e is entirely supplied with skimmed milk,- standing. ponntity may be gradually increased as the

beller calves.

LAWS OF NORTH CAROLINA.

Acr to amend an Act entitled an Act to incorporate a Fagetteville and Western Rail Road Company.

Be it courted by the General Amenbly of the of North Carolina, and it is hereby enacted authority of the some, That whenever it appear to the Board of Internal Improvement his State, by a cartificate under the seal of said ny, signed by their Treasurer and counterand by their President, that two-fillss part of d Company have been subscribed for and taken, that at least one-fourth of said Stock has been paid into the hauds of said Treasurer of any, the said Board of Internal Improvea shall be, and they are hereby authorized and pledged. red to subscribe on behalf of the State for a in behalf of the State of said Company, to amount of three-fifths of the one million two of said Company, and the said subscription Il be paid in the following incomer, to wit : the fourth part as soon as the word Company shall work, and one fourth thereof every six a thereafter, antil the, whole subscription in re they receive the aforesaid lustalments, satissare the said Baard of Imernal Improvet, by the certificates under the seal of the said ir Stock subscribed by the State.

Be it further enacted, That in the payment he foregoing Instalments, the said Board shall 9. Be it further enacted, That this Act, tomet are hereby authorized and directed to apin the first instance all the Cherokee bonds now and held by the State, and after they are th quarter of the Sarphus Revenue of the Gene. Government, provided it is paid in time. Be it further enacted, That if in case the

th quarter of the Surplus Revenue as aforesaid of paid in time, then and in that event the Board Transmitting the Report of the Fayetteville and at aforesaud shall, and th

of said fatter num, therefore, Be it courted a theme from the come when two or by the General Assembly of the State of North , and find them with mith. By let. Carolina, and it is hereby enacted by the authori-is the finger and lowering the band by of the same. That if the Board of Internal Imthey will sign loars to drink as freely provement shall be satisfied that the soid Rail Road I all difficulty is at an out. Give them can be constructed for a less sum than one million. the now for a week or so, but in two-lemired and fifty thousand dollars, it shall be and they at first, as it is improper to their daty to subscribe for the State in the Stock of it what they will drink while young, as it said Company, three fifths of said estimate and no y afterwards to keep thun in a thriving shall have subscribed beforehand, the other twoh. After the first week a quantity of fifths of said estimates, subject to all the other conmilk may be added, heated to a temper- ditions, restrictions and limitations in the said first of new milk, which may be daily increased, recited Act, any thing-in the said first recited Act s new milk gradually diminished untill its of the present Session to the contriny notwith-

5. And whereas, by the above recited Act it is of the call may require. A small quantity directed, that the sum necessary to pay the sub-ren meal may be added as the calves grow of scription of the State to the Stock in said Compaa lot for them to feed in, and some good hay ay, in certain cases, shall be borrowed upon the be to be daily supplied as soon as they will eat Public Credit, but the manner of doing it is not pointed out in such way as to promote competition his practice saves all the cream for butter, is for the said loan, and to secure a full price therefor, butter for the cows, renders the milking and so as to prevent doubts and consequently a sae convenient and agrocable, and makes as good critice of the scrip or certificate of the State; therefore, Be it further enacted, That if it shall become necessary to make a loan for the purpose of paying the State's subscription or any part thereof to said Company, it shall be the duty of the Treasurer to issue certificates bearing interest not exceeding six per centum per annum, payable semianoually, the principal and interest of said certificates to be paid at the places that shall be agreed upon by the State and the lender or holder of said certificates, provided all the certificates payable in North Carolinn, shall be payable at the Public Treasury, and all those payable elsewhere shall be payable at one place, and at one place only, and the said debt shall not be redeemable before the first a two hundred and fifty thousand dollars of January, one thousand eight hundred and sixtya Stock of the Fayetteville and Western Rail one, and shall be redesinable thereafter as the Legislature may prescribe by Law; and for the payment of said interest and principal, according to the true intent of this and the preceding Act, the faith of the State of North Carolina is hereby

6. Be it further enacted, That the said loan shall be made, and evidenced in all other respects in the same manner and form that was provided by and fifty thousand dollars, the Capital an Act passed in 1835, entitled an Act to provide for the payment of the Instalments on the Shares reserved to the State in the Capital Stock of the Bank of the State of North Carolina.

