

Legislature OF NORTH-CAROLINA.

IN SENATE.

Friday, November 23.

The bill from the Commons to provide for the appointment of Superior Court Clerks in cases of vacancy during the recess, was read the first time.

Mr. Campbell presented the petition of Mr. Matthews, of Iredell, praying the emancipation of a negro.

Mr. Collins presented a resolution relative to the pay of the Detached Militia who were assembled at Hillsborough and at Gates C. House, previous to their marching to Norfolk—referred to a joint select committee, consisting of Mr. Collins and Mr. Roberts of the Senate.

The allowances granted by the County Courts of Warren and Mecklenburg to widows of militia soldiers wounded in the revolutionary war, were countersigned by the Speakers.

Saturday, November 23.

Mr. Roberts presented a bill to confirm an accurate survey of the town of Beaufort, in Carteret county, and for other purposes.—And

Mr. Murphey, a bill declaring valid the proceedings of the subscribers for improving the navigation of Roanoke and its waters, at a general meeting held at the town of Halifax in November last.

Mr. Davidson presented the petition of the President and Directors of the Catawba Navigation Company, praying for an alteration and amendment of their charter.

Mr. Plummer presented the report of the Commissioners of the Roanoke Navigation Company—read & referred to the Committee on Inland Navigation.

The house took up the order of the day on the 2nd reading of the bill to establish a Superior Court in Columbus—read and referred to a select joint committee.

Monday, November 23.

Mr. Baker presented the petition of some of the inhabitants of Martin and Beaufort, praying to have part of Beaufort added to Martin—referred to the committee of Propositions and Grievances.

On motion of Mr. Murphey, Resolved, that the Public Prisons in this state, and that they have leave to report by bill or otherwise.—Mr. Murphey and Mr. Vanhook appointed on the part of the Senate.

Mr. Longmire presented the petition of Christiana Wolf of Buncombe, praying to have secured to her such property as she may hereafter acquire.

Mr. Sanders from the committee of Propositions and Grievances, presented a bill to compel the officers of the 2d Regiment of Anson to Review at the place of holding Regimental Musters—also a bill to establish a Turnpike road in Burke.—Read and sent to the House of Commons.

Tuesday, November 26.

On motion of Mr. Skinner, Resolved, that a joint select committee be appointed to enquire into the laws relative to the descent of real and personal estates, with leave to report by bill or otherwise.—Messrs. Plummer and McRee compose the committee on the part of the Senate.

On motion of Mr. Sanders, Resolved, that a joint select committee be appointed, and that they enquire of the Presidents of the State, Newbern and Cape-Fear Banks, the amount of notes by them issued respectively, and their capacity to discharge the same, and that they further enquire whether they will pledge themselves jointly to assume the payment of all sums which may be due from the citizens of this state to the United States, after the day of February next, and receive their own notes in payment of the same, should Congress not suspend or repeal the resolutions passed at their last session, directing the Secretary of the Treasury not to receive in payment any dues to the U. States excepting specie or the notes of such banks as discount the same with specie.—Messrs. Sanders and Wynns to compose the committee on the part of the Senate.—This resolution was laid on the table in the House of Commons.

Mr. Hume presented the petition of the Grand Jury and others, of Wilkes, praying the Legislature to take measures to clear out the Yadkin river for the passage of boats.—Referred to the committee on Inland Navigation.

Mr. John Moore presented the petition of the inhabitants of Rutherford, praying the passage of an

act to appoint Commissioners to lay off and keep in repair a road across the mountain at Mill's Gap.

Mr. Baker presented a bill to amend the act of 1804, to incorporate the town of Hamilton.

Wednesday, November 27.

On motion of Mr. B. Smith, Resolved, that his Excellency the Governor, be requested to lay before the Legislature, all the communications from other states respecting Penitentiaries.

Mr. Roberts presented a bill to regulate the pilotage at Beaufort Bar, and to appoint Commissioners of Navigation.

On motion of Mr. Gilson, Resolved, that the committee of Finance be instructed to examine the laws relative to the equalization of the land tax, and particularly as to the mode of valuation.

Mr. Wright presented a bill to authorize the county court of Surry to lay a tax for the purpose of building a new Jail, &c.

Mr. B. Smith presented a bill to amend the act establishing an Academy in Smithville.

The bill declaring valid the proceedings of the subscribers for the improvement of Roanoke navigation passed its second reading.

Mr. John Smith presented a bill to repeal the act to enlarge the authority of the Commissioners of the town of Newbern.

