

The North Carolina Standard.

THE CONSTITUTION AND THE UNION OF THE STATES...THEY "MUST BE PRESERVED."

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PHILO WHITE,
EDITOR, AND STATE PRINTER.

RALEIGH, N. C...THURSDAY, JANUARY 28, 1836.

LAWS OF NORTH CAROLINA,

Passed by the General Assembly, at the Session of 1835.

(BY AUTHORITY.)

AN ACT to amend an act, entitled an act concerning the draining of low lands, passed in the year one thousand seven hundred and ninety-five.

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 provisions of the above recited act be, and the same are hereby extended to all cleared lands, as well as forest, any thing in the said act to the contrary notwithstanding: Provided that this extension of said act, shall not be so construed, as to authorize the running of any ditch or canal through the yard or curtilage of any proprietor without his, her or their consent.

AN ACT to authorize a subscription upon the part of this State, to the capital stock of the Oconalufy Turnpike Company.

Whereas by an act of Assembly passed in the year of eighteen hundred and twenty four, chapter twenty nine, relating to the Smoky Mountain Turnpike Company, and authorizing a subscription on the part of this State to the stock of said company, the Treasurer of this State was authorized on behalf of this State to subscribe for one hundred shares of stock at twenty dollars each; and whereas it has been found impracticable to make the said road, and the Legislature in consequence thereof by an act passed in the year of eighteen hundred and thirty one, chapter one hundred and five, incorporated a company to make a Turnpike road from the top of the Smoky mountain down the Oconalufy river as far as the house of John Beck on said river in Haywood county: To the end that the purpose contemplated by both acts may be accomplished,

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 Public Treasurer be, and he is hereby required to subscribe on behalf of this State, in the company created by the said act, passed in eighteen hundred and thirty one, chapter one hundred and five, the same amount of stock that he was required to subscribe under the aforesaid act passed in eighteen hundred and twenty four, chapter twenty nine: Provided that no part of the subscription on the part of the State shall be paid by the Public Treasurer, until the road aforesaid shall have been finished and received by the commissioners: and provided further, that the said payment be made out of the fund set apart for Internal Improvement.

AN ACT amendatory of the act passed in year eighteen hundred and twenty two, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next.

Whereas doubts have arisen, whether an appeal can be taken from the verdict of the jury who may be impelled to try any issue made up to try whether the defendant hath been guilty of any fraud or concealment of any property, money or effects, agreeably to the act of eighteen hundred and twenty two, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next.

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 either party to an issue made up under the provisions of the aforesaid act of eighteen hundred and twenty two, to try whether the defendant hath been guilty of any fraud, or concealment of any property, money or effects, may appeal, under the same rules and regulations as appeals in other cases.

AN ACT concerning the probate of Wills made out of the State, and the registration of Deeds and powers of attorney, executed in foreign countries.

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 whenever it shall be suggested to the Court of Pleas and Quarter Sessions, in any county in which may be situated lands or other property, that a Will has been made without the State disposing of or changing the same, it shall be competent for said court to order a commissioner or commissioners to issue to such person or persons as it may select, and to be returned at any subsequent term thereof, authorizing the commissioner or commissioners or such number of them as it may designate, to take the examination of such witnesses as may be produced, touching the execution thereof; and upon return of such testimony, the court may proceed to adjudge the said Will to be, or not to be, duly proved in the same manner as it now can, on the oral examination of a witness or witnesses in open court.

II. Be it further enacted, That whenever a Deed for the conveyance of lands or negroes, or other property, or a letter of attorney for the conveyance thereof, which deed or letter of attorney is by law authorized to be registered, shall be proved or acknowledged in foreign parts, before any ambassador, public minister, consul or commercial agent of the United States, and a certificate of such ambassador, public minister, consul or commercial agent, shall be thereunto annexed under his official seal, declaring such probate or acknowledgment, or when any feme covert party, to such deed or letter of attorney, shall be privately examined before such ambassador, public minister, consul or commercial agent, and a certificate of such examination shall be annexed as aforesaid, such probate acknowledgment and examination being produced before the Court of Pleas and Quarter Sessions, of the county wherein the lands or other property is situated, may be ordered by said court to be registered, together with the said deed or letter of attorney; and the instrument so registered, shall have the same validity as if the probate acknowledgment and examination had been had in open court.

