

more vigilant exercise of our police. Under these impressions and opinions, I would beg leave to recommend to the Legislature, a revision of the laws, relative to calling out the Militia to suppress insurrections, those for appointing and keeping patrols, and those in relation to the migration of free persons of color into this State. The law for calling out the Militia, by the variety of its enactments, may lead to confusion, and the others referred to, although they may appear sufficient, are permitted, in many parts of our country, to lie dormant and neglected. Whether the efficacy and activity of patrols would not be considerably promoted by an increase of privileges, established remuneration, a higher penalty for neglect of duty; and whether the policy of our sister States, prohibiting the migration of free persons of color within their boundaries, should not be met by countervailing enactments, if constitutional, are questions submitted entirely to your discretion.

In the month of July last, Frederick Nash, Esq. presented to the Executive his resignation, as one of the Judges of the Superior Courts of Law, &c. In consequence thereof, the Council of State was convened as soon as circumstances permitted. They advised that a temporary commission should be granted to Willie P. Mangum, Esq. With you it rests to make a permanent appointment. The lamented and much regretted death of the late Judge Paxton, which has deprived the Courts of an able and upright Judge, society of an amiable and beloved associate, and the State of an eminently useful citizen, creates an additional vacancy on the same bench, which you in your discretion will supply. The resignation of Justices of the Peace and Militia Officers will be found in the file marked B, herewith transmitted.

The letter book of the Governor, will be held in readiness by my private Secretary for your examination. With it the Journal of the proceedings of the Council of State, will await the call of the Legislature. In the latter will be found, the correspondence between the Executive and Council, as to the proper mode of filling vacancies which may occur during the recess of the Legislature. On this subject, a great variety of opinion has existed among my predecessors.

Through the hands of the Hon. John Burson, one of the Senators in Congress, I have received a communication herewith submitted, (in the file A) proposing to publish the debates on the Federal Constitution, by Jonathan Elliot.

Many important subjects, independent of those herein submitted, will doubtless come under your consideration. Such assistance as my feeble abilities can afford your deliberations, during my continuance in office, will most cheerfully be afforded by,

Gentlemen,
Your very Ob't. Serv't.
H. G. BURTON.

SENATE.

TUESDAY, DEC. 26.—The Message having been read,

On motion of Mr. Speight, of Greene, it was ordered to be printed, one copy for each Member.

Mr. Stokes, in rising to introduce a resolution, remarked, that it was time, if error had been committed, to put a stop to it. The Governor, understanding that doubts are entertained, as to the constitutionality of his exercising powers vested in him by virtue of his office, will probably refrain from any official act. He would submit for the consideration of the Senate, a resolution, which had for its object the suspension of the duties of the Secretary of State, until this difficulty was adjusted. It is in these words—

Resolved, That the Secretary of State be, and he is hereby directed, to suspend the issuing of Grants for Lands, and to cease from all official duties, until further directed by this General Assembly.

Mr. Speight, of Greene, had no objection to the Resolution, but he could see no propriety in this gentleman's continuing to perform his official duties.—He knew this objection was raised at the last session, when the bill to alter the meeting of the Assembly, was before the Senate; but he thought then, and he was still of the opinion, that neither this, or either of the other offices, ought to be considered as vacant. If a liberal construction was put on the Constitution, he apprehended it would be found, that the House possessed the right of electing the Governor, Treasurer, Secretary and Comptroller, at any time during the sitting of the Assembly, and if done on the last day, would come as fully within the meaning and purview of the Constitution, as if done on the first. He repeated, he had no objection to the course proposed; but having paid particular attention to the phrase of the Constitution, which relates to this subject, he could not believe there had been an *interregnum*.

The Resolution was adopted.

Mr. Stokes begged leave to amend the Resolution just introduced by him, by getting the following Preamble, viz:—Whereas, doubts exist whether the office of the Secretary of State has not become vacant, since the 30th day of Nov. last, in consequence of the law altering the meeting of the annual meeting of the General Assembly, Resolved, &c.

