

LAW SCHOOL.

The next Session of this Institution begins on Monday next, and the Examinations and Lectures will be resumed on the following Friday. It is recommended to Students...

JOHN LOUIS TAYLOR. 93-

A CITY LOT.

The House and Lot, formerly occupied by the late Jacob Lash, pleasantly situated on Morgan and Dawson streets in Raleigh, not having been sold on the 25th instant, as proposed, will be offered publicly for sale...

Moore County Court of Pleas and Quarter Sessions—May Term, 1822.

Darius Mills, Petitioner for distributive share of the Estate of James Smith and Samuel Smith, deceased.

Appearing to the Court that some of the legatees in this case are not inhabitants of this State; it is therefore ordered, that this suit be published in the Register and the Star, printed at Raleigh, two months, that those who may be concerned may have notice to appear at the next Court of Pleas and Quarter Sessions, to be held for the County of Moore, at the Courthouse in Carthage, on the third Monday in August next...

STRAYED

FROM the subscriber on Friday the 26th instant, a Bright Bay HORSE, about 8 years old; his marks are a white spot in his forehead, his left hind leg white above the knee, with a small scar or sore in the middle of his back. Whoever will return said Horse or give information where he is so that I get him, shall be handsomely rewarded.

JOHN LEWIS. Chapel-Hill, July 29. 93 3t

FRANCIS H. REEDER,

RESPECTFULLY informs the Public that he has on hand a complete assortment of STILLS, TIN WARE, &c. and is in daily expectation of an additional supply of Copper from New-York, of a superior quality. He pledges himself to manufacture Stills equal to any in the United States.

PUBLIC SALE OF LAND.

AGREEABLY to an act of the General Assembly of Kentucky, approved December 29th, 1821, I shall proceed to sell a portion of the lands belonging to said State, as prescribed in the following sections of said act, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Register of the Land Office, to attend on the first Monday in September next at the town of Princeton, in the county of Caldwell, and then and there, from day to day, (until completed,) expose to public sale to the highest bidder, the following sections of land, for ready money, under the restrictions herein prescribed, viz: The odd section of land in township one north, range four east of the meridian line; the odd sections of land in township one north, range one west of the meridian line; the odd sections in township one north, range three west of the meridian line; the odd section in township four north range, one east of the meridian line; the odd sections in township three north, range four east of the meridian line; the odd sections of townships three north, range two east of the meridian line; the odd sections of township three north, range one west of the meridian line; the odd sections in township three north, range one east of the meridian line; the odd sections of township three north, range one west of the meridian line.

§ 2. Be it further enacted, That the odd sections in the following townships, shall also be exposed to sale, viz: In township one north, range two east of the meridian line, in the fractional township range seven west of the meridian line; in township two north, range four east of the meridian line; in fractional township two north, range six east of the meridian line; in township three north, range one east of the meridian line; Provided, that the Register shall not sell any portion of the sections authorized to be exposed to sale unless the same will bring at least one dollar and twenty-five cents per acre; nor shall he sell such portions of any township which may be selected for the seats of justice for the counties which may be established west of the Tennessee river.

§ 3. The Register in making the sales shall not sell at the same time, a greater quantity than a quarter section, and if the same will not bring per acre, at least the sum designated by this act it shall be stricken off to the state, nor shall the Register sell more than the odd sections in two townships in each day. The sections and townships will be sold in the order in which they are named.

Purchasers will pay the purchase money forthwith to the Cashier of the Branch of the Commonwealth's Bank at Princeton, and take his receipt, on the production of which to the subscriber, they will receive a certificate of sale, which, when offered at the Register's Office, will entitle the owner to a patent for the land purchased. Any purchaser who fails to pay the purchase money immediately, forfeits the sum of one hundred dollars.

Notes of the State and Commonwealth's Banks and their branches; Notes of the United States Bank and Branches, Gold and Silver, or the Notes of any specie paying Banks in the United States, will be received in payment.

If the land sold be recovered from the purchaser by a prior or better claim, the purchase money will be refunded.

The purchaser will be entitled to the immediate possession of the lands purchased, except so much thereof as may be actually improved and occupied by a settler. Actual settlers are entitled to the possession of their improvements, to firewood and timber for repairs for five years free from rent but may be removed by the purchaser paying for his improvements.

JOHN M. FOSTER, Register of the Land Office, Frankfort, March 25, 1822. 93-5w

Just Published.

At J. Gales's Store, in Raleigh, PRICE FIVE DOLLARS. VOL. I. of Murphey's Reports of Cases argued & adjudged in the Supreme Court of North-Carolina, from the year 1804 to the year 1810, inclusive.

