MESSAGE

OF

HIS EXCELLENCY, GOV. GRAHAM,

TO THE

LEGISLATURE OF NORTH CAROLINA,

AT THE SESSION OF

1848-'49.

RALEIGH:
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MESSAGE.

To the Honorable, the General Assembly of North Carolina:

The recurrence of the regular Session of the Legislature, after the lapse of two more years, demands of us renewed expressions of gratitude and praise, to an all-bounteous Providence, for the numerous manifestations of his beneficence, with which we have been favored. With rare exceptions, health has been enjoyed among our population in an unusual degree, the fruits of the earth have been yielded in abundance, not merely for the supply of all our wants, but to relieve the distresses of our famishing brethren, in other lands, and our Common Country, has been restored to the blessing of Peace.

The Regiment of Volunteers, required for the War with Mexico, which was being levied at the last adjournment of the Legislature, was mustered into the service of the United States, and embarked for the seat of War, as early as practicable, after their arrival at Smithville. Being assigned to the column of the army commanded by Major General Taylor, and reaching their destination after the memorable defeat of the enemy at Buena Vista, which overthrew and dispersed his forces in that quarter, they did not have the good fortune to participate in those victories which have so signally illustrated our arms. They bore however their full share of the privations and hardships incident to camp life, and contributed more
than their due proportion of victims to a climate more dreadful than the foe. Had opportunity been afforded them, to test their prowess in battle, I doubt not, that under the discipline and lead of their gallant and able commander, they would have won laurels for themselves and brought home honors for their Country. Under the Resolutions of the last Session making appropriations to that end, I drew from the Treasury, at sundry times, from January, till May 1817, the sum of eleven thousand two hundred and thirty dollars, ($11,230) for the use of the Regiment, for the disbursement of which, vouchers have been deposited, in the office of the Comptroller of public accounts.

An act having been passed at the recent Session of Congress, to refund to the States any monies advanced for the comfort and transportation of their Volunteers, prior to being mustered into service, with interest on the same, I transmitted to the Secretary of War an account of the advances just stated, as well as of the transportation of a part of the Regiment over the Raleigh and Gaston Railroad, on their way to the rendezvous, and desired its early adjustment. A strict construction having been placed on this act by the War department and proof being demanded which requires the vouchers of disbursement to be exhibited, before its accounting officers, it was deemed best to postpone the further prosecution of the claim until they shall have undergone the examination of your Committee of Finance.

The above sum is exclusive of an expenditure of $203,03, under a separate Resolution of the General Assembly to purchase Flags for the Regiment, which have been returned to the office of the Adjutant General, and are subject to your disposition.

The Fiscal affairs of the State still continue to claim the first place in the consideration of the Legislature. The detailed operations of the Treasury, since the last Session, will be found in the Reports of the Public Treasurer and Comptroller of public accounts. While its re-
sources have been sufficient, to satisfy all just demands and to uphold the public credit, it will be perceived that but little progress has been made in extinguishing the State debt, and in making payments, by means obtained on loan, we have only exchanged one creditor for another. In my first message, to the last General Assembly, I stated in extenso, the various liabilities of the Treasury, and traced the history of those arising from endorsements for the Raleigh and Gaston Railroad Company. For a clear comprehension of the subject at present, it may be necessary to repeat, that on account of her first suretyship for this Company, the State is responsible for the sum of $500,000, of which, the interest is to be paid semi-annually, and the principal “at such time after the 1st. day of January 1830, as the Legislature shall hereafter appoint;” that she undertook a second responsibility for the Company to the amount of $286,500, with interest payable in like manner, and the principal in annual instalments of $30,000 each from 1845 till 1854 and that four of these instalments have been already discharged, so that there remain of this class of bonds, outstanding the sum of $166,500. But to aid the Treasury, in paying these instalments of principal, while sustaining the ordinary expenses of government, and the heavy drafts for interest on the aggregate of both these classes of debt there has been borrowed, from the Bank of Cape Fear, within the last four years, the sum of $90,000, besides the loan from the Literary Fund, hereinafter mentioned. Such are our responsibilities. The scrupulous regard for the public honor, which is justly the pride of the State requires them to be promptly met. To provide for this in the mode least burdensome to the people, is the appropriate duty of their Representatives. Unless and until something may be realized from a re-sale of the Railroad or a recovery against its stockholders and bondsmen, our only reliance is upon some measure for an increase of the Revenue, which shall furnish the means of gradually
curtailing the principal, while it keeps down the interest. The principal of the debt of $500,000 does not press with any immediate force as we have already seen, and requires nothing at present but a provision for its interest. The Bank of Cape Fear is also bound by its Charter to lend to the State, at any time when called for, an amount not exceeding $150,000 and no stipulation is made as to the time of payment. The residue therefore of $166,500, is the only portion of the liability, having a fixed and early day, for its liquidation. To meet the interest on the three descriptions of debt, and the principal as it may become due, of that last referred to, I recommend, that when the means in the Treasury, are insufficient for these ends, the Treasurer be authorized to issue State Bonds redeemable in ten years, to an amount equal to the deficiency. It is also worthy of your attentive inquiry, whether like bonds should not be at once issued in lieu of the debt of $90,000, due the Bank of Cape Fear. To the State it is a matter of indifference, whether she shall have the loan from the Bank, or from other capitalists. But in a community where Banking capital is limited, and with the freest use of their means, the Banks can afford no greater accommodation, than is required for the demands of business, it is a serious privation to commercial men to be without the facilities, which would be furnished by the loan of this amount among them.

The advantage of allowing the new loan a considerable time to run, (say ten years) is that it would ensure its being taken immediately at par if not at a premium. It is however contrary to all true principles of Finance, to contract a loan without also providing not only for the interest, but for the gradual redemption of the principal. If the foregoing suggestions be adopted, they will consolidate the Bank debt, and the residue of the smaller debt on account of the Railroad in a loan of $256,500, redeemable in ten years. And if the present Legislature shall
provide for the extinguishment of this amount of the public obligations within that period, and the punctual payment of interest on the whole, they will have accomplished as much, as may be at present needful, leaving to their successors, the adoption of measures for the repayment of the debt of $500,000 "at any time after the 1st day of January, 1860," as originally stipulated. This arrangement will require a sinking fund of about $25,000 annually for the redemption of the principal, besides about $15,000, for interest. The latter sum, however, will gradually fall to $30,000 as the debt is diminished. In other words, it will require $70,000 or thereabouts to be annually applied to the public debt, over and above the ordinary expenses of Government, now averaging about a like sum, making the whole amount wanted for each year $140,000.

In the Message to the last Legislature already referred to, our Revenue System was reviewed with reference to the demands on the Treasury, and an argument was submitted to demonstrate, that the State annually lost seven or eight thousand dollars, from failures, to enlist lands for taxation, whereby they had escaped their contingent entirely or from under valuation, by means of which, it had been avoided in part: and that probably an equal sum was lost in the Poll tax from a like criminal negligence, in rendering lists of taxable persons. Accordingly, the Act of the last Session directed a new assessment, and a more vigilant supervision of the enlistment of lands. The result has been, that the land Revenue of 1847, collected under the new Law, has exceeded that of 1846, under the old, by the sum of $5,911 02. A table attached to the Report of the public Treasurer will show that the total number of acres taxed in 1846 was 22,368 558, and that in 1847 it rose to 24,359 075, and that the aggregate valuation of land and town property in 1846 was $55,354 194, and that in 1847 it grew to $66,430 821. With these material additions in quantity
and valuation, the amount of taxes received from real estate, is yet lower by two or three thousand dollars, than ought to be obtained at the present rate. There has been, also, an increase in the year of $1561 78 in the poll tax. It appears now to be collected on 173,119, persons against 165 310 in the previous year. I am yet satisfied however, from the statistics embodied in my former message, that even this number falls short, by at least 20,000 of the whole taxable population of the State. It therefore will call for your investigation, why a valuation on land of $66,430 821, at six cents, on the one hundred dollars value, yields only $37,921 21, and why, out of at least 195,000 taxable polls in the State, more than 20,000 yet escape taxation altogether. The important addition to the revenue on real property and polls of near $7,500 by reason of the measures adopted at the last Session, has been the product of no new imposition on our constituents, but the mere consequence of a fair and equal contribution to those formerly existing. By a still closer scrutiny of the subject, especially in the department of the Poll tax, I apprehend that a plan may be devised to obtain a still further increment of five or six thousand dollars, from the same sources at existing rates.

But with all the aid derivable from such measures, the Treasury will need additional means to reduce our liabilities as proposed above. The Revenue collected, the present year, from all sources, amounts to $96,604 69. By correcting the deficiencies just now exposed, it may be raised to exceed $100,000, leaving a deficit of about $40,000, to be supplied from other resources. Of this it may be reasonably calculated, that $12,000 per year may be derived, from collections on Cherokee bonds transferred to the Treasury, from the fund for Internal Improvement, under an Act of the last General Assembly. If two cents be added on the hundred dollars value of real estate, as was the law prior to 1821, and six cents on the poll, they would yield enough with the claim on the War
department, before mentioned, and the debt secured by mortgage on the Weldon Toll Bridge to the Board of Internal Improvement, which is not yet collected, to make up the residue. It is however the peculiar province of the Legislature, to devise the ways and means to fulfil all our engagements, and preserve the public faith. And in suggesting those just named, which are simple, usual and certainly reliable, I desire to be understood as entertaining no preference for them, above any others, which the wisdom of the General Assembly shall approve. The duty of the Executive is performed in presenting with frankness the necessities of the Treasury, leaving the manner and time of relief to the proper constitutional department of the Government. It is of moment however that measures should be taken in due season to liquidate by degrees the States liabilities, and the process herein recommended is not more speedy than a wise policy demands. If additional resources shall be realized from a sale of the Railroad or recoveries in the suits against the stockholders, they will come opportunely in furtherance of the measure for reduction now proposed, but the expectation of them does not justify its postponement at the present Session.

You will doubtless observe in the Reports of the Comptroller, that there is no statement, of any tax, received on the succession to estates, real and personal of deceased persons, by others than lineal descendants, which was imposed by an act of last Session. Whether the unfruitfulness of this source of revenue thus far, has been owing to the failure to prescribe any specific time for its payment to the clerks and for its being accounted for by them, or to other causes, is a question for your investigation.

Agreeably to the instructions of the Act of the last Session, I caused an Information in the nature of a Bill of Equity to be instituted in the proper Court of Wake County, against the stockholders and other obligors of the
Raleigh and Gaston Railroad Company, to recover the indemnity stipulated in the event of any loss to the State, by reason of her suretyships for that Company. The great number of parties defendant and the changes of parties by transfers of interest, and by deaths, have delayed the progress of the cause to final decision. And as it embraces the main subject of controversy between the State and any of the defendants, the counsel for the State have not pressed for trial the actions at Law against some of them, which had been previously pending.

My opinion of the legal responsibilities of these parties, was presented at some length in the message of 1846 and remains unchanged. In consideration however of the circumstances of their case, I am led to the conclusion that it is a proper subject for adjustment by compromise, and that liberal terms should be allowed by the State. The transaction which occasioned it has been truly unfortunate for both parties. While on the one hand it has imposed a burden on the Treasury, which is heavily felt, on the other the whole capital stock of ($700,000) subscribed and paid in has been lost to the individual contributors and the property in the Road which it went to construct has been purchased in by the State, and affords the accommodation to the public which was the chief inducement with the Legislature in authorizing its construction. If in addition to the loss of the stock already sustained, they shall be subjected to an equal recovery on the responsibilities subsequently contracted on account of the Road, it will be a double grievance which many (I apprehend) will be unable to bear. A portion of them have no doubt sufficient means to meet it without material injury. But the larger number, among whom are widows, orphans, clergymen, mechanics, planters with large families and moderate estates, have heretofore felt the deprivation of the means invested in this Road, as a calamity, and cannot suffer an exaction of a like amount now without ruin. I submit these observations (becom-
ing, as I think, the candor and impartiality of a Chief Magistrate) with the less reserve from an absence of all interest at any time in this work, and of connexion with any of the persons concerned which could occasion any improper bias. What may be fitting terms of accommodation can only be determined by the Legislature, and can be more readily negotiated by a conference of those interested with a committee of your body, than in any other mode.

The operations of the Raleigh and Gaston Railroad for the past two years will be fully detailed in the Report of the Board of Commissioners. The statement of its Treasurer, published in the newspapers, in analogy to the Report of the Comptroller, on the Public Finances, for the year ending the 1st of November 1847 showed its earnings to have been $68,902 57 and disbursements $65,457 93. For the following year, ending November 1st, 1848, the earnings were about $57,000 and disbursements (exclusive of extraordinary repairs, rendered necessary by a conflagration, which destroyed the principal building of the Road at Raleigh,) $52,479 72. Add to this the amount of these repairs viz. $23,791 93 and the sum total of disbursements will be $81,271 65. On the night of the 25th of February last, the machine shop and engine house at the depot in Raleigh with all their contents of a combustible nature having been destroyed by fire, and the four best locomotives of the road, as well as the stationary steam engine being seriously endamaged, it became necessary to take immediate steps to repair the injury or to permit the Railroad with its appendages to go to destruction. Finding no power adequate to the exigency conferred on the commissioners of the road, I convened the counsel of State, and submitted to them the alternatives of either convoking the Legislature, in special Session, to provide the needful means, or of mortgaging the Railroad property for the sum of $25,000 (the amount of loss and damage occasioned by the fire, as es
timated by its President) by virtue of the power conferred on the Governor and council, to make sale of the same. They advised the adoption of the latter, and an arrangement was made with the Bank of the State of North Carolina, to advance the sum required, at such times as they might be called for by the progress of the repairs, on bonds of the State, reciting on their face the consideration and a deed in trust on the Railroad and its appendant property, to secure their payment. Accordingly, bonds dated in April, May, and July last, amounting in the whole to $25,000 all payable the 1st January next, were negotiated and a deed in trust executed. Some provision is therefore necessary to take up these bonds. Designing to place the whole subject under the control of the Representatives of the people at the earliest convenient day, I did not propose any longer term of credit. If this however be desirable, it doubtless can be easily effected, by issuing State Bonds at five years for an equal sum and requiring the Railroad, if retained by the State, to pay the interest as it may accrue and gradually to extinguish the principal.

What course shall be adopted by the State in relation to retaining or disposing of this Road yet remains a question of great interest. Such has been the demand for repairs and improvements that it has yielded no dividends to the Treasury for the last two years. Two new Locomotives however have been purchased at a cost of more than $7,000 each, and the other Engines refitted (except one wholly ruined by the fire before referred to) so that the motive power of the establishment is in better condition than at any time heretofore. New and superior Iron has been also purchased, and laid down, for near ten miles from Gaston Southward, and the whole superstructure of the Road has been renewed for that distance. Very extensive renewals have also been made in the wood work of the line generally. But the process of repairing is now carried on under great disadvantage, for
want of Iron to relay a considerable part of the track, and
the present earnings of the road are insufficient to pro-
cure it. The Northern half of the line, over which the
heaviest trains pass, was originally laid with thin Iron,
which is much broken, and occasions a great waste of
labor, in temporarily refitting with fragments, that are
soon to be broken again, as well as constant damage to
the Engines and Cars from the severe wear and tear to
which it subjects them. A prudent economy often con-
sists in a liberal expenditure. Any proprietor of this
work, would find it his true interest to put it in complete
repair, even if it were necessary to give lien on the pro-
PERTY to raise the means. If therefore the road shall not
be transferred to other hands during your sitting, it is
obviously expedient and proper to purchase immediately
Iron Railing sufficient to refit it for at least thirty miles.
Fifty thousand dollars expended for this purpose, might
enable the State to receive as profits some fifteen, twen-
ty, or twenty-five thousand of the fifty-five to seventy
thousand, the present income of the road, a large part of
which is now spent on the ineffectual reparation above
described. Its operations may go on, as at present with-
out such aid, but they afford no prospect of profit. If a
loan be contracted for this object on liberal time, there
can be little doubt of the ability of the road to pay it with
interest. And in the event of a sale, it would enhance
the price of the whole property by an amount certainly
equal to the money thus laid out.

It would no doubt be preferable to convert this pro-
PERTY into funds, for the relief of the Treasury, rather than
to make any other disposition of it. To expose it at auc-
tion however, would be to sacrifice it from the magni-
tude of the interest and the facility with which bidders
could combine their capital and put down competition.
After a committee of your body shall have made a
thorough investigation of the affairs of the road, and to
that end shall have examined on oath its officers and
head-workmen, if deemed necessary, three modes of disposing of it will, as I conceive, present themselves, to-wit: 1st. A re-sale to the former stockholders by compromise of the suits now pending, if suitable terms be offered. 2nd. To retain it as a permanent property of the State after repairing it in the best manner. 3rd. To unite it with another work, through the interior of the State which will be more particularly noticed in the sequel. The Wilmington and Raleigh Railroad Company have regularly paid the interest on all their debts, and effected considerable improvement on their Road with the income of the last two years. A minute statement of the condition of their affairs will accompany the Report of the Board of Internal Improvement. I am gratified to observe a very handsome addition to their receipts, in the items of freight and way travel, showing that the local accommodation from this work is becoming much extended. They will, I presume, be unable to pay off the principal of their bonds, guaranteed by the State, and amounting to $50,000, which will become due the 1st of January next. But so long as they continue to meet the accruing interest with their accustomed punctuality, there can be no objection to extending to them the State's credit, upon the same terms as heretofore or even for a longer period.

In surveying our territory, with an eye to the present interest and wants of the people, I am more than ever impressed with our destitution of facilities for cheap and speedy transportation. In this regard, however unpleasant may be the admission, I am forced to the conviction, that we labor under greater disadvantages than any State in the Union: And that we never can be equal competitors with their citizens in our Agriculture, the predominant pursuit among us, until these disadvantages are in a great degree overcome. The man who is obliged to transport in waggons over no better roads than ours, a distance varying from sixty to two hundred and fifty
miles, at the speed of twenty-five miles per day, can no more contend for profits with him who has the advantage of Railroads or good navigation, than can the Spinning Wheel with the Cotton Mill.) Had we ever been in a more favorable situation in this respect, and had the impediments which now beset us been imposed by human power, no sacrifice would be esteemed too great to effect our deliverance and restore our prosperity. It is therefore a theme for the profoundest consideration of those enjoying the confidence of a constituency thus situated, and intending to requite it by a faithful devotion to their interests, what can be done, or ought to be undertaken, to remove these grievances and place their industry and labor on an equal footing with those of their fellow citizens in other States? It must be admitted, that from Geographical causes, the question was originally one rather difficult of solution. And our former enterprizes in Internal Improvement, having failed from causes not necessary to be now commented on, the State has of late years taken no action in constructing works of this kind, and many good citizens appear to have concluded, that further efforts were vain, as our doom to privation in this particular was fixed fate. Meanwhile other States have pushed forward their improvements (some of them with a rash and extravagant hand, it is true, but in the main with the most beneficial results,) overcoming obstacles far greater than any which impede us, and obtaining for themselves, still greater advantages over us in the competitions of the market. We are therefore impelled not only by all the more obvious considerations which appealed to us in former times, but by a reasonable self defence, to abandon further hesitation and adopt at once a system of improvement, commensurate with the wants and interest of the State. Too much should not be undertaken at once, but what may be attempted, should be thoroughly completed. As the commencement of such a system, and a basis, on which other works may be en-
grafted, to any desirable extent, as our means may from
time to time permit; a Railroad from Raleigh to Char-
lotte by way of Salisbury, appears to me of the first mo-
ment. This scheme has not been much considered here-
tofore, and derives much of its importance from a kindred
work, now in progress from Charlotte to Columbia, South
Carolina. Already from Raleigh Northward continuous
lines of Railroad and Steamboat transportation stretch
through the towns of Virginia and the great cities of the
North, to Portland in Maine, and Buffalo on Lake Erie.
Similar works also exist, or are in progress, with a cer-
tainty of completion in the course of a year or two, ex-
tending from Charlotte Southward through Columbia to
Charleston: and again from the former of these through
Augusta, and the interior of Georgia, and Tennessee to
Nashville, as well as to the Mississippi, at Memphis, and
to New Orleans, by way of Montgomery and Mobile.
Through a part of North Carolina alone, a link is want-
ing, to complete the grand chain of communication, from
one extremity of our Country to the other, and to fur-
nish to the whole nation those facilities of intercourse
which the inhabitants North and South of us, enjoy in
their several sections. The connexion proposed there-
fore, being as it were a bridge over a space now impos-
sible by steam cars, having at either end the great high-
ways of the North and South, with their numerous
branches for a thousand miles in both directions, pro-
mises a reasonable remuneration for the outlay of its con-
struction, from "through" transportation: and in a mil-
itary and other points of view, would be of great nation-
al advantage. Had nature supplied us with navigable
rivers like the Mississippi, flowing from Raleigh and
Charlotte, respectively, to New York and New Orleans,
or even to Charleston, all would at once perceive the
benefit of the junction of the two, though the interior of
the State, as clearly as did the genius of Clinton that
arising from the union of the Hudson with the great
Lakes. The parallel may not be yet perfect in the present state of Railroad conveyances, but is destined to be so at no distant day.

But the foregoing are merely incidental inducements to undertake this work. It is commended to us as a great North Carolina improvement, appealing to our interest and State pride, by arguments which it were almost criminal to overlook. 1st. It would open to the market of the world an extensive region of the State, reaching from the Capitol almost to the Blue Ridge, of great fertility and capacity for indefinite improvement, by reason of its Agricultural, Mineral and Manufacturing resources: containing in the Counties within twenty-five miles of the most direct route, more than 230,000 souls: and within fifty miles, more than one half of our whole population, who are far removed from places of trade and dependent entirely on the common waggon and common road for all their transportation. The occasion will not permit me to dwell on its numberless benefits in this regard, which will readily occur to any one who looks on the Map of the State with the eye of a statesman and patriot. 2nd. It would add incalculably, to the business and value of one at least, (and ultimately of both,) of our present Railroads, in which the State has so deep an interest, and make them productive Stocks. 3rd. It would unite the middle and eastern with the western section of the State, in a domestic trade, and exchange of productions too cumbersome for the present mode of conveyance, besides facilitating travel for health, and social intercourse. 4th. By running over the most practicable route from Raleigh to Salisbury, and thence turning southwestward to Charlotte, it would bisect the State for more than a hundred miles, bringing the most remote on either side within fifty miles of the Railroad, and would be in a favorable location for being extended still farther west, from the former place, and to connect...
advantageously by means of Turnpike roads with all the Northwestern part of our territory.

Whilst it would confer these benefits on the interior Country now depressed and partially excluded from all profitable commerce, the objection has not been overlooked that it does not point immediately to the seaboard of our own State, and to an increase of the prosperity of our market towns. Let them however not despair. Its advantages will be afforded to them in due season. After the completion of the main track, a branch to Fayetteville or other point on the navigable water of the Cape Fear River, will be of easy accomplishment. Its extension from Raleigh to Goldsboro' would be invited by the connexion thus to be formed, between Wilmington and the upper Country, and eventually it might realize that scheme of a central Railroad consecrated by the patriotic labors of Caldwell in an extension from Goldsboro' to Beaufort. Whether therefore we regard it as a single work, or as the groundwork of an extensive plan, the Road from Raleigh to Charlotte appears to be the important improvement which should first engage our attention and our energies. And I accordingly recommend it to the patronage of the Legislature, to the amount of one half, or at least two fifths of the capital, necessary for its construction. The distance is about one hundred and sixty miles by the mail route, and the cost of the Road and equipments over such route as may be selected would probably not exceed $1,600,000. As an inducement to aid this scheme, it presents an opportunity for disposing of the Raleigh & Gaston Road, as has been intimated in the preceding remarks, on that topic. A Company might be organized to embrace the entire line from Gaston to Charlotte, and the Road now owned by the State transferred to them at a fair valuation in payment of her subscription for stock. Of the particulars of such an arrangement if favored by the Legislature, no delineation is here required. I have already treated of this subject with more minuteness.
may be appropriate, in an address of this kind, because it has as yet attracted but little of the public attention; and from a deep impression of its utility in alleviating the condition of our industry and reviving the waning fortunes of our countrymen—while it gives an assured hope of profit on the capital invested.

I have remarked with much satisfaction that some enterprising persons among our fellow citizens, have commenced the Navigation of Neuse and Tar rivers with Steam Boats of a light class, and that a spirit is awakened among the people in the upper section of the Cape Fear to open that river for navigation to or above the confluence of its main branches. Every successful effort at objects of this nature is a public benefit, & deserves the fostering aid of the Legislature.

It has not been thought expedient to exercise the power conferred on the Board of Internal Improvement by the last General Assembly to sell the Club-Foot and Harlow's Creek Canal, and it expired by limitation with the opening of your Session.

I beg again to impress on your attention the indispensable necessity of improving our public Roads. It is little creditable to our enterprise and intelligence, that although we are considerably taxed, in the frequent calls on our labor for this object, our method of maintaining the public highways has made no advance beyond that existing in England in the time of Philip and Mary. If Commissioners not exceeding two in each County, were elected by the County Courts with authority to inspect the chief public roads, and lay them off on the most favorable ground, and were clothed with authority to supervise and direct the hands assembled to work them, it would, doubtless, tend much to their improvement. These Courts should also be invested with power to make appropriations from the County funds to alter and improve the most difficult parts, and to make plank roads where necessary and practicable, with the means at their com-
Indeed it is urged upon your inquiry, whether the recent improvement of the plank road, may not be introduced into extensive use in this State. The simplicity of their construction, involving little or no expense for engineering; the abundance and cheapness of timber, and their adaptation to the sand and swamp of the lower, and the clay soil of the upper Country, recommend them to us with much force.

A Geological survey of the State is more than ever demanded, in consequence of fresh discoveries of useful and valuable minerals in new situations, and the important results of like explorations in other States.

We have been as yet without any provision for the melioration of the condition of our pauper Lunatics. Those of the poorer classes who have been visited, with the loss of reason, have been abandoned to their fate, except in cases of furious madness, in which they have been committed to the common jails, as disturbers of the Peace. It is now ascertained that these diseases of the mind, (the severest infictions of Heaven on our race) are curable as those of the body: and most enlightened States, have established hospitals, where the poor thus afflicted are watched over, during the eclipse of the understanding and supplied with needful remedies. A distinguished person of the gentler sex who has devoted much of her life to the pious duty of pleading the cause of the Lunatic, before States and communities, has recently traversed a considerable part of this State, in search of information respecting these unfortunates, among us, and will probably ask leave to present their case to you, at an early day. I cannot too earnestly commend the cause itself, or the disinterested benevolence of its advocate.

Pursuant to an act of the last Legislature, for the sale of certain Cherokee Lands, which had been surrendered to the State, by the former purchasers, a Board of Commissioners was constituted who placed valuations on
the several tracts, in conformity with the law, and they were exposed for sale by pre-emption and otherwise on the terms therein prescribed. One hundred and twenty seven tracts comprehending 20,528 acres, besides two town lots were appropriated by pre-emptions at the aggregate price of $36,763 33, the same lands having been sold at the former sale for $98,690 46, and twenty three tracts embracing 2753 acres were disposed of at the improved valuations, for $2,329 83, these having brought at the first sale $5677 33. One fourth of the purchase money was required to be paid down, and the residue was secured in four equal annual installments. The Agent of the State reports thirty six tracts of surrendered land comprising 4939 acres, valued now at $7083 48, and formerly sold for $11,580 24, as remaining unsold in either mode. The time allowed for the private sales, having only expired in August last, I have not appointed a public sale of the residue as authorized by the act. It seems to me, however, expedient to make a general sale not only of this residue, but of all the other surveyed lands in that region, whether acquired under the treaties of 1817, 1819 or 1835, for cash, and that those unsurveyed should either be surveyed and disposed of in a like manner or be opened to entry, as other public lands. The policy of holding them back for higher prices, has been tried long enough to prove it unwise.

During its last winter term, the Supreme Court was deprived by death of the Honorable Joseph J. Daniel, an upright, useful and learned Judge, who had administered justice acceptably from our Bench for more than thirty years. To fill the vacancy thereby occasioned, a temporary Commission was granted, with the advice of the Council of the State, to the Honorable William H. Battle, of the Superior Court bench. And to supply the vacancy thus made, a like commission, with the advice of the council was granted to Augustus Moore, Esq. of Edenton.
The Office of Attorney General, also becoming vacant, by the resignation of the Honorable Edward Stanly, in May last, his place was in like manner temporarily supplied by commissioning Bartholemew F. Moore Esq. of Halifax. On you will devolve the duty of making permanent appointments to these several Offices.

I repeat the recommendation made to the last General Assembly, as confirmed by subsequent reflection and observation, that all jurisdiction over Pleas, in the County Courts be abolished, and that provision be made for three terms of the Superior Court per year in each County. The change is urged upon us by the manifold reasons: 1st. that it would conduce to a more correct and speedy administration of justice. 2nd. It would impose a less amount of cost on the parties cast in legal controversies. 3rd. It would save time to those called out to attend Court by reducing the number of terms, from six to three in each year. 4th. It would effect a still greater saving in the County taxes, by dispensing with one half of the collections now made to pay Jurors, besides other expenses. 5th. It has been tried in other States, and found to realize the most sanguine expectations. The cost of the addition of two more Judges, which the alteration might require, would be as nothing compared to the maintenance of the present system.

The Report of the President and Directors of the Literary Fund will acquaint you with the present state of the important interests committed to their charge. The loan office formerly connected with this Board, has been discontinued by delivering over to the Public Treasurer the Bonds and Judgments against individuals, held by it, as directed by the last Legislature, on his executing the Bond of the State for the aggregate amount, viz. $40,360 55, covenanting to repay the same to the Board on demand, and the interest which may accrue on the 1st. of September in each year.
A contract has been made, for suitable Buildings in Raleigh, for the education of Deaf mutes and Blind persons; according to the act of the last Session, and these edifices are partially finished. The school for the instruction of Deaf mutes is still in successful operation and contains at present twenty five pupils. There has been great inattention on the part of almost all the Counties sending pupils to the provision of the Law, requiring them to contribute a part of their support and thus far almost the whole expense of the school has fallen on the Literary Fund, to the curtailment of the distribution for Common Schools. This delinquency will require correction at the hands of the Legislature.

There was distributed among the several Counties for the support of the Common Schools in the year ending the 1st of September, 1847, the sum of $101,775 00, and in the subsequent year, the sum of $89,543 14, the diminution in the latter being chiefly caused by the withdrawal of the amounts appropriated to the Building already noticed. The nett annual income of this fund to be distributed for Common Schools will probably be not less than $100,000: and it is worthy of your serious inquiry whether as a pre-requisite to receiving a quota in such divisions, each County shall not be required to have levied at least one half of a like amount for the benefit of her schools, by local taxation. At present, the law is construed as not imperative on this point, but permissive: and in many of them, nothing is collected in aid of the general fund, and the Schools languish for want of adequate support. If there be any doubt on this question, I presume there can be none as to the propriety of withholding the distributive share of each County until the Chairman of Superintendents shall have made satisfactory Reports, as to the disposition made of her previous receipts and the state of the Schools, and the educational interests within her limits. There is now no sufficient
accountability for the expenditure of the money, or the affective administration of the system. Where it operates well, it is rather owing to the public spirit and enlightened labors of its administrators than to any legal obligation upon them. Our misfortune however is, that, in many situations we can obtain no knowledge of its operation at all. Not more than two thirds of the Counties, at the utmost, have reported its condition in them, in any one year; and a considerable number have never given any indication of its existence in them, except in drawing their shares in the distributions made from the Treasury. If you shall not think proper to institute a rigid enquiry as to the disposition which has been made of the public funds in these Counties, it is highly expedient, in order to ascertain the practical operation of the system, and to collect a mass of information for its improvement, that a Committee of the Legislature shall summon before them such and so many of the Chairmen in various Counties, or other intelligent persons, as they shall require, and take their examination, on oath, touching the merits of our present School laws, and their administration in the community. This mode of obtaining knowledge to enlighten the course of Legislation is not unfrequent in other Parliamentary Assemblies, and cannot but be of great utility on the subject under consideration. No concern of the State is now of greater importance, whether we regard the amount of monies expended or the object intended to be accomplished. I am yet of opinion that a school Commissioner to supervise its administration, visit the several Counties and districts, advise as to its management, exact accountability from the County authorities give publicity to their proceedings, and the due meed of praise to the deserving, and censure to the delinquent, is indispensible to the success of these schools, at least until they are established on a better foundation than at present, and that the necessity of such an agent
would be demonstrated by the investigation now proposed.

Sundry interesting matters pertaining to the Swamp Lands, under the control of the Literary Board, will no doubt receive your attention in their report which will be laid before you without delay.

The recent return of our volunteers to their respective neighborhoods, with the familiar knowledge of discipline acquired in a service of eighteen months, affords advantages for the improvement of our militia system; and the revision of our code under that head is again recommended to your attention.

The term of the Honorable George E. Badger, as a Senator of the United States from this State, will expire on the 4th of March next, and the election of a successor, will be among your duties.

The completion of the enclosure around Union square presents a fit occasion for paying a long deferred tribute to the memories of two noble martyrs to the liberty and glory of the State, Brigadier Generals Francis Nash, and William Davidson, the former of the Continental line from this State and the latter commanding our Mili-
tia force, at the period of the British invasion, were both killed in battle, in the War for Independence and in the gallant discharge of duty. The continental Congress immediately after the fall of each, expressed their sense of his character, in terms of the highest commendation and requested the Governor of the State to cause a monument in honor of him to be erected, at a cost of Five Hundred dollars, and to draw on the National Treasury for the respective amounts. But nothing has ever been done to give effect to these resolutions. I re-
command that a simple monument of native material, with suitable inscriptions in regard to each be reared in the grounds of the Capitol, and that an appropriation not exceeding the aggregate of the sums above stated, be made for the purpose. It would be a fitting memorial
of the patriotic services and sacrifices of the illustrious dead, and a perpetual incentive to the living, to lead such lives, and if duty demand it, to devote themselves to such deaths, for their Country.

At the solicitation of sundry good citizens. I suggest the propriety of adopting a joint resolution requesting the Governor in future to recommend some day in each recurring year, to be observed in the manner each individual or community may think best, as a day of thanksgiving to the Almighty ruler of nations, for his kindness, and care over us, as a people. The custom of such an observance is now nearly universal in the States, and seems to be but a fitting requital for the favors we enjoy.

Having received information of the deaths of James K. Hill, and Harrison W. Covington, Senators, and Alfred Marler, member of the House of Commons, and the resignation of Hugh Waddell Senator, and A. C. McIntosh, and Henry H. Watters, members of the House, all elected to the present General Assembly, I have issued writs of election to supply the several vacancies.

With great deference to the General Assembly, I recommend a more strict supervision of the enrolment of the Acts which may receive their sanction. The wisest intentions may fail of effect, by clerical omissions or inadvertance and cases have occurred where the extremest license of construction, was barely sufficient to effect the known purposes of the framers of the Law.

The resignations of Justices of the Peace, since the last Session are transmitted in the package marked A. and the Resolutions and proceedings of sundry State Legislatures, requested to be laid before you, in that marked B.

Copies of the reports of the Comptroller for the year ending 1st. Nov. 1847 printed for the use of the General Assembly are likewise sent herewith.
My Letter Book will be submitted to your inspection by my Private Secretary at the convenience of the Legislature.

As the most appropriate opportunity which may occur in the brief remainder of my term of office, I desire, in conclusion, to acknowledge my profound obligations to the people of the State, for the honors bestowed by their hands and the confidence of kindness, which has been extended to my official action, to repeat my vows of devotion to the great principles of Constitutional freedom, which are the basis of our system of Government, and my most ardent wishes for the enduring prosperity, happiness, and glory of our Country.

WILL. A. GRAHAM.

Executive Department,
Raleigh, Nov. 21, 1848
RULES OF ORDER
FOR THE
GOVERNMENT OF THE
GENERAL ASSEMBLY
OF
NORTH CAROLINA:
TO WHICH ARE PREFIXED
THE CONSTITUTIONS
OF THE
UNITED STATES AND OF NORTH CAROLINA.

RALEIGH:
WESTON R. GALES, PRINTER TO THE LEGISLATURE.
1848.
CONSTITUTIONAL LAW.

CHRONOLOGICAL TABLE.

Magna Charta of King John, 15 June, 1215.
Petition of Rights, 2 June, 1628.
First Charter of Carolina, 24 March, 1663.
Second Charter of Carolina, 17 June, 1665.
Fundamental Constitution of Carolina, (by Locke,) 1 March, 1669.
The Habeas Corpus Act, (31 Ch. II, ch. 2,) 2 May, 1679.
Bill of Rights, (1 William and Mary, sess. 2, ch. 2,) 1689.
Act for the surrender of the Proprietary Title to Carolina, (2 Geo. II, ch. 31,) 1729.
Grant to Lord Carteret, afterwards Earl Granville, 17 Sept. 1744.
Declaration of Independence, 4 July, 1776.
Articles of Confederation, 8 July, 1788.
Treaty of Peace, 3 Sept. 1783.
Amended Constitution of North Carolina, 1 Jan. 1836.
**TABLE**

Of parallel principles in the (English) Bill of Rights, the (North Carolina) Declaration of Rights, and the ten original amendments to the Constitution of the United States.

I.—BILL OF RIGHTS, 1689.

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II.—DECLARATION OF RIGHTS, 1776.

Section 1 Amendment to Constitution of the United States, Article 10

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III.—AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

ARTICLE 1 Declaration of Rights,  

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CONSTITUTION

OF THE

UNITED STATES.

We, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have
the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.
Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year. And if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments: when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend further, than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each
State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the Journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any
speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur with, amendments, as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,)
shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed, by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States;

To borrow money on the credit of the United States;
To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;
To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
To provide for the punishment of counterfeiting the securities and current coin of the United States;
To establish post offices and post roads;
To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;
To constitute tribunals inferior to the Supreme Court.
To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;
To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water;
To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
To provide and maintain a navy;
To make rules for the government and regulation of the land and naval forces;
To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—And
To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year eighteen hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.
The privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.
No bill of attainder or ex post facto law shall be passed.
No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in
time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner, as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or persons holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority,
then from the five highest on the list the said House
shall, in like manner, choose the President. But in
choosing the President, the votes shall be taken by States,
the representation from each State having one vote; a
quorum for this purpose shall consist of a member or
members from two-thirds of the States, and the majority
of all the States shall be necessary to a choice. In every
case, after the choice of the President, the person having
the greatest number of votes of the electors shall be the
Vice President. But if there should remain two or more
who have equal votes, the Senate shall choose from them
by ballot the Vice President.

The Congress may determine the time of choosing the
electors, and the day on which they shall give their votes;
which day shall be the same throughout the United
States.

No person except a natural born citizen, or a citizen
of the United States at the time of the adoption of this
Constitution, shall be eligible to the office of President;
neither shall any person be eligible to that office who
shall not have attained to the age of thirty-five years
and been fourteen years a resident of the United States.

In case of removal of the President from office, or of
his death, resignation, or inability to discharge the powers
and duties of the said office, the same shall devolve on
the Vice President, and the Congress may by law provide
for the case of removal, death, resignation, or inability,
both of the President and Vice President, declaring what
officer shall then act as President, and such officer shall
act accordingly, until the disability be removed, or a Presi-
dent shall be elected.

The President shall, at stated times, receive for his
services, a compensation, which shall neither be increased
nor diminished during the period for which he shall
have been elected, and he shall not receive within that
period any other emolument from the United States, or
any of them.

Before he enters on the execution of his office, he shall
take the following oath or affirmation:
"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION II.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, con-
vene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he may think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes or misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The Judges both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State
claiming lands under grants of different States;—and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.
SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislature of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence.
ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislature of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State, to the contrary notwithstanding.

The Senators and Representatives before-mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support the Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.
ARTICLE VII.

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE IN CONVENTION, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President and Deputy from Virginia.

New Hampshire.
John Langdon,
Nicholas Gilman.

Massachusetts.
Nathaniel Gorham,
Rufus King.

Connecticut.
William Samuel Johnson,
Roger Sherman.

New York.
Alexander Hamilton.

Pennsylvania.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimmons,
Jared Ingersoll,

New Jersey.
William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

Virginia.
John Blair,
James Madison, Jun.

North Carolina.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

Maryland.
James M'Henry,
Daniel of St. Tho. Jenifer,
Daniel Carrol.

South Carolina.
John Rutledge,
James Wilson, Gouverneur Morris.

Delaware.
George Reed,
Gunning Bedford, Jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.
William Few,
Abraham Baldwin.

Attest:

WILLIAM JACKSON,
Secretary.
AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches
and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of common law.
ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The numeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States directed to the President of the Senate; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the cer-
tificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.
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TO

THE CONSTITUTION

OF THE

UNITED STATES.

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THE DECLARATION OF RIGHTS.

At a Congress of the Representatives of the Freemen of the State of North Carolina, assembled at Halifax, the seventeenth day of December, in the year of our Lord one thousand seven hundred and seventy-six, for the purpose of establishing a Constitution, or Form of Government, for the said State:

A DECLARATION of Rights made by the Representatives of the Freemen of the State of North Carolina.

SECTION I.

That all political power is vested in and derived from the people only.

SECTION II.

That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.
SECTION III.

That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

SECTION IV.

That the Legislative, Executive, and Supreme Judicial powers of Government, ought to be forever separate and distinct from each other.

SECTION V.

That all power of suspending laws, or the execution of laws, by any authority, without consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised.

SECTION VI.

That elections of Members to serve as Representatives in General Assembly, ought to be free.

SECTION VII.

That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

SECTION VIII.

That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

SECTION IX.

That no freeman shall be convicted of any crime, but by the unanimous verdict of a Jury, of good and lawful men, in open court, as heretofore used.
SECTION X.

That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SECTION XI.

That general warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SECTION XII.

That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

SECTION XIII.

That every freeman restrained of his liberty, is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

SECTION XIV.

That in all controversies at law, respecting property, the ancient mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

SECTION XV.

That the freedom of the Press is one of the greatest bulwarks of liberty, and therefore ought never to be restrained.
SECTION XVI.

That the people of this State ought not to be taxed or made subject to the payment of any impost or duty, without the consent of themselves, or their Representatives in General Assembly freely given.

SECTION XVII.

That the people have a right to bear arms for the defence of the State, and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

SECTION XVIII.

That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature for redress of grievances.

SECTION XIX.

That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

SECTION XX.

That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

SECTION XXI.

That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SECTION XXII.

That no hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State.
That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SECTION XXIV.

That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no ex post facto law ought to be made.

SECTION XXV.

The property of the soil in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between North and South Carolina was confirmed and extended by Commissioners appointed by the Legislatures of the two States, agreeably to the order of the late King George the Second, in Council, that line, and that only, should be esteemed the Southern boundary of this State, as follows: that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of Little River, being the Southern extremity of Brunswick county, and running from thence a north-west course through the boundary house, which stands in thirty-three degrees, fifty-six minutes, to thirty-five degrees North latitude; and from thence a west course, so far as is mentioned in the charter of King Charles the Second, to the late proprietors of Carolina. Therefore, all the territories, seas, waters, and harbors, with their appurtenances, lying between the line above described and the Southern line of the State of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes North latitude, and from thence runs west, agreeably to the said character of King Charles, are the right and property of the people of this State, to be held
by them in sovereignty, any partial line, without the consent of the Legislature of this State, at any time thereafter directed or laid out, in any wise, notwithstanding. *Provided always,* That this declaration of right shall not prejudge any nation or nations of Indians from enjoying such hunting grounds as may have been, or hereafter shall be secured to them, by any former or future Legislature of this State. *And provided also,* That it shall not be construed so as to prevent the establishment of one or more governments westward of this State, by consent of the Legislature. *And provided further,* That nothing herein contained, shall affect the titles or possessions of individuals, holding or claiming, under the laws heretofore in force, or grants heretofore made by the late King George the Third, or his predecessors, or the late Lords Proprietors, or any of them.

*December the 17th day, A. D. 1776; read the third time, and ratified in open Congress.*

R. CASWELL, President.

James Green, Jr. Secretary.
THE CONSTITUTION
OF
NORTH CAROLINA.

The Constitution or Form of Government, agreed to and resolved upon by the Representatives of the Freemen of the State of North Carolina, elected and chosen for that particular purpose, in Congress assembled, at Halifax, the eighteenth day of December, in the year of our Lord one thousand seven hundred and seventy-six.

Whereas, allegiance and protection are in their nature reciprocal, and the one should of right be refused when the other is withdrawn. And whereas, George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his protection, but, by an act of the British Legislature, declared the inhabitants of these States out of the protection of the British Crown, and all their property found upon the high seas liable to be seized and
confiscated to the uses mentioned in the said act. And
the said George the Third has also sent fleets and armies
to prosecute a cruel war against them, for the purpose of
reducing the inhabitants of the said colonies to a state
of abject slavery. In consequence whereof, all govern-
ment under the said King, within the said colonies, hath
ceased, and a total dissolution of government in many of
them hath taken place. And whereas, the Continental
Congress having considered the premises, and other pre-
vious violations of the rights of the good people of Ame-
rica, have therefore declared, that the Thirteen United
Colonies are, of right, wholly absolved from all allegi-
ance to the British Crown, or any other foreign jurisdic-
tion whatsoever, and that the said colonies now are, and
forever shall be, free and independent States. Where-
fore, in our present State, in order to prevent anarchy
and confusion, it becomes necessary that a government
should be established in the State: Therefore, We, the
Representatives of the Freemen of North Carolina, chos-
en and assembled in Congress for the express purpose of
framing a constitution, under the authority of the people,
most conducive to their happiness and prosperity, do de-
clare that a Government for this State shall be estab-
lished in manner and form following, to-wit:

SECTION I.

That the Legislative authority shall be vested in two
distinct branches, both dependent on the people, to-wit:
a Senate and House of Commons.

SECTION II.

That the Senate shall be composed of Representatives
[annually*] chosen by ballot, one from each [county] in
this State.

*Those parts in which material amendments have been made, are
printed in brackets. []
SECTION III.

That the House of Commons shall be composed of Representatives [annually] chosen by ballot, [two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.]

SECTION IV.

That the Senate and House of Commons assembled for the purpose of legislation, shall be denominated the General Assembly.

SECTION V.

That each member of the Senate shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election; and for the same time shall have possessed, and continue to possess, in the [county] which he represents, not less than three hundred acres of land in fee.

SECTION VI.

That each member of the House of Commons shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the [county] which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

SECTION VII.

That all [freemen] of the age of twenty-one years, who have been inhabitants of any one [county] within the State twelve months immediately preceding the day of any election, and possessed of a free-hold within the same county of fifty acres of land, for six months next
before and at the day of election, shall be entitled to vote for a member of the Senate.

SECTION VIII.

That all [freemen] of the age of twenty-one years, who have been inhabitants of any [county] within this State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he resides.

SECTION IX.

[That all persons possessed of a freehold in any town in this State, having a right of representation, and also all freemen who have been inhabitants of any such town twelve months next before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons. Provided always, That this section shall not entitle any inhabitant of such town to vote for members of the House of Commons for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.]

SECTION X.

That the Senate and House of Commons, when met, shall each have power to choose a Speaker and other their officers, be judges of the qualifications and elections of their members, sit upon their own adjournments from day to day, and prepare bills to be passed into laws. The two Houses shall direct writs of elections for supplying intermediate vacancies, and shall also jointly, by ballot, adjourn themselves to any future day and place.
SECTION XI.

That all bills shall be read three times in each House before they pass into laws, and be signed by the Speakers of both Houses.

SECTION XII.

That every person who shall be chosen a member of the Senate or House of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State; and all officers shall also take an oath of office.

SECTION XIII.

That the General Assembly shall, by joint ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and [Attorney General,] who shall be commissioned by the Governor, and hold their offices during good behavior.

SECTION XIV.

[That the Senate and House of Commons shall have power to appoint the Generals and Field Officers of the Militia, and all officers of the Regular Army of this State.]

SECTION XV.

[That the Senate and House of Commons jointly, at their first meeting after each annual election, shall by ballot elect a Governor for one year, who shall not be eligible to that office longer than three years in six successive years.] That no person under thirty years of age, and who has not been a resident in this State above five years, and having in the State a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as Governor.
That the Senate and House of Commons jointly, at their first meeting after each [annual] election, shall by ballot elect seven persons to be a Council of State for [one year,] who shall advise the Governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a Journal to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent: and such Journal shall be laid before the General Assembly when called for by them.

That there shall be a seal of this State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called the Great Seal of the State of North Carolina, and be affixed to all Grants and Commissions.

That the Governor for the time being shall be Captain General and Commander-in-Chief of the Militia; and in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the Militia for the public safety.

That the Governor for the time being, shall have power to draw for and apply such sums of money as shall be voted by the General Assembly, for the contingencies of Government, and be accountable to them for the same; he also may, by and with the advice of the Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days at
any time, in the recess of the General Assembly, and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct; in which case he may, in the recess, grant a reprieve until the next sitting of the General Assembly; and may exercise all the other executive powers of Government, limited and restrained as by this Constitution is mentioned, and according to the laws of the State; and on his death, inability or absence from the State, the Speaker of the Senate for the time being, and in case of his death, inability, or absence from the State, the Speaker of the House of Commons shall exercise the powers of the Governor, after such death, or during such absence or inability of the Governor or Speaker of the Senate, [or until a new nomination is made by the General Assembly.]

SECTION XX.

That in every case where any officer, the right of whose appointment is, by this Constitution, vested in the General Assembly, shall, during their recess, die, or his office by other means become vacant, the Governor shall have power, with the advice of the Council of State, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

SECTION XXI.

That the Governor, Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and Attorney General, shall have adequate salaries during their continuance in office.

SECTION XXII.

That the General Assembly shall, by joint ballot of both Houses, [annually] appoint a Treasurer or Treasurers for this State.
SECTION XXIII.

That the Governor and other officers offending against the State, by violating any part of this Constitution, maladministration, or corruption, may be prosecuted on the impeachment of the General Assembly, or presentment of the Grand Jury of any Court of Supreme Jurisdiction in this State.

SECTION XXIV.

That the General Assembly shall, by joint ballot of both Houses [triennially] appoint a Secretary for this State.

SECTION XXV.

That no persons, who heretofore have been, or hereafter may be, receivers of the public moneys, shall have a seat in either House of the General Assembly, or be eligible to any office in this State, until such persons shall have fully accounted for and paid into the Treasury, all sums for which they may be accountable and liable.

SECTION XXVI.

That no Treasurer shall have a seat in either the Senate, House of Commons, or Council of State, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all monies which may be in his hands at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding Treasurer.

SECTION XXVII.

That no officer in the Regular Army or Navy, in the service and pay of the United States, of this or any other State, or any contractor or agent for supplying such
Army or Navy with clothing or provisions, shall have a seat in either the Senate, House of Commons, or Council of State, or be eligible thereto; and any member of the Senate, House of Commons, or Council of State, being appointed to, and accepting of such office, shall thereby vacate his seat.

SECTION XXVIII.

That no member of the Council of State shall have a seat either in the Senate or House of Commons.

SECTION XXIX.

That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a seat in the Senate, House of Commons, or Council of State.

SECTION XXX.

That no Secretary of this State, Attorney General, or Clerk of any Court of Record, shall have a seat in the Senate, House of Commons or Council of State.

SECTION XXXI.

That no Clergyman, or Preacher of the Gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the pastoral function.

SECTION XXXII.

That no person who shall deny the being of God, or the truth of the [Protestant] Religion, or the divine authority, either of the Old or New Testament, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the Civil department within this State.
That the Justices of the Peace, within the respective counties in this State, shall in future be recommended to the Governor for the time being, by the Representatives in General Assembly, and the Governor shall commission them accordingly. And the Justices, when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the General Assembly unless for misbehavior, absence, or inability.

SECTION XXXIV.

That there shall be no establishment of any one Religious Church or denomination in this State, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship, contrary to his own faith or judgment; nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: Provided, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

SECTION XXXV.

That no person in the State shall hold more than one lucrative office at any one time. Provided, that no appointment in the Militia, or to the office of a Justice of the Peace, shall be considered as a lucrative office.

SECTION XXXVI.

That all Commissions and Grants shall run in the name of the State of North Carolina, and bear test and be signed by the Governor. All writs shall run in the same manner, and bear test and be signed by the Clerk of the respective Courts. Indictments shall conclude, against the peace and dignity of the State.
That the Delegates for the State to the Continental Congress, while necessary, shall be chosen annually by the General Assembly, by ballot, but may be superseded in the mean time, in the same manner; and no person shall be elected to serve in that capacity for more than three years successively.

That there shall be a Sheriff, Coroner or Coroners, and Constables, in each county within the State.

That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, bona fide, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

That every foreigner who comes to settle in this State, having first taken an oath of allegiance to the same, may purchase, or by other just means acquire, hold and transfer, land, or other real estate; and, after one year's residence, shall be deemed a free citizen.

That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices: and all useful learning shall be duly encouraged and promoted in one or more Universities.
SECTION XLII.

That no purchase of land shall be made of the Indian natives but on behalf of the public, by authority of the General Assembly.

SECTION XLIII.

That the future Legislature of this State shall regulate entails in such a manner as to prevent perpetuities.

SECTION XLIV.

That the Declaration of Rights is hereby declared to be part of the Constitution of this State, and ought never to be violated on any pretence whatever.

SECTION XLV.

That any member of either House of the General Assembly shall have liberty to dissent from, and protest against, any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the Journals.

SECTION XLVI.

That neither House of the General Assembly shall proceed upon public business, unless a majority of all the members of such House are actually present, and that upon a motion made and seconded, the Yeas and Nays upon any question shall be taken, and entered on the Journals; and that the Journals of the proceedings of both Houses of the General Assembly shall be printed and made public, immediately after their adjournment.

SECTION XLVII.

This constitution is not intended to preclude the present Congress from making a temporary provision for the
well ordering of this State, until the General Assembly shall establish Government agreeable to the mode herein before prescribed.

December the 18th, 1776, read the third time and ratified in open Congress.

R. CASWELL, President.

JAMES GREEN, Jr., Secretary.
WHEREAS, the General Assembly of North Carolina, by an act, passed the sixth day of January, one thousand eight hundred and thirty-five, entitled "An Act concerning a Convention to amend the Constitution of the State," and by an act, supplemental thereto, passed on the eighth day of January, one thousand eight hundred and thirty-five, did direct that polls should be opened in every election precinct throughout the State, for the purpose of ascertaining whether it was the will of the freemen of North Carolina that there should be a Convention of Delegates, to consider of certain amendments proposed to be made in the Constitution of said State; and did further direct, that, if a majority of all the votes polled by the freemen of North Carolina be in favour of holding such Convention, the Governor should, by Proclamation, announce the fact, and thereupon the freemen aforesaid should elect delegates to meet in Convention, at the City of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, to consider of the said amendments: And whereas, a majority of the freemen of North Carolina did, by their votes at the polls so opened, declare their will that a Convention should be had to consider of the amendments proposed; and the Governor did, by proclamation, announce the fact that their will had been
so declared, and an election for delegates to meet in Convention as aforesaid, was accordingly had: Now therefore, we, the delegates of the good people of North Carolina, having assembled in Convention, at the City of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, and having continued in session from day to day, until the eleventh of July, one thousand eight hundred and thirty-five, for the more deliberate consideration of the said amendments, do now submit to the determination of all the qualified voters of the State, the following amendments in the Constitution thereof, that is to say:

ARTICLE I.

SECTION I.

The Senate of this State shall consist of fifty Representatives, biennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the General Assembly, at its first session after the year one thousand eight hundred and forty one; and afterwards, at its first session after the year one thousand eight hundred and fifty one; and then every twenty years thereafter, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; and the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: Provided, That no county shall be divided in the formation of a Senatorial District. And when there are one or more counties, having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a Senatorial district.
The House of Commons shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population.

The apportionment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are herein before directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the Census which may be taken by order of Congress, next preceding the period of making such apportionment.

In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of Federal population in the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire Federal population aforesaid, by the number of Representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing twice, but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SECTION II.

Until the first session of the General Assembly which shall be had after the year eighteen hundred and forty-one, the Senate shall be composed of members to be elected
from the several districts herein after named, that is to say, the 1st district, shall consist of the counties of Perquimans and Pasquotank; the 2d district, of Camden and Currituck; the 3d district, of Gates and Chowan; the 4th district, Washington and Tyrrell; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecombe; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen and Columbus; the 31st district, Robeson and Richmond; the 32d district, Anson; the 33d district, Cabarrus; the 34th district, Moore and Montgomery; the 35th district, Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancy; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; 49th district, Buncombe, Haywood and Macon; and the 50th district, Mecklenburg; each district to be entitled to one Senator.

Until the first session of the General Assembly after the year eighteen hundred and forty one, the House of Commons shall be composed of members elected from the counties in the following manner, viz: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes, and Wake, shall elect three members each. The coun-
ties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecomb, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne, and Wilkes, shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimans, Tyrrell, Washington, and Yancy, shall elect one member each.

**SECTION III.**

Each member of the Senate shall have usually resided in the district for which he is chosen, for one year, immediately preceding his election, and for the same time shall have possessed and continue to possess, in the district which he represents, not less than three hundred acres of land in fee.

All freemen of the age of twenty-one years, (except as is hereinafter declared) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land, for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

No free negro, free mulatto, or free person of mixed blood, descended from negro ancestors, to the fourth generation, inclusive, (though one ancestor of each generation may have been a white person,) shall vote for members of the Senate or House of Commons.

**SECTION IV.**

In the election of all officers, whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *viva voce.*
The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia Officers.

The General Assembly shall have power to pass general laws, regulating divorce and alimony, but shall not have power to grant a divorce, or secure alimony in any individual case.

The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimize any persons not born in lawful wedlock, or restore the rights of friendship, any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

The General Assembly shall not pass any private law, unless it shall be made to appear, that thirty days notice of application to pass such law shall have been given under such directions and in such manner as shall be provided by law.

If vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly, writs may be issued by the Governor, under such regulations as may be prescribed by law.

The General Assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer, and Council of State, who shall continue in office for the term of two years.

ARTICLE II.

The Governor shall be chosen by qualified voters for the members of the House of Commons, at such time and place as members of the General Assembly are elected.

He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.
The returns of every election for Governor, shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly.

Contested elections for Governor, shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

The Governor elect shall enter on the duties of the office, on the first day of January next after his election, having previously taken the oaths of office in the presence of the members of both branches of the General Assembly, or before the Chief Justice of the Supreme Court, who, in case the Governor elect should be prevented from attendance before the General Assembly, by sickness or other unavoidable cause, is authorised to administer the same.

ARTICLE III.

SECTION I.

The Governor, Judges of the Supreme Court, and Judges of the Superior Courts, and all other officers of this State, (except Justices of the Peace and Militia officers,) may be impeached for wilfully violating any Article of the Constitution, mal-administration, or corruption.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State; but the party convicted may, nevertheless be liable to indictment, trial, judgment, and punishment, according to law.
The House of Commons shall have the sole power of impeachment. The Senate shall have the sole power to try all impeachments; no person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the members of the Senate shall take an oath or affirmation, truly and impartially to try and determine the charge in question according to evidence.

SECTION II.

Any Judge of the Supreme Court, or of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the General Assembly. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

The salaries of the Judges of the Supreme Court, or of the Superior Courts, shall not be diminished during their continuance in office.

SECTION III.

Upon the conviction of any Justice of the Peace of any infamous crime, or of corruption and mal-practice in office, the commission of such Justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

SECTION IV.

The General Assembly, at its first session after the year one thousand eight hundred and thirty-nine, and from
time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; but if the General Assembly should hereafter extend the term during which Solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the Attorney General to the same period.

ARTICLE IV.

SECTION 1.

No Convention of the People shall be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

No part of the Constitution of this State shall be altered, unless a Bill to alter the same shall have been read three times in each House of the General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; nor shall any alteration take place until the Bill so agreed to shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly, shall be agreed to in the first session thereafter, by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times, on three several days, in each House, then the said General Assembly shall prescribe a mode by which the Amendment or Amendments may be submitted to the qualified voters of the House of Commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.
SECTION II.

The thirty-second section of the Constitution shall be amended to read as follows:—No person who shall deny the being of God, or the truth of the Christian Religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

SECTION III.

Capitation tax shall be equal throughout the State upon all individuals subject to the same.

All free males over the age of twenty-one, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to Capitation tax, and no other person shall be subject to such tax; provided, that nothing herein contained shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity.

SECTION IV.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to officers in the Militia or Justice of the Peace.

Ratified in Convention, this eleventh day of July in the year of our Lord one thousand eight hundred and thirty-five.

NATHANIEL MACON, President.

EDMUND B. FREEMAN, Secretary of the Convention.

JOSEPH D. WARD, Assistant Secretary.
GOVERNOR'S CERTIFICATE.

I, DAVID L. SWAIN, Governor of the State of North Carolina, do hereby certify, that the within Amendments to the Constitution, proposed by a Convention held in the City of Raleigh, the 4th day of June last, were submitted for ratification or rejection to the good people of the State, according to an Ordinance of the said Convention; that the returns of all the votes given were made to me, and by me duly opened, in the presence of the Secretary of State and Public Treasurer, and that a majority of the votes so given and returned was in favor of ratification; And I do therefore certify, declare, and make known, that the within Amendments have been ratified by the good people of the State, have become part of the Constitution, and, as such, will have full force, effect and operation, from and after the first day of January next.

In Witness Whereof, I have signed this certificate, and have caused the Secretary of State to countersign the same, and to affix the Great Seal of State hereunto.

Done at Raleigh, this fourth day of December, A. D. eighteen hundred and thirty-five.

D. L. SWAIN.

By the Governor,

WM. HILL, Secretary of State.
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FOR THE

GOVERNMENT OF THE SENATE.

1. When the Speaker takes the Chair, each member shall take his seat; and, on the appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order to-wit: 1st, the receiving Petitions, Memorials, Pension Certificates, and papers addressed either to the General Assembly or to the Senate; 2d, the Reports of Standing Committees; 3d, the Reports of Select Committees; 4th, Resolutions; 5th, Bills; 6th, Bills, Resolutions, Petitions, Memorials, Messages, Pension Certificates, and other papers on the table. Then the Orders of the Day; but motions and messages to elect Officers, shall always be in order.

3. When any Member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any Member is speaking, he shall
not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

4. All Bills and Resolutions, introduced, shall pass, as a matter of course, the first reading.

5. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any Member may call him to order; in which case, the Member so called to order, shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the Member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and decided without debate.

7. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators, as many as are of opinion that (as the case may be) say Aye:" and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee; and the row of pillars shall be the bar of the Senate.
8. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

9. In all cases of election by the House, the Speaker shall vote, and when, on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

10. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

11. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and the Petition, Memorial, or other paper, shall not be read, unless so ordered by the House.

12. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information; and, upon this reading, shall not be subject to amendment; but may be amended on the second and third reading. And the Clerk shall keep a calendar of all such resolutions and bills, with the orders taken on them, for the inspection of the members of the Senate.

13. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto: and then shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

14. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

15. When a question has been once decided, it shall be in order for any member in the majority to move for
a re-consideration thereof, on the same or succeeding day, if the bill resolution, or paper, upon which the question has been taken, be in possession of the Senate; and no bill or resolution of a public nature, shall be sent from the Senate until twelve o'clock the succeeding day.

16. The Speaker shall examine and correct the Journal before it is read; he shall have the general directions of the Hall; he shall designate the members who shall compose all Committees, except when otherwise ordered; and the Select Committees of this House shall consist of five members.

17. There shall be appointed by the Speaker, the following Committees, viz: a Committee of Propositions and Grievances; a Committee of Privileges and Elections; a Committee of Claims; a Committee on the Judiciary; a Committee on Internal Improvement; and a Committee on Education and the Literary Fund, consisting of seven members each.

18. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the Chair, and appoint a Chairman; and when, upon any other occasion, the Speaker wishes to leave the Chair, he shall appoint a Speaker pro tem.

19. When any petition, memorial, or other paper addressed to the House, shall have been referred either to one of the standing or Select Committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

20. In case of any disturbance or disorderly conduct in the lobby or gallery, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

21. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State, resident at the seat of Government, Members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.
22. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

23. When the House adjourns, the members shall keep their seats till the Speaker leaves the Chair.

24. On motion of adjournment, the question shall be decided without debate.

25. The rules for the government of the Senate shall not be amended or altered, without giving at least one day’s notice of such amendment or alteration, except by the consent of two-thirds of the members present.

CALVIN GRAVES,
Speaker of the Senate.

By Order,
Henry W. Miller, Clerk.
RULES AND ORDER
OF CONDUCTING BUSINESS
IN THE
HOUSE OF COMMONS.

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House, on the preceding day, shall have adjourned; shall immediately call the Members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other Members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any Member; on which appeal no Member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say Aye:" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the
question, shall rise from their seats; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two Members, one from each side of the question, to tell the Members in the affirmative; which being reported, he shall then name two others, one from each side of the question, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day unless the House shall otherwise direct.

9. All Acts, Addresses, and Joint Resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker, or some Member of the House; and the range of pillars in front of the Speaker's Chair shall be considered the bar of the House.
12. Stenographers, wishing to take down debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

Order of Business of the Day.

13. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the Orders of the Day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of. All elections by the House, shall be *viva voce*, unless there be but one nominee, in which case, appointments may be made on motion; and on such elections, the roll shall be called a second time for absentees before the result is announced.

Of Decorum and Debates.

14. When any Member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

15. When the Speaker shall call a Member to order, he shall sit down; as also he shall when called to order by another Member, unless the Speaker decide the point of order in his favor. By leave of the House, the Member called to order may clear a matter of fact or explain, but shall not proceed in debate so long as the decision stands, but by permision of the House. Any Member may appeal from the decision of the Chair; and if, upon the appeal, the decision be in favor of the Member called to order, he may proceed. If otherwise, he shall not, except by leave of the House; and if the case in the judgment of the House, require it, he shall be liable to its censure.

16. When two or more members rise at the same time, the Speaker shall name the member to speak.

17. No member shall speak more than twice on the same question, without leave of the House.

18. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up, or
walk out or across the House; nor, when a member is speaking, entertain private discourse, stand up, or pass between him and the Chair.

19. No member shall vote on any question, touching his right to a seat in the House, or on the passage of any private bill or resolution in the event of which he is immediately and directly interested, or in the case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

20. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

21. When a motion is made, and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair; and read aloud by the Clerk, before debated.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be deemed and taken to be in possession of the House, and shall not be withdrawn without leave of the House.

24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

25. A motion to adjourn shall always be in order, except when the House is voting, or some member speaking, and shall be decided without debate.
26. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

27. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

28. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day.

29. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

30. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

31. No Bill, Petition, Memorial, or other papers that may be introduced, shall be taken out of the possession of the House or sent to the Senate, until the time for reconsideration shall have elapsed.

32. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the Members shall be taken alphabetically.

33. No Member shall be called upon for words spoken in the House but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

34. Any twenty Members, including the Speaker, shall be authorized to compel the attendance of absent Members.
35. No Member or Officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

36. Any Member may excuse himself from serving on any Committee at the time of his appointment, if he is a member of two Standing Committees.

37. If any Member shall be necessarily absent on any temporary business of the House, when the vote is taken on any question, upon entering the House, he shall be permitted, on motion, to vote.

38. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two-thirds of the House shall be required.

39. The Members of this House shall uncover their heads upon entering the Hall whilst the House is in Session, and shall continue so uncovered during their continuance in the Hall.

COMMITTEES.

40. Upon motion of any member, there shall be a call to the House, a majority of the members present assenting thereto, and upon a call of the house the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over. The doors shall then be closed, and those for whom no excuse or insufficient excuses are made, may by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers appointed for that purpose.

41. Six Standing Committees shall be appointed at the commencement of the session, viz: A Committee on Claims; a Committee on Propositions and Grievances; a Committee on Education; a Committee on Agriculture; a Committee on Internal Improvement; and a Committee on Privileges and Elections. Each of said Committees shall consist of eleven members, one from each Electoral district, to be appointed by the members from the counties composing said district. In addition to the above
Standing Committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the Committee on Private Bills.

42. A Select Standing Committee, consisting of eleven members, shall be appointed at the commencement of the session, by the Speaker, and be denominated "the Committee on the Judiciary."

43. Select Committees shall consist of five members. It shall be the duty of the person first named on any Committee, to cause the members of the Committee to convene when necessary, and when so convened, they shall appoint some one of their number chairman.

44. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

45. Upon Bills committed to a committee of the whole House, the bill shall be first read, throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

46. All questions, whether in Committee, or in the House, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

47. The rules of proceeding in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

48. In a committee of the whole House, a motion that the committee rise, shall always be in order, except when a member is speaking, and shall be decided without debate.
OF BILLS, RESOLUTIONS, &c.

49. Every bill shall be introduced by motion for leave or by order of the House on the report of a committee.

50. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be its first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

51. Upon the second reading of the bill, the Speaker shall state it as ready for commitment or amendment.

52. All bills shall be dispatched in order as they were introduced, unless when the House shall direct otherwise: but no public bill shall be twice read on the same day, without the concurrence of two thirds of the members present.

53. All resolutions which may grant money out of the Treasury, or such as shall be of a public nature, shall be treated in all respects in a similar manner with public bills.

54. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at the second reading of the repealing bill; and shall not be read at any other reading of the said repealing bill, unless required by one third of the House.

55. When a bill has been once rejected, no other of the same purport shall be introduced again during the session.

56. The Clerk of the House shall be deemed to continue in office until another is appointed.

R. B. GILLIAM,
Speaker of the House of Commons.

By Order,
PERRIN BUBBEL, Clerk.
JOINT RULES
FOR
BOTH HOUSES.

1. Each House shall perfect and finally act on all Bills, Resolutions and Orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a Bill, Resolution, or Order agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a Committee for that purpose and the other House shall also appoint a Committee to confer, each Committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the Clerk Assistant of each House, unless otherwise ordered.

4. When a Message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the Door Keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a Bill shall have passed the House in which it originated, it shall be under the signature of the Clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a Bill shall have passed both Houses, it shall be duly enrolled, on suitable paper by the Engrossing Clerks, before it shall be presented for ratification.

7. When Bills are enrolled, they shall be carefully examined by a Joint Committee of three from the Senate, and five from the House of Commons, whose duty it shall be, to carefully compare the enrollment with the Engrossed Bills, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled Bills, and make this report of the said Bills to the House.

8. After examination and report, each bill shall be ratified.
and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All Orders, Resolutions and votes of the Houses shall be examined, engrossed and signed in the same manner as bills.

10. When a Bill or Resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The Committee in each House shall in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any Bill or Resolution may be formed, shall be transmitted to the other House.

12. The committee of Finance shall be joint, consisting of eight Members from each House. The Library Committee shall be a Joint Standing Committee, consisting of three Members from each House, appointed by the Speakers thereof respectively.

13. In all Joint Committees, the Member first named on the Committee, on the part of the House proposing to raise such Committee shall convene the same; and when met they shall choose their own Chairman.

14. Either House may make a reference to any Joint Committee, and all reports shall be made to the House ordering such references.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form on good paper and with fair type; and those documents ordered to be printed by the Senate, shall be printed as "Senate Documents," and those ordered to be printed by the House of Commons, shall be printed as "House Documents," and numbered in regular order; except when communications are made to either House by the Governor, Treasurer, Comptroller or Secretary of State, and are ordered to be printed, they shall be designated as "Executive Documents,"—and said papers and documents shall be distributed in the following manner. One copy thereof to each Member of the General Assembly; one copy to the Clerks of each House for the use thereof; and two copies shall be deposited in the Public Library.

16. All elections requiring a joint vote shall be viva voce and a Select Committee of two Members in each House shall be appointed to superintend the same in their respective Houses. After the vote shall have been taken, said Select Committees shall confer together and report the result of such election to their respective Houses.

17. The foregoing rules shall be permanent Joint Rules of the Legislature of North Carolina, until altered or amended.
REPORT

FROM THE

COMPTROLLER'S DEPARTMENT

OF

NORTH CAROLINA,

TO THE

LEGISLATURE OF THE STATE,

SHOWING

THE RECEIPTS AND DISBURSEMENTS

AT THE

TREASURY DEPARTMENT,

FOR THE

FISCAL YEAR, ENDING NOVEMBER 1st, 1848.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.
Comptroller's Office,
Raleigh, N. C. November 1st., 1848.

To the Honorable, the General Assembly of the State of North Carolina:

In obedience to the requisition of an Act of the General Assembly passed at the Session of 1836 and '37 concerning the Comptroller, I have the honor to submit the accompanying Report, exhibiting the transactions of the Treasury Department for the fiscal year ending November 1st, 1848.

A tabular statement shewing the amount of Taxable property as reported to this Office by the County Court Clerks of this State, will be furnished you in the Public Treasurer's Report, shewing the amount of property and polls taxed in the years 1846 and '47, together with the valuation of real estate in those years. From this table a discrepancy will appear to arise without explanation when contrasted with the amount of Taxes collected, or shown by my report; this difference is to be accounted for in the fact of certain credits ordered by the County Courts in favor of the sheriffs for Land Sales &c. improperly listed—discovered to be so after the Reports of the Clerks have been made to this department. I would submit to the Legislature, whether authority has been vested in the County Courts to remit a two fold State Tax imposed for delinquency in listing property as required by an Act of Assembly. The sheriff of Surry County having failed to make the returns required by law, under an Act to amend the 102 Chapter of the Revised Statutes entitled
"an Act to provide for the collection and management of a Revenue for the State," I certified the fact to the Attorney General for proper Judicial proceedings to recover the penalty. This officer being of opinion that no penalty was provided for the delinquency, and having taken no judgment in the case, the subject is submitted for the enquiry of the Legislature whether any new regulation of it be necessary. The sheriff of Wake County having died in September 1847 and not having settled his account of the Revenue collected that year, there could be no return of the insolvents to be allowed him, nor of the Taxes on unlisted property, which are required to be made on the oath of the sheriff himself. In this instance, I proceeded to make the settlement by the returns of the previous year, for the sake of convenience, but the subject is brought to your attention, that some permanent regulation may be provided by Law to meet similar circumstances for the future.

With very great respect,
Your obedient servant,
WM. F. COLLINS.
Dr. Charles L. Hinton, Treasurer of Literary Fund

1847

Nov. 1. To balance due President and Directors of Literary Fund, on the 1st day of November 1847. $143,045.29

Cash received as entries of vacant land: 595.71

Cash received of W. H. Jones, Cashier of the Bank of Cape Fear, being a dividend of 3 per cent declared on 5322 shares of stock held in said Bank by the President and Directors of the Literary Fund: 159,660.00

Cash received of Fallecott Burr, Auctioneer of New Hanover County, being in full of his Auction Tax account from 1st October 1846 to 31st September 1847: 101.73

Cash received of Henry J. Green Auctioneer of Craven County, being in full, his Auction Tax account from 1st October 1846 to 31st Sept. 1847 inclusive: 25.84

Dec. Cash received as entries of vacant lands: 1061.22

Cash received of S. W. Tillinghast Auctioneer of Cumberland County: 61.51

Cash received of E. W. Wilkins Auctioneer of Cumberland County: 53.28

Cash received of William J. Smith, Auctioneer New Hanover County: 81.96

1848

Jan. Cash received as entries of vacant land: 1156.05

Cash received of Charles Dewey: 
1847.
Nov. By Cash paid the following Counties for Common Schools, viz.

