PUBLIC TREASURER, To the Legislature of North-Carolina.

To the Honora'se the General Assembly of the State of North-Carolina

GENTLEMEN,

the following, to wit !

in Haywood county.

1825, and thereafter to be accounted for, as reported to the last General Assembly, same fund, the amount of the dividend last ing added, viz. \$113,884 277. an aggreite amount of \$249.031 77 is formed. en made within the time first above meny, to amount of \$123,729 7, the vouchfer 12,304 951, to the common School or Cherokee Lands, together with all other he Comptroller, and passed upon by that to the drafts or disposal of that Board

be found to leave a balance of 125,302 70 of which account or statement accompanies ing in the Treasury of his State on this, and is marked with the letter A. he first day of November last-say on the first day of November, 1826, and hereaf- to submit to the General Assembly an ab ter to be accounted for.

For the several items forming the recepuse of the Members of the General Assem-

The State Bank of North Carolina deared dividends in the months of Decemwhich, on the shares held in it by this State, amounted to \$21,544; which were passed to the credit of the State by that Bank, and above mentioned—the December dividend, duction of \$3,356 24; being the amount a, at the time of the declaration of the as above mentioned.

likewise declared half yearly dividends in Banks of North Carolina :- The shares the months above mentioned : the Bank of which were of the State Bank and of the Cape-Fear at the rate of three per cent: and the Bank of Newbern at the rate of for years past declared their dividends a four per cent; part of the proceeds of which, the rate of 4 per cent. half yearly, were it will be recollected, are appropriated and goes to the fund created for Internal Im- of the Bank of Cape-Fear, which has latprovements: and those Banks declared also additionally at the same times and at the half yearly only, were bought at \$95 per same rate, ou, the stock or shares of their share. capital lately-purchased by the State : the first named to amount of \$1956; -and the other to amount of \$884: which two sums were paid into the common Treasury of the Stare, and are included in the warrant of transfer to the education fund herein be-

fore noticed. of North-Carolina, on the first day of No- by North Carolina, through the said Act er, in the State Bank at Raleigh.

at my credit, in like manner in the Bank or rather for information as to manner or of Newbern, in Rateigh.

Fayetteville.

paid off and taken up since the close of the such claims rest. late fiscal year :- and of Bank Notes and great and rarely fail to be considerable.

Statements, as well as from this Report, ed : but it has unfortunately happened carried on Mr. Sanders's proposition. that the common school fund had at its that, in several cases, the purchasers, tocredit, on the 1st day of November last, gether with their securities, proved insol the sum of \$12,304 953; since which vent; and consequently the executions, dividend declared by the Cape-Fear Navi- been uniformly returned, in these cases, ett, referred to the Judiciary committee.

ALAN CEARLE

hat fund,) has been paid into the an Annual Report to the Legislature, I do would leave me free to omit noticing it over them, on the ground of having bid myself the honour respectfully to submit here, nor should I do it, were it not for my them off and covenanted to pay for them Carolina for the year commencing with the power; and from my wish likewise, to do securities having long since proved insol first day of November, 1825, and ending even more than common justice to the pa- vent as aforesaid; and some of them conwith the last day of October, 1826, includ- triotic zeal and untiring endeavours of this tinue likewise still to use the lots or lands public taxes of every other description which which has, as yet, declared any dividend timber from off them, and committing obecame due and were paid at the Treasury whatever :- and, acting under the influof this State within that period; together ence of the same principle and feeling. I with the dividends declared by our three may be permitted here to remark, that al several Banks and which were not appro- though the balance of the agricultural fund priated ; the purchase money or proceeds could not be transferred on the 1st of Noof the vacant lands latterly entered and vember last, on account of the provisions paid for in the course of the time above- and limitation of the act of 1824 in regard mentioned; and the collection made from to that fund, and because likewise of the the bonds given by purchasers of the public | unsatisfied claims which then existed and lands near Raleigh which were sold in 1820, at present exist, as well as of others of the amount to \$135,147 494; including an item | like nature which may be made upon it by of \$21,042 70, received into the Treasu- | counties that have not yet formed Agricul ry in course of the year, as a reimburse- tural Societies, but which may still do so, ment of the like sum theretofore advanced in February next these difficulties and hinand paid out of it, in aid of the fund for | drances will be done away; when the Internal Improvements and to extinguish transfer of a respectable balance from the the claims of sundry Indians of the Chero- agricultural to the common school fund kee Nation to certain reservations of lands | may be looked forward to, with reasonable hope and expectation; at which time like this sum the balance remaining in wise it is highly probable, and, indeed, Treasury on the first day of November | well nigh certain, that the Comptroller will, by his warrant, transfer also to the above mentioned.

