade; Rutherford and Lincoln shall form the tenth brigade; which eleventh, seventh and tenth brigades shall make the fourth division; Rockingham, Stokes and Guilford shall form the eighth brigade; Surry, Wilkes and Ashe shall form the ninth brigade; which eighth and ninth brigades shall form the sixth division;—any law to the contrary notwithstanding.

VII. Be it further enacted, That the adjutant General is hereby required to have the militia laws revised and compiled, with Captain's returns, and an index to each pamphlet to be sent, one copy to each field and staff officer and two to each company; which said copies shall be delivered to the Commanding Officer of each regiment to be by him distributed as herein required.

VIII. Be it further enacted, That when any commissioned officer shall resign, who shall have received a pamphlet under this act, it shall be his duty to deliver the same to his successor in office, under the penalty of five dollars, to be recovered by warrant before any Justice of the Peace.

IX. Be it further enacted, That it shall be the duty of the field officers of Cavalry, once in every two years, to review the Cavalry Companies at that place which shall be most convenient in the brigade.

X. Be it further enacted, That so much of the law, as requires the cavalry to be reviewed at the old district towns, be, and the same is hereby repealed.

XI. And be it further enacted, That the third section of an act, passed in the year one thousand eight hundred and thirty, amendatory of the militia laws, be, and it is hereby repealed.

CHAPTER VI.

An act for the better regulation of Volunteers.

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 number required to constitute a Volunteer Company of Light Infantry, Grenadiers, Riflemen or Artillery in this State, be reduced to forty-four, inclusive of commissioned and non-commissioned officers, musicians and privates, any law to the contrary notwithstanding.

CHAPTER VII.

An act for the better organization of the militia of this State.

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 several captains or commanders of militia companies in this State, to enroll and keep enrolled, on their muster rolls, all the exemptions belonging to their respective companies, and who are exempt by law, from performing militia duty, only in time of invasion or insurrection.

II. Be it further enacted, That it shall be the duty of said captains or commanders to return the number of exemptions in their annual returns to the commanders of regiments.

III. And be it further enacted, That it shall be the duty of commanders of Regiments to make a like return of all exemptions, in their respective regiments, in their annual returns to the brigadier and adjutant General, in the same manner as is prescribed by law, for making the said annual returns.

CHAPTER VIII.

An act to allow the taking of depositions in cases of removal.

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 in cases of removal of any cause from the Superior Court of law of one county to another; that after the order of removal, depositions may be taken in the cause, and that commissions may issue from either of said Courts, under the same rules, as if the cause had been originally commenced in the Court from which the commission issues.

CHAPTER IX.

An act to prevent the unlawful transportation of slaves from this State.

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 if any person or persons, shall wickedly, willingly and feloniously carry, convey or conceal any slave or slaves the property of any citizen or citizens of this State, without the consent, in writing, of the owner or owners, his, her, or their guardian or guardians, of such slave or slaves, previously obtained, or shall feloniously, wickedly and willingly take, conceal, or permit or suffer the same to be done, with the intent and for the purpose of carrying and conveying such slave or slaves out of the limits of this State, with the intent and for the purpose of enabling such slave

or slaves to effect an escape out of this State, every such person or persons, so carrying, conveying or concealing, or so taking, concealing or causing or permitting the same to be done, with the intent as aforesaid, shall be taken and deemed to be guilty of felony, and shall suffer death without benefit of Clergy.

CHAPTER X.

An act to amend the tenth section of the act of one thousand seven hundred and fifty-one, entitled an act for the better observation of the Lord's day, and immorality.

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 bonds required to be given by the tenth section of the act of one thousand seven hundred and forty-one, entitled an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality, shall hereafter be made payable to the Governor for the time being and his successors.

CHAPTER XI.

An act to amend an act passed in the year one thousand eight hundred and thirty-one, entitled an act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes.

Whereas, it is provided in the act recited in the above Caption, that every Sheriff shall return upon oath to the Court of Pleas and Quarter Sessions of his county, at the term next preceding the time at which he shall settle with the Comptroller for Public taxes, a list of all moneys which he may have received for taxes imposed on merchants, retailers of spirituous liquors, pedlars, stage players, et cetera; and whereas, the County Court which precedes the settlement with the Comptroller, happens in many counties in this State, before the Sheriff can have completed the collection of said taxes in those counties. Therefore

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 said list of taxes required, as above stated to be made in the County Court, may hereafter be returned and filed with the Clerk of the County Court during vacation, which list shall be sworn to, in the presence of the Clerk, before two Justices of the Peace, by the Sheriff returning the same, and a certified copy delivered by the Sheriff to be by him filed with the Comptroller as directed by the aforesaid act of one thousand eight hundred and thirty-one, and for failure in the duties herein prescribed, the person so failing, shall incur the same penalties as are provided by the aforesaid act of one thousand eight hundred and thirty-one.