<table>
<thead>
<tr>
<th>County</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaufort County</td>
<td>484 20</td>
</tr>
<tr>
<td>Anson</td>
<td>1221 84</td>
</tr>
<tr>
<td>Bladen</td>
<td>627 84</td>
</tr>
<tr>
<td>Cabarrus</td>
<td>700 51</td>
</tr>
<tr>
<td>Catawba</td>
<td>960 91</td>
</tr>
<tr>
<td>Caswell</td>
<td>1120 75</td>
</tr>
<tr>
<td>Chatham</td>
<td>1331 13</td>
</tr>
<tr>
<td>Cleaveland</td>
<td>624 73</td>
</tr>
<tr>
<td>Craven</td>
<td>1051 91</td>
</tr>
<tr>
<td>Cumberland</td>
<td>1237 68</td>
</tr>
<tr>
<td>Edgecombe</td>
<td>1207 43</td>
</tr>
<tr>
<td>Franklin</td>
<td>834 74</td>
</tr>
<tr>
<td>Granville</td>
<td>1442 61</td>
</tr>
<tr>
<td>Greene</td>
<td>509 88</td>
</tr>
<tr>
<td>Guilford</td>
<td>1705 43</td>
</tr>
<tr>
<td>Hyde</td>
<td>526 09</td>
</tr>
<tr>
<td>Iredell</td>
<td>1338 58</td>
</tr>
<tr>
<td>Johnston</td>
<td>868 03</td>
</tr>
<tr>
<td>Lenoir</td>
<td>578 05</td>
</tr>
<tr>
<td>Martin</td>
<td>613 89</td>
</tr>
<tr>
<td>McDowell</td>
<td>439 24</td>
</tr>
<tr>
<td>Mecklenburg</td>
<td>1484 28</td>
</tr>
<tr>
<td>Montgomery</td>
<td>478 76</td>
</tr>
<tr>
<td>New Hanover</td>
<td>1014 66</td>
</tr>
<tr>
<td>Northampton</td>
<td>1005 70</td>
</tr>
<tr>
<td>Onslow</td>
<td>606 34</td>
</tr>
<tr>
<td>Pasquotank</td>
<td>697 63</td>
</tr>
<tr>
<td>Richmond</td>
<td>693 76</td>
</tr>
<tr>
<td>Stanly</td>
<td>444 05</td>
</tr>
<tr>
<td>Wake</td>
<td>1489 85</td>
</tr>
<tr>
<td>Washington</td>
<td>361 64</td>
</tr>
<tr>
<td>Wayne</td>
<td>888 30</td>
</tr>
</tbody>
</table>
1848
Jan. Cashier of the Bank of the State being dividend of 4 per cent declared on 5027 Shares of stock held in said Bank by the President and Directors of the Literary Fund. Cash received of Andrew Joyner President of the Roanoke Navigation Company being a dividend of 3½ per cent on 500 Shares of stock held by the President and Directors of Literary Fund in said Company. Cash received of Governor Graham President Ex-officio of the Literary Board, being Interest on Bonds of the Raleigh and Gaston Rail Road company endorsed by the State and held by the Literary Board. Cash received of Governor Graham President ex-officio of the Literary Board as Interest collected on Bonds of the Wilmington and Raleigh Rail Road Company endorsed by the State, Feb. Cash received as entries of vacant land, Mar. Cash received as entries of vacant land, Cash received of George McNeil, Treasurer of Cape Fear Navigation company, being dividend on 650 shares of stock held in said

20,108 00

1750 00

4644 00

4050 00

220 95

254 58
<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov.</td>
<td>1041 64</td>
<td>Wilkes,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Bertie County</td>
</tr>
<tr>
<td></td>
<td></td>
<td>for Common Schools, 894 43</td>
</tr>
<tr>
<td></td>
<td>371 50</td>
<td>Caldwell,</td>
</tr>
<tr>
<td></td>
<td>552 59</td>
<td>Currituck,</td>
</tr>
<tr>
<td></td>
<td>645 93</td>
<td>Davie,</td>
</tr>
<tr>
<td></td>
<td>360 03</td>
<td>Jones,</td>
</tr>
<tr>
<td></td>
<td>659 11</td>
<td>Person,</td>
</tr>
<tr>
<td></td>
<td>2034 05</td>
<td>Orange,</td>
</tr>
<tr>
<td></td>
<td>569 00</td>
<td>Bertie, Spring divi.</td>
</tr>
<tr>
<td></td>
<td>830 00</td>
<td>Davidson,</td>
</tr>
<tr>
<td></td>
<td>416 00</td>
<td>Davie,</td>
</tr>
<tr>
<td></td>
<td>635 00</td>
<td>Sampson,</td>
</tr>
<tr>
<td></td>
<td>1220 79</td>
<td>Mecklenburg, Sept. '43,</td>
</tr>
<tr>
<td>Dec.</td>
<td>905 84</td>
<td>Buncombe, Spring '47,</td>
</tr>
<tr>
<td></td>
<td>457 73</td>
<td>Haywood,</td>
</tr>
<tr>
<td></td>
<td>452 00</td>
<td>Moore,</td>
</tr>
<tr>
<td></td>
<td>607 82</td>
<td>Moore, Fall</td>
</tr>
<tr>
<td></td>
<td>900 00</td>
<td>Pitt,</td>
</tr>
<tr>
<td></td>
<td>5800 39</td>
<td>Rowan,</td>
</tr>
<tr>
<td></td>
<td>1014 66</td>
<td>Rowan,</td>
</tr>
<tr>
<td></td>
<td>1354 61</td>
<td>Surry,</td>
</tr>
<tr>
<td></td>
<td>909 52</td>
<td>Warren,</td>
</tr>
<tr>
<td></td>
<td>516 71</td>
<td>Brunswick,</td>
</tr>
<tr>
<td></td>
<td>581 25</td>
<td>Hertford,</td>
</tr>
<tr>
<td></td>
<td>1161 11</td>
<td>Randolph,</td>
</tr>
<tr>
<td></td>
<td>1226 56</td>
<td>Rutherford,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lec-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>may, printing for Litera-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ry Board, 32 95</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid A. C. Dick-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>erson, Contractor, for</td>
</tr>
<tr>
<td></td>
<td></td>
<td>constructing Turnpike</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Road around Pungo Lake</td>
</tr>
<tr>
<td>Year</td>
<td>Month</td>
<td>Event</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>1848</td>
<td>Mar.</td>
<td>Cash received as entries of vacant land.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash received of Governor Graham President ex-officio Literary Board as Interest on loans made by said Board,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash received of Governor Graham President ex-officio of the Literary Board being amount paid by Lincoln County in support of Deaf and Dumb Schools,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash received of A. Campbell, Auctioneer Cumberland County, being in full of his account from 1st Oct. 1846 to 30th Sept. 1848 inclusive,</td>
</tr>
<tr>
<td></td>
<td>May.</td>
<td>Cash received as entries of vacant land,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash received of W. H. Jones Cashier of the Bank of Cape Fear being a dividend of 3 per cent on 5322 shares of stock held in said Bank by the President and Directors of the Literary Fund of North Carolina,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash received of George McNeil Treasurer of the Cape Fear Navigation company, being 28th dividend of said company of 3 per cent on 650 shares of stock held in said company by the President and</td>
</tr>
</tbody>
</table>
in Account with the President and Directors of Literary Fund, 1847

Dec.  in part of compensation for said work, 1600 00
Cash paid Wm. D. Cook, being part of compensation for 29 poor pupils in Deaf and Dumb School, 1000 00
Cash paid William W. Holden, printing done by order of the Literary Board, 25 12
Cash paid William Maxwell for taking Census of that part of Henderson County formerly attached to Rutherford County, by request of the Literary Board, 40 00

1848 Jan.
Cash paid Burke County for Common Schools, 685 46
Tyrell County, 347 29
Stokes " 1432 41
Sampson " 979 30
Robeson, " 869 06
Macon " 445 28
Lincoln " 960 91
Henderson, " 302 00
Henderson " 521 38
Halifax " 1235 33
Gates " 632 28
Gates " 372 00
Cherokee " 315 62
Chowan " 493 09
Camden " 471 40
Cash paid Dadney Cosby
<table>
<thead>
<tr>
<th>Month</th>
<th>Transaction Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>May</td>
<td>Directors of the Literary Fund of North Carolina.</td>
<td>650.00</td>
</tr>
<tr>
<td></td>
<td>Cash received of Thomas Hubbard Auctioneer of Anson County, in full for his Auction Tax account from 1st October 1846 to 30th September 1847 inclusive,</td>
<td>1.05</td>
</tr>
<tr>
<td>June</td>
<td>Cash received as entries of vacant land,</td>
<td>152.57</td>
</tr>
<tr>
<td>July</td>
<td>Cash received as entries of vacant land,</td>
<td>107.00</td>
</tr>
<tr>
<td></td>
<td>Cash received of Charles Dewey Cashier of the Bank of the State of North Carolina, being a dividend of 3% per cent declared on 5027 shares of stock held in said Bank, by the President and Directors of the Literary Fund,</td>
<td>21,364.75</td>
</tr>
<tr>
<td></td>
<td>Cash received of Gov Graham, President ex-officio of the Literary Board, being Interest on the Bonds of the Raleigh and Gaston Rail Road company endorsed by the State and held by said Board,</td>
<td>4,644.00</td>
</tr>
<tr>
<td></td>
<td>Cash received of Gov. Graham President ex-officio of the Literary Board, as Interest on the Bonds of the Wilmington and Raleigh Rail Road company endorsed by the State and held by said Board,</td>
<td>4,050.00</td>
</tr>
<tr>
<td></td>
<td>Cash received of Governor Graham, President ex-officio of the Literary Board, being amount paid by Davidson County for the support of</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Jan.</td>
<td>&amp; Son, contractors for building Deaf and Dumb Asylum, being second Installment. Cash paid Wm. D. Cook, part compensation for educating 29 pupils in the Deaf and Dumb School.</td>
<td>2000 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid of W. W. Morrison, Secretary to the Literary Board being expenses of the Members of said Board from 2d October 1847 to 1st January 1848.</td>
<td>600 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid of W. W. Morrison, Secretary to the Literary Board to pay for advertising ordered by the literary Board.</td>
<td>132 00</td>
</tr>
<tr>
<td>Feb.</td>
<td>Cash paid Burke County for Common Schools.</td>
<td>533 15</td>
</tr>
<tr>
<td></td>
<td>Carteret &quot; &quot;</td>
<td>570 23</td>
</tr>
<tr>
<td></td>
<td>Cash paid W. H. Mayhew, advertising done by order of the Literary Board.</td>
<td>14 50</td>
</tr>
<tr>
<td>Mar.</td>
<td>Cash paid Yancey County for Common Schools.</td>
<td>551 65</td>
</tr>
<tr>
<td></td>
<td>Perquimons &quot; &quot;</td>
<td>581 64</td>
</tr>
<tr>
<td></td>
<td>Davidson &quot; &quot;</td>
<td>1281 55</td>
</tr>
<tr>
<td></td>
<td>Cash paid William D. Cook, Superintendent of</td>
<td></td>
</tr>
</tbody>
</table>
1848.

July.  the Deaf and Dumb School,  75 00

August.  Cash received as entries of vacant land,  120 19
Cash received of Andrew Joyner President of the Roanoke Navigation company, being dividend of 2 per cent declared on 500 shares of stock held in said company by President and Directors of the Literary Fund of North Carolina.  1000 00
Cash received of sundry sheriffs as Tax imposed on retailers of spirituous liquors,  477 52

Sept.  Cash received as entries of vacant land,  254 94
Cash received of sundry sheriffs as tax imposed on retailers of spirituous liquors,  2,833 16

Oct.  Cash received as entries of vacant land this month,  222 93
Cash received as Tavern Tax, received of T. J. Fentress, Sheriff of Craven,  71 44
Cash received of S. W. Tillinghast, Auctioneer, Cumberland,  53 56
Cash received of E. W. Wilkins, Auctioneer, Cumberland,  40 12
Cash received of Michael Crawley, Auctioneer, New Hanover,  100 61
Cash received of Henry J. Green, Auctioneer, Craven,  27 53
Cash received of Joseph S. Fowler, Auctioneer, Craven,  6 16
Cash received of Louis Peck, Auc-
in Account with the President and Directors of Literary Fund, Cr.

1848

Mar. the Deaf & Dumb School, being in part compensation for 29 poor pupils, 800 00

April. Cash paid Dabney Cosby & Son, contractors for building Deaf and Dumb Asylum, 2500 00

Cash paid William D. Cook, superintendent of the Deaf & Dumb School, to defray the expenses of William Peet, from New York to Raleigh, to deliver an address at the laying the Corner Stone of the Asylum, by request of the Literary Board, 60 00

Cash paid W. W. Morrison, Secretary of the Literary Board, to defray expenses of the members of said Board, from 1st January, 1848, to 5th April, 1848, inclusive, 72 00

May. Cash paid William D. Cook, superintendent of the Deaf & Dumb School, part of his compensation, 500 00

Cash paid Ritchie & Hiess, for advertising sale of Swamp Lands, by order Literary Board, 38 00

Cash paid W. R. Gales, advertising by order of the
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1848 Oct.</td>
<td>Cash received of N. B. Hughes Auctioneer, Wake County,</td>
<td>2 44</td>
</tr>
<tr>
<td></td>
<td>Cash received of Gov. Graham, President ex-officio of the Literary Board, being amount paid by the County of Guilford in support of the Deaf and Dumb Schools,</td>
<td>72 32</td>
</tr>
<tr>
<td></td>
<td>Cash received of Charles L. Hinton, Public Treasurer, being amount of Interest collected on Bonds due the Literary Fund, and transferred to the use of the Public Fund by Act of the General Assembly passed at its Session of 1846 and 47.</td>
<td>375 00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3,681 16</td>
</tr>
</tbody>
</table>

Amount brought forward, $251,387 50
17

Account with the President and Directors of Literary Fund.

1848

May.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash paid Gales &amp; Seaton, advertising in the National Intelligencer,</td>
<td>47 50</td>
</tr>
<tr>
<td>Cash paid the following Counties for Common Schools:</td>
<td></td>
</tr>
<tr>
<td>Burke County</td>
<td>378 00</td>
</tr>
<tr>
<td>Anson</td>
<td>574 00</td>
</tr>
<tr>
<td>Beaufort</td>
<td>471 75</td>
</tr>
<tr>
<td>Cumberland</td>
<td>600 50</td>
</tr>
<tr>
<td>Caswell</td>
<td>543 75</td>
</tr>
<tr>
<td>Catawba</td>
<td>466 87</td>
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<tr>
<td>Hyde</td>
<td>255 75</td>
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<tr>
<td>Iredell</td>
<td>650 25</td>
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<td>Johnston</td>
<td>421 50</td>
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<td>Martin</td>
<td>298 50</td>
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<tr>
<td>Rowan</td>
<td>493 50</td>
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<tr>
<td>Person</td>
<td>369 75</td>
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<tr>
<td>Orange</td>
<td>980 75</td>
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<tr>
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<td>305 25</td>
</tr>
<tr>
<td>Brunswick</td>
<td>203 25</td>
</tr>
<tr>
<td>Craven</td>
<td>510 50</td>
</tr>
<tr>
<td>Cabarrus</td>
<td>384 75</td>
</tr>
<tr>
<td>Chowan</td>
<td>239 25</td>
</tr>
<tr>
<td>Camden</td>
<td>229 50</td>
</tr>
<tr>
<td>Carteret</td>
<td>276 75</td>
</tr>
<tr>
<td>Edgecombe</td>
<td>580 50</td>
</tr>
<tr>
<td>Guilford</td>
<td>830 25</td>
</tr>
<tr>
<td>Greene</td>
<td>247 50</td>
</tr>
<tr>
<td>Hertford</td>
<td>282 75</td>
</tr>
<tr>
<td>Halifax</td>
<td>600 00</td>
</tr>
<tr>
<td>Jones</td>
<td>174 75</td>
</tr>
</tbody>
</table>
Dr. CHARLES L. HINTON, Treasurer of Literary Fund

Amount brought forward, $251,387 50
19
in Account with the President and Directors of Literary Fund.  Cr.

1848.
May.  Lincoln,  466 88
    Lenoir,      280 25
    Mecklenburg, 720 50
    New Hanover, 493 50
    Nothampton,  489 00
    Onslow,      294 75
    Randolph,    564 75
June.  Wake,       826 25
       Wayne,     432 00
       Duplin,    878 02
       Duplin,    569 00
       Tyrrell,   251 00
       Stokes,    696 00
       Stanly,    216 00
       Pitt,      431 25
       McDowell,  214 50
       Montgomery, 232 50
       Haywood,   273 50
       Granville, 702 75
       Chatham,   641 25
       Buncombe,  481 50
July.  Macon,    216 75
       Pasquotank, 239 75
       Robeson,   422 25
       Richmond,  330 00
       Surry,     658 50
       Washington, 177 00
Cash paid to William D.  Cr.
Cook superintendent of  600 00
the Deaf and Dumb
school as further:compensa-
tion,
Cash paid A. C. Dickerson, contractor for ma-
Amount brought forward, $251,387 50
1848

<table>
<thead>
<tr>
<th>Month</th>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>king Turnpike Road, from Pungo Lake to Long Ridge, Cash paid H. P. Peet, of New York to cover expenses in publishing 1250 copies of his address on the occasion of laying the corner stone of the Deaf and Dumb Asylum, Cash paid as expenses of the Literary Board from 5th April to 3rd of July, 1848 inclusive,</td>
<td>1068 75</td>
</tr>
<tr>
<td>Aug.</td>
<td>Cash paid Ashe County, for Common Schools, Caldwell County, Currituck, Cleaveland, Rutherford, Davidson, Perquimons, Tyrell, Cash paid W. D. Cook, superintendent of the Deaf &amp; Dumb Asylum, in part of his compensation the present Session, as per order of the Literary Board, Cash paid Dabney Cosby, &amp; Son, being further payment as contractors for building Deaf and Dumb Asylum,</td>
<td>333 00  229 50  268 50  303 75  623 25  622 50  283 50  188 25  500 00</td>
</tr>
</tbody>
</table>
Dr. Charles L. Hinton, Treasurer of Literary Fund.

Amount brought forward, $251,387 50
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1848</td>
<td>Cash paid Dabney Cosby &amp; Sons contractors for building Deaf Dumb Asylum</td>
<td>500.00</td>
</tr>
<tr>
<td>Oct.</td>
<td>Cash paid Bertie County, for Common Schools</td>
<td>861.23</td>
</tr>
<tr>
<td></td>
<td>Robeson County</td>
<td>386.81</td>
</tr>
<tr>
<td></td>
<td>Anson,</td>
<td>1,176.49</td>
</tr>
<tr>
<td></td>
<td>Bertie, Spring div. 1848</td>
<td>434.25</td>
</tr>
<tr>
<td></td>
<td>Johnston, Fall div. 1848</td>
<td>835.81</td>
</tr>
<tr>
<td></td>
<td>Franklin</td>
<td>776.52</td>
</tr>
<tr>
<td></td>
<td>Cash paid W. W. Morrison, Secretary Literary Board to defray expenses of the</td>
<td>88.52</td>
</tr>
<tr>
<td></td>
<td>Literary Board for the last three months</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash paid Richard Hines, Esq. to defray expenses of a committee from the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Literary Board on a visit to the Swamp Lands and to review the Turnpike Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and for other purposes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>150.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash paid Charles Manly, Esq. Attorney’s Fees</td>
<td>30.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Charles B. Root, Administrater of Weston R. Gales, Advertising by</td>
<td></td>
</tr>
<tr>
<td></td>
<td>order of Literary Board</td>
<td>2.25</td>
</tr>
<tr>
<td></td>
<td>By disbursements since 1st. November 1847, to 1st. Nov. 1848</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>115,174.81</td>
</tr>
<tr>
<td></td>
<td></td>
<td>136,212.69</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$251,387.50</td>
</tr>
</tbody>
</table>
Dr. \hspace{1cm} \textbf{Charles L. Hinton, Treasurer of Literary Fund}

Amount brought forward, \hspace{1cm} $251,387.50

1848. Nov. To balance due President and Directors of the Literary Fund 1st Nov. 1848, \hspace{1cm} $136,212.69

\textbf{RECAPITULATION OF RECEIPTS.}

Entries of vacant land, \hspace{1cm} 4,598.55
Bank Dividends, Bank of Cape Fear, \hspace{1cm} 31,932.00
Bank Dividends, Bank of the State, \hspace{1cm} 41,472.75
Auction Tax 1847 and 48, \hspace{1cm} 652.63
Roanoke Navigation Company Dividends, \hspace{1cm} 2,750.00
Interest Raleigh and Gaston Rail Road Bonds, \hspace{1cm} 9,288.00
Interest Wilmington and Raleigh Rail Road Bonds, \hspace{1cm} 8,100.00
Cape Fear Navigation Company dividends, \hspace{1cm} 1,300.00
Deaf and Dumb School paid by Counties, \hspace{1cm} 525.00
Retailors of spirituous Liquors, \hspace{1cm} 3,382.12
Interest on Loans from Literary Fund and Individuals, \hspace{1cm} 4,341.16
Add balance 1st. Nov. 1847, \hspace{1cm} 143,045.29

\textbf{\$251,387.50}
RECAPITULATION OF DISBURSEMENTS.

Common Schools, 101,530 04
Printing by order of the Literary Board, 213 32
Superintendent of the Deaf and Dumb Asylum, 4,500 00
Wm. Maxwell, taking census for Literary Board, 40 00
Building Deaf and Dumb Asylum, 5,500 00
Expenses of the Literary Board, 542 52
Swamp Lands, 2,668 75
Expenses of Wm. Peet, of New York, 60 00
Publishing Address of Wm. Peet, 90 18
Charles Manly, Attorney Literary Board, 30 00

$115,174 81
Balance, 136,212 69

$251,387 50

The foregoing statements are founded upon vouchers filed in the Comptroller's Office, 1st. Nov. 1848.

WM. F. COLLINS,
Comptroller, P. A.
Cash received of Charles Manly, Attorney for Literary Board being in full of principal and interest of Judgment recovered in Wake County Court, in favor of the President and Directors of the Literary Fund against W & A. Stith, and others of which sum $300 is principal and $48.40 Interest.

Cash received of W. H. Jones, Cashier of the Cape Fear Bank being dividend of three per cent declared on 112 shares of stock held in said Bank by the President and Directors of Internal improvement Fund.

Cash received of W. H. Jones, Cashier of the Cape Fear Bank, being dividend of 3 per cent declared on 10 shares of unappropriated stock owned by the State.

Cash received of Jacob Siler, agent for the collection of Cherokee Bonds,
in Account with the State of North Carolina.

By disbursements from the 1st. November 1847 to 31st. October 1848, both days inclusive, $131,201.60
Add balance due Public Treasurer 1st. Nov, 1847, $45,835.45

Amount carried forward, $177,037.05
1848

Cash received of Joshua Roberts, Treasurer of Buncomb Turn Pike Company, being a dividend of 11 per cent declared on 500 shares of stock held in said company by the State of North Carolina, 550.00

Cash received of W. H. Jones, Cashier of the Bank of Cape Fear being interest on Bonds of the Wilmington and Raleigh Rail Road Company redeemed by the State 1500.00

Cash received of Clerk of Wake County Court, being amount of judgment against Christophers & Smith, 120.24

Cash received of Gov. Graham, President ex-officio of the Literary Board, being amount of a Bond against W. H. Bateg, as part of a note due Literary Board, 3,469.40

Cash received of Charles Manly, Attorney, being amount of a note due the Literary Board by Daniel A. Flemming, principal $600 and interest $65, 665.00

Cash received of Charles Manly, being amount of a note due the Literary Board by A. D. Moore, and others, principal $785.00 and interest $89.00, 874.00

Cash received of Charles Manly, being amount of note due the Literary Board by James Moore and
in Account with the State of North Carolina.

Amount brought forward, $177,037.05
Jan. 1848

Cash received of Charles Manly, Attorney, being amount of note due the Literary Board by John Swan and others, principal $952.31 and interest 100.80,

Cash received of Charles Manly, Attorney, being amount of note due the Internal Improvement Fund, by Jno. Hall and others, which Bonds have been transferred to the Public Treasurer by the Internal Improvement Board, principal $950.00 and interest 83.91,

Cash received of Edmund B. Freeman, Clerk to the Supreme Court being amount collected as Tax on Attorney's License,

Cash received of Green Hill, Superintendent of the State Capitol, being proceeds of a sale of old Tin sold by order of the Public Officers,

Cash received of Jacob Siler, Cherokee Land Agent being amount collected on sales of Preemption Cherokee Lands,

Cash received of Charles Manly, Attorney, being amount of Judgment against Reuben Deaver and others, in favor of the Literary Board, Principal $2,500.00, and interest, $120.06,
in Account with the State of North Carolina.

Amount brought forward, $177,037 05
Dr. Charles L. Hinton, Public Treasurer,

1848

Mar. Cash received of William H. Battle, being balance on a note due the Literary Board, principal $568.55, and interest $350.13, 918.68

April. Cash received of Jacob Siler, agent for the collection of Cherokee Bonds, being amount collected, 3,513 61

Cash received of Charles Manly, Attorney, being W. Barbee's note in part of a bond due the Literary Board, 2,500 00

May. Cash received of W. H. Jones, Cashier, being a dividend of 3 per cent declared on 112 shares of stock held in the Cape Fear Bank by the President and Directors of Internal Improvement Fund, 336 00

Cash received of W. H. Jones, Cashier, being a dividend of 3 per cent declared on 10 shares of stock held in the Cape Fear Bank by the State of North Carolina, 30 00

Cash received of James C. Turrentine, sheriff of Orange County, being in full of an execution against Jane Craig and others, due the Internal Improvement Fund and transferred to the Public Fund, 214 00

Cash received of James C. Turrentine, sheriff of Orange County, be-
in Account with the State of North Carolina.

Amount brought forward. $177,037.05
<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>May</td>
<td>Loans by the Internal Improvement Board, Cash received of Jacob Siler, Cherokee Land Agent, being amount collected on pre-emption Cherokee Lands, Cash received of James C. Turrentine, Sheriff of Orange County, being amount of an execution against Wm. Barbee, and others, due the Literary Board, principal $2304.23 and interest $66.07.</td>
<td>234.50</td>
</tr>
<tr>
<td>Jun</td>
<td>Cash received of Jacob Siler, Agent for the collection of Cherokee Bonds appropriated to Internal Improvement Fund</td>
<td>58.22</td>
</tr>
<tr>
<td>July</td>
<td>Cash received of William H. Jones, Cashier of the Bank of Cape Fear, being interest on the Bonds of the Wilmington and Raleigh Rail Road Company. Cash received of E. B. Freeman, Clerk to the Supreme Court being Tax on Attorney's License granted at June Term 1848.</td>
<td>3,170.30</td>
</tr>
<tr>
<td>Aug</td>
<td>Cash received of W. W. Clark, Cashier of the Merchants Bank of Newbern as Tax of 25 cents on 2250 shares of stock owned in said bank by individuals, Cash received of O. G. Paresly, President of the Commercial Bank.</td>
<td>1,500.00, 562.50</td>
</tr>
</tbody>
</table>
in Account with the State of North Carolina.

Amount brought forward, $177,037 05
Aug. of Wilmington as a tax of 25 cents on 1823 shares of Stock owned in said Bank by individuals, 455.75
Cash received of Jas. R. Dodge, clerk to the Supreme Court at Morganton, being a Tax on Attorney's License granted at June Term 1848, 130.00
Cash received from sundry Sheriffs being amount of Public Tax paid into the Public Treasury in the month of August, 16,013.42

Sept. Cash received of Charles Dewey, Cashier of the Bank of the State of North Carolina, being a Tax of 25 cents on each individual share of stock held in said Bank, 2,243.25
Cash received of W. H. Jones, Cashier of the Bank of Cape Fear being a Tax of 25 cents on each individual share of stock held in said Bank, 2,389.00
Cash received of E. B. Freeman, Clerk of the Supreme Court at Raleigh as a Tax on Attorney License, 10.00
Cash received of sundry sheriffs, being amount of Public Tax paid into the Public Treasury this month, 71,517.88

Oct. Cash received of Charles J. Prentiss, Public Tax for the County of Craven, 2,113.10
Cash received of Jacob Siler, agent
Amount brought forward, $177,037.05
1848 Oct. of the sales of Cherokee land, 638 85
Cash received of Jacob Siler, agent for collection of Cherokee Bonds, being an advanced payment made for lands sold under the provision of an Act of the last General Assembly, 602 15
Cash received of Charles Manly, Attorney for Internal Improvement Fund, being balance due on a note of Mrs. S. DeRosette, and Hugh Waddell, and others, due Literary Board, principal $110 67 and interest $18.08, 128 75
Cash received of Governor Graham, President ex-officio of the Literary Board, being amount paid over to the Public Treasurer in conformity with an Act of the General Assembly passed 18th January 1847, 552 00

Amount carried forward, $139,117 97
in Account with the State of North Carolina.

Amount brought forward, $177,037 05
Dr. Charles L. Hinton, Public Treasurer,

1848
Oct. To am't of Receipts bro't forward, $139,117 97

Cash received of Charles Manly, Attorney for Literary Board, being for a note due the said Board, by Henry W. Miller and Robert W. Haywood, principal 710 67, interest 140 33, $51 00

Balance, 37,068 08

$177,037 05
1848.

Aug. Cash paid James R. Dodge, Clerk to the Supreme Court at Morganton, for recording and salary, 387.20

Cash paid J. T. C. Wyatt, Marshall to the Supreme Court at Raleigh, June Term, 96.00

Sept. Cash paid B. F. Moore, Attorney General 3 certificates, 60.00

Cash paid James Iredell Reporter to the Supreme Court, 150.00

Cash paid Alexander Duckworth Marshall, Reporter to Supreme Court at Morganton, 54.00

Cash paid Henry D. Turner for stationary and books, for the use of Supreme Court, 16.40

Cash paid Thomas S. Ashe, Solicitor, 3 certificates, 60.00

Cash paid Seaton Gales, Editor of the Register, for printing, publishing, and distributing Supreme Court Reports for June Term 1848, also for extra copies for new Counties and State Library, 396.84

Oct. Cash paid Hon. Thomas Ruffin, Chief Justice, his 3 quarter salary 625.00

Cash paid Hon. Fred. Nash, Judge his 3 quarter salary, 625.00

Cash paid, W. H. Battle, Judge his 3 quarter salary, 625.00

Cash paid J. F. Poindexter Solicitor 5 certificates, 100.00

Cash paid H. C. Jones, Solicitor, 3 certificates 60.00
1848
Oct.  Cash paid B. F. Moore, Attorney General, 3 certificates, 60 00

Amount, $26,367 56

RECAPITULATION OF RECEIPTS.

Principal on Bonds transferred from the Literary Board, 16,546 85
Interest do. do. 1,947 60
Interest on Wilmington and Raleigh Rail Road Bonds, 3,000 00
Bank' dividends, Bank Cape Fear unappropriated stock, 60,00
Bank dividends, Bank Cape Fear Internal Improvement, 672 00
Bank Tax, Newbern, on individuals shares of stock, 562 50
Bank Tax, Commercial Bank Wilmington, Shares of stock, 455 75
Christopher's and Smith's Bond, 120 24
Cherokee Bonds, transferred, 19,571 22
Principal on Bonds due Internal Improvement Board, transferred, 1,509 17
Interest on Bonds due Internal Improvement Board, transferred, 101 99
Buncombe Turn Pike Company, (dividends,) 550 00
Attorney's License, 590 00
Public Tax received from sheriffs, (due for 1847,) 89,644 40
Green Hill, Superintendent Sale of old articles belonging to the State, 5 00
Bank Tax, Bank State, on Individual stock, 2,243 25
Bank Tax, Bank Cape Fear, on Individual stock, 2,389 00

$139,968 97

RECAPITULATION OF DISBURSEMENTS.

Interest on Raleigh and Gaston
Rail Road Bonds, 45,360 00
Judiciary, 26,367 56
Fund for Internal Improvements, 3 00
Public Library, 67 62
Post Office, 144 12
Pensioners, 200 00
State Capitol, 48 30
Governor's House, 463 73
Public Printing, 607 12
Capitol Square, 7,578 00
Principal on Raleigh and Gaston
Rail Road Bonds, 30 000 00
Mexican War, 10 00
Interest on State Loan, 5,400 00
Executive Department, 2,300 00
Treasury Department, 2,000 000
State Department, 800 00
Comptroller's Department, 1,900 00
Adjutant General's Office, 200 00
Superintendent Public Buildings, 260 00
State Librarian, 150 00
Council of State, 320 80
Stationary, 113 87
Contingencies, 1,400 99
Sheriffs for settling Public Tax, 1,284 57
Sheriffs for settling Governor's Election, 1,220 00
Sheriffs for settling Senatorial Elections, 211 26
Sheriffs for settling Congressional Elections, 9 50
Interest transferred from Literary Board, 3,681 16
Add balance due Public Treasury 1st. Nov. 1847 45,835 45

$177,037 05
Deduct receipts, $139,968 97
Balance due Pub. Treas 1st Nov. 1848, $37,068 08

FUND FOR INTERNAL IMPROVEMENTS.
1847
Nov. Cash paid John W. Johnson, services in copying certificate surveys of Cherokee Lands for the use of Jacob Siler, agent, &c. 3 00

3 00
# PUBLIC LIBRARY.

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov.</td>
<td>Cash paid James F. Taylor, Librarian, subscription to the North American Review,</td>
<td>5 00</td>
</tr>
<tr>
<td>1848</td>
<td>Jan. Cash paid W. W. Morrison, to remit to Joseph Cogswell, being balance due him for Books purchased for State Library,</td>
<td>24 84</td>
</tr>
<tr>
<td></td>
<td>May. Cash paid Israel James, being State subscription to Southern Literary Messenger, for the Library,</td>
<td>5 00</td>
</tr>
<tr>
<td></td>
<td>June. Cash paid F. and J. W. Johnson for Law Books for the use of Supreme Court,</td>
<td>19 78</td>
</tr>
<tr>
<td></td>
<td>July. Cash paid E. B. Freeman, Clerk to the Supreme Court, for Books for the Supreme Court.</td>
<td>8 00</td>
</tr>
<tr>
<td></td>
<td>Aug. Cash paid James F. Taylor, State Librarian, to remit to the Editors of the North American Review,</td>
<td>5 00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>67 62</td>
</tr>
</tbody>
</table>
### POST OFFICE.

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1847</td>
<td>Nov.</td>
<td>Paid William White, Post Master at Raleigh, his postage against Executive Department</td>
<td>$12.50</td>
</tr>
<tr>
<td></td>
<td>Dec.</td>
<td>Paid William White, post master, against Public Officers</td>
<td>$26.05</td>
</tr>
<tr>
<td></td>
<td>Feb.</td>
<td>Paid William White, post master, against Treasurer and Comptroller's Offices</td>
<td>$14.76</td>
</tr>
<tr>
<td></td>
<td>April</td>
<td>Paid William White, post master, against Public Officers</td>
<td>$21.93</td>
</tr>
<tr>
<td></td>
<td>June</td>
<td>Paid William White, post master, against Public Officers</td>
<td>$22.14</td>
</tr>
<tr>
<td></td>
<td>July</td>
<td>Paid William White, post master, against Executive Department</td>
<td>$7.34</td>
</tr>
<tr>
<td></td>
<td>Sept.</td>
<td>Paid William White, post master, against Public Officers</td>
<td>$39.40</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$144.12</strong></td>
</tr>
</tbody>
</table>

### PENSIONERS.

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1847</td>
<td>Nov.</td>
<td>Paid Martha Spiers, her pension claim</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td>Jan.</td>
<td>Paid Alexander Taylor, of Craven, his pension claim</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paid Thos. Ewell, his pension claim</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td>April</td>
<td>Paid Jacob Peacock, of Johnston County, his pension claim</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$200.00</strong></td>
</tr>
</tbody>
</table>
STATE CAPITOL.

1847
Nov.  Paid William Stronach, for repairs about State Capitol, 980
      Paid Mary E. Harrison, for painting done by her painter in the State Capitol, 1000

1848
Oct.  Paid James Puttick, for sweeping 28 chimneys in the State Capitol, at $1 each, 2800
      Paid Jerrie Malone, putting in Window Glass in the Capitol, 50

$48 30

GOVERNOR'S HOUSE.

1847
Nov.  Cash paid Nunn & Jones, for recovering Government House and sundry repairs of out houses, &c., 326 88
      Cash paid W. F. Collins, for lumber from his mill furnished in repairs about executive lot, 2 75
      Cash paid Campbell Eaton, for painting done at the Government House, 6 00
      Cash paid Mary E. Harrison painting done by her painter at Government House, 87 50
<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1847</td>
<td>Nov.</td>
<td>Cash paid M. B. Royster, for Carpenters work done at the Government House</td>
<td>$38.35</td>
</tr>
<tr>
<td></td>
<td>April</td>
<td>Cash paid Henry Patterson, for brick work done at the Palace</td>
<td>$2.25</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td><strong>$463.73</strong></td>
</tr>
</tbody>
</table>

**PUBLIC PRINTING.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1847</td>
<td>Dec.</td>
<td>Cash paid Thos. J. Lemay, printing done by order of the Public Officers, as per his bill</td>
<td>$30.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lemay, printing by order of the Treasury Department</td>
<td>$40.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lemay, printing done by the order of Secretary State</td>
<td>$27.25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lemay, printing by order of the Comptroller of Public Accounts</td>
<td>$25.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid W. W. Holden, printing General orders, by Adjutant General, for Capt. Cameron</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lemay, printing done for the State</td>
<td>$5.12</td>
</tr>
<tr>
<td>1848</td>
<td>Feb.</td>
<td>Cash paid Wm. W. Holden, for printing Comptroller's Report</td>
<td>$75.00</td>
</tr>
<tr>
<td>Year</td>
<td>Month</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>1848</td>
<td>Aug.</td>
<td>Cash paid James R. Dodge, Clerk to the Supreme Court at Morganton, for recording and salary,</td>
<td>387.20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid J. T. C. Wyatt, Marshall to the Supreme Court at Raleigh, June Term,</td>
<td>96.00</td>
</tr>
<tr>
<td></td>
<td>Sept.</td>
<td>Cash paid B. F. Moore, Attorney General 3 certificates,</td>
<td>60.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid James Iredell Reporter to the Supreme Court,</td>
<td>150.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Alexander Duckworth Marshall, Reporter to Supreme Court at Morganton,</td>
<td>54.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Henry D. Turner for stationary and books, for the use of Supreme Court,</td>
<td>16.40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas S. Ashe, Solicitor, 3 certificates,</td>
<td>60.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Seaton Gales, Editor of the Register, for printing, publishing, and distributing Supreme Court Reports for June Term 1848, also for extra copies for new Counties and State Library,</td>
<td>396.84</td>
</tr>
<tr>
<td></td>
<td>Oct.</td>
<td>Cash paid Hon. Thomas Ruffin, Chief Justice, his 3 quarter salary</td>
<td>625.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Hon. Fred. Nash, Judge his 3 quarter salary,</td>
<td>625.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid W. H. Battle, Judge his 3 quarter salary,</td>
<td>625.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid J. F. Poindexter Solicitor 5 certificates,</td>
<td>100.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid H. C. Jones, Solicitor, 3 certificates</td>
<td>60.00</td>
</tr>
</tbody>
</table>
1848 Oct.  
Cash paid B. F. Moore, Attorney General, 3 certificates, 60 00

Amount, $26,367 56

RECAPITULATION OF RECEIPTS.

Principal on Bonds transferred from the Literary Board, 16,546 85
Interest do. do. 1,947 60
Interest on Wilmington and Raleigh Rail Road Bonds, 3,060 00
Bank' dividends, Bank Cape Fear unappropriated stock, 60,00
Bank dividends, Bank Cape Fear Internal Improvement, 672 00
Bank Tax, Newbern, on individuals shares of stock, 562 50
Bank Tax, Commercial Bank Wilmington, Shares of stock, 455 75
Christopher's and Smith's Bond, 120 24
Cherokee Bonds, transferred, 19,571 22
Principal on Bonds due Internal Improvement Board, transferred, 1,509 17
Interest on Bonds due Internal Improvement Board, transferred, 101 99
Buncombe Turn Pike Company, (dividends,) 550 00
Attorney's License, 590 00
Public Tax received from sheriffs, (due for 1847,) 89,644 40
Green Hill, Superintendent Sale of old articles belonging to the State, 5 00
Bank Tax, Bank State, on Individual stock, 2,243 25
Bank Tax, Bank Cape Fear, on Individual stock, 2,389 00

**$139,968 97**

### RECAPITULATION OF DISBURSEMENTS.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest on Raleigh and Gaston</td>
<td></td>
</tr>
<tr>
<td>Rail Road Bonds</td>
<td>$45,360 00</td>
</tr>
<tr>
<td>Judiciary</td>
<td>26,367 56</td>
</tr>
<tr>
<td>Fund for Internal Improvements</td>
<td>3 00</td>
</tr>
<tr>
<td>Public Library</td>
<td>67 62</td>
</tr>
<tr>
<td>Post Office</td>
<td>144 12</td>
</tr>
<tr>
<td>Pensioners</td>
<td>200 00</td>
</tr>
<tr>
<td>State Capitol</td>
<td>48 30</td>
</tr>
<tr>
<td>Governor's House</td>
<td>463 73</td>
</tr>
<tr>
<td>Public Printing</td>
<td>607 12</td>
</tr>
<tr>
<td>Capitol Square</td>
<td>7,578 00</td>
</tr>
<tr>
<td>Principal on Raleigh and Gaston</td>
<td></td>
</tr>
<tr>
<td>Rail Road Bonds</td>
<td>30,000 00</td>
</tr>
<tr>
<td>Mexican War</td>
<td>10 00</td>
</tr>
<tr>
<td>Interest on State Loan</td>
<td>5,400 00</td>
</tr>
<tr>
<td>Executive Department</td>
<td>2,300 00</td>
</tr>
<tr>
<td>Treasury Department</td>
<td>2,000 000</td>
</tr>
<tr>
<td>State Department</td>
<td>800 00</td>
</tr>
<tr>
<td>Comptroller's Department</td>
<td>1,000 00</td>
</tr>
<tr>
<td>Adjutant General's Office</td>
<td>200 00</td>
</tr>
</tbody>
</table>
Superintendant Public Buildings, 260 00
State Librarian, 150 00
Council of State, 320 80
Stationary, 113 87
Contingencies, 1,400 99
Sheriffs for settling Public Tax, 1,284 57
Sheriffs for settling Governor's Election, 1,220 00
Sheriffs for settling Senatorial Elections, 211 26
Sheriffs for settling Congressional Elections, 9,50
Interest transferred from Literary Board, 3,681 16
Add balance due Public Treasury 1st. Nov. 1847 45,835 45

$177,037 05

Deduct receipts, $139,968 97

Balance due Pub. Treas 1st Nov. 1848, $37,068 08

FUND FOR INTERNAL IMPROVEMENTS.

1847
Nov.  Cash paid John W. Johnson, services in copying certificate surveys of Cherokee Lands for the use of Jacob Siler, agent, &c. 3 00

3 00
1847
Nov. Cash paid James F. Taylor, Librarian, subscription to the North American Review, 5 00

1848
Jan. Cash paid W. W. Morrison, to remit to Joseph Cogswell, being balance due him for Books purchased for State Library, 24 84

May. Cash paid Israel James, being State subscription to Southern Literary Messenger, for the Library, 5 00

June. Cash paid F. and J. W. Johnson for Law Books for the use of Supreme Court, 19 78

July. Cash paid E. B. Freeman, Clerk to the Supreme Court, for Books for the Supreme Court, 8 00

Aug. Cash paid James F. Taylor, State Librarian, to remit to the Editors of the North American Review, 5 00

67 62
POST OFFICE.

1847
Nov. Paid William White, Post Master at Raleigh, his postage against Executive Department, 12.50
Dec. Paid William White, post master, against Public Officers, 26.05
Feb. Paid William White, post master, against Treasurer and Comptroller's Offices, 14.76
April. Paid William White, post master, against Public Officers, 21.93
June. Paid William White, post master, against Public Officers, 22.14
July. Paid William White, post master, against Executive Department, 7.34
Sept. Paid William White, post master, against Public Officers, 39.40
$144.12

PENSIONERS.

1847
Nov. Paid Martha Spiers, her pension claim, 50.00
1848
Jan. Paid Alexander Taylor, of Craven, his pension claim, 50.00
Paid Thos. Ewell, his pension claim, 50.00
April. Paid Jacob Peacock, of Johnston County, his pension claim, 50.00
$200.00
**STATE CAPITOL.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1847</td>
<td>Nov.</td>
<td>Paid William Stronach, for repairs about State Capitol,</td>
<td>9 80</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paid Mary E. Harrison, for painting done by her painter in the State Capitol,</td>
<td>10 00</td>
</tr>
<tr>
<td>1848</td>
<td>Oct.</td>
<td>Paid James Puttick, for sweeping 28 chimneys in the State Capitol, at $1 each,</td>
<td>28 00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paid Jerrie Malone, putting in Window Glass in the Capitol,</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$48 30</td>
</tr>
</tbody>
</table>

**GOVERNOR'S HOUSE.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1847</td>
<td>Nov.</td>
<td>Cash paid Nunn &amp; Jones, for recovering Government House and sundry repairs of out houses, &amp;c.,</td>
<td>326 88</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid W. F. Collins, for lumber from his mill furnished in repairs about executive lot,</td>
<td>2 75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Campbell Eaton, for painting done at the Government House,</td>
<td>6 00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Mary E. Harrison painting done by her painter at Government House,</td>
<td>87 50</td>
</tr>
<tr>
<td>Year</td>
<td>Month</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
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</tr>
<tr>
<td>1847</td>
<td>Nov.</td>
<td>Cash paid M. B. Royster, for Carpenters work done at the Government House</td>
<td>38.35</td>
</tr>
<tr>
<td>1848</td>
<td>April</td>
<td>Cash paid Henry Patterson, for brick work done at the Palace</td>
<td>2.25</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$463.73</strong></td>
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</tbody>
</table>

**PUBLIC PRINTING.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1817</td>
<td>Dec.</td>
<td>Cash paid Thos. J. Lemay, printing done by order of the Public Officers, as per his bill</td>
<td>30.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lemay, printing by order of the Treasury Department</td>
<td>40.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lemay, printing done by the order of Secretary State</td>
<td>27.25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lemay, printing by order of the Comptroller of Public Accounts</td>
<td>25.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid W. W. Holden, printing General orders, by Adjutant General, for Capt. Cameron</td>
<td>3.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Thomas J. Lemay, printing done for the State</td>
<td>5.12</td>
</tr>
<tr>
<td>1848</td>
<td>Feb.</td>
<td>Cash paid Wm. W. Holden, for printing Comptroller's Report</td>
<td>75.00</td>
</tr>
</tbody>
</table>
1848

May. Cash paid Weston R. Gales, for printing done for the Comptroller's Treasurer's & Adjutant General's Office, 256 50

July. Cash paid Weston R. Gales, printing done for Executive office, 127 25

Oct. Cash paid W. W. Holden, Editor of the Standard, printing done for Treasury Department, 16 25

$607 12

CAPITOL SQUARE.

1847.
Dec. Cash paid Burns and Stronach, contractors for enclosing Capitol Square, 2,500 00

1848
May. Cash paid Burns and Sronach contractors for enclosing Capitol Square, 1,500 00

July. Cash paid Burns and Stronach, contractors for enclosing Capitol Square, 3,000 00

Oct. Cash paid John R. Harrison, for work done on the Capitol Square in grading &c. 578 00

$7,578 00
<table>
<thead>
<tr>
<th>Jan</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cash paid Eth'l Crowder's Bond, No. 161</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Eth'l Crowder's Bond, No. 162</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Bazel Gordon's Bond, No. 95</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Bazel Gordon's Bond, No. 97</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Bazel Gordon's Bond, No. 99</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Bazel Gordon's Bond, No. 210</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid John Buffaloe's Bond, No. 378</td>
<td>7,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Thomas Ruffin's Bond, No. 371</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid George McIntosh's Bond, No. 351</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Sarah Bruce's Bond, No. 312</td>
<td>2,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid John Hinton's Bond, No. 143</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Mary McLean Bryan's Bond, No. 149</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Louis D. Henry's Bond, No. 163</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid John V. Wilcox's Bond, No. 181</td>
<td>5,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid John V. Wilcox's Bond, No. 216</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Alfred Jones' Bond, No. 102</td>
<td>1,500.00</td>
</tr>
</tbody>
</table>
1848
Feb. Cash paid William Boylan's Bond, No. 133, 1,500 00
Cash paid Stephen G. Wills' Bond No. 374, 1,000 00
$30,000 00

1848
MEXICAN WAR.
Jan. Cash paid James Hall, for provision furnished Capt. Cameron's Company of Volunteers, for the war with Mexico, 10 00

1848
INTEREST ON STATE LOAN.
Jan. Cash paid William H. Jones, Cashier of the Bank of Cape Fear, being interest on a loan of ninety thousand dollars for six months, granted the State by the Cape Fear Bank, 2,700 00
July. Cash paid William H. Jones, Cashier of the Bank of Cape Fear, being interest on State Loan of ninety thousand dollars, 2,700 00
$5,400 00
<table>
<thead>
<tr>
<th>Year</th>
<th>Department</th>
<th>Month</th>
<th>Employee</th>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1848</td>
<td>EXECUTIVE DEPARTMENT</td>
<td>Jan.</td>
<td>Gov. Graham</td>
<td>4th quarter salary, 1847</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>W. W. Morrison</td>
<td>Private Secretary, 4th quarter salary</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>April</td>
<td>Gov. Graham</td>
<td>1st quarter salary, 1848</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>W. W. Morrison</td>
<td>Private Secretary, 1st quarter salary</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>July</td>
<td>Gov. Graham</td>
<td>2nd quarter, 1848</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>W. W. Morrison</td>
<td>2nd quarter salary as Private Secretary</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oct.</td>
<td>Gov. Graham</td>
<td>3rd quarter salary, 1848</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>W. W. Morrison</td>
<td>3rd quarter salary, as Private Secretary</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total:</td>
<td>$2,300.00</td>
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</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Department</th>
<th>Month</th>
<th>Employee</th>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1848</td>
<td>TREASURY DEPARTMENT</td>
<td>Jan.</td>
<td>C. L. Hinton</td>
<td>Public Treasurer, 4th quarter salary, 1847</td>
<td>$375.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>S. Birdsall</td>
<td>Clerk to Treasurer, 4th quarter salary, 1847</td>
<td>$125.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>April</td>
<td>C. L. Hinton</td>
<td>Public Treasurer, 1st quarter salary, 1848</td>
<td>$375.00</td>
</tr>
<tr>
<td>Year</td>
<td>Month</td>
<td>Description</td>
<td>Amount</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
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<td>-----------------------------------------------------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1847</td>
<td>April</td>
<td>Cash paid S. Birdsall, Clerk to Treasurer, his 1st quarter salary, 1848,</td>
<td>125 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>July</td>
<td>Cash paid C. L. Hinton, Public Treasurer, his 2d quarter salary, 1848,</td>
<td>375 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid S. Birdsall, Clerk to Treasurer, his 2d quarter salary, 1848,</td>
<td>125 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Oct.</td>
<td>Cash paid C. L. Hinton, Public Treasurer, his 3rd quarter salary, 1848</td>
<td>375 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid S. Birdsall, Clerk to Treasurer, his 3d quarter salary, 1848,</td>
<td>125 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$2,000 00</td>
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</tr>
</tbody>
</table>

**STATE DEPARTMENT.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1848</td>
<td>Jan.</td>
<td>Paid Wm. Hill, Secretary of State, his 4th quarter salary, 1847,</td>
<td>200 00</td>
</tr>
<tr>
<td></td>
<td>April</td>
<td>Paid Wm. Hill, Secretary of State, his 1st quarter salary, 1848,</td>
<td>200 00</td>
</tr>
<tr>
<td></td>
<td>July</td>
<td>Paid Wm. Hill, Secretary of State, his 2nd quarter salary, 1848,</td>
<td>200 00</td>
</tr>
<tr>
<td></td>
<td>Oct.</td>
<td>Paid Wm. Hill, Secretary of State, his 3rd quarter salary, 1848,</td>
<td>200 00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$800 00</td>
</tr>
</tbody>
</table>
COMPTROLLER'S DEPARTMENT.

1848.

Jan. Cash paid Wm. F. Collins, Comptroller Public Accounts, his 4 quarter salary, 1847, 250 00

April. Cash paid W. F. Collins, Comptroller Public Accounts his 1 quarter salary, 1848, 250 00

July. Cash paid Wm. F. Collins, Comptroller Public Accounts, his 2 quarter salary, 1848, 250 00

Oct. Cash paid Wm. F. Collins, Comptroller Public Accounts, his 3 quarter salary, 1848, 250 00

$1000 00

ADJUTANT GENERAL'S OFFICE.

1848

Jan. Cash paid Robert W. Haywood, Adjutant General, his half year salary, 1847, 100 00

July. Cash paid Robert W. Haywood, Adjutant General, his half year salary, 1848, 100 09

$200 09
### SUPERINTENDANT PUBLIC BUILDINGS.

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan.</td>
<td>Cash paid Green Hill, Superintendent, his 4th quarter salary, 1847,</td>
<td>65 00</td>
</tr>
<tr>
<td>April</td>
<td>Cash paid Green Hill, Superintendent, his 1st quarter salary, 1848,</td>
<td>65 00</td>
</tr>
<tr>
<td>July</td>
<td>Cash paid Green Hill, Superintendent, his 2nd quarter salary, 1848,</td>
<td>65 00</td>
</tr>
<tr>
<td>Oct.</td>
<td>Cash paid Green Hill, Superintendent, his 3rd quarter salary, 1848,</td>
<td>65 00</td>
</tr>
</tbody>
</table>

**Total:** $260 00

### STATE LIBRARIAN.

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept.</td>
<td>Cash paid James F. Taylor, Librarian, his 2nd quarter salary, 1847,</td>
<td>75 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid James F. Taylor, Librarian, his 3rd quarter salary, 1847,</td>
<td>75 00</td>
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</table>

**Total:** $150 00

### COUNCIL OF STATE.

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>March</td>
<td>Cash paid W. W. Morrison, private Secretary to Governor Graham,</td>
<td>137 80</td>
</tr>
<tr>
<td></td>
<td>to pay expenses of the State Council convened by Governor Graham,</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>Cash paid W. W. Morrison, Clerk to the Council, to pay expenses of the</td>
<td>183 00</td>
</tr>
<tr>
<td></td>
<td>Council at the call of the Governor,</td>
<td></td>
</tr>
</tbody>
</table>

**Total:** $320 80
## STATIONARY.

<table>
<thead>
<tr>
<th>Date</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>Cash paid William Hill, Secretary of State, being amount of Bill of Stationary</td>
<td>64 14</td>
</tr>
<tr>
<td>June</td>
<td>Cash paid H. D. Turner, his account against the State for Stationary</td>
<td>49 73</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$113 87</td>
</tr>
</tbody>
</table>

## CONTINGENCIES.

<table>
<thead>
<tr>
<th>Date</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov.</td>
<td>Paid Palmer &amp; Ramsey, Jeweller's, for making new Seal for Alexander County</td>
<td>12 50</td>
</tr>
<tr>
<td></td>
<td>Paid Wm. Hill, Secretary of State, copying Laws to be used in State's prosecution</td>
<td>8 60</td>
</tr>
<tr>
<td>Dec.</td>
<td>Paid J. H. DeCarteret, for binding 82 copies of Supreme Court Reports, and sundry other publications</td>
<td>98 15</td>
</tr>
<tr>
<td></td>
<td>Cash paid Mrs. Jane L. Johnson, for one hundred and forty-seven cords of wood, furnished the Public Offices at $1.50 per cord</td>
<td>220 50</td>
</tr>
<tr>
<td>Jan.</td>
<td>Cash paid William Chavis, amount due by contract for keeping in repairs the Government pump in the City of Raleigh</td>
<td>62 00</td>
</tr>
<tr>
<td>Month</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Jan.</td>
<td>Cash paid W. W. Morrison, amount of servant hire for Executive office.</td>
<td>48 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Ruffin Tucker for drayage done for Executive office.</td>
<td>1 30</td>
</tr>
<tr>
<td>Feb.</td>
<td>Cash paid Charles Manly, amount of fees for professional services rendered the State.</td>
<td>230 00</td>
</tr>
<tr>
<td>Mar.</td>
<td>Cash paid Mrs. Johnson, for 21\frac{1}{2} cords of wood at 1.50</td>
<td>32 62</td>
</tr>
<tr>
<td></td>
<td>Cash paid Wm. Hill, Secretary of State, for sundry Laws of Virginia, copied for the use of Jno. F. Pindexter, Solicitor.</td>
<td>26 70</td>
</tr>
<tr>
<td>April</td>
<td>Cash paid F. M. Hubbard, part compensation for copying and arranging the Letters of Governor Caswell, as ordered by Resolution of the General Assembly.</td>
<td>175 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Robt. W. Haywood, Adjutant General, for Mr. Holton, for advertising Notice of Military Rendezvous at Charlotte, N. C.</td>
<td>1 50</td>
</tr>
<tr>
<td>May.</td>
<td>Cash paid Joshua Allen, moving earth from the new Gates.</td>
<td>1 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid John Syme, Editor of Petersburg Intelligencer, for publishing Notice to absentees in suit of the Attorney General against the Stockholders and Bondsmen of the Raleigh and Gaston Rail Road Company.</td>
<td>21 00</td>
</tr>
<tr>
<td>June.</td>
<td>Cash paid Joshua Allen, for moving dirt from front of one of the Gates around Union Square.</td>
<td>50</td>
</tr>
<tr>
<td>Month</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>June</td>
<td>Cash paid George Smith, for arresting and carrying to Halifax Jail from Petersburg, Va., Jno. Brown, charged with the crime of murder,</td>
<td>50 00</td>
</tr>
<tr>
<td>July</td>
<td>Cash paid F. M. Hubbard, balance for arranging and copying the papers of Gov. Caswell to complete the Letter Books of the Executive Office,</td>
<td>100 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Wm. Hill, Secretary of State, for copying 3 Laws of South Carolina, to be used by H. C. Jones, Solicitor, in State's prosecution,</td>
<td>15 90</td>
</tr>
<tr>
<td></td>
<td>Cash paid William Hill, Secretary of State, postage account paid by him for the State,</td>
<td>2 80</td>
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<tr>
<td></td>
<td>Cash paid Nunn &amp; Jones, putting up Shelves in Executive Office,</td>
<td>90 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Gaines, Riches &amp; Co. for Record Books ordered by the Secretary of State,</td>
<td>32 00</td>
</tr>
<tr>
<td>Sept.</td>
<td>Cash paid as premium on protest concerning Sale of Weldon Bridge,</td>
<td>3 55</td>
</tr>
<tr>
<td></td>
<td>Cash paid William Chavis, cleaning out the wells at the Governor's House and at the Capitol,</td>
<td>6 00</td>
</tr>
<tr>
<td>Oct.</td>
<td>Cash paid William Hill, Secretary of State, for copying Laws for Solicitor Poindexter,</td>
<td>35 80</td>
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<tr>
<td></td>
<td>Cash paid Charles Manly, Attorney Fees in State cases,</td>
<td>20 00</td>
</tr>
<tr>
<td></td>
<td>Cash paid Robert W. Brown, keeper of Arms at Wilmington,</td>
<td>12 50</td>
</tr>
<tr>
<td></td>
<td>Cash paid D. G. McRae, keeper of Public Arms at Fayetteville,</td>
<td>93 07</td>
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$1,400 99
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<tr>
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<tr>
<td>Randolph</td>
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<tr>
<td>Chatham</td>
<td>6 30</td>
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<tr>
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<tr>
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<td>19 00</td>
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<tr>
<td>Anson</td>
<td>16 80</td>
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<td>Henderson</td>
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<td>Buncombe</td>
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1848

<table>
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<tr>
<td>Johnston</td>
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### 1848

<table>
<thead>
<tr>
<th>Sept. Paid Sheriff of Duplin County,</th>
<th>11 50</th>
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<tbody>
<tr>
<td>Surry</td>
<td>19 00</td>
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<tr>
<td>Wake</td>
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<tr>
<td>Oct. Craven</td>
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</table>

**Total:** 1,284 57

### 1848

**GOVERNOR'S ELECTION.**

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<tr>
<td>Wilkes</td>
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<td>Randolph</td>
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<td>Chatham</td>
<td>8 00</td>
</tr>
<tr>
<td>Greene</td>
<td>10 00</td>
</tr>
<tr>
<td>Mecklenburg</td>
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<tr>
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<tr>
<td>Macon</td>
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<td>Columbus</td>
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<td>Stokes</td>
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<td>Haywood</td>
<td>36 00</td>
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<tr>
<td>Henderson</td>
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<tr>
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</tr>
<tr>
<td>Warren</td>
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<td>Montgomery</td>
<td>16 00</td>
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<tr>
<td>Rockingham</td>
<td>12 00</td>
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<tr>
<td>Iredell</td>
<td>20 00</td>
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<tr>
<td>Cabarrus</td>
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<td>Lenoir</td>
<td>12 00</td>
</tr>
<tr>
<td>Brunswick</td>
<td>16 00</td>
</tr>
<tr>
<td>Bladen</td>
<td>12 00</td>
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<tr>
<td>County</td>
<td>Amount</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Davie</td>
<td>16.00</td>
</tr>
<tr>
<td>Pasquotank</td>
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<tr>
<td>Robeson</td>
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<td>Lincoln</td>
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<td>Caldwell</td>
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<td>Richmond</td>
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<td>Camden</td>
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<td>24.00</td>
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<tr>
<td>Franklin</td>
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<td>Sampson</td>
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<tr>
<td>Granville</td>
<td>6.00</td>
</tr>
<tr>
<td>Beaufort</td>
<td>14.00</td>
</tr>
<tr>
<td>Hyde</td>
<td>20.00</td>
</tr>
<tr>
<td>Tyrrel</td>
<td>20.00</td>
</tr>
<tr>
<td>Person</td>
<td>12.00</td>
</tr>
<tr>
<td>Bertie</td>
<td>14.00</td>
</tr>
<tr>
<td>Martin</td>
<td>12.00</td>
</tr>
<tr>
<td>Chowan</td>
<td>16.00</td>
</tr>
<tr>
<td>Stanly</td>
<td>16.00</td>
</tr>
</tbody>
</table>
1848

Sept. Paid Sheriff of Pitt County, $1220.00
  Carteret do 14.00
  Wake do 16.00
  Orange do 4.00
  Johnston do 8.00
  Duplin do 6.00
  Northampton do 12.00
  Craven do 10.00

SENATORIAL ELECTIONS.

Paid Sheriff of Rowan County, $1220.00
  Greene do 4.00
  Henderson do 3.50
  Macon do 6.25
  Haywood do 2.50
  Yancy do 6.45
  Buncombe do 11.66
  Columbus do 4.16
  Cabarrus do 8.50
  Lenoir do 2.50
  Brunswick do 4.00
  Bladen do 5.33
  Davie do 8.50
  Pasquotank do 17.17
  Robeson do 4.17
  Moore do 7.50
  Washington do 2.50
  Cleveland do 5.66
  Caldwell do 8.33
  Richmond do 3.33
  Gates do 6.54
  Perquimons do 2.50
  Jones do 4.00

  10.00
Paid Sheriff of Camden County, 3 75
Currituck do 4 58
Burke do 5 16
Ashe do 9 83
Wilkes do 6 66
Beaufort do 8 50
Hyde do 10 60
Tyrrel do 6 16
Chowan do 6 16
Stanly do 6 16
Carteret do 7 66
Surry do 6 66

$211 26

CONGRESSIONAL ELECTIONS.

1848.
Sept. Paid Sheriff of Jatawba County, 9 50

$9 50

INTEREST TRANSFERRED FROM LITERARY BOARD.

Cash paid Governor Graham, President ex-officio Literary Board, as Interest transferred from the Literary Fund by Act of the Legislature at its Session of 1846 & '47, $3,681 16

The foregoing statements are founded upon vouchers filed in the Comptroller's Office, 1st. Nov. 1848.

WM. F. COLLINS,
Comptroller, P. A.
## A STATEMENT of the REVENUE of NORTH CAROLINA.

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>SHERIFF'S NAME</th>
<th>Land Tax</th>
<th>Town Privilege Tax</th>
<th>State Tax</th>
<th>Court Tax</th>
<th>Tolerance Tax</th>
<th>Artificial Corners Tax</th>
<th>Natural Corners Tax</th>
<th>Negro Corners Tax</th>
<th>Vendors and Penalties</th>
<th>Amount due by Sheriffs</th>
<th>Amount paid by Sheriffs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Deduct Amount not paid by Sheriff of Surry not paid.

### Deduct amount of Public Tax not paid in 1847.

### Deduct Tax on Retainers of Spirits, belonging to Lottery Fund.

### Net Amount Public Tax.

### Net Amount Public Tax, 1847:

- $89,644
- $89,644

---

**Additional Returns for 1846 and $34,361 70**

| COUNTY | SHERIFF'S NAME | Land Tax | Town Privilege Tax | State Tax | Court Tax | Tolerance Tax | Artificial Corners Tax | Natural Corners Tax | Negro Corners Tax | Vendors and Penalties | Amount due by Sheriffs | Amount paid by Sheriffs |
|--------|----------------|----------|-------------------|----------|----------|---------------|-----------------------|---------------------|----------------|---------------------|----------------------|                        |

### Additional Return for 1846:

- $31,918
- $31,918

---

**A Statement of the amount of Cherokee County not paid.

- $9,550
- $9,550

---

**Deduction of Am't Penalty against Sheriff of Surry not paid.**

- $9,550

---

**Deducted Amount not paid by Sheriff of Surry not paid.**

- $9,550

---

**Deduct Tax on Retainers of Spirits, belonging to Lottery Fund.**

- $9,550

---

**Net Amount Public Tax.**

- $89,644
- $89,644

---

**W. F. Collins, Auditor.**

- November 14, 1847.
REPORT

OF THE

PUBLIC TREASURER,

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA,

TRANSMITTED TO THE LEGISLATURE,

ACCORDING TO ACT OF ASSEMBLY.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1848.
SIR:

I have the honor herewith to transmit to you, to be laid before the General Assembly, a Report prepared in obedience to an act of Assembly, entitled an Act concerning the Treasurer of the State. I have the honor to be,

With very great respect,

Your ob't servant,

C. L. HINTON, Pub. Treas.

Hon. R. B. GILLIAM,
Speaker of the House of Commons.
REPORT.

TREASURY DEPARTMENT, Nov., 1848.

TO THE HONORABLE,

The General Assembly of the State of North Carolina:

The Public Treasurer, in obedience to an Act of the Legislature, passed in 1827, entitled an Act concerning the Public Treasurer, respectfully submits the following Report:

1.—PUBLIC REVENUE AND EXPENDITURES.

Receipts of the Public Treasurer, from the 1st. of Nov. 1846, to the 1st. of Nov. 1848.

1846.

Nov. Cash received of the Bank of Cape Fear dividend No. 74, of 3 per cent, on 10 shares of Stock, in the Bank of Cape Fear, $30 00

" Bank of the State as tax on Stock held by individuals in the Bank of the State of N. C., 2,243 25

Dec. " J. Roberts, Treasurer, amount of dividends due on stock held by the State in the Buncombe Turnpike Company, 3,129 14

1847.

Jany. Amount borrowed of the Bank of Cape Fear, as per Resolution of General Assembly, 40,000 00

Semi-annual Interest due the Literary Board on Bonds of the Wilmington and Raleigh Rail Road Company, 1,500 00

Feb. Amount of Principal and Interest on Bonds due the Literary Board, and transferred to the Public Treasurer, as per Act of the Legislature, 2,388 67
Mc'h. Cash received, being amount transferred from Fund for Internal Improvements, being the balance due said Fund, 1st day of March, 1847, transferred by Act of the General Assembly, 75,839 84
Cash received Jacob Siler, agent, amount collected on Cherokee Bonds, 5,108 87
On Thomas L. Cowan's note due the Literary Board, 4,000 00
Reuben Deavor's note due Lit. Board, 37 00
April. Cash received of C. Manly, (Attorney,) amount collected on sundry notes due Literary Board, 2,638 24
Cash received of C. Manly, (Attorney,) amount collected on Cherokee Bonds, 5,108 87
On Thomas L. Cowan's note due the Literary Board, 4,000 00
Reuben Deavor's note due Lit. Board, 37 00
April. Cash received of C. Manly, (Attorney,) amount collected on sundry notes due Literary Board, 2,638 24
Green Hill for sundry articles sold by order of the Legislature, 120 30
May. Dividend 75 of 3 per cent. on 10 shares of Stock in Bank of Cape Fear, 30 00
On 112 shares of Stock in Bank of Cape Fear, and transferred from the Board of Internal Improvement, 336 00
Cash received of Gov. Graham, President ex-officio of the Board of Internal Improvement as Interest on notes due said Board and transferred, 306 00
Received of T. L. Cowan, in part of note due Literary Board, 3,500 00
Do do do 5,000 00
June. Do ballance do 3,981 64
Received of C. Manly, (Attorn'y,) am't collected on bonds due Literary Board, and transferred, 569 25
Battle & Brothers amount on bonds due the Board of Internal Improvement. 5,079 26
July. Cash received of Jacob Siler, agent, am't collected on Cherokee bonds, 2,000 00
E. B. Freeman, Clerk of Supreme Court, being tax collected on Attor. Licence, 160 00
Rec'd Sh'f of Catawba for public tax, 814 55
Aug. Cash received semi-annual interest on $50,000 of the Wilmington and Raleigh Rail Road bonds held by the Statte, 1,500 00
<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug.</td>
<td>Merchants Bank of Newbern, as tax on each individual share of Stock held by individuals in said Bank.</td>
<td>562 50</td>
</tr>
<tr>
<td></td>
<td>Received of E. B. Freeman, Clerk of the Supreme Court as tax on Attorney Licence,</td>
<td>10 00</td>
</tr>
<tr>
<td></td>
<td>Public Tax collected by Sheriffs,</td>
<td>7,589 63</td>
</tr>
<tr>
<td>Sept.</td>
<td>Do do do</td>
<td>73,150 38</td>
</tr>
<tr>
<td></td>
<td>Additional returns of public tax for 1845, W. W. Beattie in part of bond due Literary Board,</td>
<td>157 90</td>
</tr>
<tr>
<td></td>
<td>C. Manly, Attorney, amount collected on bonds due the Internal Improvement Board, transferred to Public Treasury.</td>
<td>807 22</td>
</tr>
<tr>
<td></td>
<td>Tax of 25cts per share on 8973 shares of stock held by individuals in the Bank of the State,</td>
<td>356 02</td>
</tr>
<tr>
<td></td>
<td>Tax of 25cts per share on 9556 shares of stock held by individuals in the Bank of Cape Fear,</td>
<td>2,243 25</td>
</tr>
<tr>
<td></td>
<td>Received of J. R. Dodge, Clerk of the Supreme Court at Morganton, as tax on Attor. Licence,</td>
<td>2,389 00</td>
</tr>
<tr>
<td>Oct.</td>
<td>Jacob Siler, agent, amount collected on Cherokee bonds.</td>
<td>150 00</td>
</tr>
<tr>
<td></td>
<td>Additional returns for public tax for '46, GreenHill for Shingles sold from Governor's House,</td>
<td>12 00</td>
</tr>
<tr>
<td>Nov.</td>
<td>Received of C. Manly, Attorney, amount of note collected and due Literary Board by W. &amp; A. Stith and others,</td>
<td>348 40</td>
</tr>
<tr>
<td></td>
<td>Do. amount of note due Literary Board by W. F. Clark and others,</td>
<td>465 20</td>
</tr>
<tr>
<td></td>
<td>Bank of Cape Fear for Dividend No.76 of 3 per cent. on 122 shares of Stock,</td>
<td>366 00</td>
</tr>
<tr>
<td>Dec.</td>
<td>Jacob Siler, agent, money collected on Cherokee bonds,</td>
<td>1,205 39</td>
</tr>
<tr>
<td>1848</td>
<td>Received of J. Roberts, dividend of 11 per cent. on 5000 shares of Stock in the</td>
<td></td>
</tr>
<tr>
<td>Month</td>
<td>Transaction Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Jan.</td>
<td>Buncombe Turnpike Company, held by the State, W. H. Jones six months interest $50,000 of Bonds of the Wilmington and R. R. Road, C. Manly, Attorney, amount of note of J. H. Hill and others due fund for Internal Improvement, Amount of Judgment, the State against J. J. Christophers and E. Smith, W. H. Beattie in part of note due Literary Board, C. Manly, Attorney, amount of Note due Literary Board by D. A. Flemming, Do. amount of Note of A. D. Moore &amp; others, due Literary Board, Do. amount of note J. Moore and others due Literary Board, Do. amount of Note of J. Swann and others due Literary Board, E. B. Freeman, Clerk of Supreme Court for Attorney Licence, Green Hill for old Tin,</td>
<td>550 00 1500 00 1,033 91 120 24 3,469 40 665 00 874 10 1,007 17 1,053 14 270 00 5 00</td>
</tr>
<tr>
<td>Feb'y.</td>
<td>Received of Jacob Siler, agent, money collected on preemption sales of Cherokee Lands C. Manly, Attorney, amount of Note of R. Deaver and others due Lit. Board,</td>
<td>9,731 50 2,620 06</td>
</tr>
<tr>
<td>Mch.</td>
<td>W. H. Beattie, balance of Note due Literary Board,</td>
<td>918 68</td>
</tr>
<tr>
<td>Apr'</td>
<td>J. Siler, agent, amount collected on Cherokee bonds,</td>
<td>3,513 61</td>
</tr>
<tr>
<td></td>
<td>C. Manly, Attorney, in part of W. Barbee's Note due Lit. Board,</td>
<td>2,500 00</td>
</tr>
<tr>
<td>May.</td>
<td>Received of Bank of Cape Fear, Dividend No. 77 of 3 per cent on 122 shares of Stock,</td>
<td>366 03</td>
</tr>
<tr>
<td></td>
<td>J. C. Turrentine, Sheriff of Orange, amount collected of Jane Craig on execution in favor of President and Directors of Fund of Internal Improvement,</td>
<td>214 00</td>
</tr>
</tbody>
</table>
May.

Do. amount of execution in favor of the same against John M'Kerrell and others 234 50
Do. balance of W. Barbee's Note due the same 3,170 30
J. Siler, agent, advance payment on Cherokee Lands 58 22

June.

J. Siler, agent, money collected on Cherokee Bonds 3,821 00

July.

Bank of Cape Fear, the semi-annual interest on $50,000 of Bonds of the Wilmington and Raleigh Rail Road Company held by the State 1,500 00
E. B. Freeman as tax on Attorney Licence 180 00

Aug.

Merchants Bank of Newbern, tax of 25 cts per share on 2250 shares of stock held by individuals in said Bank 562 50
Commercial Bank of Wilmington as tax of 25 cts per share on 1823 shares of stock in said Bank 455 75
J. R. Dodge, Clerk of Supreme Court at Morganton, as tax on Atto. Licence 130 00
Sheriffs for Public Tax 16,013 42

Sept.

Do do do 71,517 88
Bank of Cape Fear as tax of 25 cts per share on the Stock held by individuals in said Bank 2,389 00
Bank of the State as tax of 25 cts per share on 8973 shares of Stock held by individuals in said Bank 2,243 25
J. R. Dodge, Clerk of Supreme Court at Morganton, tax on Atto. Licence 10 00

Oct.

Sheriff of Craven public tax 2,113 10
Jacob Siler, agent, amount collected on Cherokee Bonds 638 85
Cash received Jacob Siler, as advanced payment on lands sold by Act of Legislature 602 15
Cash received of C. Manly, Attorney, amount collected on bond of J. J.
Oct.  Derosset and others, due Fund for Internal Improvement, 128 75
      Cash received C. Manly, amount of Bond of H. Miller, and others due Literary Board, 857 00
      Cash received of Gov. Graham, President ex-officio of Literary Board, being amount paid over to Public Treasurer in conformity with an Act of the General Assembly, 552 00

Making the sum of receipts 391,686 60

CR.

The expenditures of the Public Treasurer for the same period, that is from the 31st Oct, 1846 to the 1st. of Nov. 1848, consist of the following items,

1846.

Nov. Balance due Public Treasury the 1st. of November 1846, 122,151 49
Paid Principal on Raleigh and Gaston Rail Roads Bonds endorsed by the State and due 1st. January 1847, 30,000
      Do.  Do.  1848. 30 000

Paid Interest on the same and due 1st. January 1847, 37 704
      Do.  Do.  1848, 45 360

Paid Judiciary, 1847, 27,663 13
      Do.  1848, 26,367 56

Paid Executive Department, 1847, 2,875
      Do. do 1848, 2,300

Paid Treasury Department, 1847, 2,000
      Do. do 1848, 2,000

Paid State do 1847, 800
      Do. do 1848, 800

                      4,675
                      4,000
                      1,603
<table>
<thead>
<tr>
<th>Description</th>
<th>1847</th>
<th>1848</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid Comptroller Department</td>
<td>1,000</td>
<td>1,000</td>
<td>2,000</td>
</tr>
<tr>
<td>Paid Adjutant General</td>
<td>200</td>
<td>200</td>
<td>400</td>
</tr>
<tr>
<td>Paid Superintendent of Public Buildings</td>
<td>260</td>
<td>260</td>
<td>520</td>
</tr>
<tr>
<td>Paid Governor’s Election</td>
<td></td>
<td></td>
<td>1,220</td>
</tr>
<tr>
<td>Presidential Printing</td>
<td></td>
<td></td>
<td>29.16</td>
</tr>
<tr>
<td>Paid Public Printing</td>
<td>3,767</td>
<td>607.12</td>
<td>4,375</td>
</tr>
<tr>
<td>Paid Senatorial Election</td>
<td>15.83</td>
<td>211.26</td>
<td>227.09</td>
</tr>
<tr>
<td>Paid Council of State</td>
<td>134.60</td>
<td>320.80</td>
<td>455.40</td>
</tr>
<tr>
<td>Paid Public Library</td>
<td>457.48</td>
<td>67.62</td>
<td>525.10</td>
</tr>
<tr>
<td>Paid State Librarian</td>
<td>75.00</td>
<td>150.00</td>
<td>225.00</td>
</tr>
<tr>
<td>Paid Insolvent Polls</td>
<td></td>
<td></td>
<td>113.20</td>
</tr>
<tr>
<td>State Capitol,</td>
<td>10.05</td>
<td>48.30</td>
<td>58.35</td>
</tr>
<tr>
<td>Paid Stationary</td>
<td>230.45</td>
<td>113.87</td>
<td>344.32</td>
</tr>
<tr>
<td>Paid Capitol Square</td>
<td>4,000</td>
<td>7,578</td>
<td>11,578</td>
</tr>
<tr>
<td>Paid Interest on State Loan</td>
<td>4,126</td>
<td>5,400</td>
<td>9,526</td>
</tr>
</tbody>
</table>

**Total:** 9,526.68
<table>
<thead>
<tr>
<th>Description</th>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid Mexican War, 1847, 11,523 03</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do. do 1848, 10 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid Fund Int'r'l Improvement, 1847, 115 50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do. do 1848, 3 00</td>
<td></td>
<td></td>
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<tr>
<td>Paid Governor's House, 1848, 66 79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do. do 1847, 463 73</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid Pensioners, 1847, 735 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do. 1848, 200 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid Postage Account, 1847, 187 50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do. do 1848, 144 12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid Treasury Notes Burnt, 1847, 22 75</td>
<td></td>
<td></td>
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<tr>
<td>General Assembly, 40,630 40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congressional Elections, 1847, 605 50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;  &quot;  &quot;  1848, 9 50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid Sheriffs for settling Public Tax, 1847, 1291 64</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do. do 1848, 1284 57</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid Contingencies, 1847, 5,171 91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do. 1848, 1,400 99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid Interest on bonds transferred from Literary Fund to Public Fund as per act of the last Legislature, 1847, 3,681 16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Making an aggregate of 428,754 67</td>
<td></td>
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<tr>
<td>From which deduct amount of receipts, 391,686 60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leaves a balance due the Public Treasurer on the 1st Nov. 1848, 37,068 07</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Month</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Nov.</td>
<td>Cash received of the Bank of Cape Fear, dividend No. 74, of 3 per cent. on 5,322 shares of Stock held by the Literary Board in said Bank,</td>
<td>$15,966.00</td>
</tr>
<tr>
<td>Dec.</td>
<td>Cash received of Gov. Graham, as President ex officio of Literary Board, as principal on loans,</td>
<td>$4,139.50</td>
</tr>
<tr>
<td></td>
<td>Cash Do. As interest on loans,</td>
<td>$968.68</td>
</tr>
<tr>
<td></td>
<td>Cash Do. Amount paid by the County of Chatham on account of the Deaf and Dumb,</td>
<td>$150.00</td>
</tr>
<tr>
<td>Jan.</td>
<td>Cash received of Bank of the State, dividend No. 23, of 4 per cent. on 5027 shares of Stock held by Literary Board in said Bank,</td>
<td>$20,108.00</td>
</tr>
<tr>
<td></td>
<td>Cash received of Gov. Graham, President ex officio of Literary Board, as principal on bonds of the Raleigh and Gaston Railroad, held by said Board,</td>
<td>$8,500.00</td>
</tr>
<tr>
<td></td>
<td>Cash Do. As interest on Bonds of said Company.</td>
<td>$4,399.00</td>
</tr>
<tr>
<td></td>
<td>Cash Do. As interest on Bonds of the Wilmington and Raleigh Rail Road Company,</td>
<td>$4,110.00</td>
</tr>
<tr>
<td></td>
<td>Cash Do. Amount received of the Counties of Guilford and Davidson for the Deaf and Dumb,</td>
<td>$300.00</td>
</tr>
<tr>
<td>March</td>
<td>Cash received of Col. Joyner, dividend No 15, on 500 shares of stock in the Roanoke Navigation Company,</td>
<td>$1,375.00</td>
</tr>
<tr>
<td></td>
<td>Cash received of George McNeil, dividend No. 26 of 1 per cent on 650</td>
<td></td>
</tr>
</tbody>
</table>
shares of stock in Cape Fear Navigation Company, 650 00

May. Cash received of Bank of Cape Fear dividend No. 75 of 3 per cent on 5,322 shares of stock held by Literary Board in said Bank, 15,966 00

July. Cash received of Bank of the State dividend No. 24 of 4 1/2 per cent on 5027 shares of stock held by Literary Board in said Bank, 21,364 75
Cash received of Gov. Graham, as principal on Loans due Literary Board, 2,000 00
Cash received of Gov. Graham, as Interest on Bonds due Literary Board, 25 33
Cash received of Gov. Graham, amount paid by Hyde, Rowan and Martin, for Deaf and Dumb. 300 00
Cash received as Tavern Tax, from Sheriffs this month, 18 80

Aug. Cash received as Tavern Tax, for this month, 233 12

Sept. Cash received as Tavern Tax for this month, 3,021 40
Cash received of Gov. Graham, as interest collected on Bonds of the Wilmington and Raleigh Rail Road held by the Literary Board, 4,050 00
Cash received as Interest on Loans by Literary Board, 60 00
Cash received as amount paid by Orange County for Deaf and Dumb, 108 75
Cash received as amount paid by Davidson for Deaf and Dumb, 50 00

Oct. Cash received as amount of Auction Tax collected this month, 28 16
Cash received of Gov. Graham, as Interest on Raleigh and Gaston Rail Road Bonds held by Literary Board, 4,644 00
Nov. Cash received of Bank of Cape Fear, dividend No. 76, of 3 per cent on 5322 shares of stock held by Literary Board in said Bank, 15,966.00
Cash received as Auction Tax this month, 127.57
Dec. Cash received as Auction Tax this month, 196.75
Jan. Cash received of Bank of the State dividend No. 25 of 4 per cent on 5027 shares of stock in said Bank, 20,108.00
Cash received of Col. Joyner, dividend, No. 16, of 3½ per cent on 500 shares of stock in the Roanoke Navigation Company, 1,750.00
Cash received of Gov. Graham, as Interest on bonds of the Raleigh and Gaston Road Company due the Literary Board, 4,644.00
Cash received of Gov. Graham as Interest on Bonds of the Wilmington and Raleigh Rail Road Company due Literary Board, 4,050.00
Mar. Cash received of Geo. W. McNeil, dividend No. 27 of 1 per cent, on 650 shares of stock in Cape Fear Navigation Company, 650.00
April. Cash received of Gov. Graham, as Interest on Bonds due the Literary Board, 660.00
Cash received of Gov. Graham, as amount paid by the County of Lincoln for the Deaf and Dumb, 75.00
Cash received as Auction Tax, 24.52
May. Cash received of Cape Fear Bank, dividend No. 77 of 3 per cent on 5322 shares of stock held by the Literary Board, 15,966.00
Cash received of Geo. W. McNeil, dividend No. 28 of 1 per cent on 650 shares of stock in Cape Fear Navigation Company held by Literary Board, 650 00

Cash received as Auction Tax, 1 05

July. Cash received of Bank of the State, dividend No. 26 of 4¼ per cent on 5027 shares of stock held by Literary Board in said Bank, 21,364 75

Cash received of Gov. Graham, as Interest on Raleigh and Gaston Rail Road bonds held by Literary Board, 4,644 00

Cash received of Gov. Graham, as Interest on Wilmington and Raleigh Rail Road Bonds, 4,050 00

Cash received of Gov. Graham, amount paid for Deaf and Dumb by Davidson County, 75 00

Aug. Cash received of Sheriffs for Tavern Tax this month, 477 52

Cash received of Col. Joyner, dividend, No. 17, of two per cent. on 500 shares of Stock in Roanoke Navigation Company, 1,000 00

Sept. Cash received of Sheriffs as Tavern Tax this month, 2,833 16

Oct. Cash received of Sheriffs as Tavern Tax this month, 71 44

Cash received of Gov. Graham, amount paid for Deaf and Dumb by Guilford County, 375 00

Cash received of Auction Tax this month, 302 74

Cash received of Gov. Graham, amount of Interest due from the State to Literary Board on bonds of notes transferred under act of General Assembly, 3,681 16
### ENTRIES OF VACANT LAND.

