

REPORT

Of the Treasury of the Board of Trustees of the University.

RALEIGH, 15th December, 1829.

To the President & Board of Trustees of the University of North Carolina. GENTLEMEN: I have the honor to inform you that the receipts at the Treasury of this institution, within the past fiscal year, embracing a period from the 20th November, 1823, to the 20th November, 1829, amount to twelve thousand nine hundred and ninety dollars forty-four and three-fourths cents.

That the disbursements, within the same period, amount to ten thousand six hundred dollars and three-fourths of a cent.

Leaving a balance in the Treasury at the close of the said year, viz. on the 20th November, 1829, and hereafter to be accounted for, of two thousand three hundred and ninety dollars and forty-four cents.

The receipts at the Treasury as aforesaid, consist of the following items, viz.

\$1,463 50, derived from the dividends declared by the three several Banks of this State upon 375 shares of stock held therein, (the State Bank having declared no dividend for the six months ending with June last.)

\$140 collected and paid into the Treasury by John D. Hawkins, an attorney of the Board.

\$4,922 50 borrowed of the United States' Bank at Fayetteville, under a Resolution of the Board of the 24th June last.

5,602 263 paid in by Samuel Dickens, on account of sales of Western lands.

\$50 50, being the premium received on the exchange of a portion of Mr. Dickins' remittance, and on the sale of a part of the United States' Bank loan; the remainder of said loan having been paid out to the Faculty in the notes of that Bank before any exchange could be effected.

\$90 collected of Jacob Potts in full of his first and second, and in part of his third bond for the purchase of a piece of land near Chapel Hill.

\$204 62 of Bryan Kittrell, in full of the principal and interest of his bond due for the rest of the Steward's Hall.

\$103 164 collected and paid in by Robert H. Burton, an Attorney of the Board.

\$330, the balance of a debt due the Trustees by Edward Moore, and collected and paid into the Treasury by Thomas Ruffin. And the sum of \$32, being an expended balance of tuition and room-rent fees, remaining in the hands of the Superintendents at Chapel Hill, and paid over by Professor E. Mitchell.

The expenditures at the Treasury as aforesaid, have been incurred in discharging the balance due the Treasurer of the Board upon the last annual settlement of his accounts—in partial payments to the Banks of the debt due them by the Board—in the salaries to the Faculty and the other officers of the Institution—in the payment of orders and warrants drawn on the Treasury by the Land committee—and in the settlement of the other ordinary and contingent charges on the Treasury.

All which said several items of receipts and disbursements, are more fully and distinctly set forth in the accompanying Account Current, herewith exhibited.

Of the balance remaining in the Treasury on the 20th November, 1829, as herein reported, and hereafter to be accounted for, viz. \$2,390 44, the sum of \$205 49 is deposited, and stands to the credit of the Treasurer of the University in the State Bank—and \$1,484 95 is deposited, in like manner, in the Bank of Newbern, at Raleigh.

The Trustees owe to the three Banks of this State, and to the United States' Bank, an aggregate debt of \$24,616 41, viz. To the State Bank of North Carolina, at Raleigh, by bond, under the seal of the Corporation and signature of the President, the sum of \$17,163 81, due the 13th March, 1830.

To the Bank of Newbern, at Raleigh, \$5,549 16, due the 17th June, 1829.

To the Bank of Cape Fear at Fayetteville, \$6,403 44, due the 1st January, 1830.

And to the Bank of the United States at Fayetteville, \$4,500, due the 28th December, 1829.

I have also received during the past year, sundry letters, memorials, and other papers, requiring the consideration of the Board, and which are herewith submitted.

I have the honor to be, with the highest respect, your obt. servt.

MR. WHEELER'S SPEECH.

Hon. J. of Commons, December 7, 1829.

The Bill to amend an act passed 1806, repealing so much of said act as exempts Quakers, Moravians, and Mennonites religiously scrupulous of bearing arms, being under consideration.

MR. WHEELER of Hertford rose and said, that the original character of this bill had assumed an additional importance from the fact, that though proposed by able gentlemen, on this floor, it had passed two several readings.