III. Be it further enacted, That whenever it shall be suggested to the court of Pleas and Quarter Sessions of any county, that a deed for the conveyance of lands or other property within such county has been made in foreign parts, it shall be lawful for such court to issue a commission returnable at some subsequent term thereof, to a commissioner or commissioners, authorizing him or them, or any number of them the court may designate to take the acknowledgment of the party or parties thereto, or the examination of any of the subscribing witnesses thereto; and if any of the parties shall be a feme covert, to take also, the private examination of such feme covert, and the proceedings of the said commissioner or commissioners so authorized, being returned, the court may proceed to adjudge that said deed or letter of attorney is duly acknowledged or proved, and the said examination is in due form; and upon such adjudication, the deed or letter of attorney with the proceedings so had, shall be registered; and the same so registered, shall have the same effect as though all the said proceedings had been had in open court.

AN ACT to provide for the payment of the instalments on the shares reserved to the State, in the capital stock of the Bank of the State of North Carolina.

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 Public Treasurer of this State, and he is hereby required to make, and execute, in proper form, and in his official capacity, certificates binding the state for the payment of the money purporting to be due thereon, to the amount of four hundred thousand dollars, and no more.

II. Be it further enacted, That the said certificates shall be issued for the sum of one thousand dollars each; and shall bear interest at the rate of five per centum per annum, payable semi-annually, on the first days of February and August in each and every year, at the Bank of the State of North Carolina, in Raleigh, or at such other bank, or banks, as the agent of the state hereinafter mentioned may designate, for making payment of the same.

III. Be it further enacted, That all certificates of debt by the state, issued under and by the authority of this act, shall be signed by the Public Treasurer in his official capacity, as herein before mentioned, and shall be countersigned by the Comptroller of this State, and duly registered by him at large, in a book prepared and kept for that purpose.

IV. Be it further enacted, That the said certificates shall be transferable by the holders of the same, or by his, her or their attorney, in a book to be kept by the Public Treasurer for that purpose, and on every such transfer the outstanding certificate shall be surrendered to,

and cancelled by the Public Treasurer, and a new certificate shall be issued for the same amount to the person entitled to the same.

V. Be it further enacted, That the debt hereby created, shall not be redeemable until after the first day of January, one thousand eight hundred and sixty, and after that day the same shall and may be redeemed at such time or times, and in such portions as may hereafter be declared and appointed by law.

VI. Be it further enacted, That for the payment of the interest semi-annually at the rate of five per centum per annum, on the principal debt hereby authorized to be created on the credit of, and for the benefit of the state, until the same shall be fully paid to the holders of the certificates thereof, and for the full and entire payment and redemption of such principal debt, and every part thereof, all the shares which the state now holds, or may hereafter hold in the capital stock of said Bank, and the dividends which may accrue, be and they are hereby pledged, and the General Assembly doth hereby guarantee the payment of the full amount of the debt authorized by this act to be contracted, and of the punctual payment semi-annually of the interest thereon, at the rate aforesaid, until the whole of the said debt shall be fully paid, satisfied and redeemed.

VII. Be it further enacted, That the Governor shall appoint a fit and competent agent in behalf of the state, to negotiate the sale of the debt hereby authorized to be contracted; who shall have power and authority to sell the same, or any part thereof, at not less than its par value, and shall pay over to the Public Treasurer the full proceeds of such sale or sales.