CHAPTER XII.

An act vesting in the Courts of Pleas and Quarter Sessions of the several counties within this State, the right of establishing additional places of public sale in their respective counties.

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, the several Courts of Pleas and Quarter Sessions, within this State, shall have full power and authority (a majority of the acting Justices being present) to establish additional places of public sale in their respective counties.

CHAPTER XIII.

An act to provide for the registration of copies of grants for lands. Whereas by some existing laws or regulations grants for lands are required to be registered in the county where the lands lie; and whereas it frequently happens by the loss or destruction of grants, that such registration cannot be made: For remedy whereof

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 and may be lawful for any person to cause to be registered in the office of the register, any certified copy of a grant from the office of the Secretary of State, for the lands lying in such county, and such registration duly made shall have the same effect in law as if the original had been registered, any law to the contrary notwithstanding.

CHAPTER XIV.

An act concerning Charities.

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 when real or personal property, has been or shall be granted by deed, will, or otherwise, for such charitable purposes as are allowed by law, it shall be the duty of those to whom is confided the management of the property, and the execution of the trust, to deliver in writing a full and particular account thereof, to the clerk of the Court of Pleas and Quarter Sessions of the county where the charity is to take effect at the first term of said Court, which shall be held after the first day of January in each year, to be filed among the records of the said Court.

II. Be it further enacted, That if the foregoing requisition be not complied with, or there be reason to believe, that the property has been mismanaged through negligence or fraud, it shall be the duty of the Chairman or acting Chairman of the aforesaid Court, to give notice thereof, to the solicitor, who represents the State in the Superior Court of law and equity, for the aforesaid county; and it shall be his duty to file a bill in equity in the name of the State against the grantees, executors, or trustees of the charitable fund, calling on them to render a full and minute account of their proceedings in relation to the fund and the execution of the trust, under the same rules and regulations as now obtain between private individuals.

III. Be it further enacted, That the solicitor may also, at the suggestion of two reputable citizens, commence a suit in equity as aforesaid; and in either case, the court may make such order and decree as shall seem best calculated to enforce the performance of the trust, and to effectuate the intention of the donor.

IV. Be it further enacted, That the court may allow fees to the solicitor for his services, to be paid by the trustees, the estate, or the county, as shall be ordered by the court.

CHAPTER XV.

An act making compensation to the Secretary of State, for services required of him, by an act of the General Assembly, of one thousand eight hundred and twenty-seven. Chapter twenty-three and for 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 Secretary of State be allowed the sum of ten cents for each certificate by him made under the act aforesaid, and the sum of ten cents for each and every certificate he shall make previous to the first day of March next, to be paid by the public Treasurer; for which he shall be allowed in the settlement of his public accounts.

II. And be it further enacted, That from and after the first day of March next, the Secretary of State shall be allowed as his fee for each grant made out, recorded and delivered, the sum of seventy-five cents, to be paid by the grantee on the delivery of the certificate, which shall be in full for all his services in making the certificate for the enterer to pay the purchase money into the treasury upon, and all other services to be performed by him for the completion of such grant.

III. And be it further enacted, That hereafter, the Secretary of State shall be entitled to demand as a fee for copying large

grants obtained for speculation, or the surveys on which such grants were made, the sum of fifty cents for each warrant of six hundred and forty acres contained in such survey and grant: Provided, That the fees for copying shall in no case exceed five dollars.

CHAPTER XVI.

An act to give longer time for paying in Entry money.

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 lawful for all persons who have made entries in the years one thousand eight hundred and twenty-nine, and one thousand eight hundred and thirty, and have had the same surveyed, and who have sent on, or may send on their plat and certificate to the Secretary, and failed to pay in the entry money, to have twelve months longer time for paying in the same: Provided, That nothing in this act contained, shall be so construed, as to interfere with any other person, who has made entries before the passage of this act.

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

CHAPTER XVII.

An act to continue for a longer time, the Neuse Navigation Company.