<table>
<thead>
<tr>
<th>Month</th>
<th>Number</th>
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</thead>
<tbody>
<tr>
<td>November</td>
<td>1825 49</td>
</tr>
<tr>
<td>December</td>
<td>3352 71</td>
</tr>
<tr>
<td>January</td>
<td>1053 05</td>
</tr>
<tr>
<td>February</td>
<td>601 24</td>
</tr>
<tr>
<td>March</td>
<td>145 00</td>
</tr>
<tr>
<td>April</td>
<td>267 38</td>
</tr>
<tr>
<td>May</td>
<td>461 90</td>
</tr>
<tr>
<td>June</td>
<td>142 64</td>
</tr>
<tr>
<td>July</td>
<td>325 20</td>
</tr>
<tr>
<td>August</td>
<td>314 94</td>
</tr>
<tr>
<td>September</td>
<td>490 35</td>
</tr>
<tr>
<td>October</td>
<td>474 08</td>
</tr>
</tbody>
</table>

Making the sum of Receipts, 358,218 31

The disbursements of the Literary Fund for the same period, are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash paid for support of Common Schools</td>
<td>1847, 96,511 31</td>
</tr>
<tr>
<td>Cash paid for support of Common Schools,</td>
<td>1848, 101,530 04</td>
</tr>
<tr>
<td>Expenses of Literary Board including printing,</td>
<td>1847, 1,028 00</td>
</tr>
<tr>
<td>Description</td>
<td>Year</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Expenses of Literary Board including printing</td>
<td></td>
</tr>
<tr>
<td>Building Deaf and Dumb Asylum</td>
<td>1847</td>
</tr>
<tr>
<td>Do</td>
<td>1848</td>
</tr>
<tr>
<td>Swamp Lands</td>
<td>1847</td>
</tr>
<tr>
<td>Do</td>
<td>1848</td>
</tr>
<tr>
<td>Fund for Education of Deaf and Dumb</td>
<td>1847</td>
</tr>
<tr>
<td>Do</td>
<td>1848</td>
</tr>
<tr>
<td>Floral College</td>
<td>1847</td>
</tr>
</tbody>
</table>

Aggregate amount of disbursements of the Literary Fund: $222,005.62

Which, deducted from the receipts leave a balance in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 1st of November 1848, of $136,212.69

III.—FUND FOR INTERNAL IMPROVEMENT.

1846

<table>
<thead>
<tr>
<th>Date</th>
<th>Entry Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov.</td>
<td>Balance due President and Directors of the Fund for Internal Improvement on the 1st November 1846</td>
<td>73,944 34</td>
</tr>
<tr>
<td></td>
<td>To Cash received of the Bank of Cape Fear, dividend 74, of 3 per cent. on 112 Shares of stock in said Bank</td>
<td>336 00</td>
</tr>
<tr>
<td>Dec.</td>
<td>To Cash received of Jacob Siler, Agent, as money collected on Cherokee Bonds</td>
<td>2,020 00</td>
</tr>
</tbody>
</table>

Sum of Receipts: $76,300 34
DISBURSEMENTS OF INTERNAL IMPROVEMENT BOARD.

1846.

Nov. By Cash paid H. W. Graham, private Secretary, to defray the expenses of the Board of Internal Improvement, from 22d Sept. last, to the 27th Nov. 1846, 92.50

Dec. To Cash paid T. G. Broughton for publishing sale of Weldon Toll Bridge three months, 15.00

1847

Jan. By Cash paid E. Mitchell, in full of his compensation as Engineer on surveying route for a Turnpike Road to the Mountains, 300.00

By Cash paid Jacob Siler for traveling expenses to and from Raleigh to make returns 53.00

Making the sum of $460.50

Which amount deducted from receipts, leaves a balance transferred to Public Treasurer on the 1st Feb. 1847, of $75,839.84
The demands on the Public Treasury for the next two years over and above the ordinary expenses arise principally, from the State's liabilities on account of the Raleigh and Gaston Rail Road Company and may be stated as follows:

In 1838, the State endorsed for the Company to the amount of $500,000. In 1840 for $300,000.

Of the last issue $13,500, were not used and therefore that sum is subtracted from the State's liabilities. Four instalments of $30,000 each have been paid on the latter class of bonds so as to reduce it to $166,500, and therefore the total liabilities to $666,500.

As it is yet uncertain what disposition the Legislature will make of the Rail Roads, and what resources may be realized from the individual liabilities of stockholders and obligors and at what time any aid to the Treasury may be expected from these sources, it is important to ascertain the liabilities to be met before the meeting of the next Legislature, and the resources at our command for that purpose.

I—RAIL ROAD LIABILITIES.

<table>
<thead>
<tr>
<th>Bonds of 1838, 500,000</th>
<th>500,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>do do 1840 300,000</td>
<td>300,000</td>
</tr>
<tr>
<td>Deduct Bonds not used, 13,500</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$286,500</td>
</tr>
</tbody>
</table>

Paid 4 instalments in 1845

6, 7, and 8, of $30,000

| each, 120,000 | 166,500 |
|              |        |
|              | $666,500 |

January 1st 1849. Interest on this sum for 6 months, 19,995

Principal then due, 30,000

July, 1849. Interest on $636,500, for 6 months, 19,095

January 1850. Interest for 6 months, 19,095
January 1850, principal then due, 30 000
July 1850, Interest on $666-000, for six months, 18 195
Making an aggregate of 136 380

II.
The ordinary expenditures of the State on an average have been about $70 000.
Interest on $90 000 due to the Bank of Cape Fear, 140 000
Due Bank of State for debt incurred for Rail Road, 10 800
Interest on amount borrowed of Literary Fund as per resolutions of General Assembly, 25 000
5 000

$317 180

From present sources and rates of Revenue from taxes for 2 years, $89,780 68 per year, 179,561 36
Amount of Tax collected from Banks on individual stock, 13,085 50
Interest on $500,000 of Wilmington and Raleigh Rail Road bonds owned by the State 6,000 00
Probable receipts from Cherokee bonds, 24,000 00
Dividend on stock Buncombe Turnpike Company, 1,000 00
Tax on Attorney License, 910 00

$224,559 86
Which deducted from necessary expenditures provided for before the meeting of the next Legislature, $92,620 14

From the foregoing statement it appears that the demands on the Treasury for the next two years will exceed its resources by $92,620 14.

The Bank of Cape Fear by its charter is bound to loan the State on notice of three months any amount not exceeding $150,000.

By virtue of authority from the last Legislature, to borrow money to meet the liabilities of the State, the Public Treasurer borrowed in January 1847 of that Bank $40,000, which added to the $50,000, borrowed by my predecessor in January 1845, make $90,000 which the State is now indebted to her, and on which the interest has been paid semi-annually. It is for the Legislature to say whether steps should not be taken to pay off that debt.

If they determine to pay part or the whole additional means must be provided.

To show the difference under the former and recent assessment, I have prepared a table marked E exhibiting the number of acres of land proven for taxation in 1846 and 1847, their valuation, amount of tax collected, the number of polls, and the excess and deficiency of each County in those respective years.

Respectfully submitted.

C. L. HINTON, Pub. Treas.
# STATEMENT A.

Statement of the nett amount of the different Branches of Revenue for the years 1847-8.

## PUBLIC FUND.

### BRANCHES OF REVENUE.

<table>
<thead>
<tr>
<th>Branches of Revenue</th>
<th>1847</th>
<th>1848</th>
<th>Aggregate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax on Land</td>
<td>29,363</td>
<td>34,375</td>
<td>63</td>
</tr>
<tr>
<td>&quot; Town property,</td>
<td>2,636</td>
<td>3,520</td>
<td>87</td>
</tr>
<tr>
<td>&quot; Polls,</td>
<td>33,062</td>
<td>34,499</td>
<td>27</td>
</tr>
<tr>
<td>&quot; Stud Horses,</td>
<td>1,146</td>
<td>1,350</td>
<td>31</td>
</tr>
<tr>
<td>&quot; Gates,</td>
<td>220</td>
<td>235</td>
<td>00</td>
</tr>
<tr>
<td>&quot; Stores,</td>
<td>10,234</td>
<td>11,401</td>
<td>26</td>
</tr>
<tr>
<td>&quot; Pedlars,</td>
<td>3,727</td>
<td>2,946</td>
<td>04</td>
</tr>
<tr>
<td>&quot; Artificial Curiosities</td>
<td>592</td>
<td>676</td>
<td>80</td>
</tr>
<tr>
<td>&quot; Natural</td>
<td>14</td>
<td>197</td>
<td>40</td>
</tr>
<tr>
<td>&quot; Billiard Tables,</td>
<td>470</td>
<td></td>
<td>00</td>
</tr>
<tr>
<td>&quot; Venders of Carriages,</td>
<td>263</td>
<td>310</td>
<td>20</td>
</tr>
<tr>
<td>&quot; Negro Traders,</td>
<td></td>
<td>131</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>81,731</td>
<td>89,644</td>
<td>171,375</td>
</tr>
</tbody>
</table>

**Bank of Cape Fear dividends,** 1,128 00

**Buncombe Turnpike Co. do,** 3,679 14

**State Loan, Bank of Cape Fear,** 40,000 00

**Bonds transferred by Literary Board,** 41,537 71

**Bonds transferred by Fund of Internal Improvement Board,** 7,352 44

**Interest on Bonds of Wilmington and Raleigh Rail Road Company,** 6,000 00

**Cherokee Bonds,** 20,848 37

**Pre-emption sale of Cherokee Lands,** 9,789 72

**Tax on Bank Stock,** 13,088 50

**Tax on Attorney's Licences,** 910 00

**Sale of sundry articles, by G. Hill,** 137 30

**Transferred balance of the Fund for Internal Improvement,** 75,839 84

**Total:** 220,311 02

**Total:** 391,636 69
### STATEMENT A. CONTINUED.

**BRANCHES OF REVENUE.**

<table>
<thead>
<tr>
<th>BRANCHES OF REVENUE</th>
<th>AMOUNT</th>
<th>AGGREGATE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LITERARY FUND.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BANK DIVIDENDS.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank of the State of North Carolina,</td>
<td>82,945 50</td>
<td>146,809 50</td>
</tr>
<tr>
<td>Bank of Cape Fear,</td>
<td>63,864 00</td>
<td></td>
</tr>
<tr>
<td><strong>NAVIGATION DIVIDENDS.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roanoke Navigation Company,</td>
<td>4,125 00</td>
<td></td>
</tr>
<tr>
<td>Cape Fear do do</td>
<td>1,950 00</td>
<td></td>
</tr>
<tr>
<td>Entries of vacant Land, 1847, do</td>
<td>9,449 98</td>
<td>6,075 00</td>
</tr>
<tr>
<td>do do 1848,</td>
<td>4,598 55</td>
<td></td>
</tr>
<tr>
<td>Principal on Loans by the Literary</td>
<td>4,139 50</td>
<td></td>
</tr>
<tr>
<td>Board, do</td>
<td>1,714 01</td>
<td></td>
</tr>
<tr>
<td>Interest on Bonds of Raleigh and</td>
<td>8,500 00</td>
<td></td>
</tr>
<tr>
<td>Gaston Railroad, do do</td>
<td>2,000 00</td>
<td></td>
</tr>
<tr>
<td>Principal on Bonds of Wilmington and</td>
<td>18,831 00</td>
<td></td>
</tr>
<tr>
<td>Raleigh Rail Road, do do</td>
<td>16,260 00</td>
<td></td>
</tr>
<tr>
<td>Interest on Bonds of the Raleigh and</td>
<td>6,635 44</td>
<td>63,965 65</td>
</tr>
<tr>
<td>Gaston Rail Road, do do</td>
<td>750 79</td>
<td></td>
</tr>
<tr>
<td>Interest on Bonds of the Wilmington</td>
<td>1,433 75</td>
<td></td>
</tr>
<tr>
<td>and Raleigh Rail Road, do</td>
<td>3,681 16</td>
<td></td>
</tr>
<tr>
<td>Tavern Tax, do</td>
<td>63,965 65</td>
<td></td>
</tr>
<tr>
<td>Auction Tax,</td>
<td>230,898 68</td>
<td></td>
</tr>
<tr>
<td>Educating Deaf and Dumb,</td>
<td>336 00</td>
<td></td>
</tr>
<tr>
<td>Interest on am't of Bonds transferred,</td>
<td>2,020 00</td>
<td></td>
</tr>
<tr>
<td><strong>INTERNAL IMPROVEMENT</strong></td>
<td>336 00</td>
<td></td>
</tr>
<tr>
<td><strong>FUND.</strong></td>
<td>2,356 00</td>
<td></td>
</tr>
<tr>
<td>**Bank Dividends, Bank Cape Fear,</td>
<td>336 00</td>
<td></td>
</tr>
<tr>
<td>Cherokee Bonds,</td>
<td>2,020 00</td>
<td></td>
</tr>
<tr>
<td><strong>AGGREGATE</strong></td>
<td>2,356 00</td>
<td></td>
</tr>
</tbody>
</table>
STATEMENT B.

BANK STOCK.
5027 Shares on the Bank of the State.
5322 shares on the Bank of Cape Fear, belonging to the Literary Fund,
122 Shares in the Bank of Cape Fear, dividends appropriated to Public Fund,

TREASURY NOTES.
Amount Issued, 262 000
 Redeemed and burnt, 213,168 11
 In Treasury Vault, 2 45
 Unredeemed, 48,829 44 262 000
## STATEMENT C.

Number of Insolvent Polls allowed Sheriffs of the following Counties in their settlements.

<table>
<thead>
<tr>
<th>Sheriff of Anson</th>
<th>157</th>
<th>Sheriff of Montgomery</th>
<th>44</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander,</td>
<td>42</td>
<td>Moore,</td>
<td>24</td>
</tr>
<tr>
<td>Beaufort,</td>
<td>86</td>
<td>McDowell</td>
<td>54</td>
</tr>
<tr>
<td>Buncombe,</td>
<td>94</td>
<td>Nash,</td>
<td>72</td>
</tr>
<tr>
<td>Burke,</td>
<td>48</td>
<td>Northampton</td>
<td>68</td>
</tr>
<tr>
<td>Catawba,</td>
<td>21</td>
<td>Onslow</td>
<td>122</td>
</tr>
<tr>
<td>Chatham,</td>
<td>91</td>
<td>Orange</td>
<td>310</td>
</tr>
<tr>
<td>Cleaveland,</td>
<td>4</td>
<td>Pasquotank</td>
<td>88</td>
</tr>
<tr>
<td>Chowan,</td>
<td>33</td>
<td>Perquimons</td>
<td>48</td>
</tr>
<tr>
<td>Caldwell,</td>
<td>45</td>
<td>Polk</td>
<td>21</td>
</tr>
<tr>
<td>Cumberland,</td>
<td>91</td>
<td>Pitt</td>
<td>87</td>
</tr>
<tr>
<td>Craven,</td>
<td>67</td>
<td>Randolph</td>
<td>84</td>
</tr>
<tr>
<td>Davidson,</td>
<td>67</td>
<td>Rockingham</td>
<td>58</td>
</tr>
<tr>
<td>Duplin,</td>
<td>56</td>
<td>Richmond</td>
<td>90</td>
</tr>
<tr>
<td>Davie,</td>
<td>21</td>
<td>Rutherford</td>
<td>106</td>
</tr>
<tr>
<td>Edgecombe,</td>
<td>63</td>
<td>Rowan</td>
<td>47</td>
</tr>
<tr>
<td>Franklin,</td>
<td>28</td>
<td>Sampson</td>
<td>68</td>
</tr>
<tr>
<td>Greene,</td>
<td>15</td>
<td>Stokes</td>
<td>142</td>
</tr>
<tr>
<td>Guilford,</td>
<td>185</td>
<td>Union</td>
<td>144</td>
</tr>
<tr>
<td>Haywood,</td>
<td>55</td>
<td>Wayne</td>
<td>72</td>
</tr>
<tr>
<td>Halifax,</td>
<td>113</td>
<td>Warren</td>
<td>9</td>
</tr>
<tr>
<td>Hertford,</td>
<td>63</td>
<td>Wilkes</td>
<td>98</td>
</tr>
<tr>
<td>Iredell,</td>
<td>98</td>
<td>Washington</td>
<td>28</td>
</tr>
<tr>
<td>Lincoln,</td>
<td>35</td>
<td>Wake</td>
<td>81</td>
</tr>
<tr>
<td>Mecklenburg,</td>
<td>42</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Macon,</td>
<td>46</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**General Statement, showing the condition of the Bank.**

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notes Discounted</strong></td>
<td>2,019,593 63</td>
</tr>
<tr>
<td><strong>Suspended Debt</strong></td>
<td></td>
</tr>
<tr>
<td>Bonds Raleigh and Gaston R. R. Co.</td>
<td>86,611 922</td>
</tr>
<tr>
<td>Bills of Exchange</td>
<td>83,000 00</td>
</tr>
<tr>
<td>Real Estate</td>
<td>435,072 512</td>
</tr>
<tr>
<td><strong>Due from Other Banks</strong></td>
<td></td>
</tr>
<tr>
<td>Merchant's Bank, Boston</td>
<td>3,175 66</td>
</tr>
<tr>
<td>Fulton Bank, New York</td>
<td>28,250 84</td>
</tr>
<tr>
<td>Merchants Bank, do.</td>
<td></td>
</tr>
<tr>
<td>Farmers &amp; Mechs Bank, Phila.</td>
<td>10,243 15</td>
</tr>
<tr>
<td>Bank of North America, do.</td>
<td>631 45</td>
</tr>
<tr>
<td>Mechanics Bank, do.</td>
<td>4 00</td>
</tr>
<tr>
<td>Merchants Bank, Baltimore, do.</td>
<td></td>
</tr>
<tr>
<td>Western Bank, do.</td>
<td></td>
</tr>
<tr>
<td>Union Bank of Md. do.</td>
<td></td>
</tr>
<tr>
<td>Bank of Virginia, Norfolk</td>
<td>1,161 63</td>
</tr>
<tr>
<td>Exchange Bank, do.</td>
<td>6,297 58</td>
</tr>
<tr>
<td>Farmers Bank, do.</td>
<td>1,110 21</td>
</tr>
<tr>
<td>Do. do. Petersburg, do.</td>
<td>4,656 89</td>
</tr>
<tr>
<td>Do. do. Danville, do.</td>
<td>4,301 65</td>
</tr>
<tr>
<td>Bank of Virginia, do.</td>
<td>883 51</td>
</tr>
<tr>
<td>Farmers &amp; Mechs B'k, Charleston, do.</td>
<td>3,956 25</td>
</tr>
<tr>
<td>Bank of Charleston, do.</td>
<td>2,737 08</td>
</tr>
<tr>
<td>Bank of Cape Fear, Washington, do.</td>
<td>11,050 55</td>
</tr>
<tr>
<td>Do. do. Fayetteville, do.</td>
<td>8,818 00</td>
</tr>
<tr>
<td><strong>Notes of Other Banks, &amp;c.</strong></td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>17,715 00</td>
</tr>
<tr>
<td>South Carolina</td>
<td>112,099 00</td>
</tr>
<tr>
<td>North Carolina</td>
<td>6,687 00</td>
</tr>
<tr>
<td>Treasury Notes</td>
<td>1,350 00</td>
</tr>
<tr>
<td><strong>Specie.</strong></td>
<td></td>
</tr>
<tr>
<td>Silver</td>
<td>351,280 25</td>
</tr>
<tr>
<td>Gold — Coin</td>
<td>533,996 99</td>
</tr>
<tr>
<td>Do. Bullion</td>
<td>2,416 00</td>
</tr>
<tr>
<td>Cents</td>
<td>89 70</td>
</tr>
<tr>
<td>Vouchers unadjusted,</td>
<td></td>
</tr>
<tr>
<td>Bills and Checks in Transitu,</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
</tr>
</tbody>
</table>

* Of this sum there is due by Directors, 19,320 35
  By Stockholders not Directors, 136,245 36
  **Total, $157,565 74**
D.

**State of North Carolina, 20th November, 1847.**

<table>
<thead>
<tr>
<th>Capital Stock, General Profit and Loss, Contingent Fund, Pension Office, Treasurer of U. States.</th>
<th>248,650 41</th>
<th>1,500,000 00</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,705 61</td>
<td>256,356 02</td>
<td></td>
</tr>
<tr>
<td>28,525 21</td>
<td>76 34</td>
<td></td>
</tr>
</tbody>
</table>

**Due to Other Banks.**

- Cammann, Cashier, New York, Park Bank and In. Co., Newark, of Virginia, Petersburg,
- Range Bank, Clarksville,
- of Cape Fear, Wilmington,
- ends unpaid,

<table>
<thead>
<tr>
<th>Notes in Circulation.</th>
<th>Principal Bank Raleigh, Branch Newbern,</th>
<th>207,238 00</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot; Tarboro&quot;,</td>
<td>188,322 00</td>
<td></td>
</tr>
<tr>
<td>&quot; Fayetteville,</td>
<td>154,946 00</td>
<td></td>
</tr>
<tr>
<td>&quot; Wilmington,</td>
<td>207,772 00</td>
<td></td>
</tr>
<tr>
<td>&quot; Elizabeth City,</td>
<td>361,639 00</td>
<td></td>
</tr>
<tr>
<td>&quot; Charlotte,</td>
<td>105,050 00</td>
<td></td>
</tr>
<tr>
<td>&quot; Milton,</td>
<td>252,016 00</td>
<td></td>
</tr>
<tr>
<td>&quot; Morgantown,</td>
<td>132,905 00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>85,637 00</td>
<td></td>
</tr>
</tbody>
</table>

**To Treasurer of North Carolina, $3,807,096 91**

C. DEWEY, Cashier.
STATE OF THE MERCHANDT'S BANK OF NEWBERRY, ON WEDNESDAY, 31ST, MAY, 1848.

<p>|</p>
<table>
<thead>
<tr>
<th>Statement (D)</th>
<th>Continued</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Due to other Banks</td>
<td>2,638.25</td>
</tr>
<tr>
<td>Dividends unpaid</td>
<td>1,072.95</td>
</tr>
<tr>
<td>General Profit and loss</td>
<td>95.68</td>
</tr>
<tr>
<td>Deposits</td>
<td>632.76</td>
</tr>
<tr>
<td>Notes in Circulation</td>
<td>4,233.29</td>
</tr>
<tr>
<td>Capital Stock</td>
<td>1,817.63</td>
</tr>
<tr>
<td>Notes of other Banks and Cheques</td>
<td>9,785.34</td>
</tr>
<tr>
<td>Bills of Exchange</td>
<td>9,315.00</td>
</tr>
<tr>
<td>Bills Receivable</td>
<td>7,700.00</td>
</tr>
<tr>
<td>Bills of Exchange Suspended</td>
<td>1,025.00</td>
</tr>
<tr>
<td>Bills Receivable in Specie</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>

Yours, truly,

Very Respectfully,

W. W. CLARK, Cashier.
# STATEMENT (D.) CONTINUED.

Statement of the Commercial Bank of Wilmington, Saturday April 29, 1848.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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T. SAVAGE, Cashier.

COMMERCIAL BANK, of Wilmington, May 6th 1848.

C. Hinton, Esq., Treasurer Raleigh.

Sir: Above I hand you a statement of the condition of this Bank on the 29th ult.

Very Respectfully &c,

O. G. PARSLEY, Prest.
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**Note:** The table contains data on counties, acres, valuation, and property taxes for various years. The data is presented in a tabular format, showing the excess and deficiency of valuation compared to the valuation. The table also includes information on land tax and the number of poll tax. This format is used to compare the financial statistics of the counties over the years.
REPORT

OF THE

ADJUTANT GENERAL

TO THE

LEGISLATURE

OF

NORTH CAROLINA.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.

1848.

To the Honorable the General Assembly of the State of North Carolina:

I have the honor to transmit to your honorable body, sundry documents marked A, B, C, D, and E, which contain all the information in relation to the Militia required by law to be communicated from this office.

I will also state that the Legislature, at its Session of 1846 and 47, passed an Act, directing the Adjutant General to procure a description of the uniform and accoutrements now worn by the commissioned officers of the United States regular Army, which by this Act is adopted as the uniform for officers, commissioned of similar grade in the Militia of North Carolina, and that he shall have the same, together with the Laws now in force in this State, regulating the Militia, published in pamphlet form, and shall also procure McCombs Tactics, and shall furnish to each Major General five copies of each work, to each Brigadier General five copies of each work, and to each Colonel of a Regiment a number of copies equal to the number of companies and field officers in each Regiment, for distribution among the officers of the Militia with, as the Generals and Colonel, may think proper.

The Adjutant General has complied, the requisitions of this Act, so far as procuring the Tactics and having the Laws, together with the uniform of the United States regular Army, but he has not been able to get them distributed as the Act requires, as the Legislature made no appropriation for their distribution.
The Adjutant General has been able to distribute five hundred and fifty copies of each work by private hands, but the chance for distributing them in this way is so very uncertain, I would recommend to your honorable body that some means be adopted by which a more speedy distribution may take place.

Very respectfully your obe't ser't.

R. W. HAYWOOD.
Adjutant General N. C. Militia.
Abstract, showing the number of Militia, and of their Arms, composing each Regiment, Brigade and Division, and also the number and description of Arms belonging to the State in each Regiment and County.

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**No. of Companies of Infantry:** 48
(B.)

CAVALRY.

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TOTAL STRENGTH OF THE MILITIA.

- Infantry: 68,673
- Riflemen: 690
- Cavalry: 637
- Exempts: 3,179

73,179
## (C.)

ROSTER OF GENERAL OFFICERS.

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<td>1832</td>
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**Brigadiers.**

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</tr>
<tr>
<td>Joseph B. Littlejohn</td>
<td>17 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Colonels.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Currituck</td>
<td>1 Regiment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camden</td>
<td>2 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pasquotank</td>
<td>3 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chowan</td>
<td>5 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Columbus</td>
<td>85 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orange</td>
<td>47 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Granville</td>
<td>37 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Davie</td>
<td>63 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buncombe</td>
<td>82 do</td>
<td></td>
<td></td>
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<tr>
<td>do</td>
<td>83 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burke</td>
<td>92 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Hanover</td>
<td>30 do</td>
<td></td>
<td></td>
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<tr>
<td>Onslow</td>
<td>24 do</td>
<td></td>
<td></td>
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<tr>
<td>Northampton</td>
<td>16 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nash</td>
<td>22 do</td>
<td></td>
<td></td>
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<tr>
<td>Warren</td>
<td>23 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carteret</td>
<td>17 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Craven</td>
<td>18 do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td>8 do</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DELINQUENTS,
In returns to Major Generals.
Brigadier General J. C. B. Ehringhaus, 1 Brigade.
" " John D. Pipkin, 18 do

DELINQUENTS,
In returns to Brigadier Generals.
Colonels of the Regiment.
94 Regiment.
" 47 do
" 92 do
" 84 do
" 72 do
" 95 do
" 37 do
" 62 do
" 60 do

DELINQUENTS
In Reviews.
MAJOR GENERALS.
D. McDonald,
J. J. McKay,
Benjamin Trolinger,
1 Division.
2 do
3 do

DELINQUENTS
In Reviews.
Brigadier Generals of the Brigade.
4 Brigade,
" 6 do
" 9 do
" 19 do
" 15 do
" 13 do
" 8 do
EXECUTIVE DOCUMENT NO. 4.

MESSAGE

FROM

HIS EXCELLENCY, THE GOVERNOR,

TRANSMITTING A PLAN

BY WHICH A COMPANY MIGHT BE ORGANIZED,

TO ESTABLISH

A CONTINUOUS LINE OF RAILROAD,

FROM

GASTON TO CHARLOTTE.

DECEMBER, 1848

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.

1848.
MESSAGE.

TO THE SENATE OF NORTH CAROLINA:

In answer to the Resolution of your Honorable Body, adopted on the 30th ultimo, requesting the Governor to communicate a plan, by which a Company might be organized, to establish a continuous line of Railroad from Gaston to Charlotte, in which the State should become a Stockholder, and to which she might transfer the Raleigh & Gaston Railroad, in payment of her subscription for Stock, as intimated in his Message: I have the honor herewith to lay before you, a Memorandum and Project, of such arrangements as are, in my opinion, necessary for these purposes, accompanied by a further Memorandum of Statistics of those portions of the State that lie contiguous to that part of the proposed Road, which is yet to be constructed. I also send with the same, a small Map of the State, with a straight black line drawn from Raleigh to Salisbury and thence to Charlotte, representing the new work projected, by the most direct route. What deflections from this, may be necessary, to secure one most favorable for the objects intended, can only be determined by practical Engineers, upon a reconnoissance and survey of the country.

It will be perceived that the plan proposed, contemplates three objects, namely: 1st. The construction of a great work of Public Improvement, of incalculable value to the State. 2d. To adjust the suits pending against the Stockholders and obligors of the Raleigh & Gaston Railroad Company, by requiring them to subscribe, or to procure subscriptions, in this new enterprise, to an amount equal to what might be recovered against them; so that the State may obtain the benefit of such possible recoveries, in the construction of an important line of Railroad, and the defendants may pay them without ruin, and with a prospect of ultimate remuneration. 3d. To convert the State's investment in the Raleigh & Gaston Railroad, now yielding no profits, and requiring expensive repairs to enable it to do so, into a Stock of $500,000, in a line of near three times its length, which may be aptly compared to a Toll Bridge, uniting the Roads North and South of us, and therefore having the most reasonable expectation of profits on its Capital, from distant transportation, as well as from the great increase of that, nearer home.

From the Memorandum of Statistics herewith sent, it will be seen that the projected Road, by the direct route, would pass immediately through Counties, containing a population, according to the census of 1840, of 104,000 persons, and real estate valued in 1847 at $9,000,000;
that in the Counties within 25 miles thereof there is a population of 246,000, and real estate to the value of $20,006,000, and in those within 50 miles, the population is 411,000, and the real estate valued at $84,000,000. If to these we add the seven Counties West of the Blue Ridge, whose inhabitants, by means of this work, would be brought by three days' journey nearer to New York and to their own seat of Government, and Warren, Halifax and Northampton, situated on the present Road, and therefore to be benefited by the extension Westward and Southward, we shall have a population of near 500,000 souls, owning Lands, valued at more than $40,000,000: that is largely over three fifths of our whole population, the proprietors of two-thirds in value, of our entire real estate, who may be said, to have a direct local and personal interest in its construction. What business would be furnished for a Railroad, by a moral, industrious and energetic population of this number, with so great an amount of wealth invested in the soil alone, how much it would add to that wealth, and increase their numbers, are inquiries which I have not data of sufficient accuracy now to answer, with satisfaction, but which may be solved with reasonable certainty, by an appeal to the experience of other States, within the last fifteen years. Independently therefore, of the State's connection with any other work of that description, and of her ability to aid the construction of this, by using her present Railroad, as cash, at a reasonable price, and by inducing a subscription of half a million of dollars more, by compromise with its former Stockholders, without resorting to loans, for much of the capital required, to say nothing of its extension hereafter; it is itself an improvement demanded by the public interest, and every enlightened view of duty to our constituents.

By the arrangement recommended, the State and Individuals are to be equal Stockholders to the amount of one million of dollars, or at most, twelve hundred and fifty thousand each, in a line of Railroad from Gaston to Charlotte. The State is to transfer to the new Company, the Raleigh and Gaston Railroad, at the sum of $500,000, in part payment of her subscription, as soon as solvent persons shall subscribe $500,000 more, in Stock of this Company. She is to pay no money on her subscription, until this latter sum of $500,000 has been in good faith applied in repairs of the old Road, and the construction of the new; that is, in all probability, until the new Road shall have been completed for forty or more miles. After that, she is to pay in equal instalments with the other subscribers, but always withholding her payment until theirs has been made. Transportation is to be carried on, upon the old Road and upon such parts of the new, as may be from time to time finished, and dividends of profits on this business, may be declared, in which the State will receive her part, as the work may progress. The balance of the State's subscription, say $500 to 700,000 is to be paid by monies raised on loan, by issuing State bonds, redeemable in thirty years, bearing interest at not more than six per cent. per annum. These

"
bonds would probably be issued, in parcels of perhaps $50,000 at one time, as instalments might be called for, on the subscription, so that the whole amount would not be outstanding in less than four or five years. In every instance the loan would be contracted by sealed proposals, and any premiums obtained, would be reserved as a fund for the payment of interest, in addition to the profits which may be realized from the business of the Road. So far as these might fall short of the payment of the interest, as it accrued, it would fall on the Treasury—the Stock in the Road being pledged to pay the principal.

The certificates of loan are to be payable at the option of the lender, in the currency of Great Britain, or the United States, in order to have a free competition, in the proposals offered, and to secure the lowest rate of interest. The sum annually required for the payment of interest, after the whole amount of loan shall have been obtained, will probably be from thirty to forty thousand dollars. The old Road being put in perfect repair, and the new one constructed for forty miles, before any part of this debt is contracted, and the State being entitled to one-half of the profits which may be made from its operations, she may reasonably expect to derive from this source, and from the premiums on the loan, a large portion of the funds required from time to time, to meet this interest. If the measures recommended in my former Message for the reduction of the public liabilities shall be adopted, they will by the time this loan shall be fully taken up, afford a residue by the diminution of the debt, which may be applied to the interest on this, and leave an inconsiderable, if any balance, to be paid from the Treasury.

It is unquestionably the least acceptable feature of this project, that it proposes to borrow money for the object in contemplation. In my view the improvement is of sufficient importance to the State, to justify that step, in the eyes of our constituents, if it stood unconnected with other works in which she is already concerned. But when we consider that the stock in the whole Railroad is to be pledged for the ultimate redemption of the amount borrowed, and will be more than equal to that end, and that by the means already indicated the interest can be paid, with but a moderate demand on the Treasury, until the work is completed, (when its profits will relieve us from even that); when we remember that the value of our present Railroad interest greatly if not entirely depends on the success of this scheme, we should look well to the consequences of its rejection. For the question arises, what shall be done with the Railroad we now own? We have in that, a property costing originally a million and a half of dollars, and worth, if put in perfect repair, probably half of that sum. It now indifferently accommodates the country, and saves annually a large amount in time, to the traveller, and in freights and transportation, but yields no profits on the capital invested. In accepting the public trusts we enjoy, we have assumed a stewardship over this, as well as other public interests, and therefore cannot resign ourselves to supineness and inaction. The idea
can scarcely be entertained, that it should be abandoned to waste; and with the limited fortunes of individuals among us, it could hardly be expected to bring its value at an auction sale. In exercising that prudence and care over it, which as individuals we apply to our private affairs, it appears to me, that we have only the alternatives presented, of either borrowing the necessary amount to put it in perfect repair, so as to make whatever profit can be realized from local business, without further extension, or of uniting it with a continued line through the State and Union, having certainly fair prospects of profits on its stock, and affording inestimable advantages to our people. And in choosing between these, we cannot close our eyes to the fact, that unless we embark in the work of extension with boldness and energy, by measures to be adopted by the present Legislature, other and adverse schemes, will in all probability be carried into effect, destructive in a great measure, of the interests of our present Railroads, and rendering them a total loss to the proprietors.

We are therefore in a situation, where there is far more danger to the public interests, from the waste of lethargy and inactivity, than from improvidence or extravagance. A reasonable economy consists in preserving and improving what we now have, whilst we are providing at the same time, new accommodation for the pressing wants of our constituents.

WILL: A. GRAHAM.

Executive Department, Dec. 4, 1848.

Memorandum and Project,

OF A RAILROAD FROM GASTON, BY WAY OF RALEIGH AND SALISBURY,

TO CHARLOTTE.

1. Let a Joint Stock Company, to be styled "the North Carolina Railroad Company," be incorporated, on liberal terms, for 99 years, with a capital of $2,000,000, of which one-half shall be subscribed by the State: with power to increase its capital to $2,500,000, if found necessary to complete and equip the Railroad through its entire length—the State still subscribing and owning one-half of the whole Stock.

2. The State of North Carolina shall pay $500,000, of her subscription, by transferring to said Company the Raleigh and Gaston Railroad, with all its equipments, and appendant property.

3. As an inducement to the Stockholders and Bondsmen of the late Raleigh and Gaston Railroad Company, to subscribe in this Company, and to use their influence and exertions to procure subscriptions,
let it be provided, that when the sum of $500,000 shall be subscribed by individuals or corporations, who shall satisfy the Board of Internal Improvement that they are able to pay the same, the suits now pending against them, at the instance of the State on account of her endorsements for said Raleigh and Gaston Railroad Company, shall be dismissed, and the defendants discharged from their liability in that behalf.

4. When the sum of $500,000 shall be thus subscribed, and the solvency of the subscribers shall be ascertained by the Board of Internal Improvement, the Company shall be organized, and the Governor shall be authorized and directed to transfer to them the Raleigh and Gaston Railroad, by absolute grant, under the Great Seal of the State, upon their entering into bond in the penal sum of $1,000,000, payable to the State, and conditioned for their proceeding with all reasonable dispatch, to put this part of the Road in good repair, and to construct the residue from Raleigh to Charlotte, and giving a mortgage on the property transferred as a security for the performance of the same.

5. The State is to be called on for no further payment until the said sum of $500,000, subscribed and paid by the other stockholders, shall be in good faith applied according to the preceding stipulation.

6. After this sum shall have been expended on the work, whenever the individual stockholders shall be called on for a payment of any further part of their subscription, and shall have made the same, to the amount of three fourths of the instalment required, then the State shall pay pari passu on her's.

7. To raise the requisite funds to pay the further subscription of the State, as the same may be required. Bonds or certificates of debt may be issued by the Treasurer under the Great Seal of the State, and guarantied by a pledge of the public faith for their redemption, payable in the currency of Great Britain or the United States, with interest semi-annually, at not more than 6 per cent. per annum, redeemable in thirty years.

8. No more Bonds shall be issued at any one time, than are necessary to pay the instalment then demanded; and in every such case, the Treasurer shall advertise the amount required, call for sealed proposals of terms, and contract the loan, on those most favorable to the State, that may be offered. And whatever premium may be obtained in any such negotiation, shall be paid into the Public Treasury, and invested as a savings fund, to meet the interest on the debt, as it may accrue.

9. The State's Stock in this Company, to be pledged for the redemption of the principal of the debt thus contracted, and any dividends of profits which may be declared thereon, to be applied to the payment of the interest. And the Company shall have power, from time to time, to divide profits, if realized, on such parts of the Road as may be finished.

10. But to secure the punctual payment of the interest, before and until such dividends may be realized, and to aid the Savings Fund, above mentioned, the Public Treasurer shall pay any deficiency of interest, out of any monies in the Treasury not otherwise appropriated.

11. The foregoing provisions to be embodied in two Acts of the General Assembly; the one, "An Act to incorporate the North Carolina Railroad Company," and the other, "An Act to adjust the claims of the State against the Stockholders and obligors of the Raleigh & Gaston Railroad Company, to change the State's investment in said Railroad, and to aid the construction of the North Carolina Railroad."
**Statistical Memorandum,**

**TO ACCOMPANY THE PROJECT OF THE**

**NORTH CAROLINA RAIL ROAD.**

<table>
<thead>
<tr>
<th>Counties</th>
<th>Population 1840</th>
<th>Value of Real Estate, 1847</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wake</td>
<td>21,118</td>
<td>2,062,185</td>
</tr>
<tr>
<td>Chatham</td>
<td>16,242</td>
<td>1,245,814</td>
</tr>
<tr>
<td>Randolph</td>
<td>12,975</td>
<td>1,062,538</td>
</tr>
<tr>
<td>Davidson</td>
<td>14,606</td>
<td>1,166,306</td>
</tr>
<tr>
<td>Rowan</td>
<td>12,109</td>
<td>1,012,469</td>
</tr>
<tr>
<td>Cabarrus</td>
<td>9,250</td>
<td>833,836</td>
</tr>
<tr>
<td>Mecklenburg and Union</td>
<td>18,273</td>
<td>1,116,016 (\text{un\textsuperscript{a}})</td>
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<tr>
<td></td>
<td>104,473</td>
<td>9,114,101</td>
</tr>
</tbody>
</table>

On most direct route:

| Orange                    | 24,356          | 2,234,376                   |
| Guilford                  | 19,175          | 1,612,262                   |
| Stokes                    | 18,266          | 1,275,940                   |
| Surry                     | 15,079          | 1,005,737                   |
| Davie                     | 7,974           | 644,309                     |
| Iredell                   | 15,885          | 933,172                     |
| Lincoln, Gaston & Cat.    | 20,160          | 2,088,061                   |
| Montgomery & Stanly       | 19,789          | 720,684                     |
| Moore                     | 7,988           | 541,660                     |
|                           | 246,427         | $20,171,202                 |

Within 25 miles of same:

| Rutherford, Clea’ld       | 19,202          | 1,364,002                   |
| Burke, McDow. & Cald.     | 15,799          | 1,665,795                   |
| Wilkes                    | 12,577          | 555,666                     |
| Rockingham                | 13,442          | 1,023,794                   |
| Caswell                   | 14,283          | 1,282,405                   |
| Person                    | 9,790           | 659,349                     |
| Anson                     | 13,077          | 1,146,899                   |
| Cumberland                | 15,284          | 1,501,525                   |
| Johnston                  | 10,599          | 919,534                     |
| Nash                      | 9,047           | 629,012                     |
| Franklin                  | 10,980          | 847,564                     |
| Granville                 | 18,817          | 1,559,114                   |
|                           | 411,732         | $33,989,142                 |
EXECUTIVE DOCUMENT NO. 5.

BIENNIAL REPORT

OF THE PRESIDENT AND DIRECTORS

OF THE LITERARY FUND.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1848.
To the Honorable the General Assembly

of North Carolina:

I transmit herewith, the biennial report of the President and Directors of the Literary Fund.

WILL. A. GRAHAM,

Executive Department, Nov. 30th 1848.
To the Honorable the General Assembly
of North Carolina.

The President and Directors of the Literary Fund, respectfully present the following,

REPORT.

This entire Fund consists of 1st., Bank stocks,
5322 Shares in the Bank of Cape Fear, worth $100 per Share,  532,200 00
5027 Shares in the Bank of the State of North Carolina worth more than par, but stated at cost i. e, $100 per Share,  502,700 00

2nd—Rail Road Bonds of Raleigh and Gaston Company endorsed by the State due after the 1st. of Jan. 1860.
Do due Jan. 1st 1849,  140,000 00
  “ “ 1850,  4,500 00
  “ “ 1851,  2,000 00
  “ “ 1852,  3,000 00
  “ “ 1853,  5,300 00

Of Wilmington and Raleigh Rail Company endorsed by the State, due Jan. 1st 1843,  50,000 00

Of Wilmington and Raleigh R. R. Co., secured by mortgage on the property of the Company in 1837,  85,000 00

3rd—Bonds of the State executed by the public Treasurer, under loan ordered by the last Legislature,  40,360 00
4th—Loans, to Wake Forest College,
Loans to Floral College,
5th—Stock of Navigation Companies; the profits of 75 shares in Cape Fear Navigation Company,
Roanoke Navigation Company,

<table>
<thead>
<tr>
<th>4th</th>
<th>5th</th>
<th>6th</th>
<th>7th</th>
<th>8th</th>
<th>9th</th>
<th>10th</th>
<th>11th</th>
<th>12th</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loans, to Wake Forest College</td>
<td>Loans to Floral College</td>
<td>Stock of Navigation Companies</td>
<td>the profits of 75 shares in Cape Fear Navigation Company</td>
<td>Roanoke Navigation Company</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10,000 00</td>
<td>2,000 00</td>
<td>37,500 00</td>
<td>50,000 00</td>
<td>87,500 00</td>
<td>600,000 00</td>
<td>600,000 00</td>
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</tbody>
</table>

6th—6,000 Shares in Wilmington and Raleigh Rail Road Company, of uncertain value, cost, 600,000 00

7th—Amount due from the State for monies used in aid of the Treasury, (see Treasurer's Report,)

8th—Taxes on Retailors of spirituous Liquors,

9th—Taxes, on sales at Auction,

10th—Entry money for vacant Lands,

11th—The whole of the Swamp Lands of the State, not granted, and held by individuals prior to the year 1846, estimated at 1,500 000, acres.

12th—Cash deposited in Bank, being in full of A. C. Dickinson's 1st Bond for Swamp Lands,

<table>
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<tr>
<th>12th</th>
<th>11th</th>
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<tbody>
<tr>
<td>Two Bonds of the same, due 7th July 1849 and 1850, each for $2226,65,</td>
<td>2271 19</td>
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<tr>
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<td>4453 32</td>
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<td>6724 51</td>
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</tbody>
</table>

In conformity to the Act of Last Session, the bonds and evidences of debt, other than Rail Road debts, held by the Board, were delivered over to the public Treasurer, on his executing bonds of the State to the Board for the sum of $40,360 55. This comprehends, all the bonds and judgments ordered thus to be transferred, ex.
cept a small balance, of less than $100, now in a course of collection, which when received and paid over, will terminate the business of the Board, as a Banking Officer. It is a source of satisfaction, to the Board, at the end of twelve years, since the commencement of this business, to state, that not one cent, so far as they are aware, has ever been lost to the State, on any loan made by them.

Suitable Buildings, for the education of deaf Mutes, and Blind persons, according to an act of 1846, have been contracted for, as directed by said act, and are now in the course of completion. These buildings are subject to your inspection, and the contract will be submitted to you, whenever required.

The school for deaf Mutes will be transferred to these edifices, as soon as they may be prepared for their reception. It is in successful operation, with 25 pupils, but does not seem yet to have sufficiently attracted public notice, to extend its benefits to all the unfortunate persons of this class, intended by the Legislature. Great pains have been taken to call public attention to the provision of the Law for their education, but many are believed to be yet ignorant of the existence of the school who stand in greatest need of its advantages.

The board have to repeat the complaint made by them, to the last General Assembly, that the greater part of the Counties sending pupils have not contributed as required by Law the amounts annually due from them for their support, and respectfully ask, that some regulation be provided, to secure greater punctuality. The effect of this, is either to throw the whole expense of the Asylum upon the Literary Fund, and thus lessen, the amounts, devoted to the support of common schools, or, if the Board act with rigour, to exclude the pupils of the delinquent counties, from the benefits of the Institution.

The income of the Literary Fund from all sources for the year ending 1st. Sept. 1847, was as follows, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dividends of Bank of the State, N. C.</td>
<td>$41,472 75</td>
</tr>
<tr>
<td>&quot; Cape Fear,</td>
<td>31,932 00</td>
</tr>
</tbody>
</table>
"Roanoke Navigation Company, 1,375 00
Cape Fear Navigation Company, 650 00
Interest on Loans, 3,928 62
on Rail Road Bonds, 17,703 00
Land Estates, 9,185 67
Tavern Tax, 2,934 88
Auction Tax, 742 39

Disbursements in same for school for Deaf and Dumb, 3,659 00
Reserved for same. 1,311 00
Expended on Swamp Lands, 243 60
Loan to Floral College, 2,000 00
Expenses of Board, 906 30

$8,149 30

Nett amount distributed for support of Common Schools as published in newspapers, 101,775 01

The like income for the year ending Sept 1st, 1848, viz.

Dividends of Bank of the State, 41,472 75
" Cape Fear, 31,932 00
" Roanoke Navigation Company, 2,750 00
" Cape Fear Navigation Company, 1,300 00
Interest on Loans to Wake Forest, and Floral Colleges, 720 00
Interest on Loan to State per Act 1846, 3,681 16
" on Raleigh and Gaston R. R. bonds, 9,288 00
" on Wilmington and Raleigh Rail Road Bonds endorsed by the State, 8,000 00
Interest on Wilmington and Raleigh Rail Road bonds, secured by Mortgage 5,100 00
Land entries, 5,085 11
Tavern Tax, 3,499 72
Auction Tax, 448 25
Receipts from Counties for Deaf and Dumb School, 308 75

108,585 74
Disbursements in same for school for Deaf and Dumb, 4,510 00
Buildings for same, 7,500 00
For Turnpike Road through Swamp Lands, 3,268 75
Printing and advertising, 341 25
Expenses of Board, 423 00
Reserved for Deaf and Dumb School, 490 00
Reserved for Deaf and Dumb Buildings, 2,500 00

19,042 60

Nett amount distributed for support of Common Schools as published in newspapers, 89,543 14

The Board regret that they are unable to report any improvement, in the condition of the Schools, in the generality of the Counties, in the last two years. Indeed from the omissions of the Superintendents in a majority of instances to make any returns for the year 1847, and from the defectiveness and insufficiency of those received in 1848, it is difficult to say what is their condition and what changes for the better are desirable or practicable.

It seems however to be expedient, to require of each county imperatively to raise by local taxation, annually, a sum equal to at least one half of that received from the State, to the end that schools may be maintained, a sufficient portion of each year, in the several districts, and to withhold from any County her share, in the State's distribution, until her chairman shall make the report now required of him by Law, setting forth his "account of receipts and expenditures of the school fund, the "number of children in his County, the number taught "in her schools the preceding year, how long the schools "have been taught, in the several districts &c. This is found to be a common provision in the laws of other States, on this subject, and without it, we never shall obtain the information necessary for enlightened Legislation in our own.
But in the opinion of the Board, the indispensable requisite to even a tolerable administration in school laws, is the appointment of a Commissioner to supervise the system throughout the State. This has been so often urged in previous Reports of the Board and in communications of the Executive, that it is deemed superfluous to enlarge on it here.

Having been informed that certain individuals had trespassed on the Swamp Lands in Hyde County, which have been drained under the direction of the Board, and were occupying the same, the Board demanded of the Sheriff of that County, to remove them according to the provisions of the Statutes, in such cases provided. This was accordingly done in May 1847, but these individuals pretending some title to the premises, have instituted action in the Superior Court of Law for Hyde County against the Sheriff for a wrongful removal. The Board deemed it but just to indemnify the Sheriff, against any costs or damages in the premises, and therefore have undertaken the defence of these suits. In view of this and other litigations which may arise in relation to the Swamp Lands in various Counties of the lower section of the State, it is submitted to the Legislature, whether it is expedient and proper, to make an enactment authorizing the President and Directors of the Literary Fund, or any person claiming under them, or justifying by their authority, whether plaintiff or defendant, to bring or remove his cause into the Superior Court of Law for Wake County, where the corporation is located, and where the documentary evidence which may be necessary to a correct decision, can be easily obtained.

The Board advertised a sale of the Swamp Lands in Hyde, at public auction, on the 20th of May 1847, and disposed of two tracts of timbered Land near Pungo Lake, at $10 per acre, on a credit of one, two, and three years, in equal instalments, on bond and security, the title also being withheld, until the final payment of the purchase money. A contract having been made by A. C.
Dickinson, the purchaser to construct a Turnpike road, through the most valuable part of the drained beds from Pungo Canal to Long Ridge, which work when completed would in the opinion of the Board, enhance their value, further offers to sell were deferred until it should be finished. The contractor gave bond for the faithful execution of the work, and constructed it, for between one third, and one half, of the distance stipulated. When he represented that from difficulties not anticipated on entering into the contract, he was unable to complete it, and appealed to the Board, to accept it, as far as it had progressed, at a fair valuation, and discharge him from his obligation. The Board heard the evidence addressed by him, in support of these obligations, and a Committee of their body visited the work, to satisfy themselves on inspection. Becoming convinced that it was impracticable, at the price stipulated, or upon any terms which they would be justified in adopting, and perceiving that the portion, which had been finished, extended into the most valuable part of the public lands, from the canal and road heretofore made through the same, the Board acceded to the request of the contractor, agreeing to relieve him from his contract, on his acknowledging the sum heretofore received by him, to-wit, $3,268.75 to be in full satisfaction for the work performed. Though not affording all the advantages expected from its completion, through these lands, as originally desired, this road affords access to the best portion of them, and will be highly useful in opening them to the easy inspection, of those desiring to purchase.

The Board are of opinion, that these lands, or at least a large part of them should be at once brought into market, and have only delayed a second sale, in waiting for the construction of a Turnpike road. Unless the Legislature shall direct otherwise, they design again to offer them for sale, early in the ensuing spring.

All the Swamp Lands, not granted to individuals, being transferred to this Board as a part of the School fund, offers have been recently made, to purchase other tracts,
than those which have been drained at the public expense. And the Board have adopted a general regulation, to sell to the first applicant, in all such cases, upon a survey made by the surveyor of the County, where the land lies, and a valuation fixed by disinterested persons, selected for that purpose. This description of the public land, it is understood, is frequently trespassed on and pillaged of its timber, which in its present state, is the chief element of its value, and it is therefore good policy, to dispose of it, at reasonable prices as speedily as possible. Lying in detached parcels, and often in remote situations, it cannot be guarded from depredations of this kind. The agents of the Board, who have been appointed to treat with the applicants above referred to, have reported no sale actually made.

Respectfully submitted,

WILL. A. GRAHAM.
Ex-Officio President of Lit. Board.

Office of Literary Board, Nov. 30th 1848.
EXECUTIVE DOCUMENT NO. 6.

MESSAGE

FROM

HIS EXCELLENCY, THE GOVERNOR,

TRANSMITTING

A Memorial of the National Medical Convention, held in Philadelphia, in May 1847.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1848.
MESSAGE.

To the Honorable

The General Assembly of North Carolina:

At the request of the National Medical Convention, held at Philadelphia in May 1847, I herewith transmit their Memorial, praying a legal provision for the General Registration of Births, Marriages, and Deaths, in the several States of the Union.

The important considerations, which recommend such a regulation, for your adoption, are so lucidly and intelligently set forth in the memorial itself, as to require no further comment.

WILLIAM A. GRAHAM.

Executive Department, Dec. 2d 1848
LETTER.

To his Excellency, Hon. W. A. Graham,
Governor of North Carolina:

Sir:
The following Resolutions were adopted by the National Medical Convention held at Philadelphia, in the month of May last.

"Resolved, That it is expedient for this Convention to recommend to, and urge upon, the various State Governments, the adoption of measures for procuring a Registration of the Births, Marriages, and Deaths, occurring in their several populations.

"Resolved, That the paper hereto annexed be adopted as the voice of the Convention, be printed, signed by its Officers, and transmitted, under their direction, to all the State Governments of the Union."

In compliance with the second of the above Resolutions, I have the honor to transmit to you the enclosed Memorial.

Your very obedient Servant,
ALFRED STILLE,
Sec.

Philadelphia, Nov. 10th 1847.
MEMORIAL.

The United States National Medical Convention, assembled in the City of Philadelphia in May, 1847, desirous of the promotion of the true and vital interests of the people of their common country, in all their varied locations, circumstances and conditions, do respectfully recommend to the governments of the several States of the Union, the adoption of measures for a General Registration of the Births, Marriages, and Deaths, which may occur within their respective borders.

No effort need here be expended in elucidation of the more ordinary purposes for which such a Registration should be universally adopted, such as proofs of lineage, rights of dower, and bequests of property. The importance of these cannot but be perceived on the least reflection.

But there are reasons more profound and far reaching, results more important to the welfare and glory of man, obtainable by this measure, which not only justify, but demand its early adoption, and thorough consummation.

There are two facts to be noticed in this connection, which may not be denied:

First. Upon the circumstances connected with the three important eras of existence, birth, marriage and death, are dependent, to a very great extent, the physical, moral and civil condition of the human family.

Second. A knowledge of these circumstances is necessary for a full comprehension of important means for the certain advancement of the population of States, in prosperity and civilization.

To the political economist and vital statist, the laws which regulate and control the lives and destinies of the people of the present, cannot be a subject of indifference;
—to the legislator and statesman, ignorance of them is a bar to the full appreciation of their responsibility to the people of the future. The philosophy of increase of population is intimately connected with, and dependent upon, the proposed measure, and can be properly learned only from its facts and deductions. In countries longer settled than ours, this science has come to be one of profound importance to those who are called to legislate for the future as well as for the present. For example:—

The population of England has increased, as the census prove—and the excess of births over deaths leaves beyond a doubt—in a geometrical progression for forty years, and at a rate by which, if continued, it will double every forty-nine years. Whether the means of subsistence keep pace with that increase, or whether the density of population will, ere long, be too great for its area, are important questions to be decided by their own statesmen.

An increase of population has, however, nothing in it irresistible or inexorable; it consists in nothing but an increase of the births over the deaths—and will be suspended if the births cease to maintain the same ratio to the population; and the births may always be reduced rapidly, by retarding the period and number of the marriages, without taking into consideration the increase by immigration. Circumstanced as this country is now, with its millions of unreclaimed acres, its exhaustless resources of subsistence and wealth, in its mountains and valleys, in its mines, rivers and forests, it would be judicious to invite, even with the vast immigration to be expected, rather than discourage, an increase of a native population, by encouraging early marriages, provided that thereby immorality or misery in any form, will not advance with them.

But before we can make any recommendations on this subject, or before we can even intelligently discuss it, we must have a knowledge of the facts as they are. By commencing a Registration now, our successors will be furnished with the necessary material in time for any exigency that may arise.

Conclusive evidence is furnished to us of the value of a well-digested system of Registration for the improvement of the people in their moral and physical condition, and in the length of their lives. From the facts obtained thereby, are deducible the rules and inferences of health, and the sources of disease and premature mortality—many of which need but be known to be averted. Coincident with improvements in the health and condition of individuals, are increase of years, and advancement in private and public morals, and in the strength and virtue of the State.
Among the first communities to establish a system of Registration of Births, Marriages and Deaths, was Geneva, where it was begun as early as 1549, and has since been continued with great care. The registers are there viewed as pre-appointed evidences of civil rights, and it appears that human life has wonderfully improved since they were kept. The mean duration of life increased more than five times from 1550 to 1833; with the increase of population, and more prolonged duration of life, happiness also increased; though with advanced prosperity, marriages became fewer and later, and thus the number of births was reduced, a greater number of infants born were preserved, and the number of adults—with whom lies the true greatness of the state—became larger. Towards the close of the 17th century, the probable duration of life was not twenty years—at the close of the 18th century it attained to 32 years—and now it has arrived to 45 years; while the real productive power of the population has increased in a much greater proportion than the increase in its actual number, and, Geneva has arrived at a high state of civilization.

These results, so glorious for individuals, for the community and for humanity, are derived from the better knowledge and understanding of the science of life and health, the data for which are furnished by the statistics of the Registers.

The information obtained by the Natural History surveys, which have been made by many of the States of the Union, is directly interesting only to a very small number;—while the facts and inferences deducible from a sanitary survey and registration, interest and benefit, directly, the great mass of the people, for all are interested in their personal condition. Thus are produced in them more expanded views of the worth of life, and the necessity for its preservation; a more thorough appreciation of the importance of purity in the principal sources of its continuance, air and food; more attention to the comforts of dwellings and clothing, more refined sensibilities, greater energy, and a better regulated state of public and private morals. These results have been obtained in Geneva.

In Prussia, these measures are attended to in a mode deserving the highest commendation. Every fact relating to the health, lives and condition of the population, is there collected with great care by a central officer at Berlin, and published for the benefit of the people. The most beneficent results have accrued from the admirably arranged statistical returns made for several years past in England. Of more than one large town, but of Liverpool especially, it was ascertained that the mortality was great, and the average age at death of the population low, whereas before, the inhabitants had boasted of their salubrity and longevity. The registration has, to them, truly proved the means of increase of health and years, after removing from their eyes the scales which blinded them to their own destruction.

In many of the European States besides those mentioned,
facts in connection with this subject are registered and collated, in the most scientific and systematic manner, and, to use the language of a distinguished American statistic, "whatever we Americans may say to the contrary, the average longevity, in many places, where these measures have been in operation, appears greater than with us." Indeed we have no little reason to apprehend that unless something is done to arrest the progress and pressure of the causes of premature mortality in this country, we shall be in danger of possessing only a very young and immature population. The average age of death in many of our large cities, as far as returns enable it to be shown, is under 20 years, a fact which can only be due to the unfavorable physical circumstances of the people, and their ignorance of the true means of living and avoiding disease.

The registers of the ancient Romans, which were preserved with great care, and recorded the births, sexes, periods of puberty, manhood, age at death, etc., kept by order of Domitian Ulpianus, prime minister of Alexander Severus, afford us the means of ascertaining the mean duration of life in Rome nearly 2000 years ago, and comparing this with the results of estimates made at the present day in places where similar records are kept, we are thus enabled to establish the gratifying fact of the great extension of the average period of human life in various cities and countries.

Of the results obtainable by the suggested measure, in connection with the census returns now regularly made in each of the United States, not the least important and desirable are tables exhibiting the probabilities or expectation of life.

By this simple and elegant method, the mean duration of life, uncertain as it appears to be, and as it is, with reference to individuals, can be determined with the greatest accuracy in nations, and in still smaller communities. This is important not merely in reference to the payments of life annuities, and the business of life insurance, whose great value is but just beginning to be felt in this country, but it is of inestimable interest as determining to individuals their probabilities of living in their different classes, occupations, locations, and habits. "As it might be expected from the similarity of the human organization, that all classes of men would, ceteris paribus, live, on an average, the same number of years, it becomes important to ascertain whether this be the case, and if it be not, to determine to what extent life is shortened in unfavourable circumstances. The Life Table answers this purpose, and is as indispensable in sanitary inquiries as the barometer or thermometer, and other instruments, in physical research. Upon applying it to any number of well-selected cases, the influence of any external cause, or combination of causes, can be analyzed; while without its aid, and extended observation and calculation, we are liable to be misled at every step by vague opinions, well-concocted stories, or interested statements, in estimating the relative duration of life; which can no more be accurately made
out by conjecture, than the relative diameters of the sun, moon, and planets of our system."


If these things are so, and of their truth there cannot remain the shadow of a doubt, it is plain that with this measure are entwined the highest earthly interests of humanity, and it belongs to the legislators of the New World, the guardians and custodians of the interests and glory of the American Republic, to consider well ere they longer postpone the adoption of a measure so essential thereto. "A comparison of the duration of successive generations in England, France, Prussia, Austria, Russia, America, and other States, would throw much light on the physical condition of their respective populations, and suggest to scientific and benevolent individuals in every country, and to the governments, many ways of diminishing the sufferings, and memorializing the health and condition of the people; for the longer life of a nation denotes more than it does in an individual—a happier life—a life more exempt from sickness and infirmity—a life of greater energy industry—of greater experience and wisdom. By these comparisons, a noble national emulation might be excited, and rival nations, would read of sickness diminished, deformity banished, life saved—of victories over death and the grave—with as much enthusiasm as of victories over each other's armies in the field; and the triumph of one would not be the humiliation of the other, for in this contention none would lose territory, or honor, or blood, but all would gain strength." (Idem.)

JONATHAN KNIGHT, M. D., Conn., Pres't.
ALEXANDER H. STEVENS, M. D., N. Y.
GEORGE B. WOOD, M. D., Pa.
A. H. BUCHANAN, M. D., Tenn.
JOHN HARRISON, M. D., La.
RICHARD D. ARNOLD, M. D., Ga.
ALFRED STILLE, M. D., Pa.
F. CAMPBELL STEWART, M. D., N. Y.
EXECUTIVE DOCUMENT NO. 7.

REPORT

OF THE

Internal Improvement Board,

TO THE

LEGISLATURE

OF

NORTH CAROLINA.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.

1848.
To the Honorable the General Assembly of North Carolina.

I transmit herewith the Report of "the President and Directors of the Board of Internal Improvement."

WILL. A. GRAHAM.

EXECUTIVE DEPARTMENT, Dec. 14th 1848.
To the Honorable the General Assembly of North Carolina:

The President and Directors of the Board of Internal Improvements, as required by law

REPORT,

That in pursuance of an Act, of the last Legislature, entitled "an Act to provide for the transfer of certain funds from the Internal Improvement Fund, to the Public Treasury," the President of this Board, on the 17th of March last, delivered over to the Public Treasurer, all the bonds held by it, together with the sureties for the same, and took his receipt therefor; a copy of which, describing the particulars received is appended hereunto.

The Board did not deem it expedient, to sell the Club foot and Harlow's Creek Canal, under the authority conferred on them by an Act of the General Assembly in 1846, and it has expired by the limitation therein contained. In its present condition, it would bring no price which would be an inducement to sell, and it may at some future time, become a part of an important system of State Improvements. It may be well however to provide for its preservation in the mean time, and to prevent any obstruction of its free use, in its present condition, by the erection of bridges across it, or cutting ditches into it, to drain adjacent lands; by both of which operations, it is said to have been injured heretofore.

The Board has had no public work under their charge and held no session until the present, for the last two years.

They subjoin the Reports of the various incorporated companies, owning public works in the State, who are required to make returns to them, excepting the Bun-
combe Turnpike Company, from whom none has been received.

That of the Roanoke Navigation Company is marked A.

" of the Cape Fear Navigation Company is marked B.

" of the Wilmington and R. R. Company, C.

" Petersburg R. Company and Greenville and Roa-

noke R. R., D.

Respectfully submitted,

WILL. A. GRAHAM,

President Internal Improvement Board.
STATE OF NORTH CAROLINA.

In pursuance of the Act of the last Session of the General Assembly, entitled "The Act to provide for the transfer of certain Funds from the Internal Improvement Fund to the Public Treasurer, and for other purposes." I have received from Gov. Graham, President of the Board of Internal Improvement, the following Bonds, to wit:

1. A Bond of the Portsmouth and Roanoke Rail Road Company, at six months after date, with interest from date, for the sum of $7,945 40, and dated 20th of May, 1842; on which is endorsed as follows, viz: of this Bond $7,445 79 is principal, and $499 61 is Interest. Also, September 3d, 1842, a receipt for the sum of $900 00, in part payment of the same. With this, also, is received another Bond of the said Company, at six months, with interest from date, and dated 10th day of November, 1838, for the sum of $12,500; with sundry payments endorsed, which reduce the debt to the sum stated in the Bond first above mentioned. Likewise, two debts of trust on the Weldon Toll Bridge to secure the above debt, one dated the 21st of May, 1839, and the other 20th of May 1842—which have been duly proved and registered.

2. Also, received a note of Battle and Brothers, Barnett Bunn and Redman Bunn, dateed September 1st, 1845, at six months, with interest from date, for the sum of $5,000, with payments of interest endorsed to the 1st of March, 1847.

3. A Bond of Allen Grist and R. Hines, dated 9th June, 1845, for $313 50.

4. A Note of John H. Hill, John Hill and Wm. C. Ford, dated January 12th, 1846, at three months, with interest from date, for $950, with a payment endorsed, June 18th, 1846, of $28 50.

5. A Note of S. E. DeRossett, M. H. Waddell and Hugh Waddell, with interest from January 3d, 1845, for $1,314 23, with a payment endorsed of $300, December 1st, 1845, and of $950, January 12th, 1846.
A Note of Jane Craig, John Berry and James H.
Christil, dated and bearing interest from September 17th
1845, for the sum of $200, with endorsed payments of in-
terst to March 17th, 1847.

Done this the 14th May, 1847.

C. L. HINTON, Pub. Treasurer.
Raleigh, Nov. 25, 1848.

GENTLEMEN:

I herewith transmit to you the annual Report of the President and Directors to the Stockholders of the Roanoke Navigation Company, for the year ending 30th September, 1848, with the Report of the Treasurer, and a Statement showing the state and condition of the Company at that date.

I am very respectfully,
Your obedient servant,

A. JOYNER.

To the Board of Internal Improvements,

Raleigh, N. C.
The Board of Directors of the Roanoke Navigation Company, in making their Annual Report to the Stockholders, perform a pleasing duty. In their Report last year, they ventured the expression of a hope that no circumstances would, in all human probability, during the present year, mar the prospects of the Company, notwithstanding the short Crops of Tobacco last year, and the diminished quantity coming down our rivers. So strong and so growing is the conviction in the minds of the planters of the Roanoke Valley, of the great advantages held out by our works for a cheap and safe transportation of their commodities to market, that your receipts for the year 1848, from other products, are within a fraction of the Company's income during the last. The works of the Company are so well and so permanently constructed, that few repairs have been necessary, and no unusual disbursement has been called for. On the 25th of May last, your Directors declared a half yearly dividend of two per cent., out of the profits of the first six months of the present fiscal year, and they would now recommend to you a dividend of one and a half per cent. out of the profits of the last six months of the present fiscal year, ending on the 30th of last September. This will leave a surplus in the hands of your Treasurer of three hundred and thirteen, 38½-100 dollars.

Your Directors take great pleasure in commending the fidelity of the offices of the Company. All the monies which have come into their hands have been faithfully accounted for, and the severest scrutiny has detected no errors in their accounts. For a full and complete view of your affairs, we herewith append the Report of the Treasurer, to which we would invite your particular attention.
In their last Report, your Board of Directors ventured to express a hope that a communication would be speedily opened with the seaboard by means of the resuscitation of the Portsmouth and Roanoke Rail Road; but they regret to state that this consummation of their hopes is now apparently further off than ever; yet even now they have a faint expectation that this Road is not finally abandoned. Something is hoped from the liberality of a Virginia Legislature, and much from the enterprize of the citizens of Norfolk.

No improvement challenges so strongly the favorable regard of the people of the Roanoke Valley. It is for you to determine whether you will, in your corporate capacity, take any measures for presenting this subject to the planters of the Roanoke and its branches. In conclusion, your Board of Directors will lay down the powers with which your body has clothed them, with a strong confidence that the interest of the Company has received no detriment while entrusted to their hands.

SAMUEL PANNILL, President.

Weldon, October 28, 1848.
Annual Report of the Treasurer to the President and Directors of the Roanoke Navigation Company.

The balance remaining in the hands of the Treasurer at the date of the settlement on the 30th October, 1847, amounted to $18,588 29.

Since which time, the following sums have been received, viz:

Interest on $3000 of 6 per cent stock issued by the State of Virginia, and due 1st January, 1848, $89 55

Hire of Negroes. 102 10
Water rents at Welden, 305 00
Water rent at Eaton’s falls, 40.00
Sale of $3000 of 6 per cent stock issued by the State of Virginia, 3,060 00
Tolls collected at Gaston for the year ending 30th Sept. 1848, $14,988 90
Less commissions for collecting tolls, 599 55

Tolls collected at Weldon, for the same time, 588 10
Less commission for collecting tolls, 29 38

$37,132 91

Deduct payments, disbursements, &c. viz:

Payments to Stockholders for dividends, $18,613 00
Payment made for the purchase of $5000 of 6 per cent U. States Stock, 5,226 31
Payment for improvements and repairs, 1,534 17
Payment for salary of Treasurer and Secretary, 550 00

$25,923 48
Leaving a balance in the hands of the Treasurer of $11,209 43½

The receipts during the year which constitute the dividend fund amount to the sum of $15,484 62

Deduct disbursements for improvements and repairs, 2,084 17

13,400 45

Add surplus remaining when the 16th dividend was declared, 769 43½

Aggregate dividend Fund for the year, 14,169 88½

Deduct 2 per cent dividend declared 25th May, 1848, 7,918 00

* A dividend of 1½ per cent, on $395,900, the present capital stock of the company will amount to 5,938 50

13,556 50

And leaving a surplus due dividend fund of $313 38½

A. JOYNER, Treasurer.

Weldon, October 30, 1848.

* The capital stock of the Company originally, was $412,000, but has been reduced to $395,900 by purchases, made by the Company of stock belonging to insolvent subscribers.
State of the Roanoke Navigation Company for the year ending 30th September, 1848.

Amount of individual subscription unpaid, $12,146 71
Expended in the construction of the work, 424,555 02
Expended in repairs, 24,640 50
Dividends declared from the commencement, 127,421 25
Property now held by the Company, viz:

United States 6 per cent stock, which cost 5,226 31
16 Negro men, 3 Batteaux, and sundry tools, 5,300 00
Cash on hand 30th Sept. 1848, 11,209 43½
Original capital stock $412,000, in shares of $100 each,
Subscribed by individuals 2820 shares, $282,000 00
Subscribed by the State of Virginia 800, 80,000 00
Subscribed by the State of North Carolina 500, 50,000 00
Sales of Negroes 9,628 55
Premium on Bills of Exchange, 345 68
Discount on N. Carolina Bank notes, 14 24
Profit made on Bank stock, 4,719 50
Interest collected from Stockholders, 8,401 20
Interest received on $3000 of 6 per cent. stock of State of Virginia, 1,537 85
Tolls, rents,&c. from commencement of work, to date, 157,526 95½
Dividends remaining unpaid, 10,813 25
Over-p'd by Stockholders, whose stock has been sold,

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
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<td>Balance in favor of the Company</td>
<td>5,463.20</td>
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<tr>
<td></td>
<td>51.80</td>
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</table>

$610,502 22\% $610,502 22\%

A. JOYNER.
REPORT.

The books and accounts of the Cape Fear Navigation Company, are balanced annually on the 1st of June, preparatory to the Annual Meeting of the Stockholders.—Herewith you have a general statement of the amount as balanced 1st June last:

The Capital Stock then consisted of 1843½ share at $50 each, 92,162 50
Of which the State own 650 shares, 32,500 00

The Company during the last season removed 1632 obstructions from channel of the River—logs, trees and stumps, with roots, &c., at an expense of $1,346 17. They are this season doing considerable work which will be embraced in next report.

The tariff of tolls was changed in the Fall of 1846 from a specific charge, to 12½ per cent on the amount of freight, and the change has resulted in an increase of the tolls of about 50 per cent., comparing the year ending June, 1848, with the year ending June 1846—the tolls collected last year being $5,010 22. The rates of freight have been reduced, and as a consequence, the transportation has increased—the through freight amounted last year to $40,081 97.

The Company, besides paying for the improvements on the River, were enabled to declare two dividends of $1 per share each, and payable on 1st Sept. and the other 1st March last.

For any further information, I beg to refer to a Report to the Board to June, 1838, giving an extended history of the operations of the Company.

I am, respectfully,
GEO. McNEILL, Agent
C. F. N. Company.

Fayetteville, Nov. 1, 1848.
A General Statement of the Accounts of the Cape Fear Navigation Company, June 1, 1848.

<table>
<thead>
<tr>
<th>COMPANY DRS.</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>To Capital Stock 1843</td>
<td>92,162.50</td>
</tr>
<tr>
<td>&quot; Profit and Loss,</td>
<td>69,702.86*</td>
</tr>
<tr>
<td>&quot; Dividends unpaid,</td>
<td>4,662.89</td>
</tr>
<tr>
<td>&quot; Dividend Fund,</td>
<td>11,851.64</td>
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<tr>
<td>&quot; Interest</td>
<td>1,011.14</td>
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<tr>
<td>&quot; Tolls on River,</td>
<td>5,010.22</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>184,401.25</strong></td>
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<th>COMPANY, CRS.</th>
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<tbody>
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<td>By Real Estate,</td>
<td>683.40</td>
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<tr>
<td>&quot; Canal near Fayetteville,</td>
<td>59,933.63</td>
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<tr>
<td>&quot; Canal near Haywood, (Buckhorn)</td>
<td>44,028.25</td>
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<tr>
<td>&quot; Cape Fear River, (above Fayetteville)</td>
<td>13,175.92</td>
</tr>
<tr>
<td>&quot; Bonds and Notes,</td>
<td>785.74</td>
</tr>
<tr>
<td>&quot; Cape Fear River (below Fayetteville)</td>
<td>61,215.59</td>
</tr>
<tr>
<td>&quot; Contingent expenses,</td>
<td>383.11</td>
</tr>
<tr>
<td>&quot; Open account,</td>
<td>2,224.03</td>
</tr>
<tr>
<td>&quot; Cash account,</td>
<td>1,971.60</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>184,401.25</strong></td>
</tr>
</tbody>
</table>

GEO. McNEILL, Treas.
C. F. N. Company.

Fayetteville, June 1, 1848.

* This item embraces the reduction of Stock from $100 to $50 per share.
REPORT,
OF THE EXAMINING COMMITTEE ON ACCOUNTS, &C.

We, the Committee, pursuant to the appointment made at the last Annual meeting of the Stockholders of the Company, for the purpose of investigating the affairs of the Company for the year ending the 1st October, 1847, beg leave to report, that, we have carefully examined the accounts of the Company, compared the vouchers, way and freight bills, with the entries in the books, and find the same correct.

We find the total liabilities of the Company on the 1st day of October, 1847, amounted to $641,026 00, which sum is made up of the following items, viz:

For Bonds sold in England, bearing 5 per cent. interest, $222,666 67

" " endorsed by the State of N. Carolina, at 6 per cent. interest, 250,000 00

" " due the Literary Fund of N. Carolina, at 6 per cent. interest, 85,000 00

" Bills payable at Bank and to individuals, at 6 per cent. interest, 21,694 54

For Scrip bonds to Contractors, at 6 pr. ct. int. 1,793 43

For negro bonds due 1st Jan. 1843 do do 505 00

" do do " " 1845 do do 894 00

" do do " " 1846 do do 545 48

" do do " " 1847 do do 2,999 00

" do do " " 1848 do do 18,523 50

" amount due on pay rolls and to sundry individuals for materials, labor, &c., 36,404 38

$641,026 00
Amount of Receipts from Rail Road and Steam Boats for the year ending 1st October, 1847, viz:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail Road</td>
<td>194,128 89</td>
</tr>
<tr>
<td>Steam Boats</td>
<td>137,351 31</td>
</tr>
</tbody>
</table>

331,480 20

Amount of expenditures for Rail Road and Steam Boats for the same period, viz:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail Road</td>
<td>140,995 32</td>
</tr>
<tr>
<td>Steam Boats</td>
<td>118,947 28</td>
</tr>
</tbody>
</table>

259,942 60

Net profits of Road & boats, $71,537 60

We further report there was in the hands of the Treasurer of the Company on the 1st day of Oct. 1846, in cash, 3,358 56

That there was due the Company from individuals, and in the hands of Agts. &c. 7,704 09

Together with the sum of 71,567 60

Net profits of Road & Boats for the year ending 1st Oct., 1847, making the sum of $82,630 25

That of the above sums there has been applied to the payment and reduction of the debts of the Company, 27,791 52

To the payment of interest, 37,121 82

For survey of the Wilmington and Manchester Road, 100 00

For damages on Tobacco, 129 85

That there has been lost by counterfeit and uncurent money, 501 25

Due the Company from individuals and in the hands of Agts. 1st October, 1847, 7,529 24

In the hands of the Treasurer of the State of N. Carolina to pay interest, 909 48
In the hands of the Treasurer of the Company, in cash, 1st Oct. 1847, 8,547 18

$82,630 25

Comparative statement of the Annual Receipts, Expenditures, and Profits of the Company, together with a statement of the Rates of Fare, and number of passengers.

