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Legislature of North-Carolina.

SENATE.

TUESDAY, NOV. 22.

Mr. Sneed, from the committee appointed to wait on the Governor, reported that he would make a communication to the Legislature at 12 o'clock this day.

On motion of Mr. Hill of Franklin, the Senate proceeded to the appointment of Standing Committees, which were made as follows:

On Claims.—Messrs. Gilchrist, Riddick, Buddie, Hogan, Baker, Jones of Wilkes, Whitfield and Davidson of Iredell.

On Propositions and Grievances.—Messrs. Davidson of Mecklenburg, Williams, Forney, Melvin, Montgomery, Wilson of Edgecombe, Salyer and Leake.

On Privileges and Elections.—Messrs. Hill of Stokes, Dowd, Copeland, Hawkins, Yanhook, Formydeval, M'Dowell, of Burke, and Joiner.

HOUSE OF COMMONS.

TUESDAY, NOV. 22.

Mr. Iredell, from the committee appointed to wait on the Governor, and inform him of the readiness of the Legislature to receive such communications as he may think proper to make, reported that the Governor would make a communication this day at 12 o'clock.

A committee, consisting of Messrs. Miller, Moore and Williamson, were appointed to prepare and report rules of order for the government of this House during the session.

Mr. Wilson, from the committee appointed to superintend the balloting for three Engrossing Clerks, reported that Samuel F. Paterson alone had a majority of the votes; which report was concurred in.

Received from his Ex. the Governor, the following Message, which was read and ordered to be printed.

GOVERNOR'S MESSAGE.

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

Gentlemen,—It has pleased Divine Providence that we should again meet together, in the full enjoyment of all our rights and privileges as freemen.—Let us, then, properly appreciate this boon, granted as it has been, to so small a portion of the human family; and, with profound gratitude, return thanks to the author of all good, that it is our destiny to be a part of the favored few!

In the retrospect of the past year, the election of a President of the United States, stands eminently conspicuous. And, although many of us were disappointed in our individual wishes, by the result; yet when the number of candidates and the high claims which each had upon the good will and support of his fellow citizens, are taken into consideration,—it must be matter of congratulation to every friend of our institutions, that no personal attachment to any individual was so deeply rooted in the affections of any one portion of our widely spread population, as was that bond of union which has so long and so happily kept us together under every emergency.

The mode of electing a Chief Magistrate of the United States, has been a subject of much deliberation and discussion, not only in the Legislatures of the different states, but also in Congress. To notice the various changes proposed, and their consequences would far exceed the limit of this communication.—I simply call your attention to it, and submit to your better judgment, the propriety of taking the matter under consideration.

In accordance with a resolution adopted by the General Assembly, I endeavor to be the Benefactor and Friend of a Country. Gen. Lafayette, a worthy the dignity of our State, and the honor resulting from that refer you to a report of the I, to whose assistance and that station on the part of the state, of Chief Justice Taylor, Col.

Gen. Polk, Gen. Wm. Williams, (of Warren,) and J. G. A. Williamson, Esq. I am indebted for first receiving and subsequent conducting that illustrious individual through the state. A part of the expenditure was for articles of furniture, which will continue to be useful in the Government House, and which were indispensable, as will appear by reference to an inventory made at the time of taking possession.

The development of our internal resources, the improvement of our water courses, the structure of roads, &c. presents, collectively, a subject of the deepest interest.—Whilst our sister States are rising in wealth, increasing in population and extending their influence by a sincere and zealous attention to these objects, North-Carolina has either remained content with the barrenness of nature, or made such feeble and

partial efforts, as only served to throw real improvement at a yet greater distance. If we have any honest doubts of the vast advantages resulting from a well directed and liberally encouraged plan of internal improvements, let us for a moment, turn our attention to the State of New-York. Her widely spread tract of western lands, which but a very few years ago, were scarcely populated and of little value, are now alive and active, with an increasing population; increasing daily in value, and will, at no distant period, be one of the finest sections of the state. She has not only thrown open and advantageous mart to her own citizens, even from the remotest sections of the State, but she has likewise brought within her influence, and laid under contribution, the citizens of the adjoining states. And all this, so far from impoverishing, has unquestionably become one of her most certain and extensive sources of revenue, and consequently promises to yield a most liberal interest upon the money expended in the construction of the works.