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 several acts of the General Assembly, incorporating the Neuse Navigation Company, amending the provisions of the charter, and prescribing and regulating the conduct of the corporation and which will shortly expire, be continued in force for ten years longer, any law to the contrary notwithstanding.

CHAPTER XVIII.

An act declaratory of the law now in force, giving to the Courts of Pleas and Quarter Sessions of the several counties within this State, the power to alter and fix separate places of election.

Whereas, doubts have arisen, whether by the existing laws of this State, it is competent for the Court of Pleas and Quarter Sessions of the several counties within this State, to create new separate places of election, in their respective counties.

Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter the several Courts of Pleas and Quarter Sessions in this State shall have full power and authority (a majority of the acting Justices being present) to alter, fix, establish, discontinue or create anew, such separate places of election as said courts may from time to time deem expedient.

CHAPTER XIX.

An act to render the land of a deceased debtor liable for the costs, where the plea of "fully administered," has been found in favour of his executor or administrator.

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 in all cases where the plea of fully administered, has been found in favour of an executor or administrator, and the plaintiff in the original action, resorts to a scire facias to render the land of the deceased testator or intestate liable for the satisfaction of this debt, he shall be entitled to recover all the costs expended in such proceedings, and shall also be assessed by the jury and judgment rendered thereon in like manner as for his debt.

CHAPTER XX.

An act authorising widows of persons dying intestate to file their petitions for a year's support, before letters of administration are granted.

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 when a person shall die intestate leaving a widow, such widow may at any time, before letters of administration are granted, file her petition in the County Court, praying the said court to appoint one Justice of the Peace and three freeholders unconnected with the said widow, who shall view the estate of such intestate, and to allot and point out such part of his personal estate as they are now by law authorised to do for the support of the widow and family, for the space of one year, and make return of the same, under their hands and seals to the next County Court, in the same way that they are now required to do by law in other cases; any law, usage, or custom to the contrary notwithstanding.

Be it further enacted, That it shall be lawful for the said Justice and freeholders to allot and set over to any such widow, any article or articles of the personal property, (negroes excepted) of such intestate and also any debt or debts known to be due to such intestate; and such allotment shall vest in such widow the right to collect by warrant or otherwise, by action of debt in her own name the debt or debts so allotted to her.

CHAPTER XXI.

An act amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies; and prescribing the mode of enforcing the collection of tolls.

Whereas the power of seizing and selling any boat or vessel which may refuse to pay tolls when demanded, has been secured by acts of the General Assembly, to the Roanoke Navigation Company, and to the Cape Fear Navigation Company; and whereas doubts have arisen as to the constitutionality of said grants or power, because said acts have not expressly reserved to the owner or master of said boat or vessel, so seized as aforesaid the right of replevying the same; and whereas the right of replevying any boat or vessel so seized as aforesaid is a right at common law, and is not necessary to be secured by statute, yet to remove all doubts and to prescribe the mode of exercising said right to replevy.

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 on the seizure of any boat or vessel by any collector of tolls of either of said Navigation Companies for the collection of tolls, the owner or master of said vessel so seized as aforesaid, or the agent of said owner, shall be permitted to replevy said boat or vessel so seized as aforesaid, by giving bond with two good securities in a sum not less than twice the amount of the toll claimed as aforesaid, payable to either of said companies in whose behalf the same has been demanded as aforesaid, conditioned for the appearance of said master or owner at the next term of the Court of Pleas and Quarter Sessions or of the Superior Court of the county in which such seizure has been made as aforesaid at the discretion of the collector making such seizure, and further conditioned that the person giving said bond shall stand to abide by, and perform such judgment or decree as may be rendered in favor of the company in whose behalf such seizure has been made, and the court at which such master or owner is bound to appear as aforesaid, shall make up at the appearance term an issue, to try if any thing is due to said company for tolls as aforesaid by said master or owner and what amount is so due and that the said issue shall stand for trial at the second term of the court to which said bond may be returned as aforesaid, and said court shall render judgment for the amount which may be due as aforesaid and for costs of suit and on judgment shall also be rendered against the securities on said bond on motion,