<table>
<thead>
<tr>
<th>Years</th>
<th>Receipts</th>
<th>Expenditures</th>
<th>Profits</th>
<th>No. of Passengers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$297,228 39</td>
<td>$241,945 34</td>
<td>$52,283 05</td>
<td>$20</td>
</tr>
<tr>
<td>1841</td>
<td>211,977 48</td>
<td>180,892 65</td>
<td>31,084 83</td>
<td>13*</td>
</tr>
<tr>
<td>1842</td>
<td>286,172 99</td>
<td>145,166 17</td>
<td>78,006 82</td>
<td>13</td>
</tr>
<tr>
<td>1843</td>
<td>269,523 75</td>
<td>203,633 24</td>
<td>85,900 51</td>
<td>13</td>
</tr>
<tr>
<td>1844</td>
<td>288,493 45</td>
<td>212,031 20</td>
<td>76,402 25</td>
<td>12</td>
</tr>
<tr>
<td>1845</td>
<td>317,622 49</td>
<td>289,682 45</td>
<td>28,140 04</td>
<td>12</td>
</tr>
<tr>
<td>1846</td>
<td>331,490 50</td>
<td>259,912 60</td>
<td>71,567 60</td>
<td>10</td>
</tr>
</tbody>
</table>

*Part of papers destroyed by fire.
<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Secretary and Treasurer</td>
<td>1,500.00</td>
</tr>
<tr>
<td>Superintendent of Road and Repairs</td>
<td>1,200.00</td>
</tr>
<tr>
<td>Steam Boat Agent at Wilmington</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Superintendent of Shops and Machinery</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Clerk to Treasurer</td>
<td>600.00</td>
</tr>
<tr>
<td>Transportation Agent at Wilmington</td>
<td>800.00</td>
</tr>
<tr>
<td>Agent at Weldon</td>
<td>800.00</td>
</tr>
<tr>
<td>Steam Boat Agent at Wilmington</td>
<td>800.00</td>
</tr>
<tr>
<td>Mail carrier at Charleston, including wharf hands</td>
<td>1,400.00</td>
</tr>
<tr>
<td>Clerk to Treasurer</td>
<td>600.00</td>
</tr>
<tr>
<td>Transportation Agent at Wilmington</td>
<td>800.00</td>
</tr>
<tr>
<td>Agent at Weldon</td>
<td>800.00</td>
</tr>
<tr>
<td>Superintendent of Shops and Machinery</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

6 finishers in shops at $2.00 per day:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 finisher</td>
<td>1.75</td>
</tr>
<tr>
<td>1 finisher</td>
<td>1.375</td>
</tr>
<tr>
<td>1 Blacksmith</td>
<td>2.125</td>
</tr>
<tr>
<td>2 finishers</td>
<td>2.00</td>
</tr>
<tr>
<td>3 finishers</td>
<td>1.875</td>
</tr>
<tr>
<td>1 finisher</td>
<td>1.75</td>
</tr>
<tr>
<td>1 finisher</td>
<td>1.50</td>
</tr>
<tr>
<td>Pattern maker</td>
<td>1.66</td>
</tr>
<tr>
<td>Moulder</td>
<td>2.00</td>
</tr>
<tr>
<td>Helper</td>
<td>10.00</td>
</tr>
<tr>
<td>Apprentice</td>
<td>8.00</td>
</tr>
<tr>
<td>2 apprentices</td>
<td>18.00</td>
</tr>
<tr>
<td>3 apprentices</td>
<td>16.00</td>
</tr>
<tr>
<td>1 apprentice</td>
<td>15.00</td>
</tr>
<tr>
<td>1 apprentice</td>
<td>14.00</td>
</tr>
<tr>
<td>1 apprentice</td>
<td>12.50</td>
</tr>
<tr>
<td>2 Boiler makers</td>
<td>2.00</td>
</tr>
<tr>
<td>1 boiler maker</td>
<td>2.125</td>
</tr>
<tr>
<td>1 boiler maker</td>
<td>11.67</td>
</tr>
<tr>
<td>5 Train agents</td>
<td>42.00</td>
</tr>
<tr>
<td>10 Engineer</td>
<td>60.00</td>
</tr>
<tr>
<td>1 Fireman</td>
<td>25.00</td>
</tr>
<tr>
<td>10 Firemen</td>
<td>20.00</td>
</tr>
<tr>
<td>3 Train hands</td>
<td>18.00</td>
</tr>
<tr>
<td>19 Train hands</td>
<td>10.00</td>
</tr>
</tbody>
</table>
1 Watchman at Wilmington, " at 30 00 "
1 Carpenter (Master, Wilmington, " at 60 00 "
1 Carpenter, " " at 1 50 per day.
3 " " " at 1 37 ½ "
1 " " " at 1 31 ½ "
4 " " " at 1 25 "
4 " " " at 1 00 "
2 Negroes "(included in Negro Bonds,) " 16 73 per month.
4 Yard hands in " " 10 00 "
1 Car Repairer, " 1 37 ½ per day.
3 " " " 1 12 ½ "
1 " " " 1 00 "
1 " " 83 ½ "
15 Overseers of Road rep's. 30 00 per month.
1 " " 35 00 "
2 Laborers on " 6 00 "
1 " on " 7 00 "
1 " on " 7 50 "
8 " on " 10 00 "
2 " on " 8 00 "
6 " on " 9 00 "
1 " on " 5 83 ½ "
1 Master Carpenter on Road, 60 00 "
3 Negro " " 17 50 "
3 " " " 15 00 "
1 " " " 12 50 "
1 " " " 10 00 "
1 White " " 30 00 "
2 " " " 25 00 "
1 Bridge minder, 50 00 per annum.
9 Agents at Depots and Water Stations, aggregate $1,716 80 per annum.
203 Negroes on Road Repairs, included in Negro bonds STEAM BOATS.
3 Captains, $1,000 per annum.
1 " 600 "
<table>
<thead>
<tr>
<th>Position</th>
<th>Number</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Mates</td>
<td>3</td>
<td>$420</td>
</tr>
<tr>
<td>Second &quot;</td>
<td>3</td>
<td>$240</td>
</tr>
<tr>
<td>First Engineers</td>
<td>4</td>
<td>$720</td>
</tr>
<tr>
<td>Second &quot;</td>
<td>3</td>
<td>$480</td>
</tr>
<tr>
<td>Firemen,</td>
<td>8</td>
<td>$240</td>
</tr>
<tr>
<td>Wheelmen,</td>
<td>6</td>
<td>$192</td>
</tr>
<tr>
<td>Deck hands,</td>
<td>9</td>
<td>$10.00 per month</td>
</tr>
<tr>
<td>(included in Negro bonds,)</td>
<td>3</td>
<td>$100.00 per annum</td>
</tr>
<tr>
<td>Stewards,</td>
<td>3</td>
<td>$20.00 per month</td>
</tr>
<tr>
<td>Stewardesses,</td>
<td></td>
<td>$8.00</td>
</tr>
<tr>
<td>Waiters,</td>
<td>6</td>
<td>$10.00 per month</td>
</tr>
<tr>
<td>Cooks,</td>
<td>3</td>
<td>$15.00 per month</td>
</tr>
<tr>
<td>Knife boys and Scullions,</td>
<td>6</td>
<td>$6.00</td>
</tr>
<tr>
<td>Carpenter,</td>
<td>1</td>
<td>$2.00 per day</td>
</tr>
<tr>
<td>&quot;</td>
<td>2</td>
<td>$1.50</td>
</tr>
<tr>
<td>&quot;</td>
<td>2</td>
<td>$1.25</td>
</tr>
<tr>
<td>&quot;</td>
<td>1</td>
<td>$1.00</td>
</tr>
<tr>
<td>&quot;</td>
<td>1</td>
<td>$520 per month</td>
</tr>
</tbody>
</table>

10 Wharf hands, included in Negro bonds.

Your Committee have observed that materials, tools and provisions are purchased, kept and disbursed by the various Agents of the different departments; the consequence is we think, that goods are purchased to greater disadvantage, they are not kept in as good order and taken care of as well as if kept by one separate Agent, and not so well disbursed and accounted for; moreover the time and attention of the different Agents is taken from their legitimate duties to attend to them, and again, a general storekeeper, if properly established, would serve as a check upon the purchases and disbursements of the company. They therefore recommend the establishment of a Commissary office.

Respectfully submitted,

H. NUTT,
J. GRISWOLD,
WM. S. BAKER.

Nov. 8th, 1847.
The Committee having had access to various authentic statistics, and having bestowed some considerable time and attention to the matter of a Rail Road connexion with the Wilmington and Raleigh Rail Road, and the South Carolina Rail Roads, deem it proper to present their views as to the result of such connexion.

It will be seen by the foregoing comparative table, that the through travel has increased from the year ending 1st October, 1841, to the year ending 1st Oct. 1847, about 22 per cent., and that for the same period the way travel has increased upwards of 350 per cent., while the freight has increased in about a corresponding ratio with the way travel.

Now keeping in view the above gradual increase of through or long travel, and the great annual increase of the way travel and freight, all of which are matters of fact and of record, together with the vast increase which must inevitably occur by a Rail Road connection instead of the present (undeservedly unpopular, though safe) connexion by Steam Boats, the extension of the South Carolina, Georgia and Alabama Rail Roads, those of Georgia going rapidly onward into the heart of Tennessee, and will ere long probably reach the Mississippi river, and the increased intercourse between the Atlantic States and Louisiana, Texas and Mexico, they think they hazard nothing in saying, that in addition to the regular annual increase, there would be a further increase of at least 100 per cent. in the through travel on the completion of such connection; but to be within bounds, with an earnest desire not to misstate or deceive any one, they make the following statement based upon an increase of only 50 per cent., which they believe, when duly considered, must be manifest to any person. They, therefore, respectfully submit the following statement:

Capital Stock of the Company, being amount of Stock paid in, viz: $1,338,143 00

And amount of Company's debts on the 1st October, 1847, 641,026 00

$1,979,169 00
Deduct therefrom value of 4 Steamers, furniture, provisions, &c., and Wharf and lot in Charleston, 183,000 00

Leaving the sum of $1,796,169 00

as Capital Stock.

Now take the Rail Road receipts for the year ending 1st Oct. 1847, (excluding those of the Boats,) 194,128 89
And add thereto 50 pr.ct. for increased rec'ts, 97,064 44

$291,193 33

Expenditures of Rail Road for same period, including new iron and every expense, 140,995 32
Add thereto 10 per cent. which is ample for increased expense of transportation, 14,099 53 155,094 85

And you have for net profit, $136,098 48

which is upwards of 7½ pr cent. upon the capital as above stated; and within a small fraction of 7 per cent. on the capital stock paid in, together with the debts of the Company, exclusive of the amount to be derived from the sale of the Boats.
PRESIDENT'S REPORT.

The President and Directors of the Wilmington and Raleigh Rail Road Company, respectfully submit to the Stockholders, their thirteenth annual Report; showing the business of the Company, for the year ending the 30th of September, 1848.

The receipts during the year have been as follows, viz:

From Through Passengers, 113,078 22
" Way " 53,092 04
" Steam Boat, Freight, &c., 12,466 63
" Rail Road " 51,534 51
" Transportation of Mail, Rents, &c., 77,344 79
" Sale of Old Iron and Copper, 9,943 31

$317,459 50

The Expenditures during the same period, have been as follows:

Transportation.

Repairs of Locomotives, 13,580 57
" of Coaches and Cars, 12,754 39
Persons employed in this department, Depot, Expenses, &c., 43,337 17

Paid for three New Passenger Cars, 6,200 00 75,872 19

Steam Boats.

Repairs, 8,413 41
Fuel, 29,648 14
Subsistence and pay of Officers and Hands, 60,012 39 98,073 94

Road Repairs.
Cost of Materials, 30,146 92
Subsistence and Clothing, 8,029 60
Superintendence & pay of Hands, 25,800 52 63,977 04

Office Expenses, for Stationery, &c., 210 68 238,133 79

Showing a difference in favor of our receipts, except the item of sales of Iron, over our ordinary expenses, of 79,325 71
Of this balance, there has been applied to the payment of interest, on the debt of the company, the sum of 35,909 68 35,909 68
Leaving as the nett profit realized during the year, 43,416 03
Of which amount there has been applied to purchase of new iron rail, spikes, &c. 37,195 07

During the past year the operations of the Company have been carried on with uniform regularity—our trains have run with but few accidents, and our boats have performed their trips successfully. We have progressed in improving the road bed, and in repairing the bridges and trestle work. It is true that much yet remains to be done, but by pursuing a uniform system of repairs, the Road will be continually improving, and eventually rendered nearly perfect; at least so far as the road way is concerned.

It will be seen by a reference to the foregoing statement of the accounts, that a large sum has been expended for New Iron. This was found to be absolutely ne
cessary, to maintain the Road in safe running order, for without this outlay, the operations of the Company must have necessarily been greatly embarrassed, if not entirely suspended; as we could not have continued to run our trains over it with regularity or even with safety.—Being satisfied that it was indispensably necessary to the operations of the Company, if not to its very existence, that the Road should be preserved in good condition, your Board has applied to the purchase of New Iron all the means at their disposal, not required for the necessary current expenses of the Company; and being further satisfied that it was false economy to continue the use of the light bar, first laid on our Road, and that permanence and stability could only be hoped for, by adopting a heavy rail in its stead, they have not hesitated to substitute the one for the other.

It is the opinion of the most eminent Engineers of our country, that it is impossible for a Road to be profitable with the light flat iron rail; and the statistics of the Rail Roads in our country, with but few exceptions, fully confirm this opinion. When we compare the expense of Road Repairs, and the expense of Locomotive, Coach and Car Repairs, on roads using the light strap rail, with the like expenses on those having a heavy rail, the truth of this opinion is evident.

We find the expenses of Road repairs where the heavy rail is used, varying from $120 to $300 per mile, per annum, on Northern Roads. But as the damage from frost in winter on these Roads, has to be estimated, to arrive at a true comparison of the expenses incident to the different forms of rail, we will for the purpose of instituting such comparison, take the Road from Branchville to Columbia in South Carolina—it being a Southern Road, and not differing to any great extent from our own, in the amount of transportation.

By a reference to the report of the Board of Directors of the South Carolina Rail Road Company for 1847, we find that "the maintenance of way on the Columbia Road constructed on cross ties, with a T rail of 57 lbs. to th
yard (though the timber of a considerable portion of the lower section had to be renewed,) did not exceed $160 to the mile.” Now the expenses of maintenance of way on our Road during the year ending October 1847, was equal to $510 per mile, and during this year, (if we include the cost of new iron) $624 per mile; or about $400 per mile exclusive of the cost of Iron. Had we the heavy rail, and assuming the expense of repairs to be the same as on the South Carolina Road, viz. $160 per mile on our Road of 162 miles, the whole cost of maintenance of way would be $25,920, and this sum being deducted from the cost of our present Road repairs, as shown per statement preceding, viz: $101,172 11, gives us a difference in favor of the heavy Iron of $75,252 11. To which add at least one third of the expense of repairs of Locomotives, and Cars, as exhibited in foregoing statement, and we have the sum of $86,252 11, which would be saved to the Company annually by the use of the heavy Rail, instead of the present flat Rail.

This may appear to be a large difference, yet it is sustained by facts. In addition to which, the heavy iron rail, preserves a uniformly regular surface, which, with its greatly increased strength and stability, while it gives safety and security to the traveller, insures certainty and regularity in the work of the Locomotive, with an ability to carry over it, fully one third more than over the rail now used by us.

The cost of relaying our Road (162 miles) with an Iron Rail of 52 lbs. to the yard, at the present price of Iron, would be about $600,000; from which deduct the value of the old Iron about $84,000, and we have the sum of $516,000. The interest on this sum at 6 per cent. per annum, would be $30,960, which being deducted from $86,252 11—the difference in the expense of the two kinds of rail as before ascertained, and we should make a saving annually of $55,252 11—a sum nearly double the interest of the cost of the heavy Iron. To this add the great additional facilities which such a Road would give to the Company in their transportation, and it must
be manifest to any one who examines the subject, that the true economy of the Company would be to substitute the heavy rail.

The question is, how are we to obtain the means? The Road and all the other property of the Company is hypothecated to the State, for the debt we now owe her, and we cannot therefore look elsewhere for aid. The only door left open to us, under these circumstances, is an application to the Legislature of our State; asking not the money, but simply the credit of the State to aid us in borrowing for some reasonable time—say 10 or 15 years, a sum sufficient to meet our necessities. And we cannot entertain a doubt, but that when the whole subject is fairly laid before our Legislature, and duly considered by them, they will see that the true interest of the State, demands that they should come forward promptly and liberally, to the aid of this great improvement of the State.

Six hundred thousand dollars (being two fifths of the whole capital of this Company,) is the property of the State; and it surely is the duty of those who are the appointed guardians of the property of the people, to see, that so large a sum is not lost by any omission on their part; but that they will act for the State, as prudent men would under like circumstances, act for themselves. As the road is now constructed this large sum is utterly unprofitable and will ever remain so: and if there be any means within the ability of the State, to render it profitable, and available, it is her duty to adopt them without delay. The individuals of this Company, together with the State, adventured their money in this enterprise, and the mistake in the frail construction of the Road, was one, in which they shared in common; and they ought also in common to join, and correct it. The State is in good credit. If she will only loan her credit to the Company, the means can be readily procured, to put this Road in such condition that it will be valuable property. And in doing so, the State will run no risk, as the business of this Road is now well ascertain-
ed; so much so, that a certain calculation can be made upon its ability to meet the interest, not only, on its present debt, but also on the proposed increase, and with a good Road gradually pay the principal. It should furthermore be recollected, that the Company is not asking for money to be expended in doubtful speculations abroad—the proceeds are to be invested in Iron, which is to be laid down, within the limits of the State for the benefit of her own citizens, and will at all times be within the controlling influence of the State. It is in fact, only lending her credit to render the security she already has from the Company, more certain and available—every dollar of the amount goes to improve and render permanently valuable, a property in which she is now largely interested.

To sustain us in this appeal to the State for her aid, we could with confidence appeal to facts to show the great benefit and advantage which this improvement has conferred upon the country. We can point to the great and prominent fact, that the real estate along the line of this improvement, has been enhanced in value, a sum far exceeding the original cost of the work; as by a comparison of the valuation of real estate in 1837 and 1847, it will be seen that along the line of this improvement, it has increased in value $1,931,296, and we have no doubt but that if we had any means of arriving at the fact, the personal property has increased in a like proportion. With such facts before them, motives of patriotism as well as of prudence appeal to the judgment of the members of our Legislature, to aid in sustaining this work, by enabling us to effect the proposed improvement.

The time must come, unless the State supinely consents to be outstripped in works of this kind, when branch Roads will be constructed to connect this Road with others; in which case, the business on our Road will increase, and no doubt enhance the value of our stock. In view of this would it not be politic to apply to the Legislature, to increase the capital stock of the Company, to a sum equal to the original cost of the whole work and that of the proposed Improvement? Such an increase of the capital of
the Company, should its stock hereafter appreciate, would furnish the Company with a fund which might be made available, not only in the payment of its present debts to some extent, but also, in the contemplated contracts for new Iron; as the stock might be given in part payment—as such arrangements having been heretofore made by other Companies.

It will be seen that the receipts from through passengers have fallen off, when compared with the receipts from the same source the previous year.

This is no doubt to be attributed in the first place, to the general depression in the prices of southern produce, and the consequent scarcity of money for travelling purposes; and secondly, to the want of cooperation in the R. Road Companies composing the great Atlantic line.

This latter difficulty, has in a great measure been removed by the formation of a through ticket from Charleston to Philadelphia, which arrangement, will enable the Companies, by their harmony of action, to retain the travel on the Rail Roads, and we may therefore reasonably expect to do better in this department during the coming year.

We take pleasure in pointing the Stockholders to the fact, that our local business is still on the increase, both from way passengers and freight. Although we have been straitened for means to transport all the freights offering, still the receipts from these sources show a handsome increase, so much so, that the Board felt justified in making arrangements to put another Freight train on the Road, for the ensuing year.

We now confidently look forward to the time, when the Steam Boat line can be dispensed with, as there is every probability that the Wilmington and Manchester Road will be constructed. The completion of this Road would doubtless be of incalculable benefit to our Road, and every Stockholder is therefore deeply interested, in contributing to so desirable a result.

The completion of the Wilmington and Manchester Rail Road, coupled with the renewal of our Road with
heavy Iron, (while there would be a large diminution of expenses on our line) would secure an increase in speed of 24 hours, between the North and South, a large increase of our business, and safety and certainty, in the transmission of passengers, mail and freight.

We might then reasonably expect, that our stock would command a fair price, and we should receive a return for the investment which we have made. It is therefore all important that every Stockholder in this Road, should lend to this work, not only the weight of his influence, but should come forward and take stock to insure its speedy completion.

At your last meeting, a resolution was passed, instructing the Board of Directors to inquire into the practicability of employing an Agent or Clerk, to act as a commissary.

A committee of the Board had the subject under consideration, and after much reflection and attention, a resolution was passed requiring of the different Agents of the Company, an accurate account of the disbursements in their various departments. Books have been kept by such of the Company's Agents as have property in charge, which are open to the inspection of the Committee, or any one wishing to examine the same; but to carry these multifarious accounts through the Treasurer's books, would be but adding perplexity to his accounts, without throwing much light on the subject. The Board felt adverse to creating new officers, unless they could clearly see that a profit would certainly result. For after all, our principal security is in the integrity of the Agents in charge of these several departments.

Herewith you have the report of the examining committee, and of the Steam Boat agent. Mr. L. J. Flemming, the Engineer and superintendent of Repairs, having accepted the situation of Principal Assistant Engineer on the Wilmington and Manchester Rail Road, and no appointment having been made to fill the vacancy, we are
without a report from the department heretofore under his charge.

Our Locomotives and Cars are generally in better order than at your last meeting.

All of which is respectfully submitted.

ALEX. MACRAE, President.
The Committee appointed at the last annual meeting of the Stockholders, for the purpose of investigating the affairs of the Company, for the year ending the 1st Oct., 1848, beg leave to report, that they have carefully examined the accounts of the Company, the vouchers, way and freight bills, and compared them with the entries in the books, and find the same correct:

They find the whole liabilities of the Company, on the 1st day Oct., 1848, amount to $651,783 16

Which sum is made up of the following items,

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonds sold in England, at 5 per cent. interest</td>
<td>222,666 67</td>
</tr>
<tr>
<td>Bonds endorsed by the State of North Carolina, at 6 per cent. interest</td>
<td>250,000 00</td>
</tr>
<tr>
<td>Bills payable at Bank and to individuals, at 6 per cent. interest</td>
<td>85,000 00</td>
</tr>
<tr>
<td>Scrip Bonds to Contractors, at 6 per cent. interest</td>
<td>32,881 52</td>
</tr>
<tr>
<td>Negro Bonds due 1st January, 1843</td>
<td>105 00</td>
</tr>
<tr>
<td>“ “ “ “ 1845</td>
<td>834 00</td>
</tr>
<tr>
<td>“ “ “ “ 1846</td>
<td>385 48</td>
</tr>
<tr>
<td>“ “ “ “ 1847</td>
<td>70 00</td>
</tr>
<tr>
<td>“ “ “ “ 1848</td>
<td>3,055 00</td>
</tr>
<tr>
<td>“ “ “ “ 1849</td>
<td>18,634 76</td>
</tr>
<tr>
<td>Amount due on Payrolls and to sundry individuals, for materials, labor, &amp;c.</td>
<td>37,357 30</td>
</tr>
</tbody>
</table>

$651,783 16
Amount of Receipts from Rail Road and Steam Boats, for the year ending 1st. Oct. 1848, 317,459 50
of which $9,743 31 was received for Old Iron and Copper.

Amount of Expenditures for Rail Road and Steam Boats, for the same period, 275,328 86
of which $37,195 07 has been expended for New Iron, for relaying a portion of the road.

Nett profits of Road and Boats, $42,130 64

The committee further report, there was in the hands of the Treasurer of the Company, on the 1st day of October, 1847, in cash, 8,547 18
That there was due the Company from individuals & in the hands of Agents, 6,512 90
And from the Post Office Department, 1,016 31
Cash deposited in Bank of Cape Fear, at Raleigh, 909 42
Which, together with the sum of 42,130 64 for nett profits of Road & Boats for this year,
And the sum of 10,757 17 for increased debt of the Company, make the sum of 69,373 61
That of the above sums there has been applied to the payment of interest, 35,909 68
Amount due the Company from individuals, 1st Oct., 1848, 5,787 59
" due the Company from P. Office Department, 18,750 00
" in the hands of Agents, 8,593 98
" in Bank of Cape Fear, at Raleigh, 120 00
“lost by Counterfeit Money, during the year,
414 50
Cash in the hands of the Treasurer of the Company, 1st Oct. 1848,
297 76 69,973 61

Comparative statement of the Annual Receipts, Expenditures, and Profits of the Company, together with a statement of the Rates of Fare, and number of passengers.

<table>
<thead>
<tr>
<th>Years</th>
<th>Receipts</th>
<th>Expenditures</th>
<th>Profits</th>
<th>No. of Passengers</th>
<th>Rates of Through-Way Fare</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841</td>
<td>297,228 39</td>
<td>241,945 34</td>
<td>52,283 05</td>
<td>820</td>
<td>9742</td>
</tr>
<tr>
<td>1842</td>
<td>211,977 46</td>
<td>180,892 65</td>
<td>31,084 88</td>
<td>13*</td>
<td>8450</td>
</tr>
<tr>
<td>1843</td>
<td>286,172 99</td>
<td>148,166 17</td>
<td>78,006 92</td>
<td>13</td>
<td>10358</td>
</tr>
<tr>
<td>1844</td>
<td>269,523 75</td>
<td>203,633 24</td>
<td>65,900 51</td>
<td>12</td>
<td>14015</td>
</tr>
<tr>
<td>1845</td>
<td>288,493 45</td>
<td>212,091 20</td>
<td>76,402 25</td>
<td>12</td>
<td>11885</td>
</tr>
<tr>
<td>1846</td>
<td>317,522 49</td>
<td>289,682 45</td>
<td>28,140 04</td>
<td>10</td>
<td>12997</td>
</tr>
<tr>
<td>1847</td>
<td>331,450 50</td>
<td>259,912 60</td>
<td>71,567 60</td>
<td>01</td>
<td>11456</td>
</tr>
<tr>
<td>1848</td>
<td>317,450 40</td>
<td>275,328 86</td>
<td>42,130 64</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Part of papers destroyed by fire.

The Committee think it proper to state that the sum of $27,251 76, the difference between the sale of Old Iron and Copper, and the purchase of New Iron, used in relaying a portion of the road, the Iron being a much heavier bar and more permanent, is more properly chargeable to construction account, than to current expenses, or road repairs; and that if the same was so charged, the difference between the annual receipts and expenditures would amount to $69,382 40, as profits.

It will be seen in the foregoing statement that the debt of the Company, on the 1st October, 1848, was increased $10,756 16; this increase has arisen from the fact that on the first day of October there was due from the Post Office Department $18,750, which was received and applied to the reduction of the debt on the 14th October, a few
days after the expiration of the fiscal year; and that if the same had been applied previous thereto, as it has been heretofore, there would have been a reduction of debt on the 1st of October, 1848, of the sum of $7,992 84; while the accounts show an increased debt of $10,756 16; they also show an increase of available means, on the 1st Oct. 1848, of the sum of $16,563 62, over those of the 1st Oct., 1847.

All of which is respectfully submitted.

JAMES GRISWOLD.

H. NUTT.

Nov. 4th, 1848.
Office Greensville and Roanoke R. R. Co.
February, 2nd, 1848.

To His Excellency,
Governor Graham:

Sir:—

I have the honor to enclose you the annual report of the cost, &c., of that part of the Greensville and Roanoke Rail Road lying in North Carolina, as required by the Act of Incorporation.

I also enclose a copy of our report to the Board of Public Works of Virginia, which shows the operations of the whole Road.

I remain respectfully,
Your obedient servant,

H. D. Bird, President.
RETURN

Of the Cost and Receipts, and Expenses of that part of the Greenville and Roanoke Rail Road lying in the State of North Carolina, from October 1st., 1846, to October 1st., 1847.

The cost of the road as returned in last report was $88,517 68. This has not been increased since.

The gross receipts of profit for the whole road from October 1st., 1846, to Oct. 1st., 1847, was $26,037 40

Passengers, $7789 10, Mail $2,000, 9,789 10

Total gross receipts, 35,826 50

The proportion of this for the 4½ miles of road in North Carolina, was $8,956 62.

Deduct expenses: The total expenses for the whole road were $26,903 29, and the proportion for North Carolina was 6,725 82

Add interest of cost, 5,311 06
Add " loss last year, 48 52 12,085 40

Leaves a loss for the 12 months ending Oct. 1st., of 1847, of 3,128 78
Add the total loss to Oct. 1st., 1846, as stated in last Report, 41,842 21

Leaves the total loss Oct. 1, 1847, 44,970 99

H. D. BIRD, President.

Petersburg, Feb. 2, 1848.
To His Excellency, W. A. Graham,  
Governor of North Carolina:  

Sir:—  

I have the honor to send you the Report of the Greensville and Roanoke Rail Road Company, for the 12 months ending October 1st., 1848.  

Respectfully,  
Your Obedient Servant,  
H. D. BIRD, President.
RETURN

Of the Cost, Receipts, and Expenses of that part of the Greensville and Roanoke 'Rail Road lying in North Carolina, for the 12 months, ending Oct. 1st., 1848.

Cost, the same as stated in last report, $88,517 68
Amount of loss in doing the transportation to Oct. 1st., 1847, per last report, 44,970 99
The loss for the twelve months ending Oct. 1, 1848, was as follows:
Receipts of freight on the whole road, 23,213 25
Passengers, 7,590 44
Mail, 2,000 00

32,803 69

Deduct expenses, 23,187 60

9,616 09

The proportion of this income for the part of the Road in North Carolina, is, 2,404 01
Deduct from this, interest of cost, 5,311 06
Deduct last years loss, 187 72 5,498 78

Leaves the loss for the 12 months, ending Oct. 1, 1848, 3,094 76
And the total loss to that date, 48,035 76

H. D. BIRD, Prest.
To His Excellency, 
Governor Graham:

Sir:—

I have the honor to enclose you the Annual Report of the Cost and Receipts and Expenses of that part of the Petersburg Rail Road lying in the State of North Carolina, as required by the Act of Incorporation. I also inclose a copy of our Report to the Board of Public Works of Virginia, which shows the operations of the whole Road.

I remain very respectfully,

Your obedient servant,

H. D. BIRD, President.
RETURN
Of the Cost and Receipts and Expenses of that part of the Petersburg Rail Road lying in the State of North Carolina, from October 1st, 1846, to October 1st, 1847.

The cost of the Road as returned in last Report, was $185,942. This has not been increased since.

From Oct. 1st, 1846, to Oct. 1st, 1847, the gross receipts from Freight, Passengers, and Mail, between Weldon and Petersburg, was $67,518.26, of which the proportion for the 12 miles of Road in North Carolina, was 12,646.62

Do. between Blakeley and Petersburg, was $1,415.15; proportion for N. Carolina 212.92

Total Receipts, $128,559.54

Deduct expenses.—The gross expenses of the Company for the transportation of $179,867.94 of receipts was $99,865.62. The proportion of these expenses for the transportation of Weldon and Blakley ($68,933.41) was $37,560.21; and proportion for the part of the Road in North Carolina, 7,013.70

Add interest of cost, 11,156.52

" last year's loss, 205.56

Total Expenses, $184,065.78

Deduct the receipts; it leaves the loss for the twelve months, 5,546.24

Add total loss to Oct. 1, 1846, per last Report, 131,768.09

Leaves the total loss, Oct. 1, 1847, $137,314.33

H. D. Bird, President,
Petersburg Rail Road Co.
Petersburg, Feb. 2d, 1848.
To His Excellency,

Wm. A. Graham,

Governor of North Carolina:

Sir:—

I have the honor to inclose you the Report of the Petersburg Rail Road Company for the twelve months, ending October 1st, 1848.

Respectfully,

Your obedient servant;

H. D. Bird, President.
RETURN

Of the Cost and Receipts and Expenses of that part of the Petersburg Rail Road lying in North Carolina, for the twelve months ending October 1st, 1848.

Cost—same as stated in last Report, $185,942 00

Amount of loss in doing the Transportation to October 1st, 1847, per last Report, 137,314 52

The Loss for the twelve months, ending Oct. 1st, 1848, was as follows:

Total Receipts to and from Petersburg.

<table>
<thead>
<tr>
<th>Depots</th>
<th>Freight</th>
<th>Passengers and Mail</th>
<th>Total</th>
<th>Proportion for the Road in N. C.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pleasant Hill</td>
<td>1,472.05</td>
<td>682.30</td>
<td>2,154.35</td>
<td>41.33</td>
</tr>
<tr>
<td>Garysburg</td>
<td>2,100.20</td>
<td>818.50</td>
<td>2,918.70</td>
<td>346.46</td>
</tr>
<tr>
<td>Weldon</td>
<td>7,625.50</td>
<td>49,155.05</td>
<td>56,780.55</td>
<td>10,801.52</td>
</tr>
<tr>
<td></td>
<td>11,197.75</td>
<td>50,655.85</td>
<td>61,853.60</td>
<td>11,189.31</td>
</tr>
</tbody>
</table>

Deduct expenses.—The expenses of all kinds for the business of the whole Road were $125,950. The proportion of this for the Road in North Carolina, was 10,059 56

Net income 1,129 75

Deduct from this interest of cost, 11,156 52

Deduct last year's loss, 332 77 11,489 29

Leaves a loss for the twelve months 10,359 54

Total loss to October 1st, 1848, $147,674 06

H. D. BIRD, President.
EXECUTIVE DOCUMENT NO. 8.

MESSAGE

FROM

HIS EXCELLENCY, THE GOVERNOR,

RELATIVE TO

The State's Railroad Liabilities.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.

1848.
MESSAGE.

TO THE SENATE OF NORTH CAROLINA.

In compliance with a series of Resolutions of the Senate, making various inquiries, concerning the State's liabilities, on account of the Wilmington & Raleigh, and Raleigh & Gaston Railroad Companies, and the payments from the Treasury on the same, as well as the loan contracted to repair the loss to the Road, last named, from a destructive fire, since it has been the property of the State, and the suits pending for the State's indemnity against the Stockholders and bondsmen of the latter Company. I have to report as follows:

1. From the Report of the President and Directors of the Literary Fund, transmitted to the Legislature on the 30th ult. it appears that "the amount of stock held by the State, in the Wilmington and Raleigh Railroad Company," is 6,000 shares of uncertain value, cost $600,000.

In my Message to the last Gen. Assembly, transmitted on the 17th of December, 1846, the State's responsibility for this Company is stated thus: "For the Wilmington and Raleigh Rail Road Company, the State became surety by the act of 1840, for the sum of $300,000, payable in six annual instalments of $50,000 each, beginning on the 1st of January 1842 and ending the 1st of January 1847. The first of these instalments was paid by the Company. The second falling due the 1st January 1843, while the General Assembly was in session; and being apprised that the Company was unable to discharge it, they directed the Literary Board to invest $50,000 of its funds by purchasing the bonds, which constituted the evidence of this debt. These Bonds are still held as a part of the funds of the Board. But for the instalment, payable the 1st of January 1844, no provision was made, in the event of its falling on the State; which contingency happening, it was taken up by the Treasurer with the public funds, and that set of Bonds is now held at the Treasury." Of the remaining instalments becoming due in 1845-6 and 7, no part of the principal debt has been discharged. But by acts of the General Assembly passed at the two last sessions, other Bonds of like amounts, payable on the 1st of January in 1849-50 and 51, respectively, have been substituted in their stead. The company has regularly paid the interest on these bonds, both those held by the State, and individuals, and on all its other debts, and has now an application before the Legislature for a continuance to it of the State's credit, by an indorsement of bonds payable at a more distant day, in lieu of those just mentioned.

2. In my message heretofore transmitted, you were informed that on account of her surety-ship, for the Raleigh and Gaston Railroad Company, the State is responsible for the sum of $500,000; on which the interest is to be paid, semi-annually, and the principal at such time as...
4

fer the 1st day of January 1860, as the Legislature shall appoint; and
for the further sum of $166,500, falling due in instalments of $80,000
each on the 1st day of January in each year from the present time, un-
til 1854.

The amounts heretofore paid for this Company as furnished from
the Treasury, and that which will become due on the 1st of January
next, are stated thus:

Payments of Principal and Interest, on account of Endorse-
ments by the State, for the Raleigh and Gaston Railroad
Company.

<table>
<thead>
<tr>
<th>As of</th>
<th>Principal</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>1843</td>
<td>1844</td>
<td>1845</td>
</tr>
<tr>
<td>January 1st.</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>July</td>
<td>23,310</td>
<td>23,510</td>
</tr>
<tr>
<td>January 1st.</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>July</td>
<td>24,009</td>
<td>24,009</td>
</tr>
<tr>
<td>January 1845</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>July</td>
<td>23,296</td>
<td>23,296</td>
</tr>
<tr>
<td>January 1846</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>July</td>
<td>22,183 30</td>
<td>22,183 30</td>
</tr>
<tr>
<td>January 1847</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>July</td>
<td>21,765</td>
<td>21,765</td>
</tr>
<tr>
<td>January 1848</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>July</td>
<td>21,699</td>
<td>21,699</td>
</tr>
<tr>
<td>January 1849</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>July</td>
<td>21,527</td>
<td>21,527</td>
</tr>
<tr>
<td>January 1850</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>July</td>
<td>19,449</td>
<td>19,449</td>
</tr>
</tbody>
</table>

$120,000  $263,982 50

Total paid, $383,982 50

Due 1st of January, 1849:

<table>
<thead>
<tr>
<th>Principal</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>30,000</td>
<td>19,995</td>
</tr>
<tr>
<td>30,000</td>
<td>19,995</td>
</tr>
</tbody>
</table>

$49,995

The resolutions also request a statement "of the whole amount,
the State may hereafter have to pay, as a stockholder and security for
the said Railroad Companies" specifying the time said debts become
due, and the interest likely to accrue thereon. With perfect deference
to so enlightened an assembly, this is an enquiry, which the Senate it-
self, and it alone is competent to answer. It is stated in the message
above mentioned, and has been so frequently reiterated in our public
documents, as to have become a matter of general notoriety, that by
far the largest part of the Railroad liabilities, that is to say, the debt
of $500,000, has no fixed day for its liquidation, but is redeemable "at
such time after the first day of January 1860, as the Legislature shall
appoint;" until therefore your Honorable body shall determine the time
for the payment of this debt and follow up this determination by such measures of Revenue and Finance, as will render it effectual, it is manifestly impossible for any other department of the Government, to ascertain what sum will be necessary for its discharge. This inquiry therefore, is respectfully returned, to the end, that a basis may be furnished by the Senate, for the estimates required. After it shall have been decided at what period or periods these public liabilities shall be extinguished, and means shall have been provided equal to the end in view, the Executive will cheerfully prepare the statement desired, if requested.

In the mean time, it is perfectly obvious to all, that the longer the final day of payment is deferred, the greater will be the amount needed to effect it. It is necessary therefore, to address the attention of the Legislature to this important subject with earnestness, and without delay. For if it was an error of judgment in our predecessors to contract these liabilities, it will be even worse than that in us, to suffer the public faith to be tarnished by repudiation, or the debt to be magnified by an unnecessary accumulation of interest, in consequence of any failure to meet them, as becomes the character and interest of the State. An intelligent people, whilst they will examine with care the past pecuniary transactions of the State, are looking with perhaps even a deeper interest to the General Assembly, for measures which shall at once sustain the public credit, gradually diminish our debt, and so improve their condition, as to enable them to bear the increased demands of the Treasury with the least burden or inconvenience.

3. The authority under which the Raleigh and Gaston Railroad was conveyed in trust, to procure a loan of $25,000, in order to repair the damage of the fire in February last, and to save the Road from total ruin, is so plainly set forth in my former message, that I am at some loss how to construe the inquiry propounded on that subject. Presuming that it may be intended as a call for the proceedings of the Governor and Council in the matter referred to, I send herewith a printed copy of my message to that body, and of their resolution, in response thereto, marked A. The considerations involved in the proceeding are two-fold, namely:

1st. Whether a power to sell absolutely, includes a power to make a conditional sale to raise means for the preservation of the property.

2nd. Whether it is the duty of the Executive, by all the means committed to his hands, to take care of the public property, and prevent its destruction.

4. The amount, which may be realized from the suits now pending at the instance of the State, against the Stockholders and bondsmen, of the Raleigh and Gaston Railroad Company, will depend, in the first place, upon the decision of the Court in favor of the State's recovery against the defendants; and if so, how far such recovery shall extend; and in the second, on the ability of the parties to satisfy such recoveries, if obtained. My argument in favor of her legal right to recover both the principal and interest, which she has paid or shall pay, to the amount of stock held or bond given by each defendant, will be found in my message to the last General Assembly among your records, and I can add nothing new on that point. Some of these parties since their obligations were contracted, have become insolvent; but how many, I have no means of judging other than those which are open to the general observation of the community. If therefore these suits shall not be compromised as recommended by me heretofore, but shall be prosecuted to Judgment, the Judiciary only can determine, how
much shall be recovered, against each person concerned in the great multitude of defendants, and the process of execution will ascertain his ability to pay. The public interests, meanwhile, are in the hands of able counsel, who will doubtless do them justice.

5. The Resolutions are accompanied by a preamble, indicating that the information sought by them, is desired in connection with the plans of Internal Improvement, which I have heretofore recommended for your adoption; and therefore suggest a few thoughts, as to our proper policy in that respect, which I shall be pardoned for appending. To my mind it is perfectly manifest, that in the present crisis of our affairs, the public interests are only to be upheld by enlarged and patriotic views of our duty, and manly and energetic action in carrying them into effect; while a faltering or contracted policy will precipitate us into bankruptcy and dishonor. We have now two Rail Roads; for which the State has made, and is making, the large expenditures already stated. They are carrying on business, from which one receives an income of about $325,000, and the other about $60,000, per year. But from inferiority of the superstructure of both, with these large incomes, they afford no profit on the capital, but consume the whole in repairs. Without the aid of some Legislation, tending to better their condition, this will not only continue to be the case, but it will probably become worse. The question is then distinctly presented, whether an effort shall be made to place these Roads in a more favorable situation, so as to enable them to relieve the Treasury from the burdens they have brought upon it, either by the measures already suggested by the Executive, or by others, which your wisdom may devise; or whether they shall continue in their present imperfect state, until other and rival works shall be brought into operation by other States, to their injury, and to the total loss by North Carolina of all she has paid, or may pay, on their account. We are therefore in circumstances, when if we do not go forward in the career of improvement, we must go backward, and incur the hazard not only of losing, irrecoverably, this large amount in money, but even the use of these Roads entirely. The latter would be a loss, which perhaps could not be fully estimated until after its occurrence. These works, though profitless as stock, have yet given advantages to the inhabitants of the sections which they traverse, of which they would not willingly be deprived. Before the construction of the Raleigh and Gaston Rail Road, the freight on a bushel of wheat between the county of Granville and Petersburg, was 45 cents; it is now 15 cents. On Tobacco, per hundred weight, it was $1; it is now 45 cents. On a sack of salt, it was from $1.25 to $1.50; it is now 50 cents, and the price has been reduced from $4 to $4.50, down to $2.40 to $2.60, from the increased supply furnished the country by the road. And in like proportion has been the reduction on other articles. Even these rates are much higher than those on the roads of Massachusetts, New York, and other States, and might be greatly reduced if the track were in good repair, so as to admit a quick passage for heavy trains. I state these particulars as to freight on leading articles, for the purpose of showing, that at a low estimate, the prices of transportation by means of this Road, have been lowered one-half; and that it saves to the community in this way, the sum of $30,000 annually; that being about the amount of the freights received. I am not so familiar with the changes in the rates of transportation in the region of the Wilmington Road, but by a similar calculation, which is believed to be fair, it effected a saving on freights during the last year, of about $50,000. It is not so easy to estimate their advantages in the time and expense spared in travelling, which is probably not equal so far as our own citizens are concerned, to
the diminution on transportation; but in our contemplations of this subject, we must bear in mind, that if these Rail Roads shall cease to operate, and the people in their neighborhood shall be driven back to the old modes of conveyance, that the change will be equal to the imposition upon them, of a tax of certainly Eighty, and perhaps not less than One Hundred Thousand Dollars, per year.

Such is the inducement to sustain these Roads, even though unproductive as stocks. If it be possible to render them profitable to the State, as a proprietor, while they thus promote the interest of the citizens, in their region of country, it is surely a consummation most devoutly to be wished. And if this can be accomplished, as I have endeavored to demonstrate, by extending a new Railroad through the very heart of our territory, from Raleigh by Salisbury to Charlotte, with provisions for connecting with lateral Roads, from Raleigh to Goldsboro, and from some place East of the Yadkin to Fayetteville, or other point on Cape Fear River, and with Turnpikes from the country farther West than Salisbury—thus forming a bond of union between all sections of the State, and giving to the people who now labor under the greatest embarrassments, all the facilities of Rail Road transportation—we have every motive to undertake it without delay.

And although the objection may at first view appear feasible, that in the present state of our Finances, no new liability should be incurred, yet it vanishes at once, when we consider the great objects to be attained. Economy is a cardinal virtue, in States or individuals, but parsimony is as often mischievous as prodigality. One of the best modes of ensuring the payment of debts and of rendering the operation easy to the debtor, is to increase his ability to pay. Every work of improvement, judiciously located and constructed, has the immediate effect, by lowering transportation, to raise the price of produce in the interior, and to cheapen the price of goods carried there for consumption. Give to your farmer then, the facility to get 25 cents more on every bushel of wheat, corn or potatoes, that he may raise for sale, and to carry off hundreds of bushels that now rot, or are wasted for want of transportation—enable him at the same time to save only one dollar on every sack of salt that he uses, and so on the other articles that he sells or buys, and you will enable him, even by the most rigorous modes of taxation, to pay off the debt you now owe in due time, and without inconvenience. Convince him that these facilities may be had at a reasonable cost, (perhaps so far as he is concerned, for no more than the increased price which he would obtain on the crop of a single year,) and that one great cause why he is less prosperous than the people in many other States, and than he himself was in former yeares, is that men engaged in precisely similar pursuits with himself in these States, and who formerly labored under like disadvantages, now get their crops to market, and their supplies from thence, for a fourth or a tenth of what they paid formerly, and he pays now. Convince him of this, and he will at once perceive, that as the cotton planter who should pick by hand, could not compete with his neighbor who uses the invention of the Gin, so neither can the waggon and team over distant and ruinous roads, bear any comparison in cheapness and despatch, with steam carriage on land or water; and if it be at all practicable, within the compass of our means, he will not only sanction measures for the provision of such facilities here, but will demand why they were not adopted. If he looks abroad to other States, Massachusetts, New York or Georgia, for example, he will find that they had as great distances, and as difficult obstructions to overcome in the construction of their public works, as any which he in our way. But with a sagacious and intrepid statesmanship, they
looked through the primitive and disadvantageous condition of their country; then, to what it would be in its present improved state; calculated the cost of their works, and their value when completed; borrowed money for the purpose on cheap terms and long credits; expended it judiciously and economically, always sustaining their credit by punctuality to their engagements; and the result has been as a monetized operation merely, that their cost is likely to be borne and paid off in due time, by the works themselves, whilst they have renewed the face of the country, "making glad its waste places, and causing the wilderness to blossom as the rose."

If the present Legislature shall confer on their constituents similar advantages, by the adoption of similar means, and thus place them on an equality with the people of these States, whom they must meet as competitors in the markets of the world; or even if they shall put the 400,000 people of the interior on an equal footing with those on the navigable waters of Roanoke and Cape Fear, and along the lines of our present Railroads, on whom the State has conferred her patronage heretofore, while they revive and make profitable our present Railroad property, either by the plans I have suggested, or others, they will have entitled themselves to the lasting gratitude of the people, and will enable them to mount up, "as on Eagles' wings," to a prosperity unknown in our past annals; and in which any expense properly attached to the undertaking, will be borne cheerfully and thankfully.

EXECUTIVE DEPARTMENT,}
December 23d, 1848.

WILL: A. GRAHAM,
[A]

MESSAGE.

TO THE COUNCIL OF STATE OF NORTH CAROLINA.

Your present convocation has been occasioned by reason of the destruction by fire, on the night of the 25th ult. of the extensive brick building comprehending the machine shop and engine house of the Raleigh and Gaston Railroad, at the depot in this City. The Rail Road being the property of the State, this misfortune, which is believed to have been purely accidental, produces a public loss, which is estimated at not less than twenty-five thousand dollars, ($25,000.) Besides the building and shop furniture of various kinds, including a stationary engine for the propulsion of machinery, four of the seven locomotives belonging to the Road, which happened to be in the engine house at the occurrence of the fire, were subjected to its ravages, two of them being totally ruined, and the other two considerably damaged.

With so serious a diminution of its motive power, and the entire loss of materials and means for making repairs, it is obvious that the operations of the Road cannot be continued to the extent of the public convenience and demand, and to realize the customary income, which is necessary for its preservation, unless resources can be obtained to overcome these difficulties.

The powers conferred on the Board of Commissioners, for the management of the Road, on behalf of the State, have been examined with a view to measures of relief under their authority, but are found to be inadequate to any effectual remedy.

It devolves, therefore, on the Executive, to consider what the public interest requires in this emergency, and I have deemed it an occasion of sufficient moment to invoke the advice and assistance provided in the constitution of your honorable body. In communicating with freedom my reflections on the matter in hand, it is hardly needful to premise that it is done with the most perfect deference to your better judgment, and an earnest invitation to a rigid scrutiny of them, and a frank disclosure of your own views.

Three different courses of procedure appear to me to be open to us— namely:

1st. To abstain from any interference, and leave the Rail Road to go to destruction.

2nd. To convene the Legislature, to protect it against this casualty.

3d. To exercise for this end, the power and authority of the Governor and Council, under the act of the General Assembly, ratified the 6th day of January, 1845, entitled "an act to authorize the foreclosure of the mortgage on the Raleigh and Gaston Rail Road."

The first, in my apprehension, would be an abandonment, of public duty without excuse or even pretext. Not to speak of the convenience and advantage of this work to the community, which from daily familiarity are not duly considered, and like the blessings of health and the free use of our limbs, would be fully appreciated only after their loss, there can be no plea for supineness or negligence in us towards so large a portion of the public property. The price and other circumstances attending the purchase of this Railroad by the State, are fully known to you. The report of its Treasurer, for the first ten months after the purchase, submitted to the Legislature, showed its income to have been $51,923.43. By the statement of the same officer, (prepared under direction of the Board of Commissioners, and published in the newspapers in analogy to the regulation respecting the Report of the Comptroller on the public Finances) for the year immediately suc-
ceeding and ending on the 1st of November last, the income in this latter period was the sum of $92,002 57, all of which will more fully appear from copies of both these documents, herewith laid before you. Although in the latter year, no profits were realized from the Road to the public Treasury, materials were purchased for repairs and improvements, on an extensive scale (among which may be particularly 120 tons of new Railroad iron, bought and paid for since the adjournment of the Legislature); and by reason of the addition of a new and superior locomotive, and other arrangements suggested by experience, in the now current year, its prospects were better at the occurrence of the accident than at any time since it has been owned by the State.

It is manifest, however, that the Railroad is valuable only as a whole, and not in detached or mutilated parts; and unless it be kept sufficiently repaired and equipped, to carry on transportation at least to the extent that it has done heretofore, the receipts will soon fall below the necessary expenditures, and its operations must cease. The question before us therefore is not between a less or greater amount of accommodation or income from the Road, but whether it shall be resigned to disuse and waste, until the usual session of the Legislature. And in this connection, it must be observed, that the decay and loss to the establishment during this period, would be ten fold greater than the damage of the fire. Prompt and energetic action being then indispensable, we are limited to a choice between the alternatives already stated.

3d. In consideration of the necessity of raising a sum of money, probably equal in amount to the above estimate of loss, as the only effective means of relief, I would much prefer, did circumstances favor it, to convolve the Legislature, and leave the proper course in the premises to be determined by the representatives of the people. But independently of the inconvenience of summoning the members from their homes at the present season, the expenses of a session of the General Assembly to deliberate on the subject, would not probably fall below the amount required for the purposes in contemplation. And experience having demonstrated that the months of spring and summer are the season of greatest profit to the Road, even the necessary delay of an extra session of the Legislature, at the earliest practicable period, would be attended with serious loss in its receipts, as well as public inconvenience.

3d. By reference to the 8th section of the act of 1845, already quoted, it will be perceived that the Governor, with the advice of the Council of State, has full power to sell the Railroad, and all the appurtenant property, and to transfer the title. And if offers to purchase are made, it is his duty to convene the Council, and submit the same to them, with his opinion of the propriety of accepting. In connection with the ordinary duty of the Executive, to protect the public property from dilapidation or injury, so far as adequate means may be within his control, the power in this instance to sell, so as to realize the highest attainable price, seems reasonably to imply an authority to make a conditional sale or mortgage, with a view of raising money to keep up its value, and save it from ruin. This mode of relief being then within our competency, and by far best suited to our circumstances, is recommended for adoption. I therefore propose for your advice and consent, to borrow on behalf of the State, a sum or sums not exceeding in all twenty-five thousand dollars, ($25,000) to be applied as speedily as possible in repairing the damages and loss occasioned by the recent fire to the Raleigh and Gaston Rail Road; and that the said Rail Road with all its appurtenances, be conveyed in trust as a security to the lender, for the repayment of the debt so incurred with the interest thereon. This security is unquestionably ample, and no doubt is entertained of obtaining upon it the amount required. By adopting this plan, the road may be renovated and restored in value, at a cost not materially greater than that of assembling the Legislature to consult on its condition; while it can in no manner embarrass or interfere with the freest deliberation, in regard to it at the regular session. It may be probably expected that the income of the Road will keep down the interest on this loan, and gradually extinguish the principal.
But if this supposition should prove erroneous, and new misfortunes befall
the enterprise, the property in the road will be at all times sufficient to re-
pay the sum borrowed, without a resort to the general Treasury, unless the
latter shall be preferred by the Legislature.
Should this recommendation not meet your concurrence, I will cheer-
fully co-operate in any preferable mode of securing the public interest in
the matter in question, which your wisdom may suggest.

WILL. A. GRAHAM.

Executive Department, March 13, 1848.

P. S. Estimates of the injury from the fire, made by the President of
the Rail Road, are enclosed herewith.

After consideration, the following resolution was unanimously adopted:

Resolved, That the Council of State do advise and consent to the pro-
posal of the Governor, that a sum of money, not exceeding $25,000, be
borrowed on behalf of the State, for the purpose of repairing the loss and
damage occasioned by the recent fire to the Raleigh and Gaston Rail Road;
and that the Governor be advised to convey the said Rail Road, and all the
public property attached thereto, in trust to secure the repayment of the
amount of such loan with interest, at such time as he may agree upon with
the lenders.
REPORT

OF THE

PUBLIC TREASURER,

IN OBEIDENCE TO A RESOLUTION OF THE HOUSE,

DECEMBER 16, 1848.

RALEIGH:

SEATON GALES, PRINTER, REGISTER OFFICE.

1848.
TREASURY DEPARTMENT, RALEIGH, Dec. 21, 1848.

To the Honorable Speaker of the House of Commons:

SIR: In obedience to so much of the Resolution of the House of Commons, of the 16th inst., as requires me to communicate to the House "the number of White population in each county in the State, the federal population in each county, and the number of white children between the ages of five and ten years—the amount of taxes paid by the several counties, and the amount distributable to each county for the School Fund, during the last and present years," I have the honor to state, that the condensed table herewith transmitted, will be found to contain carefully prepared, and it is believed accurate information, on each of these several heads of enquiry.

The sources from which the school fund has been derived, and the investments which have been made of it, were so fully and clearly stated in the Biennial Report of the President and Directors of the Literary Fund (Executive Document No. 5,) made to the present General Assembly, that it is considered merely necessary to annex a copy of so much of that Document, as relates to this branch of enquiry.

Respectfully submitted,

C. L. HINTON, Pub. Treas.
REPORT OF THE LITERARY BOARD,

NOVEMBER 30th, 1848.

This entire Fund consists first, of Bank Stock.

5322 Shares on the Bank of Cape Fear, worth $100 per share, $532,200 00

5027 Shares in the Bank of the State of N. Carolina, worth more than par, i. e. $100 pr. share par value, 502,700 00

2nd. Rail Road Bonds of Raleigh and Gaston Co., endorsed by the State, due after the 1st January, 1860,

Do. due 1st January, 1849, 4,500 00
Do. " " 1850, 2,000 00
Do. " " 1851, 3,000 00
Do. " " 1852, 5,300 00

154,800 00

Of Wilmington and Raleigh Rail Road Co., endorsed by the State, due Jan. 1, 1843, 50,000 00
Of Wilmington and Raleigh Rail Road Co., secured by mortgage on the property of the Company in 1837, 85,000 00

3rd. Bonds of the State executed by the Public Treasurer under Loan ordered by the last Legislature, 40,360 00

4th, Loan to Wake Forest College, 10,000 00
Do. Floral College, 2,000 00

The profits of 75 shares in Cape Fear Navigation Company, 37,500 00
Roanoke Navigation Company, 50,000 00

87,500 00

6th. 6000 Shares on Wilmington and Raleigh R. Road Company of uncertain value cost, 600,000 00

7th. Amount due from the State for monies used on account of the Treasury. (See Treasurers Report.)

8th. Taxes on Retailors of Spirituous Liquors.

9th. Taxes on Sales at Auction.
10th. Entry money on Vacant Lands.

11th. The whole of the Swamp Lands of the State not granted and held by individuals prior to the year 1846, estimated at One Million, Five Hundred Thousand Acres.

12th. Cash deposited in Bank, being in full of A. C. Dickinsons first bond for Swamp Lands,

Two bonds of the same, due 7th July, 1849,

6,724 51
THE INCOME OF THE LITERARY FUND FROM ALL SOURCES, FOR THE YEAR ENDING THE 1st SEPT., 1847, WAS AS FOLLOWS, VIZ:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Dividends of the Bank of the State of N. C.</td>
<td>$41,472.75</td>
</tr>
<tr>
<td>Dividends of the Do. Bank of Cape Fear</td>
<td>31,932.00</td>
</tr>
<tr>
<td>Roanoke Navigation Company, Do.</td>
<td>1,375.00</td>
</tr>
<tr>
<td>Cape Fear, do</td>
<td>650.00</td>
</tr>
<tr>
<td>Interest on loans, Do. Roanoke Navigation Company</td>
<td>3,928.62</td>
</tr>
<tr>
<td>Do. Cape Fear, do</td>
<td>17,703.00</td>
</tr>
<tr>
<td>Land Estates, (land entries)</td>
<td>9,185.67</td>
</tr>
<tr>
<td>Tavern Tax, Do.</td>
<td>2,934.88</td>
</tr>
<tr>
<td>Auction Tax, Do.</td>
<td>742.39</td>
</tr>
</tbody>
</table>

**Total Disbursements:** 109,924.31

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disbursements in same for School for Deaf and Dumb</td>
<td>3,689.00</td>
</tr>
<tr>
<td>Reserved for same, Do.</td>
<td>1,311.00</td>
</tr>
<tr>
<td>Expended on Swamp Lands, Do.</td>
<td>2,43.00</td>
</tr>
<tr>
<td>Loan to Floral College, Do.</td>
<td>2,000.00</td>
</tr>
<tr>
<td>Expenses of Board, Do.</td>
<td>906.30</td>
</tr>
</tbody>
</table>

**Nett amount distributed for support of Common Schools:** 101,775.01

The like income for the year ending 1st Sept., 1846:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Dividends of the Bank of the State</td>
<td>41,472.75</td>
</tr>
<tr>
<td>Dividends of the Do. Bank of Cape Fear</td>
<td>31,932.00</td>
</tr>
<tr>
<td>Roanoke Navigation Company, Do.</td>
<td>2,750.00</td>
</tr>
<tr>
<td>Cape Fear, do</td>
<td>1,300.00</td>
</tr>
<tr>
<td>Interest on loans to Wake Forest and Floral Colleges</td>
<td>720.00</td>
</tr>
<tr>
<td>Interest on loan to State per Act 1846, Do</td>
<td>3,681.16</td>
</tr>
<tr>
<td>Raleigh and Gaston Rail Road Bonds, endorsed by the State</td>
<td>9,288.00</td>
</tr>
<tr>
<td>Wilmington &amp; Raleigh R. R. Bonds,&quot;</td>
<td>8,000.00</td>
</tr>
<tr>
<td>Interest on Wilmington and Raleigh Rail Road Bonds secured by mortgage</td>
<td>5,100.00</td>
</tr>
<tr>
<td>Land Entries, Do.</td>
<td>5,085.11</td>
</tr>
<tr>
<td>Tavern Tax, Do.</td>
<td>3,499.72</td>
</tr>
<tr>
<td>Auction Tax, Do.</td>
<td>448.25</td>
</tr>
<tr>
<td>Receipts from counties for deaf and dumb, Do</td>
<td>308.75</td>
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</tbody>
</table>

**Total Income for 1846:** 108,585.74
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Disbursements in same for School for deaf &amp; dumb</td>
<td>4,510.00</td>
</tr>
<tr>
<td>Buildings for same</td>
<td>7,500.00</td>
</tr>
<tr>
<td>The Turnpike Road through Swamp Lands</td>
<td>3,268.75</td>
</tr>
<tr>
<td>Printing and Advertising</td>
<td>341.25</td>
</tr>
<tr>
<td>Expenses of Board</td>
<td>423.00</td>
</tr>
<tr>
<td>Reserved for Deaf and Dumb</td>
<td>490.00</td>
</tr>
<tr>
<td>Reserved for deaf and dumb Building</td>
<td>2,510.60</td>
</tr>
<tr>
<td><strong>Nett amount distributed for support of Common Schools, as published</strong></td>
<td><strong>89,543.14</strong></td>
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<tr>
<td>Counties</td>
<td>No. of white population in each Co.</td>
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<tr>
<td>Alexander</td>
<td>6,635</td>
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<tr>
<td>Anson</td>
<td>6,911</td>
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<tr>
<td>Aslee</td>
<td>7,050</td>
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<td>584</td>
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EXECUTIVE DOCUMENT, NO. 10.

EXECUTIVE OFFICE, Dec. 19, 1848.

To the General Assembly of the State of North Carolina:

In pursuance of the Act of the General Assembly on that subject, I have the honor to transmit herewith a copy of the Annual Report of the Treasurer of the Board of Trustees of the University of the State.

The accounts of the Treasurer have been submitted to a Committee of the Board, who report that, "the entries in said account, and the vouchers by which they are sustained, are correct, and they find all the items are accurately stated, and the vouchers regular and satisfactory."

There are at present two vacancies in the Board of Trustees, occasioned by the death of George W. Jeffreys and Weston R. Gales, to be filled by your Honorable Body.

WILL: A. GRAHAM.

Executive Department, Dec. 20th, 1848.
REPORT

RALEIGH, 20th November, 1848.

To the President and Board of Trustees

of the University of North Carolina:

Gentlemen:

I have the honor to inform you that the Receipts at the Treasury within the past year, embracing a period from the 20th November 1847, to the 20th November 1848, amount to $15,187.25

Which sum being added to 4,472.72

(©the balance remaining in the Treasury at the close of the preceding year,)

forms an aggregate of 19,659.97

That the disbursements at the Treasury within the same period, amount to 19,159.92

Leaving a balance in the Treasury at the close of the current fiscal year, viz. on 20th November 1848, of 500.05

Which balance is deposited in the Bank of the State at Raleigh.
The Receipts at the Treasury, as aforesaid, consist of the following items:

1. Old balance in the Treasury as aforesaid, $4,472 72
2. Dividends from Bank of the State on 1000 shares of stock, 8,250 00
3. Interest on $10,000 Virginia 6 per cent. State stock, 300 00
4. Sundry payments of principal of Bonds by Individuals, 1,900 00
5. Payments of Interest by Individuals, 1,452 00
6. Nett proceeds of acceptance of $2,700 at Bank of the State, 2,683 13
7. Cash received of Jno. D. Hawkins, Esq. Attorney, &c., for escheated land sold by him to Ed. W. Harris, 540 00
8. Cash received of B. F. Moore, Esq., Attorney, &c., for escheated property of Wilson Batchelor of Nash County, 62 00

Which said several items make the above named aggregate of $19,659 97

The various items of Receipts and Disbursements are distinctly exhibited in detail in the account current and vouchers which accompany this Report, and which are submitted as part thereof.

From statements furnished by the Bursar of the College, it appears that the sums received from the students for tuition and room rent for the first Session of this year, amount to $3,424 00

And for 2d Session to 3,412 50

Making an aggregate of $6,836 50

Which sums have been collected and disbursed by said Bursar in part payment of salaries and other dues incident to his office, according to his reports filed and exhibited.
From the Reports of the Bursar, it further appears that, during the first session of the past year, nine students, and during the second session, eight students received their tuition in the College free from charge, according to the ordinance of the Board of Trustees.

I have the honor to be

Your obedient servant,

CHAS. MANLY,
Treasurer University of N. C
EXECUTIVE DOCUMENT, NO. 11.

COMMUNICATION
FROM THE
COMPTROLLER.

In obedience to a Resolution passed by the Senate, directing the "Comptroller to furnish a statement of the amount due on Cherokee Bonds taken at the Sale of 1838, (exclusive of the bonds taken for surrendered lands;) Also what amount of money has been paid into the Treasury on account of the Sales of Cherokee Lands in 1838,"
I herewith submit the following statement: The amount of bonds taken by the Board of Commissioners at the sale of 1838, and filed in the Treasurer's Office, is Two hundred and Eighty-Two Thousand, One Hundred and Eighty Dollars and Twenty-One Cents and Three Fourths; ($282,180.21.) On these bonds, there has been paid into the Treasury by individual purchasers, Sixty-Six Thousand, Nine Hundred and Eighty-Nine Dollars and Fifteen Cents, ($66,989.15) which includes the payment at the time of purchase, forty-six thousand two hundred and fifty dollars and seventy-six cents ($46,250.76.) To this sum must be added forty-one thousand four hundred and twenty-nine dollars and sixty-five cents; ($41,429.65.) reported to this Office by Jacob Siler, Agent for the collection of Cherokee Bonds. Bonds to the amount of thirteen hundred and fifty dollars and forty-eight cents, ($1,350.48)
have been drawn from the Treasury on the Warrant of Gov. Dudley, for the construction of a Road across the Nantehala and Valley River Mountain, to Murphy; which warrant was drawn agreeably to an Act by the General Assembly passed at the Session of 1837 and '38, Chapter 32. This amount added to the receipts, into the Treasury from individual purchasers, and from Jacob Siler, amounts to one hundred and nineteen thousand, seven hundred and sixty-nine dollars and twenty-eight cents, ($119,769.28.) Deduct this sum from the two hundred and eighty-two thousand one hundred, and eighty dollars twenty-one and three-fourths cents, ($282,180.213,) (the amount of bonds filed in the Treasury by the Commissioners,) and it will leave the sum of one hundred and sixty-two thousand four hundred and eleven dollars and forty-one cents, ($162,411.41,) as the amount of bonds yet to be collected, and now filed in the Treasury Department. This amount of bonds held by the Treasurer is subject to a deduction of surrendered bonds, which amount has been reported by his Excellency, Gov. Graham, in his special Message upon that subject, which has not been furnished this Department.

Respectfully submitted,

WM. F. COLLINS.

Comptroller.
MESSAGE

OF

HIS EXCELLENCY,

GOVERNOR MANLY,

RELATIVE TO THE

DEAF AND DUMB INSTITUTION

IN THE

CITY OF RALEIGH.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1849.
Executive Department, January 16, 1849.

To the Honorable Speaker of House of Commons:

Sir,—In compliance with the Resolution of the House of Commons, of the 15th inst., "that the Governor be requested to inform the House of Commons, whether the Buildings for the Deaf and Dumb in Raleigh have been completed according to the Act of the last Session of the General Assembly, and to furnish a copy of the contract for the construction of the same"—I have the honor to transmit herewith a copy of the contract referred to, and also a copy of a paper submitted to the Literary Board, under their order, by Mr. Wm. D. Cooke, Superintendent of the School, setting forth sundry specifications wherein the main Building has not been completed in accordance with the terms of the contract.

The School House provided for in the contract has not yet been built.

CHAS: MANLY.
These Articles of Agreement, made and entered into this 8th day of September, 1847, by and between Dabney Cosby, sen., Dabney Cosby, jr. and Jno. W. Cosby of the one part, and the President and Directors of the Literary Fund of North Carolina of the other part, witness that the said Dabney Cosby, sen., Dabney Cosby, jr. and Jno. W. Cosby shall provide and erect on Caswell Square, in the City of Raleigh, suitable Buildings for the comfortable accommodation of the Deaf Mutes and Blind persons in this State, of the forms and dimensions, and according to the plans and specifications, as set forth in the drawings and papers hereunto annexed; and the said Dabney Cosby, sen., Dabney Cosby, jr. and Jno. W. Cosby shall, at their own cost and charges, find, provide and deliver all and every kind of new materials, of the best quality and description, together with the goods and chattels, cartage, scaffolding, tackle, tools, moulds, matters and things, labour and workmanship, which may be necessary for the due and proper and complete execution of what is herein required; And shall
accordingly erect, build, perform and finish and complete in a good, sound and workmanlike manner, the several Buildings and works, agreeably and conformably in all and every respect to the specifications, drawings, dimensions and explanations and observations thereon, herein referred to, and all things incident thereunto, which may become necessary, according to the true intent and meaning thereof, although not specifically stated or described by, but which may be inferred from the aforesaid drawings and specifications.

In case of frost or inclemency of the weather, the said contractors shall effectually cover, protect and secure the several works as occasion may require, and all damages occasioned thereby by depredation, fire or otherwise, during the progress of the work, shall be borne and reinstated by and at the expense of the said contractors, who are to deliver up said Buildings in the most perfect order and condition fit for use and occupation: which is to be judged by the aforesaid President and Directors of the Literary Fund, or such persons as they may designate: and the said contractors shall proceed with the said Buildings with all reasonable dispatch, consistent with the due and proper execution thereof, so as to complete the same on or before the 1st of October, 1848.

And the President and Directors of the Literary Fund of North Carolina, in consideration of the above covenant and agreement and the due and faithful performance thereof, do engage to pay to the said contractors the sum of ten thousand dollars, to be paid in four instalments, namely; the first of three thousand dollars at the signing of these presents, and of a penal bond, with sureties, for the fulfilment of this contract as required by law; the second of two thousand dollars on the first Monday in January, 1848; the third of twenty-five hundred dollars on the 15th of April, 1848, and the fourth of twenty-five hundred dollars, on the completion and delivering up and acceptance of the Building aforesaid.
Upon which last payment the said contractors shall execute a receipt in full of all demands.

In testimony of all which, the said Dabney Cosby, sen. and Dabney Cosby, jr. and Jno. W. Cosby, have hereunto set their hands and affixed their seals, and the President and Directors of the Literary Fund have instructed their President to sign the same and affix the common seal of the corporation, the day and date above written.


DABNEY COSBY, [seal.]

DABNEY COSBY, jr.[seal.]

JNO. W. COSBY, [seal.]

*Witness, C. L. Hinton.*

In the Building for the Deaf and Dumb, it is agreed to alter the original plan and specification as follows, to wit:

1st. The whole height of the Basement shall be nine feet, six inches, and eight feet in the clear.

2d. Windows of the same to contain twenty-five lights instead of thirty.
VARIATIONS.

In compliance with the requirement of the Literary Board, I herewith furnish a list of the variations from the specifications and Drawings of the Building for the Deaf and Dumb.

This list contains the variations that have been made with the sanctions of the Board, as well as those that have been made without their sanction; and all variations whether of advantage or disadvantage to the Building are included.

FIRST.

In the drawings, the Tower is placed in the centre of the main Building. It is now in the front.

SECOND AND THIRD.

In the drawings, the Stairs running from the 2nd to the 3rd story, are straight, like those in the first story. They are altered to Platform Stairs.

FOURTH.

The windows in the third story have no weights. The specifications require the windows to be finished plain as in Basement. These have one sash hung with weights.

FIFTH.

The specifications require the Window Jambs in 3rd story "to be finished with corner bead and plastered."

The rooms on one side of the passage are finished with wooden jambs.
SIXTH.
The middle front window of the 3rd story was to be a "casement window, opening to the floor, to allow a passage to the balcony."
This window is made without allowing any passage to the balcony.

SEVENTH.
The middle front window of the 2nd story, was to be a "casement window, opening to the floor to allow a passage to the balcony."
It is finished like the window above it in the 3rd story.

EIGHTH.
In the original plan, the chimneys are placed nearly in the centre of the side of the rooms.
They are now placed in a different position as shewn in the following drawing.

NINTH.
There is one opening and two doors less in the cross walls of second story, than is laid down in original drawing as seen above.

TENTH.
The specifications require that the windows in the second story should be "recessed to the floor." This has not been done.

ELEVENTH.
The ornamental head has been omitted over one window in the 2nd Story.

TWELFTH.
The specifications require a "continued hand-railing of sweet gum" to the stairs. The handrailing in the first story is of walnut, and in the 2nd story of pine.

THIRTEENTH.
The doors in the second story were "to be finished as in the first story." They are finished as in the basement.

FOURTEENTH.
This deviation has been corrected since these deviation were presented.
and filled in with brick laid in, and grouted with cement to the top edge of sleepers so as not to admit air."

These floors are not more than 1 inch thick, and in part of the basement the planks are about 10 inches wide, laid on sleepers 3 3/4 inches, not bedded in hydraulic cement but laid on the earth, filled in with brick, without cement except what is spread on the top of the bricks. These floors are laid with square joints without tongue and groove.

TWENTY-THIRD.

The specifications require the floors in the first story to be "secret laid." They are through nailed.

To the President and Directors of the Literary Board:

GENTLEMEN:

In the foregoing list, I have endeavored to give a correct account of the variations from the specification and drawings of the Buildings for the Institution for the Deaf and Dumb, as required by the President of the Board.

Respectfully your ob't serv't,

W. D. COOKE.

Institution for the Deaf and Dumb,

December 30th 1848.
FIFTEENTH.
In the drawings, the Corbels on the North and South end of the centre building are alike, and plain. The South end has been made like the front, which is a little different from the original drawings as shown below.

SIXTEENTH.
There are no Labels over the Basement windows in front. The drawings have Labels over these like the others.

SEVENTEENTH.
In the dining room, fire places have been made. The original drawings contemplate the use of stoves in this room.

EIGTHEENTH.
The specifications require the basement story to be 9 feet high in the clear. It is now 8 feet high.

NINETEENTH.
The specifications require that the walls should be "plastered two coats and white-washed," except the main passage, Parlor, Library, Sitting Room and ceiling of the second story. They have been finished with a hard coat that will allow of being white-washed when they become oiled.

TWENTIETH.
The windows in the basement have one row of lights less than in the original drawing.

TWENTY-FIRST.
The front door is not according to the original drawing. The top of this door was to be in a line with the tops of the windows, to allow a transom light above the door. It was also to have been of the same width as the windows, that there might be uniformity in all the front openings.

TWENTY-SECOND.
The floors in the basement were "to be of heart-pine, 1 inch thick, not more than 7 inches wide, laid on sleepers 3 x 4, bedded in hydraulic cement, 18 inches apart,
MESSAGE

OF

HIS EXCELLENCY,

GOVERNOR MANLY,

RELATIVE TO THE

RALEIGH AND GASTON RAIL ROAD.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1849.
EXECUTIVE DEPARTMENT,  
January 23, A. D. 1849.  

TO THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA:

I have the honor to lay before you a transcript from the Minutes of the Board of Commissioners, charged by law with the duty of supervising the affairs of the Raleigh and Gaston Rail Road, together with a Communication from Thomas Miller, Esq. the President of the road.

The important interests which the State owns in this property, makes it my duty, as the organ of the Board, to make known distinctly to your Honorable Body its present prospects and condition; to the end that suitable provision may be made by law, to avoid the public loss which will result from permitting operations thereon to be suspended until the next meeting of the General Assembly.

The Board of Commissioners is assured by the President of the Road, that without suitable repairs, transportation thereon can be kept up but a very short time.

CHAS: MANLY.
Board of Commissioners for the Management of the Raleigh and Gaston Rail Road Company met, and took into consideration the condition of the Road; after having the representation of the President of the rail road, it was suggested that an expose of its situation be presented to the General Assembly, that proper action may be had thereupon. Ordered that the President of the Board make a Communication in writing to the Board setting forth the facts which have been here verbally stated.

Board adjourned to meet again on Monday next.

WM. F. COLLINS, Clerk.
The Board of Commissioners for the management of the Raleigh and Gaston Rail Road, met this day in pursuance of adjournment, when the Chairman read a communication from the President of the road, touching its condition, &c.; whereupon, after considering said communication, it was Resolved, that the same be laid upon the table, and the Chairman requested to submit the same to the Legislature now in session.

WM. F. COLLINS, Clerk.
Raleigh and Gaston Rail Road Office,
January 8th, 1849.

To the Board of Commissioners of the
Raleigh and Gaston Rail Road:

The undersigned deems it his duty to call your attention to the Raleigh and Gaston Rail Road, and to state that the income at present is not sufficient to meet the current expenses.

Agreeably to instructions from your Board, the necessary number of Machinists, Carpenters, Overseers and Negroes were employed for the present year, but as the current receipts from the business of the road will not maintain this force, it is, therefore, respectfully submitted for the consideration of your Board what course shall be pursued. As, on many parts of the road, the track for eight or ten feet has no iron, it is important for the preservation of the timber, that there should be immediately purchased some three or four miles of iron rails.

THOS. MILLER, President.
The committee on the Judiciary to whom was referred the Bill for the relief of Executors and Administrators, have had the same under consideration and have instructed me to report the Bill back, and recommend that all be struck out after the enacting clause, and the accompanying amendment be substituted therefor.

W. N. H. SMITH.

One of the Committee.
A BILL

To provide for the settlement of Estates in the hands of Executors and Administrators and for the relief of the same.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever any Executor or Administrator in this State shall have in his, her, or their hands any money or other effects, belonging to the estate of the testator or intestate, or such estate shall be ascertained to be insolvent, it shall and may be lawful, for such executor or administrator, at any time after two years from his, her, or their qualification, to file his, her, or their petition against the legatees, distributees, or others interested therein, in the Superior Court of Law, Court of Equity, or Court of Pleas and Quarter Sessions of the County, wherein the will has been proved or letters of Administration granted, setting forth the facts and praying for an account and settlement of the estate, in his, her, or their hands; and upon its being made to appear to the Court wherein such petition is filed, that a copy of such petition has been duly served on
each of the defendants at least ten days be-
fore the setting of the Court or in case any of
them are non-residents, that due publication has
been made according to the practice of the Court,
such Court shall and may proceed to hear and
determine the same and may make any order,
judgment or decree in the case, for or against the
petitioner and for or against the defendant, and
each of them, that may now be made upon the file-
ing of such petition by legatees or distributees,
against an Executor or Administrator.
A BILL

To secure more effectually the right of appeal in certain cases.