Upon viewing such a state of things in one of our sister states, does not the question come full upon us. What have we done? Surely, if any state in the Union requires internal improvement, that state is our own! The important inquiry then is, has the time arrived for prosecuting such undertakings? I, for one, believe it has. It is not my desire to see my fellow-citizens burdened with unreasonable taxes for this or any other purpose. If no other reason could be found, that I must suffer in common with them would be sufficient.—But we have, at the present time, a considerable surplus revenue appropriated to this end, which if it was solely and steadily applied to one enterprise, instead of being divided among a great many and thus rendered inadequate to the production of any beneficial effect, would soon accomplish it. This would be established one point in a series of improvement! And then, if the same surplus capital increased by the profits of what had been done, should continue to be applied to other enterprises. North-Carolina might, at no very distant day, be able effectually to execute all that could be esteemed beneficial. Moreover, we cannot but suppose, that our fellow-citizens would cheerfully submit to additional taxes, did they perceive that any thing effectual was doing or would be done. Permit me to call your attention, in a particular manner, to one object of internal improvement.

From the large quantity of stagnant water which covers an immense body of what could be rendered the most fertile land in the eastern section of our state, originate, in a great measure, those diseases with which its inhabitants are so often afflicted. Some considerable portion of the bottom of those swamps have been granted to individuals, leaving a large remainder in the possession of the state. Some intelligent, spirited and enterprising individuals have attempted to reclaim their portions of these swamp lands, and others would do so, but that it is impossible, from their having no vent for the water on their own lands. In fact, these swamps cannot be drained but by a general effort of the proprietors, and this can only be made under the direction of the Legislature. It is therefore respectfully submitted; whether a law ought not to be passed for the purpose, first, of ascertaining the portions respectively owned by individuals & by the state in these swamps; and secondly, of compelling claimants to pay their due proportion towards draining the swamps in which their lands may be located, the state paying for that part which is unappropriated. It is believed, that in many cases, the only public work wanted would be a central drain sufficiently large to vent the water, traversing the whole length of the swamp. In some, side-drains, to cut off springs, might be necessary.

This being done, it would then be left to each individual to improve his own land according to his industry and enterprise. The lands belonging to the state might be divided into proper lots and sold, and would undoubtedly give existence to a large fund to be appropriated by future Legislatures, either to internal improvement, or other public purpose. The permanent revenue of the state would be greatly increased by the taxation of the lands sold, and the additional taxes which would be laid upon the lands thus increased in value. Indeed it seems apparent, that the strength, the wealth and the health of the state, are deeply and intimately connected with this subject; it is therefore earnestly, but respectfully, recommended to the consideration of your enlightened body.

The last General Assembly having reduced the number of the Board of Internal Improvement, appointed Generals Iredell and Dudley, Colonel Forney and the Governor, ex-officio, members, constituting a Board. None of this Board had ever before served in that situation. Reports were in circulation, that much money had been unnecessarily expended and that the works were improperly conducted. On these

points, we considered it our duty to obtain correct information.—The best mode of effecting this object, was, we thought, to examine in person, the proceedings of the different "Navigation Companies," in which the State was interested, and also, the different points where works were progressing. In consequence of this understanding, we travelled, in the month of June last, through the eastern section of the state, and intended to have gone to the "west," in order to complete the survey. In this, however, the Board were disappointed, by circumstances unnecessary to be stated at present. A report, more in detail, will be officially made by the Board of Internal Improvement.

If the subject just alluded to be important, how much more so is that of Public Education! Whilst the former regards the face of the country, and the pecuniary interests of its inhabitants, the latter is wholly solicitous about the distinguishing feature of our nature, the moral habit of man, and his "felicity, both temporal and eternal." The latter derives additional claims to consideration, from the very difficulties which surround, and the time requisite to digest and mature any efficient system connected with it. But above all, it has, in comparison, one recommendation, which never fails to be felt and understood by the mass of mankind—it requires a less fund to conduct it.—A system of Internal Improvements, only requires that it should be well planned, liberally encouraged, and ably conducted, and the end is attained—success must ensue. But though the other asks nothing more, still the difference of the materials to be wrought upon, defies any thing like the same conclusion. Yet surely difficulties, though they rise at every step, shall not prevent us from making some effort, from undertaking some system. If the preservation of our political principles in their original purity, be of any value—if the moral character of the people, be matter of moment—if "honest merit should have fair play" in our elections, then let us not delay, but immediately begin the important work! Whilst Public Education is unestablished, and its kindly influences are not generally felt, it is more than useless to address the great body of the people, until they must fully understand, before they can duly appreciate their political blessings. If nothing more can be done, at least enable them to understand and judge for themselves, when they are instructed. It but seldom occurs that the understanding is improved and the mind enlarged, without a consequent improvement of the moral feeling. But while the people continue uninformed, your annual Assemblies may enact—your Courts of Law may arraign and punish—but your enactments will be void—your punishments be but periodical exhibitions, serving, for a moment, to frighten or amuse, yet destitute of the wholesome, desirable influence of just examples. In such a state of things, it cannot be expected, that moral worth, that intellectual attainments, and pure principles should have that weight and influence that they should command. If so, are not the people unequivocally left the prey of passion and prejudice? Have they, in strictness, that free agency, which is the pride of the rational, as it is justly the boast of the truly freeman? True, indeed, it is, that the free agency of the mere animal is preserved, but that of the man, is wholly lost. Surely, then, it is time, that such a condition of things should be deprived of its legal sanction. The provision for Public Education is a noble feature, which stands in fine relief, in most of our State Constitutions. In most of the States too, Legislative enactments have, in consequence, been made, scattering throughout their limits the invaluable treasures of Education. Yet North-Carolina has, in a great degree, been deprived of the advantages which might have followed from her own constitutional provision. True, it is, we have a University, justly the pride of our state and the source of extensive usefulness. And it is also true, that at the last session of the Gen'l Assembly, a resolution was adopted appointing some of our most distinguished citizens to digest and report to the present session a plan of "Primary Schools." It seems therefore unnecessary further to draw your attention to this subject, as the Report will no doubt bear the stamp of the well-known and distinguished abilities which have been enlisted to prepare it.