MR. W. said, he could add but little weight to the opposition, yet as some portion of those citizens to whose kindness he was indebted for his seat in this House, would be materially affected by the final passage of the bill, he would waive all personal considerations, and discharge conscientiously his duty. While he differed with the gentlemen who had advocated the passage of this bill, Mr. W. wished to differ with due respect. We are so constituted, as often to see the same object in different views, and an honest difference of opinion should never make enemies. By the collision of different opinions, the truth is ascertained. The exemption of Quakers, Moravians and others from military duty was made in 1806, almost twenty-four years ago. It has become a custom sanctioned by the wisdom of our forefathers. It is the language of our Declaration of Independence, the Magna Charta of our liberties, that customs long established, should not be changed for light and transient causes. I would not be as severe as Peter the Great of Russia, and require every one who proposed an amendment or innovation on the ancient laws of the country, to do it with a halber about his neck; that if the proposed amendment was not approved he should suffer the penalty of his rashness—but would ask some good reason from gentlemen, before I aided them in destroying the ancient usages of the land, and changing away with a paraclete hand, the venerated works of our ancestors.

I have ever admired the wise reply of the sturdy Barons of England, "we will not change the old established custom of the land." I have listened attentively to the remarks of gentlemen in support of this innovation of the law, and while I admire their patriotic intentions, I cannot see the force of their arguments. They found the remarks on that part of our Declaration of Rights, which states, that "no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services." (sec. 3.) No one is a greater admirer of this republican feature in our institutions, than I am. All men should be equal and enjoy the same privileges. This exemption from military duty, has been so liberally extended by former Legislatures, that it could not be deemed by them an exclusive privilege.—The act of 1806, chap. 708, liberally extends this exemption to many who have no claim to such privilege, in consideration of public service. By this act, Clerks of the several Courts of Record are exempt, the State Printers, Sheriffs, Physicians, Ministers of the Gospel, Custom House officers, Postmasters, Stage Drivers, Students, Ferriesmen, Millers and many others. Can this exemption be extended on account of any public services? If the Quakers are to be reduced to the ranks, why not the other classes, who are exempt by this law? The Legislature acted wisely. There is no necessity in this nation for any large standing force. By a most happy locality of situation, as a nation, we are freed from the danger of sudden invasion. A wide ocean separates us from all dangerous and ambitious neighbors. We need not a force to be constantly in the field, for our history shows that every war in which this republic has been engaged, the event does not burst on us with the sudden fury of the tempest; but to the cautious eye, the cloud is long seen gathering in our political atmosphere, and we endeavor to avert the storm that is about to discharge itself on our heads. Even then admitting that these Quakers

were not exempt from military duty, what benefit could be derived from pressing them into the militia service at this time? I am conscious, that a well trained militia is the cheap defence of any nation; it is the sturdy arm of the hardy yeomanry of our country, forming a living bulwark for the defence of our liberties. But it might seriously be questioned, whether the militia, as it is regulated in the Southern and Middle States, is productive of good in any manner. In the excellent State Paper, which our Governor transmitted to us in the commencement of our present session, we find the sage remark "that the Militia laws, as generally enforced and observed in the Middle and Southern States, instead of advancing the military art, are productive of a contrary effect, by engendering vicious habits, encouraging intemperance, and consequently a spirit of insubordination." The State of Delaware, so conscious of the evil effects of military parades or musters, has abolished them entirely—and I need not remind this House of the disgraceful scenes that have their seat on a muster field. I need not to legal gentlemen, how often the State docket in our courts of law is swelled by prosecutions for breaches of the peace generated amid these fruitless scenes of riot and dissipation—and I need not tell other gentlemen the revolting and disgusting appearances on the muster ground of a militia regiment. These parades draw men together many days in the year, to the manifest destruction of their time, money and morals, without improving their military knowledge or discipline. If the people considered these musters as agreeable or desirable, why is our table in this House crowded with petitions to reduce the number of musters? Their good sense points out the evil attendant on such institutions. The officers (with some highly honorable exceptions) are ignorant of the very rudiments of that profession with the trappings of which they are decorated, and how can they teach what they never themselves learned! To many of them the description of Otello's Lieutenant would well apply.

"That never set a Squadron in the field, Nor the division of a battle knows More than a spinster."

Shall we then pass this bill, and press into such service, under such banners, men whose profession is peace, and whose life is one of unobtrusive retirement? Shall we add another sacrifice on the bloody altar of this sanguinary Deity? I hope not. It is not my province to eulogize on this floor, that peaceful sect in our country, so aptly and appropriately called "Friends," but I hazard nothing in the assertion, that take the Quakers of our State as a mass of citizens, none are their superiors in virtue and integrity, none more useful and industrious. What if to their peaceful and quiet dispositions the drum has no "spirit-stirring effect," and the "pomp and circumstance of a 'lorious war'" spreads to them no enchantment; they are as citizens quiet and obedient, as neighbours kind, obliging and charitable. No paper from this sect, crowds your parish; no vexatious suits prosecuted by this people perplex your Courts; and the coffers of our Treasury are augmented by their tribute. Yet to gentlemen, this will not suffice, but you will force them into a custom which their lives, their habits, their consciences forbid. Their early history shows, that they have ever been opposed to blood and men of bloodshed. These principles have descended from father to son, and their persecutions in the early periods of this country, as in other countries, show, that you may tear their bodies—the bloody rack may distort their systems—the dagger may pour out their life-blood from their hearts; but they never will surrender their principles—the faith of their fathers, nor the religion of their ancestors.

