

# CAROLINA PATRIOT.

"LET ALL THE ENDS WE AIM AT, BE OUR GOD'S, OUR COUNTRY'S, AND TRUTH'S."—Shakespeare.

NEW SERIES.]

GREENSBOROUGH, N. C., FRIDAY MORNING, JANUARY 11, 1839.

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EDITOR AND PROPRIETOR.

## TERMS.

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## DEBATE IN THE HOUSE OF COMMONS, Monday, December 10, 1838.

The following Resolutions, introduced some days since by Mr. F. J. HILL, of Brunswick, were called up for consideration, viz:—

"Resolved, That each of the United States being a party to the national compact, possesses an interest in the public lands proportioned to the federal population of each, or, in the terms of the compact, according to the usual respective proportions of the general charge and expenditure."

"Resolved, That those States, in whose favor Congress has not made appropriations of the Public Domain for the purposes of Education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in behalf of other States."

"Resolved, That our Senators and Representatives in the Congress of the United States be requested to urge the claims of the State of North Carolina to her portion of the Public Lands. And that the same, when obtained, be applied to the establishment and support of Common Schools and the promotion and diffusion of Education throughout the State."

The question being on the adoption of the Resolutions, Mr. HILL addressed the House as follows:—

Mr. SPEAKER:—In introducing the foregoing Resolutions, I am solely influenced by a consideration, most assuredly of paramount importance—a desire, I have ever cherished with the deepest interest, to furnish the means of a plain education to every citizen within our limits.

I am aware, sir, that in proposing any action in relation to the Public Lands, I am approaching a subject which has been a prolific source of discussion and extravagant political controversy within these halls. But, on the present occasion, I disavow such feelings and shall studiously avoid any such tendency in the remarks I am about to submit. The argument by which I shall attempt to support the Resolutions, I shall find.

1st. Upon the justice and propriety of our claims;

2nd. On the important advantages which may be anticipated to result from the application of the proceeds, as contemplated, by the Resolutions; and

3d. Upon the necessities of our People and the urgent claims they have upon the State to supply their wants.

I will not, sir, weary the attention of this House by entering into a detailed history of the Public Domain. Sufficient for my present purpose, will it be to state, that at one period of our country's history, all that Tract of Territory, included between the Pacific Ocean and our present Northern Boundary, was granted by Elizabeth of England to the illustrious individual whose name the capital of our State, the city in which our present deliberations are held, now bears: That by the various subsequent grants and forfeited charters, other territorial limits were established and dissolved: That by a treaty between France and Great Britain, entered into in the year 1763, the Mississippi River was agreed upon as the Boundary line between Louisiana and the British American possessions.

This, sir, was about the condition of the boundary of the British American Provinces at the period of our memorable struggle for Liberty. The original 13 States were then, some of them, undefined and many of them unexplored British Colonies. The numerous abuses of the mother country, and the flame of liberty which burned within the bosoms of our patriot Fathers, determined them to cast off the yoke of oppression and establish for themselves and their posterity a free and independent form of Government. Upon the incidents or issue of this glorious epoch, I will not permit myself to dwell, farther than is important to my present purpose. The same daring spirit which actuated our forefathers in declaring their Independence, sustained and carried them successfully through the unequal contest. By the Treaty of Peace which flowed in 1783, Great Britain re-

linquished to the old 13, all claim to the Government property and Territorial rights of the same, extending to all the lands included within the chartered limits of the United States and then known as Crown Lands.

The Boundary, as determined by the Treaty, was as follows, viz:—

On the North, by the Russian and British American possessions—on the East, by the Atlantic Ocean—on the South and West by the Mississippi River and the Gulf of Mexico. At this period, the limits of many of the States were very extensive; in some of them undefined, and, in all of them shifting in area and value. The cause in which they were engaged, was a common cause, the struggle of freemen for liberty. In furnishing the means for the accomplishment of their object, the rule of apportionment was not according to the extent or value of the Territory possessed by each, but impelled by an ardent love of liberty of each. But, sir, in the progress of the Revolution, this very subject of the waste lands was a source of discord and dissension, which excited sad forebodings in the bosoms of those early votaries of freedom.

The large States, influenced by that feeling of aversion which, as being then exhibited, appears to be almost insurmountable from our natures, contended that in the extent of a successful issue to the contest, their Territorial limits should not be lessened; and their right of soil remained unaltered. The smaller States, urged, on the other hand, that the struggle was for principle and not for aggrandizement—that they contributed their quota of men and of money—that the sovereignty of the soil, within the chartered limits of each of the States, was still in the British Crown, and never could be wrested from it but by a united effort and at a common sacrifice—that even, if they succeeded in the attempt to be emancipated from foreign oppression, their political independence would inevitably be overshadowed at home by the overwhelming influence of the larger States, and refused to enter into the confederacy until a compact was formed, which secured to each member, rights and advantages proportioned to the charge and expenditure incurred by each.

But, sir, to exhibit to this House more clearly, the state of feeling which prevailed on this subject at this early period, I will read the Instructions given by the General Assembly of the State of Maryland to their Delegates in the year 1799:—