7. Be it further enacted, That it shall and may be lawful for any of the incorporated Banks ill of the State shall be paid: Provided, the of this State to boy, hold, sell and transfer any of asurer and President of said Company shall, the State Stock or Scrip issued by the State of North Carolina in pursuance of this Act.

8. Be it further enacted, That unless two-fifths of the Capital Stock of the suid Company shall be spany, that an equal proportion of the private taken by individuals within four years, and the cription has been paid in, in equal proportion Road begun to be constructed within that time, that the State subscription to said Road shall be null and void.

> gether with the original Act, shall be in force from and after their ratification.

Read three times and ratified in General As-

GOV. DUDLEY'S ME-SAGE,

tion in the (rade beyond the Afleghanos, 1) this he so, then by our hapmones we are removed to admit to our sea hourd the weaths of the Weatern unitry, which other States are expending millions

Then why should we delay ? Ingenuity itself counst furnish a protext for it, unless we design to give up the cause of Improvement altogether, and equiesce in a destiny for our State which my love for her soil, her institutions, and her people, forbids me to anticipate. If we cannot agree upon a system large enough to meet all her wants, extensive tion were presented at once, he should vote against enough to cover every section, and which I solemny believe is resential to her present prosperity and fature glory, we may at least unite with one mind in the resolution, that in our hands this noble cause shall not altogether fail.

If we cannot advance beyond it, policy, honor, ambition, pride, self-interest, and patriotism, forhid reasons for offering the resolutions of inquiry on us to receile from the point that was reached in the controversy between Messrs. Stephenson and 1836. EDWARD B. DUDLEY. O'Connell. Executive Office, Raleigh, Dec. 27, 1838.

TWENTY-FIFTH CONGRESS. THIRD SESSION.

IN SENATE.

Monday, January 21, 1839.

Mr. Tallmadge, in pursuance of notice, introluced the following joint resolution :

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses deeming it necessary.) That the following articles be proposed to the Legislatures of the several States as imendments to the Constitution of the United States; all or any of which articles, when ratified by three fourths of the said Legislatures, to be vahd to all intents and purposes, as part of suid Constitution :

1st. The President of the United States shall hold his office but for one term of four years, and lenges to duels in the District of Columbia, and for shall be ineligible thereafter.

2. That the Secretary of the Treasury shall be appointed by Congress, in such manner and for such term as shall be prescribed by law.

34. That the Treasurer shall be appointed by Congress, in such manner and for such term as shall meet the apparent wishes of a majority in the other be prescribed by law.

4th. That the Postmaster General shall be appointed by Congress, in such manner and for such term as shall be prescribed by law.

5th. That no member of Congress shall be ap pointed to any office under the United States until the expiration of two years, after he shall have censed to be a member.

The bill for the continuation of the Cumberland road through the States of Ohio, Indiana, and Hit- committed in, and not out of the District of Conois, having been read a third time, on the question lumbia. Shall this bill pass?

Mr. Clay, of Alabama, spoke for some time against the bill, and asked the years and nays, when that a bill like this might have answered a hundred there appeared as follows :

Clay, of Kentucky, Cuthbert, Davis, Fulton, Knight, thority of Lord Bacon on this subject, whom Mr. Linn, Meirick, Morris, Nicholas, Robbus, Robinson, Sevier, Smith, of Indiana, Southard, Spence, Swift-Talimadge, Tipton, Wright, Young-24.

Nays-Mesora Brown, Calmun, Clay, of Alabania, Foster, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Preston, Roane, Ruggles, Smith, of Connecticut, Strango, Walker, Wall, White, Williams, he in favor of the jurisdiction of Congress in the of Maine, Williams, of Mississippi-22.

HOUSE OF REPRESENTATIVES.

Mr. Graham, of North Carolina, said he properly appreciated the time of this House, and it was with great repetance he interposed with its regular action; but a scuse of duty and necessity, of charity and suffering humanity, induced him at this time to interfere with the regular business of the House, and usk the suspension of the rules, to enable him to present a resolution for the ignmediate action of this body, calling on one of the Departs ments for information. Mr. G. said he had just learned, by letters from wo highly respectable gentlemen, now residing in that section of country intely acquired of the Cherotee Indians, that there were now, at this inclement season of the year, fice or six hundred Cherokee Indians remaining in the extreme southwestern part of North Carolina, destitute of bread, meat, and all the necessaries of life, without homes, or houses, and hiding and roving through the woods and mountains, and driven to the dreadful necessity of stealing or starving. Now, (said Mr. G.)