VIII. Be it further enacted, That it shall be the duty of the Public Treasurer, and he is hereby required to pay out of the money which he may receive from the agent aforesaid, the full instalments on such; and so many shares of the capital stock of the Bank aforesaid, as remain unpaid for, by and in behalf of the state, in like manner and on the same terms as are prescribed for payments to be made by individual or other subscribers for shares of stock in said Bank.

IX. Be it further enacted, That the Governor be, and he is hereby authorized to make to the agent aforesaid, such allowance for his services and expenses, as he may deem reasonable and adequate; and to defray all other expenses incident to the execution of this act; all which shall be paid by the Public Treasurer, on the warrant of the Governor.

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

AN ACT to regulate the mode of passing private acts of the General Assembly.

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 any person or persons who may desire to procure the passage of any private act of the General Assembly, shall cause his, her, or their intention to make such application, to be published by advertisement, to be posted up at the court house door, and three other public places in the county in which such applicants or any of them may reside, for at least thirty days before the meeting of the General Assembly; and when such private bill shall be presented, upon the request of any member, a copy of the notice with due proof of its having been so published, shall be introduced, before the same shall be allowed to be read a second time.

AN ACT for the relief of sick and disabled American Seamen.

WHEREAS, the Hospital money collected at the Port of Wilmington, in this State, under the acts of Congress, is insufficient for the purposes designed—and to assist the Marine Hospital Association recently organized in the town of Wilmington more effectually to accomplish so benevolent an object,

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 before any ship or vessel of the United States shall be admitted to enter at the Custom House, at the Port of Wilmington, the master of said ship or vessel shall render to the collector of said port, a true account of the number of officers and seamen that have been employed on board of such ship or vessel since she was last entered or cleared at any port of the United States, and shall pay to the said collector at the rate of thirty cents per month, for each and every officer and seaman so employed; which sum the master is hereby authorized to retain out of the wages of such officer and seaman.

II. Be it further enacted, That on the arrival of any coasting vessel, or vessel sailing under coasting license, (except vessels trading within the limits of this State) at the port of Wilmington, the master of said vessel shall, forthwith, render to the collector of said port a true account of the number of passengers, officers and seamen who came in, and were employed on board said vessel, and shall pay to the said collector, for each cabin passenger and himself, fifty cents; and for each other officer, passenger and seaman, twenty-five cents;—which payment for the crew of said vessel, the master is hereby authorized to retain out of the wages of said seamen: and if the master of any ship or vessel shall fail to render, or render a false account of the number of passengers, officers and seamen, and length of time they have been employed as herein required by the first and second sections, he shall forfeit and pay one hundred dollars; to be recovered in any court of record in this State, at the instance of the collector aforesaid, to the use of the Wilmington Marine Hospital Association.

III. Be it further enacted, That the money collected by virtue of the above recited act, by the collector aforesaid, after deducting for his compensation two and a half per cent, shall be paid over quarterly to the president and managers of the Wilmington marine hospital association aforesaid, or to such person as they shall appoint for that purpose. And should the collector of said port fail or refuse to pay over the money as herein directed, he shall forfeit and pay five hundred dollars for each and every offence, to be recovered in any court of record in this State, to the use of the Wilmington marine hospital association aforesaid.

Be it further enacted, That the president and managers of the Wilmington marine hospital association aforesaid, shall faithfully devote all the money coming into their hands in virtue of the above recited act, to the relief of sick and disabled American seamen; shall annually make a true return of their proceedings and situation to the public treasurer of the State, and to the secretary of the treasury of the United States.

IV. Be it further enacted, That this act shall not be in force until the same is ratified and confirmed by an act of Congress of the United States.