"Having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, ability and zeal, to promote the general welfare of the United States and the particular interests of this State when the latter is incompatible with the former; but to add greater weight to your proceedings in Congress, and take away all suspicions that the opinions you are to deliver, and the votes you give may be the mere opinion of individuals and not resulting from your knowledge of the sense and deliberate judgment of the State you represent, we think it our duty to instruct as follows on the subject of the confederation—a subject on which, unfortunately a supposed difference of interests has produced an almost equal division of sentiment among the several States comprising the Union. We say a supposed difference of interests; for if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice (and no other policy but what is founded on those immutable principles deserves to be called sound) we flatter ourselves this apparent diversity of interests would soon vanish; and all the States would confederate on terms, mutually advantageous to all; for they would then perceive that no other confederation than one so formed could be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of dissension, and some other peculiar circumstances, may have induced some States to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict, that when those causes cease to operate, the States which have thus acceded to the confederation, will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights, and securing their independence. Is it possible, that those States, which are ambitiously grasping at Territories to which, in our judgment, they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those Territories, when acquired, than what they have displayed in their endeavors to acquire them? We think not—we are convinced the same spirit which hath prompted them to insist on a claim so extravagant—so repugnant to every principle of justice—so incompatible with the general welfare—so incompatible with the general welfare of the States, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength, to oppress by open force their less wealthy and less powerful neighbors, yet depopulation and, consequently, the impo-

verishment of those States, will necessarily follow, which, by an unfair construction of the confederation may be stripped of a common interest and the common benefits derivable from the Western Country. Suppose Virginia, for instance, indisputably possessed of the extensive and fertile coun-

try to which she has set up claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? They cannot escape the least discerning. Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw to her treasury vast sums of money, and in proportion to the sums arising from such sales, would be enabled to lessen her taxes. Lands comparatively cheap, and taxes comparatively low, with the land and taxes of an adjacent State, would quickly drain the State, thus disadvantageously circumstanced, of its most useful inhabitants. Its wealth and its consequence in the scale of the confederated States, would sink of course. A claim so injurious to more than one half, if not the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidence of that right has been produced?—What arguments alleged in support, either of the evidence or the right? None that we have heard of, deserving a serious refutation. We are convinced—policy and justice require, that a country, unsettled at the commencement of this War, claimed by the British Crown and ceded to it by the Treaty of Paris, if wrested from the common enemy by the blood and treasure of the 13 States, should be considered as a common property—subject to be parcelled out by Congress, into free, convenient, and independent Governments, in such manner and at such times as the wisdom of that Assembly shall hereafter direct.

Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf, the Confederation, unless it be further explained. We have coolly, and dispassionately, considered the subject; we have weighed probable inconveniences and hardships, against the sacrifice of just and essential rights, and do instruct you not to agree to the Confederation, unless an article or articles be added thereto, in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are left by fully empowered to accede to the Confederacy."

The political sagacity, the insight into the future, manifested by the authors of these instructions, is indeed most admirable.—The article insisted on by Maryland were inserted; and yet, in little more than half a century, we witness the overwhelming preponderance of some of the States in the Councils of the Nation. When the apportionment was made at the adoption of the Federal Constitution, to Maryland was assigned 6 members; North Carolina 5; Virginia 10; New York 6; and how stands the account in our day? Why, Maryland has 8, North Carolina 13, Virginia 21, New York 10! So, that the depopulation alluded to in the declaration has taken place, at least to a relative sense.

At the close of the revolution, the country was numbered by an enormous debt of 200 millions to be paid out of the common Treasury of the old 13, besides heavy responsibilities by the Treasury of the States, respectively. Our Commerce, at that period, being very small, the revenue from it was inconsiderable; and this heavy indebtedness was met principally by the Agricultural interest. This, together with provisions for the army during the war, was a mighty requisition upon the soil. Incessant culture, carelessly applied, and without any aid from manuring, produced a state of exhaustion tending to sterility. In this condition of our agricultural prospects, the sale of the Public Lands commenced—the virgin soil of the West was thrown open to our enterprising and industrious citizens—great inducements were offered to settlers by the General Government—the Lands were cheap and the Taxes low—Pre-emption Rights were granted them—and so unprofitable was its policy (at our expense) in the appropriation of land for internal improvement, and purposes of Education, that facilities in both will be furnished to every neighborhood within the limits of many of the new States.

Sir, the inducement was too powerful, the temptation too strong to be resisted by a being in whose breast self-interest is the ruling principle. A mighty tide of migration Westward, was its consequence, which, with the old States, has not yet reached its ebbs, but is annually draining us of our talents and our wealth.

The views set forth by the State of Maryland, in her instructions to her delegates, were similar to those entertained by all the small States, and the act of cession by the State of Delaware was accompanied by the following Resolution, viz:—

"Resolved, That this State consider themselves justly entitled to a right in common with the members of the Union, to that extensive tract of country which lies to the Westward of the frontier of the United States, the property of which was not vested in, or granted to individuals, at the commencement of the present War; that the same hath been or may be gained from the king of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States."

Such, sir, was the character of the States to the Lands within their respective limits, at the period of the American War; and such was the public feeling which prevailed in relation to this subject.

It remains for me to show the effects, produced on it by that event, and the circumstances growing out of the same.

It was essential to a successful prosecution of the war, and the establishment of a salutary and permanent form of Government after its close, that a federal alliance should be formed between the States. Without it, there was no common head—no concert of action, either in projecting plans of operation, or raising means for conducting them. To effect a compromise, and to accomplish so desirable an object, the different Legislatures passed Resolutions; and the General Congress made appeals (for they had not power to do more) to the magnanimity and patriotism of the States; and under the genial influence of the love of the Union and of Liberty, the appeal was not made in vain.

New York led the way in the generous compromise. In the year 1780, her Legislature passed an act, entitled "an act to facilitate the completion of the articles of confederation and perpetual union among the United States of America." By this act, it was declared that the Territory which she ceded "should be and enure forever for the use and benefit of such of the United States as should become members of the Federal alliance of the said States, and for no other use or purpose whatever." Four years after, articles of Cession were entered into between the State of Virginia and the General Congress under the articles of Confederation. In this instrument bearing date the 1st March 1784, the State of Virginia authorized certain Commissioners "to convey, transfer, and make over unto the United States in Congress assembled for the benefit of said States, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the Territory or tract of country within the limits of the Virginia Charter, situate, lying and being to the Northwest of the Ohio River, to and for the uses and purposes, and on the conditions of the said recited act."

