



AND

## North-Carolina State Gazette.

MONDAY, DECEMBER 26, 1803.

No. 219.

### General Assembly.

#### SENATE.

Tuesday, Dec. 13.

The bill for repealing the law which took from the University of this State, the estate of property which had formerly been presented to that Institution, being on its second reading.

COL. SHEPPARD said, he should not think he did his duty if he suffered the bill to pass in silence, as he had done years, when he hoped the bill would have passed by a large majority. He was, and always had been a friend to the University, and had always thought it extraordinary that the estate of property, after being solemnly given to the Trustees of this Institution by the Legislature, and they had by great exertions and care made the property in some degree productive, the Legislature should have taken this property from them, without any apparent cause. He had indeed conceived the act which did this to be unconstitutional. The Trustees had, however, never discovered a wish to try this question, but acquiesced in the will of the Legislature. He trusted that time had at length arrived when the good sense of the General Assembly would restore this property to the Trustees, as experience had shown it was of no use to the public, the State not having received a shilling from this source, since it was taken from the University.

This Seminary of Learning, the Colonel said, had been instituted by the Legislature in obedience to the constitutional injunction, as a national University; & which when completed, would be an honour to the State. It was also an useful Institution, and founded on sound Policy. Heretofore, when a father wished to give his son any thing like a finished education, he was obliged to send him to Philadelphia, or some other University to the Northward, or perhaps to England or Scotland, by which our money was sent abroad, and children were far removed from the care of their Parents; whereas, now, not only the sons of our own citizens are completely educated at home, where they can see and hear from them frequently, but Youths are also sent to our University from Virginia, South-Carolina, Georgia, the West-Indies and other parts, leaving the price of their tuition, board, &c. to circulate amongst our citizens, for the benefit of the State.

Every consideration of Policy, the Colonel said, was in favour of passing this bill, without which it would be impossible the Trustees could finish the fine building with which they had made considerable progress, but which had, for some time been at a stand, and was of course in some degree injured by the seasons, for want of sufficient funds, to progress with it. This building, and all the other buildings belonging to this Institution, is the property of the State, and not of the Trustees of the University; and surely after expending so many thousands of dollars upon these buildings, the Legislature will not suffer them to go to ruin, for want of the aid that is now asked—especially when gentlemen see that these estates are of no service to the State. This would certainly be doing an injury to the public in its property, as well as depriving the State of all the advantages derivable from so excellent an Institution, fixed in a fine healthy situation in the centre of our State. He hoped therefore the bill would pass.

COL. FISHER declared himself to be the person who first brought in the bill to deprive the University of the estate of property which it was the intention of this bill to restore. He had always been opposed to this Institution, because he believed it to be an Institution calculated to benefit the children of the rich to the exclusion of those of the poor, who are at least equally entitled to consideration. This estate of property, said the Col. was the consequence and part of the fruit of the Revolution, in which the labouring part of the community took a very active part; and if it is to go for the benefit of education, let it be extended to every district, so that all may partake of its advantages, and

not confined to a particular spot, where none but the rich can avail themselves of it. He thought the Legislature had done enough for this Institution; by expending the many thousands of dollars, which had been laid out upon it. He should therefore continue his opposition to any further expenditure upon it.

GEN. WELLBORN wished to say a few words on this subject, in order to explain the vote which he should give on this occasion. He had heretofore voted for withholding the estate of property from the University, but should now vote for restoring it. And he should do so, principally because he found from experience, that the State derives no benefit from this estate of property, since it was taken from the University. He acknowledged he did not altogether like the plan on which the University was instituted, or the manner in which it had been conducted. He had observed too much of a monarchic or aristocratic spirit pervade the management of the Institution. On the whole, however, he thought it better to restore this property, which might be of advantage to this Institution in enabling the Trustees to finish their Building, which if not proceeded with, would soon go to decay. This being his opinion, he thought it right to declare it, deeming it more honorable to retract an error in conduct when it is discovered, than to persist in it. He was now convinced that it would be bad policy in the State to suffer the buildings which had been erected, and particularly that which is in an unfinished state, to go to decay for want of the funds of which it had been deprived. He now thought that as the University might properly be considered as a child of the Legislature, now it had got considerable growth, it ought not to be forsaken, but fostered and brought to maturity. Though he never expected to educate a son there, yet it would be beneficial to others who did, and might be a mean of educating young men who would hereafter become Teachers in different parts of the States. He hoped, therefore, the present bill would pass.