AN ACT to regulate the practice of hawking and peddling in 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 hereafter, it shall not be lawful to hawk or peddle any goods, wares or merchandize, or any wooden clock, or the machinery or materials thereof, or any jewelry, not of the growth, produce, or manufacture of this State, within the limits of any county, without first obtaining an order for a license from the Court of Pleas and Quarter Sessions of such county; which order shall be granted only when seven or more justices of such court are present, and upon satisfactory evidence of the good moral character of the applicant: Provided, that none of the provisions of this act shall be so construed as to extend to such person or persons being resident citizens of this State, who may hereafter hawk and peddle in this State, books and prints exclusively, except that they shall obtain license to peddle, but without paying the tax or other expense, except that of procuring license; and upon the same being granted, the clerk shall give to the party so applying for license, a certificate thereof; for which the said clerk may demand and receive of the applicant the sum of eighty cents; and it shall be the duty of the clerk to transmit annually to the Comptroller, at the time he transmits his list of taxable property, the names of all such applicants.

II. Be it further enacted, That the party applying for license as aforesaid, shall immediately on obtaining a certificate thereof from the clerk, deliver the same to the sheriff, and pay into his hands a tax of twenty dollars, and receive therefor a license signed by the Comptroller, and countersigned by the sheriff, as directed by the provisions

of an act passed in the year 1822, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of Government," which said license shall endure for the term of one year thereafter.

III. Be it enacted, That if any person shall hawk or peddle any of the articles above recited, not of the growth, produce or manufacture of this State, in any county, without having previously paid the tax herein-before imposed, and obtained a license as aforesaid, or who shall refuse or neglect, upon the request of the sheriff, or his lawful deputy, or any justice of the peace, to shew such license, he, she, or they, shall be subject to indictment in the county or superior court of such county—and on conviction, shall be fined or imprisoned, at the discretion of the court.

IV. And be it further enacted, That all laws and clauses of laws coming within the meaning and purview of this act, be and the same are hereby repealed.

AN ACT to provide for the temporary appointment of Registers, in certain cases.

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 whenever hereafter a vacancy shall occur in the office of Register, in any county of this State, by death or otherwise, in the interval between the county courts, it shall be lawful for any three justices of the peace of such county, to meet at the office of the clerk of the court of Pleas and Quarter Sessions of such county, and nominate and appoint a Register; who shall give bond and take the oath as at present required by law from Registers regularly appointed, and shall take into his custody the books and records—be bound to perform all the duties, and be invested with all the powers, authorities, and emoluments pertaining to said office; and the register thus appointed, shall hold his office until an appointment shall be made by the Court of Pleas and Quarter Sessions, in the manner now prescribed by law.

II. Be it further enacted, That it shall be the duty of the clerk of the Court of Pleas and Quarter Sessions, to record the appointment so made in vacation, on the records of said court; for which he shall be entitled to the same compensation that he now receives for recording an appointment made in open court.

AN ACT declaratory of the duties of Entry Takers, in certain cases.

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 an entry shall be made in the office of any entry taker of this State, and such entry taker shall die or resign, before a warrant shall be issued thereupon, it shall be the duty of the successor of said entry taker, after being duly appointed and qualified, to issue a warrant upon such entry in the same manner as the original entry taker might have done if no vacancy in the office had occurred: Provided, nevertheless, that nothing herein contained shall be construed to authorize the issuing of warrants in cases now prohibited by law, where the application therefor shall not be made in due time.

AN ACT concerning the Board for Internal Improvement.

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 it shall so happen that the General Assembly shall at any time fail to elect a person to constitute a member of the board for internal improvement, or the person so elected shall refuse or fail to act, or a vacancy shall occur from any other cause whatsoever, the said board shall not thereby cease to be a corporation, but the Governor and Treasurer of the State shall constitute a board, which shall possess, exercise and enjoy all the powers, rights and privileges, and perform all the duties of the President and directors of the board for internal improvement.

II. Be it further enacted, That if at any time during such vacancy the interest of the State shall require the services of another member of the board, the Governor of the State shall appoint some fit person to fill said vacancy; and the person so appointed shall possess all the powers, perform all the duties, and receive the same compensation as if such appointment had been made by the General Assembly, as now provided by law.