Now sir, one of the purposes and conditions of the act, is in these words: "That all the Lands within the Territories so ceded to the United States and not reserved for, or appointed to any of the before mentioned purposes, or disposed of in Bounties to the Officers and Soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions of the general charge and expenditure; and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. The deeds of cession from the other States were very similar to those from New York and Virginia, and it does appear to me, Sir, that language cannot be more explicit. Here the General Government is made a Trustee for the several States by the legal and technical words, which not only imply but absolutely create a trust. It was certainly not intended for the States in their Confederated character; if it had been, it would have stopped at the words United States; but when the Virginia deed goes on to specify herself by name, and to state the measure and manner for the division of the common fund, it was certainly her intention to distribute it to her sister States respectively, according to the charge and expenditure incurred by each during the arduous and bloody contest by which the title was secured.

But Sir, there is a point of view in which this question may be placed, which to my mind, is perfectly conclusive. The States at that time were under the articles of Confederation; the present Constitution was not adopted until '89. Now under these, the Congress had no power to raise money but through the State Legislatures for special purposes. The 8th article of that instrument provides, "that all charges for War and other expenses that shall be incurred for the common defence or general welfare, and allowed by Congress, shall be defrayed out of a common Treasury which shall be supplied by the several States;" and it is further provided that the Taxes for paying the proportion of each shall be laid and levied by the authority and direction of the several States. To this state of things existing at the time of the delivery of the Virginia deed, its provisions must necessarily apply. The terms "general charge and expenditure" used in the deed, evidently refer to the proportion furnished by each State for prosecuting the War, and just in like proportion it was beyond all doubt the intention of the parties to the deed that the several States should be interested in the waste Lands. Now I would simply ask, had the States continued under the articles of Confederation to the present time, what manner of disposing of the proceeds of the Public Lands could have been ever thought of, but a division among the several States, according to the usual charge and expenditure as by the deeds of Cession or according to Federal population.

This view of the subject, I apprehend, will present almost be conclusive unless it can be shown that the change of Government, on the adoption of the Federal Constitution, has conferred upon the General Government a title to these Lands, paramount to that conferred upon the States under the article of Confederation. But this

cannot be, because it was a compact made and entered into previous to the adoption of the Constitution, and was referred to and made binding by that instrument. The 1st section of the 6th article reads thus: "All debts contracted, and engagements entered into before the adoption of this Constitution shall be as valid against the United States under the Constitution as under the Confederation." And again, in the 3d section of the 4th article, it is declared "that Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory and other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

So far, then, from the terms of the Confederation of 1778 being weakened, or the compact, as relates to the Public Lands, being abrogated, they appear to be confirmed by a recognition of the claims of the States; and the insertion of every provision necessary to carry into full effect the understanding which existed between them at the former period.

Such is the tenure by which the States hold all the Lands North of the 31st degree of latitude, and East of the Mississippi River, with the exception of Georgia, whose deed of Cession bears date after the adoption of the Federal Constitution; but is, in other respects, in exact agreement with the deeds already considered.

As to the Lands lying within the original bounds of the purchase of Louisiana and Florida, together with those owned by the Indians within the limits of several of the States, they were acquired by purchase, and our right to apply them, rests upon different grounds. "This true, we have no compact concerning them; nor any Constitutional provision for the disposal of them in any manner; nor can any article be found in the Constitution authorizing the purchase—but it is certainly reasonable and just, that where a large extent of Territory is added to that already belonging to the United States, it ought to be subjected to the same Constitutional provisions of law, which governed in the disposition and management of the Lands which were held at the formation of the Constitution. But again, the purchase money for Louisiana and Florida has been paid out of the fund accruing from the Land Sales, as will appear by reference to every statement made on the subject by the Secretary of the Treasury. If then, the proceeds of the Public Lands, the property of the States respectively, has been applied to the purchase of other Lands, it follows by the common principles of equity, that the Lands, so acquired, should be subjected to the same rules of distribution which applied to the original subject out of which payments were made.

Having succeeded, I think, in establishing the first branch of my argument, viz:—the justice and propriety of our claims—let us proceed to enquire how the trust has been discharged; in what manner the compact has been complied with; the understanding which existed between the parties thereto carried out by the disposition of the waste Lands made up to the present period. As long as a public debt existed this was a legitimate object for the application of any revenue arising from the sales—but this having been paid off, I am unable to discover how, under the deed of cession, any other appropriation of the funds, accruing from this source, could have been made, than to the States respectively, in due proportion, according to the terms of the deeds. It is not my present purpose, however, to enter at large into the action which the General Government has thought proper to take in the matter. My object now is to exhibit the claims which our own People possess to a portion of the Public Domain for the establishment of Common Schools—equal to that which has been realized in favor of other States for similar purposes. In order to exhibit to the house the large amount which the State would receive even by this partial division of the Public Lands, let us, for a moment, advert to the appropriations which have been made in behalf of other States, whose claims are precisely similar to our own. Sir, I deny that Congress has any authority either by the Articles of Confederation, or the Constitution subsequently adopted, to make such a disposition of the Public Domain. As a Trustee, its powers were confined to the sale of the Lands; after which as under any other trust, the proceeds should have been paid over into the Treasuries of the several States. But it has thought proper to act otherwise, and the best remedy it can now make to the other members of the compact, is to deal out to them the same measure it has pleased to mete out to a part.

I find, by reference to official documents that the following number of acres have been granted to 10 of the States for the purpose of Colleges and Common Schools:—

Acres.

Ohio, 753,863

Indiana, 673,948

Illinois, 1,630,977

Missouri, 1,277,719

Mississippi, 850,441

Alabama, 935,590

Louisiana, 920,053

Michigan, 1,148,160

Arkansas, 396,338

Florida, 923,561

In all about ten millions.

Sir, this is an immense amount of property, and in time, must become a very ample source of revenue for the purposes of Education in those States which have been subjects of the munificence of the General Government, I have not been able to learn whether sales have been ordered in all the States, but if the value of the Lands can be estimated by the sales which have been made in some of them, the aggregate amt would create a fund almost sufficient to establish Schools commensurate with the wants of the whole Union.

