

(Continued from the first Page.)

ened as such. The said company shall elect a President and four Directors, in the same manner as the President and Directors of the Roanoke Company are to be elected, in pursuance of this act; and all the regulations and provisions contained in the third, fourth, fifth, sixth, seventh and eighth sections of this act, relative to the Roanoke Company, shall also be applicable to the said Nansemond Canal Company, and they shall be governed by and comply with the same in the management of the affairs of the said corporation: *Provided*, that the presence of the subscribers holding four hundred shares only, shall be necessary to constitute a general meeting of the said Nansemond Canal Company.

XI. *And be it enacted*, That for and in consideration of the expenses the said proprietors will be at, not only in cutting the said canals, erecting locks, and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canals, locks and other works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs and assigns, for one hundred and twenty years, to be computed from the completion of the said work, as tenants in common, in proportion to their respective shares, and for the said term of one hundred and twenty years shall be exempt from the payment of any tax, imposition or assessment whatever. And it shall and may be lawful for the said Presidents and Directors, respectively, and at all times for the term aforesaid, to demand and receive, at some convenient place near one of the extremities of each canal, for all commodities transported through it, tolls according to the following table and rates, to-wit:

[Here follows the Table and Rates, which not being material for present information, is omitted.]

XI. *And be it enacted*, That the said canals, and works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatsoever, on payment of the tolls imposed by this act; and no other toll or tax whatever for the use of the water of the said canals and the works thereon erected, shall at any time hereafter be imposed without the consent of the Legislature of both Virginia and North-Carolina.

And whereas it is necessary for the making of the said canals, locks and other works, that a provision should be made for condemning a quantity of land for the purpose,

XII. *Be it enacted*, That it shall and may be lawful for the said President and Directors respectively, or a majority of them, to agree with the owners of any land through which the said canals are intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age or non compos, or out of the State, on application to any two justices of the county in which such lands shall be, the said justices shall issue their warrants under their hands, to the sheriff of their county to summon a jury of eighteen inhabitants of his county, of property and reputation, being freeholders not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrants, not less than ten, nor more than twenty days thereafter; and the sheriff, on receiving the said warrants, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear, that he will fairly, truly and impartially value the land (not exceeding the width of ninety feet) and all damages the owners thereof shall sustain by cutting the said canal through such lands, according to the best of his skill and judgment, and that in such valuation he will not spare any person through favour or affection, nor any person grieve through malice, hatred or ill-will. And the inquisition thereon taken shall be signed by the sheriff, or some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded; and on every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and the valuation shall be conclusive on all persons, and shall be paid by the said President and Directors respectively, to the owner of the land or his legal representatives; and on payment thereof, the said companies shall be seized of such lands, as if conveyed by the owner to them and their successors by legal conveyance, until the completion of the said works, and thence forward for the term of one hundred and twenty years; and after the expiration of this term, the said land, together with all the messuages, tenements and appurtenances, shall revert to the States of North-Carolina and Virginia, respectively, in which the same may lie: *Provided nevertheless*, that if any further damage shall arise to any proprietor of land, in consequence of opening such canals or erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as such new damage shall happen, by application to, and a warrant from any two justices of the county where the land lies, to have further damages valued in like manner, and to receive and recover the same of the said President and Directors; but nothing herein shall be taken or construed to entitle the proprietor of any such lands to recover compensation for any damages which may happen to any mills or other works or improvements which shall be begun or erected by such proprietor after such valuation, unless the said damage is wilfully or maliciously done by the said President and Directors, or some person by their authority.

XIII. *And be it enacted*, That the said Presidents and Directors, or a majority of them, respectively, are hereby authorized to agree with the proprietor or proprietors, for the purchase of a quantity of land, not exceeding one acre for each canal, at or near the receipt of the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued, condemned and paid for as aforesaid, and the said company shall, on payment of the valuation of the said land, be seized thereof as aforesaid.

And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills and other water works, and the persons possessors of such situations may design to improve the same, and it is not the intention of this act to interfere with private property, but for the purpose of improving and perfecting the said navigation,

XIV. *Be it enacted*, That the water, or any part thereof, conveyed through the said canals shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water works aforesaid, in which case, the said Presidents and Directors, or a majority of them respectively, are hereby empowered and directed, to enter into reasonable agreements with the proprietors of such situations concerning the just proportion of the expenses of making the canals capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works aforesaid.