Objection being ninds to Mr. A's making his

Mr. Grennel moved a suspension of the rules, Mr. Bond called for the yeas and mays ; which, ing ordered, were-yeas 117, onya 59.

So the rule was suspended. Mr. Adams then made his statement, in the course of which he distinctly averred that, though tie had so earnestly advocated the right of persons to petition for the abolition of slavery in the Distrct of Columbia, yet he was not himself prepared to grant their proyer. On the contrary, if the quesit. He knew not what change might be wrought upon his mind by a full and fair discussion ; but as yet he had seen no reason to change his opinion, though he had read all that had been written and published on this subject by the Abolitionists themselves. Mr. Adams then went at length into his

Mr. Adams having concluded his explanatory remarks at three o'clock, proceeded to present to the House his numerous petitions, praying for the abolition of slavery, for the repeal of the resolutions passed by the House on the 12th December, upon the subject, and also, that the mover of the same receive a rote of consure for introducing them into the House. Also, petitions praying for the recognition of the independence of Hayti, and against the admission into the Union of any new State tolerating slavery. Also, petitions praying for the establishing a congress of nations.

Mr, A. having got through at four o'clock, petitions and memorials were further presented. The House then adjourned.

IN SENATE.

Tuesday, Jan. 22.

On motion of Mr. Prentiss, the Senate took up the bill to prevent the giving or accepting of chalthe punishment thereof: Ayes 20, noes not counted.

Mr. Prentiss briefly explained the bill in its present form, especially remarking that the punishment provided for by this bill had been mitigated from that of the last session, particularly with a view to House. He also indistinctly alleged the authority of Lord Bacon to justify the passage of the bill.

Mr. Clay, of Alabama, moved to strike the 4th section from the bill, because, as he argued, it provided for the punishment of an offence to be committed in, and not out of the District of Columbia. Mr. Smith, of Connecticut, argued at some length to show that the offence proposed to be punished by the 4th section of the hill was an offence

Mr. Norvell was understood to remark [for there was much conversation during the whole discussion] years ago, but not since the present Constitution of Yeas-Messirs, Allen, Bayard, Benten, Buchanan, the country was adopted. He demurred at the au-Pope had described as "the wisest, brightest, meanest of mankind," and Mr. N. did not regard him as sufficient authority in this case,

Mr. Tallmadge made a very few remarks, [inaudible to the Reporters] which were understood to case under consideration.

Mr. Prentiss said there was no constitutional question at all on this subject. The punishment provided for was not for an offence to be committed without the District of Columbia, but wholly within gether to evade the provisions of this act; and was There are now, and inve been fer. is political questions before the s

The first --What is the legitimate correctly of the United States ender the Federal Constitution ? The second-To whose keeping shaft the public revenue he intrusted, when collected !

These questions have been, during that while period, a perpetual source of animated diarunal by the people, in their primary assemblies, and is their Congress halls.

To establish what is the logitinates currency, it has been strenuously urged that the Constitution has conferred on Congress the power to regulate the currency, and under that power to incorporate a Bank of the United States, as the only means of reducing, through the medium of its bank bills. the currency to the same uniform standard through out the several States. This power, it is admitted by the advocates of a National Bank, is not derived from any express words in the Constitution itself, but is implied from the adjudientions of the courts of justice, and from the current of public opinions in its favor.

On the other hand, this Legislature considers the question of implied powers put at rest by the express negation in the tenth amendment of the Constitution, wherein it is provided : " That the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are re. served to the States respectively, or the people."

This reservation of undelegated powers is, moreover, put beyond a doubt by the action of the general convention that framed the Constitution, in their negation on the propositions to grant letters of incorporation. Nor has the Constitution, in any portion of it, recognized any other currency, either directly or impliedly, but gold or silver. And has positively declared that nothing but gold or silver shall constitute a tender. And it is certainly a political paradox that admits of no solution, to call that which is declared by the supreme power of the Government to be no tender, the currency of the most commercial nation in the world.