On this subject, the Superintendent of public instruction, in the State of Michigan, in an official Report to the Legislature, submitted in January 1837, uses the following language, viz:—

"The Primary School Lands reserved from sale, and given to the State by the ordinance of Congress, consist of section No. 16 in all the surveyed Townships. The Peninsular portion of the State of Michigan consists of nearly 40,000 square miles, there are 1,111 Townships of 36 square miles each, but, dropping 11 entire Townships for the deficiency already suggested, there will remain 1100 Townships; which is a fraction less than the true number.—In 1100 square miles, there are 704 thousand acres, which, at \$5 per acre, the minimum price, would realize to the State \$3,520,000. According to another estimate he values them at 3,550,000, and adds; these estimates may seem to be extravagant but it is confidently believed that the result will exceed, rather than fall short of the highest computation."

And, Sir, the sales which took place in the summer of 1837, under the greatest pressure of the money market, have proved the correctness of the opinion, for they have more than doubled in amount the estimate of the Superintendent, I do not, however, object to this manner of disposing of the Public Domain. I believe it is as wise and salutary a disposition of it as can be made; but I do object to a preference being given to any of the States, I do complain, that every member of this Union does not alike participate in advantages and benefits to which all are alike entitled.

And now, sir, let us advert, for a moment, to the incalculable advantages which would result from the judicious application of so large a fund, as this would place at the disposal of the State, to the purposes contemplated by the Resolutions. In despotic Governments where the people have no voice, either in the election of the law-makers, or the appointment of those to whom the execution of the law is trusted; the only privilege they possess is the privilege of paying taxes; where personal liberty is but a name and the freedom of thought is chained down to the caprice and prejudice of the despot, it is the interest, as it is very generally the policy of those in power, to withhold from the subject the blessings of General Education.

The object of the institution and maintenance of every form of Government ought to be to secure the existence of the body politic, and to afford to individuals who compose it, personal protection, security of property, and the undisturbed enjoyment of the blessings of life. In popular Governments, of which ours is an example, the body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole People covenant with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. The first clause in our Bill of Rights declares that all political power is vested in and derived from the people only. Here, sir, where the popular will is the only fountain of power, where the governors are the servants of the governed, where the avenues to promotion are open to character and to talent, where the character of the Representative is but the reflection of the mind and feeling of the constituent body, it is all-important that the public mind should be enlightened by the general diffusion of the blessings and advantages of Education. Here, general intelligence is essential to wise legislation—wise legislation to good laws—which are, every where, indispensable to national prosperity. These three positions, I think, may be put down as axioms in our political system. Just and wholesome Laws can only be expected from honest, vigilant and well informed legislators, and from such laws alone, can prosperity and happiness be enjoyed by any people.

By the term, Education, Mr. Speaker, I do not mean the mere communication of knowledge. This is but giving the power to act, whilst the question whether it will be for good or for evil; whether the acquisition will be a blessing or a curse to the recipient and to others, will depend upon the manner in which the principles and disposition of the individual will influence him to employ it. Teach the art of writing to the man, in whose heart every other consideration is absorbed by the love of money, and he will use it in counterfeiting the name of his friend or his neighbor.—Give it to him, in whose bosom the light of divine truth has shed its benign and hallowed influence, and he will employ it in the propagation of the saving message to "Earth's remotest bounds." The Philanthropist will employ his knowledge of Geography and navigation, to discover and supply the wants of his fellow man; while the Pirate will use his to direct and to guide

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the object of every form of Government ought to be to secure the existence of the body politic, and to afford to individuals who compose it, personal protection, security of property, and the undisturbed enjoyment of the blessings of life. In popular Governments, of which ours is an example, the body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole People covenant with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. The first clause in our Bill of Rights declares that all political power is vested in and derived from the people only. Here, sir, where the popular will is the only fountain of power, where the governors are the servants of the governed, where the avenues to promotion are open to character and to talent, where the character of the Representative is but the reflection of the mind and feeling of the constituent body, it is all-important that the public mind should be enlightened by the general diffusion of the blessings and advantages of Education. Here, general intelligence is essential to wise legislation—wise legislation to good laws—which are, every where, indispensable to national prosperity. These three positions, I think, may be put down as axioms in our political system. Just and wholesome Laws can only be expected from honest, vigilant and well informed legislators, and from such laws alone, can prosperity and happiness be enjoyed by any people.



from the work of murder and of death.—The term, Education, then, means something more than the mere imparting of knowledge, then, means something more than the mere imparting of instruction; it is the engrafting of knowledge upon a good stock, the application of all those means calculated to develop the physical, moral, and intellectual faculties of man. It implies instruction, it is true, in all the branches of knowledge which are necessary to useful and efficient action in the sphere of the individual; but it must also include the physical training, which is to render the body capable of executing the purposes of the mind; the skill which is requisite, in order to apply our knowledge and strength to the very best advantage; and, above all, the moral discipline, by which the character and the direction of our efforts are to be decided.

Such, sir, is the character of the training I desire; and which it is the tendency of the Resolutions to impart to our people;—and who can doubt the salutary influence it would exert upon individual happiness, social enjoyment, and national prosperity?

Let us for a moment, contrast the condition of an educated, well-ordered family, with its opposite, in the common walks of life. In the one, prevail peace, harmony, and content; a mutual disposition to please and to benefit, to impart, and to receive instruction. In the other, brutal passions, haggard wretchedness and strife, reign with terrific sway. On the part of the parent, imprecations and menaces, for want of resources for occupying, amusing, or interesting the younger minds, who, in return, receive from the children, rudeness, strife, insubordination, and even violence. Home has no attractions for the children of such a family; and all the leisure which can be had from the daily toils and engagements imposed upon them by the stern necessity of working for a subsistence, is spent in wandering abroad in pursuit of amusement suited to their sensual, and too frequently vicious propensities.