The Speaker informed him, that his

resolution having already been adopted, its re-consideration was necessary, before it could be amended.

A motion was then made for its re-consideration, which having been carried the question recurred on the adoption of the amendment.

Mr. Speight, of Greene, said that he understood the object of the resolution introduced by the gentleman from Bladen, (Mr. McKay) to be the appointment of a committee to enquire, whether these supposed vacancies did exist. If this committee be appointed and they report that vacancies do exist, it will then be time enough to pass this resolution. At present, he saw no propriety in adopting it. He thought the better plan would be to lay it on the table, until this committee reported.

Mr. McKay moved farther to amend the Resolution, by striking out the words "and to cease from all official duties?"—He remarked that the preservation of the records of his office, constitutes a part of the duty of the Secretary of State.—Let the resolution pass as proposed by the mover, and what security have we that the records will not be exposed to any and every person. If necessity existed for the passage of the resolution at all, he hoped this part would be stricken out. He had an interview with the Secretary that morning, and suggested to him the difficulty which appeared to exist in his issuing grants, and he had the Secretary's assurance that no more would be issued for the present.

Mr. Pickett saw no necessity for striking out the words proposed by the gentleman last up. Although the term of service of an officer has expired, or his official acts be suspended, he is bound to protect the records, &c. entrusted to his care, until a successor be appointed. If an investigation was to be made, he thought it best to suspend his official acts altogether.

Mr. Hill, of Stokes, remarked, that as gentlemen seemed to think we had got into difficulty, the better course to pursue would be, to postpone the further consideration of the subject until to-morrow, that all might act understandingly upon it. The motion prevailed.

WEDNESDAY, DEC. 27.—Mr. Pickett introduced a series of Resolutions, referring so much of the Governor's Message as relates to Public Education—so much as relates to the Penal Code—so much as relates to the amendment of the Constitution proposed by the State of Vermont—so much as relates to the calling out of the militia, for the suppression of insurrections; and so much as relates to the migration of free persons of color into this State, to select committees.

Mr. Speight of Craven, moved that the resolution referring that part of the Message which relates to the Penal Code, to a select committee, be amended, by making it read, "so much as relates to the Judiciary, the compensation of prosecuting officers, and the Penal Code."

Mr. Pickett had not thought it necessary to go so much into detail, believing that his resolution, referring to that part of the message which relates to the Penal Code would necessarily embrace the subject of the compensation to prosecuting officers.

The question on the adoption of the amendment, was decided in the affirmative.

Mr. Forney moved to consider the Message received yesterday from the House of Commons, and laid on the table, proposing to ballot this morning for a Governor of the State, which was agreed to. After submitting this motion, Mr. F. made a few remarks, which the reporter could not distinctly hear. He understood him, however, to say, that the Constitution made it the duty of the Legislature to elect a Governor, at their first meeting, after each annual election, and he thought the sooner it was done the better. Admitting that the next session of the Legislature would take place on the 2nd Monday in January, there would be but a few weeks, of what gentlemen were pleased to style an *interregnum*, but in which, however, he did not believe.—He cited several instances to show, that if any constitutional difficulty existed on this subject, it had existed ever since the adoption of the Constitution at Halifax, in 1776. He moved that the Senate agree to the proposition of the House to go into a balloting.

After a few remarks from Mr. Speight of Greene and Mr. Seawell, which could not be heard, the question was put on concurring in the Message, and decided in the affirmative, and the House of Commons informed thereof by message.

Messrs. Williams of Martin and Forney on the part of the Senate, and Messrs. Fisher and Potter of the House of Commons, were named to attend to the balloting for Governor.

Mr. King, moved that a message be sent to the House proposing to ballot immediately for a Treasurer, Comptroller and Secretary of State, and nominating for those appointments, John Haywood, Joseph Hawkins and William Hill, in the order named.

Mr. Sneed presented the following:—

Resolved, That the Constitution of the United States, and the several amendments to it, and the Constitution of this State, be printed one copy for each member of the General Assembly.