Mr. Collins presented a Resolution proposing the issuing of eighty thousand dollars in Treasury Notes, to be paid into the State Bank in part of the deferred debt due said Bank by the State, provided the Directors consent to receive them.—Referred.

Mr. Nelson presented a bill for the better regulation of the town of Germantown, Stokes county.

Mr. John Hinton presented a bill to alter the time of holding the county courts of Wake.

Mr. Sanders from the committee of Propositions and Grievances, presented a bill to restore Isham Sheperd of Richmond county, the privileges of a citizen.

HOUSE OF COMMONS,

Friday, Nov. 23.

Mr. Pickett presented a bill to provide for the appointment of clerks of Superior courts of Law, in cases of vacancies during the recess of said courts,—and Mr. Badger, a bill to amend the act relating to the Library Company—both of which passed the first reading.

On motion of Mr. Porter, of Rutherford, Resolved, That our Senators in Congress be instructed, and our representatives requested to use their endeavors to obtain permission and authority, from Congress, for the State of North-Carolina, to purchase such lands belonging to the Cherokee nation of Indians, as they may be disposed to sell, lying within the limits of this State. Resolved further, That his excellency the Governor be requested to furnish each of our senators and representatives in Congress with a copy of the foregoing resolution.

Received from the Senate a bill to establish a Superior court of law and court of equity in the county of Columbus, and for other purposes.

A message was received from the Senate, containing the reference, by that house, to several committees, of the different subjects embraced by the Governor's message—and the house adjourned.

Saturday, Nov 25.

On motion of Mr. R. H. Jones, ordered, that a committee, consisting of Messrs. Jones, Dudley, and Badger, be appointed to acquire into the expediency of providing, by law, for the disposition of negroes and persons of colour, who have been or may hereafter be imported into this State, in contravention of an act of the congress of the U. S. passed March 1, 1808, with leave to report by bill or otherwise. Committee on the part of the Senate, Messrs. Wright and Macay.

On motion of Mr. Stewart, a committee on arrears of taxes was appointed, consisting on the part of the house, of Messrs. Benton, O'Kelly, Stewart, Hoke, and Caldwell; on that of the Senate, of Messrs. Bower, Longmire, and Ballard.

Mr. Welch presented a bill to establish a separate election at the house of John Moody, in Haywood county, and for other purposes.

His excellency William Miller was re-elected Governor of this State, without opposition.

Mr. Porter, of Rutherford, presented sundry petitions from the inhabitants of Rutherford and the counties adjacent, praying that a convention may be called for the purpose of revising the constitution, and praying also a revision of the judicial system. Referred to a select committee, con-

sisting of Messrs. Porter, Callaway, King, Nash, Daniel Jones, Drew, L. D. Wilson, Manly, Iredell, Badger, Slocumb, Laidley, Cowan, Pickett, and Winslow, on the part of the house, and Messrs. Raybourn, Pearson, Murphey, A. Jones, McKay, Roberty, Sparkman and Plummer, Senate.

The following are the committees on the Governor's message.

On so much as relates to a communication from the Governor of Virginia, relative to the defence of the Chesapeake Bay.—Senate, messrs. Nixon and Thos. Williams; House of Commons, messrs. Drew, Cowan, Inge, and Martin.

Inland Navigation.—Senate, messrs. Murphey and Wynn. House of Commons, R. H. Jones, Inge, Chambers, Iredell, Warner Williams.

Public Instruction.—Senate, messrs. Murphey and Hinton. House, Nash, Settle, Drew and King.

Judiciary System.—Senate, messrs. Plummer and A. H. Jones. House, Iredell, Pickett, Badger, and R. H. Jones.

Penal Code.—Senate, messrs. B. Smith, and Bell. House, messrs. Nash, Winslow, Phifer, and Warner Williams.

Furnishing of arms by General Government.—Senate, messrs. Davidson and Baker. House, messrs. Dudley, Porter, Jacobs, and Baylan.

Proposition of Massachusetts to amend Constitution.—Senate, messrs. Sanders and Hawkins. House, messrs. Daniel Jones, Henderson, Brown and Hoyle.

State Papers and Public Documents.—Committee on Public Records.

Monday, Nov. 25.

The bill to compel the banks to pay specie, was referred to a committee consisting of messrs. Drew, King, R. H. Jones, Chambers and Walker of Warren.

