

"Ours are the plans of fair delightful peace, unwarp'd by party rage, to live like brothers."

VOL. XL.

MONDAY, JANUARY 14, 1839.

NO. 11.

CAPTIONS

OF THE ACTS PASSED BY THE LEGISLATURE OF N. CAROLINA, At its Session of 1838-9.

PUBLIC ACTS.

1. An Act to extend the time for paying in Entry money [Gives until 15th of December, 1841.]
2. An Act concerning the Election of Constables in certain cases. [Provides that the Elections shall be held 50 days before the County Court, which may fall on the last Monday of December, or the first Monday in January.]
3. An Act appointing Commissioners to lay off a Public Road, from Burnsville, Yancey County, to the Tennessee line. [Appoints John Roberts, John Ramsay and George Gahagan, Commissioners for this purpose, at \$2 per day each.]
4. An Act to amend the thirty ninth section of the Revised Statute, entitled "An Act concerning Courts of Justice, Practice, Pleas and Process." [Repeals so much of said Act as gives authority to bring suits in counties, other than those in which the defendant resides.]
5. An Act to lay off and establish a County by the name of Henderson. [Erects into a new County, all the Southern portion of Buncombe County, beginning on the top of Pisgah mountain, on the Haywood line, and running to the Rutherford and South Carolina line.]
6. An Act, supplemental to an Act, passed by the present General Assembly, entitled "An Act to lay off and establish a County by the name of Henderson." [Provides that all Officers, of whatever kind, living in the portion of Buncombe erected into a County, shall exercise the same power, authority and jurisdiction, as if appointed specially for the County of Henderson.]
7. An Act to compel owners of Bridges to construct draws. [Imposes a fine of \$50 on all owners of Bridges, who refuse to construct a Draw within 90 days from the time that notice is given them to do so.]
8. An Act to amend an Act, entitled "An Act for the relief of such persons as have been disabled by wounds, &c." [Repeals so much of said Act as requires the certificate of the County Court, to be countersigned by the Speakers of the Legislature.]
9. An Act to extend the time for registering Grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift. [Extends the time two years.]
10. To lay off and establish a county by the name of Cherokee. [Erects that portion of country, recently sold under the authority of the State, into a new county.]
11. To alter the time of holding the Superior Courts of Law and Equity in Stokes and Guilford. [Provides that, in 1839, two weeks shall be allowed to Stokes, to enable that county to bring up its business, which will have the effect, for this year, of bringing Guilford Court on the 4th Monday after the 4th Monday in March and September.]
12. To amend and supply the defects of an Act, passed at the present General Assembly, to extend the time for paying entry money.
13. For the relief of the Raleigh and Gaston Road. [Provides that the State shall lend its credit to the Company, for the sum of \$500,000, to enable them to complete the Road to Raleigh.]
14. To amend the Act incorporating the Fayetteville and Western Road. [Authorizes a subscription of three-fifths by the State, instead of two-fifths, as prescribed by the Act of 1836.]
15. To improve a part of the State Road, leading from Franklin, in Macon, across the Nantahala Mountain.
16. To amend the Charter of the Cape Fear Bank.
17. Limiting the time in which title to land heretofore entered and paid for, may be perfected. (Limited to 1841.)
18. To establish Common Schools. [Provides for the appointment of not less than five Superintendants of Common Schools in each county, at the first County Court which may happen after the 1st of May, who are to proceed immediately to lay off each county in the State into School Districts, of not less than six miles square. At the next Election for Members of Congress, the question is to be submitted to the people, whether they are willing to raise in each county, by taxation upon them, one dollar for every 100 contributed from the Literary Fund. If they vote in favor of "Schools," each District is to be entitled for the year 1840, to \$40 for the \$20 raised by them, to be expended for the purposes of Education, &c.]
19. Making an appropriation for carrying on and completing the Capitol of the State. [Appropriates \$75,000 more to finish the building.]
20. To give effect to the Revised Statutes, as the same have been published. [Provides that the printed text of said Statutes, as published, shall be held and taken to be the true text.]
21. To amend the Revenue Laws of this State. [Provides that in those counties where Assessors have not been appointed under the Act of 1836, for valuing lands, it shall now be done; and legalizes the appointment where the same was not made in the time required by that Act. Gives to the County Court the power to remit double tax, &c.]
22. To prevent the malicious obstruction of Rail Roads. [Imposes fine and imprisonment on all persons placing obstructions of any kind on Rail Roads.]
23. To appoint Commissioners to lay off a part of the great State Road from Presley Shepard's to Frederick Seaver's.
24. To authorize the laying off and establishing a Turnpike Road from Cove Creek in Rutherford county to Joseph Carriers' in Buncombe county. [Appoints Commissioners and authorizes a subscription to the amount of \$10,000, in shares of \$50 each, the Company to be styled the Hickory Nut Turnpike Company.]
25. Vesting in the United States of America, jurisdiction over the tract of land in Fayetteville, on which the Arsenal is situated.
26. To amend the 27th section of an Act, concerning Courts of Justice. [Gives to the County Courts the power,

