

N. Carolina Legislature

SENATE.

Monday, Nov. 15.

A quorum of the members being present, the Senate was organized, and the following officers appointed, viz: Bartlett Yancey, Esq. Speaker; Benjamin H. Covington, Clerk; James W. Clark, Assistant Clerk; and Messrs. Wheeler and Ray, Doorkeepers.

On motion of Mr. Speight, a committee was appointed to draw up Rules of Order for the government of the Senate.

On motion of the same gentleman, a message was sent to the House of Commons, informing them of the organization of the Senate.

Tuesday, Nov. 16.

A message was received from the H. of Commons, proposing that a select joint committee be appointed to wait on the Governor and inform him of the readiness of the Legislature to receive any communication from him which he may have to make to them. The message was agreed to. The committee consisted of the following gentlemen, viz: on the part of the House of Commons, Messrs. Polk, R. H. Jones and Scott; from the Senate, Messrs. Carson, Speight, and Shober.

Messrs. Forney, Wellborn and Seawell were appointed a committee in conjunction with Messrs. Helme, Williamson and Baily of the other House, to prepare joint rules of order for the government of the two Houses.

Mr. Carson, from the committee appointed to wait on the Governor, reported that he would make his communication on to-morrow 12 o'clock.

Wednesday, Nov. 17.

In accordance with the message from the House of Commons, a select joint committee was appointed to suggest some uniform mode for the call of the two houses, composed of Messrs. Cox, Skinner, Mathews, Cherry and Bain of the House of Commons, & Messrs. Speight, Vanhook, Wellborn and M'Leod, of the Senate.

HOUSE OF COMMONS.

Monday, Nov. 15.

One hundred and eighteen members being present, the House was organized by the appointment of Alfred Moore, Esq. as Speaker; Pleasant Henderson, Clerk; and Charles Manly, Clerk Assistant. John Lumsden and Richard Roberts were appointed Doorkeepers.

On motion of Mr. Hill, of New-Hanover, a writ of election was issued to the Sheriff of Brunswick county, commanding him to hold an election on the second day of December, to elect a Representative to the Legislature from that county, in the place of Jacob Leonard, deceased.

On motion of Mr. Edwards, a writ of election was issued to the Sheriff of Jones county, commanding him to hold an election in said county, for a member of the Assembly, to supply the vacancy occasioned by the death of Amos W. Simmons, deceased.

Messrs. Sheppard, Miller and Polk, were appointed a committee to prepare rules for the government of the House.

Tuesday, Nov. 16.

On motion of Mr. Miller, the following standing committees were appointed, viz:

Committee of Claims—Messrs. Conrad, Edmondson, R. Martin, J. L. Hill, Whitaker, Webb, Hines, Lamon, Barrow, Walton, Edwards, Nixon, S. Miller, Cutpepper and I. Smith.

Propositions and Grievances—Messrs. Carson, Sams, Polk, Melchor, Williamson, Busby, Fox, Cherry, W. D. Barnard, Roscoe, Cox, Underwood, Oliver, Ashe and Alford.

Education—Messrs. Wilson, Burgen, Flynt, Andrews, Scott, M'Caulay, Willis Alston, Stewart, Bailey, Hoskins, Goodman, Cowan, McNeil and Elliot.

Agriculture—Messrs. Ballew, McMillan, Hoover, Bodenhamer, Bowers, Ramsay, H. Bryan, Gary, Ball, Stedman, Helme, Crumpler, Foy, McFarland and Gordon.

Internal Improvements—Messrs. Graham, Swain, Shepperd, Baine, Taylor, Donoho, Gid. Alston, Drake, Picot, Vann, Burns, J. H. Hill, Lamb, Matthews and Meredith.

Privileges & Elections—Messrs. Miller of Wilkes, Weaver, Beall, Donnell, Rainey, Boon, Bynum, R. B. Daniel, Walton, Tillet, Jarman, Simmons, S. Miller, Tyson & Howell.

Wednesday, Nov. 17.

A message was sent to the Senate informing that Messrs. Jones of Warren, Rainey, Carson, Cowan, Watson, Iredell, Elliott and Wilder, form the committee of Finance on the part of this House.

Mr. Vail presented the petition of John D. Barber of Washington county, praying to be divorced from his wife—referred to the committee of Propositions and Grievances.