The Public Treasurer has rendered to From this sum total, disbursements have the President of the Board of Internal Improvements an account of his receipts and oned, including the defaced and worn expenditures from the 1st of November, reasury Notes burnt by the last assem- 1825, to the 1st of November, 1826, comprehending the payments made at the s for which, including a warrant of trans- Treasury by the purchasers of parts of the ucation fund, have been handed over to monies received by him which are subject which shows or leaves in his hands an un-This expenditure being deducted from expended sum or balance of \$23,407 23. aggregate amount above mentioned, will yet to be accounted for. a copy or abstract

The Treasurer has the honour likewise stract of receipts and disbursements, or statement of account, showing the condition and expenditure above mentioned, the tion of the agricultural fund of North-Carolina on the 1st day of November last, Public Treasurer asks leave respectfully rolina on the 1st day of November last, to refer to the printed statements prepared which will be found to leave a balance of and furnished by the Comptroller, for the 37,965 95 in favour of and to the credit of the said fund : which statement is mark ed with the letter B.

The Treasury Notes last ordered by the General Assembly were not all issued or and June last at the rate of 4 per cent; sold on the 1st day of November last, nor are the whole of them yet disposed of, few sheets remaining still on hand, but not more than will probably be sold in course are, of course, included in the amount of of the present session of the Assembly the receipts at the Public Treasury first this item, however, in conformity with the assurance given by the Treasurer in his however, was, as usual, subjected to a re- last annual report, was incorporated in his general account for 1826 as settled with of the interest which had accrued and was the Comptroller on the 1st day of Novem payable out of it to the Bank according to ber last, and was then set off and balanced law, on account of the unpaid for shares by the delivery of Bank Stock or shares, of the stock held therein by North-Caroli- purchased for the use and benefit of the State, to that officer in full of the same ;said dividend :- the voucher for which re- and to him was likewise delivered, at the duction from the dividend and payment to same time, other Shares of Bank Stock the Bank, is included in the general ac- bought with the surplus monies in the Trea count of expenditures or disbursements for sury in course of the fiscal year of 1826. the late fiscal year, and will be found in to amount of \$10,925, as may be seen by the files handed over to the Comptroller, his statements furnished for the use of the members of this Assembly: The stock a-The Banks of Cape-Fear and Newbern bove mentioned was of the three several Bank of Newbern, which have hitherto and purchased at par : and those which were terly declared at the rate of 3 per cent.

Pursuant to the provisions of the act o the last General Assembly, entitled "An act to cede to the United States a certain tract of land called Bogue Banks," the sum of \$1287 has been sent or remitted to me by Lieut. Wm. A. Elisson, of the Engineers, and agent of fortifications at Fort of the sum of \$125,302 70 above menti- Macon, to be deposited in the Public Treaoned, as being the balance due and paya- | sury as the purchase money and in paymen ble from the Public Treasurer to the State for the Lands ceded to the United States vember last, \$41,361 45 were deposited Applications have since been made at the and stood at my credit, as Public Treasur- Treasury by one or more of the claimants under the provisions of the said Act, for a \$33,007 31 were deposited and stood part or portion of the money so deposited, means necessary to the obtaining it; which And \$9,879 25, were deposited, in like have been necessarily postponed on the manner, and stood at my credit, as Public ground, that the Public Treasurer is not Treasurer, in the Bank of Cape-Fear at clothed with any power by the act aforesaid, to judge either of the validity of the The remainder consists of worn and re- claims which might be preferred, or to pay deemed Treasury Notes, which have so off or discharge such as should be considerconsiderably and so rapidly accumulated ed good and valid :- On the grounds likesince the first of November last, as to put wise that all power in regard to this depoit out of my power hitherto to count and site rests wholly with the Legislature :prepare them for burning, which shall how- and on the ground moreover that the Pubever be done as soon as practicable :- of tic Treasurer has not yet seen or been furwarrants and other claims on the Treasury nished with the evidence on which any