Vol. II. (which will bring the Reports of the Supreme Court up to the commencement of the Law Repository) will be finished in the course of the present year. June 26.

FOR SALE.

THE subscriber offers for sale the large and convenient Dwelling-House and Lot where he now lives, in the town of Hillsborough. The Lot contains an acre of ground. The house contains eight rooms, well finished, with a large garret room; adjoining the house is a dining room, 30 by 16 feet, well finished. The other improvements on the lot are a kitchen, smoke-house, barn, stable, carriage-house, &c. and a well of excellent water within a few feet of the kitchen door. It would form an eligible situation for a large family, or any person disposed to keep a private boarding-house.

The terms will be accommodating. Any application by mail, for further and more particular information, will be attended to without delay. JOHN WITHERSPOON. 92-8t July 16, 1822.

STATE OF NORTH-CAROLINA.

Gates County. Superior Court of Law and Equity, April Term, 1822.

Timothy Freeman, vs. Thomas Freeman, Job Winslow, and Harman Hurdle, Ex'rs.

Appearing to the satisfaction of this Court, that Thomas Freeman is not an inhabitant of this state; on motion, therefore, it is ordered, that publication be made in the Raleigh Register for three months, that unless the said Thomas Freeman shall appear at the next Court of Equity, to be held for the County of Gates, at the Courthouse in Gates, on the first Monday after the fourth Monday in September next, and plead, answer or demur, the same will be taken pro confesso as to him, and heard ex parte.

JOHN V. SUMNER, C. M. E. June 15, 1822. 89

UNITED STATES OF AMERICA,

North-Carolina District. Circuit Court of the U. States, 5th Circuit. In Equity—May Term, 1822.

Archibald Fleming, (of London,) vs. John Hogg and John Eccles, surviving Executors of Robert Adam, deceased; John W. Wright and John Husker, Executors of John Winslow, deceased; James McLeran, John McLeran & Angus Taylor, Executors of Duncan McLeran, deceased; Thomas Henderson, Adm'r of Samuel Goodwin, deceased; John A. Cameron; John A. Cameron, Guardian of Mary Cameron (infant) William Moffat and Margaret his wife, and John R. Adam.

Appearing to the satisfaction of the Court that John R. Adam resides without the limits of this State, and he being a party defendant to the bill of complaint filed in this case: It is ordered, that publication be made in the Raleigh Register for twelve weeks for the said John R. Adam to appear at the next term of this Honorable Court, to be holden in the City of Raleigh on the 12th day of November next, then and there to plead, answer or demur to the said bill, or the same will be taken pro confesso against him, and heard ex parte.

W. H. HAYWOOD, C. M. E. M-y 20. 83 12w—pr. ad. \$6 50

Raleigh Register.

FRIDAY, AUGUST 9, 1822.

ELECTION RETURNS.

Yesterday being the day of General Election throughout the State, (a few instances only excepted in which the Elections were held last week) we shall, in two or three of our next papers, be able to give our readers the Returns from the several counties—We have, at present, heard only from the following:

Granville.—Wm. M. Sneed, S. Robert Jeter and Thomas Hunt, C. Edgewood.—Hardy Flowers, S. William Wilkins and Moses Baker, C. Nash.—W. W. Riddie, S. Archibald Lamon and Thomas M. Mann, C. The Postmasters at the Court-Houses of the several Counties will oblige the Editors of the Register by making them an early return of the Members elected to the General Assembly.

Among the decisions made in the Supreme Court, which adjourned on the 27th ultimo, there were some principles discussed and settled relative to the Yadkin Navigation Company, which equally concern the Roanoke Company, and we believe, some others. Two of the subscribers, who were proceeded against under the incorporating law for the deficiency of their subscriptions, after a sale of their shares, resisted the payment on the ground that the Company never had a corporate existence, because ten dollars on each share were not exacted from each subscriber at the first general meeting;—because the law violated the constitution in attempting to create a perpetuity;—and because the original charter had been invaded, without the assent of the stockholders, by a law changing the place for the sale of shares from Halifax to Salisbury. All these exceptions to the recovery were adjudged to be invalid, and judgment was rendered in favor of the Company.

The most interesting principles touching private rights which were adjudicated, are presented in the ensuing brief abstracts: The share of a distributee in the possession of an administrator, cannot be proceeded against by original attachment. The administrator on being summoned as garnishee, answered that there was a sum of money in his hands due to the absconding debtor.