In whose keeping the revenue shall be intrust. ed, is a quustion of vital importance to the American people. And the great contest is, whether it shall be confined to the keeping of the agents of the Government, selected from the great mass of the people for their good morals, high standing in the community, immediately responsible to the Government under all the obligations it may think proper to exact, and all the penalties it may think proper to inflict ; or to that of the banks, of a thousand, or ten thousand stockholders, whose avowed object is main, and whose responsibility from their numbers, their perpetual shiftings, and their independent relation to the Government, neither sppointed by it nor under its control, can never be concentrated, nor safely relied upon.

From a full view of these facts, this Legislature greatly prefers agents selected by the Government itself, amenable to its orders, subject to its immediate control, punished at its discretion, and removable at its bidding. 1. Be it resolved by the Senate and House of

Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to oppose and vote against the recharter of the Bank of the United States, or the establishment of any other bank of a similar character .----Yeas 63, nays 28.

2. Be it further resolved by the authority aforesaid, That our Senators be also instructed, and our Representatives requested, to support and vote for the entire separation of the public revenue from the keeping or control of any bank or banks of any description whatever.-Yeas 53, navs 38.

3. Be it further resolved by the authority aforesaid, That since the Constitution recognizes no other currency than gold and silver, and impera-tively requires that all taxes shall be uniform and equal throughout the Union, the employment by the Government of the paper of local banks, in the collection and disbursements of its revenue, amounts to a plain and undeniable infraction of that sacred instrument, which no considerations of expediency or convenience, and no force of precedent ought long to excuse ; and our Senators are hereby instructed to support and vote for some measure of scheme of policy, the object of which shall be, by a gradual and certain process having regard to the ind biedness and embarrassments of the country, to heal this long standing breach of the Constitution .- Yeas 51 navs 40 4. And be it further resolved by the authority aforesaid, That Alabama has uniformly been on of the foremost among her sister States, in the support of Republican principles; and her citizens hail with pride the bold and manly stand taken by the Chief Magistrate of the Union, upon the finances of the Government. Question divided-on the first section .--- Yeas 62, nays 28. On the second section-Yeas 52, nays 37. 5. Resolved, That taxes and duties ought out to be laid and collected by the General Government, to raise money to be lent out to the keepers therefore, whether public officers or banks, to speculators, or any other class of citizens whatsoever l and that the amount raised should be barely sufficient to defray the expenses of an economical ad ministration of the Government, and should be kept to that object and no other .- Passed unanie mously. 6. Resolved, That the General Government has no right to use the money of the people for banking purposes, and, consequently, any attempt on the part of Congress, by means of a bank charter, or any other legislative enactment, to delegate such power to others, will, as heretofore, meet with the unceasing opposition of the Democratic and State Rights party of this State .- Yeas 68, mays 17. 7. Resolved, That we deprecate the evils re. ulting from the action, of the Government in the creation of bank monopolies, not authorized by the Constitution, the effect of which has been to divert the commerce of the South from its direct and natural channel to its present circuitous route.-Yeas 68, navs 28. 8. Resalved, That a direct trade with Europe is of vital importance to Alabama .- Passed usan mously. 9. Resolved, That the present Administration of the General Government, by promoting the m terest of the South; and guarding our institutions, has won our admiration, and secured our supports and that we deeply deplace the course of such Southern statesmen, as, he acting in concert with its opponents, are aiding to place those in power who are adverse to the rights and interests of the South and the great principles of the Democratio Republican party, as illustrated in the political life and writings of Thomas Jefferson. Question divided-on the first section, yeas 47, nays 42; on the second section, yeas 53, mays 20. 10. And be it further resolved, That the Governor is bereliy requested to transmit a copy of the foregoing preamble and resolutions to each

E ASSALL PROVIDE

merchy authorized and empowered to borrow, To the Honorable the credit of the State, not exceeding five hunusing dollars, to carry on and pay the foreag Instalments.

Be it further enacted. That if in easy it should re necessary to borrow the money aforesaid, Treasurer of the State shall issue the necessacertificates binding and pledging the State for payment of the said sum, which said certifimid Board of Internal Improvement.