Section I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That where any two or more persons are defendants in any action at Law before any Justice of the Peace, or in any of the Courts in this State, either or any of said parties defendant, dissatisfied with the judgment of said Justice of the Peace, or of such Court, may appeal from such judgment whether the other party or parties defendant are willing or not to take such appeal, and no appeal shall hereafter be dismissed by the County, Superior or Supreme Courts, in this State, by reason of a smaller number than all the parties defendant having appealed from the judgment of an inferior tribunal in any action at Law. Provided That no such appeal shall have the effect to vacate the judgment as to such defendant or
19 defendants as shall refuse to join in the appeal,
20 but that the judgment shall stand in full force
21 against such defendant or defendants as shall
22 not join in the appeal, and execution may issue
23 thereon accordingly and if any satisfaction should
24 be had thereon, it shall at any time be allow-
25 ed as a payment or discharge of so much of the
26 claim or cause of action against the defendant or
27 defendants appealing, and may be plead and
28 shewn at any time before a final judgment, but
29 not to control the cost of such appeal.
A BILL

TO

PROVIDE

FOR MAKING A

TURNPIKE ROAD

FROM

SALISBURY, WEST,

TO THE LINE OF THE

STATE OF GEORGIA.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.

1848.
The Committee on Internal Improvement, to which was referred a Bill entitled "A Bill to provide for making a Turnpike Road from Salisbury west to the line of the State of Georgia," have had the same under consideration, and have instructed the undersigned to report the said Bill back to the Senate, without amendment, and recommend its passage.

Respectfully submitted,

S. F. PATTERSON, Ch'mn.
A BILL

To provide for a Turnpike Road from Salisbury West, to the line of the State of Georgia.

Section I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That there shall be laid out and established a Turnpike Road from Salisbury west, to the County of Cherokee and to the line of the State of Georgia.

Sec. II. Be it further enacted, That the same Road shall be made thirty feet wide except where there shall be side cutting, and in such places it shall be twenty feet wide, and in no part of the Road shall it rise in ascending any hill or mountain more than one foot in sixteen feet; except that part of the Road west of the Buncombe Turnpike Road, and in that part it shall be made twenty feet wide, except where there is side cutting, and there it shall be fifteen feet wide and in no part to be steeper than to rise one foot in fifteen feet, and to be well made under the direction and superintendence of an Agent of the State to be appointed as hereinafter provided.
Sec. III. *Be it further enacted, That it shall be the duty of the Governor to appoint a competent and experienced Engineer and three Commissioners to survey and locate said Road, who shall first take an oath before one of the Judges of the Superior Courts faithfully to discharge said duty to the greatest advantage for the State.*

Sec. IV. *Be it further enacted, That if the owner or owners of any land through which said Road shall pass, shall conceive him, her or themselves injured thereby, it shall be competent for such owner or owners either by petition or motion to the County Court of the County in which the damage is done, praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the Court to order such jury to be summoned as in other cases of public Roads, and it shall be the duty of the Jury to take into consideration the advantage to the land as well as the injury occasioned by the making of said Road, and on the report of the jury made to and confirmed by such Court, the damage shall be paid by the County in which the damage is sustained.*

Sec. V. *Be it further enacted, That on the report of the Engineer and Commissioners, herein directed to be appointed, being made to the Governor, shewing that they have performed the duty required of them by the third section of this act, it shall be the duty of the Governor to appoint one of such Commissioners or other suitable person to act as Agent of the State, to contract for and superintend the making of said Road, and it shall be his duty to let out and contract for the building of said Road in lots of one mile each, to be let to the lowest bidder.*

Sec. VI. *Be it further enacted, That it shall be the duty of the Commissioner or Agent aforesaid, so to
provide in each contract that no part of the price for making any lot shall be paid until the lot is completed and received; and the payments shall only then be made as the collections are made on the debts due the State for the sale of the Cherokee lands, and from the sales to be hereafter made of the unsold Cherokee lands, or in the bonds themselves if the contractor should prefer them, and to be collected only at such times as the other bonds are or shall by law be made collectable; and the contracts shall be made as far as the collections and receipts from said debts and lands will justify and no farther.

Sec. VII. *Be it further enacted,* That all the bonds due the State for the sales of Cherokee lands, and all judgments rendered on such bonds, together with all the lands, sold and unsold, (where grants have not issued,) in the Counties of Cherokee, Macon and Haywood, are hereby pledged for the making of said Road until the same is completed.

Sec. VIII. *Be it further enacted,* That if any debtor or debtors of the State for purchase of Cherokee land, should become a contractor for building any part of said Road, it shall be the duty of the Agent of the State to give such contractor a certificate of the time of completing his contract and the amount due therefor, and such certificate shall be received in payment of so much on the debt or debts of such contractor, whether in bond or judgment. And it shall be competent for said Agent to contract to pay any contractor on said Road in the bonds aforesaid, to be paid or collected according to the existing laws on the subject.

Sec. IX. *Be it further enacted,* That when said Road is completed, it shall be the duty of the Governor to cause toll gates to be erected thereon at convenient distances and to collect from persons and property passing the same a toll, to be by him and the Agent of
6 the State so adjusted and distributed as not to collect
7 in any year more than six per cent, on the entire cost
8 of the Road: *Provided* that no one shall be subject
9 to pay toll at any gate in the County in which he re-
10 sides or within twenty miles of his residence.

Sec. X. *Be it further enacted,* That all laborers sub-
2 ject to work on public roads, living within two miles
3 of said Road, shall be required to perform six days la-
3 bor on said Road under the same penalty as other
5 hands are under for failing to work on public roads,
6 and they shall be free from working on all other
7 roads.
The Committee on the Judiciary to whom was referred "A bill to amend the 15th Section of the 102nd Chapter of the Revised Code, entitled, an Act for the collection and management of a revenue for this State," have had the same under consideration and direct me to report the Bill with amendments and recommend its passage.

The following are the Amendments proposed, viz.

strike out the last clause of the first section beginning at the word "or who shall as agent of any person residing either in or out of the State, &c. to the end of the section.

In the 3rd line of 2nd section, before the word tax, insert "annual," and other amendments to correspond. In the 2nd line, on the fourth page after the word, "recommend," insert, by action of debt before any Court of record in the County where the offence shall be committed.

Then strike out the last Section.

All of which is respectfully submitted.

N. W. WOODFIN.
A BILL

To amend the 15th Section of the 102nd Chapter of the Revised Code, entitled an Act for the collection and management of the revenue for this State.

Section I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all persons shall be considered as using the profession of a Broker, who shall either buy or sell bills of exchange or bills of any Bank incorporated by the State of North Carolina, for the purpose of gain; or who shall, as agents of persons residing either in or out of the State, receive the bills of any Bank incorporated by this State and demand payment of the same.

Sec. II. And be it further enacted: That all persons desirous of using said profession, shall pay a tax to the State of one hundred dollars, to be received by the Sheriff of the County in which said person may reside, and all persons using said profession without paying said tax, shall
7 forfeit the sum of two hundred dollars, to be
8 recovered by any person suing for the same, one
9 half to the use of the person suing, the other
10 half to the State.

Sec. III. And be it further enacted, That it shall
2 be the duty of the Sheriff whenever information
3 is given him that any person residing in his Coun-
4 ty is violating the provisions of this Act, to pro-
5 ceed to the collection of the above penalty.
A BILL

TO

PROVIDE RELIEF

FOR THE

PURCHASERS

OF THE

CHEROKEE LANDS

AT THE

SALE OF 1838,

AND TO

SECURE A PORTION OF THE DEBTS DUE THE STATE.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1848.
The Joint Select Committee on Cherokee lands to whom was referred sundry petitions from citizens of the Counties of Rutherford and Burke, as also so much of the Governor's Message as relates to the Cherokee lands, having carefully considered the subject, beg leave to

REPORT:

That it is well known to the Legislature that the Cherokee Lands, which have formed the subject of so much legislation for the past ten years, were acquired by the General Government from the Cherokee Indians by treaty in the year 1835—that the Legislature of the State at the Session of 1836, passed, an Act authorizing a survey and sale of the Landsthus acquired, and directed that the Commissioners of survey should classify the lands into five classes, upon which the Legislature fixed the following prices—that is to say, lands of the first class should be estimated at four dollars per acre—of the second class, two dollars—of the third class, one dollar—of the fourth class, fifty cents, and of the fifth class, twenty cents. Of the entire territory, there were surveyed two hundred and twenty thousand, eight hundred and fifty two acres, the whole of which was offered at public sale by the Commissioners appointed for that purpose, in September, 1838. Of this quantity, one hundred and ninety thousand, four hundred and forty acres were sold, bringing the large sum of, three hundred and thirty two thousand, five hundred and ninety one dollars and ninety three cents; ($332,591.93) of this sum forty six thousand, four hundred and fifty dollars and seventy-five cents being the one eighth part, together with some advance payments, was received by the Commissioners at the time of sale and paid into the Public Treasury. The residue of sur-
veyed Lands, not commanding the State prices, were knocked off to the State, and remain yet undisposed of. According to the classification of the Lands by the Commissioners of survey, the quantity actually sold, would amount at the prices fixed by the State, to the sum of $86,031 45, whereas they sold as before stated for the sum of $332,591 93, being $246,560 48 more than the State valuation. The State has already received on account of this sale, including the amount paid at the time, the sum of $187,656 22 being more than double the amount fixed by the Act, of 1836, as the sum which the State was willing to take for these lands.

Your Committee deem it not out of place, to a proper understanding, to assign some of the reasons which operated to produce the enormous prices at which these lands sold. By the treaty of 1835, the Cherokee Indians were bound to remove West of the Mississippi, within a given time. This event had long been expected, from the known policy of the General Government in relation to the Indian tribes within the States. Consequently many citizens of the State who otherwise would have gone to the Western or Southwestern States immediately after the ratification of the treaty, removed into the Indian territory with a view of making an early settlement and preparing to secure themselves homes, whenever the lands should be brought into market. Most of these emigrants were from the Counties of Macon, Haywood and Buncombe, and the proportion proved to be rather larger by the time the sales came on than the lands would fairly supply. The Indians, notwithstanding their treaty obligations to remove, refused to go, and the General Government was obliged to order out a large force to compel their removal. A considerable portion of these troops were stationed in the Country for near two years, and had to draw many of their supplies from the country itself. This created a ready demand and a high price for every article which the country could afford, and so long as the troops remained, a fictitious prosperity was produced throughout the entire Cherokee territory. Money
became very abundant, and a false idea of the facilities which the Country afforded for making money, seemed to pervade the whole community. It was just after the withdrawal of the United States troops that the sales of 1838 occurred. The people who had been thus making money rapidly for two or three years preceding, with false ideas of the true value of the lands, excited by competition from abroad, and desirous of securing the homes of their own selection, and without there not being valuable lands enough to supply the demand, may well be supposed to have run into excess and extravagance, not justified either by a due regard to their own interests or those of the State. Time proved this to have been the case. For under the provisions of an Act of Assembly, passed in the year 1844, constituting a commission for the purpose, nearly one half of the debt then due the State on account of these lands, was reported as insolvent and by a provision of the same Act, the purchasers were authorized to surrender the lands to the State. Hence it became necessary that some new provision should be made for the disposition of these lands; and by an Act passed at the last Session, a Board of Valuation was constituted to place a fair value on these lands with a pre-emption right to the first purchasers to take them for a given period, and at the expiration of that time, they should be subject to purchase, at the valuation fixed upon them, by any person who might choose to take them. All, except thirty-seven tracts have been disposed of. These still remain untouched, either by the original purchasers or other persons, but provision is made in the accompanying bill which your Committee think will ensure their being taken up in a reasonable time.

The Legislature having thus by the Act of the last Session, absolved the original purchasers (who were reported as insolvent) from their contracts with the State, and permitted them to take the lands at a new valuation, upon their paying one fourth the amount thereof to the State, and securing the residue, or in other words entering into a new contract, your Committee cannot perceive any rea
Ron in view of all the circumstances of the case, why those who were reported as solvent purchasers should not be placed on an equal footing, at least with those who were insolvent or unable to pay. Your Committee believe that every principle of justice, equality and fair dealing, demand this relief in behalf of those who have been honestly endeavoring for ten years past to comply with their engagements to the State, but who in consequence of the exorbitant prices paid for the lands purchased, and the depressed price of produce, have been unable to do so, however much they desired it. For the purpose of affording the relief prayed for, your Committee have instructed the undersigned to report the accompanying bill, and recommend its passage.

All which is respectfully submitted

S. F. PATTERSON, Chairman.
A BILL

To provide relief for the purchasers of the Cherokee Lands at the sale of 1838, and to secure a portion of the debts due the State.

WHEREAS, By an Act of the General Assembly, passed 2 at the Session of 1844-5, all persons who purchased 3 Cherokee Lands at the sale thereof in 1838, and who 4 were unable to pay for the same, were authorized to 5 surrender said lands to the State; and whereas, a 6 large number of tracts were surrendered under the 7 provisions of said Act, most of which were re-sold un- 8 der the provisions of an Act passed at the last Session 9 of the General Assembly entitled "An Act to provide 10 for the sale of certain lands in Cherokee and Macon 11 Counties which have been surrendered to the State." 12 And whereas, it is just and right that the solvent pur- 13 chasers of Cherokee lands at the sale aforesaid, should 14 be placed upon the same footing as the insolvent pur- 15 chasers, and should have the same measure of relief ex- 16 tended to them as has been given by the Act aforesaid, to 17 those who were unable to pay for the lands purchased 18 by them at the sale aforesaid—

SEC. 1. Be it therefore enacted by the General Assembly 2 of the State of North Carolina, and it is hereby enacted
by the authority of the same, That the County Court of Cherokee County, (a majority of the Justices being present) shall appoint one discreet person residing in Cherokee County, and the Governor of the State shall appoint two others not residents of Cherokee County who shall constitute a Board of Valuation whose duty it shall be to value the lands of all persons heretofore returned by the Commissioners as solvent purchasers of Cherokee lands at the sale of 1838, (if so desired by the said purchaser) at a fair valuation, that is to say, what the said lands were worth when sold by the State in September 1838, including such improvements as were on them at that time, taking into consideration the localities of said lands, and the facilities the purchasers may have in the transportation of their produce to market, and the said Board of Valuation shall make out duplicate lists of such valuation as soon as may be. One copy shall be filed in the clerks office of the County Court of Cherokee; and the other, they shall transmit to the Governor of the State, and the copy filed in the clerks office as by this Act directed, shall be kept by the clerk among the records of said Court.

Sec. II. Be it further enacted, That the Commissioners hereby authorized to be appointed, shall within thirty days after their acceptance of the appointment, meet at the Town of Murphy, in the County of Cherokee, for the purpose of proceeding in the execution of their duties—that the Commissioner appointed by the County Court of Cherokee shall advertise for thirty days previously, at the Court House, and three other public places in said County, the time and place of meeting of the said Commissioners, and all persons desirous of taking the benefit of this Act, shall, within ten days next preceding the day appointed for the meeting of the Commissioners aforesaid, apply either in person or by agent, to the Commissioners appointed by the County Court of Cherokee, whose duty it shall
be to attend for that purpose, and render unto him a list containing the number of tracts of land, the district in which they lie and the number of the Section of all the lands they desire to be valued under the provisions of this Act, and the said Commissioners shall enter the same in regular order in a book prepared for that purpose, so that the board of valuation may, when met, forthwith proceed to the performance of its duty as herein required.

Sec. III. Be it further enacted. That the Commissioners aforesaid, before entering on their duty, shall take and subscribe an oath before some Justice of the Peace of Cherokee County, that they will, according to the best of their judgment, value the lands aforesaid fairly and impartially, as between the purchasers or those entitled to their privileges, and the State; and that they will endeavor to do equal and impartial justice between the purchasers themselves; and the said board shall give to each of the purchasers, or the persons entitled to their privileges whose lands they may value, a certificate setting forth the district, section and valuation of each tract valued by them as aforesaid.

Sec. IV. And be it further enacted, That the Comptroller of Public Accounts shall furnish as soon as may be, after the passage of this Act, to the Agent of the State for the collection of Cherokee Bonds, a full and complete statement, containing the names of all the purchasers of Cherokee lands at the sale of 1838, who were returned under the Act of 1844 as solvent—which statement shall exhibit the amount of the bonds given for the original purchase of each tract of land, together with the date of the same, and the several payments since made thereon, whether in whole or in part, together with the date of each payment; and upon receipt of the said statement, the Agent shall proceed, upon application of the purchasers aforesaid, and upon their producing to him the certificate of the Board
16 of valuation shewing the amount to which each tract
17 has been valued, to compute interest on the said valu-
18 ation, from the 1st day of September, 1843, to the peri-
19 od at which the settlement herein provided for is made.
20 And from the aggregate amount thus formed, the agent
21 shall deduct all payments made prior to the said 1st
22 day of September, 1843, together with interest there-
23 on, from the said 1st day of September, 1843, up to the
24 time of settlement as aforesaid; and also all payments
25 made after the said 1st day of September, 1843, to-
26 gether with interest thereon, from the respective periods
27 when the payments were made, up to the period of
28 settlement as aforesaid; and ascertain the balance due,
29 if any, for which balance, he shall take from the pur-
30 chaser or such other person as may be entitled to the
31 privileges of the original purchaser bonds, with good
32 and sufficient security, payable to the State in four
33 equal annual instalments.

Sec. V. Be it further enacted, That upon the settle-
2 ment provided for in the last preceding Section being
3 made, and new bonds with security to the satisfaction
4 of the said agent being given, the said Agent is hereby
5 authorized to cancel and surrender up to the pur-
7 chasers, their heirs, devisees or assignees, all the origi-
8 nal bonds given for the said lands, and the said Agent
9 shall return to the Comptroller's Office within sixty
10 days from the period at which the settlements herein
11 provided for are closed a full and complete statement,
12 shewing the names of the obligors with the amount
13 respectively of each new bond by him so taken, to-
14 gether with the date of the same.

Sec. VI. Be it further enacted, That upon the return
2 of the statement of the Agent as provided for in the
3 preceding Section being made to the Comptrollers
4 Office, the Comptroller shall charge the obligors re-
5 spectively in his books with the amount of each bond,
6 and when payments are made thereon either to the
Public Treasurer or the Agent aforesaid, the Comptroller, on being furnished with the evidence of such payment, shall enter the proper credit for the same, and in no case shall a payment be applied to a junior bond while an older one or any part of it remains due, but in all cases payments shall be applied to the bonds first becoming due until they are wholly satisfied, after which any balance of payments that may remain shall be applied as a credit to the bond next coming due.

Sec. VII. And Whereas, it may happen that in some cases the purchasers of Cherokee Lands at the sale of 1838 as aforesaid, have paid in full for the lands so purchased by them, and there is no reason why they should not be placed on the same footing as those who have not paid in full or those who have been returned as insolvent:

Be it therefore enacted, That in all such cases the said purchasers upon making application to the board of valuation as required by this Act, shall be entitled to all the benefits and privileges herein granted to those who have not paid in full, and upon its appearance to the Agent after making a calculation as provided for in the fourth Section of this Act that any such purchaser has paid more than the valuation placed upon the land by the board of valuation, he shall give to said purchaser a certificate setting forth the amount of such excess or overpayment, and the said purchaser shall be at liberty to take in payment of the same, any of the lands surrendered under the Act of 1844 and valued under the Act of 1846, or any of the lands which have been surrendered since, at such a valuation as has been or may be placed upon them by said board. Provided, that in all cases where an excess or overpayment is found to exist, the original purchaser in whose favor it is found shall in the selection of the lands to satisfy the same have due
Sec. VIII. And whereas, It appears that since the 2 Board of Valuation appointed under the Act of 1846, 3 concluded their labors, a number of tracts of land have 4 been surrendered by the securities of the original pur- 5 chasers who have left the State—

Be it therefore further enacted, That in all such cases, 2 the Board of Valuation hereby authorised, shall proceed 3 to value the said lands in the same way as provided in 4 first section of this Act; and if the original purchasers 5 of said lands, their heirs, devisees, or assignees, respec- 6 tively, do not appear and claim the privileges granted 7 by the Act of 1846 to original purchasers, their heirs, 8 devisees or assignees, within three months from the 9 date of such valuation, and comply fully with all the 10 requirements of said Act, then and in that case, the 11 agent aforesaid shall be at liberty, and it shall be his 12 duty to sell or dispose of the same to any other person 13 or persons, upon their complying with the provisions 14 of the third section of the Act of 1846, subject never- 15 theless, to the provisions of the preceding section of 16 this Act.

Sec. IX. And whereas, By the Act passed at the last 2 Session authorising the insolvent purchasers, their 3 heirs, devisees or assignees, to take at the new valu-
ation, the lands surrendered by them to the State, no provision was made to allow the said purchasers any credit for the amounts paid by them respectively, previous to the surrender of the same. And whereas, the said purchasers paid at the time of the sale, one-eighth part of the purchase money for said lands, and have paid since that time, an aggregate sum of $9,840 54, as appears from the Comptrollers Book—in consideration whereof,

Be it further enacted, That no interest shall accrue or be charged on the bonds of the original purchasers given for said surrendered lands, under the Act of 1846, until the respective periods when they shall become due.

Sec. X. And whereas, There are now remaining undisposed of thirty seven tracts of the said surrendered lands, valued by the Board of Valuation, under the Act of 1846, on which the original purchasers, their heirs, devisees, or assignees still reside. And whereas, The said original purchasers, their heirs, devisees or assignees, are still desirous of purchasing the said lands at the valuation placed upon them by the Board aforesaid. And whereas, The said original purchasers of the thirty-seven tracts aforesaid, paid to the State, at the time of purchase, one eighth part of the purchase money thereof, and have since paid on their bonds additional payments, being part of the aforesaid sum of $9,840 54—in consideration whereof,

Be it further enacted, That the said original purchasers of the aforesaid thirty-seven tracts of land, their heirs, devisees or assignees, shall have a pre-emption right for the term of three months from and after the time when this Act takes effect, to take the lands originally purchased by them as aforesaid, upon their paying to the Agent of the State one fourth part of the purchase money at the time of taking the same, and securing to the State the remaining three-fourths, in four equal annual instalments without interest.
Sec. XI. Be it further enacted, That the Governor of the State be, and he is hereby authorized and empowered, immediately after the ratification of this Act, to instruct the Agent of the State to suspend further collections on the Cherokee bonds in all cases embraced within the provisions of this Act, until after the valuation herein authorized shall be made, and the settlements herein provided for shall, or shall not have taken place.

Sec. XII. Be it further enacted. That as a full compensation for the performance by them of the duties herein required, the said Board shall be allowed the sum of three dollars each for every day they may be necessarily engaged in the discharge of the duties herein imposed, to be paid by the agent of the Cherokee lands out of any monies in his hands upon the affidavits of each of the members of the board, setting forth the number of days each may have so served, the receipts of the members of which shall be received by the Public Treasurer from the said Cherokee Agent as cash in any future settlement with him, and the said Agent shall be allowed such compensation for the services required of him by this Act, as the Governor, Treasurer and Comptroller, may allow on satisfactory proof made to them of the number of days which the said Agent may have served, or such other evidence of the amount of service performed by him under this Act.

Sec. XII. Be it further enacted, That the pre-emption right granted to first purchasers, their heirs, devisees or assignees by the eight Section of this Act, shall not extend to any assignee who may have become such since the surrender of the lands mentioned in the eight Section as aforesaid.
AN ACT

To amend an Act entitled "an Act to consolidate and amend the Acts heretofore passed on the subject of Common Schools."

[INTRODUCED BY MR. SHEPARD.]

Sec. 1. Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That so much of the sixth section of the Act, entitled "an Act to consolidate and amend the Act heretofore passed on the subject of Common Schools," as leaves it discretionary with a majority of the Justices present, in the Court of Pleas and Quarter Sessions of each and every County, to levy a tax for the support of Common Schools in said County be, and is hereby repealed; and hereafter it shall be the duty of said Justices to levy a tax in the same manner that other County taxes are now levied for other County purposes, which shall not be less than one third of the estimated amount to be received by said County for that year from the Literary Fund, which tax shall be collected and paid over in the manner mentioned in said sixth section; and the Comptroller of the Treas-
18 ury is hereby directed to issue a warrant to the Chair-
19 man of the Board of Superintendents of any County
20 for the share of the Literary Fund to which said
21 County may be entitled, unless said Chairman shall
22 certify to the Comptroller that the tax herein directed
23 to be levied has been collected by the Sheriff and paid
24 over to him as Chairman of the Board of Superinten-
25 dants.

Sec. II. Be it further enacted, That if the Board of
2 Superintendents for any County shall fail to perform
3 the duties prescribed by the 20th Section of the Act,
4 entitled "an Act to consolidate and amend the Act
5 heretofore passed on the subject of Common Schools,"
6 the Comptroller of the Treasury is hereby directed not
7 to issue a warrant for the share of the Literary Fund
8 to which said County may be entitled, until the re-
9 port, required by the 20th section of the aforesaid
10 Act, shall be made to the President and Directors of
11 the Literary Fund.

Sec. III. Be it further enacted, That the share of the
2 Literary Fund to which each County may be entitled,
3 under the provisions of the Act, entitled "an Act to
4 consolidate and amend the Acts heretofore passed on
5 the subject of Common Schools," shall be due and
6 payable on or before the first Monday in December in
7 each and every year, instead of October, as provided
9 in said Act.

Sec. IV. Be it further enacted, That the President
2 and Directors of the Literary Fund shall cause to be
3 printed, copies of all the Acts on the subject of Com-
4 mon Schools, which may be in force at the close of
5 this General Assembly, and shall distribute the same
6 in the several Counties in this State in the proportion
7 of fifty copies for every member in the House of Com-
8 mons, and shall forward the same to the Chairman in
Sec. V. Be it further enacted, That the Courts of Pleas and Quarter Sessions of the several Counties of this State, shall at the term next preceding the first day of January of each and every year, (a majority of the Justices of said Court being present,) appoint not less than five, nor more than ten superintendents of Common Schools, who shall hold their appointments from the succeeding first day of January for the term of one year, and until others are chosen.

Sec. VI. Be it further enacted, That the said superintendents shall assemble on the first Thursday in January, after their appointment, or as soon thereafter as convenient, and elect one of their number Chairman.

Sec. VII. Be it further enacted, That if the School Committee of any County shall fail or neglect to make the report required of them by the twelfth section of the Act entitled "an Act to consolidate and amend the Acts heretofore passed on the subject of Common Schools," said School Committee neglecting to report, shall not be entitled to draw for any money in the possession of the Chairman of the Board of Superintendents, belonging to said District.

Sec. VIII. Be it further enacted, That each Superintendent shall be entitled to one dollar for each and every day he may attend the meetings of the Board.

Sec. XIX. Be it further enacted, That the Chairman of the Board of Superintendents of Common Schools in the several Counties of the State, shall be allowed to retain as a compensation for his services, a sum
5 not exceeding five per centum out of all the monies
6 which shall pass through his hands.

Sec. X. Be it further enacted, That so much of the
2 Act entitled "an Act to consolidate and amend the
3 Acts heretofore passed on the subject of Common
4 Schools" as is inconsistent with the provisions of this
5 Act, be and the same are hereby repealed.

Sec. XI. Be it further enacted, That this Act shall be
2 in force from and after its ratification.
The Committee to whom was referred the communications of the Governor in relation to the Colonial and Revolutionary history of North Carolina, ask leave to report.

The Committee have ascertained from the documents before them and from other sources, that the records of the early history of North Carolina can only be procured in the Colonial office in England. From this fact it has arisen, that no historian who has hitherto undertaken to write the history of North Carolina, has ever had it in his power to present the truths of history in such a manner as to render justice to the State. Mr. Bancroft, our minister at London, says in the accompanying letter that he has examined with much care, the documents in relation to North Carolina, and that he found them of very great interest. No authority could be more satisfactory on such a subject than that of Mr. Bancroft, who has written the best history of the United States now extant. Mr. Bancroft further says in his letter that from $600 to $1000 would procure these valuable documents. The Committee believe that the present favorable opportunity of engaging the assistance of so able a man as our present minister in London, ought not to be permitted to escape. They have therefore instructed me to report the following resolution and to recommend its passage.

WILLIAM B. SHEPARD,
Chairman.
Resolved, That his Excellency the Governor be, and he is hereby authorised and empowered to procure from the public offices in London, such documents relating to the Colonial and Revolutionary history of North Carolina, as may be found worthy of preservation and being placed among the archives of the State, and that the Governor be, and is hereby authorised to draw upon the Treasurer of the State, from time to time, for such sums of money as may be necessary to discharge the duty hereby assigned him, provided the whole amount does not exceed six hundred dollars.
The Committee on the Judiciary to whom was referred a Bill to amend an Act passed at the Session of 1844-5 entitled an Act to amend the 7th section of the Revised Statues, entitled Guardian and Ward, have had the same under consideration and have instructed me to report said Bill back to the Senate and recommend the adoption of the accompanying Bill as a substitute therefor.

Respectfully submitted,

WILLIAM H. WASHINGTON,
A member of the Committee.
A BILL

To amend an Act passed at the Session of 1844-5, entitled an Act to amend the 7th Section of Revised Statutes entitled Guardian and Ward.

SECTION I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That when any Guardian appointed to any infant child or children in this State, shall remove him or herself, or shall remove or attempt to remove any property belonging to his or her ward or wards, with intent to reside or to place and keep said property, permanently beyond the limits of this State, the same shall be deemed and held to be as a breach of the bond or bonds which the said Guardian may have given, for the faithful performance of his and her duty, as such; and upon affidavit of the truth thereof, made by a surety to any such guardian bond, or other credible witness, before the Clerk of the Superior Court of Law of the County wherein such guardian may have been appointed, it shall be the duty of said Clerk forthwith to institute suit against such guardian and his sureties upon any or all of his or her bonds, for the recovery of the estate of the ward or wards in his or her hands,
23 which suit shall be prosecuted by the Attorney
24 General or Solicitor for the Judicial District
25 wherein such County is embraced.

Sec. 111. Be it further enacted, That at the
2 term of the Court to which such writ may be re-
3 turned, the said Court being satisfied of the truth
4 of the facts charged in the affidavit aforesaid,
5 shall and may remove said Guardian and appoint
6 another in his or her stead; and the Guardian
7 so appointed shall and may prosecute said suit
8 and recover, and reduce into his or her possession
9 all the estate of the ward or wards, in like man-
10 ner and to as full extent, as if the order of re-
11 moval and appointment had been made before
12 the commencement of said suit.

Sec. 111. Be it further enacted, That the Guar-
2 dian appointed as herein provided for, shall
3 enter into bond with sufficient sureties for the
4 proper discharge of all his duties, and shall have
5 all the powers and be subject to the same respon-
6 sibilities, as other Guardians, appointed in the
7 usual manner.
A BILL CONCERNING

THE WILMINGTON AND

RALEIGH RAIL ROAD COMPANY.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE
1848.
A BILL

Concerning the Wilmington and Raleigh Rail Road Company.

SECTION I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Wilmington and Raleigh Rail Road Company to make their bonds payable to the Public Treasurer of the State of North Carolina for the sum of two hundred and fifty thousand dollars, which bonds shall be signed by the President of said Company, under the seal of the same, and made payable for any sum or sums not less than one thousand dollars each, bearing interest at the rate of six per cent. per annum, which interest is to be paid semi-annually, to wit, on the first Monday in January, and the first Monday in July in each and every year, until the said bonds shall be paid. Fifty thousand dollars of which bonds shall be made payable on the first day of January, eighteen hundred and fifty-nine. Fifty thousand dollars shall be made payable on the first day of January, eighteen hundred and sixty. Fifty thousand dollars shall be made payable on the first day of January, eighteen hundred and sixty-one. Fifty thousand dollars shall be made payable on the first day of January, eighteen hundred and sixty-two. And the remaining fifty thousand dollars shall be made payable on the first day of January, eighteen hundred and sixty-three.
Sec. II. Be it further enacted, That the Public Treasurer of the State be, and he is hereby authorized and directed to endorse on said bonds, as follows, "Pay to — or order," and this endorsement shall pledge the State of North Carolina for the payment of the sum in each bond, which endorsement shall be signed by the Public Treasurer, in his official capacity and countersigned by the Comptroller. The Public Treasurer after endorsing the bonds as before mentioned, shall duly number and register them at large, in a book prepared for that purpose, and which book shall be safely kept in his office.

Sec. III. That the said bonds so to be made and endorsed shall be held by the Public Treasurer, and upon the surrender to him of any one or more of the bonds of said Company heretofore endorsed by the Public Treasurer of this State, in pursuance of the provisions of any Act of the General Assembly of this State, authorizing and directing the Public Treasurer of this State to endorse the bonds of said Company, he shall fill up the blank in the endorsements made by him as aforesaid, in a like amount of the bonds so endorsed with those so surrendered, enter the name or names of the person or persons, or company or corporation by whom or in whose behalf such surrender shall have been made, and shall forthwith deliver such bonds to the person or persons, or company or corporation with whose name or names such endorsements have been filled up.

Sec. IV. Be it further enacted, That for the redemption of the bonds hereby authorized to be made, and the payment semi-annually of the interests on the same, at the rate of six percent per annum, the faith and credit of the State is pledged to the holders of said bonds; and on failure of the President and Directors of said Company to pay the said principal and interest or any parts thereof, as it becomes due,
9 the Public Treasurer is authorized to pay the same 10 out of any money in the Treasury at the time.

Sec. V. _Be it further enacted_, That the said bonds 2 shall be transferable by the holders thereof, or by his, 3 her, or their attorney, in a book to be kept by the Pub- 4 lic Treasurer for that purpose; and in every such 5 transfer the outstanding bonds shall be surrendered to 6 and called in by the Public Treasurer, and a new 7 book issued for the same amounts to the person enti- 7 tled to the same.

Sec. VI. _Be it further enacted_, That whenever the 2 President and Directors of the Wilmington & Raleigh 3 Rail Road Company shall make, execute, and deliver 4 to the Governor of this State, for and in behalf of the 5 State, a deed of mortgage under the seal of said Com- 6 pany, wherein and whereby shall be conveyed to the 7 said Governor and his successors in office, for the use 8 and benefit of the State, all the estate real and per- 9 sonal belonging to the said Wilmington and Raleigh 10 Rail Road Company, or in any manner pertaining to 11 the same; excepting however the lot of land and 12 wharf situated in the City of Charleston in the State 13 of South Carolina, and the Steam Boats belonging to 14 said Company, with their tackle, apparel and furni- 15 ture, conditioned for indemnifying and saving harm- 16 less the State of North Carolina from the payment of 17 the whole or any part of the bonds hereby authorised 18 to be made and issued by the President and Directors 19 of the Wilmington and Raleigh Rail Road Company 20 and endorsed by the Public Treasurer, also shall make, 21 execute and deliver to the Governor and his successors 22 in office for the use and benefit of the State, a pledge 23 of so much of the profits of said Company, as shall be 24 sufficient to pay semi-annually the interest which may 25 accrue on said bonds, until the final payment and re- 26 demption of the principal of said bonds; which said 26 deed or deeds of mortgage and pledge shall be ap-
proved by the Governor and Attorney General of the State; then it shall be the duty of the Public Trustee, and he is hereby required to deliver the bonds which by this Act he is authorized and directed to endorse in the manner and to such amounts as is set forth in the foregoing Sections of this Act.

Sec. VII. Be it further enacted, That in case of failure 2 by the President and Directors of the said Wilmington 3 and Raleigh Rail Road Company to pay and discharge 4 semi-annually, the interest which may accrue on the 5 bonds hereby authorized to be made and executed, and 6 which may be delivered to the Company, it shall be 7 lawful for the Governor, for the time being, to apply, 8 in behalf of the State, to the Superior Court of Equity 9 for the county of Wake, for a sequestration of the receipts for transportation on said Road, and for the appointment of a receiver or receivers of said receipts, 12 which Court, on the proof of the failure by the President 13 and Directors of said Company to pay said interest, shall 14 have power to order such sequestration, and appoint a 15 receiver or receivers accordingly. And in case of such 16 sequestration, and the appointment of receiver or receivers of the profits for transportation on said road, it shall 18 be the duty of such receiver or receivers, to apply so 19 much thereof as shall be sufficient to pay the interest 20 on said bonds semi-annually, and to pay the excess to 21 the President and Directors of said Company.

Sec. VIII. Be it further enacted, That in case of the failure of the President and Directors of the Wilmington & Raleigh R. R. Company to pay the interest on the said 4 bonds, and redeem the principal thereof, as the said interest and principal, or any part thereof, may become due, then it shall be the duty of the Governor for the time being, to cause all the Mortgages made and executed by the President and Directors of the said Wilmington & Raleigh R. R. Company, to be foreclosed in the Superior Court of Equity for the County of Wake; which Court is hereby authorized and empowered to take jurisdiction of the same. And on the decree of foreclosure being made by said court, the whole estate, real and personal, shall be sold at such times, and in such ways as the Court may direct. And out of the proceeds of such sale or sales, shall be paid the whole amount of the principal and interest which may be due on said bonds, and all other liabilities whatsoever of the State for and on account of said company.
Sec. IX. Be it further enacted, That in case the Pres- 2 ident and Directors of said Company shall fail to ap- 3 ply the proceeds and incomes of said Road according 4 to the provisions of this Act, then, and in that case, it 5 shall be the duty of the Governor of the State, for the 6 time being, to compel their compliance according to 7 the manner prescribed in the foregoing sections of 8 this Act.

Sec. X. Be it further enacted, That the said Wilming- 2 ton and Raleigh Rail Road Company shall pay to the 3 Public Treasurer, the sum of two hundred dollars as 4 compensation for the services required of him, by the 5 provisions of this Act.

Whereas, The said Wilmington and Raleigh Rail Road 2 Company is desirous of improving the said Road by 3 relaying it with new and heavy iron, which will 4 greatly enhance the value of the stock held by the 5 State, as well as the individual stockholders, and, 6 whereas, to effect that object, it may be necessary for 7 said Company to contract a loan.

Be it therefore enacted by the General Assembly of the 2 State of North Carolina, and it is hereby enacted by 3 the authority of the same, That the said Wilmington 4 and Raleigh R. R. Company shall be, and are hereby 5 authorised to borrow a sum not exceeding $500,000, 6 for the purposes mentioned, and shall be authorized, 7 if found necessary, to mortgage the Road, and all the 8 property and effects belong to the said Company, for 9 the security of said loan; which mortgage, it is here- 10 by declared and enacted, shall be preferred to the 11 mortgage, and pledge to be executed under the pre- 12 vious provisions of this Act, and all such other mort- 13 gages and pledges as may have been heretofore exe- 14 cuted by said Company, to secure the State against 15 its loss by reason of her endorsement for said Compa 16 ny, and in case of default by said Company, the said 17 mortgage so to be executed shall be first satisfied.

And whereas, by the completion of the contemplated 2 Road from Wilmington to Manchester, in South Car- 3olina, the stock in the Wilmington and Raleigh Rail 4 Road Company will be greatly increased in value, and 5 whereas, the individual stockholders of the said Wil-
Wilmington and Raleigh Rail Road Company have subscribed to the capital stock of the said Wilmington and Manchester Rail Road Company, to a large amount from their individual funds, and therefore it is right that the State should also contribute to the construction of the said Wilmington and Manchester Rail Road; therefore, be it further enacted, that one half of the shares of stock now owned by the State in the Wilmington and Raleigh Rail Road Company, be transferred by the Public Treasurer to the President and Directors of the Wilmington and Raleigh Rail Road Company, to be by them disposed of, so as to be applied, or the proceeds thereof to be applied, as a subscription of stock to the said Wilmington and Manchester Rail Road Company, in behalf of the said Wilmington and Raleigh Rail Road Company: and the said Wilmington and Raleigh Rail Road Company is hereby authorized to make a subscription to the stock of the said Wilmington and Manchester Rail Road Company to an amount not exceeding three hundred thousand dollars, including the proceeds of the stock directed to be transferred by this Act. Provided, That the transfer of the stock of the State in the Wilmington & Raleigh Rail Road Company by this Act authorized, shall not be made until the Public Treasurer shall be satisfied that a subscription of stock in the said Wilmington and Manchester Rail Road Company, to the amount of at least four hundred thousand dollars shall have been otherwise made.

Be it further enacted, That this Act shall be in force from and after its ratification.
[SENATE DOCUMENT, NO. 10.]

A BILL

TO AUTHORIZE THE

BOARD OF INTERNAL IMPROVEMENT

to

DISPOSE

of the

CLUB FOOT AND HARLOW'S CREEK CANAL.

RALEIGH:

SEATON GALE, PRINTER FOR THE STATE.

1848.
The Committee on Internal Improvement to whom was referred a bill entitled "A bill to authorise the Board of Internal Improvement to make sale of the Clubfoot and Harlow's Creek Canal," and also a resolution in relation to the same subject, having had the same under consideration, respectfully

**REPORT:**

That it appears to your Committee, that the Clubfoot and Harlow's Creek Canal which is now the property of the State, is in a dilapidated condition, and almost impassable, by reason of obstructions in and over the same. That it is believed, if the said Canal was put in good repair, it would yield a fair income on the amount of outlay necessary to accomplish that object, while at the same time, it would be highly advantageous to the State in which it lies, by affording her a means or the transportation of produce to an object so desirable. two modes have been proposed.

To lease the said Canal on liberal terms, not exceeding twenty years; and secondly, to sell the same at public auction to the highest bidder, with the privileges of a corporation. For reasons looking to the future, your Committee are of opinion that it would be unwise in the Legislature at present, to divest the State of the title to their property by authorising a positive sale, if that can be avoided, and the Canal at the same time preserved. — Your Committee, therefore, would prefer that a proper effort should first be made by the Board of Internal Improvement, to lease for a term of years, the said Canal, by making the terms most liberal. But if that cannot be effected within a reasonable time, then the said Board, in its discretion, shall be authorised to sell the same at public auction.
To accomplish these purposes, your Committee have instructed the undersigned to report the accompanying Bill as a substitute for that referred, and for so much of the resolution as proposes the leasing of the said Canal—which Bill they recommend be passed into a law. They also recommend the adoption of the first of the two resolutions referred on the same subject, and the rejection of the second; the matter embraced in it being provided for in the bill herewith reported.

All which is respectfully submitted.

S. F. PATTERSON, Chairman.
To authorise the Board of Internal Improvement to dispose of the Clubfoot and Harlow's Creek Canal.

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Board of Internal Improvement be, and it is hereby authorised, in its discretion, to lease out for a term of years, not exceeding twenty, the Clubfoot and Harlow's Creek Canal, to any individual or association of individuals, who may be willing to lease the same, upon such terms and conditions, stipulated in writing, as to the said Board shall seem just and proper.

Sec II. Be it further enacted, That in case the said Board of Internal Improvement shall not, within six months from the passage of this Act, effect a lease of the Clubfoot and Harlow's Creek Canal as aforesaid, they may, if they deem the same expedient, offer the same at public auction, first giving not less than sixty days notice of the time, place and terms of sale, in such newspapers of the State or elsewhere, as they may think proper.
Sec. III. Be it further enacted. That in case a sale of the said Canal is effected by the Board of Internal Improvement, the purchaser or purchasers, (upon complying with the terms of said sale) are hereby declared to be a body corporate and politic, by the name and style of "The Clubfoot and Harlow's Creek Canal Company," and shall be invested with all the powers, privileges and immunities, and be liable to all the restrictions, liabilities, duties and penalties, prescribed by an Act of incorporation passed by the General Assembly of this State, in the year 1813, entitled "An act to incorporate a company to be called the Clubfoot and Harlow's Creek Canal Company," so far as the said Act may be made applicable to the purchaser or purchasers of the Canal aforesaid; provided, however, that in case of a sale or lease of the said Canal by the Board of Internal Improvement, the said Board shall establish such rates of toll for the transportation of passengers, produce and other articles on said Canal, as it may deem just and proper, which rates and no other shall be receivable by the purchaser or purchasers of said Canal.

Sec. IV. Be it further enacted, That in case a lease or sale of the said Clubfoot and Harlow's Creek Canal is effected according to the provisions of this Act, no tolls shall be fixed or established by the Board of Internal Improvement or received by the person or persons leasing or purchasing the same until the said Canal shall first be put in good condition, suitable for the transportation of persons, produce and other articles, to be judged of by the Board of Internal Improvement, nor shall the person or persons leasing or purchasing said Canal, obstruct the passage of boats or prohibit the transportation of any produce or other articles on said Canal, or receive any toll or remuneration for the use of the same, until authorized so to do by the Board of Internal Improvement.
Sec. V. *Be it further enacted,* That if the individual 2 or company leasing or purchasing the said Canal as 3 herein provided for, shall at any time after the period 4 fixed by the Board of Internal Improvement for the 5 receipt of tolls thereon, permit the same to be out of 6 repair so that boats cannot pass with facility and safe- 7 ty for the space of twenty days at any one time, they 8 shall not charge or receive any toll during the said 9 period, and shall moreover be liable for any damage 10 which any person may sustain by detention or other 11 causes in consequence of the said Canal being out of 12 repair, to be recovered by suit in either the County or 13 Superior Courts of the County in which such detention 14 or damage may happen.
RESOLUTIONS.

Resolved, That the Governor be requested to cause a conveyance to be made by the Clerk and Master in Equity, for Wake County, to "the President and Directors of the Board of Internal Improvements," for the use of the State, of all the property, appendant to the "Clubfoot and Harlow's Creek Canal," which was purchased in, by the Public Treasurer, under the instructions of the Governor, at a sale made, by virtue of a decree of the Court of Equity, at the instance of the State.

Resolved further. That after such conveyance shall have been made and registered, the said "Board of Internal Improvements," may lease the said canal, for a term of years not exceeding twenty, upon such terms and conditions stipulated in writing, as to them shall seem just and proper. And that they may also adopt any measures which they may think necessary for the preservation of said canal, and to prevent any injury or obstruction of the same.
The Committee to whom was referred the communications of the Governor in relation to the Colonial and Revolutionary history of North Carolina, ask leave to report.

The Committee have ascertained from the documents before them and from other sources, that the records of the early history of North Carolina can only be procured in the Colonial office in England. From this fact it has arisen, that no historian who has hitherto undertaken to write the history of North Carolina, has ever had it in his power to present the truths of history in such a manner as to render justice to the State. Mr. Bancroft, our minister at London, says in the accompanying letter that he has examined with much care, the documents in relation to North Carolina, and that he found them of very great interest. No authority could be more satisfactory on such a subject than that of Mr. Bancroft, who has written the best history of the United States now extant. Mr. Bancroft further says in his letter that from $600 to $1000 would procure these valuable documents.

The Committee believe that the present favorable opportunity of engaging the assistance of so able a man as our present minister in London, ought not to be permitted to escape. They have therefore instructed me to report the following resolution and to recommend its passage.

WILLIAM B. SHEPARD,
Chairman.
Resolved, That His Excellency the Governor be, and he is hereby authorised and empowered to procure from the public offices in London, such documents relating to the Colonial and Revolutionary history of North Carolina, as may be found worthy of preservation and being placed among the archives of the State, and that the Governor be, and he is hereby authorised to draw upon the Treasurer of the State, from time to time, for such sums of money as may be necessary to discharge the duty hereby assigned him, provided the whole amount does not exceed six hundred dollars.
My Dear Sir:

I hold it of good augury, that your letter of the 12th of June reached me by the Herman, just in time to be answered this morning.

You may be sure that I have spared no pains to discover in the British State Paper Office a copy of the Resolves of the Committee of Mecklenburg; and with entire success. A glance at the Map will show you that, in those days, the traffic of that part of North Carolina took a southerly direction, and people in Charleston, and sometimes even in Savannah, knew what was going on in "Charlotte Town," before Governor Martin. The first account of "the extraordinary Resolves by the people in Charlotte Town, Mecklenburg County," was sent over to England, by Sir James Wright, then Governor of Georgia, in a letter of the 20th of June, 1775. The newspaper thus transmitted is still preserved, and is the number 498 of the S. Carolina Gazette and County Journal, Tuesday June 13, 1775. I read the Resolves you may be sure, with reverence, and immediately obtained a copy of them; thinking myself the sole discoverer. I do not send you the copy, as it is identically the same with the paper which you enclosed to me; but I forward to you a transcript of the entire letter of Sir James Wright. The newspaper seems to have reached him after he had finished his despatch, for the paragraph relating to it is added in his own hand-writing, the former part of the letter being written by a Secretary or Clerk.

I have read a great many papers relating to the Regulators; and am having copies made of a large number. Your own State ought to have them all, and the expense would be for the State insignificant, if it does not send an Agent on purpose. A few hundred dollars would copy all you need from the State Paper Office on all
North Carolina topics. The Regulators are, on many accounts, important. Their complaints were well founded, and were so acknowledged, though their oppressors were only nominally punished. They form the connecting link between resistance to the Stamp Act, and the movement of 1775; and they also played a glorious part in taking possession of the Mississippi valley, towards which they were carried irresistibly by their love of independence. It is a mistake, if any have supposed, that the Regulators were cowed down by their defeat at the Allemance. Like the mammoth, they shook the bolt from their brow and crossed the mountains.

I shall always be glad to hear from you, and to be of use to you or your State.

Very truly yours,

GEORGE BANCROFT.

D. L. SWAIN, Esq.,
Chapel Hill, North Carolina.
Gov. Wright, to the Secretary of State,

20 June, 1775.

S. P. O. Georgia, Vol. 218.

NO. 51.

Sav. in Georgia, the 20 June 1775.

My Lord,

The Liberty People have now got another pretense for raising men. They assert that Mr. Stuart, the Superintendant, has been endeavoring to raise the Cherokee Indians to come down against them; this they alledge they have got undoubted proof of, and all he can say will not convince them to the contrary; his friends in Charles Town gave him a hint, and he left that and came here, but they sent some of their party here, who have so inflamed and enraged our people that he did not think himself safe, and His Majestys arm'd schooner, St. John, having put in from Providence, he went on board her and I suppose by this time is sail'd for St. Augustine. And several boats full of men from the Carolina side have been down at our inlet some days. The accounts differ as to No.; some call them 50, others 80, all well and completely arm'd. Some alledge their intention was to seize on Mr. Stuart, which very probably was part of their errand; but I believe they have another point in view, and that is, 3 vessels being expected here
from London, and a considerable quantity of gunpowder being on board for the Indian Trade, they intend to seize on that and carry it to Carolina; and this is certainly in their power to do, and it is not possible to prevent it if attempted. And one of these vessels arrived here on Saturday the 18th instant, and the Capt., one Ashe, informs me that several boats lay off a little way from him, and that one with 3 or 4 men came on board and one of them inquired whether he had any Gun Powder on board, and on shewing his cockets and their finding he had none, they behaved very civilly, and went away but made great inquiry after another Ship, one Maitland, who has a large quantity of Gun Powder on board, and it is said they intend to watch our Inlet 'till the others come and to take out all the Gun Powder. And if that is the case, I am much afraid it will embarrass us with the Indians, for they have for some time been very impatient for their usual supplys, and in order to pacify them, I have told them that the difference we had with them last year prevented the merchants from sending for goods; that none was wrote for 'till after our disputes were settled in October last, and that it takes a great while for ships to carry letters and orders from hence to England, and that then the goods would be to make (I told them this to gain time,) and afterwards be sent here, and that sometimes ships have very long passages, and we could not depend on a supply 'till late in the summer; and with this they were tolerably well satisfied, but if they are now disappointed, they will conclude we have some design against them, and I can't tell what may be the consequence, for they are a very jealous, suspicious people, and as they have been told by the Chickasaw Indians that the white people are going to join the Choctaws against them, it may confirm that report. And thus your Lordship sees the state we are in, in every respect, and no King's Sloop or cruiser heard of yet.

* By the enclosed paper, your Lordship will see the extraordinary Resolves of the People in Charlotte Town in
Mecklenburg County; and I should not be surprised if the same should be done everywhere else.

I have the honor to be with perfect esteem,

My Lord, your Lordships' most ob'd and obedient servant

JAS. WRIGHT.

The Earl of Dartmouth, &c. &c.

* This last paragraph is in Wright's own handwriting and the former part of the letter being written by a secretary or clerk.
Salem, Mass. April 16th 1847.

My Dear Sir:

I saw the original letter of Gov. Martin to Lord Dartmouth, dated, "North Carolina, Fort Johnson, 30th June, 1775," but I copied no more than one paragraph, this being all that related to the Mecklenburg Resolves. I am inclined to think that I sent the whole paragraph to you, but as there may possibly have been an omission, I now transcribe the whole.

"The Resolves of the Committee of Mecklenburg, which your Lordship will find in the enclosed newspaper, supersede all the horrid and treasonable publications, that the inflammatory spirits of this continent have yet produced; and your Lordship may depend, its authors and abettors will not escape my notice whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of government. A copy of these Resolves I am informed was sent off by express to Congress at Philadelphia, as soon as they were passed in the Committee."

I am, Sir respectfully and truly yours.

JARED SPARKS.

President Swain,

University of North Carolina.
A BILL
AMENDATORY
AND
SUPPLEMENTAL
TO
AN ACT
PASSED AT THE LAST SESSION
OF THE
GENERAL ASSEMBLY
ENTITLED,
"AN ACT TO PROVIDE SUITABLE BUILDINGS FOR THE COMFORTABLE ACCOMMODATION OF THE DEAF MUTES AND BLIND PERSONS OF THIS STATE."

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1848.
The Committee to whom was referred the Resolution instructing them "to visit the Deaf and Dumb Institution, and report the situation and progress of its Buildings," have performed that duty, and beg leave to

REPORT:

That they have visited and fully examined the Buildings, and find that they have been constructed according to the original plan recommended by the Joint Select Committee of the last session, and adopted by the General Assembly; and that the cost of said buildings will be fifteen thousand dollars, which was the sum specified by said Committee as being the estimated cost of the Buildings.

The Buildings have been erected on Caswell Square, under the direction of the President and Directors of the Literary Board, by a contract with Dabney Cosby and sons. The main Building is fifty-four feet by thirty-six. It has two wings, each twenty-two feet by thirty-eight, extending at right angles from the main Edifice, and projecting from each extremity of it by the width of each wing. In elevation, it embraces four stories, including the basement, and the wings three.

In the Basement are the Dining-room, Store-rooms, Kitchen and Work-shops. In the First Story above the Basement, are the Library and Cabinet, Reception-room, Parlor, Sitting-rooms for the Pupils, Pupils' Work-rooms, and rooms for the Pupils' Clothing. In the Second Story
are two rooms for the family apartments of the Principal, Matron's room, Office of Principal, Pupils' Dormitories, and a spare room for Company. In the Third Story are the Teachers' Bed-rooms, and two rooms for Hospitals, in case of sickness.

The chief merit of the Building consists in its preserving the two departments of Males and Females, as far as it relates to the accommodations, amusements and pursuits of the Pupils out of School, so independent in every particular, as to constitute of them two separate and distinct communities; while the Dining Room, in which both assemble with the Teachers and family of the Principal, is conveniently accessible to all.

Each department has its separate areas in the rear, its separate pleasure grounds, and its separate communication with the School House, so that, for the ordinary purposes of life, there is no occasion to pass from one to the other.

The School House, which is separate from the main Building, has not yet been commenced, but the Bricks and most of the other materials to be used in its construction are on the ground. This has been delayed, in order to complete the other building, that it may be occupied immediately; the house at present occupied by the Institution having been sold.

The School House is included in the contract for $15,000. The main Edifice is nearly completed, and will probably be ready to be occupied in the course of a week.

By reference to the report of the Joint Select Committee of the last Session of the Assembly and the Bill accompanying it, which was passed with but one dissenting voice in each house, it will be seen that the Committee reported that the Buildings would cost fifteen thousand dollars. The first section of the Bill has the following proviso, to wit: "Provided, that the whole cost of said buildings shall not exceed the sum of ten thousand
dollars." This apparent discrepancy will be explained by what follows.

When the Institution was established, the sum of five thousand dollars was annually appropriated out of the proceeds of the Literary Fund, for the support of the School. The Principal has never received a fixed salary, but is paid only for the pupils actually instructed, by which arrangement, the expense of the establishment to the State has been much less than that of any similar Institution in the Country. This, the Committee believe, is the only Institution of the kind, where the Principal does not receive a fixed salary: and owing to this arrangement, a large amount of the annual appropriation has been saved, which will, at the end of the present fiscal year, be at least ten thousand dollars.

The Joint Select Committee of the last session proposed to raise the sum necessary to erect the buildings, to wit, $15,000, by applying the unexpended balance of the annual appropriation of five thousand dollars, heretofore made from the Literary Fund for the support of the School, then on hand, which it was thought would reach the sum of five or six thousand dollars; and making an additional appropriation of ten thousand dollars from the Literary Fund. The Bill was drawn accordingly, limiting the whole cost of the buildings to the sum of fifteen thousand, in the proviso to the first section; and providing in the third section for the application of the unexpended balance of the annual appropriation, and for an additional appropriation of ten thousand dollars from the Literary Fund.

Before the Bill was introduced, a calculation was made by the Principal to ascertain what would be the balance saved at the close of the succeeding fiscal year, which it was found would in all probability amount to ten thousand dollars, and at his suggestion, in conference with the Committee, the sum of "fifteen thousand dollars"
was struck out of the proviso, to the first section and the sum of "ten thousand dollars" inserted in lieu thereof; and in the third section, "ten thousand dollars" was struck out, and "five thousand dollars" inserted; and in order to make up for the deficiency of five thousand dollars, it was provided that not only "any unexpended balance of the annual appropriation which might be on hand at the last fiscal year, but also so much thereof as might remain at the end of the present fiscal year," whatever might be the amount of such unexpended balance, might be applied by the Board.

When the Bill came before the President and Directors of the Literary Board, and they saw the proviso in the first section, they considered that they were limited to the sum of ten thousand dollars, and as the Legislature had adopted a plan that could not be carried out for a less sum than fifteen thousand dollars, the failure of the whole work seemed inevitable.

In this dilemma, the Principal of the Institution after consulting with as many members of the Joint Committee who reported the bill, as it was in his power to do, and finding that fifteen thousand dollars was the amount intended to be appropriated, gave his individual bond, with surety, to the contractors for five thousand dollars, so that they might be able to make a bid for ten thousand dollars for the buildings.

As a report has been in circulation, that a benevolent Lady of this City had agreed to give five thousand dollars, to make up this deficiency, the Committee think it important to state, that there is no truth in this report, but that a certified copy of the bond was placed in the hands of the Committee, and it is so drawn, that the security to the note cannot be called upon for the payment of it, until the holder fails to make it out of the principal. The Committee would farther state, that the bond is not payable until the buildings are completed, and received by the President and Directors of the Literary Board.
In consideration of the above circumstances, the Committee recommend, that to meet this deficiency of five thousand dollars, and relieve the Principal of the Institution from the responsibility he has assumed, the Literary Board be authorised and directed to apply for this purpose so much of the unexpended balance of the annual appropriation which may remain on hand, at the expiration of the present and the next fiscal years, as may be necessary for that purpose.

The Committee take pleasure in stating that the buildings will be completed for the amount specified in the report of the Joint Select Committee of the last Session of the General Assembly, and that no farther appropriation will be asked for, for that purpose.

In order however that the buildings may be occupied, it is necessary that they should be furnished, and a few out buildings erected; such as a Smoke House, Stable, Wash-House and Servant's rooms, &c., and also that the grounds should be enclosed. It is difficult to make perfectly correct calculations of the amount necessary for this purpose, but from estimates made by the Principal of the Institution, the Committee believe it will require the sum of twenty-five hundred dollars; and they recommend that the Literary Board be authorised and directed to apply for said purpose the sum of Two thousand five-hundred dollars from the Literary Fund, or so much thereof as may be necessary.

The views of the Committee are embodied in the accompanying Bill which they beg leave to report, and recommend that it do pass.

WILLIAM H. WASHINGTON,
Chairman.
A BILL

Amendatory and supplemental to an Act passed at the last Session of the General Assembly, entitled an Act to provide suitable buildings for the comfortable accommodation of Deaf Mutes, and blind persons, of this State.

Whereas the General Assembly, by an Act passed at its last Session, entitled, "an Act to provide suitable buildings for the comfortable accommodation of deaf mutes, and blind persons in this State," did adopt a plan for said Buildings, for the carrying out of which, it was estimated and ascertained that the sum of fifteen thousand dollars would be required, and

Whereas, though by said Act a sufficient amount of money was placed at the disposal of the President and Directors of the Literary Board, for the erection of said buildings upon the plan proposed and adopted; yet by an amendment to the first Section of said Act the whole cost of said Buildings was limited to Five thousand dollars; by reason whereof, it became necessary to the prosecution of the said work, according to the plan adopted, that the Principal of the Institu-
Section I. Be it enacted by the General Assembly of 2 the State of North Carolina and it is hereby enacted 3 by the authority of the same, That for the purpose of 4 carrying out the object and intention of the Act of As- 5 sembly passed at the last Session, and of relieving the 6 Principal of the Institution from the personal liability 7 assumed by him as aforesaid, on account of said build- 8 ings, the President and Directors of the Literary 9 Board, be and they hereby are authorized, empowered 10 and directed to apply for the satisfaction and discharge 11 of the bond of said Principal given as aforesaid, the 12 sum of five thousand dollars out of any unexpended 13 balance, of the annual appropriation made at the 14 Session of the General Assembly of 1844-5, for the 15 maintenance and education of deaf mutes and blind 16 persons of the State, as may remain on hand at the 17 expiration of the present and next fiscal years.

Sec. II. Be it further enacted, That the President and 2 Directors of the Literary Board be, and they hereby 3 are authorized, empowered and directed to cause the 4 Buildings for the Institution of the Deaf and Dumb 5 to be properly furnished; and suitable out buildings 6 to be erected, and the grounds around the said Build- 7 ings to be enclosed, and also to cause such other im- 8 provements to be made thereon as they may deem ne- 9 cessary and proper for the accommodation of the pu- 10 pupils of the Institution. Provided, however, that the 11 whole cost of said furniture and improvements, shall 12 not exceed the sum of two thousand five hundred 13 dollars.

Sec. III. Be it further enacted, That the President 2 and Directors of the Literary Board be, and they
hereby are authorised, empowered and directed to apply for the purposes of furnishing said buildings, erecting suitable outbuildings, and enclosing the grounds as aforesaid, the sum of two thousand five hundred dollars from the Literary Fund.

Sec. IV. Be it further enacted, That this Act shall take effect and be in force from and after its ratification.
[SENATE DOCUMENT, NO. 13.]

A BILL

To provide for the better keeping of the State Capitol, the preservation of the enclosure of the Capitol Square, and the improvement of the grounds thereof.

SEC. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Governor be, and he is hereby authorized and required to appoint the keeper of the Capitol; and the person so appointed should be a man of steady habits, intelligence and taste; who shall hold his office during good behaviour, and give bond and security to be approved by the Governor, in the sum of one thousand dollars, payable to the State of North Carolina, for the faithful discharge of the duties thereof. And said officer shall be under the supervision and direction of the Governor; who shall remove him from office for neglect or inattention to the duties thereof, and appoint another person in his stead. It shall be the duty of the Keeper of the Capitol, to take care of the Capitol generally, and protect it and the public property therein, as far as he can, from injury: and he shall have specially in his charge
19 all parts of the building, except the Executive offices.
20 the Supreme Court Rooms, the Public Library Room.
21 the Adjutant General's room and the Clerks' offices of
22 of the two Houses of the General Assembly. And it
23 shall be his duty to keep all the apartments and en-
24 tries hereby committed to his special charge, and the
25 furniture thereof, clean and neat. And he shall open
26 the Legislative Halls, during the recess of the Gene-
27 ral Assembly to all visitors, during reasonable office
28 hours; which office hours the Governor shall deter-
29 mine, for his attendance for that purpose. He shall
30 also have in charge the State Arsenal and the public
31 property therein, the Capitol square, the enclosure
32 around it, the lamps at the gates, and the State Bell.
33 And it shall be his duty, under the direction of the
34 Governor, at the public expense, to have the Capitol
35 Square plowed, manured, and neatly laid out into
36 avenues, side-walks, borders, and grass plants, and
37 and have the said grass plants sowed with blue grass
38 and white clover, and the borders planted with orna-
39 mental shrubbery and flowers, as the said shrubbery
40 and flowers shall be presented, free of charge, for that
41 purpose, by the Ladies of Raleigh, and he shall keep
42 the grounds neatly dressed and improved. And the
43 expense of said improvements shall be carefully as-
44 certained by the Governor, and paid for at the Public
45 Treasury upon his warrant. And the keeper of the
46 Capitol shall, besides fire-wood and lights for his of-
47 fice room in the Capitol, be allowed and paid at the
48 Public Treasury, upon the warrant of the Governor,
49 the sum of four hundred dollars per annum, in quar-
50 terly payments, as compensation in full for all his
51 services.

Sec. II. Be it further enacted, That it shall not be
2 lawful, under the penalty of ten dollars for each and
3 every offence, for any person to ride on horse back, or
4 drive any cart, waggon, or loose horse, mule, hog or
any other animal through the Capitol Square; nor to tie or fasten any horse, mule, ox or any other animal to the enclosure thereof, either inside or outside; nor after the grounds shall have been improved as aforesaid, shall it be lawful during the recess of the General Assembly, for any person passing into or out of the square, to leave the gate open for the ingress of destructive animals, nor shall any person walk over and trample down the grass plats, or borders: but all orderly white people may freely promenade the grounds during the day until 10 o'clock at night, but only in the avenues thereof. Nor shall any person pull the flowers or break the shrubbery, nor pull up or take away from the square, any of the flower roots, or shrubbery or trees, nor shall fire wood, for the use of the Capitol be carelessly hauled and dropped about the grounds and there cut up, as heretofore; but it shall be previously cut up for the fire places and carefully hauled through the avenues and neatly piled in the angles of the Capitol, made by the projection of the porticos. And if any person shall violate any of the prohibitions of this section, or shall break or injure any part of the iron enclosure around the square, or one of its gates or lamps, such person, shall upon conviction before any Justice of the Peace of the County of Wake, be fined ten dollars, besides the costs of suit, for each and every offence, and if it shall appear upon the trial, that ten dollars will not repair the damage done, said Justice shall besides the ten dollars penalty aforesaid, add thereto a sum sufficient to repair the same, and if the fine and costs be not then and there paid down, said Justice shall commit the offender to jail until the same have been paid. And it shall be the duty of the keeper of the Capitol to prosecute for all such penalties by warrant, in the name of the State before any of the Justices's aforesaid. And all the monies so collected shall be paid into the
Public Treasury, as a fund towards making repairs and improvements upon the Capitol Square.

Sec. III. Be it further enacted, That the Executive officers, Clerks, Librarian, Adjutant General, and Door Keepers of the two Houses of the General Assembly, shall cause the ashes from the fires in their respective rooms to be preserved and placed in such depository as the Keeper of the Capitol shall designate: which ashes he shall cause to be spread upon the Capitol grounds, as the same shall be needed. And during the recess of the General Assembly, the officers in charge thereof, shall carefully extinguish the fires and lights and close their office apartments at ten o'clock or before at night, unless an extraordinary occasion shall render it necessary for any one of them to remain until a later hour. This provision, however, shall not apply to the keeper of the Capitol who may sleep in his office apartment.

Sec. IV. Be it further enacted, That this Act shall be in force from and after the ratification thereof; and any thing in any former law which conflicts with any of the provisions of this Act shall be, and the same is hereby repealed.
A BILL TO INCORPORATE THE NORTH CAROLINA RAIL ROAD COMPANY.
A BILL

To incorporate the North Carolina Rail Road Company.

Section I. Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That for the purpose of effecting a Rail Road communication between the Wilmington and Raleigh Rail Road, where the same passes over the Neuse River in the County of Wayne, and the Town of Charlotte in this State, the formation of a corporate Company, with a capital stock of three million of dollars is hereby authorized; to be called “The North Carolina Rail Road Company,” and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity.

Sec. II. That the said Company be, and the same is hereby authorized to construct a Rail Road from the Wilmington and Raleigh Rail Road, where the same passes over Neuse River in the County of Wayne via Raleigh, and thence by the most practicable route via Salisbury, in the County of Rowan, to the town of Charlotte, in the County of Mecklenburg.
Sec. III. That for the purpose of creating the capital stock of said Company, the following persons be, and the same are hereby appointed Commissioners:

That it shall be lawful to open books in the town of Wilmington, under the direction of William C. Betts, W. A. Wright, Daniel B. Baker, Henry T. Nutt, P. K. Dickinson, Gilbert Potter and William Peden, or any three of them. At Charlotte, under the direction of David Parks, John A. Young, James W. Osborne, Joseph H. Wilson, Wm. Elms, and William F. Davidson, or any three of them. At Raleigh under the direction of Josiah O. Watson, Duncan K. McRae, Wm. W. Holden, T. J. Lemay and Charles L. Hinton, or any three of them. At Gaston, under the direction of Edmund Wilkins, Willis Sledge, Benjamin W. Edwards and James Grisham, or any three of them. At Warrenton, under the direction of William Eaton, Daniel Turner, Peter R. Davis, William Plummer and Thomas T. Twitty, or any three of them. At Ridgeway, under the direction of George E. Baskerville, Weldon N. Edwards, Michael Collins and Alexander B. Hawkins, or any three of them. At Henderson, under the direction of John S. Eaton, John D. Hawkins, William Wandriers, Demetrius E. Young, or any three of them. At Franklinton, under the direction of Edward T. Foukls, William H. Simons, or any three of them. At Hillsborough, under the direction of D. F. Long, John Berry, Edmund Strudwick and Col. Cadwallader Jones, or any three of them. At Chapel Hill, under the direction of Elisha Mitchell, William H. Merritt, Jesse Hargrave and P. H. McDade, or any three of them. At Asheboro, under the direction of Henry B. Elliot, Alexander Hujan, Jesse Harper and Jonathan Worth, or any three of them. At Greensborough, under the direction of John M. Morehead, John A. Gilmer, Wilson S. Hill, John A. Mcbae and Jesse Lind.
say or any three of them. At Jamestown, under the direction of Richard Menedenhall, Andrew Lindsey, or any three of them. At Haywood, under the direction of Spencer W. Mc- Cenahan, Robert Fawcett, P. Evans and John Williams, or any three of them. At Pittsborough, under the direction of J. A. Stedman, Joseph Ramsay, Green Womack, and or any three of them. At Carthage, under the direction of A. Currie, Jno. M. Morrison, Cornelius Dowd and J. D. McNeil or any three of them. At Lexington, under the direction of William P. Holt, Jno. M. Leach, Charles L. Paine, or any three of them. At Smithfield under the direction of John McLeod, Col. Morning, Bythan Brian, or any three of them. At Salisbury, under the direction of Archibald H. Caldwell, Chas. F. Fisher, Horace L. Robards, Maxwell Chambers and Thomas L. Cowan, or any three of them. At Statesville, under the direction of Theophilus Falls, William F. Cowan, Thomas A. Allison, or any three of them. At Concord, under the direction of Rufus Barringer, Kiah P. Harris, Daniel Coleman, R. W. Foard and or any three of them. At Mocksville, under the direction of John A. Lillington, Gustavus A. Miller, Archibald G. Carter and or any three of them. At Salem, under the direction of or any three of them, whose duty it shall be to direct the opening of books for subscription of Stock, at such times and places and under the direction of such persons as they or a majority of them may deem proper. And said Commissioners shall have power to appoint a chairman of their body, Treasurer and all other Officers, and to sue for and recover all sums of money that ought, under this Act, to be received by them.

Sec. IV. That all persons who may hereafter be authorized to open Books for the subscription of Stock
by the Commissioners herein appointed for that purpose, shall open said Books at any time after the ratification of this Act, twenty days previous notice being given, in some one or more of the public newspapers in this State: and that said Books when opened shall be kept open for the space of thirty days at least, and as long thereafter as the Commissioners first above named shall direct: That all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying at the time of making such subscription five dollars on each share thus subscribed, to the person or persons authorized to receive such subscription, and in case of failure to pay said sum, all such subscriptions shall be void and of no effect; and upon closing the Books, all such sums as shall have been thus received of subscribers on the first cash installment, shall be paid over to the General Commissioners named in the 3rd section of this Act, by the persons receiving them, and for failure thereof, such person or persons shall be personally liable to said General Commissioners, before the organization of said Company, and to the Company itself, after its organization, to be recovered in the Superior Court of Law within this State, in the County where such delinquent resides, or if he reside in another State, then in any Court in such State having competent jurisdiction: That said General Commissioners shall have power to call on, and require all persons empowered to receive subscriptions of stock, at any time, and from time to time, as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money made by the subscribers: That all persons receiving subscriptions of stock, shall pass a receipt to the subscriber or subscribers for the payment of the first installment, as heretofore required to be paid, and upon their settlement with the General Commissioners, as aforesaid, it shall be the duty of the said General Commissioners, in like manner, to pass their receipt for all
Sums thus received to the persons from whom received, and such receipts shall be taken and held to be good and sufficient vouchers to the persons holding them: That subscriptions of stock shall be thus received to an amount not exceeding

Sec. V. It shall be the duty of said General Commissioners to direct and authorize the keeping open of Books for the subscription of stock in the manner above described, until the sum of one million of dollars shall have been subscribed to the capital stock of said Company. And as soon as the said sum of one million of dollars shall have been subscribed, and the first instalment of five dollars per share on said sum shall have been received by the General Commissioners, said Company shall be regarded as formed; and the said Commissioners or a majority of them, shall sign and seal a duplicate declaration to that effect, with the names of all the subscribers appended, and cause one of the said duplicates to be deposited in the Office of the Secretary of State; and thenceforth, from the closing of the Books of subscription as aforesaid, the said subscribers to the stock, shall form one Body Politic and Corporate in deed and in Law, for the purposes aforesaid, by the name and style of “The North Carolina Rail Road Company.”

Sec. VI. That whenever the sum of one million of dollars shall be subscribed for in manner and form aforesaid, the subscribers, their executors, administrators and assigns, shall be, and they are hereby declared to be incorporated into a Company, by the name and style of “The North Carolina Rail Road Company,” and by that name, shall be capable in Law and Equity, of purchasing, holding, selling, leasing, and conveying estates, real, personal and mixed, and acquiring the same by gift or devise, so far as shall be
necessary for the purposes embraced within the scope
object and interest of their Charter, and no further;
and shall have perpetual succession and by their cor-
porate name may sue and be sued, plead and be im-
plicated, in any Court of Law and Equity in the State
of North Carolina, and may have and use a common
seal, which they may alter and renew at pleasure;
and shall have and enjoy all other rights and immu-
nities which other corporate bodies may, and of right
do exercise, and may make all such bye-laws, rules
and regulations as are necessary for the government
of the corporation, or effecting the object for which it
is created, not inconsistent with the Constitution and
Laws of the United States and of the State of North
Carolina.

Sec. VII. That notice of process upon the principal
Agent of said Company, or the President or any of the
Directors thereof, shall be deemed and taken to be
due and lawful notice of service of process upon the
Company, so as to bring it before any Court within
the State of North Carolina.

Sec. VIII. That as soon as the sum of one million of
dollars shall have been subscribed in manner afores-
said, it shall be the duty of the General Commissio-
ners, appointed under the 3d section of this Act, to ap-
point a time for the stockholders to meet at Salisbu-
ry, in Rowan County, which they shall cause to be
previously published, for the space of thirty days, in
one or more newspapers, as they may deem proper, at
which time and place the said stockholders, in person
or proxy, shall proceed to elect the Directors of the
Company, and enact all such regulations and bye-
laws as may be necessary for the Government of the
Corporation and the transaction of its business: The
persons elected Directors at this meeting, shall serve
such period, not exceeding one year, as the stockhol-
ders may direct: and at this meeting, the stockholders.
17 shall fix on the day and place or places where the
18 subsequent election of Directors shall be held; and
19 such elections shall henceforth be annually made;
20 but if the day of the annual election should pass with-
21 out any election of Directors, the Corporation shall
22 not be thereby dissolved, but it shall be lawful on any
23 other day to hold and make such election in such
24 manner as may be prescribed by a bye-law of the
25 Corporation.

Sec. IX. That the affairs of said Company shall be
2 managed and directed by a General Board, to consist
4 of twelve Directors, to be elected by the stockholders
4 from among their number at their first and subsequent
5 general annual meetings, as prescribed in section 8th,
6 of this Act.

Sec. X. That the election of Directors shall be by
2 ballot, each stockholder having as many votes as he
3 has shares in the stock of said Company; and the
4 person having a majority of all the votes polled shall
5 be considered as duly elected.

Sec. XI. That the President of the Company shall be
2 elected by the Directors from among their number, in
3 such manner as the regulations of the Company shall
4 prescribe.

Sec. XII. That at the first general meeting of the
2 stockholders, directed to be called under section 8th of
3 this Act, a majority of all the shares subscribed shall
4 be represented before proceeding to business, and if a
5 sufficient number do not appear on the day appointed,
6 those who do attend shall have power to adjourn
7 from time to time until a regular meeting shall be
8 thus formed; and at said meeting the stockholders
9 may provide, by a bye-law, as to the number of stock-
10 holders and the amount of stock to be held by them,
11 which shall constitute a quorum for transacting busi-
Sec. XIII. That at all elections, and upon all votes taken in any General Meeting of the Stockholders upon any bye-law or any of the affairs of said Company, each share of stock shall be entitled to one vote, and that any stockholder in said Company may vote by proxy; and proxies may be verified in such manner as the stockholders by bye-laws may prescribe.

Sec. XIV. That the General Commissioners shall make their return of the shares of stock subscribed for at the first General Meeting of stockholders, and pay over to the Directors elected at said meeting, or their authorized agent, all sums of money received from subscribers, and for failure therefore, shall be personally liable to said Company to be recovered at the suit of said Company, in any of the Superior Courts of Law in this State, within the County where such delinquent or delinquents may reside, and in like manner from said delinquent's or delinquents' executors or administrators, in case of his or their death.

Sec. XV. That the Board of Directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the President, may fill his place by electing a President pro tempore from among their number.

Sec. XVI. That all contracts or agreements authenticated by the President and Secretary of the Board of Directors, shall be binding on the Company without a seal, or such a mode of authentication may be used, as the Company, by their bye-laws, may adopt.

Sec. XVII. That the Company shall have power and may proceed to construct as speedily as possible, a Rail Road with one or more tracks, to be used with Steam powers, which shall extend from the Wilming-
ton and Raleigh Rail Road where the same passes over Neuse River, in the County of Wayne, via Raleigh, to the Town of Salisbury, in the County of Rowan: Said Company may use any section of the Rail Road constructed by them before the whole of said Road shall be completed.

Sec. XVIII. That the said Company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce, over the said Rail Road, to be by them constructed, at such charges as may be fixed on by a majority of the Directors.

Sec. XIX. That the said Company may, when they see fit, form out their right of transportation over said Rail Road, subject to the rules above mentioned: and said Company, and every person who may have received from them the right of transportation of goods, ware and produce on the said Rail Road, shall be deemed and taken to be a common carrier as respects all goods, wares, produce and merchandise entrusted to them for transportation.

Sec. XX. That the Board of Directors may call for the payment of the sums subscribed as stock in said Company, in such instalments as the interests of said Company may in their opinion require. The call for each payment shall be published in one or more newspapers in this State for the space of one month before the day of payment; and on failure of any stockholder to pay each instalment as thus required, the Directors may sell at public auction on a previous notice of ten days, for cash, all the stock subscribed for, in said Company, by such stockholder, and convey the same to the purchaser at said sale; and if such sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the Company for such subscription of stock, then and in that case the whole
17 of such balance shall be held and taken as due at once
18 to the Company and may be recovered of such stock-
19 holder, his executors, administrators or assigns, at the
20 suit of said Company, either by summary motion in
21 any Court of superior jurisdiction in the County where
22 the delinquent resides, on a previous notice of ten days
23 to said subscriber, or by the action of assumpsit in any
24 Court of competent jurisdiction, or by a warrant be-
25 fore a Justice of the Peace where the sum does not
26 exceed one hundred dollars; and in all cases of assign-
27 ment of stock before the whole amount has been paid
28 to the Company, then for all sums due on such stock,
29 both the original subscribers, and the first and all sub-
30 sequent assignees shall be liable to the Company, and
31 the same may be recovered as above described.

Sec. XXI. That the debt of stockholders, due to the
2 Company for stock therein, either as original propri-
3 etor or as first or subsequent assignee, shall be con-
4 sidered as of equal dignity with judgments in the dis-
5 tribution of the assets of a deceased stockholder, by
6 his legal representative.