Chattel property consisting of various specific articles, taken in execution, cannot be sold en masse; the sheriff should conform as nearly as possible to such rules as a prudent man would probably observe in selling his own property for the sake of procuring a fair price. The sale in this case was of the

residuary interest of a legatee, the life owner being still alive. Whether such a right was the subject of an execution, was very fully discussed by the counsel, but no opinion was delivered on that point.

A deed, though not registered, may form a colour of title under the act of 1715, for the limitation of suits at law.

Where a female slave is bequeathed to one for life, and the first child she may have to another, the executor's assent to the first legacy, entitles to the latter; and so completely vests the legal title in the ulterior legatee, that his remedy is at law. An executor is not compellable to give up a legacy even to the life-holders without a refunding bond to the full value.

Where the assets of an intestate have been taken away by a trespasser before administration granted, it is a question for the jury, upon the plea of fully administered, whether the administrator is chargeable with negligence or collusion in not possessing himself of the property. He is not necessarily to be discharged, because he had no assets at the institution of the suit.

Defects in an appeal bond may be waived expressly or by implication; of the latter mode there may be various indications, such as suffering terms to elapse, and taking steps in the cause without insisting on the defect.

The Legislature, in changing the rule of the common law which repelled the claim of a trustee to compensation, did not intend to make the employment of executors, administrators and guardians, desirable by the hope of reward; but only to allow a bare compensation.

No commissions can be allowed to an administrator, as such, for care and labour bestowed on the real estate of an intestate; nor on monies paid to a distributee, either in the course of administration or at the close of it.

Refusing to deliver over bonds to the persons entitled, which bonds have been taken for the price of land sold under a decree of the Court of Chancery, for the purpose of partition, is a breach of the condition of the Clerk and Master in Equity's bond. It is the neglect of an official duty. In such case, a demand of the bonds should regularly be made of the Clerk at his office; but if he pleads affirmatively, conditions performed, he waives the necessity of proving it.

Executors who sell a tract of land under the will of their testator, and advertise that they will sell his right, and that 'incumbrances are guaranteed,' need not in an action for the price, show that the testator had a good title. It is sufficient that they have tendered a deed.

A creditor who has had distinct personal notice of the intended removal of a debtor cannot maintain an action against the person aiding in his removal, on the ground that advertisements were not set up according to the act of 1783, c. 431, (now repealed.)

A Court of Equity cannot vacate a patent for land, which were not the subject of entry, unless a fraud was committed on the title or a subsequent patentee. If the patent has issued by mistake and without fault on the part of the Court, the proper forum is upon the title.

Where a horse was taken in execution at the suit of A, and the sheriff allowed a third person to keep him for his accommodation until a certain day, taking from him a bond in general, payable to A, and conditioned for the delivery of the horse to the sheriff on a certain day and at a certain place, the obligation will not be discharged on the plea of non est, if proved, by proof that he bro't the horse according to the condition, but that the sheriff did not attend to receive him, and if the horse was to have been delivered to the sheriff.

An appellant from the Superior to the Supreme Court, who applies to the Clerk of the former Court for the appeal papers during term time, and is promised by him that the papers shall be sent up in due time, is not entitled to a certiorari, as the application was unseasonable.

Where in an appeal from the Superior Court, the Judge of that Court has not made out a statement of the case, on account of the pressure of business during the term, and the parties will not consent to its being made afterwards, there must be a new trial or *recessite* to secure the appellant's right to being heard in the appellate Court.

An amendment of the writ involving a total change of party plaintiffs was allowed on payment of costs, where they were nominal parties and the name of the person beneficially interested was always present on the record. The suit was founded on a guardian bond, and the right continued unchanged.

In an action of debt to recover the penalty under the statute of usury, it is not sufficient to arrest the judgment, that the jury have found a verdict for less than double the sum loaned. The sum on which usurious interest was taken was \$80, the verdict of the jury \$155.

A deed of gift of a slave made by a mother to a child, shall operate in *presenti*, notwithstanding an endorsement that the parent should have the use of the slave during life; such reservation being repugnant and void. The property so given, was held not liable to the debts of the husband, to whom the mother was subsequently married.

Words charging a person with incest are not actionable as such, unless they also impute a crime falling within the animadversion of the act of 1805, Cap. 684, Rev. Code. Where a bequest is made of slaves to certain persons, and it appears that its object is to effect an emancipation, the bequest is void, and a trust results for the benefit of the next of kin.

The penalty of a sheriff's bond being prescribed in depreciated money, it ought regularly to be reduced according to the scale, when the bond is executed. But if a bond is given in the nominal amount, it is good at common law, but then the summary remedy provided by the act is not applicable to it.