Mr. Drew presented a bill supplemental to an act to prevent the circulation of small promissory notes and due bills, Mr. Callaway a bill allowing further time for registering grants, &c. Mr. Parish a bill to amend the inspection laws in regard to shingles.

The report of the commissioners on the Roanoke Navigation was received from the Senate and referred to the committee on Inland Navigation.

Mr. Jacobs presented the petition of the Bertie manufacturing Company, which being read, Mr. J. presented a bill to carry into effect the prayer of the petition.

Mr. King presented the memorial of John Winslow, Esq. President of the Cape Fear Navigation Company, on the subject of the navigation of said river.

On motion of Mr. Boylan, a committee on Military Land Warrants, was appointed, consisting of messrs. Boylan, Porter, Bryan, of Bertie, and Slocumb, of the house. To which committee the petition of Wm. Tate, of Wake, was referred.

On motion of Mr. Porter, Resolved, That the committee to whom was referred the bill relative to the banks, be directed to enquire of the officers of the State Bank, whether the whole of the capital is subscribed, and if not what sum remains unsubscribed. And that they extend their enquires to ascertain what answer was made by the officers of said bank to the letter of the Secretary of the Treasury of the United States, relative to the payment of specie; and also what quantity or amount of old paper currency of this state, is deposited in their vaults.

The following answer of the President of the United States to a Communication of a vote of thanks by the last Legislature of North-Carolina was ordered to be printed.

Washington, January 4, 1816.

SIR:—I have received your communication of the 28th ult. and I cannot be insensible to the approbation expressed of my conduct during a momentous period, by the legislature of a state, which bore with distinguished patriotism, its share of the trials which were encountered.

In recommending the appeal to arms, the reluctant duty was prescribed by the honor, and sanctioned by the voice of the nation; and in concurring in a peace which provided for its interests, and elevated its character, I consulted not less the obligations of my public trust, than the principles which I have ever cherished.

The arduous contest, with the augmentation of its pressures, from fortuitous events, through which our country has successfully passed, may now be reviewed with instruction, as well as with consolation; and the review will never fail to encourage a confidence in the energies of a free

people, and in the blessing of Heaven on a just cause.

I pray you, sir, to assure the General Assembly that their kind partiality has made on me all the impressions which I ought to feel; and to accept for yourself, my high and friendly respects.

JAMES MADISON.

Wm. MILLER, Gov. of North Carolina.

Mr. R. H. Jones, presented the following resolution; Whereas it is necessary for adjusting the claims of North-Carolina upon the general government for monies advanced in payment of the militia called into the service of the United States, that the pay and receipt rolls should be transmitted to the war department, Resolved, that his excellency the governor of this state be authorized and required, after having caused a copy to be taken and lodged in the Comptroller's office, to transmit to the war office the original pay and receipt rolls now in that office.—Sent to Senate for concurrence.

Mr. Drew presented a bill concerning the administration of justice in the courts of this state; Mr. Iredell (from the committee on that part of the governor's message—a bill concerning the supreme court.

Received from the Senate a bill declaring valid the proceedings of the subscribers for improving the navigation of the River Roanoke and its waters, at a general meeting held in the town of Halifax, in this state, on the first Monday of Nov. 1816. Read the first time and returned.

The bill to authorize Isaac Barber, of Perquimans county, to make a road, and cut a canal to drain the same, and for other purposes; and the bill to establish and confirm the judgment of the superior court of law of Richmond county, divorcing Matthew Cole and his wife Elizabeth from the bonds of matrimony, were severally read the third time in this house, and passed.

The petitions of sundry inhabitants of Martin and Beaufort counties, and of the directors of the Catawba navigation company, were received from the Senate, read and referred, the first to the committee of propositions and grievances; the latter to the committee on inland navigation.

Received from the Senate, the bill to confirm an accurate survey of the town of Beaufort and for other purposes. Read the first time and passed.

REPORT ON THE PENITENTIARY.

Mr. Winslow presented the following report: The undersigned, commissioners appointed to collect information upon the subject of a Penitentiary, beg leave to report the result of the labors.

They have to regret that on some of the points of enquiry, their information is incomplete; but, if enough is collected on which to form an opinion as to the expediency and policy of establishing such an institution, the necessary details can easily be procured in due time. They addressed a circular to each of the clerks of the Superior and County Courts of this state, requesting lists of criminal prosecutions for the last five years; but, of one hundred and twenty-three clerks, sixty-four only have made returns. These returns have been reduced to method, and are now presented in the shape of an abstract, giving several views of the subject; and altho' the number of returns is greatly deficient, yet the ratio, it is presumed, exhibits a result, to every practical use on the present subject, as satisfactory as the whole would do.