On the question, shall this resolution pass its first reading, it was decided in the negative.

THURSDAY, DEC. 28.—Mr. Hill of Stokes, from the balloting committee for Treasurer, Comptroller and Secretary of State, reported that John Haywood, Joseph Hawkins and William Hill, were duly elected to those offices in the order named.

Mr. Sanders introduced a bill to alter the time of the annual meeting of the General Assembly. [Proposes to repeal the act of last session altering the meeting from the third Monday in November.]

The bill having been read the first time, the question was put on its passage, and decided in the negative, 25 voting for it 28 against it.

FRIDAY, DEC. 29.—The bill to make Private Acts printed by the Printer of the State, evidence in Courts of this State, passed its second reading, and was ordered to be read the third time, when Mr. McCoy remarked, that at the suggestion of Mr. Pickett, he proposed to add additional sections to the bill, to give time to prepare which, he moved, the further consideration of the bill be postponed until to-morrow, which was agreed to.

In rising to introduce the resolution which follows, Mr. McKay observed, that by the charter granted by Charles 2d to the Proprietors of Land in this State, a reservation of one-half of all the Gold and Silver Ore which might be found, was made, in all the grants that issued, for the benefit of the Crown. When, therefore, in 1776, a resolution in the Government took place, and our colonial connection with Great-Britain was severed, North-Carolina succeeded to this right, which had previously been vested in the crown. It would seem, therefore, that the State was entitled to one-half of the Gold and Silver Ore which may have been found within her limits.

The Gold Mines in the upper part of the State, were likely to become very valuable. It was a matter of indifference to him, individually, whether the State possessed any interest in them or not, but acting in the capacity of a Legislator, he felt it to be his duty to bring the subject before the House, that measures might be taken to secure this right, if it was still vested in the State. The resolution is in these words:—

Whereas, in the grants of land that issued during the Provincial Government, there are certain reservations of part of the Gold or Silver Ore, that may happen from time to time to be found; and whereas, on the Revolution in Government, the State succeeded to all the rights which the Crown of Great Britain had, in said reservations—

Resolved, That the committee of Finance be, and they are hereby instructed, to inquire into the expediency of securing to the State the benefit of said reservations, and that they have leave to report by bill or otherwise.

Mr. Pickett moved that the Resolution lie on the table. It was strange, if this right reverted to the State fifty years ago, it had not sooner been discovered. He had never examined into the subject, but he thought it probable, that though these reservations might have been made in the grants issued anterior to 1776, they were contained in none since that period. It was a subject which might cause an excitement amongst the people, the consideration of the resolution—it was an early stage of the session, and by postponing it, members would have time to investigate the subject and act understandingly on it.

The bill was postponed until Monday.

SATURDAY, DEC. 30.—Mr. Speight of Greene, introduced the following resolution:

Resolved, That so much of the message of his Excellency the Governor as relates to the amendment of the Constitution of the U. States, on the subject of the emancipation of slaves, and the several resolutions therein alluded to, be referred to a select joint committee.

Mr. Gilchrist begged leave, before the question on the adoption of the resolution was put, to submit an amendment to it. He proposed to substitute for the words "emancipation of slaves," the words used in the Vermont Resolution, viz:—"abolition of slavery." The definition of the two phrases, though similar was different. Emancipation means, the turning loose amongst ourselves a certain species of property. Abolition, implies not only this, but much more. It embraces the idea of colonizing them without the limits of the Union, and no doubt this is what Vermont contemplated in her resolutions.

The question on the adoption of the amendment having been decided in the affirmative, the question recurred on the passage of the resolution, which was also decided in the affirmative.

Mr. Board of Rowan, presented the following Resolution, which was agreed to.

Resolved, That the Committee on the Judiciary be instructed to enquire whether any, and if any what amendment is necessary to the law respecting Administrators of the estates of deceased persons, the more effectually to prevent loss

to such estates by the mismanagement or failure of administrators, and likewise to protect the securities of admrs. and that they have leave to report by bill or otherwise.