A part of the purchase money bid for the poned until the first day of June next. current Treasury Notes kept in the office lands belonging to this State, near Raleigh, for the purpose of meeting the demands or and which were sold in 1820, remains still time, been had in every instance, save two, gation Company for 1826 on the shares with an endorsement of " not satisfied," Mr. Davenport presented a bill to esta-

ing and ardering of these lands, provided that no deed or other conveyance should be made until the Treasury of the State: This item however other consequence should be made until the duty of Gra. I Jurors, in regard to could neither be reported nor otherwise of ourchase money was fully paid up; and presentments for affrays and for assault and thus it happens that the lots of land so sold battery. [Provides that prosecutions shall ler on the 1st day of Nov. last, the day and not paid for still remain to the State, be brought within two years, if the assault on which all the public accounts are made no conveyance or title whatever having be not committed with intent to kill. up and balanced; because payment was been made for them by the Commissioners In obedience to the art of not at that time made by the Company, nor | who were authorised and appointed to sell Assembly which requires of the Public was it in fact made until the 7th of the them :- The purchasers however continue Treasurer of this State, for the time being, month following: a circumstance which to claim them and to exercise ownership anxious desire to place this infant fund in although it is known and admitted that The Receipts at the Treasury of North- the most respectable point of view in my they have no power to do so, they and their ing sundry payments of arrearages and the the only Navigation Company in the State as their own, by cutting and taking the ther wastes on them. The Public Treasurer heretofore made a like representation to the General Assembly, but as no effectual remedy was then or has since been provided, and these matters still remaining in the same or a worse situation, he has considered it his duty again to mention them as there remains not the most distant prospect or probability that payments will be made; whilst the lots or lands in question will necessarily be lessened in value when despoiled of the remaining growth of timber at present on them, and will indeed thereby become in a measure worthless.

The exposes or statements of the situation of the Banks of this State, as required by a resolution of the Assembly of 1822, are herewith transmitted.

Much and respectfully, gentlemen, your obd't serv't, JNO. HAYWOOD, Pub. Treas'r. Raleigh, 27th Dec. 1826.

STATE LEGISLATURE.

IN SENATE.

Monday. Jan. 1, 1827. Mr. Ward, from Onslow, and Mr. De berry, from Montgomery, appeared, wer

qualified and took their seats. Mr. Hill, of Franklin, remarked, that it wa within the knowledge of every member present, that in consequence of the resignation of Judge Nosh, there was a vacancy on the Superior Court Bench, to be filled during the present Session of the Legislature, The Executive and Counci 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 resident in the State, to procure a certifithe House of Commons, proposing to ballot or Wednesday next for a Judge, and he took that opportunity of nominating Mr. Mangum for the

The motion was carried. Mr. Boddie presented the following re

Resolved. That the Committee on the Judicia ry be instructed to inquire into the expediency of passing a law to prevent slaves from selling Cotton to any person but their owners, or those having charge of the same.

Mr. Boddie remarked, that there was apparen necessity for the passage of this resolution. There had been a bill already introduced, to prevent the fraudulent trading with slaves, but that did not embrace the object intended by his resolut on. He moved that the bill to which he had alluded be also referred to the Judiciary com

Mr. Croom said, he had the honor to introduce the bill, of which the gentleman last up had spoken. He certainly had no objection that the bill submitted by him should be referred to the Judiciary Committee. With regard, however, to the resolution just presented, he begged leave to suggest an amendment. He thought there were many articles of qSite as much importance as cotton, which should be included. He moved, therefore, to add all the other articles embraced in the provisions of the act of 1819, or he was willing that the Judiciary committee be instructed to inquire into the expediency of passing a law to prevent slaves from dealing in any article except with their masters, &c.