- when they deem proper to exercise it, to draw 42 Jurors for the succeeding Court.]
27. To amend the Inspection Laws. [Regulates the inspection of lumber on the Cape Fear.]
28. To incorporate the Weldon Rail Road Company.
29. To prevent free white persons from gaming with slaves. [Imposes a penalty of fine and imprisonment.]
30. Supplemental to an Act of the present session, incorporating the Fayetteville and Western Rail Road Company. [Provides the Charter shall be forfeited, if the work be not commenced in four years, and gives to the Banks of the State the power of dealing in the bonds issued by the Treasurer.]
31. Concerning Weights and Measures. [Adopts the standard recognized by Congress.]
32. Authorizing Sheriffs and Coroners to make deeds, where their predecessors may have failed to do so.
33. Concerning the children of Parents who may be divorced. [Gives to the Court the power of committing the custody of the children of divorced Parents, either to the father or mother, as they may think most expedient.]
34. To amend the 58th section of the Revised Statute, entitled "Insolvent Debtors." [Provides that when persons are convicted of any misdemeanor, and are unable to pay the fine, they may take the oath of insolvency like debtors, on going into Jail for twenty days.]
35. To prevent frauds in voting at Elections. [Requires each voter to place on one scrip of paper the names of all the persons for whom he votes in the House of Commons.]
36. Relating to the Public Road in Buncombe. [Appoints Commissioners to designate lands to work on the Road, &c.]
37. Authorizing the making of a Turnpike in Haywood county. [Incorporates a Company for the purpose, with \$4,000.]
38. To authorize the captains of 25th regiment of N. C. Militia of Jones county to muster their company once every three months.
39. To change the time of holding the County Courts of Rowan, to 1st Monday in February, May, August and November.
40. To incorporate the Hiwassee Turnpike Company. [Road from Murphy to Tennessee line, capital to be \$3,000, in shares of twenty dollars each.]
41. To amend the Revised Statute entitled "Bastard Children." [Gives to the Courts the power to legitimate bastard children.]
42. Making null and void marriages between free persons of colour and white persons.
43. To explain and amend the 56th section of one of the Revised Statutes, concerning Crimes and Punishments. [Declares it to be the meaning and intent of said section to include notes or due bills, under one dollar, intended to pass as money.]
44. To appoint commissioners to alter and amend a part of the State Road in Cherokee county.
45. To amend an Act of 1836, authorizing attachments to issue for the recovery of debts, &c. [Defendant against whose property attachment has issued, may, upon giving bail before judgment, replevy and plead to issue.]
46. To prevent obstructions to the passage of fish up the Pedee and Main Yadkin rivers.
47. Concerning the appointment of Clerks of the Superior Courts. [When not convenient for the Judge to administer the oaths or take the bonds of the Clerk by him appointed, he may commission two Justices to perform that duty.]
48. To amend an Act concerning the action of replevin.
49. Supplemental to an act, passed at the present session, for establishing the county of Cherokee. [Organizing Courts, &c.]

PRIVATE ACTS.

1. An Act to change the time of holding the Courts of Pleas and Quarter Sessions for the county of Wilkes.
2. To establish a Toll Bridge over the South Yadkin River, near Hall's Mills, in Davie county.
3. Making valid certain surveys made by the Deputy Surveyor of Haywood county.
4. To circumscribe the corporate limits of the Town of Milton.
5. Concerning the Courts of Pleas and Quarter Sessions for the county of Iredell.
6. To alter the mode of electing Constables in this State, so far as relates to the county of Martin.
7. To authorize Robert Walker, of Wilkes county, to build a Mill on Roaring River, on his own land, at or near a place called the Rock House.
8. To appoint Commissioners for the Town of Hertford, and other purposes.
9. To incorporate the Town of Morganton, in the county of Burke.
10. For the better regulation of the town of Green ville.
11. To emancipate Caroline Cook and her four children.
12. To incorporate the Trustees of Pleasant Grove Academy, in the county of Perquimans.
13. To compel the Jailor of Stokes county to live in the Jail, and for other purposes.
14. To repeal an Act of Assembly of 1815, allowing compensation to Jurors in the county of Yancey.
15. To incorporate the Trustees of the Rutherfordton Male and Female Academies, in the county of Rutherford.
16. Allowing compensation to the Wardens of the Poor in the county of Wayne.
17. To incorporate the Trustees of the Greensboro Female College, in the county of Guilford.
18. To empower the Court of Pleas and Quarter Sessions of Buncombe to draw Jurors for each week of the Superior Court of said county.
19. To amend an Act entitled an Act to establish a Literary and Manual Labor Institution in the county of Wake, passed in 1833.