Personal dignity of character, and individual happiness, are not less promoted by Education than the peace and harmony of families and communities. It confers a quickness of conscience, a strength of principle, a liveliness of sympathy, an earnestness and an independence of character, which enlarges the capacity of the individual for usefulness in any sphere where he may be called to act. "Man, ignorant and uncivilized, is a ferocious, sensual, and superstitious Savage. The external world affords some enjoyment to his animal feelings; but confounds his moral and intellectual faculties. External nature exhibits to his mind a mighty chaos of events, and a dread display of power. The chain of causation appears too intricate to be unravelled, and the power too stupendous to be controlled. Order and beauty, indeed, occasionally gleam forth to his eye from detached portions of creation, and seem to promise happiness and joy; but more frequently, clouds and darkness brood over the scene, and disappoint his fondest expectations. Nature is never contemplated with a clear perception of its adaptation to the purpose of promoting the true enjoyment of man, or with a well founded confidence in the wisdom and benevolence of its author. Man, when civilized, and illuminated by knowledge, on the other hand, discovers in the objects and occurrences around him a scheme beautifully arranged for the gratification of his whole powers, animal, moral, and intellectual. He recognises in himself the intelligent and accountable subject of an all-bountiful Creator, and in joy and gladness, desires to study the Creator's works, to ascertain his laws, and to yield to them a steady and a willing obedience. Without undervaluing the pleasures of his animal nature, he tastes the higher, more refined and more enduring delights of his moral and intellectual capacities; and he then calls aloud for Education as indispensable to the full enjoyment of his rational powers."

Such, sir, are the benefits and advantages of a system of general education, such as is worthy of the name. The objection most frequently urged against its adoption is the expense; and even this, I would urge as a weighty argument for the passage of the Resolutions, and the disposition of the Public Lands, as contemplated by them.—But, if it can be shown that such a liberal provision, as will secure the benefits of sound Education to all the people, is a nation's best economy, we not only destroy the objection; but we build upon its ruins a strong argument in favor of the system. I have said that wise and wholesome Legislation is dependant upon general intelligence; and the connexion between the wealth of a nation and its laws is not less intimate. By them, ingenuity is quickened, industry is encouraged, and the quiet enjoyment of its fruits secured; the resources of a country are developed; and the prosperity and wealth of the nation increased. In illustration of this position, let us look for a moment into the history of those countries where the laws are oppressive and unequal in their general bearing.—Look to Italy, to Turkey, to Spain and to Mexico—those highly favored portions of earth's surface, where the salubrity and congeniality of the climate to the production of vegetable and preservation of animal life is no where surpassed and rarely equalled—where the fertility of the soil supplies almost spontaneously the necessities of human life—and yet from defect in the Government, partiality and injustice in the civil law, necessity is destroyed, industry is paralyzed; the man is as wretched and as comfortless as he is oppressed and injured. Here the husbandman has no security for the enjoyment of the fruits of his labor—all that is certain to him is that the luxuries of those in power must be abundantly administered unto, and that the Imperial Treasury must be supplied even

at the price of the confiscation of his property and the sacrifice of his life.

But the advantages resulting from a general diffusion of knowledge are not confined to those countries where defective legislation operates as a bar to the progress of improvement. Even in those where the laws are more wholesome and equal, its influence is discovered in the advancement of the arts and other means conducive to the acquisition of wealth. Those Nations, where the general intellect has been most cultivated, and the light of science most widely diffused, have also been distinguished for the number of their labor-saving machines, and their improvements in the various branches of industry by which wealth is accumulated; and it is by means of these principally, that one nation surpasses another in this respect.

In illustration of this point, I copy from a valuable little treatise on Popular Education (and I avail myself of this opportunity to acknowledge my indebtedness to this work for many of the remarks I have had occasion to use on the subject) a comparison made by President Young, of Kentucky, founded upon authentic statistics between the commercial and manufacturing condition of England and France. He observes: "From this calculation it appears that the muscular force employed in commerce and manufactures in those two countries is about equal, being in each equivalent in round numbers, to the power of six millions of men. Thus if the productive enterprise of the two countries depended solely upon the animate power employed, France ought to be as great a commercial and manufacturing country as England. But the English by means of machinery, have increased their force to a power equal to that of twenty-five millions of men, while the French have only raised theirs to that of eleven millions. England, then, owing to her superiority in discovering and inventing, has more than quadrupled her power of men and horses; France on the other hand has not quite doubled hers." Is it then any wonder, the learned Professor patiently enquires, that these islands, with narrow Territory, smaller population, and less genial climate, should immensely outstrip their less intelligent and ingenious neighbor; and can we conceive a stronger proof of the actual pecuniary gain that accrues to a nation from cultivating the intellect of her sons than is furnished by such a fact?

Let us look for a little into this fact to ascertain if possible how much England gains by her superiority in this matter over France. The actual commercial and manufacturing power of the latter country is only two fifths of that of the former. The present annual value of the cotton manufacture in Great Britain is estimated to be about 35 millions of pounds sterling. Three fifths of that sum, or more than 20 millions of pounds, is England's clear gain over her less skillful rival—an amount more than 3 times as great as the whole present annual revenue of the United States—and for this vast and ever increasing tide of prosperity, England is clearly indebted to popular education, which is the parent of intelligence and the ultimate cause of all those improvements in the Cotton Manufacture by which these amazing results have been secured.

The ingenuity of a single intellect, which but for the influence of Education, might have slept for ever in ignorance and obscurity, sometimes saves a State more than it would require to educate all her sons.—The genius of Middleton, it is estimated by inventing a plan for supplying the city of London with water, saves an annual expense of 40 millions of dollars. But why go abroad for facts to illustrate this position? To what other source are we indebted for the thousand modern improvements which have so wonderfully increased our capabilities over the vast resources of this great country? Wattmore's Card making machine and Whitney's Cotton Gin have added to the profits of labor, millions upon millions.