The amendment was agreed to, and the

resolution adopted : Mr. Smith, of Davidson, presented a bill respecting the allowance of claims and the appropriation of the public money, in the county of Davidson.

Mr. Leake, a bill authorizing the Trustees of Richmond Academy to raise by way of Lottery, \$10,000-which bills were read the first time.

Mr. Wilson of Edgecomb, presented a bill in relation to Lotteries. [Provides] that the Tickets of no foreign Lotteries Referred to the Committee on Privileges shall be sold in this State, under a penalty and Elections.

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

The Orders of the Day were then taken up, the first of which was, the Resolution introduced some days ago by Mr. M'Kay 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 de-

The next subject in order, was the bill to alter the annual meeting of the Legisla- who are born in bondage, and who are afterwards

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 or 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 under go a thorough investigation, and to that end

for Thursday week. Mr. Hill, of Franklin, moved that it be post-

moved that the bill be made the order of the day

The Speaker said the question would be put on the most distant day of reference expenditures of the day, which are often unpaid : Judgments have, from time to and accordingly took the sense of the House on Mr. Hill's motion, which resulted in its It will be seen from the Comptroller's in which payment was withheld or delay- rejection. The question was then put and

The bill to allow Private Acts printed by the Printer of the State, to be read as time and on the 7th of December inst. the which have been frequently issued, have the third time, and on motion of Mr. Pickevidence in Courts of Justice, was read

Mr. Burney presented a bill regulating the duty of Grand Jurors, in regard to

Mr. McKay mid, as the subject was of considerable importance, he moved its reference to the ittee. The Legislature ought certainly to provide by an act of limitation, in what time Prosecutions shall be brought. Every State in the Union, he believed, had done this, and the Congress of the United States had not only provided for minor offences, but even for felonies. He hoped the bill, if refered to a committee, would be made general in its character, and apply to other offences not embraced in it at present. There might be provisions in it, in cases where the offender had escaped from justice, &c. By the rule of the common law, a prosecution may be commenced at any time, and our Judges frequently instruct the Jury, that it may be done within a hundred years. There certainly should be some limit or else a person may be prosecuted for an offence, years after its commission, and be convicted, when, if tried at the time, he might have established his innocence; but in the mean time, witnesses may have died or removed beyond the jurisdiction of the Court, or the lapse of years may have impaired their recollection of circumstances. He hoped the subject would be referred-which was done.

Tuesday, Jan. 2.

Mr. Gray presented a bill to confirm the name and to legitimate Alexander Murdoch of Randolph County. Read the first time, and subsequently the second and third times, and ordered to be engrossed.

Mr. McDowell presented the petition of Samuel J. Edney, on the subject of a di-Referred to the committee on that

subject.

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. [Provides that no free person of color shall migrate into this State or having done so, does not remove within five days after notice given, shall be subject to a penalty of 500 dollars, or in default of the payment of this sum, that they be hired out for a term of years not exceed ing ten. Provides that any one who brings into the State any free negro, shall forfeit and pay for every one so brought, 500 dollars-this provision does not extend to masters of vessels bringing in any free negro employed on board, and belonging to said negroes as servants. Every free negro now cate from the Clerk of the County Court in which they reside, of their being free, and if they remove from one county to another, to have their certificates registered. and a copy of it given under the seal of the Court. Provides that if any free negro does not labor for support, they may be taken before a magistrate, and required to give security for their peaceable and inclustrious behavior, and in case they do not give security, they are to be hired out for such a time as will probably have an effect in reforming them them to habits of moral-

ity. Persons hiring these negroes are bound to provide them with good and sufficient clothing, to treat them with humanity, and teach them some mechanical trade. And persons guilty of neglecting this provision, to be subject, if convicted, to fine or imprisonment. - Provides, that in all cases arising under this act, any free negro, who is charged with an offence, upon application to the Court for that purpose, shall

tried by a Jury.] The bill was read the first time, and referred to the Committee on that part of the Governor's message which relates to the

Mr. Love moved that it be printed, one

copy for each member. Mr. Speight suggested to the gentleman the propriety of withdrawing his motion at present. The bill was referred to a committee, and that committee would proba bly report amendments to it-perhaps im portant ones. Then he hoped it would be printed.