### NIBLO'S HOTEL.



112 BROADWAY BETWEEN PINE & CEDAR STREETS.  
The subscriber returns grateful acknowledgments to his friends and the public for the liberal support afforded him since his establishment in this city, the name originally adopted, "Congress Hall," subjects him to many inconveniences in consequence of the proprietor of a public establishment in his immediate neighborhood, having assumed the same title, and being unwilling by a continuance of the present name of his house to embarrass his neighbor as well as himself, he has resolved on changing the name to that of Niblo's Hotel. Its central location being near the principal place of amusement, and its vicinity to the public offices and business part of the Town, renders it a most desirable resort for any gentlemen engaged in commercial and other pursuits. The experience, which the subscriber has acquired as proprietor for many years of this extensive establishment, the "Exchange Hotel," Petersburg, Virginia, and subsequent as an associate with Mr. Beiskell of the "City Hotel," Philadelphia, will he trusts prove a sufficient guarantee to all who may honor him with their patronage, that nothing shall be wanting on his part, or by those in his employ, to contribute in every respect to their accommodation and comfort.

JOHN NIBLO.  
New York December 4, 1832.

### 1255 acres of Land for sale.

The subscriber being anxious to remove to the West, now offers for sale his valuable plantation situated in the county of Wake, 12 miles west of Raleigh, on the Stage Road leading to Chapel Hill, and to the waters of Crab Tree, Williams, Indian and Leak creeks: There is of the above mentioned tract, six or eight hundred acres of the best bottom land, and about two hundred cleared and in cultivation. This land is considered, by all who know it, to be one among the most valuable tracts in the country. I would rather see persons wishing to buy, would view the premises and judge for themselves. It affords a pretty good situation for a Store, &c. There is a comfortable dwelling and good out-houses, with a little repairing. Persons wishing to buy, would do well to apply early, as a great bargain may be had. I would take young negroes for it in part or pay in cash, and give long credit for the balance, or for western notes, provided it is where I like it. This land would make a desirable situation for persons living in the lower country, to resort during the sickly season. I will take persons inishing the land at any time, while I am in State.

TIGNAL JONES, Jr.  
Nov. 9, 1832--1

### \$100 REWARD.

LOST from the Stage between Petersburg and Richmond, on Friday night the 16th inst, a small Leather Bag, containing sundry articles of WEAVING MATERIAL, and the following sums of GOLD BULLIONS:  
2 Bars Gold, weighing 379 Dwt.  
1 do do do 136 do  
1 Small Bouty, containing 622 dwts Gold in its natural state,  
Also, 1 Gold Watch Chain—old style, three straps; broken.  
1 Gold Breast Pin—set with Jet and Pearl—Pin broken off.  
1 Black Velvet Reticule, worked with Beads.  
3 Bead Watch Gainers, marked "Tomson"—the Christian name not recollectable.  
All persons are requested to stop the above articles, should they be offered for sale. A reward of One Hundred Dollars, will be paid for the recovery of the property; or, the same proportion for any part of it, upon application to Baldwin & Kent, Richmond Virginia.

WILLARD EGBEN.  
November 19, 1832.

### REMOVAL.

The subscriber returns his sincere thanks to the public, for the very liberal patronage he has heretofore received, and takes this method to inform them, that he has removed his TAILORING ESTABLISHMENT to the house situated on Fayetteville Street, two doors South of Mr. John C. Steiman's Jewellery Store, where he will be found ready to execute all orders in his line at the shortest notice and in the most fashionable style.

P. S. He has just received from New York a full and complete assortment of TRIMMINGS, VEGETABLES, STOCKS, &c. of the most fashionable kind, which will be sold on the most reasonable terms.

WILLIAM W. TAYLOR.  
Raleigh, Oct. 17, 1832.

### A first rate JOURNEYMAN TAILOR wanted immediately.

### Farmwell Grove Academy.

The first session of this Institution for 1833 will commence on the second Monday in January. The proprietor grateful for the patronage he has already received, thinks it in his power to say, that competent assistance being now within his reach, it will not be necessary for him to continue to limit to his school so narrow a circle. The pledges himself not to receive more than can be successfully attended to. For young men of studious habits who prefer being retained, he has a few comfortable out rooms for those who shall first arrive. Parents and Guardians who cannot attend in person, to enter their sons, or wards, will please intimate in writing the studies to be pursued, and if a college course is afterwards intended for which college they are to be prepared.  
Terms as hitherto for all over the age of 15 years.  
Under that age \$45.00 per session.  
Hours may be obtained in the neighborhood at \$20 per session.

JNO B. TATE.  
Address at Sycamore Alley.  
Halifax Co N. C.  
Halifax, Dec. 4, 1832.