A resolution was adopted by the General Assembly of the State of Georgia, on the 22d day of December, 1823, proposing an amendment to the Constitution of the United States.—This was presented to our last General Assembly by my predecessor. Since that period, resolutions from New-Jersey and Virginia, disapproving, and from Missouri, approving his amendment, have been received, and are herewith submitted. In addition, you will herewith receive, Resolutions from the State of Ohio, proposing the "gradual emancipation of Slaves and the Colonization of free

people of Colour." These have been disapproved by the Legislatures of Mississippi and Missouri, and highly approved by those of Indiana, Delaware, Connecticut and Illinois, as will appear from their accompanying resolutions: All of which are respectfully submitted with one passing remark. That although we cannot but acknowledge, with feelings of lively gratitude, the overweaving interest which the non-slave-holding states have taken in our internal police, yet we indulge the hope, that they will shortly learn and practise, what has familiarly been turned, the "eleventh commandment." "Let every one attend to his own concerns." And that they will concur with us in thinking, that if our neighbour have a natural deformity, it is, at least, a breach of good manners, continually to remind him of his misfortune. Your wisdom however will dictate the proper course to be pursued upon this delicate question.

Under a law passed at the last session, Gen. Philip Britain and David L. Swain, Esq. were appointed Commissioners to carry into effect a contract previously made by Benjamin Robinson, Esq. and Col. William Robards. The satisfactory manner in which they have discharged their duty, will evidently appear by reference to their correspondence and a report made by them; both of which are herewith communicated. I herewith transmit you a communication from the War Department, requesting a cession of territory at Oak Island and Old Topsail Inlet, and jurisdiction over the same to be made to the United States, and that commissioners may be appointed to value the property, and cause a conveyance to be made—as will more fully appear by reference to the communication itself and its accompanying plat.—You will herewith receive a communication from William Gaston, Esq. in which he "declines altogether the task of revising and consolidating the laws concerning the duties of Executors and Administrators," for reasons which will be found in his letter herewith submitted.

Early in June last, George E. Badger, Esq. presented to the Executive his resignation as one of the Judges of the Superior Courts of Law and Equity. In consequence, he was unanimously advised that a temporary commission should be granted to Thomas Rufin, Esq.: with you it rests to make the permanent appointment.

From H. Fulton, Esq. his resignation as Civil Engineer of the State, for reasons contained in his letter herewith submitted. The resignation of Justices of the Peace and Militia Officers, will be found in the file marked V.

I have no doubt omitted many things that will merit and occupy your attention during your present session. Knowing your ability to supply any deficiency on my part, I will no longer trespass on your time and patience.

I am Gentlemen, with the highest respect and consideration, your humble servant,
H. G. BURTON.

Mr. Picott moved that the letter of resignation from Hamilton Fulton, as Civil Engineer, accompanying the Governor's Message, be printed, four copies for each Member. Which motion was decided in the negative.

Mr. Martin moved for a reconsideration of the vote; and that the resignation be printed, one copy for each Member. This motion was also negative.

Mr. Swain presented the following resolution, which was read and adopted by the House:
Resolved by the General Assembly of the State of North-Carolina, That the deeds of conveyance and release from certain individuals of the Cherokee nation, taken by the Commissioners, in behalf of the state, appointed under an act of the last General Assembly, entitled "An act to carry into effect a contract entered into by Benjamin Robinson and William Robards, Commissioners on behalf of the state, with certain Cherokee Indians, in the said contract named," be transferred from the Executive Office to the office of the Secretary of State.