On motion of Mr. Helme, it was resolved, that a Select Committee be appointed to enquire into the necessity of amending or altering the laws of this state relative to administrators and executors, and that they have leave to report by bill or otherwise. Messrs. Helme, Stephen Miller, Shepperd, Scott, and Hill, of New-Hanover, form this committee.

On motion of Mr. Vail, it was resolved, that a Select Committee be appointed, to enquire what amount the Trustees of the University have recovered by virtue of the Laws vesting escheated property in them for certain purposes; what amount they have expended of said fund and for what purposes, and how much money or other estate real or personal remains on hand, and in whose hands, and report to this House. Ordered to lie on the table.

Several ballottings took place on this and the two preceding days, for Engrossing Clerks, but owing to the number of candidates (sixteen) but one received a sufficient number of votes to elect him, viz: Samuel F. Patterson, of Wilkes.

The following message was received from the Governor:

To the Honorable the General Assembly of the State of North-Carolina:

GENTLEMEN,

Under our admirable constitution, and the present wise administration of the General Government, we can sincerely congratulate one another in the prosperity and harmony of every part of our great political union. In regard to our national interests, foreign or domestic, there is nothing to improve and nothing to censure. The expression of approbation, which all parties are constrained to make of the present administration, is an evidence of the wisdom, and a proud comment on the justice and impartiality of our enlightened Chief-Magistrate. His equanimity and liberal views has reconciled the two great contending parties, diffusing throughout the Republic, mildness, concord and brotherhood. His strict adherence to and democratic construction of the Federal Constitution, has given another happy epoch to the Republic, of progressive wealth, reputation and individual happiness.—The period of his service will form a proud

and interesting page in our national history, and an exquisite feast to the scrutinizing eye of futurity. This pleasing view of the Administration of our illustrious President, induces a confident hope, that we, the citizens of North-Carolina, and of the Union also, will unanimously support his successor, sacrificing our animosities, and the asperities of party zeal, at the altar of concord, and fraternize with undivided strength, in defence of the constitution of our country. This cheering hope, Gentlemen, cherishes a firm belief, that faction, or its baleful influence, will be excluded from our deliberative councils, and that we will, dispassionately, act like brothers of the same family, in pursuing the general good.

I may congratulate the Legislature, and the friends of Internal Improvements generally, in this state, that the works in the Cape-Fear River, both below and above the town of Wilmington, have been attended, so far, with signal success; a success which must fully equal the expectations of the most sanguine, when we consider the difficulties which have been encountered in their progress, and that all works of the nature of those at the Flats below Wilmington, must have time to complete their effect. From the best information, it may be safely affirmed, that all doubts of their ultimate success, are at an end. There is, at present, no difficulty in the navigation, to any shipping which could come up to the port, previous to the erecting of the embankments; and by the mere force of the current, without the aid of drags which were intended to be used, the channel is evidently deepening. The immense importance of this work to the State, and its evident practicability, is a strong inducement to determine us never to lose sight of, or abandon it, until fully accomplished.

Mr. Fulton, the State Engineer, has succeeded in rendering the River, above Wilmington, navigable for Steam Boats, for more than sixty miles, at the lowest water, and that too without the expense of jetties; and there is no doubt, that in the course of the next year, Steam-Boat navigation, may be attended to the town of Fayetteville, at the lowest summer water. The uniformity of price which would result from the accomplishment of this labour, in the produce of the farmer, and in the necessary articles which he might want in return for it, such as salt, iron, or other merchandise, renders these improvements of the greatest importance to the people.

It is, also, confidently believed, that the State will be able, in the course of the two years, to effect the navigation of the Cape-Fear, to the junction of the Haw and Deep Rivers.

Mr. Fulton, for the present year, has been solely employed by the Board of Internal Improvements, on the waters of Cape-Fear River, to fulfil a maxim, I believe, agreed on by every one, that it is the best policy to accomplish one important object, before we begin with another. This necessary consequence arises from the state of our funds; therefore, the other Public Improvements remain *in statu quo*. But I must confidently trust and believe, the time is not far distant, when the Roanoke, that proud monarch of streams in this State, the Yadkin, the Neuse, the Tar, and every other River of respectable magnitude, will receive the ne-

cessary improvements, to render them completely navigable, and abundantly productive of wealth to the community, but more especially to their immediate tenants.