As regards the conscientious scruples which this sect cherish against bearing arms, they may be mistaken. It is not for us to decide who are right and orthodox in their creed, nor is it proper to pronounce that those who differ from us are wrong. It is not our province to decide this matter. It comes not within the scope of human legislation. But they and we are to answer for these opinions before a higher authority than any earthly tribunal. It is a matter between the creature and the Creator. We should be cautious how we interfere between any man and his conscience—and we should rarely legislate on any matter that lies exclusively between man and his Maker.—We ought not in justice to force these men to violate their conscience. Mr. Madison, in his celebrated memorial to the Virginia Legislature in 1784, lays it down as "a fundamental and undeniable truth, that the duty we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence. The right to the free exercise of religion, says he, belongs to every man; and it is unalienable. It is unalienable, because the opinions of men depending only on the evidence contemplated in their own minds, cannot follow the dictates of other men. If this right of conscience be exempt from society at large, still less can it be subject to that of the Legislative body. The latter are but the creatures and viceregents of the former. Their jurisdiction is both derivative and limited. Limited with regard to the co-ordinate departments; more necessarily is it limited with regard to the constituents. The preservation of a free government requires not merely that the metes and bounds which separate each department of power, be universally maintained; but more especially that neither of them be suffered to overleap the great barrier which defends the rights of the people. The rulers who are guilty of

such encroachment exceed the commission from whence they derive their authority, and are tyrants—the people who submit to it are slaves." This is the opinion of one "who has filled so large a space in the eyes of mankind," and who is at this very moment anxiously looked on as the Pegasus to guide the political bark of his native State into a safe and quiet harbor. Our own history, in the examples of our forefathers, shows what men will do and men will dare for the liberty of their conscience. It matters not whether they are mistaken or whether they cherish the true faith. It often happens that the most bigotted are the most stubborn. But it is sufficient that they so believe. Our forefathers left their homes and their firesides, and with their "lives in their hands" they dared the perils of the stormy deep and the dangers of a savage foe, that they might sit them down under "their own vine and fig-tree" and worship God after their own consciences. It is not denied but that this Legislature have the power to pass this bill—but would it be honorable—would it be just—would it be politic? The gentleman from Newbern (Mr. Gaston) quoted, the words of a favorite author here applicable: "—it is excellent "To have a giant's strength, but it is tyrannous "To use it like a giant."

It cannot be considered that the conscientious scruples of this sect are to be admired—but if the peaceful influence of their tenets pervaded the whole world, mankind would be happier and their condition better. The general diffusion of their quiet principles would realize that millennium promised to the good and faithful—and would be a sweet foretaste of that happy period depicted by divine inspiration; "when men should learn war no more; when nation shall no longer rise against nation; when the sword shall be turned into the ploughshare, and the spear into the pruning hook." To us, as guardians of the public weal, the page of history will show us that the principles which this sect profess are not destructive to the true interests of man—nor the happiness and amelioration of his condition; the true and legitimate object of all government. We have reason to thank that Providence that rules all human actions, that the first settlers of this nation were men of peaceful habits and uncompromising integrity. Look on the countries that have been animated by the peaceful principles of the Quakers. Compare Pennsylvania, the land that received the Quaker William Penn & his followers all animated by the same principles which his descendants still inherit—that Penn to whose name eulogy and panegyric would be an unnecessary oblation—compare this land to that on which Pizarro landed, with sword of blood in one hand and the torch of desolation in the other. Pennsylvania is the loveliest spot that the eye of the patriot and philanthropist can dwell on—while South America is still enveloped in the gloom of despotism and the horrors of superstition. The peaceable principles that animated the mild Quaker caused this wide difference.—Such principles we are called on in this bill to annihilate.

Legislature of North Carolina.

SENATE.

Wednesday, Dec. 30.

The Senate resolved itself into a committee of the whole House, Mr. Miller in the Chair, on the bill to authorize and direct the Supreme Court to be holden in the several places therein directed; and, after some time spent therein, the committee rose and reported the bill with an amendment. The amendment was agreed to. Mr. Burgin moved to amend the bill by striking out the word Statesville, and inserting the word Morgantown, which was not agreed to. The bill was then further amended on motion of Mr. Allison, read the second time and passed.