The motion was withdrawn.

The Speaker laid before the Senate, communication from Cornelius Dowd, of Moore county, contesting the right of the sitting member, Josiah Tyson, to his seat.

Mr. Love presented a bill to change the time of holding the County Courts of Hay wood. Read the first time, and subsequently it had its second and third readings.

Mr. Pickett remarked, that there was a law in existence, which gave to the Superior Courts the power of emancipating slaves for meritorious services. He had seen such a diversity of opinions among the Judges, as to the execution of this law, one allowing this act to be meritorious and another that act, that he thought some amendment necessary. He considered the emancipation of slaves amongst us a great evil. There was a stronger sympathy existing between those emancipated, and slaves, than there is between slaves and those who are born free. Those who are born free, will harbor slaves from interested Mr. Seawell moved, that the consideration of views, and will trade with them, and are injurious to their master's interests, but they have not this correspondent feeling towards them. He thought it was time for North-Carolina to remedy this evil; and it must be admitted that the manumission of slaves where they are allowed to remain amongst us, is an evil which requires a corrective. We ought, said Mr. P. to pass a law restricting manumission, by requiring emancipated persons to be removed out of the State. If we choose to free our slaves from humanity, or any other motive, let it be done in such a way as not to injure our neighbors. For the purpose of bringing this subject fully before the Legislature, he offered the following Resolution:

> Resolved. That the Judiciary committee be instructed to inquire into the expediency of so a-mending the Emancipation Laws, that the owners of any slaves, after obtaining licence to manumit them, shall enter into bond with security, that

dr. Beard of Rowan, presented the stion of sundry citizens of that county, the subject of Constables-which was ferred to the committee of Propositions at Grievances.

On motion of Mr. M. Kay, it was esolved, That a select committee be appoint d with instructions to enquire into the expedi ency of designating such acts and parts of acts of the British Parliament as shall hereafter be

considered in force in this State, and that they have feave to report by bill or otherwise. Messrs. M.Kay, Seawell, Pickett, Miller, and Spaight of Craven, were subse

quently appointed this committee. On motion of Mr. Spaight of Craven, Library committee was appoitned on the part of this House.

Mr. Croom observed, that it was known, that numerous applications were made to the Legislature on the subject of establishing Poor and Work Houses, and their time was taken up in passing special laws on these subjects. By passing a general law on the subject, this valuable time would be saved. For the purpose of su-perseding the necessity of this delay, he offered the following resolution :

Resolved, That the Judiciary committee be instructed to enquire into the expediency of empowering the Justices of the Courts of Pleas and Quarter Sessions to establish Poor and Work Houses, where, at present, there are none.

The resolution was referred. The bill respecting the appropriation of county monies in Davidson county, was read the second and third times and order-

ed to be engrassed. The bill authorising the Trustees of the Richmond Academy to raise by Lottery. ten thousand dollars, was read the second

time, and the question having been put on its passage-Mr, Leuke, rose and said, that it would doubt