The commissioner addressed letters to Massachusetts and Kentucky, making minute enquiries on the subject of the Penitentiaries in those states, and requesting to be furnished with plans and with reports of their proceedings but no answer has yet come to hand.—To a similar address, however, to a gentleman of Richmond, in the state of Virginia, a prompt and satisfactory answer was given; in which the keeper who makes the communication, and who appears to be a very obliging and intelligent man, expresses an expectation of visiting shortly, all the Penitentiaries in the northern states, and offers, on his return, to furnish the state, with an improved plan, should it be desired. His letter and statements, and the plan accompanying them, will be found interesting and useful.

A gentleman has politely put into the hands of the commissioners, for their inspection, a draft of the state prison and penitentiary of New Jersey which it is believed would afford some useful hints in the structure of one in this state. And they have been furnished with an elegant plan drawn by Wm. Nicholls, a professional architect of Edenton, in this state, together with some remarks and ex-

planations, and an offer of his services should the measure be adopted.

The commissioners wishing the state to avail herself of the best possible plan in point of convenience, durability and comfort, forcar at this time to recommend any specific form or site for the building, from a belief that much aid may hereafter be derived from the practical information of the keeper of the state prison at Richmond, and some probably from the states of Kentucky and Massachusetts. And as to the prices of the necessary materials for building, the commissioners are unable to give any precise account, for since the receipt of the plans, by which they were informed of the kind of materials proper for such work, they have had no opportunity of satisfying themselves on this part of the subject, and cannot, for the same reason, furnish the relative cost of building at Hillsborough, Raleigh and Fayetteville. But they are satisfied the houses and walls should be built either of stone or brick; and if of the former, some stone would be required for the caps and sills at least.

From all the information the commissioners have been able to procure, and from their own reflection and deliberate exercise on the subject, they are of opinion, that the sum of one hundred thousand dollars would be sufficient to erect such an establishment as would in all respects suit the exigence, population and public expectation in this state. If the sum were so appropriated as to be advanced by annual instalments of twenty thousand dollars, the burden, it is respectfully submitted, would scarcely be felt, and the advances would be unprofitably laid out. Thus, in five years, the whole work might be completed. But the plan should be so formed as that one part of the buildings might be finished for the reception of criminals, and for the usual operations of the institution while the other is progressing.

[Here follows a detail of the papers accompanying the report, with an account of the expenses ascertained to be incurred in collecting information, amounting to \$172—cents.]

The commissioners have now laid before your honorable body all the information they cannot conclude their report without including, for a moment in the expression of solicitude for suffering humanity.

If to ameliorate the condition of wretched man be an object worthy of legislative employment; if equal justice, the birth-right of every American, still be regarded as a principle; if humanity, and benevolence be permitted to plead their own cause; in fine, if sound policy is to test the measure, the commissioners submit with the utmost deference and respect, whether a penitentiary in some form, is not a subject highly interesting, and one which calls aloud for legislative sanction.

To consider the abstract question of expense (which is but one branch of political economy, (is to seize upon the strongest ground of opposition. And yet the expense of building once encountered, all difficulties and objections cease. So at least experience has elsewhere proved.—And it is no slight evidence of the value and utility of such an institution, that after a fair train of harkned reasoning, to shew the policy of the measure, from the present want of certainty in our convictions; nor from the happy result of laws, mild, equal and humane.—Such reasons abound in every intelligent mind. Nor can it be necessary at this day, to repeat what has been so often said, that punishment should be proportioned to the magnitude of the offence. Yet the commissioners must beg leave to call the attention of the Legislature to the glaring impropriety of punishing alike the murderer and the petty thief. To reform the penal code is the great object in the erection of state prisons and penitentiaries.

With profound respect the commissioners have the honor to be your most obedient servants

J. WINSLOW, Wm KIRLAND, H. PORTER, Commissioners.

The foregoing report was referred to the committee on the penal code.

Wednesday, Nov. 27.

Mr. Hunt presented the petition of Peter Arington, stating that David Ricks, one of the members representing Nash county in this house, is not legally entitled to his seat, and praying that the matter be enquired into. Referred to the committee of privileges and elections.

Mr. Seth Jones presented a bill relative to the Bank of the United States. [Respecting the establishments of a branch at Raleigh, &c.] And Mr.