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

AN ACT to give further 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 thirty-two, and one thousand eight hundred and thirty-three, 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 until the fifteenth day of December next, 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.

AN ACT to amend an act passed in one thousand eight hundred and thirty, entitled an act for the better regulation of the patrol.

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 so much of the second section of the above recited act, as relates to the laying of a tax upon each taxable slave, for the support of the patrol, so far as respects the county of Camden, be, and the same is hereby repealed; and that it shall hereafter be the duty of the county court of said county, at the usual time for the laying of taxes for other purposes, to lay a tax of twenty-five cents on each taxable slave, for the support of the patrol.

II. Be it further enacted, That any person who shall hereafter be appointed as one of the patrol committee, and who shall refuse or neglect to perform or discharge the duties imposed upon them by the first section of the above recited act, shall be subject to a penalty of twenty five dollars; to be recovered on motion to the court by the prosecuting officer of said county, and when recovered, shall be paid over to the county trustee, to form a fund in aid of the tax in support of the patrol.

AN ACT making an appropriation for carrying on and completing the Capitol of the 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 the sum of seventy-five thousand dollars be, and the same is hereby appropriated, for carrying on and completing the Capitol now being erected in the city of Raleigh. And the commissioners appointed by law, are hereby authorized, or a majority of them, to draw on the Public Treasurer of this State, for such sums out of the said appropriation as they, or a majority of them, may require from time to time, in the progress of said work; and the warrants of said commissioners shall be a sufficient authority to the Treasurer for the payment of the sums so required.

AN ACT to provide for the Election of Registers in this State, when any vacancy may hereafter arise by reason of death, resignation or otherwise.

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 any vacancy may arise hereafter in any county in this State, in the office of the Register of such county, it shall be the duty of the county court wherein such vacancy may happen—seven justices being present—to elect some suitable person of such county to be Register, for the term of four years next succeeding his appointment; who shall give bond in the manner already prescribed by law; and after the expiration of the term of four years for which any person may be appointed Register, for any county, under this act, the county court shall elect Registers for their respective counties, for the term of four years, who shall give bond in the manner already prescribed by law.

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BY NATHANIEL O. BLAKE,
TERMS.

Three dollars per annum, payable half-yearly in advance, but it will be necessary for those living at a distance, or out of the State, to pay an entire year in advance. A subscriber failing to give notice of his desire to discontinue at the expiration of the period for which he may have paid, will be considered as having subscribed anew, and the paper continued, at the option of the Editor, until ordered to be stopped; but no paper will be discontinued until all arrearages are paid.

Letters to the Editor must come free of postage, or they may not be attended to.
Advertisements will be inserted at the rate of one dollar per square for three insertions. A liberal discount will be made to those who advertise by the year. Those sending in Advertisements will be good enough to mark the number of lines they wish them inserted.

6,000 Dollars for 4 Dollars!

THE first CLASS of the NORTH CAROLINA STATE LOTTERY, for 1836 to be drawn on the popular Terminating Figure System, on Thursday the 4th of Feb. 1836, at Elizabeth City, N. C.
PRINCIPAL PRIZES.
1 Prize of \$6,000, is \$6,000
1 Prize of 3,000, is 3,000
1 Prize of 2,000, is 2,000
12 Prizes of 1,000, is 12,000
12 Prizes of 500, is 6,000
15 Prizes of 300, is 4,500
15 Prizes of 200, is 3,000
Besides many of \$100, \$50, \$30, \$20, &c. &c.
Amounting in all to \$180,000.
Tickets only \$4, Halves 2, Qrs. 1.
A certificate for a package of 10 whole tickets will cost only \$23. Halves and Quarters in the same proportion. To be had, in the greatest variety of numbers, at
STEVENSON & POINTS' Office,
RALEIGH, N. C.

ARCHER TENCH,
Watch-Maker and Jeweller.