20. To incorporate the Rocky Mount Manufacturing Company.
21. To incorporate the Lexington Manufacturing Company.
22. To incorporate the Cape Fear and Western Steam Boat Company of North-Carolina.
23. To incorporate the Trustees of Davidson College.
24. To incorporate the Junco Academy in the county of Orange.
25. To authorize the Justices of the County Court of Perquimans to purchase the Flat Bridge across Perquimans River, and to confirm all contracts for the same.
26. To revive an Act passed in 1821, to incorporate a Company entitled the Roanoke Inlet Company.
27. To appoint Commissioners for the town of Bethania, in the County of Stokes.
28. For the better regulation of the County Courts of Rutherford.
29. To incorporate the Washington Mining Company.
30. Authorizing the Justices of the Peace in certain counties to class themselves for the purpose of holding the County Courts.
31. To amend an Act, passed in 1822, incorporating the Male and Female Academy in Charlotte, Mecklenburg county.
32. To incorporate the Baucom's Warm Springs Company.
33. To alter the time of holding Person County Court. [To be held hereafter on the third Monday of March, June, September and December.]
34. To incorporate the Phoenix Company in the town of Fayetteville.
35. To establish the Salisbury Female Academy and to incorporate the Trustees thereof.
36. To incorporate the Yadkin Manufacturing Company.
37. Concerning the Militia of Beaufort county.
38. To amend an act of last session, concerning the public printing of the State. [Secretary to let out printing as heretofore, but price of printing not to exceed \$4 per octavo page for laws, and \$1 50 per page for Journals and printing for session.]
39. Concerning the Ranging of hogs, horses or cattle in Currituck county, in certain cases.
40. To divide the first Wreck district of Carteret county, and to appoint an additional Commissioner of Wrecks.
41. Directing officers of 87th regiment of Davidson county to hold two and not more than four drill musters a year.
42. Authorizing the County Courts of Duplin to appoint overseers and hands to clear out Rockfish creek in said county.
43. Making compensation to jurors of Columbus county of \$1 per day.
44. Appointing County Trustee and Treasurer of public buildings for the county of Columbus.
45. To amend the several acts heretofore passed in relation to the burning of the Court House and records of Hertford county.
46. To amend an Act establishing Clemmonsville Academy.
47. To incorporate the Randolph Manufacturing Company.
48. Incorporating the Trustees of the Randolph Female Academy.
49. To exempt lock-keepers on the Dismal Swamp Canal from working on the Road.
50. To incorporate the Raleigh Guards and Henderson Light Infantry.
51. To authorize the construction of a Bridge across Trent River.
52. To incorporate the town of Mocksville, in Davie co.

RESOLUTIONS.

1. Resolution in favor of William Ashley.
2. In favor of the Public Treasurer. [Allows him \$1297.67 in settlement of his accounts, being the amount of Treasury Notes burnt by Committee of Finance.]
3. In favor of Thomas Winkler and others.
4. In favor of Benjamin Hawkins.
5. In favor of certain enterers of lands paid for and not granted in Wilkes.
6. In favor of Osborne Bowers.
7. In favor of Turner & Hughes.
8. In favor of Matthew Waddell.
9. In favor of Benjamin B. Smith. [Compensating him for the House in which the Legislature sat.]
10. Directing Secretary of State to issue grants for Lands, sold at the sale of the Cherokee Lands.
11. In favor of Hiram Higgins and Solomon Perry of Ashe.
12. Resolution for the repairing the Steeple of the Presbyterian Church.
13. Concerning Delinquent Sheriffs. [Acquits from all legal liability, those Sheriffs who neglected to make proper returns of the Governor's election.]
14. Resolutions relating to the General Government — [1st. These Resolutions condemn the conduct of the Senate of the United States, in expunging from its Journal a certain Resolution. 2d. They declare that the Senate ought to pass Resolutions condemnatory of the act. 3d. They denounce the Sub Treasury Scheme. 4th. They declare that the public Lands are the common property of all the States, and condemn the Pre-emption Act of Congress. 5th. They assert that the proceeds of the Public Lands should be divided among the States. 6th. They denounce the extravagance of the Administration. 7th. They declare that Executive power ought to be abridged. 8. They assert that our Senators will represent the wishes of the people by voting to carry out these Resolutions.]
15. In favor of the Sheriff of Ashe.
16. In favor of Charles L. Hinton.