Mr. Meares, from the Judiciary committee, made a report recommending the rejection of the bill to incorporate the Richmond Wool Growing Company. Concurred in.

Mr. Meares, from the same committee, reported the bill to divorce John Sloan from his wife Elizabeth without amendment, and recommended its passage; when the said bill was read the second time and passed.

James J. McKay, the Senator from the county of Bladen, appeared, qualified, and took his seat.

Mr. Rainey presented a bill to compel the register and clerk and master in equity in Caswell county, to keep their offices at the court house; which passed its three several readings, and was ordered to be engrossed.

Mr. Williams of Martin, from the committee of Propositions and Grievances, reported unfavorably to the petition in favor of John Taylor, of Cumberland. Concurred in.

Mr. Williams, from the same committee, reported the resolution in favor of John Black, sheriff of Cumberland, without amendment, and recommended its passage; when the said resolution passed its second reading.

Mr. Meares presented a bill to alter the mode of compensation to members of the Senate and House of Commons; which passed its first reading—yeas 44, nays 11. [The bill proposes to allow

the members an annual salary of 1200 dollars instead of the present per diem allowance.]

The engrossed bill to authorize the Governor to grant certain lands to the Baptist congregation at Franklin, in Macon county, passed its third reading, and was ordered to be enrolled.

A message was received from the House of Commons, stating that the bill to establish a Bank on behalf of and for the benefit of the State, had been transmitted to that House without being perfected, several of the blanks therein not being filled up, and requesting that it may be perfected and finally acted on before the concurrence of that House is required; which message was read and laid on the table.

Mr. Allen submitted the following resolution, which was adopted by a vote of 44 to 13:

Resolved, as the sense of this House, that blanks in a bill, not affecting its principles, do not render it imperfect within the spirit and meaning of the first Joint Rule for the government of the two Houses.

On motion of Mr. Allen, a message was sent to the House of Commons, stating that it is the opinion of the Senate, that blanks in a bill do not render it imperfect, within the spirit and meaning of the first Joint Rule for the government of the two Houses; and that, for this reason, the Senate beg leave, respectfully to return to that House the bill to establish a Bank on behalf of, and for the benefit of the State.

Mr. Matthews submitted a resolution, instructing the committee on so much of the Governor's message as relates to the claim of the State against the United States to inquire what compensation the commissioners appointed to examine said claim are entitled to for that service; which was read and laid on the table.

The engrossed bill to repeal the act of 1828, appointing commissioners on the road from Watauga, in Ashe county, to the head of Johns river, in Burke county; and the engrossed bill to alter the times of holding elections in the 6th Congressional district, were amended, read the third time, passed, and sent to the other House for their concurrence in the amendments.

The resolution in favor of Isaiah Rogerson passed its third reading and was ordered to be engrossed.

The following bills passed their third reading, and were ordered to be engrossed: The bill to divide the regiment of militia in Macon county; and the bill more effectually to prevent the depredations of runaway slaves, and to encourage their apprehension in the counties therein mentioned.

The other House having concurred in the amendment to the engrossed bill to prevent the falling of timber in, or obstructing the run of Rocky river, in a portion of Chatham county, the said bill was ordered to be enrolled.

The following engrossed bills passed their two last readings, and were ordered to be enrolled: The bill to exempt certain persons in Hyde county from serving as jurors of the original panels of the bill to establish a poor house in Nash county; the bill to repeal part of the act of 1819, amending the laws respecting the run of Edenton; and bill to extend the provisions of the act of 1828, supplemental to the act erecting Macon county; the bill to incorporate the Salisbury Vigilant Fire Company; the bill to amend the act of 1825, to prevent the falling of timber in, or obstructing the run of Brown creek, in Amson; the bill to amend the second section of the act of 1825, relative to the clearing of lots, &c. in the town of Edenton; and the bill to incorporate Lincoln Academy at Beaufort county.

Thursday, Dec. 31.

The resolution in favour of Alexander Nicholson passed its third reading, and was ordered to be engrossed.

The bill to authorize and direct the Supreme Court to be holden at the several places therein directed, was amended, read the third time, passed, and ordered to be engrossed—yeas 37, nays 22.

The following bill and resolution passed their third reading, and were ordered to be engrossed: The bill to amend the act of 1823, concerning the county of Macon; and the resolution in favour of John Black, sheriff of Cumberland.

The bill more effectually to prevent injury to stock, was postponed indefinitely on its second reading. It was subsequently reconsidered and laid on the table.