RESPECTFULLY informs the public in general and the Members of the Legislature, that he has situated himself in the Store formerly occupied by Mr. John Primrose, and has fitted it up expressly for this business. He feels thankful for the liberal encouragement received since his commencement in business, and hopes to merit a continuance of the same, by his constant attention and punctuality. He has just received from the North a fine assortment of Jewelry and Watches, consisting of Gold and Silver Patent Watches; plain English and French Watches; Gold Chains, Keys, Breast Pins, Ear-Rings and Finger-Rings, together with a variety of other Articles too tedious to mention; which he now invites all to call and examine for themselves. He pledges himself to sell as cheap as can be obtained elsewhere.

He will bestow his attention individually to the Repairing of Watches, and would particularly inform the Members of the General Assembly, that all work confided to him shall be strictly attended to, and warranted to perform well.

Jewelry repaired; and Engraving neatly executed.
Raleigh, Nov. 12th 1835.

NEW BOOKS,
Just received and for sale at the North Carolina Book Store the following new and interesting novels.

Clinton Bradshaw or the Adventure of a Lawyer; Linwood by Miss Sedgwick, in 2 vols. Legends of a log cabin, 1 vol.

do of the conquest of Spain, 1 vol.
The Hawk of Hawks Hollow, 2 vols.
Paul Pry's comic Sketch Book, 2 vols.

Francesca Carina, by L. E. L. 2 vols.
Mistle Castle, 1 vol. Bashful Irishman, 2 vols.

The Madsons and Daventrys, 2 vols.
Norman Leslie, by T. S. Fay, 2 vols.
Poetry of life by Sarah Stickney, 3 vols.

Night at Mess, 1 vol. Nuts to Crack, 1 vol.
The Monks by Cooper, 2 vols.
Dacre a novel, 2 vols.

Tales of the Peasage and Feasantry, 2 vols.
Thurlston Tales 2 vols.

The Student, by E. L. Bulwer, 2 vols.
Nephelophilus in England, 2 vols.

Will Watch, 2 vols.
My Life by the author of Stories of Waterloo, 2 vols.

Mirram Coffin the Whale Fisherman, 2 vols.
Naval Sketch Book 2 vols.

The Wife and Woman's Reward, 2 vols.
Black Beard, 2 vols. The Brothers, 2 vols.

Anna Grey, 2 vols.
Outremer, a Pilgrimage beyond the sea, 2 vols.
Black Watch, 2 vols.

Belford Regis by Miss Mitford, 2 vols.
TURNER & HUGHES,
January 1st, 1836.

Hillsboro' Female Seminary.

THE Winter Session of this Institution will open on the 15th inst. The course of instruction continues as heretofore. After enjoying nearly ten years of public confidence, the Teachers of this School deem it needless to give any renewed assurance of fidelity for the future.

Terms of Tuition:
Literary Classes, from \$10 to \$15 per session.
Music 24 do
Drawing and Painting 10 do

Board may be obtained in some of the most respectable families of the place, at \$5 or \$6 per month. WILLIAM M. GREEN,
Hillsboro', Jan. 1, 1836—364 Superintendent.

Ran Away

FROM the Subscriber, on the night of the 2d October, a Negro man, by the name of Osborn, who was raised by Mr. Robert Jeffreys, of Raleigh, from whom he was purchased by the subscriber. Said Osborn is about 5 feet 3 inches high, between 35 and 40 years of age, of a yellow complexion, thin visage, and tolerably large forehead; had on a white hat, black jeans coat, and other clothing not recollected. Osborn has a wife at Mr. Thomas Derrey's, and is lurking in the neighborhood of Wm. Jeffreys, in Franklin county; he no doubt will try to pass as a free man, and endeavor to make his way for a free State.

A reward of twenty-five dollars will be given for the apprehension and delivery of said Negro, or for his being lodged in Jail, so that I get him again.
JOHN H. FAUCETT,
Hillsborough, Oct. 20, 1835.