In order to render our navigable streams of more extensive and general use, and to carry the work of improvement to every man's door, the Legislature will, I presume, never neglect that object of universal interest, the improvement of Roads. Our Rivers, Creeks and Canals, are the great veins and arteries of the State; but they are of comparative inutility, if we neglect to keep open those lesser channels, our Roads, by which sustenance is conveyed to every part of the great body. The facilities of internal commerce are so intimately allied to the moral condition of the people, and have so great an influence on the personal comfort, wealth and intelligence of our citizens, and consequently, on our state wealth and general aggrandizement, that it has been with the deepest interest and zeal that I have uniformly invited the attention of the General Assembly to that subject since I have been in office.

The encouragement which the Legislature has lately given to Agriculture, augurs well for its advancement in this State. Already have numerous Agricultural Societies been formed and organized, which promise much for its improvement. In your deliberations, therefore, the people may confidently expect, that this their first interest, the foundation of their wealth and happiness, will be ever present; and that all your measures, in any way related to it, will have a view to its promotion.

It may not be amiss, Gentlemen, to say somewhat on the subject of Literature. It is unquestionably of vital importance to the respectability of the State, as well as individual prosperity and happiness. But I have harped on it so often (and as often, I presume, have my predecessors) that I now touch the chord with almost hopeless expectations and frigid indifference. But whilst I see our sister States boasting of millions appropriated to that fund; and that well organized little Republic, Connecticut, proudly declaring, that her every son and daughter can read and write—by the contrast our policy forms with their regulations, I am irresistibly constrained to invite your attention to the improvement of the minds of the rising generation of North-Carolina.

Our Fiseal Department is in a flourishing situation; our Treasury abounding in gold and silver, or its adequate value, collected from the people, and not one cent appropriated to the improvement of the minds of their children. I mean those who have not the means to afford their sons and daughters liberal educations. Surely, then, we cannot, consistent with good policy, hesitate to create a fund, that will assist the parents of every denomination, to initiate their offspring in elementary rudiments of learning. Knowledge, well and generally diffused amongst every class of our citizens, is the best security of constitutional rights and liberties. It will enable them to resist all innovations of Demagogues or ambitious men, whose views to the constitution are inimical or subversive.—The people are industrious and patriotic, they cheerfully subscribe to the necessary demands of the state upon their purse, without a murmur. They would most

gladly receive, and gratefully acknowledge your patronage for the improvement of their families. They have a right fully to anticipate your fostering care, and I cannot doubt but that the advantages resulting to society from such measures, will claim your wise and well digested liberality towards them.

Our Criminal Code appears to me, to require a revision and the serious deliberation of the General Assembly. I would respectfully recommend the entire abolition of whipping and cropping; and in their stead the substitution of labour. A former Legislature distinguished itself by abolishing imprisonment for debt, which was justly considered a relic of feudal barbarity and oppression. Cropping and whipping are among the few which still blacken our Statute Book, and which our prejudices still refuse to part with. I would also respectfully suggest to the Legislature, whether it would not be expedient for Jailers in the several counties of the State, to enforce labour on all persons imprisoned for crimes, for their jail expences at least. The object of imprisonment would, in this way, be more fully answered, and a large sum of money annually saved to the public.

The great number of Slaves recently emancipated in the United States, and thrown on the community, without property or regular employment, has constrained a considerable portion of these miserable people to emigrate to the Island of Hayti, for protection and the blessings of equality. Also many free persons of color, who never tasted the bitter cup of slavery, have visited that island. It is suggested, with much diffidence, whether it would not be expedient to prevent a return of those emigrants to our State, as a view of our own safety and tranquility seems to require this prohibitory measure.

The Commissioners appointed agreeably to an act of the last session of the General Assembly, to purchase, on behalf of the State, the claims of certain Cherokee Indians to reservations of land in our Cherokee territory, have effected a treaty with the claimants, by which they agree to relinquish their claims and remove from lands.—The Treaty, which it is hoped will be satisfactory to the General Assembly, is herewith laid before your honorable body, together with the Report of the Commissioners.

In obedience to the act of the last General Assembly, entitled "An act concerning the Cape-Fear Navigation company," the Board of Internal Improvements have subscribed for twenty-five thousand dollars to the capital stock of said Company.

The Roanoke Navigation Company have not yet determined whether they will receive the subscription proposed by the last General Assembly for the purpose of locking into the river at Weldon's Orchard.

My Letter Book, and other Documents, shall be laid before you in due time.

In retiring from office, I beg leave to express the grateful acknowledgements which I sincerely feel for that confidence which the People, by their Representatives, have for the last three years reposed in me. The only return which I can make them is my anxious desire that the measures in which we have been engaged, and on which our public and private welfare so much depends, may