COL. TAYLOR observed, that had he been a member of the General Assembly, when the law passed vesting the Trustees with the estate of property, he should have voted against it; but after this property had been given to the Trustees by a solemn vote of the Legislature, he should have opposed the bill, which afterwards went to deprive them of it; but such a law having passed, he considered the subject in the light now, that he should have done when it was first taken up. The Colonel thought sufficient had already been done for this Institution, by several loans of money; and that the Trustees ought to have more carefully counted the cost, before they had begun so large and expensive a building as that in which they are engaged, and which is at a stand for want of funds. With respect to the Institution itself, he did not think it was conducted on Republican principles. He considered it as a complete Aristocracy within our country, and therefore could not be in favour of it. He was of opinion that schools established in every district, in which the children of common citizens could be of much more public service than an establishment of this expensive kind, of which none can avail themselves but the more opulent part of our citizens.

COL. SHEPPARD expressed himself to be as friendly to the establishment of smaller schools in every district as the gentleman from Rowan, or any other could be; they had such a school at Hillsborough, which had been liberally supported by subscription; but these schools were not incompatible with the proper support of an University, at which boys of genius, whose parents wished it, who had received the rudiments of education at a district school, might finish their education, instead, as he had before stated, of their being sent to a distance.

The Colonel denied that this Institution was exclusively calculated for the rich. Boys, he said, might

be educated and boarded at the University at nearly as low a price as at any Academy in the State, and instance one case in particular, adding that there were many others, in which a poor boy, by learning and teaching, alternately, had become one of the first citizens, for education and talents, in the U. States. The Col. confessed that the management of the Institution had not always pleased him; he had seen too much of an aristocratic spirit prevail, but he trusted it was, and would still become, more liberal. Upon the whole he thought it an excellent Institution, and worthy of the protection and patronage of the Legislature.

The Colonel here went into a history of the Institution, in which he showed that the money which had been advanced by the State to the University, had been obtained from confiscated property, that, it is probable, had it not been for the care and industry of the Trustees of the University, would never have been got; that the Trustees had managed its affairs with the greatest attention and zeal, and that all their exertions would eventually prove beneficial to the State.

MR. WATKINS was opposed to this bill, and in this opposition he was in no fear of infringing on the constitution. He thought the Legislature had done sufficient for the encouragement of this University. He was unwilling to do more, because he saw no need to claims of the Trustees upon them. If the estate of property was now restored, he should afterwards expect to be applied to for a loan. If he could see any bound at which they might stop, he should have less reluctance to give the aid now asked; but as he could see no such bound, he must be opposed to the present measure.

The question was then taken on the bill's passing its second reading, and carried 27 to 26; but, on its third reading, a few days afterwards, it was lost by four votes. The yeas and nays were given in our list. On the last reading of the bill, MR. SLADE made some pertinent remarks in reply to MR. DUDLEY who had said, "if the University was a child of the Legislature, it was an illegitimate one." He showed, in a brief but clear manner, that the foundation of the University was laid in the constitution by the patriots of 1776, that an enlightened Legislature had passed laws to carry the institution into effect, that the Institution had its birth and early nurture from the Legislature, and that it could no, therefore be considered other than its legitimate child; but he was sorry to say the Legislature had proved itself an unnatural parent.

[The Editor having only heard this debate from the gallery, and given it from memory without notes; he trusts he shall be excused, if the argument is not perfectly correct. He believes it to be tolerably so.]