Sec. XXII. That said Company shall issue certificates
2 of stock to its members; and said stock may be trans-
3 ferred in such manner and form as may be directed
4 by the bye-laws of the Company.

Sec. XXIII. That the said Company may, at any time,
2 increase its capital to a sum sufficient to complete
3 said Road, not exceeding
4 dollars, either by opening
5 books for new stock, or by selling such new stock, or
6 by borrowing money on the credit of the Compa-
7 ny, and on the mortgage of its charter and works;
8 and the manner in which the same shall be done in
9 either case, shall be prescribed by the stockholders at
10 a general meeting.

Sec. XXIV. That the Board of Directors shall once
2 in every year at least, make a full report on the state
3 of the Company and its affairs, to a general meeting
4 of the stockholders, and oftener, if required, by a bye-
5 law; and shall have power to call a general meeting
6 of the stockholders when the Board may deem it ex-
7 pedient; and the Company may provide, in their bye-
8 laws, for occasional meetings being called, and pre-
9 scribe the mode thereof.

Sec. XXV. That the said Company may purchase,
2 have and hold, in fee, or for a term of years, any land,
3 tenements, or hereditaments, which may be neces-
4 sary for the said Road, or the appurtenances thereof, or
5 for the erection of depositories, store-houses, houses
6 for the officers, servants, or agents of the Company, or
7 for work-shops, or Foundries, to be used for the said
8 Company, or for procuring stone or other materials
9 necessary to the construction of the Road, or for effect-
10 ing transportation thereon, and for no other purposes
11 whatever.

Sec. XXVI. That the said Company shall have the
2 right, when necessary, to conduct the said Road across
3 or along any public Road or water course. Provided,
4 That the said Company shall not obstruct any pub-
5 lic road, without constructing another equally as good
6 and as convenient, nor without making a draw in any
7 bridge of said road, which may cross a navigable
8 stream, sufficient for the passage of vessels naviga-
9 ting such stream, which draw shall be opened by the
10 Company for the free passage of vessels navigating
11 such stream.

Sec. XXVII. That when any lands or right of way
2 may be required by said Company for the purpose of
3 constructing their Road, and for the want of agree-
4 ment as to the value thereof, or from any other cause,
5 the same cannot be purchased from the owner or own-
6 ers, the same may be taken at a valuation to be made
7 by five Commissioners, or a majority of them, to be
appointed by any Court of record, having common law jurisdiction in the County where some part of the land or right of way is situated; in making the said valuation, the said Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or the right of way being surrendered, and also the benefit and advantage he, she or they, may receive from the erection or establishment of the Rail Road or work. And shall state particularly the value and amount of each; and the excess of loss and damage over and above the advantage and benefit shall form the measure of valuation of the said land or right of way. Provided nevertheless, That if any person or persons over whose land the Road may pass, should be dissatisfied with the valuation of said Commissioners, then and in that case, the person or persons so dissatisfied may have an appeal to the Superior Court in the County in which the land lies when it may lie in more than one County, under the same rules, regulations and restrictions, as in appeals from judgments of Justices of the Peace. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the Court from which the commission issued, there to remain a matter of record. And the lands or right of way so valued by the said commissioners, shall vest in the said Company so long as the same shall be used for the purposes of said Rail Road, so soon as the valuation may be paid, or when refused, may have been tendered: Provided, That on application for the appointment of Commissioners under this section, it shall be made to appear to the satisfaction of the Court, that at least ten days' previous notice has been given by the applicants to the owner or owners of the land so proposed to be condemned; or if the owner or owners be infants, or non compos mentis, then to the
guardian of such owner or owners, if such guardian can be found within the County, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the Court House of the County, and shall have been posted at the door of the Court House, on the first day at least of the term of said Court to which the application is made. Provided further, That the valuation provided for in this section, shall be made on oath by the commissioners aforesaid, which oath any Justice of the Peace, or clerk of the Court of the County in which the land, or a part of it lies, is hereby authorized to administer. Provided further, That the right of condemnation herein granted, shall not authorize the said Company to invade the dwelling house, yard, garden or burial ground of any individual, without his consent.

Sec. XXVIII. That the right of said Company to condemn lands in the manner described in the 27th section of this Act, shall extend to the condemning one hundred feet on each side of the main track of the Road, measuring from the centre of the same; unless in case of deep cuts and fillings, when said Company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said Road; and the Company shall also have power to condemn any appropriate lands in like manner, for the constructing and building of depots, shops, warehouses buildings for servants, agents and persons employed on the Road, not exceeding two acres in any one lot or station.

Sec. XXIX. That in the absence of any contract or contracts with said Company, in relation to lands through which the said Road, or its branches may pass, signed by the owner thereof or by his agent, or
5 any claimant or person in possession thereof, which
6 may be confirmed by the owner thereof, it shall be
7 presumed that the land upon which the said Road, or
8 any of branches may be constructed, together with a
9 space of one hundred feet on each side of the centre
10 of the said Road, has been granted to the said Com-
11 pany by the owner or owners thereof: and the said
12 Company shall have good right and title thereto, and
13 shall have, hold and enjoy the same as long as the
14 same be used for the purposes of said Road, and no
15 longer, unless the person or persons owning the said
16 land at the time that part of the said Road which may
17 be on the said land was finished, or those claiming
18 under him, her or them, shall apply for an assessment
19 of the value of the said lands, as herein before direct-
20 ed, within two years next after that part of said Road
21 which may be on the said land was finished; and in
22 case the said owner or owners, or those claiming un-
23 der him, her or them, shall not apply within two
24 years next after the said part was finished, he, she or
25 they shall be forever barred from recovering said land
26 or having any assessment or compensation therefor:
27 Provided, nothing herein contained shall effect the
28 rights of feme coverts or infants, until two years after
29 the removal of their respective disabilities.

Sec. XXX. That all lands not heretofore granted to
2 any person, nor appropriated by law to the use of the
3 State within one hundred feet of the centre of said
4 Road, which may be constructed by the said Company,
5 shall vest in the Company as soon as the line of the
6 Road is definitely laid out through it, and any grant
7 to said land thereafter shall be void.

Sec. XXXI. That if any person or persons shall in-
2 trude upon the said Rail Road by any manner of use
3 thereof; or of the rights and privileges connected
4 therewith, without the permission, or contrary to the
5 will of the said Company, he, she or they shall forthwith
6 forfeit to the said Company, all the vehicles that may
7 be intruded on the said Road, and the same be re
8 covered by suit at law; and the person or persons so
9 intruding, may also be indicted for misdemeanor, and
10 upon conviction, fined and imprisoned by any Court of
11 competent jurisdiction.

Sec. XXXII. That if any person shall wilfully and ma-
2 liciously destroy, or in any manner hurt or damage, or
3 obstruct, or shall wilfully and maliciously cause, or
4 aid, or assist or counsel and advise any other person
5 or persons to destroy, or in any manner to hurt, dam-
6 age or destroy, injure or obstruct the said Rail Road,
7 or any bridge or vehicle used for, or in the transporta-
8 tion thereon, any water-tank, ware-house, or any other
9 property of said Company, such person or persons so
10 offending, shall be liable to be indicted therefor; and
11 on conviction shall be imprisoned not more than six
12 nor less than one month, and pay a fine not exceeding
13 five hundred dollars, nor less than twenty dollars, at
14 the discretion of the Court before which said convic-
15 tion shall take place; and shall be further liable to
16 pay all the expenses of repairing the same, and it shall
17 not be competent for any person so offending against
18 the provisions of this clause, to defend himself by
19 pleading or giving in evidence that he was the own-
20 er, agent or servant of the owner of the land where
21 such destruction hurt, damage, injury, or obstruction
22 was done, at the time the same was done or caused
23 to be done.

Sec. XXXIII. That every obstruction to the safe and
2 free passage of vehicles on the said Road or its bran-
3 ches shall be deemed a public nuisance, and may be
4 abated as such by any officer, agent or servant of said
5 Company; and the person causing such obstruction
6 may be indicted and punished for erecting a public
7 nuisance.
Sec. XXXIV. That the said Company shall have the right to take at the store-houses they may establish on, or annex to their Rail Road or the branches thereof, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority and charge and receive such just and reasonable compensation for storage as they by rules may establish (which they shall cause to be published) or as may be fixed by agreement with the owner which may be distinct from the rates of transportation:—

Provided, That the said Company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the Company may have power to transport immediately.

Sec. XXXV. That the profits of the Company or so much thereof as the General Board may deem advisable, shall, when the affairs of the Company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may own.

Sec. XXXVI. That whenever it shall appear to the Board of Internal Improvement of this State, by a certificate under the seal of said Company, signed by their Treasurer, and countersigned by their President, that one third have been subscribed for and taken, and that at least five hundred thousand dollars of said stock has been actually paid into the hands of said Treasurer of said Company, the said Board of Internal Improvement shall be and they are hereby authorized and required to subscribe on behalf of the State, for stock in said Company to the amount of two millions of dollars to the capital stock of said Company, and the subscription shall be paid in the following manner, said to-wit: the one-fourth part as soon as the said Company shall commence work, and one fourth thereof.
every six months thereafter, until the whole subscription in behalf of the State shall be paid. Provided, the Treasurer and President of said Company shall, before they receive the aforesaid instalments, satisfactorily assure the said Board of Internal Improvement by the certificates under the seal of said Company, that an equal proportion of the private subscription has been paid in equal proportion to the stock subscribed by the State.

Sec. XXXVII. That if in case the present Legislature shall not provide the necessary and ample means to pay the aforesaid instalments on the stock subscribed for on behalf of the State, as provided for in the 36th section of this act; then, and in that event, the Board of Internal Improvement aforesaid, shall, and they are hereby authorized and empowered to borrow, on the credit of the State, not exceeding two millions of dollars.

Sec. XXXVIII. That if in case it shall become necessary to borrow the money aforesaid, the Treasurer of the State shall issue the necessary certificates, binding and pledging the State for the payment of the said sum, which said certificates shall be under the control, and regulated by the said Board of Internal Improvement.

Sec. XXXIX. That the State shall appoint the number of Directors in said Company in proportion to the stock subscribed, who shall be appointed by the Governor, by and with the advice and consent of his Council, and removed in like manner.

Sec. XL. That the following officers and servants and persons in the actual employment of the said Company be, and they are hereby exempted from the performance of Jury and ordinary Militia duty: The President and
5 Treasurer of the Board of Directors, and chief assistant Engineers, the Secretaries and Accountants of 6 the Company, Keepers of the depositories, Guard stationed on the Road to protect it from injury, and such 7 persons as may be working the Locomotive engines 8 and travelling with cars for the purpose of attending 9 to the transporting of produce, goods and passengers 10 on the Road.
AMENDMENT

PROPOSED BY MR. JOYNER.

Section I. Be it enacted, That for the purpose of putting the Raleigh and Gaston Rail Road in good and complete order, for the profitable transportation of persons and produce, and for the further purpose of reviving the late Raleigh and Gaston Rail Road Company, and the late stockholders of, and obligors for, the Raleigh and Gaston Rail Road Company, or any part of them, and such other persons and corporations as may associate with them, are hereby created a body politic and corporate, by the name and style of the Raleigh and Gaston Rail Road Company, and by that name shall be able to sue and be sued, and shall have, possess, and enjoy all the rights, franchises, powers and privileges, vested in and granted to the Raleigh and Gaston Rail Road Company, by an Act entitled an "Act to incorporate the Raleigh and Gaston Rail Road Company," passed by the General Assembly of this State on the day of and shall be subject to all the restraints, limitations, restrictions and liabilities imposed by the said Act; and all the other provisions of the said Act, so far as the same remain to be executed, are hereby declared to be in full force and effect; upon the following terms and conditions nevertheless.
Sec. II. Be it enacted, That whenever the said persons and their associates, named in the foregoing section, shall have subscribed the sum of five hundred thousand dollars, for the purposes aforesaid, and shall have expended the same, in putting the Raleigh and Gaston Rail Road in full and complete order, with heavy rail iron, or other iron equally good, not weighing less than fifty pounds to the yard, then one half of the said Rail Road, with all the machine shops, Depots, water stations, Engines, Coaches, Cars and every other property appertaining to the said Rail Road, shall be sold, conveyed and transferred to the said subscribers, their heirs and assigns, by the Governor, under the great seal of the State; and the said late stockholders and obligors of the said Raleigh and Gaston Rail Road Company, shall be and are hereby declared to be forever released and discharged from all liability to the State, for and on account of the said Raleigh and Gaston Rail Road Company upon the payment of costs incurred. And the Governor is hereby authorized, and it is declared to be his duty to suspend the further prosecution of suits brought by the State, against the said stockholders and obligors, until it can be ascertained whether the said subscribers are willing to accept the conditions of this Act, and that they shall be allowed two years from the passing of this Act to make known their determination to the Governor.—And if the terms and conditions of this Act shall be accepted, and the work commenced within two years, and finished within three years from the ratification of this Act, then this Act shall continue and be in full force for ninety years and no longer.

Sec. III. Be it further enacted, That if the conditions of this Act are accepted, and the sum of five hundred thousand dollars shall have been subscribed by solvent subscribers, to be judged of by the Governor and Attorney General, then, and in that case, the said subscribers shall have lawful authority to mortgage one-
half of the said Rail Road, to enable them to obtain the
necessary credit to purchase a part of the iron which
will be needed for said Road.

Sec. IV. Be it enacted, That if the said subscribers
shall refuse or neglect to accept the terms and condi-
tions of this Act, then all the benefits of the same shall
be granted to Thomas F. Wyatt, John Campbell,
Thomas P. Devereux, Andrew Joyner, Weldon N.
Edwards, George D. Baskerville and Alexander Haw-
kins, and such other persons as may associate with
them, who shall accept and comply with all the terms
and conditions of the same, and they and their suc-
tcessors are hereby incorporated into a Company,
by the name and style of the Raleigh and Gaston
Rail Road Company, and by that name shall have
lawful authority to sue and be sued, to hold, possess
and enjoy all the rights, franchises, powers and privi-
leges granted by this Act, and shall be subject to all
the restraints, limitations, restrictions and liabilities
imposed by the same.

Sec. V. Be it enacted, That whenever the Roanoke
Rail Road Company, or the Seaboard and Roanoke
Rail Road Company, with or without the aid of indi-
viduals, shall subscribe to the Raleigh and Gaston
Rail Road Company, one-half of the sum necessary to
construct a Rail Road from some convenient point on
the Raleigh and Gaston Rail Road, near the Littleton
Depot, or any point between that Depot and Roanoke
River, and the Town of Weldon, or any point in the
neighborhood thereof, so as to connect with the Wil-
mington and Raleigh Rail Road, and the Seaboard and
Roanoke Rail Road, and shall expend the said sum in
forming the said connection, then the said Raleigh
and Gaston Rail Road shall be extended to the said
Town of Weldon or neighborhood thereof; and the
Public Treasurer is hereby authorized and directed to
subscribe for an equal sum, for and in behalf of the
State, and pay for such subscription out of any money in the Treasury not otherwise appropriated; and for the want of such money in the Treasury, the Public Treasurer is hereby authorized to borrow the sum at a rate of interest not exceeding six per cent. per annum, and to issue bonds, payable at any time within ten years, for not less than five hundred dollars each.
REPORT
OF THE
SELECT COMMITTEE,
On so much of the Governor's Message as relates to the Raleigh and Gaston Rail Road.

The Select Committee to whom was referred so much of the Governor's Message as relates to the Raleigh and Gaston Rail Road, have ascertained from the report of the Board of Commissioners appointed to manage the said Road, that on the 1st of November last, there were due to sundry individuals, the sum of eighteen thousand four hundred and eighty nine dollars, over and above the means in the hands of the Treasurer to meet the same; and that there will be due for repairs on an Engine now in Petersburg, when finished, about the sum of two thousand six hundred and fifty nine dollars, making altogether a debt of twenty one thousand one hundred and forty-eight dollars. The first class of claims is ascertained to be due for the purchase of Rail Road iron, railings, sills, locomotive engines, negro hire &c. These items of expense against the road, were not paid, because a
part of the income of the road for the last two years was exhausted in certain expenses of an unlooked for and extraordinary character, which amounted to near the sum reported to be due and consist of the following items:

Loss occasioned by the accidental burning of cotton at Franklinton, $3000
Loss by the fire which destroyed the machine and blacksmith shop in Raleigh, over and above the sum of 25,000 borrowed,

Purchase of a locomotive engine in August 1847, 3791
Expenses on the bridge near Gaston occasioned by a severe storm, about 7250

In a statement exhibiting the expenditure and receipts of the road since it became the property of the State, there should be carried to the credit of the road the sum of seven thousand two hundred dollars, paid into the Public Treasury from the income of the road, which would leave an excess of expenditures over the receipts, of only thirteen thousand nine hundred and forty-eight dollars. The committee regret that the income of the road should have fallen below its expenditures, and that there should be any deficiency to be supplied from the Public Treasurer. Yet they are assured and believe, that the deficiency would not have occurred but for unforeseen and uncertain contingencies, to which all the works of man are more or less liable. These expenses have been incurred for the preservation of the road now the property of the State. They have added to its value to the full extent of these expenditures. The Board of Commissioners for the man-
agement of the road, declare in their report, that in every particular except the superstructure of the track, it is in far better condition, than at any time heretofore, and that although a small debt has been incurred, it has been created for objects beneficial to the road, and will diminish expenses for like purposes for a considerable time to come. Citizens confiding in the good faith of the State, which to its honor, has never been tarnished, have contributed their labor and furnished the necessary supplies for bettering the condition of the road, and making it more useful and valuable, and the Committee believe that the honor and character of the State, and justice to her citizens, equally demand that prompt provision should be made to satisfy the claimants. To this end the Committee report the accompanying resolutions and commend them to the favorable consideration of the Senate.

A. JOYNER. Chirman.
RESOLUTIONS

Resolved, That the Public Treasurer be, and he is hereby directed to pay the Commissioners appointed by law to manage the Raleigh and Gaston rail road, the sum of twenty one thousand one hundred and forty-eight dollars, to be applied under their authority to the payment of certain debts contracted on account of said rail road, and reported to be due by the President of the road, in his report to the said Board of Commissioners, dated 1st. November 1848; and for the repair on an engine now in Petersburg, whenever the said Board of Commissioners shall satisfy themselves that the said debts are justly due. And the said Board of Commissioners are hereby directed to report to the next General Assembly the names of the persons to whom the said sum has been paid and the amount due to each.

Resolved, That if the present condition of the Treasury does not enable the Public Treasurer to pay the sum before mentioned, he is hereby authorized to borrow the same of either of the Banks of this State, at a rate of interest not exceeding six per cent per annum, which sum so borrowed, he is directed to repay whenever the state of the Public Treasury shall enable him to accomplish the same.
REPORTS
FROM THE
COMMITTEE
ON
PRIVILEGES AND ELECTIONS
IN THE CASE OF THE
CONTESTED ELECTION
IN THE
DISTRICT OF ORANGE.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1849.
REPORT

Of part of the Committee on Privileges and Elections upon the Contested Election from the 37th Senatorial District.

HUGH WADDELL, Esq., Contestant,
JOHN BERRY, Esq. Sitting Member.

The undersigned report that a Copy marked A. is the only notice which was served on John Berry, Esq. by Hugh Waddell, of his intention to contest the seat of the said Berry in this Body, and this notice the undersigned deem to be insufficient, as it does not set forth with sufficient clearness and precision, the ground upon which the right of the said Berry is disputed.

The undersigned find the following to be the facts.
Number of votes given to each Candidate, according to the Poll lists.

For John Berry, 754 votes.
For Hugh Waddell, 747 votes.

Difference, 7
Illegal votes received for John Berry, as found and decided by the Committee, (See exhibit B.)

Illegal votes given for Hugh Waddell, decided by Committee, (See exhibit C.)

Legal votes offered for John Berry, and refused. (See exhibit D.)

Legal votes offered for Hugh Waddell and refused. (See exhibit E)

Votes of bargainors, in Deeds of Trust, for John Berry. (See exhibit F.)

Ditto, cestuis que Trust,

Ditto offered and refused for Berry,

Bargainors offered and refused for Berry,

Votes of Bargainors, in Deeds of Trust, for Hugh Waddell, (See exhibit G.)

Votes of cestuis que Trusts for Waddell,

Votes of Bargainors in Deeds of Trust offered for Hugh Waddell and refused.

Trustees without any interest for Berry.

(See exhibit H.)

Ditto, ditto for Waddell,

The undersigned find the foregoing facts produce the following results. See page 5th.
<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Number of Votes returned to Sheriff for Berry</td>
<td>754</td>
</tr>
<tr>
<td>Deduct illegal votes received by Berry</td>
<td>10</td>
</tr>
<tr>
<td>Add legal votes offered for Berry and refused</td>
<td></td>
</tr>
<tr>
<td>Deduct illegal votes received by Berry</td>
<td>744</td>
</tr>
<tr>
<td>Add legal votes offered for Berry and refused</td>
<td>4</td>
</tr>
<tr>
<td>In the above, Bargainors in Deeds of Trust, Trustees at</td>
<td></td>
</tr>
<tr>
<td>their cases must be governed by the same rules.</td>
<td></td>
</tr>
<tr>
<td>Berry as above</td>
<td>748</td>
</tr>
<tr>
<td>Suppose Trustees alone can vote.</td>
<td></td>
</tr>
<tr>
<td>Deduct Bargainors who voted for Berry</td>
<td>8</td>
</tr>
<tr>
<td>Deduct Cestuis que Trust</td>
<td>2</td>
</tr>
<tr>
<td>Add Cestuis que Trust offered and refused</td>
<td>10</td>
</tr>
<tr>
<td>Suppose Cestuis que Trust</td>
<td></td>
</tr>
<tr>
<td>Berry as above</td>
<td>748</td>
</tr>
<tr>
<td>Deduct Bargainors who voted for Berry</td>
<td>8</td>
</tr>
<tr>
<td>Deduct Trustees</td>
<td>2</td>
</tr>
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<td>Add Cestuis que Trust offered and refused</td>
<td>10</td>
</tr>
<tr>
<td>Suppose Bargainors at</td>
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</tr>
<tr>
<td>Berry as above</td>
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</tr>
<tr>
<td>Deduct Cestuis que Trust who voted for Berry</td>
<td>2</td>
</tr>
<tr>
<td>Deduct Trustees who voted for Berry</td>
<td>2</td>
</tr>
<tr>
<td>Add Bargainors offered and refused</td>
<td>4</td>
</tr>
<tr>
<td>If Bargainors and Cestuis que Trust who offered to vote for Berry and were refused</td>
<td></td>
</tr>
<tr>
<td>Berry as above</td>
<td>748</td>
</tr>
<tr>
<td>Deduct Trustees who voted for Berry</td>
<td>2</td>
</tr>
<tr>
<td>Add Bargainors and Cestuis que Trust who offered to vote for Berry and were refused</td>
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<td>Berry as above</td>
<td>746</td>
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<tr>
<td>If neither Bargainor, Cestuis que Trust</td>
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<tr>
<td>Then Berry as above</td>
<td>749</td>
</tr>
<tr>
<td>Deduct Bargainors who voted for Berry</td>
<td>8</td>
</tr>
<tr>
<td>Deduct Trustees</td>
<td>2</td>
</tr>
<tr>
<td>Deduct Cestuis que Trust</td>
<td>2</td>
</tr>
<tr>
<td>Add Bargainors who voted for Berry</td>
<td>12</td>
</tr>
<tr>
<td>Berry</td>
<td>736</td>
</tr>
</tbody>
</table>
Number of votes returned to Sheriff for Waddell: 747

Illegal votes received by Waddell: 8

Legal votes offered for Waddell and refused: 739

Estimated by Trust, are included; but all cannot vote. Having equitable estates, stand upon the same footing, and

<table>
<thead>
<tr>
<th>Waddell as above</th>
<th>741</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cestuis que Trust who voted for Waddell</td>
<td>5</td>
</tr>
<tr>
<td>Trustees who voted for Waddell</td>
<td>1</td>
</tr>
</tbody>
</table>

1 Bargainors offered and refused, 1

1 like entitled to vote.

<table>
<thead>
<tr>
<th>Waddell as above</th>
<th>741</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trustees who voted for Waddell</td>
<td>1</td>
</tr>
</tbody>
</table>

1 Bargainors and Cestui que Trusts who offered to vote for Waddell and were refused, 1

Trustee, be entitled to vote.

Then Waddell as above, 741

<table>
<thead>
<tr>
<th>Waddell</th>
<th>731</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cestuis que Trust</td>
<td>5</td>
</tr>
<tr>
<td>Trustees</td>
<td>1</td>
</tr>
</tbody>
</table>

Waddell,
The above result is produced, by regarding the votes precisely as they were regarded by a majority of the Committee. But the undersigned would call the attention of the Senate to the cases of

Thomas Griffin Jr., Henry Stoveall, Edward W. Faucett, Matthew Cooper, and Ruffin Tapp, all of whom, were proved to have voted for Hugh Waddell, but no action was taken, by the Committee, upon the legality of their votes. The undersigned protest against the legality of their votes, and refer the Senate in the case of

**Thomas Griffin, Jr.—To Berry's testimony.**

John Andrews, Wm. McCauley, 8th 17th, B. Robt. Check, 17, B. Lindsay Andrews, 37, B. James Bishop 37, W. Craw. McCauley, 37, W.

**Ruffin Tapp—**


**Henry Stoveall—**


**Edward W. Faucett—**

Samuel Tate 18, B. J. McAdams 40 B. H. Atkins 42-43, B.

**Matthew Cooper—**


The undersigned further report that, Emsley Elliott, Lewis Edwards, John Smith and David Cheek, were proved to have voted for Hugh Waddell, and to be cestis que Trust, and they refer the Senate in the case of

**Emsley Elliott—To Berry's Testimony.**

Wm. A. Carrigan 13, B.
Should the foregoing votes, which have been protested against by the undersigned as illegal, be rejected by the Senate, John Berry will be entitled to his seat, by five more votes than this Report heretofore discloses; and should the above four be properly classed among the cestuis que Trust, it will affect Mr. Waddell, according as their votes are received or rejected. In either event, we are clearly of opinion, that John Berry, the sitting member, was duly elected and is entitled to the seat.

But John Berry, Esq., claims to have been properly elected under the August Election, and insists to hold his seat by virtue of his Election, and he has presented before the Committee, the Poll Lists of that Election, certified by the Sheriff of Orange, as also he has proved his demand upon the Sheriff, for his certificate under said Election.

The undersigned have examined the Poll Lists, and find that, upon an addition of all the Precincts, except a Precinct at John R. Holts,

- Waddell received 703 votes,
- Berry received 737 votes.

The certificate from said Precinct, over the signature of the Inspectors, gave to Mr. Waddell forty-eight votes, and to Mr. Berry fourteen; which being added, respectively, would give them 751 votes each. But accompanying the certificate and a part of the record, is the list of
voters, kept at said Precinct, as also a list of the tallies kept by the Inspectors.

By the list of voters there appears to have been 57 Senate votes cast. The tallies, kept upon the same Books with the certificate, show that Mr. Waddell received 43 votes instead of 48 votes, and Mr. Berry 14, thereby leaving Mr. Berry a clear majority of five, and thereby corresponding exactly with the list of voters. The mistake of the Inspectors in a part of their certificate is corrected in another part, and the undersigned hold that it was the duty of the Sheriff to have called the Inspectors together, that they might have made a "correct statement," and upon such correct statement being made, he should have given the return to the candidate having the majority of votes. The undersigned are clearly of opinion that an error clear and apparent ought not to effect an election; but that such error, ought to be corrected, and that the Inspectors and Sheriff have an undoubted authority to do so. Upon such correction, Mr. Berry was duly elected and ought to have been returned. Nor is the validity of that Election at all affected by the subsequent events. The giving the certificate to another (after the discovery of the error as was the case here) or before, and his resignation thereafter, had no effect whatever, upon the validity of the election, nor controlled in the slightest degree the rights of the candidate having the largest number of votes, by the correct statement, and properly entitled to the return. The undersigned are of opinion that the Sheriff of Orange should not have given the return to Mr. Waddell after he discovered the error, and they hold that whether the Sheriff or the Inspectors had the right to correct the error appearing upon the certificates of the Inspectors from the precinct above mentioned, or not, the Senate had an unquestionable right to do so, and the Senate is not to be deprived of such right by the resignation of the person to whom the Sheriff improperly gave the return. Had that return been corrected, Mr. Waddell would have received but
146 votes in that election, while Mr. Berry received 751. But it appears from the evidence of James C. Turrentine, the Sheriff of Orange, that from a precinct called the Burnt Shop precinct, at the August Election, a statement of the number of votes given for each candidate was certified, sealed, directed and handed to the Sheriff at the Court House of the County of Orange, on the next day and within the time prescribed by law; but no list of the names of the persons voting at said precinct was handed to the Sheriff until several days thereafter.

The certificate from the said precinct establishes that Hugh Waddell, received at that precinct 71 votes, and John Berry 43. If this precinct were stricken out, the general vote would stand for Hugh Waddell 675, in the August Election, and for John Berry 708. The undersigned submit to the Senate that the return to the Sheriff made from this precinct, was not made in conformity with the provisions of the law, and was wholly illegal; that law is imperative that "the names of the persons voting shall be returned," at the same time and place, and to the same person, with the "statement of the number given for each candidate." If the Sheriff had disregarded this precinct, the majority for Berry would have amounted to thirty three. If the Sheriff and Inspectors had not the right to correct the mistake in the certificate above referred to, then he had no right to receive this list of voters out of the legal time, nor had the Inspectors a right so to return it; and in either case he should not have given the return to Mr. Waddell.

The undersigned are of opinion that the Office vested in John Berry, by virtue of that election, and that he has in no wise waived, forfeited, or lost it.

GEO. BOWER, Chairman.
W. S. ASHE.
GEO. W. THOMPSON.
HENRY. W. CONNER.
EXHIBIT B.

Illegal Votes for Berry.

1. Ezekial Sartin,
2. Clayton Jones,
3. Jacob Horner,
4. Loftin Tier,
5. John Tier,
6. Moulton Cheek,
7. John Riley, Sr.
8. William Thompson,
9. John R. Thompson,
10. Nathan Carlton, evidence reported.

EXHIBIT C.

Illegal Votes given for Waddell

1. William Coble,
2. Ludwick Albright,
3. Hinton Kirkpatrick,
4. James Glass
5. William Wilkins,
6. Charles Cox,
7. Sampson Morgan,
8. William Strain,

EXHIBIT D.

Legal Votes offered for John Berry.

1. Elijah Vesey,
2. James Warren,
3. Herod Noah,
4. John S. Faucett,

EXHIBIT E.

Legal Votes offered for Hugh Waddell.

1. Eli Albright,
2. Norwood Warren,

EXHIBIT F.

Bargainors voting for Berry.

1. William Minnis,
2. John D. Gray,
3. Len. Pickett,
4. Julius S. Bracken,
5. Spencer Truitt,
6. David Barbour,
7. Madison Murry,
8. Brittain Castleberry.

_Cestuis que Trusts voting for Berry._
1. Irving King,
2. John White,

_Cestuis que Trusts refused for Berry._
1. K. B. Waitt,
2. Edward Palmer,

EXHIBIT G.

_Bargainors voting for Waddell._
1. James Brinkley,
2. James Crabtree,
3. Farthing Garrard,
4. John T. Garrard,

_Cestuis que Trusts voting for Waddell._
1. Samuel S. Clayton,
2. James Griffin,
3. Judson Riley,
4. Warden Riley,
5. Samuel Hodge,

_Bargainors offered and refused._
1. Geo. W. Cheek,

EXHIBIT H.

_Trustees who voted for Berry._
1. Charles M. Latimer,
2. John D. Carlton,

_Trustees who voted for Waddell._
1. Buroughs Cheek,
Resolved, Therefore, that John Berry was duly elected to a seat in this Senate, under the Election in August last.

Resolved, That John Berry is entitled to his seat under that election.

Resolved, That John Berry was duly elected at the election in November.

Resolved, That John Berry is entitled to his seat by virtue of that election.

Resolved, That Hugh Waddell is not entitled to the seat.
REPORT

Of a part of the Committee on Privileges and Elections upon the Contested Election from the County of Orange, the 37th Senatorial District, made in conformity to the Resolutions of the Senate, authorizing them in case of a disagreement in the said Committee to report the facts.

HUGH WADDELL, Esq., Contestant,
JOHN BERRY, Esq. Sitting Member.

It appears that a notice was duly furnished by the said Hugh Waddell of his intention to contest his right to a seat in the present Senate, as a member from said District, and duly filed his petition, which, see.

That part of the Committee making this report, find the following facts, to-wit:

Number of votes given to each Candidate according to the Poll Lists or Books, to-wit:

For John Berry. 754 votes,
For Hugh Waddell. 747 votes,

Difference. 7
Illegal votes received for John Berry. (See exhibit C.)

Illegal votes received for Hugh Waddell. (See exhibit D.)

Legal votes offered for John Berry and refused. (See exhibit D.)

Bargainors in deeds of trust, &c., given for John Berry. (See exhibit A.)

Ditto. cestuis que trust. (See exhibit A.)

Ditto offered and refused. (See exhibit F.)

Bargainors in deeds of trust, &c., given for Waddell. (See exhibit E.)

Ditto offered for Waddell and refused. (See exhibit G.)

Trustees without any beneficial interest who voted for John Berry. See exhibit B;

Ditto for Waddell. (See exhibit E.)

They find that the foregoing facts, produce the following results. (See page 17)
Number of votes returned to Sheriff for Waddell, 747
Deduct illegal votes received for Waddell, 7

Add legal votes offered and refused for Waddell, 740

In the above, is included Bargainors, Trustees and Cestui class of these persons can vote. Suppose Trustees alone can

Deduct Bargainors who voted for Waddell, 4
Deduct Cestuis que Trust who voted for do. 0

Waddell, 742

Suppose, on the other hand, that Bargainors only

Deduct Trustees who voted for Waddell, 1
Deduct Cestuis que Trust who voted for do. 0

Waddell, 741

But suppose that neither Trustees, Bargainors and

Deduct Bargainors who voted for Waddell as above, 4
Deduct Trustees " " " 1
Deduct Cestuis que Trust " " " 0

Waddell, 73
Number of votes returned to Sheriff for Berry, 754

illegal votes received for Berry, 16

legal votes offered and refused for Berry, 738

1 legal votes offered and refused for Berry, 3

741

Trust, (in deeds of trust)—they cannot all vote—but one vote; then the result is as follows:

Berry as above, 741

Bargainors who voted for Berry, 8

Cestuis que Trust who voted for do. 3 11

Berry, 739

vote; then the result is as follows:

Berry as above, 741

Trustees who voted for Berry, 2

Trustees who voted for Berry, 3 5

736

Cestuis que Trust who offered and refused for Berry, 3

Berry, 739

Cestuis que Trust can vote: then the result is as follows:

Berry as above, 741

Bargainors who voted for Berry as above, 8

Trustees " " " " 2

Trustees " " " " 3 13

Berry, 728
The foregoing results are produced by placing the voters in the position agreed on by a majority of the Committee, which will appear by the journal of the same, except the voters hereafter mentioned. In some cases there were dissents by members of the Committee entered on the journal—in other cases there were dissents which were not entered, or requested to be entered.

Since the Journal of the Committee was made up, we have been favored with a review of the whole testimony, and after carefully examining the same, have come to the results herein before stated.

The following are the voters, in relation to whom there is a difference with the Committee, to wit: William McAdams, W. A. Lindsay, John McCauley, Alfred Wyatt, Nathan Carlton, Anderson Smith, Daniel Thomas, Elijah Vesey and Jeremiah Hughes.

The testimony, as to each of the said voters, about which we have disagreed, fully sustains, as we conceive, the conclusions to which we have come, and to which we confidently refer as follows, to-wit:

Will. McAdams—

W. A. Lindsay,

John McCauley—

Alfred Wyatt—
Anderson Smith—

John Wilson 8, W. H. Terry 6, W. —
Nelson P. Haul 7–8, W. S. Pillow 8, W. Will. H. Harner 9–10, B

Nathan Carlton—

E. George and J. Marker 46, W. M. C. Herndon 51, W.

Daniel Thomas—

E. Mitchell 34, W. Col. W. A. Carrigan 36, W.

Elijah Vesey—


Jeremiah Hughes—


JOHN A. GILMER.

For four of the Committee.

As one of the Committee, I protest against the vote of William J. Pettigrew, whose vote is allowed as legal for John Berry. The testimony, as I conceive, shows conclusively that this vote was fraudulent and illegal. I refer the Senate to the same. See Wm. Ward 30, W.—P. P. Moore 30, W. T. Pettigrew 46 and 50, B. John Allison 46, B. John M. Pettigrew 51, B. Should this vote be rejected, as I conceive it should, it will show that Hugh Waddell is elected by one vote more than is herein before stated.

JOHN A. GILMER.

A question arises as to the regularity of the return from C. F. Faucett's precinct. One of the Inspectors protesting against the return as to 7 votes.
I further think that the vote of Houghabount, son-in-law of Mr. Berry, to Mr. Berry, is fraudulent—the relation of the parties—the date of the deed, six months before the August Election, for 50 acres only, circumstantially prove it:

J: A. GILMER.
EXHIBIT A.

Voters for Capt. John Berry, who had conveyed all their land in trust to secure their debts, and such other voters, being cestuis que trust, having the same interest in land.

Bargainors who have conveyed lands in trust for debts, they in possession and trusts not executed.

1. William Minnis,
2. John D. Gray,
3. Lemuel Picket,
4. Julius S. Bracken,
5. Spencer Truitt,
6. David Barber,
7. Madison Murry,
8. Brittain Castlebury,
9. Irwin King, \{ Vendors with title bonds
10. John White, \} purchase money paid. 
11. Wm. McAdams, conveyed his land absolutely—agreed by parol that he might redeem—said he and his boys had paid back the purchase money. No reconveyance, but deed handed back.

EXHIBIT B.

Trustees without beneficial interest who voted for Berry.

1. Charles M. Latimer,
2. John Carlton,

EXHIBIT C.

Illegal votes for Berry and legal votes for Waddell refused.

Illegal votes for Berry,

1. Ezekiel Sartan,
2. Clayton Jones,
3. Jacob Horner,
4. Loftin Tier,
5. *W. A. Lindsey,
6. John Riley, Sr.
7. *John McAuly, will of aunt not proved
8. Moulton Cheek,
9. Wm. Thompson,
10. Alfred Wiatt, insolvent by Geo. Hurdle and E Benson, contra Wm. Ward.
11. John R. Thompson
12. Nathan Carlton
13. John Tier
14. Anderson Smith
15. Daniel Thomas

Legal votes for Waddell refused.
1. Norwood Warren
2. Eli Albright.

EXHIBIT D.
Illegal votes for Waddell.
1. Wm. Strain
2. Wm. Coble
3. Ludwick Albright
4. Hinton Kirkpatrick
5. Wm. Wilkins
6. Charles Cox
7. Matthew Cooper.

Legal votes for Berry refused.
1. Jas. Warren
2. Herod Noah
3. John S. Faucett

EXHIBIT E.
Cestuis que trusts who voted for Waddell.
1. Jas. Brinkley, bargainor,
2. Jas. Griffith, cestui que trust,
3. Farthing Garrod, { Trustors,
4. John Garrod,

Trustees who voted for Waddell
1. Burrows Cheek.

EXHIBIT F.
Equitable owners of land who offered to vote for Berry and were refused.
1. Kendall B. Wait, Title bond, purchase paid.
Trustees who offered to vote for Berry and were refused.

EXHIBIT G.

Bargainer in a deed of trust who offered to vote for Hugh Waddell, but was refused.

1. George W. Cheek.
PROCEEDINGS

OF THE

Committee on Elections,

Of the Senate of North Carolina.

DECEMBER 29TH, 1848.

The Committee met. Present—Messrs. Ashe, Bower, Conner, Gilmer, Thompson, of Wake, and Worth.

On motion, Mr. Bower was called to the Chair.

The Committee proceeded to the consideration of the Petition of Hugh Waddell, Esq., to them referred, complaining of the illegal election of John Berry, as Senator from the 37th Senatorial District, composed of the County of Orange—to the present General Assembly.

On motion, it was agreed, that the voters of the August election, held in the County of Orange, regularly certified by the Sheriff of said County, be received in evidence.

On motion, it was agreed, that both the Sitting Member, and the Contestant, be allowed to appear before the Committee, by Attorney, or in person.

DEPOSITION 1st.

Ezekiel Sartin was proven to have voted for John Berry, under Bond to make Title the conditions of the Bond being unfulfilled. Resolved, therefore, by the Committee, that the vote of Ezekiel Sartin is illegal. Ashe dissenting.

DEPOSITION 2nd

Resolved by the Committee, that the vote of James Clark is legal.
DEPOSITION 3rd.
Jeremiah Hughes, postponed.

SATURDAY, December 30.
The Committee met, present Messrs. Bower, Chairman, Ashe, Conner, Gilmer, Thompson, of Wake, and Worth.
Mr. W. N. H. Smith appeared and took his seat, having been appointed vice Mr. Lillington, excused from further service on this Committee.
Owing to the lateness of the hour, the Committee, on motion, adjourned until Monday evening next, 3 o'clock, P. M.

MONDAY, January 1, 1849.
The Committee met pursuant to adjournment, present Messrs. Bower, Chairman, Ashe, Conner, Gilmer, W. N. H. Smith, Halsey, and Thompson, of Wake.
Resolved, on investigation of the Testimony, that the vote of Samuel Madden is legal.
Resolved that the vote of Clayton Jones, who voted for John Berry, is illegal.
It is agreed, by the Committee, that William Minnis, John D. Gray, Lemuel Pickett, Julius S. Bracken, Spencer Truitt, David Barbour, Madison Murray, and Britain Castleberry, voted for John Berry, having conveyed their lands in trust, to secure their debts, that there had been no execution of the Trusts, and they had always remained in possession; that Charles M. Latimer and John Carlton, being Trustees, voted for John Berry on the lands conveyed to them in trust; and that George W. Cheek offered to vote for Hugh Waddell, but was refused permission to do so, on the ground that he had conveyed his lands in Trust.
It is agreed that Norwood Warren, offered to vote for Hugh Waddell, that he owned one hundred and seventy acres of land six months before the Election, but in September conveyed away one hundred and forty-seven acres, and received in payment on the same day, a Deed for one hundred and thirty acres, and that his vote was legal.
It is agreed that William H. Horner, who voted for John Berry, was entitled to vote.
Resolved, that the vote of Jacob Horner, who voted for John Berry, was not legal. Ashe and Bower dissenting.
The case of Anderson Smith, who voted for John Berry, was passed over for the present. Afterwards taken up, and resolved to be illegal.

On motion, the Committee then adjourned, until to-morrow 3 o'clock, P. M.

TUESDAY, January 2, 1849.

The Committee met pursuant to adjournment, present Messrs. Bower, Chairman, Ashe, Conner, Gilmer, Halsey, W. N. H. Smith, and Thompson, of Wake.

The Committee then proceeded to investigate the case of Loflin Tier, who voted for John Berry, and it was resolved by a majority of the Committee, that his vote was illegal, but it is agreed that the Evidence in the case shall be reported.

In the case of John Tier, who voted for John Berry, it is agreed that the legality of the vote depends on the construction of the Deed of Luke Tier, to John Tier.

Resolved by the Committee, that the votes of John Paisley and Joseph Paisley, who voted for John Berry, are legal.

Resolved, that the vote of John McCauley, who voted for Jno. Berry, is legal.

It is agreed that Irving King voted for John Berry, on a bond to make Title, the purchase money having been paid, and he in possession more than six months before the election.

The same state of facts is agreed upon in the case of John White, who voted for John Berry.

Resolved, that the vote of Moulton Cheek, who voted for Jno. Berry, is illegal.

The case of Joseph Thompson, son of Stephen, is passed over for the present.

Resolved, that the vote of Wm. Alvis Lindsay, who voted for Jno. Berry, is legal. Messrs. Gilmer, Halsey and Smith dissenting. It is agreed that the facts in this case shall be reported.

The vote of John Riley, who voted for John Berry, is resolved to be illegal.

On motion, the Committee then adjourned until to-morrow, 3 o'clock, P. M.
Wednesday, January 3d, 1849.

The Committee met, pursuant to adjournment, present Messrs. Bower, Chairman, Ashe, Conner, Gilmer, Halsey, Smith, Thompson, of Wake, and Worth.

It is Resolved by a majority of the Committee, that the vote of William Thompson, who voted for John Berry, is illegal; but it is agreed that the evidence in the case shall be reported.

Resolved, that the vote of Patterson Thompson, who voted for John Berry, is legal.

Resolved, that the vote of Hawkins Stroud, who voted for John Berry, is legal.

Resolved, That the vote of William J. Pettigrew, who voted for John Berry, is legal. Mr. Gilmer dissenting. It is agreed that the evidence in this case shall be reported.

Resolved, that the vote of James Kimbrough, who voted for John Berry, is legal.

Resolved, that the vote of Alfred Watt, who voted for John Berry, is legal. Mr. Gilmer dissenting.

Resolved, that the vote of John R. Thompson, who voted for John Berry, was illegal.

Resolved, that the vote of Daniel Thomas, who voted for John Berry, was illegal. Reconsidered, and resolved to be legal.

Resolved, that Eli Albright offered a legal vote for Hugh Waddell, but was refused permission to do so.

The cases of Matthew Cooper, Jacob Haughawaut and Wm. McAdams, are passed over for the present.

The Committee, on motion, then adjourned until to-morrow, 3 o'clock, P. M.

Thursday, January 4th, 1849.

The Committee met, pursuant to adjournment, all the members being present.

Resolved, that the vote of Jacob Haughawaut, who voted for John Berry, is legal.

It is agreed, that the evidence respecting the vote of Matthew Cooper, who voted for Hugh Waddell, be reported.

Resolved, that the vote of William McAdams, who voted for John Berry, was legal.

Resolved, That the vote of Henry Richards, who voted for John Berry, was legal
Resolved, that the Evidence respecting the vote of Nathaniel Carleton, who voted for John Berry, be reported.

Resolved, that the vote of Elijah Vesey, who offered to vote for John Berry but was refused permission to do so, was legal.

The case of Thomas Griffin, jr., was then taken up, but before the Committee came to any final determination, on motion, it adjourned until to-morrow, 3 o'clock, P. M.

FRIDAY, January 5th, 1849.

The Committee met, pursuant to adjournment, all the members being present.

Resolved, that Burrows Cheek, who voted for Hugh Waddell, voted as a Trustee, having no other qualification.

Resolved, that the vote of Alvis Crawford, who voted for Hugh Waddell, was legal.

Resolved, that the vote of William Strain, was illegal, and that the evidence be reported.

Resolved, that the vote of M. C. Herndon, who voted for Hugh Waddell, was legal.

Resolved, that the vote of Rufin Tapp, who voted for Hugh Waddell, was legal. It is agreed that the evidence in this case shall be reported.

Resolved, that Kendall B. Wait offered to vote for John Berry, on a Bond to make Title, the conditions of which had been performed, but was refused permission to do so.

Resolved, that the vote of John King, who voted for Hugh Waddell, was legal.

Resolved, that the vote of James Warren, which was offered for John Berry, and refused, was legal.

Resolved, that the facts relative to the vote of Henry Stove, all, who voted for Hugh Waddell, be reported.

On motion, the Committee adjourned until to-morrow afternoon, 3 o'clock.

SATURDAY, January 6th, 1849.

The Committee met, pursuant to adjournment, all the members being present.

Resolved, that the vote of John Dixon, who voted for Hugh Waddell, was legal.

Resolved, that the vote of William Coble, who voted for Hugh Waddell, was not legal.
Resolved, that the vote of Ludwick Albright, who voted for Hugh Waddell, was illegal.

Resolved, that the vote of Elmsley Elliott, who voted for Hugh Waddell, was legal. Mr. Ashe declaring that the voter had a right to vote on an Equitable right. Evidence to be reported.

Resolved, that Herod Noah and John S. Faucett, offered to vote legal votes for John Berry, which were refused by the Poll-holders.

Resolved, by a majority of the Committee, that Samuel Clayton, who voted for Hugh Waddell, is a cestui que trust—Messrs. Gilmer, Halsey and Worth dissenting, and affirming that he voted in his own right.

Resolved, that the Evidence respecting the vote of Edward W. Faucett, who voted for Hugh Waddell, be reported.

Resolved, that James Adams' vote, who voted for Hugh Waddell, was legal.

Resolved, that the vote of Hinton Kirkpatrick, who voted for Hugh Waddell, was illegal.

On motion, the Committee then adjourned until Monday next 3 o'clock, P. M.

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Monday, January 8th, 1849.

The Committee met, pursuant to adjournment, all the members being present except Mr. Thompson, of Wake.

Resolved, that the votes of James Roach and Vincent Cate, who voted for Hugh Waddell, were legal.

Resolved, that the votes of John Cabe and George McCauley, who voted for Hugh Waddell, were legal—Messrs. Ashe and Bower dissenting. It is further Resolved, that the Evidence respecting their votes, be reported.

Resolved, that the vote of James Glass, who voted for Hugh Waddell, was illegal; also, William Wilkins, who voted for Hugh Waddell.

Resolved, that the Evidence respecting the vote of David Cheek, who voted for Hugh Waddell, be reported.

Resolved, that James Brinkley, who voted for Hugh Waddell, was a Trustor.

Resolved, that James Griffin, who voted for Hugh Waddell, was a cestui que trust.

Resolved, that the vote of William M. Crutchfield, who voted for Hugh Waddell, was legal, and that the evidence be reported.
Resolved that the vote of John Garrison, who voted for John Berry, was legal.

Resolved, that Edward Palmer, being a cestui que trust, offered to vote for John Berry, and was refused permission to do so.

On motion, the Committee then adjourned until 3 o'clock, tomorrow afternoon.

TUESDAY, January 9, 1849.

The Committee met pursuant to adjournment, all the members being present.

Resolved, that the votes of Chas. Cox and Samson Morgan, who voted for Hugh Waddell, are illegal.

Resolved, by a majority of the Committee, that the vote of Joshua Dickson, who voted for Hugh Waddell, is legal and that the evidence be reported.

Resolved, that James Crabtree, who voted for Hugh Waddell is a Trustor.

The Committee disagreeing respecting the qualifications of Lewis Edwards, who voted for Hugh Waddell, four saying that he was a legal voter, and four that he was a Trustee, it is resolved that the evidence respecting his vote, be reported.

Resolved, that Judson Riley and Warden Riley are cestui que trust, and that they voted for Hugh Waddell.

On motion, the Committee then adjourned, until tomorrow 3 o'clock, P. M.

WEDNESDAY, Jan. 10, 1849.

The Committee met pursuant to adjournment, and in consequence of the afternoon Session of the Senate, adjourned until half past 6, P. M. at which hour it again met, Messrs. Ashe and Worth being absent.

It was resolved that Farthing Garrard and John T. Garrard, who voted for Hugh Waddell, are Trustors.

Resolved, that the vote of Allen Tilley, who voted for Hugh Waddell, was legal.

Resolved, that Samuel Hodge, who voted for Hugh Waddell was a cestui que trust.

Resolved, by a majority of the Committee, that the vote of John Smith was illegal, but the Committee was equally divided as to whom he voted for.

Resolved, that John McCarroll, being a Trustor, offered to
to vote for John Berry, but was refused permission to do so. The case of Daniel Thomas, who voted for John Berry, being reconsidered, it was resolved that his vote was legal. Resolved, by a majority of the Committee, that the vote of Jeremiah Hughes, who voted for John Berry, was legal, and that the evidence be reported. Resolved, that the vote of Joseph Thompson, son of Stephen, who voted for John Berry, was legal. All the Proceedings of the Committee were then read, and certain alterations and additions made thereto, by their order, after which it adjourned subject to the call of the Chairman,

**January 16, 1849.**

The Committee met at half past 6 o'clock, having been summoned by the Chairman, Messrs. Halsey, Smith and Worth being absent.

Mr. Gilmer enters his protest against the action and decision of the Committee, in the following cases, to wit: William A. Lindsay, John McCauley, Anderson Smith, Daniel Thomas and Jeremiah Hughes, insisting that their votes were illegal, according to the Evidence in the cases. He also protests and affirms that James Crabtree and Samuel Hodges were not cœstuis que trust, but legal voters.

The Committee then adjourned, sine die.
A BILL

TO

INCREASE

THE

REVENUE

OF

THE STATE.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
1849.
A BILL

TO INCREASE THE REVENUE OF THE STATE.

Whereas, there are many wealthy citizens of this State, who derive very considerable Revenues from monies, which produce interest, dividends, and profits, and who do not contribute a due proportion to the public exigencies of the same:

SECTION I. Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the Public Treasury of this State, and for the use and service thereof; that is to say, upon the principal of every sum or sums of money at interest, in trade or vested in stocks, or shares of any trading or incorporated company, yielding a dividend or profit, (the interest, dividend, or profit of which is safely secured, and actually due or received,) over and above the sum each person or persons pay interest upon, and the sum of five hundred dollars besides, there shall be assessed and collected, the sum of twenty cents on every hundred dollars, which shall have produced for the year next before the owner or owners thereof shall give in his, her, or their tax list, an interest, dividend or profit of six per cent, and a proportionate sum on all other sum or sums of money drawing more or less than six per cent., by way of interest, dividend or profit. This tax to be returned on oath to the Justice appointed to take the list of taxables and taxable property, to be recovered, collected, and accounted for by the Sheriffs of the several counties, in like manner as they have been authorized and required by law herefore to do, in collecting and accounting for the other State taxes: Provided, that this Act shall not extend
28 to any Stock or shares in any of the incorporated Banks
29 in this State already taxed by law: Provided further,
30 that each and every merchant or mercantile firm, who
31 shall have obtained and paid for a merchant’s licence,
32 shall have of their capital over and above the sum of
33 five hundred dollars, and a sum equal to the debts
34 they owe, exempted from the provisions of this Act,
35 as following to-wit: for a merchant’s licence taxed six
36 dollars; the sum of three thousand dollars; a merchant’s
37 licence, taxed eight dollars, four thousand dollars; a
38 merchant’s licence taxed twelve dollars, six thousand
39 dollars; a merchant’s licence taxed sixteen dollars.
40 eight thousand dollars; and a merchant’s licence taxed
41 twenty dollars, ten thousand dollars.

Sec. II. Be it further enacted, That hereafter there
2 shall be imposed and levied annually the following
3 taxes, to-wit: on every Surgeon Dentist five dollars,
4 on all practising physicians, whose practice shall yield
5 an annual income not less than five hundred dollars,
6 and not exceeding one thousand dollars, two dollars;
7 on all such physicians whose practice shall annually
8 yield more than one thousand dollars, the sum of four
9 dollars; on all practising lawyers, whose practice
10 shall yield an annual income not less than five hun-
11 dred dollars and not exceeding one thousand dollars,
12 the sum of two dollars; on all such lawyers, whose
13 practice shall annually yield more than one thousand
14 dollars, the sum of four dollars; on all other persons,
15 except ministers of the Gospel of every denomination,
16 whose salary or fees, or both together shall yield an
17 annual income not less than five hundred dollars and
18 not exceeding one thousand dollars, the sum of two
19 dollars; and on all such persons, excepting ministers
20 of the Gospel, as aforesaid, whose salaries and fees
21 shall yield annually more than one thousand dollars,
22 the sum of four dollars. Provided, however, that every
23 physician and lawyer shall be exempted from the pro-
24 visions of this law for the first five years of his practice.
Sec. III. **Be it further enacted**, That hereafter there shall be imposed and levied annually a tax upon the following articles, to-wit: on all Gold and Silver plate, in value one hundred dollars, and not exceeding five hundred dollars, the sum of two dollars; and on all Gold and Silver plate exceeding in value five hundred dollars, four dollars; on all pleasure Carriages, with four wheels, exceeding in value two hundred dollars, the sum of one dollar; on all Gold Watches fifty cents; on all Silver Watches, ten cents.

Sec. IV. **Be it further enacted**, That each and every person shall annually render to the Justice appointed to take the list of taxable and taxable property as a part of, and in addition to his taxables and property, the amount of tax or taxes which he, either in his own right or the right of any other person or persons whatsoever, either as guardian, attorney, agent or trustee, or in any other manner whatsoever, is liable to pay under this Act; and it shall be the duty of said Justice to administer the following oath to all such person or persons as may be liable to pay the same, and to list their property for taxation, to-wit: "You A. B. do solemnly swear, (or affirm, as the case may be,) that you, either in your own right, or the right of any other person or persons whatsoever, either as guardian, attorney, agent or trustee, or in any other manner whatsoever, are not liable for more taxes, under an Act of the General Assembly, entitled an Act to increase the Revenue of this State, passed in 1848-1849, than the amount which you have now listed, and that in all other respects the list by you now delivered, contains a just and true account of all the property, which by law you are bound to list for taxation, to the best of your knowledge and belief, so help you God."

Sec. V. **Be it further enacted**, That it shall be the duty of every Justice of the Peace who shall take a list of the taxable property in the State, before admin-
istering the oath aforesaid, to call over to each person giving in his list of taxable property, all the subjects and articles subject to taxation.

Sec. VI. Be it further enacted, That each and every person liable to pay taxes, by and under the provisions of this Act, who shall fail to enlist the same, or refuse to take the oath herein prescribed and required, shall, in addition to the payment of a double tax, forfeit and pay into the Public Treasury, the sum of one hundred dollars for each year's failure or refusal aforesaid; and it shall be the duty of the several Sheriffs aforesaid, to levy, collect and account for the same, as in cases of double tax, unless the County Court shall, within nine months thereafter, on satisfaction shown to them, by such delinquent, order said forfeiture to be released and remitted.

Sec. VII. Be it further enacted, That it shall be the duty of the Justices appointed to take the lists of taxable property, to list the taxes herein required to be listed, in separate columns, as follows, to wit: "Tax on Capital," "Physicians," "Lawyers," "Salaries and Fees," "Gold and Silver Plate," "Pleasure Carriages." "Gold Watches," "Silver Watches," and the Clerks of the several Courts shall record, advertise and return the same to the Comptroller's Office, in the same manner, and in case of failure, under the same penalties, forfeitures and liabilities, as are now prescribed by law in relation to all other taxables.

Sec. VIII. Be it further enacted, That nothing in this Act shall be so construed as to give the several County Courts any additional power to levy taxes for County purposes.

Sec. IX. Be it further enacted, That all laws and clauses of laws, coming in conflict with the true intent and meaning of this Act, be, and the same are hereby repealed.
AMENDMENT

PROPOSED BY

MR. GILMER.

Strike out all of the first section, after the enacting clause, and insert the following:

That hereafter there shall be levied and collected, the sum of three cents upon every dollar of interest, safely secured, and actually due or received upon all sums of money at interest, whether in this State or out of it, at any time during the year next preceding the time, when the owner or owners thereof shall give in his, her or their tax list.

Sec. II. Be it further enacted, That hereafter there shall be levied and collected, the sum of three cents upon every dollar of profit, or dividend, safely secured and actually due or received upon all sums of money vested in trading in slaves, or vested in sailing or steam vessels, or in any other species of trade, or vested in stocks of any kind, or in shares of any incorporated trading company, whether in this State or out of it, at any time when the owner or owners thereof shall give in his, her or their taxables. Provided, that this Act shall not authorize the taxing of any stock or shares in any of the incorporated Banks of this State already taxed by law. Provided further, That no
14 person, whose interest, dividend or profit, shall not exceed the sum of twenty-four dollars, shall be subject to the tax imposed by this Statute; And provided further, that so much of the capital stock in trade, of any Merchant or Jeweler, wholesale or commission Merchant, as is now freed by the 14th section of the one hundred and second chapter of the Revised Statutes, shall be exempt from the provisions of this Act, unless the tax which he would be liable to pay under the provisions of this Act, shall exceed the amount which he is bound to and does pay under said 14th section; in which case he shall be liable for such excess under this Act.

Sec. III. Be it further enacted, That each and every person, whose interest, dividend or profit is subject to taxation as herein provided, shall have an amount equal to the sum of interest which he, she or they for the same time become liable, own, or pay, or secure to be paid upon his, her or their own debt or debts, exempt from the provisions of this Act.
[SENATE DOCUMENT, No. 18.]

SUBSTANCE

OF THE

TESTIMONY

CONCERNING THE

VOTERS ABOUT WHOM

THE

COMMITTEE

DISAGREE.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.

1849.
SUBSTANCE

Of the Testimony of the Witnesses who speak of the voters, about whom the Committee disagree.

1. Jeremiah Hughes' illegal vote for Berry not allowed by Mr. Bower's testimony.

EVIDENCE.

John Bain, witness, says that on the 14th of November, 1848, Jeremiah Hughes told him he voted for Berry and that he had no title to any land, that he voted on Polly Shanklin's deed—that he had sold his land to Polly Shanklin.

Cross examined; said Polly Shanklin was his sister-in-law—that the deed had never been registered.

By Waddell. On the said 14th November, Jerry Hughes said that he had sold his land in the year 1846, to Polly Shanklin at two dollars per acre, she had paid him half of the purchase money, last winter she handed him back the deed without any remark at the time, that he carried the deed home and put it in his drawer and had it there then, that he set up no claim to that land then or any other land in the County of Orange.

Polly Shanklin. That she took the deed to keep the land from being sold for Hughes' debts, that Hughes and his wife both signed it; I kept it for more than twelve months, I handed it back to Hughes as I had failed to pay
for it, for the purpose of having the land conveyed to the child of said Hughes.

Cross examined. Hughes was to have built a house upon the land, and his wife was to be privately examined, neither of which was done. I would not pay for the land, handed up the deed and told him to have one written for his child. I considered the bargain at an end and have set up no title to the land since.

Jeremiah Hughes. My wife was heir at law of James Shaw, who died some ten or fifteen years ago, wife's share of his land one hundred and five acres, took possession in November, 1841. My wife has had children. I executed and delivered a deed to Polly Shanklin in trust for my children which was never proved or registered. Polly Shanklin re-delivered the deed to me more than six months before the Election, I destroyed the deed about a week before the November Election.

John Shanklin. I saw the deed in the possession of Jerry Hughes a few days before the Election.


3. William H. Horner. Testifies that his own qualification to vote rests on forty acres, conveyed to him by his father, said Thos. Horner, and his interest in the said lands of his father which was conveyed in trust as aforesaid. That Jacob Horner is the son and Anderson Smith is the son-in-law of Thos. Horner. See page Berry. Voted for Berry.

4. William A. Lindsey. Robert Thompson says, that he voted for Berry, and produced a deed from his mother for more than fifty acres of land. First said it was delivered in March, and then said in January.
Samuel H. Turrentine says, that Lindsey told him at the August election that he had no deed for land, only a title-bond from Nath. Durham. Said this on his oath: I knew he had the title-bond, for I wrote it. He had not paid the whole of the purchase money.

Thos. Fawcett.—William A. Lindsey was turned out of the church for gambling. Would believe him on his oath. At the August election, he offered to vote on a title-bond, and did not allledge that he owned any other land.

William A. Lindsey witness for Berry. I voted on a deed, dated 19th January, 1848, executed by Elizabeth Lindsey to me for fifty-nine acres of land.

John A. Lindsey, witness for Berry: I was a witness to the deed; it was executed and delivered at the time it bears date. It was of my Mother's Dower; she still occupies and has possession of the same. At the time the deed was made, W. A. Lindsey agreed, by parol, to let her live upon and enjoy the land for life.

Henry Edwards, witness for Waddell: I heard W. A. Lindsey complain that they would not allow him to vote on his Bond to make Title, as he had paid a part of the money, and thought it hard that he could not vote. This was at the August election.

5. Alfred Wiatt. George Hurdle, witness for Waddell, says, he voted for Berry: considered insolvent for several years: no visible property on which an execution could be levied.

Edward Benson, witness for Waddell, says that he is insolvent—a man out of whom nothing can be made.

William Ward, witness for Waddell: Wiatt told me had a deed from his father, made 6 or 7 years ago. Offered to show it to me. He is perfectly good for his debts.

James C. Turrentine, witness for Waddell, Sheriff of the County, says Alfred Wiatt has never given any land for taxation for some years past; generally esteemed insolvent, see 50.

6. Daniel Thomas—E. Mitchell, Witness, for Waddell, says Daniel Thomas' lot of land consists of sixty acres of land, twenty of them covered by his mother's dower—the widow in possession of twenty, and he of forty—he has no other land, he said he doubted his right to vote, as the widow's dower covered one third of his land. The said dowers was laid off
and the land divided by a surveyor and commissioners in the presence and by the consent of all the parties, and was reduced to writing. William A. Carrigan, witness for Waddell, produces said division and allotment, which see; voted for Berry.

7. William McAdams—James McAdams, witness for Waddell, says some four or five years ago, William McAdams being deeply in debt and about to be sold out, conveyed to me by deed all his land. I agreeing to surrender the deeds when he refunded the money—deed not registered; some three years since, William McAdams and his sons repaid me and I delivered up to him the said deed, but never reconveyed. Cross examined; I did not give it in or pay taxes for it, nor claimed the land since I handed back the deed. William has been in possession for the last thirty years; voted for Berry.

James Albright, Witness for Waddell, says that William McAdams has seen considered totally insolvent even since he knew him. Cross examined; says that he would believe James McAdams on oath.

8. Elijah Vesey. Harrison Parkes, witness for Waddell, says that Vesey refused to swear that he had a deed or deeds covering fifty acres of land for six months before the election. Elijah Vesey, witness for Berry, says that he offered to vote for Berry and was refused. That his father died 11 years ago, leaving nine heirs and 262 acres of land. I bought another's ninth part from William Duke, guardian of James D. Mangum, on the 5th of Nov. 1847. See the deed.


10. John McCauley. Bennet Hazell, witness for Waddell, says that on John McCauley's vote being contested at C. F. Faucett's precinct, he said he was a freeholder; for his Aunt had willed him his land, but said further, that her will had never been proved in Court, that there was no administration, that he had given in no land for taxes, but that his father had for him.

H. C. Hurdle, witness for Waddell, says that he voted for John Berry.

11. James Crabtree. Sam. McCauley, witness for Berry, swears that he heard John Carr say, in the presence of Crabtree, that he had made a deed of Trust but that it had been raised. Voted for Waddell.
12. Samuel Clayter, witness for Berry, saith that he voted on a deed from Dr. James Webb, to Elisha Mitchell, dated 25th day of May 1843. See the deed, also a deed which Dr. James Webb had made to Samuel Clayter before he, Webb, conveyed to Mitchell.

13. Judson and Warden Riley. J. Riley, witness for Berry says, I voted on certain land devised in the will of my father William Riley, for Hugh Waddell.

Warden Riley, witness for Berry, says the same as above as to his vote.

On reference to the will, it is in substance "I give the land to A. for the use of Judson and Warden Riley, with directions to A to divide it equally between them," etc.

15. Samuel Hodge. Robert Thompson, witness for Berry, says that he voted for Waddell. Some years ago, I witnessed a deed from his father to him, for some sixty or eighty acres of land, he having paid sixty or seventy dollars for his father.

Samuel Hodge, witness for Berry, says, I voted for Waddell on a paper writing executed to me by S. G. King, on the 9th of August '45; see copy furnished. I have 25 acres beside the land mentioned in the deed from S. D. King.

16. James Glass, witness, sworn and offered by Berry; I voted for Waddell; my qualification is 90 acres of land, devised for me by the will of Stephen Glass, dec'd, which has proved and recorded.

17. William Wilkins. George Albright, witness for Berry, says he voted for Waddell.

Benj. Hurdle, witness for Berry, says he is generally reported to be totally insolvent, and has no property.

Sampson Morgan. Evidence that he voted for Waddell—allowed by the Inspectors to vote—further, that he had before that time, been found by a Jury non compos.

Jacob Haughawaut. As to this vote, at the request of Mr. Waddell, all objection is withdrawn. An agreement as to the force and effect of Mr. Berry's statement is on file, which Mr. Gilmer did not conceive as binding upon him as a member of the Senate. But at the request of Mr. Waddell, and in consequence of said agreement, he withdraws his objection, and regrets that he called the attention of the Senate to this vote.

Wm. J. Pettigrew. Wm. Ward, witness for Waddell, says, execution against him, Pettigrew, in April last—had a conversa.
tion with him, said they might sell his carryall horse and goods, and make what they could out of that. That was all he had, about two months ago, he told me that the forfeiture had not been paid; this was just before the election, and he has left the State just after the election.

P. P. Moore, witness for Waddell, says Pettigrew voted for Berry.

John Allison, witness for Berry, witnessed a deed on the second of February 1848, from Thomas Pettigrew to said William J. Pettigrew, for 50 acres of land in Orange; did not see it delivered. Thomas Pettigrew told him a few days after that he had delivered it. Thomas Pettigrew, witness for Berry, says that he did deliver the deed at the time it bears date, that some two or three weeks ago he purchased said land back from his son. Asked leave to correct his testimony. Says that he delivered it to Susan Pettigrew, his daughter, for William. That said William gave him a reconveyance at the time he was leaving the State.

John M. Pettigrew witness for Berry, says that his father was sick when said William left, that he followed him some 25 miles, and took to him the old deed. My father told me that he, William, had made no deed back to him for that land which he had purchased from him, and for which he had given him a mare. I took the old deed and the mare, overtook him some 25 or 30 miles on the road, gave him the mare, and took the paper writing marked Z.
COMMUNICATION FROM CHIEF JUSTICE RUFFIN

IN REPLY TO A

RESOLUTION OF THE SENATE.

Raleigh, January 18th, 1849.

Sir:

The Resolution of the Senate, passed on the 17th instant, requesting the Judges of the Supreme Court to furnish the Senate with their opinions on certain questions therein mentioned, touching the qualifications of persons to vote for members of the Senate, under the Constitution of this State, was laid before the Judges on the evening of yesterday.

Although not strictly an act of official obligation which could not be declined, yet from the nature of the questions, and the purposes to which the answers are to be applied—being somewhat of a judicial character—the Judges have deemed it a duty of courtesy and respect to the Senate, to consider the points submitted to them and to give their opinions thereon. I am, accordingly, directed to communicate it.

Three questions are proposed, which are thus expressed:

"First. Is or is not the vote of a Bargainor in a deed of trust legal?"

"Second. Is or is not the vote of a Trustee under a deed of trust legal?"

"Third. Is or is not the vote of a Cestui que Trust legal?"

It is to be premised, that categorical answers to these enquiries could not be useful to the Senate, for want of the precision in the terms of the questions themselves, which is usual and requisite in legal discussions. For,
neither the subject of the conveyance, nor the nature of the trusts, nor the estates of the bargainor and bargainee are specified. But, referring to the nature of the controversy before the Senate, as stated in the resolution, it is supposed that the case to which the Senate alludes is of this kind: That one entitled to at least fifty acres of land for life or some greater estate, conveys it by deed of bargain and sale to a trustee, to secure debts to other persons, with a power to the trustee to sell the estate, and out of the proceeds to pay the debts. Then, supposing the proper residences of the parties, the points are, whether the bargainor, the bargainee, or the creditor, and, if either, which of them, hath a right to vote for a member of the Senate.

The Judges would have been gratified to have heard, before forming their opinion, an argument on the part of the gentlemen concerned on opposite sides; and, if the matter of law, involved in the questions of the Senate, were deemed by them doubtful, they would have been obliged to defer their answer until the parties or their counsel could submit their views. But as the Judges, upon conference, have found that their opinions entirely concur, and that no one of them entertains a serious doubt upon the subject, they have felt safe, and that it was proper, to deliver their opinion at once, in order to remove the difficulty felt by the Senate in determining the pending contest, as far as their opinion can contribute to that end.

The questions depend entirely upon the proper construction of the second clause of the third section of the first article of the amendments to the Constitution of the State. It is, that "all freemen, (except free negroes, &c.) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district, of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate." This language is precise and positive, that the right to vote belongs only to him who is possessed of a freehold. The first enquiry, then, naturally is, what is a freehold, and who is a freeholder, within the meaning of the Constitution?

The term, "Freehold," is a legal one, of very ancient use, and of known signification in the Common Law. It means an estate in land, of which a freeman is seised for the term of his own life, or the life of another, at the least.
In its proper sense, it is restricted to such an estate at law. In reference to private rights it is always used in pleadings and statutes, as applicable to legal rights and to legal rights only. It has likewise been used in the same sense, in reference to the qualifications of voters. Long before the settlement of the Colony of North Carolina, the right of voting for a member of parliament was limited, by an ancient Statute of England, to "Freeholders." A conclusive proof, that a freeholder, as meant in that Statute, was, as at Common Law, one who had the legal estate in himself, is furnished by the facts, that it required a subsequent Statute in that country to enable a mortgagor of a freehold estate, continuing in possession, to vote, and another to disable the mortgagee from voting, when he is not in the actual possession of the mortgaged premises or in the perrnancy of the profits. So, by an Act passed in the year 1760, by our Colonial Legislature, substantially following a previous one of the year 1743, it was thought necessary or useful to define the term, "freeholder," as descriptive of one entitled to vote for Representatives; and therein it was provided, that a person who bona fide hath an Estate Real for his own life or the life of another, or an estate of greater dignity, of a sufficient number of acres of land, should be accounted a "freeholder," and entitled, as such, to vote; and in a subsequent clause, it was further enacted, that the voter must be "possessed of a freehold within the meaning of that act"—that is, an estate real for life at least—"in fifty acres of land." It is, thus, easy to see, whence the framers of the Constitution, in 1776, and in 1835, derived the notion of the particular qualification of a freehold, and also the terms of its description. Certainly, the settled sense of the word "freehold," as a term of the law descriptive of an estate in land and in like manner as descriptive of a property qualification of voters, both in the mother country and in this Colony, is that, in which it must be received when used in the Constitution, when prescribing such a qualification for voters.

It may be thought by some persons, that, in favour of the elective franchise, the Constitution should receive an equitable interpretation, enlarging the term "freehold," so as to embrace also, what is called an "equitable freehold." But that instrument is to be fairly construed and received according to the plain and popular import of its language generally, or according to their legal sense when
it uses technical legal terms. It is not to be crippled by a rigorous adherence to the letter, on the one hand, nor stretched out of bounds on the other, by a latitudinous construction of words of definite and well known signification. The very fact of requiring a property qualification repels all attempts to fritter it away upon a plea of favour to the citizen. The Constitution forbids any such favor, by the plain implication, that such a qualification is deemed indispensably requisite to the security of the citizens or the stability of the government; and its provisions in this respect ought no more to be enlarged, than restricted, by construction. Now "freehold" and "freeholder" are terms of art, of the definite signification in the law, hitherto mentioned, and therefore they ought so to be understood. It is true, that writers on that peculiar branch of our jurisprudence, which is called Equity, in contradistinction to the common or statute laws, and also Chancellors, sometimes use the expression "equitable freeholder." But, in thus using it, they speak, not in a literal, but a figurative sense. They do not mean, that there really is a freehold in equity; but only that one, who in the view of a Court of Equity, is entitled in presenti to the profits of land for life, of which another is seised, is to be regarded in that Court, to many purposes, as if he were seised of the land, instead of being entitled to the use and profits merely. But that refers solely to the beneficial rights of property in equity, in respect to the enjoyment, disposition, and transmission of the use by descent, or the like; and not at all to legal rights, or political privileges. To such rights and privileges the clause in the Constitution relates; and its terms cannot therefore be controlled by any peculiar sense in which a Chancellor might figuratively use them in reference to certain equitable interests, which in some respects have a similitude to freeholds in land, but are not really freeholds.

The foregoing considerations have so much weight in establishing the proposition, that a bargainer in such a deed of trust as that supposed, or a mortgagor, is not entitled to vote for a member of the Senate, that the Judges would entertain that opinion on those grounds, were there nothing else bearing on the point. But there are various other reasons, arising out of the purposes of the provision in the Constitution, and from the nature of such trusts and the rights of mortgagors, which strongly tend to the same result. Undoubtedly the object, in requiring the freehold qualification, was to con-
stitute one branch of the Legislature peculiarly the guar-
dian of property by having it chosen by the owners of
property. To answer that end, the ownership of the pro-
erty ought to be bona fide and substantial, and not colour-
able and covinous, or nominal merely. Then, it is to be
observed, that debtors frequently mortgage their estates,
or convey them in trust, as a security for debts to a
greater amount than the value of the land. In those cases
they have such interests in the equity of redemption or
resulting trust, that, while they continue in the posses-
sion and enjoyment of the land, they may be called "the
equitable freeholders" in the Court of Chancery, though
their estates, or rather, interests are, really of no value.
It would be a gross abuse of the Constitution for such
persons to vote; as they have neither a legal or benefi-
cial property. That might, indeed, be otherwise, if the
Constitution required a freehold of a particular value.
In that case, possibly, the value of the land above the in-
cumbrance might be deemed or declared to be the mea-
sure of the equitable freehold, as it is called. But there
can be no such discrimination in this State. No act of
the Legislature can add to the qualifications for voting or
take anything away. No law can now declare what is a
freehold, so as to make it different from that described
and meant in the Constitution. As therefore, debtors,
who convey their estates in mortgage or in trusts to se-
cure more than their value, cannot, in any just sense, or
by any intelligent and upright tribunal, be deemed free-
holders, to the purposes of the Constitution, and, as there
is no power to create a distinction between such mortga-
ges and deeds of trust of those in which the debts are less
than the value of the estate; it appears to follow neces-
sarily, that no mortgagor, or bargainor in a deed of trust
of that kind, is competent to vote. For, as all cannot be
admitted at the polls, none can: since they all have rights
of the same nature, though of different values in the
market, and the Constitution refers exclusively to the
quantity of the land and the nature of the estate in it,
without regard to value in any case.

Moreover, if persons claiming equitable interests un-
der express reservations or declarations of trust were en-
titled to vote, so, in like manner, would those entitled by
way of resulting or implied trusts. Thus, upon a contract
for the purchase of a freehold, the vendor before a con-
voyance becomes a trustee for the vendee, and the latter,
the equitable owner of the land, provided he has paid the
purchase money or performed the contract on his part. —
But it seems quite clear, that it was not contemplated in
the Constitution to make such nice and doubtful equities,
as often arise out of such dealings, the subject of contro-
versy at the polls, to be decided by the judges of the elec-
ton. On the contrary, it was proper, that the title to vote
should be defined clearly and rendered simple, so that the
rights and duties of the citizen could be easily understood
and readily determined. By viewing the Constitution in
the legal and obvious sense of its language the right to
vote is thus defined, and vested in the owner of the land
for life —"the freeholder" in possession.

The conclusion of the Judges is, and they are all of
opinion, that the bargainor in such a deed of trust, as
that supposed, is not entitled to vote for a member of the
Senate, in virtue of any trust or interest in the land or in
the surplus of its proceeds, after payment of the debts, re-
served or resulting to him.

It follows, that a creditor, secured by such a deed, can-
not as a cestui que trust, vote for a Senator; for he has
neither a legal nor an equitable right to the land, but on-
ly a right to have his debt raised out of it. Indeed, if a
conveyance be made to one upon an express and pure
trust for another for life, the reasons already addressed
upon the first point, satisfy the Judges, that the cestui
que trust is not entitled to vote; because, in their opin-
ion, merely equitable interests are not within the pur-
view of the Constitution at all, but proper freeholds only.

Upon the remaining question as framed, namely:
Whether the bargainee or trustee in such a deed be enti-
tled to vote, the opinion of the Judges is likewise in the
negative. Such a person is a freeholder; and if that by
itself would suffice, he would be entitled to vote. But,
by the words of the Constitution, one must not only have
a freehold, but be "possessed" of it. That is a material,
and indeed, essential part of the provision. In legal
language, "possessed" is not the appropriate term to de-
scribe the quantity of an estate, as being a freehold.
Technically, he, who has a freehold, is said to be "seised,"
and we know thereby, that he is fully invested of the es-
tate. "Possessed," then when applied to a freehold, means
something more than that the party is seised for life; for such seisin is implied in the term "freehold," by
itself. It can therefore only mean, that the person must
be in possession of the land as his freehold. "Possessed,"
is therefore very properly applied to the term "freehold," in the Constitution—not as denoting merely, that a person hath a lawful right to the land, but further, that he is in the actual enjoyment by possession or perception of the profits, or at least, that no one else is.