Where a person is tried for a burglary and stealing the money of A, but is acquitted of the burglary, and convicted of the larceny, he cannot afterwards be tried for a robbery, and stealing the same money.

A surrender by the bail to the sheriff in vacation of a person recognized to answer a criminal charge is valid, under the construction of our acts of Assembly.

Some cases on the law of descents before 1808 were also decided, in which the rule was again affirmed, that the half blood were entitled to inherit in purchased estates; and several cases resting on the familiar principles governing limitations of chattels.

A letter received at New-York from Rio Janeiro, of the 17th June, states, that "diplomatic agents have been nominated by the government there, and are soon to be dispatched to England and the United States."

Agricultural.—We are pleased to find that the citizens of Burke county, in this State, united with their celebration of the 4th of July, the interests of agriculture. It being the annual meeting of the Agricultural Society of the county, Col. Isaac Avery delivered an address on the occasion, and, in the morning, a Ploughing Match took place, which excited great interest.—After the business of the Society was closed, the Declaration of Independence was read, an Oration was delivered by F. A. Brown, Esq. and nearly 300 citizens partook of a public dinner. Amongst the Toasts drank on the occasion, were the following:

The Governor of North-Carolina—May he be zealous in the promotion of measures for internal improvements. 3 cheers.

Manufactures & Mechanics—They require the fostering care of our government—May they no longer be sacrificed at the shrine of British policy. 3 cheers.

Agriculture—The parent of every other interest, the handmaid of health, the source of subsistence, the arbiter, under divine providence, of the destinies of the world. 9 cheers. Speed the Plough.

The State of North-Carolina—Modest in her pretensions, firm in her principles, and great in her resources. 3 cheers.

Extraordinary crop of Corn.—Gen. Samuel Ringgold of Maryland, last year raised from a field of 30 acres of land, 596 barrels of good Corn, which is thirteen barrels to the acre. The field had been alternately in Corn, Oats, Wheat and Clover, for the four preceding years. This is the fruit of good cultivation!

Arrival of the Constellation.—The U. S. Frigate Constellation, Captain Ridgely, arrived at New-York on the 30th ult. from a cruise in the Pacific Ocean, after an absence of two years—all the officers and crew are in good health. The Constellation brings no news of any importance. The Franklin 74 was lying at Valparaiso, but was expected to sail in a few days.—The ship has on board \$200,000 in specie, principally for merchants in Baltimore and Boston.

Charleston, July 31.

The following slaves were hanged yesterday morning, agreeably to the sentence of the Court adjudging them to suffer death for their attempt to excite an insurrection in this State.

Jack, belonging to Mr. Neill M'Neil, Jacob do to Mr. Lankester, Tom do to Mr. Scott, Caesar do to Mrs. Smith,

Billy, belonging to Mr. P. Robinson, and John Vincent, belonging to Mr. D. Cruickshanks, have been respited by his Excellency the Governor, until Friday the 9th of August.

A new Court has been constituted for the trial of such persons of colour as have been engaged in the late plot to raise a disturbance in this State.—The following Gentlemen compose the Court:

Hon. Joel R. Poinsett, Robert V. Hayne, Thomas Rhett Smith, Thomas Roper, John Gordon, Jacob Axson, Charles B. Furman, } Freeholders. } Magistrates.

We understand that, at the suggestion of the Executive of this State, orders have been issued from the War Department, augmenting the force of the garrisons in this harbor—Courier.

A writer in the Nashville Gazette recommends Gen. Andrew Jackson as a candidate for the Presidency, for the following reasons:

First. He has done most to deserve it. Second. His capacity is equal, and qualifications superior, to any other candidate who has been named.

Third. We believe he is the only man who can correct the abuses which exist in the departments at Washington, prejudicial to the public interest.

Fourth. That in contra-distinction to all the other candidates, he is unconnected with party politics, local feelings, or sectional jealousies, and of course the only one among them who can go into the Presidential chair unpledged to anything but the interests of his country.

It is proper to add, that the writer disclaims any knowledge of the "feelings and wishes" of Gen. J. himself on this subject.

Boundary Line.—The Montreal Herald of the 10th ult. states, that the long disputed question relative to the Boundary Line, in the vicinity of Lake Champlain, has been at length decided, and that Rouse's Point will come within the British limits: It is also said in the same paper, that a decision has been come to, by the commissioners of both countries, relative to the line from Saint Regis to the head of Lake Huron; and that the surveyors have left Utica, for the purpose of prosecuting their labours on Lake Superior.