### Marriage Bill.

The following is Mr. Drew's Speech on the bill to prevent females, under the age of 21, from marrying without the consent of their Parents.

I cannot sir, here refrain from rising to express my greatest aversion and disapprobation of the bill on your table; on the first blush of the principles on which that bill is predicated, I felt it my indispensable duty, in apt time, to oppose the passage in this house. The bill appears to me to have for its object a very improper and cruel restraint on will appetite, and inclination; it contravenes the laws of nature, and great nature's law. Love is a natural and involuntary passion inherent in the human breast, and is of all other sensations the least subject to our controul; we cannot command our desires, and when once an impression is made on a tender youthful heart, no time or circumstance can eradicate it. Unhappy are those who are matched if their hearts are not. We are now to consider if Parents have a right to dispose of their children in marriage, against their consent, which right the bill before us tolerates. I concede this position, that Parents have the right to marry their children

most conducive to their own happiness, but it is denied that they have a right absolutely to dispose of their daughters without consulting the inclinations of the heart. That parents have a sort of rule and jurisdiction over their children, when they come into the world, and for some time after, is true, but it is only a temporary one. The bonds of this subjection are like the swaddling clothes they are wrapt up in and supported by, in the weakness of their infancy: age and reason, as they grow up, loosen them, till at length they drop quite off, and leave them at their own free disposal. The power then, that Parents have over their children, arises from that duty which is incumbent on them, to take special care of their offspring, during the imperfect state of childhood: To inform the mind and govern the actions of their yet ignorant non-age, till reason shall take its place, and ease them of this trouble, is what the children want, and Parents are bound to: for God having given them a reasonable understanding to direct their actions, has allowed them an inalienable freedom of will and liberty of acting, as properly belonging thereto, within the bounds of that municipal law they live under. I will acknowledge, that whilst they are in an estate, wherein they have not a prudent understanding of their own, to direct their will, they are not to have any will of their own to follow; they that understand for them, must will for them; they must prescribe to their will, and regulate their actions; but when they come to the age of puberty and discretion, which our law recognizes in females, at the age of twelve and fourteen, they should be allowed to have some agency in the disposal of their hands and hearts in marriage. Perhaps it may be whispered, that I am in favour of encouraging disobedience in children to their Parents. In this I pledge my word I am not. I would advise children to honor and obey their Parents in all things reasonable and just, and I would even vote for the present bill could it be amended so as to limit the age of females to sixteen, before they should assume the right to dispose of themselves in marriage, without first obtaining their Parents or guardians consent, and to make it penal; very penal Sir, for any man to marry them without first obtaining from the Parents or guardians the certificate or warrant which the bill before us contemplates; but the age of 21 which this bill prescribes, is a period too remote. Life is short at best in this climate, and that of beauty is much shorter. It is often the case from a delicate constitution in the female sex, before they arrive at that epoch, their beauty is evanescent; they cannot perhaps make so advantageous and suitable a match as at an earlier age. But sir, I do not know of a world's tyranny on earth, than the power which that bill aims to give parents. It outstrips ancient & modern Europe, it outrages the barbarous customs of ancient Rome and China; the former assumed the power of life and death over their children, the latter the horrid right of infanticide, when their children were too numerous.

If you pass the bill on your table into a law, you plant a thorn in the female breast, a rooted sorrow, which cannot be plucked from the memory, a grief that will weigh heavy at the heart; you will give to parents & guardians a right to dispose of their daughters as a merchant does a bale of goods; then the wealthiest admirer would obtain (although an object of the greatest aversion) the fair disposed of. When parents get old, they get mercenary, they no longer feel that tender sympathy, those extatic and indissoluble ligaments which bind the hearts of youthful lovers, in a passion which animates the soul, and sweetens all the toils of life; their hearts are fixed against all rebukes of conscience, for avarice has seized upon the soul; & when once avarice seizes upon the soul, it freezes up every warm and liberal feeling. It is an enemy alike to virtue and taste, thus it prevents and that it annihilates. I you pass the bill before you, you give to parents