XV. *And be it enacted*, That it shall and may be lawful for every of the said proprietors to transfer his share or shares, by deed executed before two witnesses, and registered after proof of the execution thereof in the said company's books, and not otherwise except by devise; which devise shall also be exhibited to the President and Directors of the company in which the share is held, and registered in their books before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls. *Provided*, that no transfer whatever shall be made, except for one or more whole share or shares, and not for part of such shares, and that no share shall at any time be sold, conveyed, transferred or held, in trust for the use and benefit, or in the name of another, whereby the said Presidents and Directors, or proprietors members of the said companies, or any of them, shall or may be challenged or made to answer any such trust, but that every such person appearing as aforesaid to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such; but between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

XVI. *And be it enacted*, That if the said capitals granted by this act shall prove insufficient, it shall and may be lawful for the said companies from time to time to increase their respective capitals by the addition of so many whole shares as shall be judged necessary by the proprietors members of such company, or a majority of them, who shall be present at any general meeting. And the said Presidents and Directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the Virginia and North-Carolina Gazettes, to open books at the before-mentioned places, for receiving and entering such additional subscriptions, in which the proprietors for the time being shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall chuse. And the said Presidents and Directors are hereby required to observe, in all other respects, the same rules therein as are by this act prescribed hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the courts as aforesaid, to be there recorded. And all proprietors of such additional sums shall and are hereby declared to be from thence forward incorporated into the said company.

XVII. *And it is hereby declared and enacted*, That the tolls herein before allowed to be demanded and received, are granted and shall be paid on condition only, that the said companies shall make the respective canals each twenty feet wide, and of such depth below the surface of the earth, as will render them navigable in dry seasons by vessels drawing three feet water, with sufficient locks where the same shall be necessary.

XVIII. *And it is hereby enacted and provided*, That in case the said companies respectively shall not begin the said works, the said Roanoke Company in two years, and the said Nansemond Canal Company in one year, from and after the closing of their respective books for receiving subscriptions; or if the said companies respectively shall not complete the navigation and works as aforesaid, the said Roanoke Company within fifteen years, and the said Nansemond Canal Company within ten years, after closing the said books as aforesaid, then shall all interest of the company so failing, and all preference in its favour as to the navigation and tolls of the canal to be opened by it as aforesaid, be forfeited and cease. *Provided*, that if the said Roanoke Company shall, at the expiration of the said fifteen years have completed two-thirds of the Roanoke canal, they shall have a further term of five years for finishing the same. Every act or part of an act of the General Assembly which comes within the purview and meaning of this act, shall be, and the same is hereby repealed. This act shall commence and be in force from and after the passing of a like act by the General Assembly of Virginia; and the faith and honour of this State are hereby solemnly pledged and engaged to the General Assembly of the State of Virginia, and the government and citizens thereof, that this law shall never be repealed or altered by the Legislature of this State, without the consent of the State of Virginia.

An Act to continue in force for a longer time an act, entitled "An act for the relief of non-commissioned officers and soldiers of the continental line and militia of this State, who have been disabled in the service of the United States or of this State, during the late war, and who are not placed on the pension-list of the United States, and are barred by the act of limitation," passed in the year one thousand seven hundred and ninety-nine.

WHEREAS it is represented to this General Assembly, that some of the persons who came within the description and meaning of the above-recited act, have, from want of due knowledge thereof, failed to make application for the purpose of being put on the pension-list as therein prescribed: 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 the said above-recited act be, and the same is hereby continued in force for the term of one year, from the rising of the present General Assembly: and that all such persons as shall, within the same term, obtain from any of the Judges of the Superior Courts, a certificate as is directed and required by the said act, shall be entitled to receive the same allowance as he would have been entitled to receive, had he so applied and obtained such certificate within the time limited by the said act.

A FRIENDLY INVITATION TO FEDERALISTS.

FELLOW-CITIZENS,

It must be a matter of much concern and uneasiness to every honest and well-meaning man, whether Republican or Federalist, to see so much strife and envy exist against each other, when at the same time, probably, both have the good of their country at heart. But so various are the modes by which most men come to form their opinions, either moral, political or religious, that it is no wonder at all that there is such a diversity of sentiment amongst them, especially as to theoretic and speculative opinions.

Yet, Fellow-Citizens, when daily experience and matters of fact appear in full view against our pre-conceived opinions, it is full time for every prejudice of education or of popular opinion to give way to those certain and convincing proofs. And I think an appeal to the heart of every honest man, who is not biased by prejudice, will admit, that during President Adams's administration, a system of war and expense was much encouraged, with many other measures burdensome to the people. Is it not also evident that since the present administration came to the helm of affairs, that there hath been a great diminution of the public burthens; and that instead of war and bloodshed, a system of peace at home and abroad, has been cultivated; commerce sufficiently encouraged and protected; and civil and religious liberty well guarded. What more can man desire?