As has been already remarked, the policy of the Constitution is, that voters for members of the Senate should have a substantial interest in the country in the form of a freehold in at least, fifty acres of land. Now, there may be such a freehold, which gives no beneficial interest to the freeholder; in whom the estate was vested for the use and benefit of another entirely. It is manifest that such a freeholder does not stand in such a relation to the property and the country as affords a reasonable expectation, that he will exercise the elective franchise upon the motives and to the ends, for which the property qualification is required. A mere mortgagee, that is, one not in possession, has the estate barely as a security for a sum of money; and a trustee in the like condition holds the title exclusively for the benefit of others. It often happens, that the legal estate is outstanding in the trustee long after the debts are paid or other trusts are satisfied; in which cases the trustee cannot rightfully enter for any purpose, but is bound to convey the land upon request. If such a trustee were allowed to vote, it would plainly violate the policy and meaning of the Constitution, and not less, its language. If however a mortgagee take actual possession by himself or his lessees, he becomes thereby a freeholder in possession. Indeed, he has a substantial interest, as well as the estate, and is in fact enjoying it, and therefore his right to vote is unquestionable. It is not so obvious, that a trustee, in a deed to secure debts to others, is within the fair sense of the Constitution, though he take possession; and it can hardly be doubted that were the Constitution such an instrument as deals in details, such a trustee would have been expressly excluded, or, had the case occurred to the Convention, that to the words, "possessed of a freehold," would have been added "to his own use," or some provision of similar import. But the Constitution, in fact, contains no such qualification upon the right of the freeholder in possession to vote; and therefore though not plainly within the reason of the Constitution, a trustee who is in possession, or in the actual receipt of the profits, though not to its own use, is fully within the express words of the provision in the Constitution as it is, and consequently he must be admitted to his vote. For there is no authority for a judicial or legislative interpolation of an exception, that the person must be "possessed to his own use," when the Constitution is not thus qualified, but is expressed in language, not in itself of doubtful import, but having a clear and settled sense.
The question of the Senate has no reference to the possession of the land by the trustee; and it must, therefore, be understood as referring to the right of a trustee to vote by force, merely, of the conveyance to him, vesting the legal freehold in him. Thus understood, the answer of the Judges to it is, that in their opinion, such a trustee is not entitled to vote.

But, at the same time, they deem it their duty to say further, that they are likewise of opinion, that if a mortgagee go into possession of the mortgaged premises or receives the profits, or if a trustee, in such a deed as that all along supposed, actually enter into possession or take the profits, for the requisite period, then the former, undoubtedly, and, in the opinion of the Judges, the latter also, is entitled to vote for a member of the Senate.

It will be observed, that the effect of these answers is, that, except when the Trustee is in possession, neither the Bargainer nor the Trustee can be allowed to vote; and it may, possibly, occur to the minds of some, as an objection to the principles laid down, that the land is thereby excluded from representation altogether, and in so doing, that the Constitution is disregarded. But the objection, though it may at first appear plausible, has no real force. For the land is in no case represented. The right is in the owner. It is true, the right is conferred on him in respect of the land. But it is only for the security of his rights and interests as a citizen and owner of land; and he is not obliged by the Constitution to vote, or, after once acquiring the right to vote, not to part from it. The truth is, that there is a great deal of land on which no one votes or can vote: as, for example, that belonging to single women and infants, and to persons residing in a different district from that in which the land lies. So, if one conveys his land in such a manner as not to leave in himself a "freehold," he, of course, parts with his right to vote, though he continue to occupy the land. But it does not follow, that by depriving himself of that right, he transfers it to the alienee of the freehold. For, while the former owner cannot vote, for the want of the freehold, the new owner does not become entitled to vote by having the "freehold," unless he also become "possessed" of it. There is, consequently, no inconsistency in holding, that neither of them is entitled, when the Trustee is not in possession either actually or by receipt of the profits.

I am, sir, with very great respect,

Your most obedient servant,

THOMAS RUFFIN.

To the Hon. CALVIN GRAVES,

Speaker of the Senate.
[HOUSE OF COMMONS DOCUMENT, NO. 2.]

MEMORIAL

SOLICITING A

STATE HOSPITAL

FOR THE PROTECTION AND CURE OF THE INSANE,

SUBMITTED TO THE

GENERAL ASSEMBLY OF NORTH CAROLINA.

NOVEMBER, 1848

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE.
MEMORIAL.

To the General Assembly of the
State of North Carolina:

Gentlemen:—

I respectfully ask your attention to the subject herein presented and discussed; and solicit your prompt and favorable action upon the same.

I come not to urge personal claims, nor to seek individual benefits; I appear as the advocate of those who cannot plead their own cause; I come as the friend of those who are deserted, oppressed, and desolate. In the Providence of God, I am the voice of the maniac whose piercing cries from the dreary dungeons of your jails penetrate not your Halls of Legislation. I am the Hope of the poor crazed beings who pine in the cells, and stalls, and cages, and waste rooms of your poor-houses. I am the Revelation of hundreds of wailing, suffering creatures, hidden in your private dwellings, and in pens and cabins—shut out, cut off from all healing influences, from all mind-restoring cares.

Could the sighs, and moans, and shrieks of the insane throughout your wide-extending land reach you here and now, how would your sensibilities to the miseries of these unfortunates be quickened; how eager would you be to devise schemes for their relief—plans for their restoration to the blessing of a right exercise of the reasoning faculties. Could their melancholy histories be spread before you as revealed to my grieved spirit during the last three months, how promptly, how earnestly would you search
out the most approved means of relief; how trifling, how insignificant, by comparison, would appear the sacrifices you are asked to make; how would a few dimes and dollars, gathered from each citizen, diminish in value as a possession, compared with the certain benefits and vast good to be secured for the suffering insane, and for their afflicted kindred, by the consecration and application of a sufficient fund to the construction of a suitable hospital in which the restoring cares of skilfully applied physical and moral treatment should be received, and in which humane and healing influences should take the place of abuse and neglect; and of galling chains and loathsome dungeons.

North Carolina, hailed of her sons, "the glorious Old North,"—North Carolina, unburthened by State debts, untouched by serious misfortunes, is last and latest of the "old thirteen," save the small territory of Delaware, to make provision for the care and cure of her insane citizens, and almost the last embracing all the New States in our broad Union.

But it is not to the State pride of the intelligent citizens of North Carolina that my appeal comes; it is to the liberal and humane hearts of this portion of my fellow citizens, its plea reaches; it cannot be rejected, it dares not consent to be put off; it claims with earnest importunity that its merits may be discussed, it would merge in oblivion the multiplied miseries resulting from past neglects and procrastination, by wakening to action the efficient energies of humanity and justice.

At present there are practiced in the State of North Carolina, four methods of disposing of her more than one thousand insane, epileptic, and idiot citizens, viz: In the cells and dungeons of the County jails, in comfortless rooms and cages in the county poor-houses, in the dwellings of private families, and by sending the patients to distant hospitals, more seasonably established in sister States. I ask to represent some of the very serious evils and disadvantages of each and all these methods of dis.
posing of the insane, whether belonging to the poor or to the opulent classes of citizens.

It may be here stated that by far the larger portion of the insane, epileptics, and idiots, are detained in or near private families, few by comparison, being sent to Northern or Southern State hospitals, and yet fewer detained in prisons and poor-houses, yet so many in these last, and so melancholy their condition, that were the survey taken of these cases alone, no stronger arguments would be needed to incite energetic measures for establishing an institution in North Carolina adapted to their necessities, and to the wants of the continually recurring cases which each year swell the record of unalleviated unmitigated miseries.

If the plea of suffering humanity is insufficient to quicken Legislative interposition, an argument based on indisputable evidence, may be advanced, whose force cannot be slighted; I mean the economy, directly to individuals, towns, and counties, and remotely, but not less actually to the State, of establishing without delay, a Hospital for the treatment and protection of the insane.

In order precisely and definitely to present this subject in an economical point of view, I quote from carefully prepared tables furnished by the experienced Superintendant of one of the most successfully conducted Hospitals in the Union. The cases affording the following results are taken in their order of successive admission. The first twenty were the first incurable cases which were received at the institution: the last, those latest received. The expense of the first, cost before admission, one dollar and fifty cents per week. They had in the aggregate cost to the State each, one thousand five hundred and fifty dollars and fifty cents. On the other hand, the actual expense of the last twenty cases which have been discharged from the Hospital cured, amounts only to forty-seven dollars and a half each. Hence, it appears that the expenses already incurred for taking care of twenty cases suffered by delay and neglect, to become incurable, has
been more than thirty-two times greater than the same number of cases for which early and proper provision had been made. The recent cases are well; the old ones will doubtless continue a charge through life. Strange as it may appear, it is not the less true, that taking an average chance for cures, it would have been a pecuniary saving to the State to have had seasonable care of these old cases, though at an expense of eighty dollars a week, rather than by neglect to have incurred the necessity of supporting them to the present time, and till their decease.

The incarceration of insane men and women in County prisons, whether furiously mad or otherwise, is objected to, first as subverting the uses for which these prisons are constructed, second, as placing the innocent on a level with the guilty, making misfortune and crime, disease and health, go hand in hand. I said on a level, I mistake; the felon looks forward to a period of enlargement, and notes the time when his prison bonds shall be broken: the insane whose imprisonment is aggravated and prolonged by consequence of sickness, not for his crimes, anticipates no season of liberty, no period of release.

Again, many persons adopt the idea that the insane are not sensible to external circumstances, that to their perceptions the dungeon, chains, cold, nakedness, and harsh epithets are as acceptable as a comfortable apartment, freedom from shackles, a pleasantly tempered atmosphere, decent clothing, kindly speech, and a courteous address. They assert that coarse, ill-prepared food is as palatable as that which is wholesome and well cooked, that cold and heat, sunshine and cloud, pure air and that loaded with noisome exhalations, liberty and confinement are all one and the same to the insane, producing like impressions and results on the deranged intellect. Greater error of belief was never adopted; more serious mistakes, and conducting to more fatal results could not be propagated. The insane in most cases fell as acutely, and distinguish as readily as the sun.
Nor are we to conclude that because a man is insane that he is not in a large majority of cases, able to appreciate the advantages of good associates, or that he is obtuse under the contact of ill-chosen companionship. I recollect a gentleman who had enjoyed a liberal education, and possessed a refined mind, who became insane and shortly furiously mad; for a little time he was conveyed to a jail, and exposed to the daily observation of a crowd of criminals, whose base language and coarse manners constantly exasperated his temper; finally he was removed to a well ordered hospital, and after some months his recovery being complete, he was restored to his family and friends; but he could not forgive them his detention in the prison; he spoke with bitterness and severity on his having been subject to such a degradation. On the contrary, he dwelt with tender gratitude upon his situation in the hospital, (that of Bloomingdale, near New York) and spoke with continual pleasure of the comforts which there surrounded him. But he never has relinquished the opinion that his malady would have yielded much more promptly to the mental and moral treatment in that Institution, had he been at once conveyed thither.

"I object absolutely, says Ellis, to the inhuman custom of confining insane persons and idiots in the same buildings as prisoners and criminals; the usage cannot be too strongly censured." Many examples might be adduced to illustrate the correctness of this position, and for other reasons than those already stated.

In 1844, I found a furious madman in one of the dungeons of the old jail in Fayette County, Penn. His disposition was homicidal; he had been in prison nearly fifteen years. On one occasion a man was brought into the prison intoxicated, having committed some offence while under the influence of ardent spirits; he was thrown into the cell of the maniac, who it is supposed was provoked by him, but no one knows: this only is certain, he fell upon the involuntary intruder and murdered him in the excitement of a most ferocious temper. When the jailer
entered. A horrible spectacle presented itself, the murdered drunkard, mangled and lifeless, the insane murderer covered with gore, and exulting over the reeking remains of his victim!

In Philadelphia, some months since, the officers of the Moyamensing prison were roused from sleep by the cries of murder proceeding from a cell occupied by an insane man and a prisoner who had been committed for disorderly conduct. This unfortunate man was found lying upon the floor weltering in blood, while the murderer, in the highest state of phrenzy stood over him, brandishing a bloody knife. The head of the victim was nearly severed from the body, and the body covered with frightful gashes. In reply to the enquiry what had led him to perpetrate this horrid deed, he answered that it was that he might not himself be killed.

An insane man has for many years been confined in the jail at Germantown, Stokes County, in this State. On one occasion some time past, a negro prisoner was put into the same room as the crazy man; he did not like the companionship, and murdered him in a shocking manner, yet he seemed quite insensible to the turpitude of the deed, and rather exulted in the entire success of the act, as I was informed on a recent visit at the prison.

I admit that public peace and security are seriously endangered by the non-restraint of the maniacal insane. I consider it in the highest degree improper that they should be allowed to range the towns and country without care or guidance; but this does not justify the public in any State or community, under any circumstances or conditions, in committing the insane to prisons; in a majority of cases the rich may be, or are sent to Hospitals; the poor under the pressure of this calamity, have the same just claim upon the public treasury, as the rich have upon the private purse of their family; as they have the need, so have they the right to share the benefits of Hospital treatment. Urgent cases at all times, demand, unusual and ready expenditures in every community.
If County Jails must be resorted to for security against the dangerous propensities of madmen, let such use of prison-rooms and dungeons be but temporary. It is not long since I noticed in a Newspaper, published near the borders of this State, the following paragraph: "It is our fate," writes the Editor, "to be located opposite the County Jail, in which are now confined four miserable creatures, bereft of the God-like attribute of reason: two of them females; and our feelings are daily excited by sounds of woe, that would harrow up the hardest soul. It is horrible that for the sake of a few thousand dollars the wailings of the wretched should be suffered to issue from the gloomy walls of our jails without pity and without relief. Were our law-makers doomed to listen for a single hour each day to the clanking of chains, and the piercing shrieks of these forlorn wretches, relief would surely follow, and the character of our State would be rescued from the foul blot that now dishonors it." In nearly every jail in North Carolina, have the insane at different times, and in periods varying in duration, been grievous sufferers. In Halifax County, several years since, a maniac was confined in the jail; shut in the dungeon, and chained there. The jail was set on fire by other prisoners: the keeper, as he told me, heard frantic shrieks and cries of the madman, and "might have saved him as well as not, but his noise was a common thing; he was used to it, and thought nothing out of the way was the case." The alarm of fire was finally spread; the jailer hastened to the prison: it was now too late; every effort, (and no exertions were spared,) to save the agonized creature, was unavailing. He perished in agony, and amidst tortures no pen can describe.

In Wentworth, Rockingham County, is an aged crazy man whose history even carefully abridged would fill too many pages to be introduced here. The principal facts of his troubled life are known to many in all the adjoining Counties. Can it be credited? crazed and wretched, he has been the inmate of a prison for more than thirty years! and that not for the commission of crimes.
In Stokes jail, at Germanton, was a very crazy man, confined in an unventilated, dreary dungeon. Being tolerably quiet about that time, his chains had been removed, and he was rejoicing in being able to reach the low grated door, because, said he “I can put my mouth close to the bars and draw in some air: don't you like fresh air,” he enquired, “Oh it is so good!” “But oh isn't it pleasant to look out and see the sky, and see the pretty fields; I can't see them here, now you are come to let me out; I know you have; I want to get out; I want to walk about; I don't want to stay here.” Alas I could render no relief, the unfortunate man was incapable of self control, and endangered life and property when at large, and there was no hospital to receive him in Carolina—he was poor, and so could not be conveyed to that of another State.

I recollect, of many examples, one recorded in a Report to the Virginia Legislature, by Dr. Stribling, which serves to illustrate what might have been, in all probability, the benefits of timely Hospital care for their suffering madman.

In 1841, a patient was conveyed from a jail in County, where he had been confined loaded with irons for six months. He had been temperate and industrious, but was unfortunate and insanity ensued. He was conveyed to the Hospital bound hand and foot, screaming vociferously, and seeming a very demon in look and act. For days he was furious, but his malady yielded, at first by medical means, and finally by moral influences. In one month he was freed from all restraints, passed in and out of the building at pleasure, and soon cheerfully occupied himself upon the grounds of the Institution, in useful labor, without even an attendant. In four and a half months his cure was perfect, and he was discharged. His gratitude and attachment to his physician and nurse seemed unbounded. He returned to his home and settled his affairs there, and after a few months returned to offer his services as attendant in the Hospital, and has continued in the daily and hourly exercise of those kind
and humane cares which were so grateful and soothing in his own experience. He has the responsibility of guarding, protecting, employing, and amusing a class of fifteen patients, all of whom are devoted to him. Comment upon this case is needless.

In the miserably dilapidated jail in Surry, was also a crazy man, quiet at the time of my visit, but subject to access of violent and alarming paroxysms. Before committal he often declared to his wife that "he felt mighty strange, that he was bound to kill somebody, that he felt dreadfully, that he had a desire to kill her." He was not malicious, did not entertain emnity towards any one individual, but had a morbid and almost uncontrollable desire "to see blood run." Of course, being looked upon as dangerous to the lives of others, he was committed to the jail for an indefinite period, where the application of moral and medical means was unattainable.

In a Hospital, he would have been an industrious and useful inmate, and probably in a short period might have been perfectly restored to mental and physical health.

Since I was in Rowan, an insane man, possessed of a moderate fortune has been committed to the jail; I will not attempt to depict his sufferings in the dismal dungeon into which he has been cast.

From the comfortless, and old jail in Wilkes, an insane women had been discharged some time previously to my visit. At that period and since, I have received the following facts of her history. Mrs. B. is now above 35 years of age, and had for many years been eccentric, at last deranged, and finally has become a decided maniac. While her husband lived, he was ever kind and indulgent, and often said to his neighbors, in excuse for her wayward conduct and ill-speech, that they must not mind her, for she was deranged, as he believed. More than a year since, she had been ill for sometime, her husband was exhausted from loss of sleep, and, as he thought at a favorable moment threw himself down to rest. She perceived him sleeping, she went out and returned with a large stone, with which she beat him upon the head so as to cause almost immediate death. Her
insanity was fully proved upon her trial, and she was
remanded to jail; after considerable detention her broth-
er decided to take charge of her, and removed her to his
house. Recently in a state of high excitement she at-
tempered the life of her sister-in-law, and but for the
timely arrival of her brother would have accomplished
the shocking purpose. Her physician has lately written
to me, that he regards her as a confirmed maniac, and
dangerous at all times to be at large, as well as danger-
ous to all who unguardedly approach her when she is
excited.

An insane man has lately been discharged from the
jail in Beaufort County, and sent to Hyde, where he be-
longed. One also from Carteret, as I am told. In Craven
County, I found a crazy man incarcerated in a noisome,
damp, cold dungeon; “placed there for safe keeping!”
His condition was very wretched; and his prospects of
relief and appropriate treatment no better: if left there
he must become a confirmed madman.

In a dark, dreary and filthy dungeon, in Northampton
County, I lately found an insane man who had been con-
fined closely for several years. I did not persevere in en-
tering this dungeon, though I examined others corres-
dponding with it in dimensions, but cleanly kept. The
keeper doubted the safety or decency of opening the
doors, and no advantage could have been derived from
doing so, merely to attempt the near survey of a place,
that must assure permanence to disease; and aggravation
to bodily and mental disability. I am disposed to believe
that the keeper conceived himself in the performance of
his duty, to the extent such means as he possessed allow-
ed. This case I recollect, was repeatedly described, be-
fore I reached Jackson, by humane and intelligent citi-
zens in adjacent Counties, better possessed of facts than
myself, and speaking from personal observation of his
sufferings, noted in professional calls at the jail, during
the session of the Courts.

If Jails are unfit institutions for the treatment and re-
straint of the Insane, County poor-houses are but a de-
gree, if indeed at all more suitable.
At the present time, there are no insane persons either in the Jail or poor-house of Wake County, but a considerable number of individuals in private families, in more or less suffering and exposed states, according to the ability of their friends to provide for them, and several are wandering at large, gathering a precarious subsistence, and not safe to be trusted with their liberty. The case of several requires prompt care. One woman, whose propensities are homicidal, resides with her family, to their manifest hourly peril.

The Jail of Orange is well built, and was in good order, comparing well with the best kept Jails in the State. The reverse exists, in regard to the poor-house, which was neither clean nor comfortably furnished. I believe, sufficient food is supplied, and in sufficient quantities. A little expenditure by the County, and a little care, would render the establishment more comfortable. There were six insane; three in close confinement, and much excited. The most violent, a man long a maniac and caged, was clean, but so noisy as to disturb all on the premises; a large part of the time, the room in which his cage was built, could be made light, but was commonly dark and close, "to keep him more quiet!" A negro girl, a most pitiable case, was in the opposite building; and a white woman also, in a separate compartment, vociferous and offensive in the extreme. In the passage, between their cells or cages, was a stove in which fire was maintained when necessary. The place was very offensive. The keeper could not altogether be blamed for this; he was hired to direct a poor-house, and not qualified to rule a mad-house, and should not be expected to do it. Very many cases of insanity, in various conditions, exist in this County.

In Granville County poor house, is an unfortunate man, who for years has been chained to the floor of a wretched room; miserable and neglected, his now deformed and palsied limbs attest the severity of his sufferings through these cruel restraints; flesh and bone are crushed out of shape by the unyielding irons. He was a man of good
character, industrious, frugal habits; a good citizen, and respectable as respected; he became insane, and soon the malady assumed a maniacal character: he was carried to the poor-house, loaded with chains, and left like a wild beast to live or perish; no care was bestowed to advance his recovery or to secure his comfort!

Caswell Jail was in good order, safely constructed, and vacant of prisoners. The family of the keeper reside in the building. The county poor-house establishment, not distant from Yanceyville, consists of a series of decent one story buildings, kept remarkably clean and neat, and reflecting credit at once upon the county, and those who have the immediate charge. Of the four insane residents here, two were in close confinement; a woman in a room of sufficient size. Who was in a highly excited state. The insane man was in a sort of stall or cage, and at the season of my visit the place was clean. The noise, perversity, and bad habits of these unfortunate persons was a source of much disquiet in the establishment.

In illustration of the blessing and benefit of Hospital care in cases long and most cruelly neglected, I adduce the following examples recorded by Dr. Hill, and corresponding with many cases under my own immediate observation since 1840. "Two patients," writes the Dr. "were brought to me in 1835, who had been confined in a poor-house between eighteen and twenty years. During this period they had not known liberty. They had been chained day and night to their bedsteads, and kept in a state so filthy that it was sickening to go near them.—They were usually restrained by the strait-waistcoat, and with collars round their necks, the collars being fastened with chains or straps to the upper part of the bedstead, to prevent, it was said, their tearing their clothes. The feet were fastened with iron leg-locks and chains. One poor creature was so wholly disabled by this confinement, that it was necessary for the attendants to bear her in their arms from place to place after she was brought to the Hospital; she shortly acquired good habits, and was long usefully employed in the sewing-room. The other
was more difficult of management, but soon gained cleanly habits, and now occupies herself in knitting and sewing, and that, after having been treated for years like the lowest brute. Another case was brought in chains, highly excited; five persons attended her; in six days all restraints were removed; and she walked with her nurse, in the patients' gallery. In June, she was discharged from the wards quite cured, and engaged as assistant in the kitchen.

The Jail of Rockingham is in tolerably good order, the poor-house, but a short distance from Wentworth, is singularly neat, and well-ordered; the inmates sufficiently well-clad and very neat and respectable. The buildings require repairs. The house is well kept, but more comforts might well be supplied.

The Jail of Stokes is in tolerably good condition, but badly constructed for the admission of light and air in the dungeons; there should be a stove in the passage, to dry the walls in damp weather.

The poor-house about three miles from Germanton, is extremely comfortless, the apartments are entirely too much crowded, and the arrangements are not suited to promote the comfort or good order of the inmates.—Rooms of the poor all ill-furnished and out of repair. Residence of the Superintendent very neat and comfortable. There was one insane woman then at liberty but often confined in a cell, in all respects, unfit for one in her condition. I cannot forbear the remark, that when not in close confinement, she was very improperly situated in the room she occupied. There were several others in the house in a demented state.

The Jail of Surry, is an isolated old two-story wooden building, and in some parts dilapidated; the poor-house is about three miles from Rockford, the Superintendent resides in town, and keeps several negroes to look after the poor, of whom there were in September, about 30. There were no insane in close confinement, but two who are allowed the freedom of the place.
The jail of Guilford, is isolated, but very well built and well kept: in addition to the dungeons, and other strong rooms, was the unusual provision of a large chapel room for religious services, when circumstances should make it desirable to hold such therein. The old poor-house several miles from Greensboro' is about to be abandoned, being utterly comfortless and out of repair. New buildings on the Hillsboro road are nearly completed, and there is no doubt that the establishment will be in all respects well-ordered, and fitly conducted.

The jail of Davidson, a new, secure, and substantial building was found in excellent order; the common mistake of insufficient air and light in the dungeons exists here. The County poor house about six miles from Lexington, was pretty well ordered, but too little visited. The supplies of food and clothing seemed sufficient for both health and comfort: but there, as elsewhere, the insane were out of place, and in a bad state. For this no blame is to be attached to the superintendant, so far as I could judge. One very crazy man was chained to his bedstead; he was noisy, filthy, and truly repulsive. A crazy woman, but quiet, was rolled in a quantity of soiled bed clothing. These like many others would be useful, and decent in their habits, if resident in the hospital expressly designed for the insane. Besides these are two demented patients.

Rowan jail, on the first floor of which resides the jailor, is a substantial building—not clean when I saw it; chiefly commended, I was told, as a secure prison. An insane man has recently been committed here. The poor house about two miles from Salisbury, requires so much to render it comfortable that it would be difficult to know how to enumerate its deficiencies: the house occupied by the keeper was quite the most comfortless abode, that I have seen in North Carolina, except repaired, certainly not habitable for the winter. No insane man in confinement in this institution.

Iredell jail, is isolated and had just passed into the charge of a newly appointed officer, it would hardly be
just to remark severely upon its very dirty and neglected condition. The County poor-house, a few miles from Statesville, is situated in a singularly secluded spot, remote from supervision and often observation, and is a model of neatness, comfort, and good order; having a most efficient master and mistress, especially the latter, upon whose cares in these institutions by far the most is dependent. All in all, this was in much the best condition of any poor-house I have seen in North Carolina, neat, plain, and decent, it would do credit to any State; but it is no fit place for the insane. Since I was there, in September, a highly respected citizen writes me that a young woman has been sent to the poor-house so violently insane, that it is quite unfit she should remain there. Also a man has in that County, very recently become so violently mad as to be quite unmanageable, and having no Hospital in the State, they have confined him with, *chains and manacles, hand and feet*, and do as best they can. A subscription paper has been circulated for the purpose of raising funds to send him to Columbia, S. C. Other painful cases exist in this, as in the counties which I have visited, and from which I have heard; most of which I do not feel at liberty, through their domestic and social position, to designate; but they plead in heart-reaching language for the early establishment of a State Hospital.

Wilkes jail is an old building, and so far as the jailor is accountable, is well kept: it is isolated, and a wretched place whether for the prisoner, or the insane who are sometimes confined here. There is no poor-house in this County. Five or six cases of insanity have been reported to me. One, a man named Dowell, is said by a respectable physician of Wilkesboro' to have been crazy for more than 12 years: the malady is gaining force gradually, and now exhibiting itself in furious mania; he is a very dangerous person to be at large, has proved himself to be mischievous, and once attempted to commit homicide.
The Jail of Caldwell is well built, was in good order, and has sufficient light and air in every part. There are no violently excited insane in the poor house, which is some miles from Lenoir, and but few cases in the County.

In the Jail of Davie, is one insane man; in the poor-house beyond Mocksville, I was informed, was a case of insanity truly pitiable, beside many others in the County.

The Jail of Bertie is an exceedingly well built edifice, sufficiently lighted and aired, and well-kept; the Jailor and family reside on the first floor; the County poor-house, about three miles from Morganton, is not well situated; the buildings are out of repair, and ill-arranged within, for either comfort or convenience in times of sickness or of health. I should think that the Superintendent was kind and faithful in the discharge of all his duties towards the poor. Here as in most of the poor houses in North Carolina religious services are frequently holden.

The jail of McDowell, like most of the County prisons in this part of the State, I found well built and well kept; there is no county poor-house in or near Marion; and my inquiries reached but few insane in the County. One man often violently excited, but ordinarily for the last few years so tranquil as to be at large, I found beyond Pleasant Gardens. At one time he was closely shut up.

The jail of Buncombe is a large substantial building; formerly there was a county poor-house six or seven miles from Asheville, but its remote situation and serious discomforts through bad management led to the entire breaking up of the establishment some time since. A plan succeeded this, somewhat original, which when I was in Asheville, had not been fully carried into effect; having no perception of its merits and claims to commendation, I shall dwell but slightly upon the subject, merely stating on authority of several of the citizens, that it was considered in constructing the new jail, expedient to make it of sufficient capacity to accommodate at one and the same time and place, the vagrants and felons of the county, and the unfortunate poor. The enclosed yard, "at present unimproved," is of sufficient extent to permit the erection
of additional buildings “if needful.” “It is believed,” said my informant, “that the wardens and overseers consult economy by this arrangement in various ways, especially as one man can keep the prisoners and the poor, saving the cost of hiring a second individual for the latter service.” “But one pauper has been sent to jail, and he ran away dissatisfied with his quarters, in about three weeks.”

Rutherford jail is an old and poor building, but now serves sufficiently of the County. It is quite isolated; but the jailer seemed fitted to fulfil his duties with humanity and fidelity. The County poor-house, a short distance from Rutherfordton, is not so comfortable as respects the buildings and furnishing as it should be made. The Superintendent seemed a favorite of the poor there.

Cleaveland Jail is excellently built, cleanly kept, and the Jailer, as should always be arranged, resides in one part of the building, having thereby the more immediate and efficient care of the prison. The County poor-house about three miles from Shelby, is a small but neatly kept, and seemingly comfortable establishment. It seemed to me that the Superintendant received an insufficient recompense for the difficult charge the situation of several of the inmates involved.

Lincoln Jail is a well-built, well-planned prison, well arranged, and apparently well kept. The poor-house, several miles from Lincolnton, had but three inmates in October; their condition was uniformly represented as not good, and the establishment described as being objectionable. Perceiving influential citizens, prompt to admit existing evils, I did not personally visit it. No insane at present are confined there. Several in distressed conditions in the County, in private families.

Gaston Jail is as yet unfinished, but appears to be a well-planned building. No poor-house in or near Dallas; but one such needed for the County poor. Several insane in the County.

Mecklenburg Jail is remarkably well planned and well built, but less well kept than are most County prisons in
North Carolina, as respects cleanliness. The County poor-house, several miles from Charlotte, was nearly deserted in October, having but two of the County poor; a partially insane woman, and a paralytic man.

Cabarrus Jail is a large, well constructed building—in tolerable order; the Jailor occupies commodious apartments upon the first story. The County poor-house about two and a half miles from Concord, is very deficient in means for promoting the comfort of the infirm inmates. In a miserably dilapidated out-building, perhaps ten feet square, open on all sides to the ingress of the winds, rain, and snow, I found a crazy man chained to the floor, filthy and disgusting. At times he is suffered to go at large, but is at once troublesome and dangerous to those he meets, or whose house he frequents. In a Hospital, this crazy man would, under judicious care, be able to perform more labor than would suffice for his own maintenance. I did not visit the insane scattered in private families.

Stanly Jail is a small new building, neat and secure, but the dungeons so planned and constructed as almost to assure the destruction of health to any who might be long in detention; there is hardly a possibility for the admission of sufficient air to support the absolute demands of the animal structure. There are in the County several cases of insanity requiring Hospital treatment. At present, there is no poor-house in or near Albemarle.

Montgomery Jail, like that of Stanly, is a neat substantial building, and well-kept, but not well planned for health, as respects the admission of light and air, though it assures security.

The County poor-house, at Lawrenceville requires, it appeared to me, much more careful attention on the part of the Wardens, to supply comfortable and necessary attendance upon the aged and infirm, who alone occupy the buildings. Nothing could be more creditable to these feeble women than the neatness and care with which they kept their apparel and their apartments. An insane man had been removed to some other situation in the
County. Several cases of insanity were related to me on authority.

Moore jail seemed a secure prison; its want of cleanliness was excused on the ground of there being no prisoners, and being occupied as a lodging for servants. The dungeons, which did not serve this use, were by comparison with the majority of prisons in the State, in bad order. The County poor-house, not distant from Carthage was excellently kept by a conscientious and kind-hearted family, to whose cares the comforts of the inmates are ascribable, rather than to the provision made by county officials. The buildings are much out of repair and unfit for winter habitation, or for stormy days at any season. The custom so worthy of entire condemnation, that of setting off the poor in mass, by lots or singly, to the lowest bidder exists in Moore County. The poor are fed, clothed, supplied with bed, clothing and fuel and waited on at the rate of 8 cents the day each; a sum which cannot pay those who undertake this charge. That I found the poor well supplied with food and well clad, I repeat was certainly ascribable to the liberality and christianity of the present keepers, rather than to the just guardianship of the public.

Cumberland jail is an old building, well lighted and well ventilated: it is said that more attention will be paid to the preservation of cleanliness than heretofore, the keeper and family now residing upon the premises. The county poor house within three miles of Fayetteville is well situated, and apparently excellently kept: cleanliness, that crowning excellence in house-keeping, prevailed in every room save one, and I imagine might with the exercise of a sufficient determination, be secured even in that. In a log building well constructed, and admitting sufficient light and air, planned so as to be warmed in damp and cold weather, were too small apartments for the insane: at the time I was there one room was vacant, the other was occupied by a violently excited and noisy insane man, whose shouts and vociferations reached me at a distance from the poor-house. In a hospital this
poor creature's energies would find exercise in useful employment; in a poor-house it is not to be expected that the superintendants should have the qualifications which pertain to a judicious control of maniacs: moreover the noise and disturbance these create, languish comfort and repose from the infirm, the sick, the dying, and the demoralizing influence, through use of profane language and additional evils. In this poor-house religious services are regularly and frequently holden, and one has evidence that the ministers of the various religious denominations in the vicinity had not overlooked that scripture, "To the poor the Gospel is preached which foretold the advent of Jesus the Saviour, and comforter."

The jail of Sampson is said to be decently kept. The county poor are said to be well clothed and supplied with wholesome food. Several cases of insanity have been related in this county.

The jail of Duplin is defective. The wardens of the county poor-house which is situated east of Warsaw, several miles from Kenansville, have the reputation of giving uncommon attention to the temporal and spiritual comforts and consolations of the poor. Religious services are holden at the poor house. At present there are no insane persons there.

The jail of New Hanover appeared to be tolerably well kept. It is a large commodious building. Too little light and air are admitted into the dungeons. The county poor-house on the confines of Wilmington is in a miserable and dilapidated condition; fallen wholly from its former well deserved reputation of being one of the best Institutions for the poor in the county. Apparently the acting wardens are responsible for its decline. There are affecting and suffering cases of insanity in several private families in this County.

Wayne jail is an old dilapidated building, shortly to be replaced by a new prison. Found in miserable condition. The County poor-house several miles from Goldsboro', seemed quite decently kept, and in many respects bore an air of comfort. There seemed to be neglect from
abroad in the attendance upon the sick; several individuals were evidently suffering from want of medical advice and prescription. This establishment is but seldom visited, and the comforts enjoyed seemed chiefly referable to the care of occupants. One of the poor, an insane man, had wandered away: an insane woman was so far controllable as to be steadily and usefully occupied.

Lenoir jail, a very old and isolated building, but strong, seemed pretty decently kept; it has some very great defects of construction. The poor of the county are not numerous, by comparison with the adjacent Country.

Craven jail, a very large brick building, promising externally a better condition than the interior revealed. The dungeons were very bad, offensive, dirty, ill-lighted, and not ventilated. A very insane man, considered dangerous to be at large, was in one of them; he was cold, exposed, and suffering; his condition was such as to assure aggravation, if not permanent confirmation of his malady. There are no means of maintaining either dryness or warmth in the passages or in the dungeons. The county poor-house, a short distance from Newbern, is well situated, and has the reputation of being well kept in general. The keeper's house, and several rooms occupied by the poor, were neat and well-ordered; others were in a poor condition. A Sunday school is taught here by persons from Newbern, whose Christianity is illustrated in their practice of its precepts. There are here in Craven County, many cases of insanity.

Beaufort jail is a neat brick structure; the jailor occupies the lower floor in front. The plan of the prison is not good, though it assures security when properly attended to.

A letter received from a physician resident in Washington, informs me that since I left that town a week since, an insane man in a state of high excitement, has been committed to the jail there for public security, and occupies a dreary, wretched cell. I cannot question the willingness of the jailor to perform his duty as humanely as possible; but there is no mercy nor humanity in committing the insane to prisons.
The unfortunate man above alluded to might, in a well ordered Hospital, undoubtedly in a short time be sufficiently recovered, if not cured, to pursue some useful and profitable employment.

Recently fifteen cases of insanity have been stated, existing in this section of the State—that is in Beaufort, and adjacent Counties.

An insane person with whom I was conversing two weeks since, dwelt with profound feeling upon the trials and sufferings she endured, conscious of her state, and sensible of all that occurred around her: that which most moved my feelings at the time was, the indescribable pathos with which she related the sufferings and hardships of a crazy man confined in the Jail in her native County. She concluded, "I, in my troubles, have friends—he has none."

The county poor-house not distant from Washington, and reached over a good road, is pleasantly situated, but in a spot well known for its unhealthiness, having been abandoned by the former owner of the property, for its liability to create fevers, and for the general insalubrity of the place. The establishment needs an efficient Superintendent, competent in mind and body to carry forward the interests of the place. Offering at first glance the appearance of a comfortable institution, it fails to show forth either private or public efficient and fit direction. The sick and the children certainly suffer; and those able to work need a director to insist upon their action. I found one woman here insane, but quiet.

Pitt jail is a neat, two story building painted white, and sufficiently large for present county purposes. The poor of this county are said to be well cared for. Sad and distressing cases of insanity were brought to my notice existing in private families, in conditions of extreme suffering and exposure, of which I do not feel at liberty to give the history.

Edgecombe jail is a well constructed, isolated prison; well and cleanly kept: its defects of plan and arrangement are fewer than ordinary in county prisons. I did not
visit the poor-house of this county established some distance from Tarboro, but it bears a good reputation, and at present there are no violently excited insane there; cases are known abroad in the county.

Halifax Jail is a well built prison seemingly, though isolated, securely kept, but bears the reputation of being deficient in cleanliness. At present no insane detained there. The poor-house nearly three miles from Halifax, has much need of competent care, and efficient superintendence. Most of the inmates are aged and infirm. The buildings are well situated and conveniently planned for the occupants, but deficiently furnished, except one room furnished by the individual who dwells in it. The sick need nursing, care, and comforts; and all require supervision.

Northampton Jail is well-built, but defectively planned—the dungeons, of which there are four, are insufficiently lighted and ventilated, and however cold or damp are never warmed and dried. Here is an insane man confined for years in this dreary abode; from his sight, the genial sun, the beautiful sky, and the green fields are forever shut out; darkness, and foul air, and solitude, heaviness and misery are his portion. Kindred and friends are put far from him, and his acquaintance into darkness. May the merciful God compassionate those who are so cruelly abandoned by their fellow-men, and may no heavy retributions crush those, who so unhesitatingly and up pityingly consign a helpless, crazed creature, to such a hapless doom.

The poor-house, a mile and a half from Jackson, consists of five dilapidated, unfurnished rooms, at present abandoned. The Superintendant who resides in a pleasantly situated comfortable house, distributes quarterly, to one hundred beneficiaries an allowance of meat, meal, and clothing, at a cost to the county of about $2,500 00. Several insane poor, and others in better circumstances are in this County.

The jail of Nash is a small two story decent building; no insane now confined therein. The poor-house I had
not time to visit, but understand it is comfortable. Several cases of insanity were reported to me existing in the county.

Time would fail in the narration, even were it proper to unveil the miseries, protracted, and indescribably varied, of the insane in private families, and the distress of families thrown into sorrow and trouble unequalled, through the affliction and sore perplexities arising out of care over the demented, the epileptic, and the maniac. A detailed description of their personal condition, horrible as it must be, could not present the half of the woes which exist in every county throughout North Carolina. Loathing and horror would overwhelm the reader, successively introduced to dreary apartments, loathsome cells, and foul cabins, whence issue the most horrible sounds and poisonous effluvia, and wherein are spectacles of protracted bodily and mental misery language is poor to represent.

Of the few examples of many which exist, to which I shall now refer in private families, the following have quite recently come under my observation: A poor but industrious farmer in the western part of this State, the father of a numerous family, became insane; it was in vain to control him in his own dwelling, he was furious and he was conveyed to the County jail; here his sufferings were aggravated and his malady exasperated: I cannot tell for how long a time the lone dark dungeon echoed to his moans and cries, nor at what cost the county maintained human life, unaiding its sufferings and necessities. In process of time the paroxysms of violence subsided, and finally he was transferred to the humble log cabin of his aged widowed mother, a lone woman dwelling upon the mountains. There I found the infirm, afflicted mother, and the insane son. Amidst tears and sighs she recounted to me her troubles, and as she wept she said, "the Lord above only knows my troubles, and what a heap of sorrow I have had in my day, and none to give me help. There he lay in the jail, cold and distressed, and mightily misused; if I could have got mo-
ney to send him off to where they cure such spells, for they do say crazy folks can be cured, I should have had him in my old age to take care of me, but I am poor and always was, and there is no help here. Ah well, many and many is the long night I am up with him and no sleep or rest, anyhow; this can't last always; I shall die, and I don't know what is to come of him then." It is for Legislators to determine whether such as these shall drag out troubled existences, and no succour until the Angel of death brings release, and seals the long record of "man's inhumanity to man." A respectable citizen in the same quarter of the county, by very slow degrees lost his reason. First was a nervous restlessness, next un-wonted irritability, then a craving for stimulants, which were in time used to excess, and quickened the malady, yet none then traced the real cause of the growing evil: but the type of a deranged intellect was shortly developed beyond doubt, and in a few months the distress and trouble of the household knew no alleviation nor interval. Finally, removal from home, under most grievous circumstances, ensued, and I have not long since been witness to the afflictions of this worthy and respectable family whose efforts to sustain themselves are as affecting as praiseworthy. Had there been in North Carolina, a State Hospital, timely care might have secured a permanent cure. It is almost too late to assure this now, but instead of restoration is life-long expense, and life-long suffering.

In Lincoln County, near a public road, stands a decent dwelling; near by is a log cabin, strongly built, and about ten feet square, and about seven or eight feet high; no windows to admit light; the square logs are compactly laid; no chimney indicates that a fire can be kindled within, and the small low door is securely locked and barred. Two apertures at right angles, ten inches long by four wide, are the sole avenues by which light and air are admitted within this dreary cabin, so closely secured, and so cautiously guarded. You need not ask to what uses it is appropriated: the shrill cries, and tem-
pestuous vociferations of an incarcerated maniac will arrest you on the way, and if you alight, and so far as the light received as before described will allow, examine the interior of this prison, you will discern a ferocious, filthy, tushorn, half-clad creature, wallowing in foul, noisome straw, and craving for liberty. The horrors of this place may not be more definitely described; they can hardly be imagined: the state of the maniac is revolting in the extreme. This creature, is a man—insane for more than thirteen years—for a long time suffered to range the country far and wide, addicted to mischief and disposed to violent acts. For assuring public and private safety, his family have adopted the only alternative of confining him upon their own farm, rather than seeing him thrown into the dungeon of the County jail. Of these two evil conditions, I confess, I see no choice. The family though enjoying the means of decent livelihood, when unburthened by extra expenses, have not the means of sending him to a distant Hospital. The rich may partake the benefits such institutions afford: the poor must suffer, agonize, and bear heavily out, by slow-killing tortures, their unblessed life! Are there no pitying hearts, and open hands that can be moved by these miseries?

Well and truly may it be said of the insane: whose sorrows are like unto their sorrows, and whose griefs are like unto their griefs? Friend and companion are removed far from them, and their acquaintances are hid from their view!

Of thirteen cases of insanity in and near Raleigh, there is one to which my attention has within a few days been called, which especially illustrates the want of a Hospital for individuals in narrow circumstances. Mrs. —— has for several years had rather feeble health. Sometime in February last, she manifested peculiar restlessness by day and night, became agitated and nervous, and her mind was subject to strange and harassing delusions. From that time she became incapable of attending to the affairs of her household; neglected her child, and passed
most of the time night and day in traversing the small apartments of her dwelling. Her husband, dependent upon daily industrious labor for a decent support, found himself embarrassed by the distresses of his home and the claims of business. He is unable to pay her expenses at any Hospital; meanwhile, she is sinking into a condition of hopeless and permanent insanity. She who was neat, modest, industrious, and kind, is now through this most afflictive malady, utterly transformed; her garments are rent in tatters, her person neglected, her hair dishevelled, falls in tangled locks about her head; her speech is no longer gentle, true and kind; but violent, profane, and indecent; in that humble, once pleasanthome, is now neither peace, nor rest, nor security: there is constant danger of destruction by fire, and acts of personal violence often recurring, indicate the increasing liability to deeds involving fatal consequences; in train with these alarming manifestations, are symptoms of a suicidal disposition. It has been found necessary at times to confine her movements by the application of painful modes of restraint upon the limbs; which, though preventing present mischief, continually aggravate the malady. Hospital treatment might restore this patient to her family blessings, to society, and to usefulness.

Many cases of maniacal insanity have been removed to Southern and Northern Hospitals. Hitherto, North Carolina has been willing to be dependent upon other States for her afflicted children, while in possession of ample means to succor and heal their maladies within her own borders. But there are other objections to transporting patients to distant Hospitals for remedial care, beside the fact of encroachment upon the Institutions of other States. Expenses are vastly increased in making long and always difficult journeys under circumstances so harrassing and painful; and an experienced physician of a celebrated Hospital has informed me that the fatigues, excitement, and exposures of several patients, conveyed long distances, have within the present year resulted in death. Want of sleep and exhaustion, have reduced them
to the most dangerous condition before being received; and not seldom depleting remedies injuriously adopted, have hastened dissolution. If there is cruelty and gross injustice in holding the insane in jails, poor-houses, and private families, there is serious risk of property and of life in leaving them to range at large. Plainly, there is but one remedy.

In Aberdeen, Ohio, an insane man, left in the room where a little girl three years old was sleeping, in the absence of the mother, threw down the Bible which he was reading, seized an axe, and deliberately chopped the little victim into five pieces.

In Rowan County, N. C., a maniac cut her husband’s throat. In Wilkes County another beat her husband upon the head so as to cause his death. In Rockingham an insane man killed his neighbor. A man in Kentucky killed two of his children, and attempted the life of his wife. Another in Indiana cut his wife’s throat and gashed her face so that she died. Besides these, I recollect more than thirty similar cases in which homicide was attempted and committed by individuals known to be insane.

I adduce a few, from many thousand examples on record, which illustrate the benefits of Hospital residence and of remedial treatment of the Insane, in both curable and incurable cases.

"There has been," writes Dr. Bates of the Maine State Hospital, "in this Institution for some years, an individual whose family is strongly disposed to maniacal insanity. By many years neglect this patient became incurable; the powers of the brain seem to exist in fragments. He is, and probably always will be a public charge. Two of his sons have been attacked, seasonably brought under treatment, and cured. These young men during the absence of disease, were industrious and frugal citizens. They are both liable to a recurrence of the hereditary malady. If brought to the Hospital soon after each attack, there are nine chances in ten, that they will always soon recover and return to their occupations and former place in society; if neglected until functional derange-
ment changes to organic disease, they will become a public charge for life." These cases are selected plainly to illustrate the fact that economy not less than humanity calls for early and efficient action in assuring appropriate remedial treatment for the insane.

Dr. Stribling, the excellent physician and friend of the insane, and Superintendent of the Western State Hospital in Virginia, states several cases of much interest in his published reports to the Legislature. From these documents I quote the following examples: In 1842, a young gentleman, twenty-one years of age, the son of a highly respectable individual who was formerly a prominent and efficient member of the Legislature of Virginia, was brought to our Hospital. Possessed of a good natural understanding, improved by education and such other advantages as wealth had supplied, and with a disposition uniformly cheerful, he was at all times a most interesting patient and companion. In the Autumn of 1842, he was attacked with bilious intermittent fever, which although speedily arrested, was followed by depression and neglect of all accustomed duties and care of property. In about two months the mind became harassed by the most distressing delusions, such as being surrounded by foes who were plotting his destruction; his friends were regarded as enemies, and he believed himself doomed to eternal punishment, &c. He remained in this state for some time, when suddenly he passed into the highest degree of cheerfulness and gaiety. Affection for his family revived; he fancied himself by turns poet, philosopher, and statesman; at one time he was an angel in Eden, at another Noah defying the destroying flood, and finally he conceived himself the Creator of the Universe. He was removed to the Hospital where the application of moral and medical means in a short period assured his recovery: he left us rejoicing in the blessing of restored health.

A respectable gentleman who had been esteemed by all who knew him, as an affectionate husband and father, a generous friend and worthy citizen, was received as a
patient in the Western Hospital, in 1843. He was a merchant, and through unavoidable misfortunes rather than ill management, sustained heavy losses: he became depressed, was attacked with bilious fever, which left his health materially impaired; after some months his friends became satisfied that his mind was seriously diseased; evidences of insanity were multiplied; he became maniacal and his family under the advice of an intelligent physician, placed him in the Hospital. He was feeble, emaciated, sleepless, and suicidal. His delusions varied, and were of a most distressing character. Demons seemed to surround him and to multiply their torments. In a short time his malady seemed to yield to remedial measures. His physical health improved; his mind gradually became tranquil; one delusion after another disappeared; his spirits revived, and soon he was pronounced cured, and returned to his family, and to his business, a cheerful and happy man." As he was from that class of society which possesses extensive influence, and who in this part of the country, unfortunately, are too apt to regard institutions for the insane with aversion, and who consent to place their afflicted friends therein only when all other means have failed, and all other sources of hope cut off, it may not be amiss to quote a passage from one of his letters received by a friend after his recovery and by him communicated to his physician.

"I am truly happy to inform you that my health is now perfectly restored. I cannot say too much in praise of this institution, nor too earnestly express my gratitude to my friends for having placed me here. Instead of a place approximating to a prison, as I once considered it, when influenced as many are by ignorance and prejudice, I now view the establishment in the light of a pleasant hotel. I gratefully acknowledge comforts supplied and kindness received."

"Last year the wife of a respectable and independant farmer was brought to the Hospital in a most painful condition. She was endued by nature with a clear and vigorous intellect, being emphatically, a strong-minded
woman," remarkable for her industry, discretion, and good management. She had not encountered those difficulties and disturbing cares that often wear out the heart, but had led a life of peace and enjoyment. Some time in the year before insanity was manifested, her strength seemed to diminish without apparent cause. Finally her mind became a prey to the most harassing delusions; she fancied herself given over to everlasting condemnation; believed herself the destroyer of a friend; attempted suicide, and after six months lost in unavailing attempts to restore her, she was placed in the Hospital at Staunton. There was a continual conflict between her feelings and her reason, her affective and her intellectual faculties, which rendered her case one of care and interest. In a few months she was perfectly restored.

In 1843, a young lady of cultivated mind and accomplished manners sunk into a state of agitated depression. Change of scene, cheerful society, exercise and medical skill were employed in vain. Her affections towards her friends passed into indifference, and so to settled aversion. To her distempered fancy her husband, parents, and sisters appeared transformed to demons. The distressed mother could not see her child transferred to a Hospital, and long resisted the entreaties of wise-judging friends. The disease became for seven months continually more aggravated, till finally amidst lamentations and anguish her family consented to her removal. Her improvement was rapid, and restoration finally complete, and instead of distress at the thought of finding herself the inmate of a Hospital for the insane, she often exclaimed, "Oh why did not my friends place me sooner here." To a relative she wrote, "this is no prison, but a refuge for the distressed, where every comfort is furnished, and only the most soothing attentions experienced. I will ever cherish the most grateful recollection of this Hospital and of the excellent physician through whose skill by Heaven's blessing I am recovered."
"A man born of respectable and pious parents instructed from his youth in lessons of morality and religion, grew up a peaceable, industrious, and useful citizen. His disposition was mild and gentle, his feelings affectionate, and his habits exemplary. The decease of his mother overwhelmed him with affliction; he fell into a state of what is termed religious melancholy, and gradually became agitated and furious; suddenly attempted the life of his wife and children, killed one of the latter, and seriously wounded the others. He destroyed at a blow a neighbor, who attempted with others to secure him, and was at last with difficulty secured, and lodged in the jail, and shortly brought to the Hospital. Months passed and he continued excited and dangerous. Very gradually a change took place; his habits improved; his physical health improved, and from being one of the most loathsome and offensive patients ever introduced into the institution, he became decent, quiet, cleanly, and finally rational, peaceable, and in all respects well behaved. He remained in the Hospital five months after the recovery of his reason, to ensure the safety of his return to society, and was finally, through the solicitation of his family and friends, upon their special application, discharged by the Court of Directors. Thus far his recovery seems to be permanent." The danger of delay in placing the insane under remedial Hospital treatment cannot be too strongly insisted upon. Hundreds and thousands of cases attest the cruelty and the folly of procrastination. However writers upon insanity, and medical men may differ upon some points, on this question all agree, and depurate with forcible arguments the dangers of procrastination. Esquitol, Pinel, Falret, Jacobi, Conolly, Bell, Brigham, Awl, Kirkbride, Stribling, and a host of others, have earnestly and repeatedly enforced, and continue to enforce this truth; and employ the most eloquent persuasions to induce friends and guardians to take advantage of Hospital treatment in the early stages of the malady. Willis, the celebrated physician to George the III, dismissed the king's
family, courtiers, officers, and domestics; procured strangers as nurses and attendants, and thus first succeeded in controlling the delusions which distracted the insane monarch. “To separate the insane from the objects surrounding them at the origin of the disease, writes M. Pinal, to entirely disconnect them from their habitual intercourse with their relatives, friends, and servants, is the imperative and indispensable plan for commencing a course of treatment which shall be attended with favorable results;” and Falret, says, “it is demonstrated by repeated experience, that the kind of isolation preferable to all others, is that of an establishment especially devoted to the insane.” “Few,” writes Hallaran, “very few patients are found to recover under domestic treatment.” There can be but one opinion as to the solemn duty of the removal and non-intercourse of the insane, with their intimate friends and family, and their familiar homes. The superintendent of an English Hospital writes in 1842, as follows: “In a large proportion of cases admitted the present year, owing to long detention by friends, or by parish officers, the prospects of recovery have been entirely precluded, and in successful cases, the period of treatment bears generally an accurate ratio to the prior duration of the disorder.” The visiting commissioners of the same Hospital report, that “they cannot too strongly express their conviction, from experience, that the hope of cure is materially lessened, and not unfrequently defeated, by the delay which is suffered to take place in sending patients to the Hospital after first confirmation of their malady.” The physician of the York Retreat, states in an annual report, that “forty-nine years of experience establishes the fact of recovery of four cases to one brought under cure within three months of the first attack, while it is less than one to four in cases of more than twelve months duration when admitted.” The superintendent of the Edinburgh Hospital shows that “to be treated successfully, insanity must be treated early; ill founded prejudices, and false sensibility often operate to prevent this being done.” These remarks are
as general and as often reiterated as are the establishment of Hospitals and the issue of reports emanating therefrom. Dr. Earle, shows from his experience in the treatment of the insane, that, "after the three first months of insanity are passed the probabilities of entire restoration rapidly diminish." Not only do delays in placing patients in suitable Hospitals involve the risk of permanently establishing the malady, but the safety of property and security of life is hazarded in a vast many instances.

Dr. Galt records an example in point, as occurring in Virginia. An insane woman, the mother of a family, became so much the victim of distressing delusions, that her family perceiving danger from her being at large, took her before the justices for examination in view of placing her in the Hospital at Williamsburg. The following letter was addressed by one of these to the President and Directors of that institution. "Sirs—at the time an examination was had into the state of Mrs. mind, she seemed so lucid that one of the magistrates, who had not seen her previously, dissented from the opinion of the other two, imagining that the public were in no danger from her going at large; and had the examination taken place one hour later, no doubt would have been felt upon the subject by that gentleman, as she became so furious shortly after, as to render it necessary to confine her in the public jail. After a few days she became importunate to return to her husband and children: and a call of her husband at the jail increased her supplications to be set free. He finally prevailed with the jailor to take her home, promising to return the next day to give bond and security for her restraint and safe-keeping. In the night she rose unperceived, proceeded to the yard and procured an axe, and after calling the servant who slept in the room, and finding him asleep, gave her husband many blows over the head, fractured his skull in several places, and left him senseless. She left the house and ran unremittingly for several hours; affirmed herself dead, and declares that she has been buried these
five years. I have made these remarks to illustrate her case and assist treatment of the same." Another case occurring in Eastern Virginia, seems worthy of notice; there are but too many parallel cases in North Carolina. The friends of the young woman referred to were in limited circumstances, and even by making considerable sacrifices could not succeed in rendering her comfortable at home: they entertained the strongest prejudices against Hospitals for the insane. She was violently maniacal, breaking in pieces and tearing every thing upon which she could lay her hands; and vociferated perpetually in the most harsh and discordant tones. She was almost constantly confined in a small closet or cell constructed in a small apartment in her mother's house; occasionally, for change, she was taken into the open air and confined to a tree by heavy chains. At the time she was removed to the Hospital, she had contracted the most loathsome habits, and had plucked the whole of the hair from her head. For more than two years she had exhibited a most pitiable spectacle, and every day her misery seemed to be increased. After several months residence in the Hospital, her improvement commenced: her recovery is slow, but it is hoped will ultimately be complete.

In a report from Dr. Stribling, the following statement is on record: "Of all the cases received, ninety-seven were recent cases, of whom eighty-three were restored to reason; five remain in an improved condition; three are unimproved; and six died before any opportunity was offered to test the use of remedies in their behalf. These results correspond with those of other institutions. Of one hundred and fifty-eight cases remaining in the Hospital at Staunton in 1845, and in all probability doomed for life to endure the weary burthen of remediless disease, how many might have been restored to reason, happiness and usefulness, had they been subject to early and appropriate moral and physical treatment. In many cases the morbid sentiment of friends led them to reject Hospital aid, and now the care and skill are all too late!"
The following Table, writes Dr. Allen of the Kentucky Hospital, shew the Cases of less than One Year’s Duration admitted into the Asylum, from July 1st, 1836, to September 30th, 1847; the Number of those cured, Relieved, Unimproved and Died, and the Per Cent. of Cures to Admissions and Discharges.

<table>
<thead>
<tr>
<th></th>
<th>Admitted</th>
<th>Recovered</th>
<th>Relieved</th>
<th>Unimproved</th>
<th>Died</th>
<th>Per ct. of Cures to Admissions</th>
<th>Per ct. of Cures to Discharges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males,</td>
<td>127</td>
<td>94</td>
<td>16</td>
<td>8</td>
<td>9</td>
<td>74.15</td>
<td>91.23</td>
</tr>
<tr>
<td>Females,</td>
<td>73</td>
<td>51</td>
<td>13</td>
<td>2</td>
<td>7</td>
<td>69.86</td>
<td>87.93</td>
</tr>
<tr>
<td></td>
<td>200</td>
<td>145</td>
<td>29</td>
<td>10</td>
<td>16</td>
<td>72.05</td>
<td>90.62</td>
</tr>
</tbody>
</table>

"I have intimated," says the same judicious physician, "that such public institutions for the insane, as afforded every facility for their successful treatment, and such as to invite the early committal of them to Asylum discipline, were demanded on the score of economy. I would not, in the mean time, have it forgotten, that the illustration of this position, applies to persons who maintain their insane friends at private charge, as well as to the State."
The following Table shows the truth of the intimation, and the reason why it is so:

A Table showing the comparative cost to the State of twenty old and twenty recent cases of insanity, illustrating the importance, in an economical point of view, of placing such persons under treatment at an early period of their disease, and of providing every means of treating them successfully in an Asylum.

**OLD CASES.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Age</th>
<th>Time spent in Asylum</th>
<th>Cost of each case at 63 1/2 dollars per annum</th>
<th>Duration before admission</th>
<th>Time spent in Asylum</th>
<th>Cost of each case at 4 dollars and 20 cents per week</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>47; 20 years</td>
<td>$1,300</td>
<td>1 week</td>
<td>36 weeks</td>
<td>$64 00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>48; 20 years</td>
<td>1,300</td>
<td>2 weeks</td>
<td>16 weeks</td>
<td>24 00</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>52; 17 years</td>
<td>1,105</td>
<td>3 months</td>
<td>32 weeks</td>
<td>45 00</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>54; 16 years</td>
<td>1,140</td>
<td>4 months</td>
<td>40 weeks</td>
<td>60 00</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>47; 17 years</td>
<td>1,005</td>
<td>5 months</td>
<td>20 weeks</td>
<td>30 00</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>46; 15 years</td>
<td>975</td>
<td>6 months</td>
<td>20 weeks</td>
<td>30 00</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>51; 14 years</td>
<td>910</td>
<td>7 months</td>
<td>12 weeks</td>
<td>18 00</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>31; 13 years</td>
<td>845</td>
<td>8 months</td>
<td>20 weeks</td>
<td>30 00</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>33; 11 years</td>
<td>715</td>
<td>9 months</td>
<td>28 weeks</td>
<td>42 00</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>45; 12 years</td>
<td>780</td>
<td>10 months</td>
<td>24 weeks</td>
<td>36 00</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>37; 10 years</td>
<td>650</td>
<td>11 months</td>
<td>24 weeks</td>
<td>36 00</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>39; 10 years</td>
<td>650</td>
<td>12 months</td>
<td>32 weeks</td>
<td>48 00</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>33; 12 years</td>
<td>780</td>
<td>13 months</td>
<td>28 weeks</td>
<td>42 00</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>45; 15 years</td>
<td>975</td>
<td>14 months</td>
<td>12 weeks</td>
<td>18 00</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>48; 16 years</td>
<td>1,040</td>
<td>15 months</td>
<td>8 weeks</td>
<td>12 00</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>56; 12 years</td>
<td>780</td>
<td>16 months</td>
<td>8 weeks</td>
<td>12 00</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>44; 13 years</td>
<td>715</td>
<td>17 months</td>
<td>24 weeks</td>
<td>36 00</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>47; 15 years</td>
<td>975</td>
<td>18 months</td>
<td>20 weeks</td>
<td>30 00</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>36; 13 years</td>
<td>845</td>
<td>19 months</td>
<td>12 weeks</td>
<td>18 00</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>36; 9 years</td>
<td>580</td>
<td>20 months</td>
<td>20 weeks</td>
<td>30 00</td>
<td></td>
</tr>
</tbody>
</table>

**RECENT CASES.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Cost of each case at 4 dollars and 20 cents per week</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$654.00</td>
</tr>
</tbody>
</table>

Aggregate cost of 20 old cases, $18,030.00.  
Aggregate cost of 20 recent cases, $654.00.  
Average time spent in Asylum, nearly five months.  
Average cost of each case, $32.14.  
Average cost of each case, $901.50.

Moral treatment of the insane with a view to induce habits of self-control, is of the first importance. Uniform firmness and kindness towards the patient are of absolute obligation. The most exact observance of truth should be preserved in all intercourse with the insane. They rarely violate a promise, and are singularly sensitive to truthfulness and fidelity in others. They rarely forgive an injury and as seldom betray insensibility to kindness and indulgence. Once deceived by a nurse or atten-
dant, they never a second time bestow their confidence upon the same individual.

Moderate employment, moderate exercise, as much freedom as is consistent with the safety of the patient, and as little apparent anxious watchfulness, with cheerful society should be sought. The condition of the patients must determine the number of nurses in a ward. The general opinion is holden that all patients do better without special nurses, wholly devoted to their care.

"The proper mental and physical employment of the insane," says Dr. Kirkbride, "is of so much importance that the full treatment of this subject would be to give at once a treatise on the insane and on insanity. Whatever it may be, it must embrace utility, and it is well to combine both physical and mental occupation. Active exercise in the open air, moderate labor in the gardens, pleasure grounds, or upon the farm, afford good results. Short excursions, resort to the work shops, carpentering, joining, turning, the use of a good library &c. &c., are aids in advancing the cure of the patient." Sedentary employments are not in general favorable to health. The operations of agriculture seem liable to the least objection. There is a limit to be observed in the use of labor as a moral means; for there are always some patients to whom it is decidedly injurious. This effect is manifested oftener in recent cases.

Dr. Ray says that it is an error to suppose that the insane can labor as productively and as uniformly as the sane man. The working hours of a patient should seldom exceed six or seven per diem, and not seldom work is altogether interrupted.

The manner in which labor exerts a beneficial influence upon the insane mind differs no doubt in different forms of the disease. In highly excited patients the surplus nervous energy will be consumed, if no other way is provided, in mischief and noise; but let it be expended in useful labor, and although the work may not always be perfectly well done, yet the patient thinks it is, and experiences the gratification of having done what he be-
believes is a good thing, and consequently, so far as it goes it is beneficial.

This sentiment of satisfaction in being useful, the guardian of the insane cannot too carefully watch over and foster, since it conducts to self-control and self-respect. Incurables who are able and willing to work, are much more contented and enjoy better health when employed. Even some of the most demented and idiots are found capable of doing something. A young man became a raving maniac, and in three months was conveyed to the hospital, but was already declining into idiocy; soon complete imbecility supervened. He was classed with the idiots in the institution; and considered as past hope of benefit or cure. One day he was observed to amuse himself with some rude coloring and odd figures upon the walls of his room. He was supplied with colours, brushes, and canvass, and soon commenced a portrait: he was now roused, and eager to accomplish his new and attractive work. He was encouraged to renew and repeat his attempts, and finally his mind was restored to its early and rational condition. Thus, careful attention to the daily state of the patient, suggested a method of treatment which resulted in a decided cure. The diseased organs were suffered to rest and their recuperative energies recovered action.

The physician of the hospital at Staunton, in a report of his institution, says, that during the past year, the men patients were chiefly employed in cultivating the farm, working the garden, improving the grounds, constructing fences, cutting wood, and attending to stock. The women were engaged in sewing, knitting, spinning, and assisting in various departments of house-work; and other occupations and recreations suited to their sex.

A patient, insane for more than ten years, and beyond hope of recovery, considered dangerous to the public safety, and therefore detained at a hospital, converses incoherently and raves wildly, yet finds constant and profitable employment upon the farm; has charge of a stock of cattle and hogs and is scrupulously faithful in the discharge of his duties. Instead of confinement in a county jail, from whence he was removed to the Hospital, in a most filthy, and abject condition, at a cost of little less than three hundred dollars per annum, he is here a genteel, orderly, and industrious individual, cheerful, happy, and useful: his labor more than pays all his expenses, and supplies him with sufficient indulgencies.
Prichard, in a work on insanity, says that "at the Richmond Asylum, out of 217 patients, 130 were actively and usefully employed viz: 18 in gardening, 16 in spinning, 12 in knitting, 18 in needlework, 12 in washing, 16 in carrying tools, white-washing the wards, tailoring and wearing; and 12 were learning to read."

The following table exhibits the results of productive labor last year upon the Bloomingdale Hospital farm near New York, 8 or 10 acres being only cultivated.

<table>
<thead>
<tr>
<th>Produce</th>
<th>Quantity</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potatoes, 1952 bushels</td>
<td>900</td>
<td>$675.00</td>
</tr>
<tr>
<td>Sugar Beet</td>
<td>180</td>
<td>0.375</td>
</tr>
<tr>
<td>Blood Beet</td>
<td>100</td>
<td>0.50</td>
</tr>
<tr>
<td>Turnips</td>
<td>460</td>
<td>0.31</td>
</tr>
<tr>
<td>Carrots</td>
<td>28</td>
<td>0.50</td>
</tr>
<tr>
<td>Parsnips</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>Onions</td>
<td>45</td>
<td>0.75</td>
</tr>
<tr>
<td>Corn</td>
<td>150</td>
<td>0.375</td>
</tr>
<tr>
<td>Egg Plant</td>
<td>20</td>
<td>0.50</td>
</tr>
<tr>
<td>Radishes</td>
<td>125</td>
<td>1.00</td>
</tr>
<tr>
<td>Beans</td>
<td>120</td>
<td>0.50</td>
</tr>
<tr>
<td>Peas</td>
<td>65</td>
<td>0.75</td>
</tr>
<tr>
<td>Pumpkins</td>
<td>75</td>
<td>0.375</td>
</tr>
<tr>
<td>Squashes</td>
<td>130</td>
<td>0.48</td>
</tr>
<tr>
<td>Spinach</td>
<td>210</td>
<td>0.75</td>
</tr>
<tr>
<td>Asparagus</td>
<td>40</td>
<td>3.00</td>
</tr>
<tr>
<td>Tomatoes</td>
<td>140</td>
<td>0.50</td>
</tr>
<tr>
<td>Cucumbers</td>
<td>100</td>
<td>0.75</td>
</tr>
<tr>
<td>Nasturtiums</td>
<td>1</td>
<td>2.00</td>
</tr>
<tr>
<td>Peppers</td>
<td>4</td>
<td>0.75</td>
</tr>
<tr>
<td>Rhubarb</td>
<td>52</td>
<td>2.00</td>
</tr>
<tr>
<td>Citron Melon</td>
<td>75</td>
<td>7.50</td>
</tr>
<tr>
<td>Celery heads</td>
<td>2500</td>
<td>3.75</td>
</tr>
<tr>
<td>Cabbages</td>
<td>3000</td>
<td>100.00</td>
</tr>
<tr>
<td>Leeks</td>
<td>1000</td>
<td>3.00</td>
</tr>
<tr>
<td>Salsify</td>
<td>2000</td>
<td>1.00</td>
</tr>
<tr>
<td>Lettuce</td>
<td>4000</td>
<td>2.00</td>
</tr>
<tr>
<td>Hay, 40 tons</td>
<td>10.00</td>
<td>400.00</td>
</tr>
<tr>
<td>Pork, 1286 pounds</td>
<td>0.6</td>
<td>78 75</td>
</tr>
<tr>
<td>Butter, 663</td>
<td>0.25</td>
<td>165.75</td>
</tr>
<tr>
<td>Milk, 4488 gallons</td>
<td>0.16</td>
<td>718.08</td>
</tr>
<tr>
<td>Eggs, 30 2 dozen</td>
<td>0.125</td>
<td>37.88</td>
</tr>
<tr>
<td>Poultry, 150 lbs</td>
<td>0.6</td>
<td>90.00</td>
</tr>
<tr>
<td>FRUITS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apples, 200 bushels</td>
<td>0.50</td>
<td>100.00</td>
</tr>
<tr>
<td>Pears, 20</td>
<td>1.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Cherries, 150</td>
<td>1.00</td>
<td>150.00</td>
</tr>
<tr>
<td>Currents, 25</td>
<td>1.00</td>
<td>25.00</td>
</tr>
<tr>
<td>Peaches, 15</td>
<td>1.00</td>
<td>15.00</td>
</tr>
<tr>
<td>Grapes, 1200 pounds</td>
<td>0.64</td>
<td>75.00</td>
</tr>
<tr>
<td>Strawberries, 8 bushels</td>
<td>2.00</td>
<td>16.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$4,103.09</td>
</tr>
</tbody>
</table>

| 1,293.62 | 1,408.47 | 401.00 |
The able and distinguished Superintendent of the Rhode Island Hospital writes, that "no form of labor appears so well calculated to promote the comfort and restoration of such patients as have had habits of employment, as working on a farm, and no institution can fully accomplish these purposes without plenty of land, and attendants to assist in cultivation." All patients, whether men or women, whose minds have been cultivated, and who have had habits of active industry and employment, possess high advantages in chances of recovery from attacks of insanity, over the ignorant, the indolent, and the inert. So also those whose habits have been methodical, and temperate in eating and drinking, have better chances of permanent restoration than those who possess their opposites.

The standard of sound health is elevated by the disuse of stimulating food, and of all intoxicating drinks; and by avoiding the use of Tobacco in any forms. Stimulants even not inordinately used, excite to undue mental and physical action. It might seem that the Apostle of old, apart from the morale of life, had comprehended animal physics when he exhorted brethren to adhere to "moderation in all things."

"We have a patient, writes the Superintendent of the Maryland Hospital, "who had for many months been in a state of profound depression from which no efforts on our part could rouse him. He had repeatedly attempted suicide. He was a farmer, and when well, was enterprising, industrious, and devoted to the pursuit. He walked out to the hay-field, and after much persuasion, he was induced to amuse himself by mowing a little. Finding his interest in the work increase, he continued to ply the scythe for two hours with short intervals. He now became cheerful and communicative; ate with appetite at dinner; after which he expressed a wish to return to the hay-field, where he continued mowing until evening. This labor was followed by a night of profound and refreshing sleep. The next morning he hastened to the field, and from that time was seldom unemployed; his convalescence was rapid, and in about four weeks he returned to his family entirely restored. Similar cases are of frequent occurrence. Of ninety-nine men patients, forty-five are habitually employed in useful work: And of fifty-seven women patients, all save eleven are for a great part of the time employed in the halls, in the kitchen, the washing and the ironing rooms, or in mending and
repairing garments and house-linen, and various sorts of needle-work. Thirty-eight of the women, and fifty-five of the men have been habitual readers, and find great benefit and satisfaction in the use of the library; indeed several patients seem to owe their restoration to adopting a regular course of reading and study.

In our times, when knowledge is so widely diffused, it seems almost superfluous to dwell upon the benefits of hospital treatment above all private and domestic management. It cannot be questioned, that suppose knowledge, experience, and all domestic arrangements favorable, one might decide in favor of treatment for the insane in their own families. This, however, cannot be assured even when all the appliances wealth may procure are at command, and therefore all persons who are familiar with these subjects, do not hesitate in advocating Hospital residence for the insane of all conditions in society, whether rich or poor, educated or ignorant. Some object that associations of a painful nature may dwell upon the recollection of the recovered patient. Whatever apparent force this idea may possess, it is a well-established fact that patients rarely entertain other than pleasant and grateful memories of their residence in well-regulated Hospitals. When these are not well organized, and wisely and carefully conducted, no patient under any circumstances should be sent to them.

Jacobi affirms that “the magnitude of anticipated evils has been greatly exaggerated”; “as regards these,” he says, “I can positively affirm that of six hundred cases which I have had the opportunity of accurately examining in this establishment, (that of Siegberg, in Germany) I have never witnessed a single one in which the patient sustained any material injury from his residence in the establishment as a lunatic asylum, or from any influence exercised upon him by other patients. Such ideas only are true of badly ordered Hospitals and these may always be known from those of good organization. The time has gone by, thanks to Heaven, when the unhappy insane could be cast into mismanaged Hospitals, and, as too often is the case, left, in jails, and poor-houses, festering in heaps of filthy straw, chained to the walls of dark and dreary cells, unworthy of solicitude, and victims of the idle and interested maxim: that insanity is an incurable disease, and that insane people are unconscious of the treatment they receive, and the cruel miseries to which they are so needlessly subjected. Much has been done, but more, much more, remains to be accom-
plished for the relief of these sufferers, in our own United States, as in other countries. With a population rating at more than 22,000,000; our insane and idiots number at the lowest estimate 22,000; and not 4,000, at this time have the advantages of appropriate care in well organized hospitals, or comfortable situations adapted to their condition and circumstances elsewhere.

In 1844, the number of inmates in the hospitals of England and Wales was 11,272. Additional accommodations have been called for and provided to a large extent. The oldest hospital founded in England is that of Bethlem, which king Henry the VIII presented to the City of London, in 1547.

There are twenty State hospitals, besides several incorporated hospitals, for the treatment of the insane, in nineteen States of the Union, Virginia alone having two government State hospitals. The following is a correct list, omitting several small establishments conducted by private individuals, and several pretty extensive poor-house and prison departments.

The first hospital for the insane in the United States was established in Philadelphia, as a department of the Penn Hospital, in the year 1752. This has been transferred to a fine district near the village of Mantua, in the vicinity of Philadelphia, since 1838: number of patients 188.

The second institution receiving insane patients, and the first exclusively for their use, was at Williamsburg, Virginia, in 1773: number of patients 165.

The third was the Friends' Hospital, at Frankfort, near Philadelphia, in 1817: number of patients 95.

The next was the McLean Hospital, at Charlestown, (now Summerville,) in Massachusetts, in 1818. This valuable institution is second to none in America. Number of patients 150.

Bloomingdale Hospital, near the city of New York, was established in 1821; number of patients 146: South Carolina Hospital, at Columbia, in 1822; number of patients 74; Connecticcut Hospital at Hartford, patients 122 and Kentucky Hospital at Lexington, patents 247, in 1824.

In 1845-'46, the legislature of Kentucky passed a bill to establish a second State institution in the Green River country.

Virginia Western Hospital was opened at Staunton in 1828; number of patients 217. Massachusetts State Hospital, at Worcester, was opened in 1833, and enlar-
ed in 1843; it has 370 patients. Maryland Hospital, at Baltimore, was founded in 1834; it has the present year 109 patients. Vermont State Hospital, at Battleborough, was opened for patients in 1837, and enlarged in 1846-'47; it has at present 320 patients. New York City Hospital for the poor, on Blackwell's island, was occupied in 1838; it is now being considerably enlarged; above 400 patients.

Tennessee State Hospital, at Nashville, was opened in 1839. According to an act of the legislature the present year, this hospital is to be replaced by one of capacity to receive 250 patients. In the old hospital are 64 patients. Boston City Hospital for the indigent, which has 150 patients, and Ohio State Hospital at Columbus, were severally opened in 1839. The latter has been considerably enlarged, and has now 329 patients. Maine State Hospital, at Augusta, 1840; patients 130. New Hampshire State Hospital, at Concord, was opened in 1842, and has 100 patients. New York State Hospital, at Utica, was established in 1843, and has since been largely extended, and has 600 patients. Mount Hope Hospital, near Baltimore, 1844-'45; has 72 insane patients. Georgia has an institution for the insane at Milledgeville, and at present 128 patients. Rhode Island State Hospital opened, under the able direction of Dr. Ray, early in 1848. New Jersey State Hospital, at Trenton, 1848. Indiana State Hospital, at Indianapolis, will be opened in 1848. State Hospital of Illinois, at Jacksonville, will be occupied before 1849. The Louisiana State Hospital will be occupied perhaps within a year.

These institutions, liberally sustained as are most of them, cannot accommodate the insane population of the United States who require prompt remedial care.

Such being the facts, one can hardly employ language too important, arguments too persuasive, to secure such increased accommodations for the Insane throughout the United States, but especially in those States in which no Hospitals have been established, as shall assure their sufficient care and protection; their remedial treatment so as to procure recovery when recovery is possible; and their safety and guardianship in all cases where the terrible calamity of incurability crowds them forever from all the bland affections, and social enjoyments of domestic and friendly association.

As ye would that others should do for you in like circumstances, so do ye for these helpless ones, cast through the Providence of God, on your sympathy and care! Be the guardians and benefactors of those, who as a writer in the 17th century finely ex-
presses himself, "are a particular rent charge upon the great family of mankind; left by the maker of us all like younger children, who though the Estate be given from them, yet the Father expected the heir to take care of them!"

To see the mind once brilliant, and in the exercise of fine energies, obscured and inert; or if quickened to action, transformed from the consistent bearing of a being possessed of rational understanding to the fury of a demon, or to the raging of an untamed brute—this is fearful, this is truly to behold the draining to the dregs the cup of bitterness! Oh with what ready zeal, with what wisdom and humanity should not every one direct himself to prevent miseries which no skill can wholly heal, & of which no foresight nor prudence can prevent the recurrence.

"Weep not pale moralist o'er desert plains,
Strewed with the wreck of grandeur's moulder ing fanes,
Arches of triumph long with weeds o'er grown,
And regal cities—now the serpent's own;—
Earth has more dreadful ruins,—one lost mind,
Whose star is quenched, has lessons for mankind
Of deeper import than each prostrate dome
Mingling its marble with the dust of Rome!"