MONDAY, JAN. 1, 1827.—Mr. Hill of Franklin, remarked, that it was within the knowledge of every member present, that in consequence of the resignation of Judge Nash, there was a vacancy on the Superior Court Bench, to be filled during the present Session of the Legislature. The Executive and Council had temporarily filled the office, by the appointment of Willie P. Mangum. It would devolve on them to supply the vacancy permanently.—He moved, therefore, that a message be sent to the House of Commons, proposing to ballot on Wednesday next for a Judge, and he took that opportunity of nominating Mr. Mangum for the situation.

The motion was carried.

Mr. Wilson of Edgecomb, presented a bill in relation to Lotteries. [Provides that the Tickets of no foreign Lotteries shall be sold in this State, under a penalty of \$500.]

Mr. Hill of Franklin, moved that this bill be referred to a select committee. Agreed.

The Orders of the Day were then taken up, the first of which was, the Resolution introduced some days ago by Mr. McKay of Bladen, relative to a supposed right which the State of North-Carolina possesses in the Gold Mines within her limits.—The resolution was adopted without debate.

The next subject in order, was the bill to alter the annual meeting of the Legislature back again to the 3d Monday in November.

Mr. Seawell moved, that the consideration of the bill be postponed until to-morrow, as it was not probable the Senate would remain long in session on that day.

Mr. Stokes moved that it be made the order of the day for Monday next.

Mr. Sanders thought it highly probable that on Monday there would not be so full an attendance as on any other day, at least, this was usually the case. He wished the subject to undergo a thorough investigation, and to that end, moved that the bill be made the order of the day for Thursday week.

Mr. Hill, of Franklin, moved that it be postponed until the first day of June next.

The Speaker said the question would be put on the most distant day of reference, and accordingly took the sense of the House on Mr. Hill's motion, which resulted in its rejection. The question was then put and carried on Mr. Sanders's proposition.

The bill to allow Private Acts printed by the Printer of the State, to be read as evidence in Courts of Justice, was read the third time, and on motion of Pickett, referred to the Judiciary committee.

THURSDAY, JAN. 2.—Mr. Speight of Greene, presented a bill to prevent free persons of color from emigrating into this State; for the good government of such as are resident in the State, and for other purposes.

Mr. Pickett offered the following Resolution:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the Emancipation Laws, that the owners of any slaves, after obtaining licence to manumit them, shall enter into bond with security, that they shall, within a convenient time, remove without the limits of the State, and shall not reside therein.

The resolution was referred.

HOUSE OF COMMONS.

WEDNESDAY, DEC. 27.—Mr. Fisher, from the committee appointed to conduct the balloting for Governor, reported that H. G. Burton was duly elected.

On motion of Mr. Fisher, a proposition was made to the Senate to appoint a joint committee to wait on the Governor, and inform him of his re-election, and to ascertain when it will be convenient for him to attend the two Houses for the purpose of taking the oaths of office. Fisher and Potter were appointed on the part of the Commons.

The House proceeded to the appointment of its Standing Committees. They are as follows:

Civilians.—Messrs. Holland, Gordon, Whitaker, Spruill, Patterson, Walton, Barnard, Cox, Ellison, McMillan, W. W. Jones, Brower, Alexander, Marshall and Hodges.

Internal Improvement.—Messrs. Shippy, Swain, Hill, Donoho, Green, Arrington, Mhoon, Sheridan, Blunt, Burns, Moor, W. W. Jones, Fisher, Barnett, Strange and McMillan.

Propositions and Grievances.—Messrs. Carson, Clayton, McGehee, Ramsay, Gary, Houze, Hardy, Edwards, Whiteharst, Simmons, Stevens, Hampton, Settle and Seawell.

Education.—Messrs. Love, Blevins, Scott, J. E. Lewis, Potter, Wyche, Iredell, White, Foy, Dickinson, Gilmour, Morehead, Moore, Shepherd, McNair and Howell.