On these grounds, Fellow Citizens, how can such of you as are not biased by prejudice, interest, pride or ambition, elude the force of such convincing proofs, and tenaciously continue to justify the former, and blame the present administration? Which conduct your consciences cannot fairly approve, if prejudice was laid aside; moreover, as we are all fellow-citizens of one great empire, and enjoy many blessings and privileges superior to any nation under heaven, (which we know of,) a due sense of those blessings ought to be the means of increasing our love and friendship for each other, and not to engender envy and discord, of which perhaps, both parties may in some degree be guilty; but let each candidly acknowledge their errors, to which all human beings are liable. Therefore, when any man, or set of men, can or do discover a mistake in their past opinions or conduct, and candidly acknowledge it, it is an evidence of their ingenuousness and honesty of heart, and bespeaks them to be wiser and better than before.

Thus, Fellow-Citizens, if you could be prevailed upon to acknowledge that the administration you have been in favour of, was not so favourable to the rights and liberties of the people at large as the present; you would be entitled to the love and friendship of every good republican, who must esteem you much more for your candour and acquiescence to the ruling powers, than for an obstinate adherence to the opposition, which, probably, you once thought was right. Under these considerations, fellow-citizens, be admonished to content yourselves under the present wise, mild and economical administration of the government which we now live under, and give up the idea that either monarchy, aristocracy or federalism is in any degree equal to republicanism, in promoting the good of the people, who perceiving such conduct would give you both honour and credit, whereby you might stand better chances of being preferred into places of trust and profit, than you need expect to attain under your present discontents.

Wherefore be invited to unite with your fellow-citizens republicans, in promoting the general good and equal rights of man, that the blessings bestowed by the Almighty, may be extended to the whole human race.

PHILANTHROPOS,
An old Farmer on Deep-River

February 2d.

PENNSYLVANIA JUDGES.

As many of our readers probably know not the causes which have induced the Legislature of Pennsylvania to investigate the official conduct of Judges Shippen, Yates and Smith, we think a brief history of them will not be uninteresting.

The circumstance which led to it, as far as we are able to judge from documents published are these: A certain Thomas Passmore, merchant of Philadelphia city, brought an action against Messrs. Pettit & Bayard, in the Supreme Court of Pennsylvania, in the year 1802, on a policy of insurance. After the institution of the suit it further appears, that by consent of parties, the matter of controversy was submitted to referees, whose verdict should be conclusive and after several meetings on the subject, they awarded in favour of Passmore about \$500, which proceedings were duly recorded in the prothonotary's office. The defendants not being satisfied with the verdict, appealed from the award, on the following grounds, viz: 1st. That the plaintiff had a meeting with the referees when the defendants were not present or notified. 2d. That the plaintiff communicated to the referees his affidavit of what another person told him respecting the object of the reference, in the absence of the defendants, &c. Mr. Passmore, probably much irritated, and the day after the application for a new trial was granted, posted up a paper on the walls of the coffee-house, stating that the said Pettit & Bayard, are quibbling underwriters—that they had kept him out of about 500 dollars 9 months; and that by an affidavit of said Bayard, which was not true, they would be able to keep him out of his money 3 months longer; and concludes by calling said Bayard a liar, a rascal, and a coward—and offering two and a half per cent to any person who would insure their not becoming bankrupts in 4 months from the date thereof. This was construed into a contempt of the Court, and a motion was made, and assented to by the Judges, that the said Passmore be arraigned before the court, to answer certain interrogatories, which he did in writing. After which the court decided that the said Thomas Passmore should be committed to the custody of the sheriff of Philadelphia county, in the debtors apartment, for the space of 30 days, and pay a fine of \$50 to the commonwealth. Mr. Passmore considering the sentence of the Judges arbitrary and tyrannical, neither warrantable by law or by the constitution of Pennsylvania, petitioned the Legislature for a redress of grievances; and the enquiry is now making in a high Court of impeachment.

We have been thus circumstantially minute, because the subject is likely to excite much public attention; and without a history of facts our readers would be unable to judge whether the Legislature of Pennsylvania did their duty or not. For our part we are well satisfied that if the Judges have trampled upon the rights of a citizen, and unjustifiably cast him into prison, they will be impeached; but on the other hand if it appears that Passmore's conduct merited the judgement inflicted upon him, and it was strictly consonant with law and the constitution, they will be honourably acquitted.

[Newark Centinel.]

Sir FRANCIS BACON.

Sir Francis Bacon was wont much to commend the advice of a plain old man who sold by him. A proud, lazy, young fellow came to him for a broom on trust; to whom the old man said—
"Friend! if thou hast no money, borrow of thy back and of thy belly: They'll never ask thee for it: I should be dunning thee every day."

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RALEIGH: PRINTED BY J. GALES, (PRINTER TO THE STATE)