To the science of Chemistry (which is but a department of knowledge, it is due the discovery of that principle in heat, which enables the artist to convert the rough and shapeless masses of metal, into numberless articles of elegance and of usefulness. By the discovery of another property it is, by the illustrious Black, and its application to purposes of machinery, by the immortal Fulton, are we enabled to connect the distant points of our extensive Territory by Steam Boats and Rail Roads, whereby the bonds of the Union are strengthened, and the value of the products of the whole country increased to an incalculable extent.

Sir, estimate but for a moment the increase of national wealth which has flowed in upon us from this branch of knowledge alone, by its effects in that Egypt of our country—the valley of the Mississippi.—Planters there, living 3000 miles from market, carry to it the avails of their industry, with less expense than many citizens of the middle counties of our own State, residing within 150 miles of the great Atlantic. The application of Steam to the propulsion of Boats, Rail Road cars and other machinery, has already done more for our country than all the power of industry working by the old methods, could have effected for it in a whole century. It has filled our houses with the productions of every country and climate—it has increased the value of our lands and almost every article of our produce—it has given a powerful impulse to commerce, manufactures, agriculture & all other branches of industry, by which man seeks to create or increase his fortune.—Truly, knowledge is power, and if from a single department of it, such mighty benefits are derived, how stupendous must be the results when the whole field is explored?

But, sir, one of the strongest considerations which presents itself to my mind in behalf of a system of sound popular Education, is the connexion between the purity and permanency of our political institutions, and

To the people of this great country is committed the solemn charge of perpetuating that liberty and maintaining those institutions, civil, social, literary and religious, which it cost our fathers so much blood and so much treasure to establish.—Institutions which are at once the pride of our own country, and the hope and admiration of the world.

We stand, Sir, upon an eminence which few nations have ever reached. The eyes of the world are upon us—one portion regarding us with trembling, but anxious hope—the other, with a hellish desire to see our fair prospects blasted, our honor proscribed in the dust; and our greatness and very existence among the things that were. Our fall then will be the triumph of despotism, and the knell of liberty throughout the world.

To maintain our free institutions and to transmit them unimpaired to posterity, is no light trust to be committed to rash hands and rash heads. It is a trust most solemn in its nature, the due execution of which requires in every citizen, knowledge and judgment, as well as patriotism and vigilance.

Sir, it is not to be disguised, that our political fabric is in danger—that there are elements of destruction at work amongst us—I speak not of any party—they are peculiar to none, but common to all—they are inherent in our political organization as a nation, and our moral constitution as men. These dangers are numerous and multifarious, but the two which I deem most formidable, are the facility with which foreigners are permitted to vote at elections, and the want of a proper independence of judgment and action in our own people; with a consequent liability to be swayed to their own hurt, by artful, selfish and unprincipled leaders.

Sir, I am aware that we have naturalized citizens, whose talents and whose virtues are an ornament to any country.—Men sound to the core in their political and moral principles.—Men whose public services are a part of our national glory. It is not of such I speak—I allude to that overflowing tide of emigration which discharges upon our shores its annual thousands of Europe's most degraded population; men without knowledge, without principle, without patriotism; and with nothing to lose in the issue of an election. Can these be fit depositaries of political power? Have they any of that attachment to our political institutions and that knowledge of our form of Government, which are essential to its safe exercise?

What remedy can we present; what antidote do we possess against this great and growing evil. As we cannot conveniently alter the law of naturalization, the only practical means is that thorough system of Education for our own people, which will nullify this noxious foreign influence; and secure real personal independence in the natives of the soil.

Intelligence and virtue are the bulwarks of a free Government.—Education is the parent of all true personal independence; and in proportion to the universal prevalence of these principles, will be the chances of surviving in perpetual manhood, the operation of those causes, which have undermined all preceding Republics, and which are already at work in our own.

In a Government founded upon the popular will, Education is necessary for all classes, and for each individual in the community—and it is the duty of such Government to take care that this great end be secured. Under a sense of this duty, Mr. Speaker, I have introduced the resolutions which now lie upon your table—and I would say to the members of this House—let us act for the best interests of our constituents—let none be overlooked, neglected, or forgotten. Let the Education of the people receive, as it deserves at our hands, the earliest, deepest, and most unremitted attention. It is the sheet anchor of our social system—the bond of our Union—the ward and keeper of our constitution—the charter of our happiness, our safety, and our rights.

## CAPITONS

Of the Acts passed by the Legislature of N. Carolina, at its Session of 1838-9

### PUBLIC ACTS.

1. To amend an act passed in 1821, to incorporate the Roanoke Inlet Company. [Appoints commissioners, and extends the time within which work shall be completed ten years longer.]

2. Extending the time for registering grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift. [Extends time to two years.]

3. To compel owners of bridges to construct draws. [Upon failing to construct draws for the passage of boats, within three months after notice, owners to be subject to a fine of 50 dollars, for every three months neglected. Owners of boats may construct draws in public bridges at their own expense.]

4. To amend the 39th section of the Revised Statutes, entitled an act concerning courts of justice, practice, pleas and process. [Provides that no action, other than on penal statute, shall be brought in any county court, except in the county in which defendant resides.]

5. To amend an act for the relief of such persons as have been disabled by warms, &c. [Provides for the payment of pensions during those years when the Legislature does not sit. Certificate to be countersigned by Governor.]

6. To extend the time for paying in entry money. [Extends the time on entries since Jan. 1837, to January 15, 1841.]

7. To amend and supply the defects of an act of the present session to extend the time for paying in entry money. [Provides that all entries of land, for all money due for entries made since January, 1834, and all entries hereafter made shall have until the 15th Jan. 1841 to pay for the same.]

8. To amend the charter of the Bank of

Cape Fear. [Provides for the sale of stock of delinquent subscribers.]

9. To improve a part of the State road leading from the town of Franklin, in Macon county, across the Nanthala and Valley river Mountain, to the new town site called Murphy. [Authorizes the Governor to appoint a commissioner to examine and lay off the road into sections, & makes an appropriation of 2000 to complete the road.]