the right of uniting youth, beauty, symmetry and vivacity, to age, decrepitude, deformity and moroseness. Such a couple if united, would be contradictory, such an union, will bring with it a horrid train of consequences, that would harrow up the soul of humanity to relate; look well to it, ponder well on what you are about to do this day you will inflict an incurable wound on posterity; the female now in the cradle, or yet unborn, will feel the smart of your decision. If this bill is ratified by the house, you must at the same time pass a divorce law; for when a married life is productive of feuds, animosities and unhappiness, and other serious evils, such as a continence, inseparable from such an union, then it becomes absolutely necessary that civil society should prescribe rules of separation. Another very great objection to this measure is, I conceive it will militate against the spirit and genius of our constitution and government, from a tendency that the principles of that bill will have, in promoting an inequality of property; by such means it will in time establish a partition of privileged order amongst us!—woe to us to privilege do order! I shall conclude Sir, with expressing my hope that the bill will not pass, and could I qualify my vote consistently with decorum, and the rules of this house, and so as not to give pain to the gentleman who introduced it, I would vote that the clerk should throw it out of the windows of the State House.

ON the 11th day of December, 1783, I gave my Bond to Samuel Bailey, of Rowan County, State of North-Carolina, for thirty pounds. When the Bond was payable I do not remember. I hereby give Notice to all and every Person that I have long since paid off the Bond; therefore I forewarn all Persons from trading for said Bond, or taking any Assignment on the same.

WILLIAM SMITH.

November 28, 1803.

### ADVERTISEMENT.

THE Copartnership between the Subscribers will dissolve on the last Day of December next, by mutual Consent. All Persons having Demands against the said Firm are requested to present them, that they may be adjusted. And all Persons indebted to said Firm by Bond, Note or Book Account, are requested to come forward and settle the same by the first Day of January next. Those who do not avail themselves of this Notice, may expect their Accounts lodged in the Hands of an Officer for Collection.

On the 2d Day of January following, will commence the Sale of the remaining Stock of Goods on Hand, to the Amount of about ten thousand dollars, consisting of Linens, Woollens, Calicoes, Chints, Mullins, Muslins, Cotton Shirtings, Dimities, Durants, Cambrics, Bombazines, Nankeens; all of which are well assorted, with a Variety of other Dry Goods too tedious to mention. Also, a Quantity of Cutlery, Men's and Ladies Shoes, Ironmongery, Sugar, Tea, Rum, Wine, Salt and Molasses. Twelve Months Credit will be given, and Bond with approved Security required, for all Sums over ten Dollars, and for all Sums under, Cash in Hand. Those who think proper to purchase largely, will meet with a generous Discount, by making prompt Payments, either in Cash or Produce.

There will also be exposed at the same Time, if not previously sold at private Sale, a square of Ground containing four Lots, on which are situated an elegant two-story House, good Kitchen, Stables and Out-Houses; also a very good Store, Ware-House, Counting Room, &c. well calculated for a Person wishing to do Business extensively. The Sale will continue from Day to Day until the Whole is sold.

LANIER and DICKSON.

Smythborough, Nov. 21, 1803.

### SHERIFF'S SALE.

WILL be sold, at Duplin Court-House, on the 26th Day of December next, so much of 100 Acres of Land on Little Creek, as will be sufficient to pay taxes for the year 1799.

HUGH M'CANNE, Sheriff.

Nov. 20.

Lately publish and for Sale At this Office.

### A TREATISE

on the

Powers and Duties

of

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LAW OF NORTH-CAROLINA

By F. X. MARSH.

It is imagined that the great benefit of this kind, will render the work acceptable offering to the Poor gratis. It is written in plain and simple Language, and we believe with Accuracy.

Price Two Dollars.