The Buffalo Patriot states that all the Islands of the Niagara River, except Navy Island, have by the decision of the Commissioners under the Sixth Article of the Treaty of Ghent, fallen to the United States; and also that Drummond's Island, in Lake Huron, on which is a British garrison, has also fallen within our limits.

Indian Armistice.—The Cherokee and Osage Indians are said to have entered into an Armistice, which has been brought about by Mr. Philbrook, U. S. sub-agent to the Osages.

As the barbarous custom of imprisoning a debtor still continues under the national and state governments, to the great dishonor of both, and has recently elicited much animadversion, I send you the following extract from the 24th article, 2d section, and 1st book, of Diodorus Siculus, in which he gives an account of some of the civil laws of ancient Egypt: "A creditor can take the property of his debtors, to pay himself; but he can never arrest their bodies on account of a debt. It is believed that the property belongs to the individuals who have inherited or acquired it, but that the men belong to the nation, which should alone have the disposition of them for the purpose of war or peace. It does not appear just that a soldier, for example, who exposes his body to the blows of the enemy, should, besides, be subjected to the pursuit of a creditor, and that the avarice of a single citizen should prevail over the public good."

Let us imitate the wise and humane law-givers of Egypt: give the creditor the property, but protect the person of the debtor from his wrath.

This will be done in a few years. The signs of the times prognosticate the glorious event.—Bost. Patriot.

Murfreesboro', Ten. July 19.

Our Court-House, was a little before day on yesterday morning, discovered to be on fire. The fire seemed to have commenced in the upper part of the house, and was evidently the work of some base incendiary. When the fire was first discovered, it had progressed too far to be extinguished. The walls of the house are now standing almost entire, but every part of the wood work is totally consumed. The Legislature is to commence here on Monday next; and the session was expected to be held in the Courthouse. Since the misfortune, the citizens have united heart and hand in fitting up the Presbyterian Church for the use of the General Assembly.

We find it mentioned in the English papers that our countryman Washington Irving, Esq; has been presented to the King of England at one of his levees.

FOR THE REGISTER.

Gentlemen—I observed a Census of the State published in a late Milton paper (which was copied into the last Star) brought forward, it appears, for the purpose of shewing the necessity of newly districting the State at the approaching Session of the General Assembly, for the election of Members to Congress; not because the State is entitled to any more Members than that body that we have had for the last ten years, but because some of the Counties contain somewhat more than 40,000 inhabitants (the lately prescribed number for each member) and others somewhat less.

But as the districts are nearly equal; as no good cause of complaint seems to exist for altering them; and as the State will gain no additional influence in Congress by the change, I should think it would be spending the time of the General Assembly to little purpose, to attempt any alteration in the present arrangement.

If, however, the Census published in the Milton paper were correct, there would be a substantial reason for laying off the State anew; as by that document our Federal numbers appear to be 567,669, which would afford us fourteen, instead of thirteen members to Congress, and leave a surplus number of 7669.

I apprehend, however, that this Census is not correct. Having compared it with that published in your Almanack for the present year, which I believe is correct, I find that they do not agree. The Federal Number, agreeably to the Census in your Almanack, would be 556,861, falling short 3,139 of giving us fourteen members.

If the gentleman who furnished this article for the Milton paper will re-examine his calculations, he will find errors in several of the counties; but especially in those of Bladen, Halifax, New-Hanover, Surry and Warren. In the counties of Berke, Burke, Currituck, Craven, Iredell, Northampton, Perquimons, Rowan and Sampson, will also be found errors of less magnitude.

These mistakes corrected, it will appear that the State is not entitled to an additional Member, and it probably will be thought unnecessary to alter our present Congressional Districts for the purpose of correcting the slight deviations from equality which at present exist. Aug. 5, 1822. A. B.

MARRIED.

In this city, on Wednesday last, Mr. Wm. H. Phillips, of Hillsborough, to Miss Martha M. Cobbs, daughter of Thomas Cobbs, Esq. In Newbern, on the 29th ult. Walker Anderson, Esq. of Hillsborough, to Miss Phebe R. Hawks.

DIED.

In this city, on Friday last, Mr. George Brown, hatter. In Cabarrus county, on the 10th of June, at the house of James H. Clark, Mr. Charles Loss, late of New-York.

In the town of Nixonton, Pasquotank county, on the 27th ult. John Shaw, Esq. an old resident of said county.

In Newbern, on the 21st ult. Josiah Howard, Esq. At Fayetteville, on the 30th ult. after a short but severe illness, Mr. Jesse B. Shepherd, aged about 33 years. Mr. Shepherd was a native of Virginia, but had been for several years past, a respectable inhabitant of that State.