10. For the relief of the Raleigh and Gaston Rail Road Company. [Guarantees the credit of the State to the company for a loan of \$500,000, provided the company mortgage their entire real and personal estate to the State, together with all the profits arising from the use of the road, for the faithful payment of the principal and interest, and provided the stockholders agree to pledge their private property for the debt to the amount of stock owned by each individually.]

11. Authorizing the justices of the peace in certain counties to class themselves for holding the Courts of Pleas and Quarter Sessions. [Embraces the counties of Beaufort, Rowan, Granville, Hertford, Craven, Wayne, Green, Yancey, Davidson, Macon; the magistrates of which may form themselves into classes of 5 or 6, to be drawn in the same manner of jurors.]

12. To amend an act to incorporate the Fayetteville and Western Rail Road Company. [Provides that on the subscription of two-fifths of \$1,250,000 of the stock of said company by individuals, a subscription of three-fifths shall be made by the State, to be paid one fourth when the work shall be commenced and one-fourth every six months thereafter, on the payment of an equal proportion of the private subscription.—the money received on the bonds for Cherokee lands, in the first place, to be applied to said payments, and secondly, that arising from the fourth instalment of the surplus, if paid over to the State; and if not paid in time, to be raised by loan or sale of State scrip, to an amount not exceeding \$500,000. The act further provides for a survey of Nag's Head, with the view of ascertaining the practicability of opening an inlet at that place.]

13. 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, and after 1839 Guilford Court is to be held two weeks as heretofore, and Stokes one week.]

14. Limiting the time in which title to land heretofore entered and paid for may be perfected. [Allows until 1st January, 1841.]

15. To appoint commissioners to lay off a part of the great State road from Presley Sappard's to Fr. derrick Seavers. [Commissioners to report to county courts of Wilkes and Ashe, which courts may order out hands to work on said road.]

16. To amend the revenue laws of this State. [Requires county courts, on application, to value lands which may not have been valued and returned by board of valuation; makes valid acts of boards appointed and where several persons are liable for tax on lands; requires court, with two freeholders on application, to apportion valuation among such persons, and makes each person liable for his own share of tax, and no more. Court may receive returns of taxables at any time before 1st of April; and may release persons from double tax. Where courts have not appointed boards, extends the time for their appointment until first court after 1st May next; & makes the assessment of the justices, where they were appointed, instead of a board, binding.]

17. Making an appropriation of seventy five thousand dollars for carrying on and completing the Capitol, and also directing the payment of \$30,300 borrowed by the commissioners.

18. 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.]

19. To amend the inspection laws. [Appoints one inspector for each steam mill in Wilmington, and limits them to the inspection of lumber only. Regulates the fees to 30 cents for lumber and 15 for timber per 1000 feet; and places the river lumber on some footing with the steam lumber.]

20. Vesting in the United States of America jurisdiction over a certain tract of land in the town of Fayetteville, on which the Arsenal is to be erected.

21. To incorporate the Weldon Rail Road Company. [For the purpose of constructing a rail road from some point on the Raleigh and Gaston road between Littleton and the Roanoke to the termination of the Portsmouth road, at Weldon. Capital \$200,000, in shares of 100 dollars each.]

22. To authorize the laying off and establishing a turnpike road from Cove creek in Rutherford county, to Joseph Garra's in Buncombe. [Incorporates a company, with a capital of \$10,000, in shares of 50 dollars each, which may be organized when \$5,000 shall have been subscribed.]

23. Supplemental to an act, passed at the present session, for establishing the county of Cherokee. [Organizing courts, &c.]

24. To incorporate the Hiwassee Turnpike Company. [Road from Murphy to Tennessee line, capital to be 3,000 dollars, in shares of 20 dollars each.]

25. Supplemental to an act of the present session to amend an act incorporating the Fayetteville and Western Rail Road Company. [Provides for the representation of the State in proportion to her stock; for the appointment of an agent by the State to examine the Books; for the subscription of three-fifths of a less sum than \$1,250,000, if the Board of Internal Improvement

shall be satisfied it can be done for less—prescribes the manner of making the loan; authorizes the banks to deal in the State stock or scrip; and requires the individual subscriptions to be made, and the work to be commenced in 4 years.]

26. Concerning weights and measures adopted by resolution of Congress as standards throughout the U. States. [Adopts as the standard of this State that recognized by Congress.]

27. To amend the 27th section of an act concerning courts of justice, practice, pleas and process. [Authorizes county courts to draw 42 jurors for the next succeeding term.]

28. Authorizing sheriffs and coroners, to make deeds, in cases where their predecessors may have failed to do so.

29. Relating to the public road in the county of Buncombe. [Appoints commissioners to designate such alterations and amendments as may be deemed necessary, on the public road leading from Asheville to Waynesville, which shall be executed by the overseers and hands of said road.]

30. To amend an act of the present session, to extend the time for registering grants, deeds, mesne conveyances, &c.—No grants of swamp lands surveyed by the State, with the view to draining, to be recorded.]

31. To amend the Revised Statute entitled Bastard Children. [Gives to the county and superior courts the power to legitimate bastard children.]

32. Prohibiting marriages between free persons of color and white persons. [All such marriages to be null and void.]

33. To appoint commissioners to alter and amend a part of the State road in Cherokee county.

34. 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.]

35. Concerning the appointment of clerks of the Superior Courts. [When not convenient for Judge to administer the oaths, he may commission two justices to perform that duty.]

36. To amend an act concerning the action of replevin.

37. To divide the counties into school districts and for other purposes. [Directs that the sense of the people be taken at the ensuing election for members of Congress, on the subject of common schools. All who are in favor of raising, by taxation, one dollar for every two dollars, proposed to be furnished out of the Literary Fund for the establishment of common schools, in each school district, will vote "school"; those opposed will vote "no school". In each county accepting these terms the first county court that may happen after such election, shall appoint not less than five nor more than ten superintendents, of common schools, who, after accepting the appointment, shall forfeit fifty dollars on refusal to act. It shall be the duty of said superintendents to lay off the districts, to be not less than six miles square, and make return to the first court in 1840; and said superintendents shall appoint not less than three nor more than six school committee men in each district, as their assistants.]