The bill to provide for the collection of debts in certain cases, after undergoing some amendment, was postponed indefinitely on its second reading by the casting vote of the Speaker.

The bill fixing the fees of the clerks of the county and superior courts and sheriffs' fees, after receiving sundry amendments, passed its third reading, and was ordered to be engrossed.

Evening Session.

The engrossed bill concerning the Bucombe Turnpike Road; and the bill to authorize the county court of New Hanover to appoint a committee of finance, were amended, read the third time, passed, and sent to the other House for their concurrence in the amendments.

The following engrossed bills and resolutions passed their third reading, and were ordered to be enrolled: The bill to repeal the act of 1828, concerning the appointment of coopers in the town of Wilmington; the resolution for the Secretary of State; the resolution in favour of Edward Ward, of Onslow; the bill to amend the act of 1828, concerning the poor of Moore county; the bill to authorize the appointment of commissioners to run and mark the dividing line between the counties of Haywood and Buncombe; and the resolution requesting our Representatives and instructing our Senators to Congress to call the attention of Congress to the necessity and propriety of amending the laws of the United States in regard to the crime of counterfeiting the notes of the Bank of the United States.

The engrossed bill concerning the working on roads in Lincoln county; and the engrossed bill concerning a troop of Cavalry in Burke, Wilkes and Iredell, were postponed indefinitely on their second reading.

The other House having concurred in the amendments to the engrossed bill concerning the elections in the counties of Davidson and Mecklenburg; and to the engrossed bill to alter the times of holding elections in the 6th Congressional district, the said bills were ordered to be enrolled.

Mr. Mitchell, from the committee of Internal Improvement, reported a bill making an appropriation for a rail road from Campbells to Fayetteville; which passed its first reading.

The following engrossed bills were indefinitely postponed on their first reading: The bill to authorize the county court of Burke to appoint commissioners to view and lay off a turnpike road from the Lincoln line to James Lovings; and the bill to repeal part of the act of 1829, for improving the navigation of creeks and rivers in Sampson county, and of Black river, so far as it is the dividing line between the counties of Sampson and Cumberland.

Received from the other House a report and resolutions, from Vermont, relative to amending the Constitution of the United States, and on the subjects of the Tariff, internal improvement, and the American Colonization Society; which were laid on the table.

A message was received from the House of Commons, stating that the bill for the better government of the town of Elizabeth City had been received from the Senate in an imperfect state, one of the blanks therein not being filled up; and that they have returned it to the Senate, in order that it may be perfected and finally acted on before the concurrence of that House is required. The message was read and laid on the table.

Friday, Jan. 1, 1850.

The resolution directing the joint select committee on the claims of this State against the United States to inquire what compensation the commissioners who investigated those claims are entitled to, was adopted and ordered to be engrossed.

On motion of Mr. Franklin, the bill to authorize the county court of Burke to appoint commissioners to view and lay off a road from the Lincoln line to James Lovings, was reconsidered, read the first time and passed.

The bill to divorce John Sloan from Elizabeth Sloan, passed its third reading, and was ordered to be engrossed.

A message was received from the House of Commons relative to the difference of opinion existing between the two Houses in the construction of the first of the Joint Rules, and in its application to the bill to establish a Bank on behalf of and for the benefit of the State. The message was read, and, together with the said bill, laid on the table.

On motion of Mr. Davidson, the rule requiring that when a question has been once decided, it shall be in order for any member of the majority to move for a reconsideration thereof on the same or succeeding day, was suspended by a vote of 40 to 19; when the bill to establish a Bank on behalf of, and for the benefit of the State, was reconsidered, and amended by inserting in lieu of the blanks heretofore left in the bill a clause authorizing the next General Assembly to fix the compensation to be allowed to the President, Cashier and Directors of the Bank. The bill then passed its third reading by a vote of 34 to 22.

Evening Session.

Mr. Rainey presented a bill requiring the register of Caswell county to keep his office at the court house, within one mile thereof; which was amended, passed its three several readings, and was ordered to be engrossed.

Mr. Williams of Martin, from the committee on the Public Buildings, reported a bill to provide for the repairs of the State House and Arsenal; which passed its first reading.

The following resolutions passed their third reading, and were ordered to be engrossed in favor of David Graybeal; in favor of Merritt Hutchins in favor of Ezekiel Kline in favor of Benjamin H. Kountz; and instructing our Senators and requesting our Representatives to Congress to use their endeavors to procure the repeal of the tax on salt.

The resolution in favor of Thomas Walker, of Mecklenburg, was rejected on its second reading.

The resolution instructing our Sena