17. In favor of Flealden Hensley and others.
18. In favor of William Harbison.
19. Concerning the Public Lands. [Declaring that the States, in whose favor Congress has not made appropriations of the Public Lands, are entitled to their just proportion—condemns, in decided language, the Graduation Bill before Congress, and requests our Senators and Representatives to vote against the same.]
20. Concerning Specie Change. [Requests our Senators and Representatives to have an Act passed authorizing the coining of Specie Change at the Mint.]
21. In favor of John McGee.
22. In favor of William Leach.
23. In favor of Samuel Chunn.
24. In favor of James C. Turrentine.
25. In favor of Dove Pannell.
26. In favor of Simon M. Smithwick.
27. In favor of Wm. H. Haywood, Jr. [Allows him \$650 for settling the claim of the State on the General Government for Military service.]
28. Relative to the Wilmington and Raleigh Road. [Provides that the last quarter of the State's instalment shall be paid in such proportions as may be required of individuals.]
29. In favor of John C. Ehringhaus.
30. In favor of Joseph H. Waters.
31. Directing the Board of Internal Improvements to investigate the title of the State to reclaimed Swamp Lands.
32. In favor of David Royster.
33. Imposing duties on the Secretary of State and Public Printer.
34. In favor of the Door-keepers.
35. In favor of Willis D. Dowd.
36. Requesting our Senators and Representatives in Congress to use their endeavors to procure an appropriation from the General Government for opening an Inlet at Nags Head.

STATE LEGISLATURE.

IN SENATE.

The Internal Improvement Convention, which assembled in Raleigh on the 10th of December, sent a Memorial to the Legislature on the subject of State improvements, which we published last week. That Memorial was referred to the Committee on Internal Improvement; and Mr. WILLIAM B. SHEPARD, Chairman of the Senate's Committee on that subject, made thereon the following REPORT:

"The committee to whom was referred a memorial of the Internal Improvement Convention, lately assembled in the City of Raleigh, have had the same under consideration, and have given to the very important subject to which it relates, as mature a deliberation as the very short space of time allotted to them would allow. The committee regret that the late period of the session at which this memorial was presented may give to their deliberations somewhat the appearance of precipitancy. They are however, consoled by the reflection that the subject was not new: they have, each of them, at various times, occupied the attention of the State, until a firm and settled conviction seems to pervade all classes of the community, that the time has arrived when the State of North Carolina can no longer, consistently with her character or her interest, delay embarking in a system of Internal Improvements.

The memorial before the committee was the result of the deliberations of a very numerous convention of individuals assembled from all parts of the State, and bringing with them the most satisfactory evidence of the great inconveniences and privations under which the people of the State labor; and calling upon the Legislature, as their duly constituted agents, to remove them. This appeal reaches us in such an imposing form, it so surely speaks the wishes of a large majority of the people of the State, that, if so disposed, we can no longer disregard it, either in justice to ourselves or to the various interests we represent. We must, at all events, give some satisfactory reason why we will not aid in removing grievances of which all classes complain.

The committee do not deem it necessary at this time, to enlarge upon the great benefits which the people of the State would derive from a general and well devised system of Internal Improvements. They sincerely hope that no member of the Senate doubts that such can be done, by facilitating the means of intercommunication among the people, to improve their condition, and to place within the reach of the poorest, means of rational enjoyment, from which, at this time, they are utterly debarred by the difficulties and the cost of transportation.

Dr. Adam Smith, the author of the Wealth of Nations, observes, that good roads, canals, and navigable rivers, by diminishing the expense of carriage, put the remote parts of a country more nearly upon a level with those in the neighborhood of large towns, and on that account they are the greatest of all improvements. They encourage the cultivation of the remote parts, which must always be the most extensive circle of the country; they are advantageous to towns, by breaking down the monopoly of the country in the neighborhood; and they are advantageous to all parts of the country; for though they introduce some rival commodities into the markets, they open many new markets to its produce.

That in all societies there should be found many who blindly adhere to the existing state of things, from an undefined apprehension of danger from all changes, is to be expected from the nature of men: thus we are told by the same author, in 1776, that fifty years before that time, some of the counties in the neighborhood of London petitioned the Parliament against the extension of the turnpike roads into the remoter counties. "The remoter counties, they pretended, from the cheapness of labor, would be able to sell their grass and corn cheaper in the London markets than themselves, and would thereby reduce their rents and ruin their cultivation. Their rents, however, have risen, and the cultivation has been improved since that time."

It is likewise said that the counties on the Hudson river, in New York, opposed the canal in that State, which has added ninety millions of dollars value to her real estate, from the same narrow-minded and illiberal fears—fears which have been disappointed almost beyond belief; for the rich stream of wealth which has poured through this canal has fertilized every portion of the State. We have, however, in North Carolina, but little to apprehend from such jealous fears as these. Every portion of our State is suffering from the same cause. Those counties which are within sound of the roar of the sea, are barred from its benefits by narrow sand banks, which not only remove them miles from market, but add incalculably to their expense of transportation.—Hence it is, that every portion of the State is vitally interested in this subject.