In every county voting for school, the first county court after 1st Jan. 1840, shall levy a tax of 20 dollars for each district, as other county taxes, to be placed in the hands of the school committee; and the sum of 40 dollars shall be appropriated to each such district out of the Literary Fund, to be paid when it shall appear that the district has established a school house sufficient to accommodate at least 50 scholars.—Should any counties refuse at the next election to accede to these terms, they may hereafter avail themselves of the provisions of this act, and receive the 40 dollars appropriated to each district.]

If not ascertained when the next census is taken, the Governor to provide for ascertaining the number of white children in the several districts, and any thing he may deem important to the establishment of a just and equal system of common schools throughout the State, and lay the same before the next Legislature. County trustees or agents to make returns to the Governor of all taxes levied and collected in their respective counties, except revenues paid into public treasury, specifying sources from whence they were drawn, with an account of the disbursements of the monies so collected. This information is intended to furnish data for future operations, in carrying out the system of which this is but the commencement.

It is thought that under this system the schools can begin by the middle of 1840, & be carried on during the last six months of that year, and that after 1840, the Literary Fund can furnish each school district with \$80 annually upon their raising by taxation \$40.

38. An act concerning the election of Constables in certain cases. [Provides that the elections shall be held 30 days before the county court, which may fall on the last Monday of December, or the first Monday in January.]

39. An act appointing Commissioners to lay off a Public road from Barnesville, Yancey county, to the Tennessee line. [Appoints John Roberts, John Ramsay and George Grogan, Commissioners for this purpose, at 2 dollars per day each.]

40. 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, beginning on the top of Pisgah mountain on the Haywood line, and running to the Rutherford and South Carolina lines.]

41. 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 before.]

ted specially for the county of Henderson. Provides for the organization of Courts and County Officers. Buncombe and Henderson to be represented as one county until otherwise ordered.

42. To lay off and establish a county by the name of Cherokee. [Erects that portion of country, recently sold under authority of the State, into a new county.]

43. To give effect to the Revised Statutes, as published, shall be held and taken to be the true text.

44. To prevent the malicious obstruction of Rail Roads. [Imposes fine and imprisonment on all persons placing obstructions of any kind on Rail Roads.]

45. 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.]

46. To amend the 55th section of the Revised Statute, entitled "Insolvent Debtors." [Provides that where 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.]

47. 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.]

48. To incorporate the Cape Fear and Western Steam Boat Company of North Carolina.

### PRIVATE ACTS.

1. An act to incorporate the trustees of the Greensborough Female College, in the county of Guilford.

2. Incorporating the town of Morganton.

3. To incorporate the trustees of Davidson College.

4. Making valid certain surveys made by the deputy surveyor of Haywood county.

5. Circumscribing the corporate limits of the town of Milton.

6. To appoint commissioners for the town of Hertford, and for other purposes.

7. For the better regulation of the town of Greenville.

8. To incorporate Caroline Cook and her four children.

9. To incorporate the trustees of Pleasant Grove Academy, in Perquimans.

10. To incorporate the trustees of Rutherford Male and Female Academies.

11. Incorporating the Rocky Mount Manufacturing Company.

12. Incorporating the High Shoals Manufacturing Company.

13. Incorporating the Lexington Manufacturing Company.

14. Appointing Commissioners for the town of Bethania, in Stokes county.

15. Incorporating Junco Academy, in Orange county.

16. Authorizing the forming a fire engine company in the town of Bethania, Stokes county.

17. To incorporate the Washington Mining Company.

18. To incorporate the Yadin Manufacturing Company.

19. To establish the Salisbury Female Academy, and incorporate the Trustees thereof.

20. To incorporate the Buncombe Warm Spring Company.

21. To amend an act establishing Clemmonsville Academy.

22. To authorize the construction of a bridge across Trent river.

23. An act to incorporate the Phoenix Company, in Fayetteville.

24. To incorporate the Randolph Manufacturing Company.

25. To authorize Arch'd. K. S. Hunter to move the bridge by him built across Hiwassee river.

26. Incorporating the trustees of Randolph Female Academy.

27. To incorporate the town of Mocksville in Davie county.

28. To incorporate the Weldon Manufacturing Company.

29. To exempt lock-keepers on the Diabul Swamp Canal from working on roads.

30. To incorporate the Raleigh Guards and Henderson Light Infantry.

31. To incorporate the Mutual Fire Insurance Company, in Elizabeth City.

32. To alter the mode of electing constables in this State, so far as relates to the county of Martin. [Vests the right to elect in the county court.]

33. Compelling the jailer of Stokes county to live in the jail, and for other purposes.

34. Allowing compensation to the wardens of the poor in the county of Wayne.

35. Changing the time of holding the County Courts of Wilkes.

36. Concerning the County Courts of Iredell.

37. To repeal the act of 1835, allowing compensation to the jurors in Yancey county.

38. Empowering the County Court of Buncombe to draw jurors for each week of the Superior Court of said County.

39. For the better regulation of the county courts of Rutherford.

40. Concerning the militia of the county of Beaufort.

41. To authorize the captains of 25th regiment of N. C. Militia of Jones county to muster their company once every three months.

42. To change the time of holding the County Courts of Rowan, to 1st Monday in February, May, August and November.

43. Directing officers 87th regiment of Davidson county to hold two and not more than four drill masters a year.

44. Authorizing the county courts of Duplin to appoint assessors and hands to clear on Roanoke creek in said county.

45. Making compensation to jurors of Columbus county of \$1 per day.

46. Appointing county trustee and treasurer of public buildings for the county of Columbus.

47. To amend the several acts heretofore passed in relation to the burning of