Be it further enacted, That the State shall for public inspection. int the number of Directors in said Company. reportion to the Stock subscribed, and who shall painted by the Governor, by aut with the and concent of his Council, and be removed

. And be it further enacted, That the Board of e Engineer of high distinction, and report upon practicability and probable cost of opening a unication between Albemarle Sound and the an at Nag's Head.

lead three times and ratified in General Assemwill.L. A. GRAHAM, S. H. C. A. JOYNER, S. S.

wille and Western Rail Ross Company.

as State a right to vote in the meetings of the pecuaiary interests of the points at which it begins to kholders of the Fayetteville and Western Rail and terminates, nor of the counties through which

State is already authorized to appoint tera counties.

an appoint i

2. Be it fur dis Care and the G ide at their pl

annaby, under such rules, at such places demned or more applauled by the people. and by such persons, as the floated of in- The means are at your command, and yours onement or the said Company shall di-present or the said Company shall di-probability of increasing them, and so that it shall probability of increase the burdens of our con-stituents. Ault, as it there were not sufficient in-

Western Kail Koad Company

General Assembly of North Carolina

GENELEMEN : I have the honor to transmit to you, a report from the President and Directors of the Fayetteville and Western Rail Road Company, together with a letter from Major W. G. McNeill, their distinguished Engineer. This letter of Maj. McNeill, as you will perceive, is a summary of his official report upon the survey of several routes for es shall be under the control and regulated by their road, and his estimates of the cost. The map of this survey is now in the Executive office,

I need not remind you, that the General Assembly of 1836 directed a subscription of two-fifths of the stock in this Company by the State, provided the other three-fifths were taken by individuals .--This report shows that there is no prospect of so And be if further enacted. That the Board of large a subscription by individuals being made. pany, however, (without any expense to the State.) employed one of the first Engineers in the United States to survey the routes and estimate the cost of the Road. The question recurs whether this General Assembly will put forth any effort to accomplish that which their predecessors in 1836 so. patriotically attempted. Whatever systems of Improvement may be devised for the State at large, every body agrees that a line of communication Acr Supplemental to an Act passed at the present Section of the General Amendaly coulded an Act to mend an Act coulded an Act to indispensible branch of any one which shall be adopted. It is a great mistake to consider such a work local or sectional in its character - It is a 1. WREERES, by the original Charter and the link for binding together the whole East to the

and Company in proportion to her Stock, and the it may pass. Although these might alone justify bere recited Act directs a subscription of threes the expenditure, they sink into insignificance com-the of the Stock in said Company without giving pared with the monif effects of exterminating that a a proportionate vote in wild Company's meet- conflict of sectional feeling which has so long re-

as, therefore, Its is connected by the General As-mbly of the Stars of North Carolina, and it is reby exacted by the authority of the same. That all meanings of the Stockholders of the Fayette-summing of the Stockholders of the Fayette-turion, and not it g remains to complete the goodn Rail Road Company, the repre- work begun by them, but for their Representatives ate in said meetings shall you to apply the means under their control for remathe Suck held and owned by North sing the barries that interpose between the markt in the eluction of Directors, of sits of the East and the rich products of the Wes-

man may from time to Whatever reasons may occur to you for delay. ppoint the agent who shall represent the State ing any other important works of Improvement,

there is none for postponing this one. The survey cauched. That the State of has been made, the estimates reported, and they It have foll pawer by an agent both proceed from an eminent source, entitled to by the Legislature, at all times the highest confidence. The work is not local in its and operations of said Comsequences, both recunitry and moral, are sufficient are for a more writt accounts. to stimulate us to the euterprize. Success is Officers of the Company to the State, murally certain, and we are encouraged by the ima. Be it further exacted, That Books shall be been sanctioned by a former Assembly, and no law er subscriptions of individuals and others was over passed in our State that was less con-

Congress has appropriated very large sums of money for the subsistence and removal of these very Indians, and I desire to know what has become of that money I- Have the Cherokee chiefs and white speculators cheated the Indians, and defrauded the the poor Indians to starve or steal for bread ? or none at all of power.

what has become of that large appropriation 7 and why are those Indians left behind, on the east side of the Mississippi river, to be robbed and plundered, and then to perish by starvation ?