less be recollected, by the greater part of the Senate, that when at the last session, he had the honor of introducing a similar bill to the one now under discussion, he had taken occasion to advert to the circumstauces which had made it necessary for the Trustees of the Richmond Academy to apply to the Legislature, for that kind of assistance contemplated in the bill. He had then mentioned, that a short time prior to that period, there were about 60 pupils in each department of the institution; but at that particular juncture, the School was somewhat languishing for the want of buildings-not one being ow ned by the Trustees for the accommodation of the Females, and the one in use by the Males was in a state of dilapidation and nearly unfit for use. Having mentioned these facts for the purpose of shewing that the Richmond Academy vessel, nor to persons travelling with free was entitled to rank among the most respectable nstitutions of the State, but was about to pine away for want of houses, Mr. L. said he had frankly confessed, why the Trustees had not provided them. The reason was, they neither had, nor could they acquire funds sufficient for that purpose, in any other way than by Lottery. Neither the Trustees of that nor of any other Academy, said Mr. L. would be willing, he knew to take out of their private pocket 8 or \$10,000, and apply it to a purpose, not intende to bring them any pecunairy return or exclusiv advantage, but designed wholly for public be-nefit. He also knew that that sum could not be raised by subscription in the neighborhood, and who did not know, that a donation out of the public Treasury, was a s'ill more difficult and improbable event. And hence it was he had ventured the prediction, that unless the bill passed, the return of another session of the kegislature, would not find that respectable School in its then prosperous condition. But, notwith-standing all that was said, his bill had fulled-Gentlemen voted against it, either because they could not reconcile lotteries to their principles, or because they did not believe the school was in danger. If the former was the ground of their opposition, without wishing to discuss the question whether lotteries were immoral, Mr. L. said he would merely remark, that his principles were more pliable than theirs, inasmuch as he could vore for a lottery intended for some useful have a right to have the facts of their case public purpose (to prop up a declining school for instance) with as much cheerfulness and an little repreach of conscience, as he could enter into a cotton or other speculation where there was a chance (as is always the case) of involving his family in ruin. But if gentlemen voted against it, because they believed that the school could get along without it, it was now his duty to in-form them, and the Senate generally, that what he had feared, on a former occasion, had been too fully realized. That the entire female division of the school, consisting of some 50 or 60 young ladies, had been lest to the trustees within a short time past, without as he feared, the possibility of being regained, except by the passage of the bill now under consideration. He hoped therefore, the bill would pas.s

Mr. Hill, of Franklin, was opposed to the bill, and his opposition arose from one of the objections, attributed by the gentleman last up, to the opponents of the measure. As regards the call made upon us for the support of the bill, on account of the languishing state of the institution for whose benefit it was intended, it is known to every person acquainted with the history of such institutions in this State, that they have all more or less, experienced the fatality attending the Richmond Academy. However anxious he might be for the cultivation of the human mind, and the general diffusion of the benefits of education he could not agree to promote these desirable objects in this way. He was willing to do any thing not contrary to the principles of sound mo-rality, to disseminate useful learning, but he had yet to be convinced, that the utility of the end, sanctified the impurity of the means put in requisition for it attainment. He never would aid by his vote, any measure which savored of the damning influence of gambling. He though Lotteries were a species of gambling, and be thanked God he had never voted for their encouragement. That Lotteries participated of the nature of this pernicious evil, he thought could of gambling? Is it not that we venture some-thing for the sake of gaining more? And of all kinds of hazard, that of adventuring in a lotter. is the most fascinating. Indeed, it possesses such a charm, that he had known even plous mendrawn without reflection into the snare, and who awoke from their dream of folly, to see in a proper light, on what slippery ground they stood. The poor were frequently influenced by the hope of gain, to vest their hard earnings in Tickets, which but too often resulted in the impoverish-ment of their family and their own disgrace — Look around at the increase of the evil. Formerly it was but nominal—now, we cannot take up a country paper, but flaming lottery notices attract the attention. It was high time indeed to frown down this monstrous evil; and if it cannot be entirely restrained, let it not be encouraged by affording new facilities for its exercise.

them, shall enter into bond with security, that they shall, within a convenient time, remove without the limits of the State, and shall not return to reside therein.

The resolution was referred.

On motion of Mr. Mathews, it was Resolved, That the Judiciary committee be instructed to enquire whether any, and it any, what alterations are necessary relative to the resolution within a convenient time, remove Believing lotteries to be as detrimental to the morals of the community as cards, dice, or any thing else, he could not patronize them even to subserve the cause of literature.

Mr. Pickett entertained very different views on this subject, from the gentleman from Franking and the second to deprecate the passage of the bill, on account of the immoral tendency of the provinces which it involved that as for him. what alterations are necessary relative to the re. principles which it involved but as for him to