WEDNESDAY, NOV. 23.

Several ballotings took place for two Engrossing Clerks; but at neither of them had any person in nomination a majority of the votes.

Mr. Miller from the committee appointed to prepare and report rules of order for the government of the House, made a report which was concurred in and ordered to be printed.

The following Standing Committees were appointed:
On Claims.—Messrs. Holland, Poor, Martin, Hoover, Webb, Smith of Anson, Whittaker, Marchison, Sprull, Ball, Cox, Miller, Alston, Vann, Elliott and Foy.

On Finance.—Messrs. Carson, Sheppard, Williamson, Gary, Blount, Iredell, Gause and Elliott.

On Agriculture.—Messrs. Green, Smith of Davidson, Scott, Latham, Hardy, L. H.

Simmons, Ed. Williams, M'Nair, Weaver, Durrett, N. Jones, Bynum, Wm. Walton, Gorham, Joiner and Elliott.

On Internal Improvement.—Messrs. Wilson, Barnett, Donoho, Gary, Picott, Burns, Wm. W. Jones, Matthews, Swain, Melchor, M'Cauley, Bryan, Bateman, Blount, A. Moore and Alford.

On Privileges and Elections.—Messrs. Edmondson, Brower, Boon, Baker, Barnard, Borden, D. Underwood, Howell, Conrad, Durgan, Glasgow, Cooper, Tillet, Richardson, L. R. Simmons and Crawford.

On Propositions and Grievances.—Messrs. Carson, Polk, Williamson, Daniel, Stedman, Pugh, Wright, Ashe, Ballew, Pickens, Rand, Wm. T. Williams, Skinner, Whitehurst, Stephens and Marshall.

On Education.—Messrs. Herbert, Unthank, Lewis, Houze, Bozman, Allen, Best, Alford, Gordon, Hill, Brooks, Drake, Jno. Walton, Edwards, M'Millan and Dockery.

The following is the letter of resignation from Hamilton Fulton, Esquire, alluded to in the message of his Excellency, the Governor:

Wilmington, 4th Nov. 1825.

GOVERNOR BURTON,

Dear Sir—When I left Raleigh I was induced to believe from General Dudley's letter, that the whole of the Machinery connected with the Dredging Machine had arrived. I am sorry to inform you, no part of it has arrived at this date that any thing can be done with. The only things I found, were the fly wheel and two spur wheels—these happen to be the very last things wanted.

I have had a great desire to effect something important on the Cape-Fair River before I left the State of North-Carolina, but really the disappointments have been so great, I am under the necessity of informing you, I shall not consider myself Civil Engineer of the State of North-Carolina, longer than the period of my engagement, namely, the 1st of January 1826.

Since my coming to this place, I have examined the Northeast Cape-Fear, agreeably to a resolution of the General Assembly of 1823. On my returning from this

west River, where I found the Over-seer very sick, and the hands unwilling to go into the River any longer, from its coldness. I therefore ordered them down to this place, after removing some logs which they had not an opportunity of doing before. I intend to employ all the hands on board the Ark, I can retain in getting out a few logs in the ship channel.—During the time I remain in the service of the State, I shall use the utmost of my endeavours to get the Dredging Machinery in operation, although I quite despair of doing any thing effectual during that time.

I have made every sacrifice of health and comfort to effect the improvements of the Cape-Fear River above and below this place, but finding these unavailing, it is with reluctance, I must give up the idea from causes quite beyond my control.

Your favor informing me the State of Pennsylvania could not employ a Principal Engineer, I received duly, and am happy to hear they can do without one.

I remain,
With great respect,
Your most obed't servt,
HAMILTON FULTON.

The Ladies' & Gentleman's ANNUAL Pocket Remembrancer, FOR THE YEAR 1826. Just received and for sale by T. WATSON.

TAKEN UP,
AND committed to the Jail in Newbern, on the 9th inst. a negro man who calls himself George, or George Fewloches. He says he belongs to Stephen Merriday, near Black River Bridge; that he originally belonged to Lewis B. an of Lenoir, who sold him to John Curving of Wilmington, and that the latter person sold him to his present owner.—Said negro is about 40 years of age, and of dark complexion. The owner is requested to come forward, prove his property, pay charges and take him away.

WM. G. TAYLOR, Jailor.
Nov. 13, 1825—'00.

TAKEN UP,
AND committed to the Jail of Craven County, on the 27th ult. a negro man who calls himself DICK, and says he belongs to Jacob Gibson, of Fairfield District, South-Carolina. The owner is requested to come forward, prove property, pay charges and take him away.

WM. G. TAYLOR, Jailor.
Newbern, Dec. 3, 1825—2