Mr. G. said he offered the following resolution, asking the Secretary of War to forthwith joform the House in relation to the matters contained to be committed out of the District of Columbia. therein, and he fondly hoped there would be a unanimous acquiescence in his motion to consider the resolution at this time : Resolved, Thut the Secretary of War be re

quested to inform this flouse, as soon as he can, what number of the Cherokee tribe of Indians are now remaining in the State of North Carolina; what means the Government has provided for their by arrangements made in the District of Columsubsistence ; and way they were not removed west of the Mississippi river, according to the terms of the treaty, and the provisions of an act of Congress, brised at the last session ; and also, how, to whom, and navy as follows: and for what, has the money appropriated under the act for subsistence and removal of the Cherokee Indians been expended and applied.

Mr. Haynes inquired whether it was not true, as he had been informed, that these Indians had set out with the emigrating party, and had fallen back? Mr. Graham replied in the negative. These had never left their homes at all.

Mr. Montgomery was desirous that Mr. Graham should include in his resolution an inquiry why the volunteers called cut to serve in the Cherokee country had not been paid I

Mr. Graham entreated that his resolution might not be embarrassed with any additions The inquiry proposed was a very proper one, and he was in favor of it. He wished it moved in a distinct form, during the consideration of a divorce case, the folwithout risking the passage of a measure imperatively called for hy every feeling of humanity.

Mr. DeGcaff moved the previous question ;and the resolution was then agreed to.

Mr. Adams said he had a large number of petitions to present, on the subject of abolition, and ask-ed leave of the House to explain the position he oc-to exercise the same control over the persons and cupied, and to state the reasons of his adopting the estates of habitual drunkards, that he is authorized course he had done, in presenting petitions of this to exercise over the persons and estates of lumatics." character. He further asked this courtesy of the

there a doubt that Congress was competent to provide punishment for a conspiracy in the District of Columbia to commit an offence out of the District of Columbia-theft, for instance, or any other offence ?

In regard to Lord Bacon, Mr. P. would not go nto an examination of his character; but this he would say, that on any legal question, no higher notiverity could be cited than that of Bacon, and he had expressly laid down the principle that it was competent in the British Parliament to provide for the punishment of the offence of conspiing within the realm to fight a duel out of the realm. Mr. P. thought this section was highly important, and that it was necessary to retain it in the bill.

Mr. Wall also argued that it was competent in Congress to punish for any conspiracy within the District of Columbia to commit an offence out of it, such as a combination, for instance, enabling he slaves to escape from their masters. He re-Government of this money, and left the body of garded this as altogether a question of policy, and

Mr. Niles likewise argued that the offence to be conished was wholly within the District of Columbin, and it was therefore no question of power.

Mr. Clay, of Alabama, read the 4th section, and commented on it, with a view to show that the punishment in the bill was predicated on acts Mr. Southard argued that these acts out of the District, and mentioned in the bill, were to be regarded not as acts to be punished by the bill, but merely as evidence of that conspiracy in the District of Columbia to fight a duel out of it; for which conspiracy alone the bill provided punishment .---He also argued that the offence of evading the act, bia, was justly and fully putishable by Congress. The question was now put on striking out the fourth section, and decided in the negative by yeas

Yeas-Messrs. Allen, Brown, Clay, of Ala. Cothbert, King, Nicholas, Norvell, Preston, Roane, Spence, White-11.

Nays-Messra, Buchanon, Clay, of Ky. Davis, Foster, Fulton, Hubbard, Knight, Lion, Lumpkin, McKean, Merrick, Morris, Mouton, Niles, Pierce, Prontiss, Robbins, Robinson, Ruggles, Smith, of Conn., Smith, of Inda., Southard, Strange, Swift, Tallmadge, Tipton, Walker, Wall, Williams, of Maine, Wright, Yeuug-31.

The bill was then ordered to be engroceed for a third reading.

In the Kentucky Legislature, on the 15th nlt., lowing resolution was adopted :

"Resolved, That the petition of Miranda Motloy be committed to the Committee for Courts of Juswhich was seconded by the House, put, and carried ; tice, with instructions to report a bill, making habitual drunkenness a sufficient ground for a divorce in a Court of Chancery ; and that they also inquire