Agriculture.—Messrs. St. Clair, Newland, Willis Lewis, Rand, Lathan, King, Dozier, Ball, Cox, Raiford, Sutton, Underwood, Torrance, Simpson, Wadsworth and Smith.

Privileges & Elections.—Messrs. Rich-

ardson, Edmondson, Boon, Webb, F. W. S. Sharp, Bateman, Bozman, Adams, Kilpatrick, Frederick, Best, Walker, Linn, Gilmour and Alford.

THURSDAY, DEC. 28.—On motion of Mr. Shepherd,

Resolved, That the committee on Internal Improvements be instructed to enquire into the expediency of providing by law for the establishment of a main State Road from the Town of Fayetteville to Wilkesborough, in conformity to the route heretofore surveyed by the Civil Engineer, and that they have leave to report by bill or otherwise.

Mr. Bain presented the following resolution, the question on adopting which, was decided in the negative:—

Whereas subjects of a private nature are frequently introduced for the consideration of the Legislature, at a late period of the session, probably to the exclusion and mature deliberation of subjects of a public nature and more general interest; for remedy whereof,

Resolved, That after the 20th day of January ensuing, no bill of a private nature shall be introduced into this House.

FRIDAY, DEC. 29.—Mr. Wyche presented the following resolution:

Resolved, by the Legislature of North-Carolina, that the Congress of the United States do not possess the power of laying and collecting a revenue for the purpose of cutting Roads and Canals in the respective States; and that our Senators be instructed and our Representatives requested to use all lawful exertions in their power to prevent it. And that his Excellency the Governor cause a copy of the above resolution to be forwarded to the individuals composing the delegation of this State in Congress.

On motion of Mr. Jones, of Warren, ordered that this resolution lie on the table.

MONDAY, JAN. 1.—The following bills were presented:

By Mr. Shipp, a bill allowing jurors in the County and Superior Courts of Lincoln, to receive pay for their services; and a bill to empower Joseph Houston, of Iredell county, to erect gates across certain roads therein mentioned.

By Mr. Alexander, a bill to amend an act, entitled an act to amend an act passed in 1815, to incorporate the town of Charlotte, in Mecklenburg county.

By Mr. Cooper, a bill to repeal the 6th section of an act passed in 1830, to extend the jurisdiction of a single Justice; and to amend the several laws in force in this State, relative to the recovery of debt before a Justice of the Peace.

These bills were severally read the first time.

Mr. Donoho presented the following resolution, which was adopted:

Resolved, That a Committee be re-appointed whose duty it shall be to inquire into the expediency of establishing a Medical Board for this State, and they have leave to report by bill or otherwise.

On motion of Mr. Alexander, Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws with regard to Constables, as to ensure the more speedy collection and payment of debts placed in their hands for collection.

Nineteenth Congress.

SECOND SESSION.

HOUSE OF REPRESENTATIVES.

THE VICE PRESIDENT.

FRIDAY, DEC. 22, 1826.—The Speaker laid before the House the following communication from the Vice-President of the United States:

The Speaker of the House of Representatives—

Sir: You will please to lay before the House over which you preside, the enclosed communication, addressed to that body. Very respectfully, yours, &c.

J. C. CALHOUN.

To the Honorable the members of the House of Representatives:

An imperious sense of duty, and a sacred regard to the honor of the station which I occupy, compel me to approach your body in its high character of grand inquest of the nation.

Charges have been made against me of the most serious nature, and which, if true, ought to degrade me from the high station in which I have been placed by the choice of my fellow-citizens, and to consign my name to perpetual infamy.

In claiming investigation of the House, I am sensible that, under our free and happy institutions, the conduct of public servants is a fair subject of the closest scrutiny and the freest remarks, and that a firm and faithful discharge of duty affords, ordinarily, ample protection against political attacks, but when such attacks assume the character of impeachable offences, and become in some degree official, by being placed among the public records, an officer thus assailed, however base the instruments used, if conscious of innocence, can look for refuge only to the Hall of the immediate Representatives of the People. It is thus I find myself unexpectedly placed.