Bereft of reason, man loses every thing that renders life valuable. Naturally endowed with capacities for the highest enjoyment, he is suddenly through an attack of insanity, disabled from partaking the rational pleasures of life, and of exercising his noble faculties for his benefit or for the good of society.

Though plunged in the most profound grief,—assailed by every form of trial and misfortune, while reason is spared, hope may cheer his dreary hours,—and faith support him through every trouble; but dethrone reason and he is utterly prostrate. The merest infant is not more dependant on parental care, than is the maniac upon the tender ministrations of kindred or of friends. In an hour he becomes the beneficiary of humanity: the helpless ward of his fellow-men: him must nursing, and watching, and skilful cares surround, else is he the most pitiable of human beings—out-cast and forlorn—smitten of a terrible malady, exposed to sufferings, and woes, and tortures of which no language however vigorously combined can be the representation. Have pity upon him, have pity upon him for the hand of God hath smitten him! Talk not of expense—of the cost of supporting and ministering remedies for these afflicted ones. Who shall dare compute in dollars and cents the worth of one mind! Who will weigh gold against the priceless possession of a sound understanding? You turn not away from the beggar at your door, ready to perish:
you open your hand, and he is warmed, and fed, and clothed: will you refuse to the maniac the solace of a decent shelter, the protection of a fit asylum, the cares that shall raise him from the condition of the brute, and the healing remedies that shall re-illumine the temple of reason? Who amongst you is so strong that he may not become weak? Whose reason so sound that madness may not overwhelm in an hour the noblest intellect?

You will not, Legislators of North Carolina—Senators and Representatives of a noble State, you will not forget amidst the heat of debate, the clash of opinion, and the strife for political supremacy; you will not forget the majesty of your station, the dignity of that trust confided to you by the suffrages of your fellow-citizens.

It is not often that you are solicited to exercise your functions in behalf of the unfortunate. That you possess the power, and now the opportunity of exercising a gracious, benignant, and God-like influence upon the present and future destiny of hundreds, nay of thousands, who pine in want and misery, under privations and sufferings, wearily borne through heavy months and years—the light of whose reason is quenched, and whose judgment is as the stubble upon a waste field; this it is believed is a sufficient argument to determine your decisions in favor of justice, and of humanity, and of unquestionable civil obligation.

As benefactors of the distressed whose mental darkness may, through your agency, be dispersed, how many blessings and prayers from grateful hearts will enrich you! As your last hours shall be slowly numbered, and the review of life becomes more and more searching, amidst the shades of uncompromising memories, how beautiful will be the remembrance that of the many of this life's transactions, oftener controlling transient and outward affairs, frequently conducting to disquieting results, and sometimes to those of doubtful good, you have aided to accomplish a work whose results of wide-diffused benefits are as sanctifying as they are permanent: blessing through all Time—consecrating through all Eternity!

Gentlemen, the sum of the plea of your Memoralist is embodied in the solicitation for an adequate appropriation for the construction of a Hospital for the remedial treatment of the Insane in the State of North Carolina.

Respectfully submitted,

D. L. DIX.

Raleigh, November, 1848.
STATEMENT

OF THE

CONDITION

OF THE

BANK OF CAPE FEAR,

ON

THE 28TH OF NOVEMBER, 1849.

TO THE

Speaker of the House of Commons;

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.

1849.
BANK OF CAPE FEAR,

December 1st, 1848.

Sir:

In pursuance of the provisions of the Act, incorporating the Bank of Cape Fear, I have the honor to transmit, through you, to the Legislature, a Statement of the condition of said Bank, on the 28th ultimo.

Very respectfully,
Your obedient servant.

THOS. H. WRIGHT, Pres't.

Hon. R. B. Gilliam,
Speaker of the House of Commons.
### Bills and Notes discounted
- 1,771,882 80

### Bills of Exchange—Foreign
- 239,336 92

### United States Stock and Treasury Notes
- 250,000 00

#### DUE BY BANKS, viz:

- **Union Bank, Boston:** 739 70
- **Massachusetts Bank:** 218 24
- **Merchants' Bank, New York:** 3,510 95
- **Bank of New York:** 14,191 79
- **Bank of America:** 4,492 57
- **Bank of North America, Phil.:** 2,129 62
- **Farmers' and Mechanics' Bank:** 2,003 03
- **Bank of the United States:** 18,448 86
- **Merchants' Bank, Baltimore:** 146 40
- **Bank of Virginia:** 952 75
- **Farmers' Bank of Virginia:** 958 51
- **South Western R. R. Bank:** 22 86
- **Bank of Hamburg, S. C.:** 846 61
- **Merchants' Bank, Cheraw:** 1 00
- **Planters' & Mech's B'k, Ch'ston:** 5,352 57

#### Bank of the State of N. Carolina:
- **Fayetteville Branch:** 7,000 00
- **Tarboro' Branch:** 1,076 21
- **Elizabeth City Branch:** 853 64
- **Merchants' Bank of Newbern:** 309 65
- **Commercial Bank, Wilmington:** 1,872 97

#### Cash, viz :

- **Notes of North Carolina Banks on hand:** 90,190 00
- **Notes of Foreign Banks on hand:** 51,995 00
- **Specie Gold and Silver change:** 608,161 72
- **Real Estate:** 70,737 18

**Total:** $147,341 52
STATEMENT, &c.

Capital Stock, 1,500 00
Bank Notes issued, payable at
Wilmington, 782,868 50
Fayetteville, 353,471 00
Salem, 187,158 50
Washington, 243,314 50
Salisbury, 292,102 50
Raleigh, 56,880 50
Asheville, 237,575 00

2,153,370 50
Notes on hand.
705,745 50
Notes in circulation, 1,357,625 00
Deposites, 192,334 98
Dividends unpaid, 430 00

Due to Banks, viz:

Bank of Baltimore, 1,958 92
Exchange Bank of Virginia, 1,749 01
Bank of Charleston, 3,560 45
Bank of the State of N. C.:
Wilmington Branch, 2,903 95
Newbern Branch, 175 57 9,447 93
Contingent Fund for reserved Profits, 63,702 34
Profit and Loss, 15,732 68 79,435 02
in transitu, 8,078 68

83,147,341 55
RECAPITULATION.

LIABILITIES.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Circulation</td>
<td>1,357,625</td>
</tr>
<tr>
<td>Deposites</td>
<td>192,334</td>
</tr>
<tr>
<td>Dividends unpaid</td>
<td>430</td>
</tr>
<tr>
<td>Due to Banks</td>
<td>9,447</td>
</tr>
<tr>
<td>Contingent Fund and Profit and Loss</td>
<td>79,435</td>
</tr>
<tr>
<td>In transit</td>
<td>8,078</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,147,341.55</strong></td>
</tr>
</tbody>
</table>

Debt due by the Directors of the Principal Bank, and its six Branches, (45) $120,255.56
Debt due by Stockholders, 170,316.50
RECAPITULATION.

RESOURCES.

Bills and Notes Discounted, 1,771,882 80
Bill of Exchange, 239,336 92
United States Stock and Treas. Notes, 250,000 00
Due by Banks, 65,037 93

Cash, viz:
Notes of N. Carolina Banks, 90,190 00
Notes on Foreign Banks, 51,995 00
Specie, 608,161 72 750,346 72
Real Estate, 70,737 18

$3,147,341 55

H. R. SAVAGE,
Cashier.
A BILL

TO

INCORPORATE

The

Charlotte & Danville Rail Road Company.
The Committee on Internal Improvements to whom was referred the bill to incorporate the Charlotte and Danville Rail Road Company, have had the same under consideration, and have instructed me to report the same back to the House, and to recommend its passage.

K. RAYNER, Chm'n.
AN ACT

To Incorporate the Charlotte and Danville Rail Road Company.

Section I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That, for the purpose of effecting a Rail Road communication between the Town of Charlotte in the State of North Carolina, and the Town of Danville in the State of Virginia, the formation of a Corporate Company is hereby authorized, to be called the "Charlotte and Danville Rail Road Company," which Company, when formed in compliance with the conditions hereinafter prescribed, shall have a corporate existence as a body politic in perpetuity, in each of the States aforesaid.

Sec. II. That the said Company be and the same is hereby authorized, to construct a Rail Road from the Town of Charlotte, in North Carolina, via. Salisbury in the same State, to the Town of Danville in the State of Virginia.

Sec. III. That for the purpose of creating the capital stock of said Company, the following persons be, and the same are hereby appointed Commissioners—to wit: Joseph H. Wilson, William F. Phifer, William C. Means, John J. Shaver, Robert J. McDowell, William R. Holt and Daniel W. Courts; whose duty it shall be, to direct the opening of books for subscription of stock, at such times and places, and under the direction of such person or persons, as they or a majority of them may deem proper.
Sec. IV. That all persons who may hereafter be authorized to open books for the subscription of stock, by the Commissioners herein appointed for that purpose, shall open said books at any time after the ratification of this Act, twenty days previous notice being given, in some one or more of the public newspapers in this State, or in the State of Virginia: and that said books, when opened, shall be kept open for the space of thirty days at least, and as long thereafter as the Commissioners, first above named, shall direct: That all subscriptions of stock shall be in shares of One Hundred Dollars, the subscriber paying at the time of making such subscription, Five Dollars on each share thus subscribed, to the person or persons authorized to receive such subscription, and in case of failure to pay said sum, all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalment, shall be paid over to the General Commissioners, named in the 3d section of this bill, by the persons receiving them, and for failure therefor, such person or persons shall be personally liable to said General Commissioners before the organization of said Company, and to the Company itself after its organization to be recovered in the Superior Court of Law within this State, in the County where such delinquent resides, or if he resides in any other State, then in any Court in such State having competent jurisdiction:

That said General Commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock, at any time, and from time to time, as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money made by the subscribers: That all persons receiving subscriptions of stock shall pass a receipt to the subscriber or subscribers for the payment of the first
instalment, as heretofore required to be paid, and upon their settlement with the General Commissioners as aforesaid, it shall be the duty of the said General Commissioners, in like manner, to pass their receipt for all sums thus received to the persons from whom received, and such receipts shall be taken and held to be good and sufficient vouchers to the persons holding them: That subscriptions of stock shall be thus received to an amount not exceeding Two Millions of Dollars.

Sec. V. It shall be the duty of said General Commissioners to direct and authorize the keeping open of books for the subscription of stock in the manner above described, until the sum of Two Hundred Thousand Dollars shall have been subscribed to the capital stock of said Company. And so soon as the said sum of Two Hundred Thousand Dollars shall have been subscribed, and the first instalment of five dollars per share on said sum shall have been received by the General Commissioners, said Company shall be regarded as formed; and the said Commissioners or a majority of them shall sign and seal two duplicate declarations to that effect, with the names of all the subscribers appended, and cause one of the said duplicates to be deposited in the office of the Secretary of State, in each of the States of North Carolina and Virginia, and thenceforth from the closing of the books of subscription as aforesaid, the said subscribers to the stock, shall form one body politic and corporate, in deed and in law in the States aforesaid, and for the purposes aforesaid, by the name and style of the "Charlotte and Danville Rail Road Company."

Sec. VI. That whenever the sum of Two Hundred Thousand Dollars shall be subscribed for, in manner and form aforesaid, the subscribers, their executors, administrators and assigns, shall be, and they are
6 hereby declared to be incorporated into a company by 7 the name and style of "The Charlotte and Danville 8 Rail Road Company," and by that name, shall be ca- 9 pable in law and equity of purchasing, holding, selling, 10 leasing, and conveying estates, real, personal, and 11 mixed, and acquiring the same by gift or devise, so 12 far as shall be necessary for the purposes embraced 13 within the scope, object and interest of their charter, 14 and no further; and shall have perpetual succession 15 and by their corporate name may sue and be sued, 16 plead and be impleaded, in any Court of Law and 17 Equity in North Carolina or Virginia, and may have 18 and use a common seal, which they may alter and 19 renew at pleasure; and shall have and enjoy all 20 other rights, and immunities, which other corporate 21 bodies may, and of right do, exercise, and may make 22 all such by-laws, rules and regulations as are neces- 23 sary for the government of the corporation, or effect- 24 ing the object for which it is created, not inconsistent 25 with the Constitution and Laws of the United States, 26 and of the States of North Carolina and Virginia.

Sec. VII. That notice of process upon the principal 2 Agent of said Company, or the President or any of 3 the Directors thereof, shall be deemed and taken to 4 be due and lawful notice of service of process upon 5 the Company, so as to bring it before any of the 6 Courts of either of said States.

Sec. VIII: That as soon as the sum of Two Hundred 2 Thousand Dollars shall have been subscribed in man- 3 ner aforesaid, it shall be the duty of the general com- 4 missioners appointed under the 3d section of this 5 Act, to appoint a time for the stockholders to meet 6 at Salisbury, in the State of North Carolina, which 7 they shall cause to be previously published for the 8 space of thirty days in one or more newspapers pub- 9 lished in the State of North Carolina and Virginia,
at which time and place the said stockholders, in person or proxy, shall proceed to elect the directors of the company, and enact all such regulations and by-laws, as may be necessary for the government of the corporation, and the transaction of its business: The persons elected directors at this meeting, shall serve such period, not exceeding one year, as the stockholders may direct: and at this meeting, the stockholders shall fix on the day and place or places where the subsequent election of directors shall be held; and such elections shall henceforth be annually made; but, if the day of the annual election should pass without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by a by-law of the corporation.

Sec. IX. That the affairs of said company shall be managed and directed by a general board, to consist of twelve directors, to be elected by the stockholders from among their number at their first and subsequent general annual meetings, as prescribed in section 8th of this Act.

Sec. X. That the election of Directors shall be by ballot, each Stockholder having as many votes as he has shares in the stock of said Company; and the person having a majority of all the votes polled, shall be considered as duly elected.

Sec. XI. That the President of the Company shall be elected by the directors, from among their number, in such manner as the regulations of the Company shall prescribe.

Sec. XII. That at the first General Meeting of Stockholders directed to be called under Section 8th of this Act, a majority of all the shares subscribed shall be
repre. enfd before proceeding to business, and if a sufficient number do not appear on the day appointed, those who do attend, shall have power to adjourn from time to time, until a regular meeting shall be thus formed; and at said meeting, the Stockholders may provide by a by-law as to the number of Stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at all subsequent regular or occasional meetings of Stockholders and directors.

Sec. XIII. That at all elections and upon all notes taken in any General Meeting of Stockholders upon any by-law or any of the affairs of said Company, each share of Stock shall be entitled to one vote, and that any Stockholder in said Company, may vote by proxy; and proxies may be verified in such manner as the Stockholders by by-laws may proscribe.

Sec. XIV. That the General Commissioners shall make their return of the shares of stock subscribed for at the first General Meeting of Stockholders and pay over to the directors elected at said Meeting or their authorized agent, all sums of money received from subscribers, and for failure therefor, shall be personally liable to said Company to be recovered at the suit of said Company in any of the Superior Courts of law in this State, within the County where such delinquent, or delinquents may reside and in like manner, from said delinquent or delinquents, executors or administrators, in case of his or their death.

Sec. XV. That the board of Directors may fill up all vacancies which may occur in it, during the period for which they have been elected, and in the absence of the President, may fill his place by electing a President, pro tempore from among their number.
Sec. XVI. That all contracts or agreements authenticated by the President and Secretary of the board of Directors, shall be binding on the Company, without a seal; or such a mode of authentication may be used as the Company, by their by-laws may adopt.

Sec. XVII. That the Company shall have power and may proceed to construct as speedily as possible, a Rail Road, with one or more tracks, to be used with Steam powers, which shall extend from the Town of Charlotte, via, the Town of Salisbury in North Carolina, to the Town of Danville in Virginia; said Company may use any section of the Rail Road constructed by them before the whole of said Road shall be completed.

Sec. XVIII. That the said Company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce, over the said Rail Road, to be by them constructed, at such charges as may be fixed on by a majority of the Directors.

Sec. XIX. That the said Company may when they see fit, form out their rights of transportation over said Rail Road, subject to the rules above mentioned: and said Company, and every person who may have received from them the right of transportation of goods, wares and produce, in the said Rail Road, shall be deemed and taken to be a common carrier, as respects all goods, wares and produce, and merchandise entrusted to them for transportation.

Sec. XX. That the board of Directors, may call for the payment of the sums subscribed as stock in said Company, in such instalments as the interests of said Company may in their opinion require. The call for each payment shall be published in one or more newspapers in the State, for the space of one month.
before the day of payment; and on failure of any Stockholders to pay each instalment as thus required, the Directors may sell at public auction on a previous notice of ten days, for cash, all the stock subscribed for in said Company by such stockholder and convey the same to the purchaser at said sale; and if such sale of Stock do not produce a sum sufficient to pay off the incidental expenses of the sale and the entire amount owing by such Stockholder to the Company for such subscription of stock, then and in that case, the whole of such balance shall be held and taken as due at once to the Company, and may be recovered of such Stockholder, his executors, administrators or assigns at the suit of said Company, either by summary motion in any Court of superior jurisdiction in the County where the delinquent resides, on a previous notice of ten days to said subscriber, or by the action of assumpsit in any Court of competent jurisdiction, or by warrant before a justice of the peace, where the sum due does not exceed one Hundred Dollars, and in all cases of assignment of Stock before the whole amount has been paid to the Company, then for all sums due on such stock, both the original subscribers, and the first and all subsequent assignees shall be liable to the Company, and the same may be recovered as above described.

Sec. XXI. That the debt of Stockholders due to the Company for stock therein, either as original proprietor or as first or subsequent assignee, shall be considered as of equal dignity with judgments in the distribution of the assets of a deceased stockholder, by his legal representatives.

Sec. XXII. That said Company shall issue certificates of stock to its members; and said stock may be transferred in such manner and form as may be directed by the by-laws of the Company.
Sec. XXIII. That the said Company may at any time, increase its capital to a sum sufficient to complete said Road not exceeding Two Millions of Dollars, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the Company, and on the mortgage of its charter and works; and the manner in which the same shall be done in either case, shall be prescribed by the stockholders at a General Meeting.

Sec. XXIV. That the board of directors shall once in every year at least, make a full report on the state of the Company and its affairs to a general meeting of the stockholders, and oftener, if directed by a by-law; and shall have power to call a general meeting of the stockholders, when the board may deem it expedient; and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

Sec. XXV. That the said Company may purchase, have and hold, in fee, or for a term of years any land, tenements, or hereditaments, which may be necessary for the said road, or the appurtenances thereof, or for the erection of depositories, store houses, houses for the officers, servants or agents of the Company, or for workshops, or foundaries, to be used for the said Company, or for procuring stone or other materials necessary to the construction of the Road, or for effecting transportation thereon, and for no other purpose whatever.

Sec. XXVI. That the said Company shall have the right, when necessary, to conduct the said Road across or along any public road or water-course: Provided, that the said Company shall not obstruct any public road, without constructing another equally as good and as convenient as may be, nor without making a draw in any bridge of said Road, which may cross a
8 navigable stream, sufficient for the passage of vessels
9 navigating said stream, which draw shall be opened
10 by the Company for the free passage of vessels navi-
11 gating such stream.

Sec. XXVII. That when any lands or right of way
2 may be required by said Company, for the purpose of
3 constructing their Road, and for the want of agree-
4 ment as to the value thereof, or from any other cause,
5 the same cannot be purchased from the owner or
6 owners, the same may be taken at a valuation, to be
7 made by five Commissioners, or a majority of them,
8 to be appointed by any Court of record having com-
9 mon law jurisdiction in the County where some part
10 of the land or right of way is situated: in making
11 the said valuation, the said Commissioners shall take
12 into consideration the loss or damage which may oc-
13 cur to the owner or owners, in consequence of the
14 land being taken or the right of way surrendered, and
15 also the benefit and advantage he, she, or they may
16 receive from the erection or establishment of the
17 Rail Road or Work, and shall state, particularly, the
18 value and amount of each; and the excess of loss and
19 damage over and above the advantage and benefit
20 shall form the measure of valuation of the said land
21 or right of way: Provided, nevertheless, That if any
22 person or persons, over whose land the road may pass,
23 should be dissatisfied with the valuation of said Com-
24 missioners, then, and in that case, the person or per-
25 sons so dissatisfied may have appeal to the Superior
26 Court, in the County where said valuation has been
27 made, or in either County in which the land lies when
28 it may lie in more than one County, under the same
29 rules, regulations and restrictions as in appeals from
30 judgment of Justices of the peace. The proceedings
31 of the said commissioners, accompanied with a full
32 description of the said land or right of way, shall be
33 returned, under the hands and seals of a majority of
the Commissioners, to the Court from which the com-
mission issued, there to remain a matter of record.—
And the lands or right of way so valued by the Com-
missioners, shall vest in the said Company so long as
the same shall be used for the purposes of said Rail
Road, so soon as the valuation may be paid, or when
refused may have been tendered: Provided, That on
application for the appointment of Commissioners,
under this section, it shall be made to appear to the sat-
isfaction of the Court, that at least ten days previous
notice has been given by the applicants, to the owner
or owners of the land so proposed to be condemned:
or if the owner or owners be infants or non compos
mentis, then to the guardian of such owners, if such
guardian can be found within the County, or if he
cannot be so found, then such appointment shall not
be made, unless notice of the application shall have
been published at least one month next preceding, in
some newspaper printed as convenient as may be to
the Court House of the County, and shall have been
posted at the door of the Court House on the first day
at least of the next succeeding term of said Court:
And Provided further, that the valuation provided for
in this section, shall be made on oath by the Commis-
sioners aforesaid, which oath any Justice of the Peace
or Clerk of the Court of the County in which the land
or a part of it lies, is hereby authorized to administer:
Provided further, That the right of condemnation
herein granted, shall not authorize the said Company
to invade the dwelling house, yard, garden, or burial
ground of any individual, without his consent.

Sec. XXVIII. That the right of said Company to
condemn lands in the manner described in the 27th
section of this act, shall extend to the condemning
land one hundred feet on each side of the main track of
the road, measuring from the centre of the same;—
unless in case of deep cuts and fillings when said
Company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the Company shall also have power to condemn any appropriate lands in like manner for the constructing and building of depots, shops, ware-houses, buildings for the offices, servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

Sec. XXIX. That in the absence of any contract or contracts with said Company, in relation to lands through which the said road, or its branches may pass, signed by the owner thereof, or by his agent or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road or any of its branches may be constructed, together with a space of one hundred feet on each side of the center of the said road, has been granted to the Company, by the owner or owners thereof; and the said Company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purpose of said road, and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of the said lands as herein before directed, within two years next after that part of said road was finished; and in case the said owner, or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she, or they shall be forever barred from recovering said land, or having any assessment or compensation therefor; Provided, nothing herein contained shall affect the rights of feme covertis or infants, until two years after the removal of their respective disabilities.
Sec. XXX. That all lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the centre of the road, which may be constructed by the said Company, shall vest in the Company as soon as the line of the road is definitely laid out through it; and any grant thereafter shall be void.

Sec. XXXI. That if any person or persons, shall intrude upon the said Rail Road by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said Company, he, she, or they shall forthwith forfeit to the said Company, all the vehicles that may be intruded on the said Road, and the same be recovered by suit at law; and the person or persons so intruding, may also be indicted for misdemeanor, and upon conviction, fined and imprisoned by any Court of competent jurisdiction.

Sec. XXXII. That if any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause, or aid, or assist or counsel and advise any other person or persons to destroy or in any manner to hurt, damage, or destroy, injure or obstruct the said Rail Road, or any bridge or vehicle used for, or in the transportation thereon, any water-tank, ware-house, or any other property of said Company, such persons or person so offending, shall be liable to be indicted therefor; and on conviction shall be imprisoned not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty at the discretion of the Court before which said conviction shall take place; and shall be further liable to pay all the expenses of repairing the same, and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was the owner or agent, or
20 servant of the owner of the land, where such destruction, hurt, damage, injury, or obstruction was done, at 22 the time the same was done or caused to be done.

Sec. XXXIII. That every obstruction to the safe and 2 free passage of vehicles on the said Road or its branches, 3 shall be deemed a public nuisance, and may be abated 4 as such by any officer, agent, or servant of the Com- 5 pany; and the person causing such obstruction, 6 may be indicted, and punished for erecting a public 7 nuisance.

Sec. XXXIV. That the said Company shall have the 2 right to take, at the store-houses they may establish on, 3 or annex to their Rail Road, or the branches thereof, all 4 goods, wares, merchandize, and produce, intended for 5 transportation, prescribe the rules of priority and 6 charge, and receive such just and reasonable compen- 7 sation for storage, as they by rules may establish (which 8 they shall cause to be published,) or as may be fixed 9 by agreement with the owner which may be distinct 10 from the rates of transportation: Provided, that the 11 said Company shall not charge or receive storage on 12 goods, wares, merchandize or produce, which may be 13 delivered to them at their regular depositories for im- 14 mediate transportation and which the Company may 15 have the power of transporting immediately.

Sec. XXXV. That the profits of the Company, or so 2 much thereof as the General Board may deem advis- 3 able, shall, when the affairs of the Company will per- 4 mit, be semi-annually divided among the Stock-hol- 5 ders, in proportion to the stock each may own.

Sec. XXXVI. That the capital stock in said Compa- 2 ny, the dividend thereon, and all the property real and 3 personal, belonging to the said Company, shall be ex- 4 empt from taxation, by the State of North Carolina, or 5 Virginia, or any corporate or municipal police, or other 6 authority thereof, or any Town, City, or County, for
the term of fifteen years: Provided, that it shall be competent for the Legislatures of North Carolina and Virginia, but for no municipal town, county, or corporate authority. at any time after the expiration of the period aforesaid, to impose such tax upon the estate both real and personal, of the said company as they may deem reasonable and just, not exceeding however in any event the tax imposed on the respective citizens of said States on property owned by them of a similar character.

Sec. XXXVII. That the following officers and servants and persons in the actual employment of the said Company be, and are hereby exempted from the performance of jury and ordinary militia duty. The President and Treasurer of the Board of Directors, and chief assistant engineers, the secretaries, and accountants of the Company, keepers of the depositories, guard stationed on the road to protect it from injury. and such persons as may be working the locomotive engines, and traveling with cars for the purpose of attending to the transportation of produce, goods and passengers on the Road.

Sec. XXXVIII. That said Company shall have power to connect the terminus of their said Road at Charlotte, with the terminus of the Rail Road from Columbia in South Carolina, to the said town of Charlotte, in such manner as to prevent any drayage or any unnecessary transportation of goods and passengers by horse power between said roads; and it shall moreover be their duty thus to connect said Roads together; not, however, interfering with, or binding the rightful exercise of the privileges of the "Charlotte and Camden Rail Road Company," under their present charter.

Sec. XXXIX. That in the event the Virginia Legislature refuses to grant to said Company a liberal charter of incorporation, with privileges similar to
those granted in this Act, then it shall be lawful for said Company to construct their said Rail Road from Charlotte to the Yadkin River, and then to terminate the same, retaining to themselves in that case all the privileges granted in this Act.

Sec. XL. That the Company shall begin the construction of the said Rail Road, within two years from the first day of January, A.D. 1849, and complete it within ten years thereafter, otherwise the privileges here granted, shall be forfeited and cease; except for so much of said Road as shall then be actually constructed and in operation; and for the part thus actually constructed, the said Company shall be entitled to all the privileges of this Act of Incorporation in as full a measure as if the whole line of said Road had been constructed and put in operation as at present contemplated.

Sec. XLI. That this Act shall be regarded as a public Act, and may be given in evidence as such, in all cases without a special pleading.

Sec. XLII. That this Act shall be in force from and after its ratification.
A BILL

To Incorporate the Milton Savings Bank, in the Town of Milton.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That John Wilson, Sam'l Watkins, J. T. Garland, Jno. B. Barrett, Jas. D. Newsom, Willie Jones, N. J. Palmer, Montford McGeeheee, C. H. Richmond, George A. Smith, Ssm'l B. Holser, Charles K. Dodson, Geo. W. Thompson, Martin P. Huntington, Edward P. Hawks, Geo. W. Johnston, Dabney Terry, and all or every other person or persons, becoming members of the Milton Savings' Bank, located in the town of Milton, in the County of Caswell, shall be, and are hereby created and made a Corporation and Body politic, by the name and style of the Milton Saving's Bank, and by that name shall have perpetual succession, and be capable by law to hold property, sue and be sued, plead and be impleaded, answer and defend, and be answered and defended, in Courts of Law and Equity, or in any other place whatever, and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever, and to make, have and use a common seal, and generally to do every other act or thing, necessary to carry into effect the provisions of this Act and to promote the design of said Corporation.
Section 2. And be it further enacted, That the said Corporation shall annually, on the 2nd Monday in January, in the town of Milton, or at such other time and place, as by the bye-laws and regulations hereafter to be adopted, may be appointed, elect from the members of said Corporation, seven Directors to serve for the term of twelve months, or until others shall be chosen, who, during their term of service, shall have the sole management and direction of the concerns of said Corporation, elect a President from their own body, and be authorized to make, from time to time, as they may deem expedient, such bye-laws and other rules for the regulation and government of said Corporation, and the same change add to or amend, as may appear necessary or proper; Provided always, that such bye-laws or rules be not contrary to the Constitution and Laws of the United States or the State of North Carolina; and provided also, that said Corporation shall not be authorized to make any bills or notes in the nature or description of Bank notes.

Section 3. And be it further enacted, That said Corporation shall be capable of receiving from any person or persons, any deposit or deposits of money, and that all moneys received or to be received, shall be vested in public Stocks or other securities, and such interest be allowed to the depositors thereof as may from time to time be directed or provided for by the bye-laws of said Corporation. The surplus profits may be divided every three years, or oftener, among the depositors, in such manner as the Directors for the time being shall think proper; and no member shall be liable in his person or property for any debts, contracts or engagements of the said Corporation, but the money, property, rights and credits of said Corporation, and nothing more, shall be liable for the same.
Section 4. And be it further enacted, That on the loan of money, the Board of Directors, through their Agent or Cashier may exact such interest in advance, as is the custom in the incorporated Banks of the State.

Section 5. And be it further enacted, That the Directors of said Corporation, or a majority of them attending at any meeting of the Board, may elect by ballot or otherwise, any other person or persons as members of the Milton Savings Bank; also elect a Cashier and such other officers as may be deemed necessary, taking suitable Bonds with security for the faithful discharge of their duties.

Section 6. The Board of Directors shall have full power and authority to fill any vacancy that may occur between the times of the annual meetings of the members of the Corporation.

Section 7. This Act shall be in force and effect from and after its passage.
A BILL

TO

PROVIDE

FOR THE

ESTABLISHMENT

OF A

STATE HOSPITAL

FOR THE

INSANE IN

NORTH CAROLINA.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.

1849.
A BILL
To Provide for the Establishment of a State Hospital for the Insane in North Carolina.

SECTION I. Be it enacted by the General Assembly of the State of North Carolina, That

3 be, and are hereby appointed Commissioners to select 4 and purchase a tract of land, at a fair price, embracing not less than one hundred acres, capable of cultivation, and situated within three miles of Raleigh; 7 there shall be upon the premises a never failing supply of wholesome water; and said tract shall be conveniently situated for receiving supplies of fuel, either 9 of wood or coal: Provided, that said Commissioners 10 shall receive no compensation for their services, over and above the necessary expenses incurred in the discharge of their duties: Provided, that if any person 12 or persons shall make free gift of an available tract for 15 the farm and site of said Hospital, said Commissioners 16 are hereby authorized to receive a deed of the same in trust, for the use and benefit of the North Carolina 18 State Hospital for the Insane.

Sec. II. Be it further enacted, That any time not exceeding three months after said site shall be obtained by Commissioners, they shall contract for the erection of said Hospital, by first rate workmen, on such terms as are just and prudent: Provided, That 6 said Hospital building shall be constructed in the
most approved manner, after the most recent and accepted plans, embracing all improvements and necessary accommodations for Institutions of this description: Provided, The Hospital shall be constructed either of brick or unhewn stone; the foundation shall be substantial and of rough mason work; the basement shall not be less than eight feet above nor more than two feet below the out-ground surface; the water-table, window, and door sills, window caps and door caps shall be of rough stone, or of cast iron; the partition walls shall be of brick, and shall contain open flues for ventilators; furnace flues for heating the building and maintaining dryness, and conducting flues, all which shall be free from obstructing surfaces, and the roofs of said Hospital building shall, so far as practicable, be fire-proof.

Sec. III. The site for the building shall be so established as to afford good and sufficient underground drainage; shall command cheerful views, and open upon such aspects as will admit the sun's rays a portion of the day into every suite of the lodging apartments.

Sec. IV. Said Commissioners shall, on or before the first day of December, and annually thereafter, until the buildings are completed, render to the proper accounting officers of the State of North Carolina, an exact account of all the contracts, expenses and liabilities which they shall have incurred, or authorized in the execution of their commissions, with vouchers for the same; and in case of their failure so to do, their authority to draw on the State Treasurer for such sum or sums of money as shall hereafter be specified, shall cease. And said Commissioners shall so build said Hospital that there shall be suitable and sufficient apparatus for heating the same, and for cooking and washing, and for furnishing ample supplies
15 of water for all the uses of the Institution; construct- 16 ing the same for the comfortable accommodation of 17 two hundred and fifty patients and all the necessary 18 officers and attendants: Provided, The Commission- 19 ers appointed by this Act, before entering upon their 20 duties, shall give bonds, with such surety as may be 21 required by the Executive, for the proper application 22 of funds placed in their hands, and for the faithful 23 performance of all their duties.

Sec. V. Whereas, It is necessary that a Hospital for 2 the insane in the State of North Carolina, shall be 3 constructed; it is hereby enacted, that the State tax 4 upon each hundred dollars worth of all taxable prop- 5 erty, shall be increased for this purpose for 6 the term of three years, and the same shall be set apart 7 for the building and constructing said Hospital in the 8 most commodious manner; Provided, The funds ac- 9 cruing from said tax shall be payable by the State 10 Treasurer to the order only of the whole Board of 11 building Commissioners.

Sec. VI. The General Assembly shall nominate and 2 appoint nine persons to be Trustees of said Institution, 3 who shall constitute a body politic and corporate, by 9 the style of “the Trustees of the State Hospital for the 10 Insane in North Carolina,” and they and their succes- 11 sors in office, shall manage and direct the concerns of 12 the Institution, and by and with the assistance of the 13 superintending Physician, make all necessary bye- 14 laws and regulations not inconsistent with the Constitu- 15 tion of the State, and the laws thereof, and shall have 16 power to receive, hold, dispose of, and convey all real 17 and personal property conveyed to them by gift, de- 18 vise, or otherwise, for the use of said Institution, and 19 they shall serve without compensation, save travelling 20 expenses incurred in the direct discharge of official 21 obligations. Of the Board of the Trustees first ap-
pointed, three shall serve for two years, three for four years, and three for six years; and at the expiration of their respective periods, the vacancies shall be filled by appointments for six years, and should vacancy occur by death, resignation, or otherwise, such vacancy shall be filled by Executive appointment for the unexpired Term of said Trustee; Provided, the said Trustees shall be chosen, five from the central portion of the State of North Carolina, two from the Eastern, and two from the Western sections, and all vacancies shall be filled from those sections of the State where in they occur: Provided, that of the five Trustees chosen from the middle section three shall be residents in or near the city of Raleigh, the other two out of Wake County: Provided, said Board of Trustees shall have charge of the general interest of the Institution; they shall appoint the Superintendent, who shall be a skilful physician subject to removal or re-election no oftener than in periods of eight years; except for infidelity to his trust or for incompetency fully proven and declared: said physician shall have an unblemished moral character; he shall have received an enlightened and practical professional education; be possessed of prompt business habits; and of humane and kindly dispositions; he shall be a married man, and shall, with his family, reside constantly in the Institution.

Sec. VII. The Trustees and Physician shall make such bye-laws and regulations for the government of the Hospital as shall be necessary, and cause the same to be published with the biennial report of the Physician, and that of the Trustees and the Treasurer, all which shall be distributed throughout the State for the information of the citizens thereof: Provided, the Trustees, assisted by the Superintendant, shall determine the salaries and compensation of the officers and assistants, whose services may be necessary for the com-
11 fortile, just, and economical management of said
12 Hospital.

Sec. VIII. The three Trustees resident in Wake Coun-
ty, shall be competent to transact all ordinary busi-
ess arising at the monthly meetings of this branch of
the Board: each in rotation for one month, shall visit
5 the Hospital once a week, at such time as is most
6 convenient,—and together they shall vigilantly ex-
amine into the condition of the same once in each
8 month, and oftener if necessary: Provided, the Trus-
trees composing the full Board, shall be notified to
 convene at the Hospital, and to investigate strictly the
administration of the same, the first Monday of De-
cember upon each biennial Session of the Legislature.

Sec. IX. The acting Trustees shall report annually to
2 the Governor, and the full Board shall assemble, and
3 report biennially to the General Assembly the condi-
tion and history of the State Hospital, and they shall
5 know that there are at all times sufficient supplies of
6 provisions, water, fuel, clothing, and whatever else
7 may be deemed necessary for the health, comfort,
8 cleanliness, and security of the patients.

Sec. X. The Superintendant shall exercise entire con-
trol over all subordinate officers and assistants in the
Hospital, and shall have entire direction of the duties
of the same, himself being accountable to the Board of
Trustees for their good character and fidelity in the
6 discharge of their duties.

Sec. XI. The admission of insane patients from the
2 several Counties of the State, shall be in the ratio of
3 their insane population: Provided, each County shall
4 render to the Secretary of State, biennially, the nu-
5 merical estimate of its insane, that proportionate bene-
6 fits may duly embrace each case: Provided, no pa-
tient in necessitous circumstances, who has not re-
covered a sane mind, shall be discharged from the
9 Hospital by the Trustees, except bond and security be
10 given for the comfortable shelter and maintenance of
11 the same.

Sec. XII. Patients in indigent circumstances while
2 resident in the Hospital, shall in their own right, or
3 by the State, bearing their expenses, be chargeable no
4 more than the actual cost for clothing, nursing, board,
5 and medical attendance. Paying patients, whose
6 friends pay their expenses, and who are not chargea-
7 ble upon the Counties or the State, shall pay in mea-
8 sure with the care received, the terms being subject
9 to decision by the Trustees.

Sec. XIII. The Courts of the State shall have power
2 to commit to said Hospital any individual who has
3 been charged with an offence punishable by imprison-
4 ment or death, and who shall have been found to have
5 been insane at the time the offence was committed,
6 and who still continues insane, and the expenses of
7 said individuals if in indigent circumstances, shall be
8 paid by the State.

Sec. XIV. For the admission of State patients the fol-
2 lowing proceedings shall be had: Some respectable
3 citizen resident in the County to which said patient
4 belongs, shall file with a Justice of the Peace of said
5 County a statement in writing which shall be substan
6 tially as following:

State of North Carolina    County: ss.

The undersigned, a citizen of the State of North
2 Carolina, residing in said County, hereby states as fol-
3 lows: (naming the person) is insane. His insanity
4 is of less than two years duration, (or his being at
5 large is dangerous to the safety of the community,) he
6 is in needy circumstances, has a legal settlement in
7 —— County, and is a citizen of the State of North
8 Carolina. The facts can be proved by —— and ——
9 (naming at least two persons, one of whom shall be
10 a respectable physician,) dated this —— day of ——
11A. D. ———

E. F.
Second. The justice shall issue subpœnas for the persons named as witnesses, and such other persons as he may think proper, requiring them to appear before him at a specified time, to testify concerning the facts set forth in said statement. Subpœnas may be also issued for witnesses, in behalf of the person alleged to be insane. If after such inquest, the Justice shall be satisfied of the truths of the facts set forth in the statement, he shall require the medical witness forthwith to make out a certificate such as is required for paying patients by the eighteenth Section of this Act. The justice shall forthwith make out a certificate which shall read substantially as follows.

State of North Carolina County: ss.

I, the undersigned, Justice of the peace, in, and for the County, aforesaid, hereby certify that I have visited a person alleged to be insane, and have this day held an inquest in regard to him according to law; I am satisfied that he is insane; that he has a legal settlement in County, that he is a citizen of the State of North Carolina, and is a fit subject for the bounty of the State. I am well satisfied that his being at large is injurious to himself and disadvantageous if not dangerous to the community. Witness my hand this day of A. D.

C. D.

Sec. XV. Immediately after the inquest, the justice shall transmit to the Clerk of the County Court a certificate of said facts, attested by a physician, and he shall file the same. Also the said Clerk shall proceed upon receipt of said certificate to transmit a copy of the same to the superintendent of the State Hospital, accompanied with application for the admission of the patient therein named, to the same. Upon the receipt of this application the Superintendent shall immediately advise the Clerk when the patient can be received. The Clerk shall thereupon,
in due season for the conveyance of said patient to the Hospital by the time appointed, issue his warrant to any suitable person whose reasonable travelling expenses shall be paid from the State Treasury, requiring him forthwith to receive said insane patient, and convey him to the North Carolina State Hospital. Said warrant shall read substantially as follows:

State of North Carolina, County s. s.
To
Whereas, all the proceedings necessary to entitle, to be admitted into the North Carolina State Hospital, as a State patient, have been had according to law, you are hereby required forthwith to take said person, and convey him to said Hospital. After executing this warrant, you shall make due return to this office. Witness my hand and seal of office, this day of A. D.

Upon receiving said patient, the Superintendent shall endorse upon said warrant a receipt as follows:

North Carolina State Hospital.

Received this day of the patient named in the within warrant.

Sec. XVI. Every term in this act, importing the masculine gender, shall extend to and be applied to females as well as males.

Sec. XVII. In order of admission, the indigent insane of the State, shall have precedence of the rich, and recent cases, of both classes shall have precedence over those of long standing. Provided, paying patients from other States, may be received into the Hospital should vacancies occur, unclaimed by natives of and residents in the State of North Carolina.
Sec. XVIII. Before any patient shall be received into the Hospital as a paying patient, there shall be produced to the Superintendent: First, The Treasurer's receipt for three months charges in advance. Second, a sufficient bond conditioned as hereinafter required. Third, A certificate from some respectable physician setting forth; First, That the patient is free from any contagious or infectious disease. Second, the age of the patient, and concise history of the case. Third, The duration of the disease dating from first symptoms. Fourth, The supposed exciting cause of the disease. Fifth, Whether the disease is hereditary. Sixth, Whether the patient has ever been subject to epilepsy. Seventh, Whether the patient has ever made any attempt to commit any violence upon himself or others. Eighth. The medical treatment pursued in the case, and any circumstances known to the physician tending to illustrate the same.

No other proceeding shall be necessary for the admission of paying patients.

The bond before mentioned shall be defined substantially as follows:

"Know all men by these presents that we ———— of the County of———, in the State of North Carolina, are held and firmly bound unto the Treasurer of the North Carolina State Hospital, in the penal sum of ———— dollars, for the payment whereof we hereby bind ourselves jointly and severally."

The condition of this obligation is as follows:

Whereas, ————of the County aforesaid, is about to be admitted as a paying patient into the said Hospital; now if, while he shall remain therein, the undersigned shall constantly supply him with suitable clothing, and pay all the charges of said Hospital against him quarterly in advance, and whenever his removal shall be required, immediately remove him, and if he shall escape from the Hospital, pay all reasonable charges incurred in restoring him, and if he shall die
therein, pay all reasonable expenses incurred for his funeral; then this obligation shall be void, otherwise it shall remain in full force. Witness, our hands and seals, this—day of—— A. D.——— A. B.
C. D.

Sec. XIX. If there shall be a balance in the Treasury of the Hospital to the credit of a patient removed therefrom, the Treasurer shall pay it to the person authorized to receive the same.

Sec. XX. The Treasurer of the State shall be Treasurer of the Hospital, and shall perform all the duties there of and shall be liable as he now is, or shall be by law made liable as in all other of his official acts; he shall present a report of the receipts of all money paid into the Treasury for the benefit of the Hospital, or in behalf of half of the patients, and of all sums of money paid out for the necessary uses and expenses of the same.

Sec. XXI. The Treasurer shall pay out of the Hospital funds no sum or sums of money for any Hospital uses whatever, except by order of the Chairman of the acting Board of Trustees for the same.

Sec. XXII. The Governor, Judges of the Courts, and Members of the General Assembly shall be ex-officio visitors of the State Hospital.

Sec. XXIII. This Act shall take effect and be in force from and after——— day of———.
A BILL

To secure the more certain Administration of Justice.

SECTION I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That, if in the trial of a cause at law in any of the Superior Courts of this State, the presiding Judge shall make absolute a rule for a new trial, he shall at the request of either party, state his reasons therefor in writing, which statement shall form a part of the record of the cause: And whenever the Judge shall so state any other ground for a new trial, than a finding of the Jury against the weight of the evidence, it shall be lawful for the party in whose favor the Jury rendered a verdict, to appeal from the said Judgment of the Court, to the Supreme Court, on the same terms on which appeals are now allowed in other cases: And the Supreme Court shall give such Judgment on the whole case as the Superior Court might and ought to have given.
5 the second clause of the the third section of the
6 first Article of the amended Constitution of this
7 State, ratified by the people on the second Mon-
8 day in November, A. D. 1835, be amended and
9 altered by striking out all after the words "any
10 election," in the fourth line, and before the words
11 "shall be entitled," in the sixth line thereof, so
12 as to read as follows: All freemen of the age of
13 twenty-one years, (except as hereinafter declar-
14 ed,) who have been inhabitants of any one dis-
15 trict within the State twelve months immedi-
16 atly preceding the day of any election shall be en-
17 titled to vote for a member of the Senate; and no
18 part of the seventh section of the Constitution of
19 the State formed by the Congress assembled at
20 Halifax, the eighteenth day of December, in the
21 year of our Lord, one thousand seven hundred
22 and seventy-six, shall be in force so as to operate
23 against and repugnant to the amendment herein
24 set forth.

Section II. Be it further enacted, &c., That
2 the Governor of the State be, and he is hereby
3 directed to issue his proclamation to the people
4 of North Carolina at least six months before the
5 next election of Members to the General Assem-
6 bly, setting forth the object and purport of this
7 Bill, and in precise language the amendment to
8 the Constitution herein proposed; which proc-
9 lamation shall be accompanied by a true and per-
10 fect copy of this bill, certified by the Secretary
11 of the State, and both the proclamation and copy
12 of the bill shall be published in all the newspa-
pers in this State at least six months before the next election of Members to the General Assembly, and for the same length of time shall be posted in the Court Houses of the respective Counties of this State.
R. B. Gilliam Esq.,  
Speaker House Commons,  
Raleigh, North Carolina.

Sir:

In accordance with a provision of the Charter, on the evening of Saturday last, the 2nd instant.

Very Respectfully &c,

Your Obedient S

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<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Bills and Notes Discounted</td>
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<tr>
<td>Suspended Debt</td>
<td>1,891 37</td>
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<tr>
<td>Bills of Exchange</td>
<td>106,350 92</td>
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<td>258,761</td>
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Due from other Banks, viz.

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<tr>
<th>Bank</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Merchants Bank, New York</td>
<td>10,962 40</td>
</tr>
<tr>
<td>Bank of North America, Philadelphia</td>
<td>3,802 98</td>
</tr>
<tr>
<td>Union Bank, Boston</td>
<td>3,090 83</td>
</tr>
<tr>
<td>Lincoln Bank, Bath, Maine</td>
<td>114 26</td>
</tr>
<tr>
<td>Merchant's Bank, Baltimore</td>
<td>16 91</td>
</tr>
<tr>
<td>Bank of Charleston, South Carolina</td>
<td>27 73</td>
</tr>
<tr>
<td>Branch Bank of Cape Fear, Fayetteville</td>
<td>789 92</td>
</tr>
<tr>
<td></td>
<td>18,868</td>
</tr>
<tr>
<td>Real estate, Banking House and Lot</td>
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</tr>
<tr>
<td>Cash in Specie</td>
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</tr>
<tr>
<td>In Notes and Cheeks on other N. C. Banks</td>
<td>82 00</td>
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<tr>
<td>In Notes of Banks of other States</td>
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<tr>
<td></td>
<td>$331,3</td>
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* Of this sum there is due by Directors, 36,679 92
  By Stockholders not Directors, 51,003 75 $87,6
Commercial Bank, of Wilmington, December 4th 1848.

This Bank, I hand you enclosed "a full statement" of its condition

O. G. PARSLEY, President.

Wilmington, Saturday December 2nd, 1848.

<table>
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<th>Capital Stock paid in,</th>
<th>182,300 00</th>
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<tbody>
<tr>
<td>Capital Stock in Circulation,</td>
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Due other Banks, viz,

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<th>Merchant's Bank of Newbern</th>
<th>3,289 45</th>
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<tr>
<td>Bank of Cape Fear, Wilmington</td>
<td>3,792 09</td>
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<tr>
<td>Merchant Bank State of N. C. Wilmington</td>
<td>1,825 62</td>
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<tr>
<td>Total</td>
<td>8,907 16</td>
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General Profit and Loss,

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<th>Dividends unpaid,</th>
<th>7,278 69</th>
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<tbody>
<tr>
<td>Dividends paid to Depositors</td>
<td>270 00</td>
</tr>
<tr>
<td>Total</td>
<td>10,889 73</td>
</tr>
</tbody>
</table>

$231,315 55

T. SAVAGE, Cashier.
A BILL

TO

INCREASE

THE

REVENUE

OF

THE STATE.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE;

1848.
The Committee on Finance, to whom was referred "A Bill to increase the Revenue of the State," &c. have had the same under consideration, and recommend its passage with the following amendments: In the 12th line of the first Section, strike out the words five hundred, and insert one thousand. In the 18th line of said Section, insert the words, less or, immediately preceding the word more. Strike out the 2d and 3d Sections of said bill, relating to a tax on Slaves bought and sold within or out of this State; and in the 14th line of the 4th Section, after the words every denomination, insert Governor of the State, Judges of the Supreme and Superior Courts. And also, in the eighteenth line of said Section, after the words Minister of the Gospel, insert the words Governor of the State and Judges of the Supreme and Superior Courts. And in the 5th Section, 3rd line, after the words Silver Plate, insert the words, in use by the owner or owners thereof. And also, in the 7th line of said Section, after the words Pleasure Carriages, insert the words, in use by the owner or owners thereof. And also, insert the same words, in the 9th line, after the words Gold Watches; and in the 10th line, after the words Silver Watches; and in the said fifth Section, strike out the words, on all negro Slave Mechanics employed usually at their trades, the sum of one dollar, instead of 20 cents, as now imposed. And in the 7th line of the ninth Section, strike out the words negro Slave Mechanics; and in the 3d line of the 10th Section, strike out the words, except negro Slave Mechanics.

Respectfully submitted,
G. MEBANE,
Chairman.
A BILL

To increase the Revenue of the State.

WHEREAS, there are many wealthy citizens of this State, who derive very considerable Revenues from monies, which produce interest, dividends, and profits, and who do not contribute a due proportion to the public exigencies of the same:

SECTION 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the Public Treasury of this State, and for the use and service thereof; that is to say, upon the principal of every sum or sum of money at interest, in trade or vested in stocks, or shares of any trading or incorporated company, yielding a dividend or profit, (the interest, dividend, or profit of which is safely secured, and actually due or received,) over and above the sum each person or persons pay interest upon, and the sum of five hundred dollars besides, there shall be assessed and collected, the sum of twenty cents on every hundred dollars, which shall have produced for the year next before the owner or owners thereof shall give in his her or their tax list, an interest, dividend or profit of six per cent, and a proportionate sum on all other sum or sums of money drawing more than six per cent. by way of interest, dividend or profit. This tax to be returned on oath to the Justice appointed to take the list of taxables and taxable property, to be recovered, collected, and accounted.
22 for by the Sheriffs of the several counties, in like manner
23 as they have been authorized and required by law hereto-
24 fore to do, in collecting and accounting for the other State
25 taxes: Provided, that this Act shall not extend to any
26 Stock or shares in any of the incorporated Banks in this
27 State already taxed by law: Provided further, that each
28 and every merchant or mercantile firm, who shall have
29 obtained and paid for a merchant's licence, shall have of
30 their capital over and above the sum of five hundred dol-
31 lars, and a sum equal to the debts they owe, exempted from
32 the provisions of this Act, as following, to wit; for a mer-
33 chant's licence taxed six dollars, the sum of three thousand
34 dollars; a merchants licence taxed eight dollars, four thou-
35 sand dollars; a merchants licence taxed twelve dollars, six
36 thousand dollars; a merchants licence taxed sixteen dollars,
37 eight thousand dollars; and a merchants licence taxed
38 twenty dollars, ten thousand dollars.

Section 2. Be it further enacted, that there shall also be
2 raised and likewise paid by the purchaser on each and eve-
3 ry slave hereafter bought within, and by him sold again
4 within twelve months in or out of this State, one per cent
5 on the purchase money of the said Slave or slave so bought
6 and sold.

Section 3. Be it further enacted, that there shall also
2 be raised and likewise paid by the seller on each and every
3 slave hereafter sold to any person or persons residing be-
4 yond the limits of this State one per cent on the amount
5 for which said slave or slaves shall be sold.

Section 4. Be it further enacted, that hereafter there
2 shall be imposed and levied annually the following taxes,
3 to wit: on every Surgeon Dentist five dollars; on all prac-
4 tising physicians, whose practice shall yield an annual in-
5 come not less than five hundred dollars, and not exceeding
6 one thousand dollars, two dollars; on all such physicians
7 whose practice shall annually yield more than one thou-
8 sand dollars, the sum of four dollars; on all practising law-
9 yers, whose practice shall yield an annual income not less
10 than five hundred dollars and not exceeding one thousand
11 dollars, the sum of two dollars; on all such lawyers, whose
12 practice shall annually yield more than one thousand dol-
13 lars, the sum of four dollars; on all other persons except
14 ministers of the Gospel of every denomination whose salar-
15 ies or fees, or both together shall yield an annual income
16 not less than five hundred dollars and not exceeding one
17 thousand dollars, the sum of two dollars, and on all such
18 persons excepting ministers of the Gospel, as aforesaid
19 whose salaries and fees shall yield annually more than one
twenty thousand dollars, the sum of four dollars. Provided, how-
soever, that every physician and lawyer shall be exempted
from the provisions of this law for the first five years of
his practice.

Section 5. Be it further enacted, that hereafter there
shall be imposed and levied annually a tax upon the fol-
lowing articles, to wit: on all Gold and Silver plate, in
value one hundred dollars, and not exceeding five hundred
dollars, the sum of two dollars; and on all Gold
and Silver plate exceeding in value five hundred dollars,
four dollars; on all pleasure Carriages with four wheels
exceeding in value two hundred dollars, the sum of one
dollar; on all Gold Watches twenty-five cents; on all Sil-
er Watches ten cents; on all negro Slave Mechanics
employed usually at their trade the sum of one dollar, in-
stead of twenty cents, as now imposed.

Section 6. Be it further enacted, that each and every
person shall annually render to the Justice appointed to
take the list of taxable and taxable property as a part of,
and in addition to his taxable and taxable property, the
amount of tax or taxes, which be, either in his own right
or the right of any other person or persons whomsoever,
either as guardian, attorney, agent or trustee, or in any
other manner whatsoever, is liable to pay under this Act;
and it shall be the duty of said Justice to administer the
following oath to all such person or persons as may be li-
able to pay the same, and to list their property for taxation,
to wit: "You A. B. do solemnly swear, (or affirm, as the
case be,) that you, either in your own right, or the right of
any other person or persons whomsoever, either as guar-
dian, attorney, agent or trustee, or in any other manner
whatever, are not liable for more taxes, under an Act
of the General Assembly, entitled an Act to increase the
Revenue of this State, passed in 1848—1849, than the
amount which you have now listed, and that in all other
respects the list by you now delivered, contains a just
and true account of all the property, which by law you are
bound to list for taxation, to the best of your knowledge and
belief, so help you God.'

Section 7. Be it further enacted, That it shall be the
duty of every Justice of the Peace who shall take a list of
the taxable property in the State, before administering the
oath aforesaid, to call over to each person giving in his list
of taxable property, all the subjects and articles subject to
taxation.

Section 8. Be it further enacted, That each and every
Section 9. Be it further enacted, That it shall be the duty of the Justices appointed to take the lists of taxable property, to list the taxes herein required to be listed, in separate columns, as follows, to wit: "Tax on Capital," "Physicians," "Lawyers," "Salaries and Fees," "Gold and Silver Plate," "Pleasure Carriages," "Gold Watches," "Silver Watches," "Negro Slave Mechanics," and the Clerks of the several County Courts shall record, advertise and return the same to the Comptroller's Office, in the same manner, and in case of failure, under the same penalties, forfeitures and liabilities, as are now prescribed by law in relation to all other taxables.

Section 10. Be it further enacted, That all the persons and property herein mentioned and taxed, except negro slave mechanics, shall not be subject and liable to be taxed by the several County Courts.

Section 11. Be it further enacted, That all laws and clauses of laws, coming in conflict with the true intent and meaning of this Act, be, and the same are hereby repealed.
REPORTS

OF THE

COMMISSIONERS,

PRESIDENT AND TREASURER

OF THE

RALEIGH AND GASTON RAIL ROAD.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.

1848.
To the Honorable the General Assembly of North Carolina:

I transmit herewith the Report of the Board of Commissioners of the Raleigh and Gaston Rail Road.

WILL: A. GRAHAM.

Executive Department, Dec. 7th, 1848.
To the Honorable the General Assembly of
North Carolina:

The Commissioners of the State, for the management of the Raleigh and Gaston Rail Road, have the honor to

REPORT:

That the review of the affairs of the Rail Road presented in the Executive message, at the commencement of your present session, and the statements of the President and Treasurer of the Road, hereunto annexed, so fully exhibit its operations for the last two years as to supersede much that might have been required from the Board.

As a common carrier, the concern of the Rail Road should, of course, be answerable for all the liabilities, which attach to that character: and although the State is not suable, the Commissioners have felt bound to pay for all losses and damages occurring on the Road, which an individual proprietor would be subject to repair, by action at Law. The accounts under this head being principally paid at Petersburg, and that Company having not presented its account current with this Road for settlement at any regular periods, under the administration of the former President of this Road, this Board was not informed of the amount of losses occurring and chargeable to them, for more than twelve months after it had been under their control. Upon being apprised of them, they passed an order that the Treasurer should keep a distinct account of disbursements in payment for losses, and that settlements with the Petersburg Company should be made, at short intervals, so that there might be investigation, while the matter was recent, into each particular transaction of this kind. Though the account has been since kept, the mischief was not remedied until an arrangement was made by the present President of
the Road, with the Petersburg Company, to allow a separate agent of this Road to take charge of its interests in the ware-house at Gaston. The House belongs to the Petersburg Company, and anterior to that, their Agent had in charge the affairs of both Roads, and was paid by this $200 for his services. The business transacted there, in connection with transportation, was too great for any one person, and many losses are believed to have arisen, from mistakes and omissions arising from this cause.

Independently of these, however, a loss of about $3,000, was sustained in the year 1847, from the destruction of cotton by two fires, both occurring at Franklinton, in the dead of night, while the trains in which it was loaded had stopped until morning. The Board endeavored to ascertain the causes of these fires, and took some evidence in relation to them, but could not arrive at a satisfactory conclusion— their impression being that they proceeded from sparks from the Locomotive, though the persons with the train declared that they had taken every precaution to prevent or extinguish the fire in them before retiring to rest. Although the loss account is large, from these causes, but little of it has occurred in the present year, and from the more strict supervision adopted since they did occur, it is hoped that drafts on the Treasury of the Road, from this source, will in a great measure cease.

The Board has requested the President of the Railroad, to prepare a statement of its outstanding debts, exclusive of that contracted with the Bank of the State, in consequence of the destruction of the Machine shop and contents, which is hereto appended marked F. It is found to be larger than they had anticipated, but believing that where repairs were undertaken, it was the best policy to do the work thoroughly, they are satisfied that no expenditure which has been made for that object could have been omitted without suffering still greater loss. For example, the Bridge at Gaston, and other Bridges on the line, having become warped and exposed to the weather, they might have been temporarily covered and repaired at
comparatively less cost, but instead of thus trifling with the great public interest, the Board has directed them to be thoroughly refitted—and it has been done. In like manner the old locomotives having been much worn from use, as well as injured by the fire, to which they were subjected, though they could have been prepared for present use, with less expense, have been thoroughly overhauled, and fitted for good service. These operations required an increased force of shopmen and carpenters for the present year, which has been lately discharged, and the Road is thus relieved from an outlay under these heads of about $300 per month. They have also, as will be seen, found it necessary to make considerable purchases of Iron Rails. While expenses of an extraordinary character, have thus increased, the present year, the income of the Road from the census stated by the President, has fallen off, from that of the last, about $10,000.

Finding that the Road had lost character, by repeated failures, in the punctual transportation of freights, and more in the delays of passengers, the Board after investigation in the Autumn of 1847, became satisfied that these difficulties arose in a great degree, from the want of sufficient motive power, and determined to supply the defect, by the purchase of a new locomotive, and to pledge the mail pay of the next year for that object. The purchase was made, and a superior Engine called the "Sir Walter Raleigh," was procured. The payments have been regularly made according to contract through the Post Office Department, except the last, which will be made on the first day of January next. Thus the mail pay of $8,700 per annum has been in the present year also withdrawn from ordinary uses. The other new Engine called the "Granville," was purchased for cash borrowed, as you are informed, to repair the losses occasioned by fire.

In every particular, except the superstructure of the track, the Rail Road is in far better condition, than at any time heretofore, and although now having a consid-
erable debt, that has been incurred for objects which will diminish expenses for like purposes for a considera-
ble time to come. It may reasonably calculate from past experience, on an increase of $60,000 per year. If in per-
fect repair, so that it may be relied on for punctuality, this will no doubt increase. But with the present state of the Iron on the Northern part of the Road, which was never suited to such a purpose, the income will not per-
mit over a state of repair and pay debts and ordinary expenses. It is therefore submitted to the Legislature; if the State retains the Road, that it be mortgaged for such amount as may be needed for this end.

On the 1st of January 1848, Thomas Miller Esq., of Granville was appointed President of the Rail Road, with a salary of $1,600 per year, and John Rhodes, was appointed Superintendent, with a salary of $600. W. W. Vass was continued in the office of Treasurer with a salary of $700. The Board deem it just to express their approbation of the discharge of duty by those officers and of the manner in which the business of the Road has progressed during the present year, notwithstanding all its disadvantages.

Respectfully submitted.

WILL. A. GRAHAM,
Chairman of Board of Commissioners R. & G. R. R.
December, 6th 1845.
To the Board of Commissioners of the

Raleigh and Gaston Rail Road:

The undersigned, having had charge of the Raleigh and Gaston Rail Road since the 1st of January last, respectfully submits, at the close of the fiscal year, the following brief remarks:

Although the repairs of the Road, at this time, will compare favorably, it is believed, with any former period within the last two or three years, yet its present condition is unsuited to this description of works, and fails perhaps, to meet fully the just requirements of the public. To the difficulties and embarrassments reasonably expected, growing out of limited means, have been added during its present year, those of an extraordinary character. The destructive fire, that occurred the latter part of February, as you are aware, destroyed the large Machine and Smith's Shop, together with the tools, fixtures, &c., and five Locomotives. Fortunately, one Engine only was totally destroyed; the others, after being repaired, have since performed good service. The Road now owns nine Engines, including the two purchased in Philadelphia the present year, at a cost each of about $7,250 00.

While the sum of $25,000 received from the State to relieve the then exigencies, was sufficient, perhaps, to cover the loss by the Fire, it did not furnish, as might be supposed, an adequate indemnity to the Road. Some time elapsed necessarily, before the Shops could be rebuilt and the Machinery refitted, during which the machinists, an increased number being employed, operated with great inconvenience in a temporary building erected for
the purpose. The want of motive power in the mean
time, to carry off promptly the produce, caused much of
it intended for the Road to be carried by wagons.

At the commencement of the year, it was deemed ad-
visable to increase the number of overseers on the Road.
Instead of having two overseers, as heretofore, to super-
intend each one half of the entire line, 87 miles in length,
six are now employed charged with the supervision of
shorter sections.

Heretofore, the interests of the Road have been preju-
diced, at least, for the want of a special Agent at Gaston,
the connecting point between this and the Petersburg
Rail Road. The establishment of such an Agency on
1st of February last, has tended to promote accuracy
and despatch in the transfer of produce and merchandise
from the Cars of one Road to those of the other, and con-
tributes to lessen the amount of losses. The larger pro-
portion of losses paid the present fiscal year, occurred
the year previous, under the administration of my prede-
cessor in office.

With a slightly increased number of operatives for the
present as compared with the last year, every effort has
been made, that was practicable under the circumstan-
ces, to improve the track, which was in bad order. Dur-
ning the year, there have been laid down 20,000 Sills, and
130 tons R. R. Iron. From Gaston to about Littleton, a
distance of about 9½ miles, most of the track is in good
order—a part of it having been relaid with entire new
material.

The Bridge at Gaston has undergone thorough repairs;
likewise, all the other Bridges on the Road.

The statements of the Treasurer, herewith submitted,
marked A. B. C. show in detail the receipts and disburse-
ments of the Road, for the last two fiscal years ending
31st Oct. 1848.

Total receipts for transportation for the
year ending Oct. 31st. 1847. $66,297 57
Total receipts for transportation for the
year ending Oct. 31st. 1848, 58,922 53
Amount cash received from the State, 
on account of the Fire. 24,139 23
Disbursements for the year ending, Oct. 31st 1847, 65,457 93
Disbursements including payments of the Fire, Engines and R. R. Iron, &c. for the year ending, Oct. 31st. 1848, 91,919 75

Including the balance on hand Oct. 31st, 1846, as per Treasurer's Report of that date, and the amount due from the Post Office Department, there is now on hand to be applied in part payment of the outstanding debt, rendered to your Board, the sum of $8,763 93.

It will be seen that the receipts for the last fiscal year, fall below those of the year previous, by about $10,000; and that the reduction is principally in Freight. The reason of this is obvious, as it is known that the Tobacco crop was a short one, in all that region bordering on the Road, usually furnishing a heavy business in that article. The inefficiency of our motive power for some months after the fire, as has already been suggested contributed to diminish materially the freight business. Besides the general monetary pressure of the Country prevented, doubtless, our merchants, who patronize the Road from purchasing their usual supply in the Northern markets, for there is a reduction in the amount of merchandise received, as well as produce sent. See Table D.

The bridges on the Road being new repaired the expensive force heretofore engaged in that line has been dispensed with. And having made considerable progress in the repairs in Machine shops, the force employed in that department has been reduced.

Respectfully submitted,

THO. MILLER, Prest.
## Receipts from Transportation for the year ending October 31st, 1847.

<table>
<thead>
<tr>
<th>MONTHS</th>
<th>FREIGHT</th>
<th>PASSENGERS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>1,842.22</td>
<td>1,879.88</td>
<td>3,722.10</td>
</tr>
<tr>
<td>December</td>
<td>1,786.06</td>
<td>1,833.34</td>
<td>3,619.40</td>
</tr>
<tr>
<td>January</td>
<td>1,420.11</td>
<td>1,479.43</td>
<td>2,899.54</td>
</tr>
<tr>
<td>February</td>
<td>1,989.64</td>
<td>1,525.28</td>
<td>3,514.92</td>
</tr>
<tr>
<td>March</td>
<td>3,496.83</td>
<td>2,296.13</td>
<td>5,792.96</td>
</tr>
<tr>
<td>April</td>
<td>4,405.48</td>
<td>1,928.01</td>
<td>6,333.49</td>
</tr>
<tr>
<td>May</td>
<td>3,112.68</td>
<td>2,098.50</td>
<td>5,211.18</td>
</tr>
<tr>
<td>June</td>
<td>3,637.41</td>
<td>2,279.65</td>
<td>5,917.06</td>
</tr>
<tr>
<td>July</td>
<td>3,084.08</td>
<td>2,264.92</td>
<td>5,349.00</td>
</tr>
<tr>
<td>August</td>
<td>1,871.08</td>
<td>2,541.94</td>
<td>4,416.02</td>
</tr>
<tr>
<td>September</td>
<td>2,361.26</td>
<td>3,361.65</td>
<td>5,722.91</td>
</tr>
<tr>
<td>October</td>
<td>3,189.69</td>
<td>2,543.09</td>
<td>5,732.78</td>
</tr>
</tbody>
</table>

32,199.54 26,031.82 $58,231.36

Received for transportation of Mail, exclusive of the amount ($2,564.00), estimated and included in last Report, Oct. 31, 1846. $8,066.21

## Receipts from Transportation for the year ending October 31st 1848.

<table>
<thead>
<tr>
<th>MONTHS</th>
<th>FREIGHT</th>
<th>PASSENGERS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>2,217.21</td>
<td>1,878.78</td>
<td>4,095.99</td>
</tr>
<tr>
<td>December</td>
<td>1,364.32</td>
<td>1,806.63</td>
<td>3,170.95</td>
</tr>
<tr>
<td>January</td>
<td>1,427.59</td>
<td>1,872.49</td>
<td>3,300.08</td>
</tr>
<tr>
<td>February</td>
<td>1,574.84</td>
<td>1,375.24</td>
<td>2,950.08</td>
</tr>
<tr>
<td>March</td>
<td>2,654.97</td>
<td>2,328.72</td>
<td>4,983.69</td>
</tr>
<tr>
<td>April</td>
<td>2,946.55</td>
<td>1,564.88</td>
<td>4,511.43</td>
</tr>
<tr>
<td>May</td>
<td>1,719.93</td>
<td>1,758.22</td>
<td>3,478.15</td>
</tr>
<tr>
<td>June</td>
<td>1,386.45</td>
<td>2,252.09</td>
<td>3,638.54</td>
</tr>
<tr>
<td>July</td>
<td>1,819.41</td>
<td>1,874.34</td>
<td>3,693.75</td>
</tr>
<tr>
<td>August</td>
<td>2,337.93</td>
<td>2,487.61</td>
<td>4,825.54</td>
</tr>
<tr>
<td>September</td>
<td>2,770.77</td>
<td>3,083.76</td>
<td>5,854.53</td>
</tr>
<tr>
<td>October</td>
<td>2,106.30</td>
<td>2,076.50</td>
<td>4,182.80</td>
</tr>
</tbody>
</table>

23,826.27 21,659.26 $18,485.53

Received for transportation of Mail, 6,262.00
Amount due not yet in hand, 2,175.00 $8,437.00
## STATEMENT C.

**Statement of the affairs of the Raleigh and Gaston Rail Road for the last two fiscal years ending, October 31st. 1848.**

<table>
<thead>
<tr>
<th>Amount on hand, Oct. 31, 1846, per Report of that date,</th>
<th>$8,782 28</th>
</tr>
</thead>
<tbody>
<tr>
<td>By receipts for the year ending, Oct. 31st, 1847,—per statement A.</td>
<td></td>
</tr>
<tr>
<td>Freight,</td>
<td>$32,199 54</td>
</tr>
<tr>
<td>Passengers,</td>
<td>26,031 82</td>
</tr>
<tr>
<td>Mail,</td>
<td>8,066 21</td>
</tr>
<tr>
<td>Total receipts for fiscal year,</td>
<td>66,297 57</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Receipts for the year ending, Oct. 31st. 1848 per statement A.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Freight,</td>
<td>$23,826 27</td>
</tr>
<tr>
<td>Passengers</td>
<td>24,659 26</td>
</tr>
<tr>
<td>Mail,</td>
<td>6,262 00</td>
</tr>
<tr>
<td>Add am't due but not received,</td>
<td>2,175 00</td>
</tr>
<tr>
<td>Total receipts for the fiscal year,</td>
<td>56,922 53</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amount received of the State, to repair damages by the Fire,</th>
<th>25,000 00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less, discount of Bank of the State,</td>
<td>860 77</td>
</tr>
<tr>
<td>Total</td>
<td>24,139 23</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total</th>
<th>156,141 61</th>
</tr>
</thead>
<tbody>
<tr>
<td>To amount disbursed during the fiscal year of 1847, per statement, B.</td>
<td></td>
</tr>
<tr>
<td>On account of Transportation,</td>
<td>$8,366 97</td>
</tr>
<tr>
<td>&quot; &quot; Repairs Road,</td>
<td>21,256 84</td>
</tr>
<tr>
<td>&quot; &quot; Engines, Cars, &amp;c.</td>
<td>14,377 82</td>
</tr>
<tr>
<td>Item</td>
<td>Amount</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Depots</td>
<td>5,971</td>
</tr>
<tr>
<td>Salaries</td>
<td>2,475</td>
</tr>
<tr>
<td>Fuel</td>
<td>4,650</td>
</tr>
<tr>
<td>Extraordinary repairs</td>
<td>4,844</td>
</tr>
<tr>
<td>Stationary</td>
<td>109</td>
</tr>
<tr>
<td>Contingencies</td>
<td>494</td>
</tr>
<tr>
<td>Loss account</td>
<td>2,910</td>
</tr>
</tbody>
</table>

$65,457 93

To amount disbursement during fiscal year of 1848 per statement B.

On account transportation,  $8,047 19

“ “ Repairs Road, 16,511 62
“ “ Engines, Cars, &c. 13,294 16
“ “ Depots, 5,681 12
“ “ Salaries, 2,888 89
“ “ Fuel, 2,765 88
“ “ Extra’ry repairs, 28,982 98
“ “ Stationary, 145 84
“ “ Oils and Lights, 748 21
“ “ Contingencies, 582 39
“ “ Loss account, 2,271 47

$81,919 75 147,377 68

Balance, Nov. 1st 1848.  $8,763 93

Amount due from Petersburg R. R. Company, 3,035 72
Amount due from Agents on the line, 1,871 88
Cash in Bank of the State, 1,681 33
Amount due from Post Office Department, on account of Mail, 2,175 00

$8,763 93

W. W. VASS, TREAS.
Note.—The Loss Account for 1847, consists of the following items:

Paid Petersburg Rail Road Company, in settlement for damaged and lost goods, from 1st January 1846, to March 1847, 324 93
Amount paid for Cotton burnt at Franklinton, 2,497 09
Amount paid for sundry losses, 88 40

$2,910 42

The same account for 1848, consists of the following items:
Amount paid Petersburg Rail Road Company, in settlement for damaged and lost goods, from March 1st 1847, to 1st August 1848, 1,544 61
Sundry losses, paid at office, 620 87
Interest account, 105 99

2,271 47

These losses, excepting an amount under 300 dollars, occurred previous to the 1st January last, but paid since.
A list of persons in the employ of the Raleigh and Gaston Rail Road.

### Machines and Blacksmith Shops.

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Foreman in Machine shop</td>
<td>$900.00</td>
<td>per year.</td>
</tr>
<tr>
<td>1 Foreman in Blacksmith shop</td>
<td>600.00</td>
<td>“</td>
</tr>
<tr>
<td>3 Hands at</td>
<td>1.50</td>
<td>per day.</td>
</tr>
<tr>
<td>1 Hand at</td>
<td>2.00</td>
<td>“</td>
</tr>
<tr>
<td>5 Hands at</td>
<td>1.25</td>
<td>“</td>
</tr>
<tr>
<td>4 Hands at</td>
<td>15.00 per month.</td>
<td>“</td>
</tr>
<tr>
<td>2 Colored Smiths at</td>
<td>200.00</td>
<td>per year.</td>
</tr>
<tr>
<td>1 “</td>
<td>175.00</td>
<td>“</td>
</tr>
<tr>
<td>1 “</td>
<td>75.00</td>
<td>“</td>
</tr>
<tr>
<td>5 “</td>
<td>60.00</td>
<td>“</td>
</tr>
<tr>
<td>1 “</td>
<td>45.00</td>
<td>“</td>
</tr>
</tbody>
</table>

### Engineers.

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Engineers at</td>
<td>50.00</td>
<td>per month.</td>
</tr>
<tr>
<td>2 “</td>
<td>30.00</td>
<td>“</td>
</tr>
</tbody>
</table>

### Carpenter’s Shop.

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Head Carpenter at</td>
<td>35.00</td>
<td>per month.</td>
</tr>
<tr>
<td>2 “</td>
<td>26.00</td>
<td>“</td>
</tr>
<tr>
<td>1 “</td>
<td>15.00</td>
<td>“</td>
</tr>
</tbody>
</table>

### Bridge Carpenters.

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Carpenter at</td>
<td>52.00</td>
<td>per month.</td>
</tr>
<tr>
<td>2 “</td>
<td>26.00</td>
<td>“</td>
</tr>
<tr>
<td>3 “</td>
<td>12.00</td>
<td>“</td>
</tr>
<tr>
<td>1 “</td>
<td>9.00</td>
<td>“</td>
</tr>
</tbody>
</table>

### Train Hands and Firemen.

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Train hands at</td>
<td>10.00</td>
<td>per month.</td>
</tr>
<tr>
<td>5 Firemen at</td>
<td>13.00</td>
<td>“</td>
</tr>
<tr>
<td>4 “</td>
<td>10.00</td>
<td>“</td>
</tr>
</tbody>
</table>

### Conductors of Mail Train.

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Conductors at</td>
<td>30.00</td>
<td>per month.</td>
</tr>
</tbody>
</table>

### Overseers and Negroes on Road.

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Overseers at</td>
<td>300.00</td>
<td>per year.</td>
</tr>
<tr>
<td>3 “</td>
<td>180.00</td>
<td>“</td>
</tr>
<tr>
<td>60 Negroes, averaging</td>
<td>55.00</td>
<td>“</td>
</tr>
</tbody>
</table>
### Depots

<table>
<thead>
<tr>
<th>Depot</th>
<th>Salary (per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raleigh</td>
<td>350 00</td>
</tr>
<tr>
<td>Wake</td>
<td>350 00</td>
</tr>
<tr>
<td>Franklinton</td>
<td>350 00</td>
</tr>
<tr>
<td>Henderson</td>
<td>400 00</td>
</tr>
<tr>
<td>Ridgway</td>
<td>450 00</td>
</tr>
<tr>
<td>Warrenton</td>
<td>450 00</td>
</tr>
<tr>
<td>Macon</td>
<td>450 00</td>
</tr>
<tr>
<td>Littleton</td>
<td>450 00</td>
</tr>
<tr>
<td>Gaston</td>
<td>300 00</td>
</tr>
<tr>
<td>Macon</td>
<td>350 00</td>
</tr>
<tr>
<td>Littleton</td>
<td>450 00</td>
</tr>
</tbody>
</table>

**Watchman at Gaston at** 8 00 per month.

**Officers**

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary (per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>1,600 00</td>
</tr>
<tr>
<td>Treasurer</td>
<td>700 00</td>
</tr>
<tr>
<td>Superintendent</td>
<td>600 00</td>
</tr>
</tbody>
</table>
Estimated debt of the Raleigh and Gaston Rail Road.
November 1st, 1848.

Balance yet due on the amount incurred previous to the 1st January last, exclusive of about $11,100 paid the present year, $4,950 00
Balance for recent purchases of R. R. Iron, 6,800 00
   " Railing, 229 00
   " Sills, 4,500 00
   " Wood, 2,200 00
   " Locomotive, 3,072 00
   " Negro hire, 872 00
   " Sundries, 4,630 00

$27,253 00

Deduct amt't of means reported by the Treasurer, 8,763 93

$18,489 07

THO. MILLER, President.
STATEMENTS,

SHOWING THE CONDITION

OF THE

BANK OF THE STATE OF NORTH CAROLINA,

AND THE

MERCHANTS' BANK OF NEWBERN.

RALEIGH:

SEATON GALES, PRINTER, REGISTER OFFICE.

1848.
To the Honorable, the General Assembly of North Carolina:

I have the honor herewith to transmit a Statement shewing the condition of the Bank of the State of North Carolina on the 25th of November, 1848.—Also a Statement of the Merchants Bank of Newbern, on Monday, the 27th of Nov., 1848.

Very respectfully,

C. L. HINTON, Pub. Treas.
### GENERAL STATEMENT SHOWING THE CONDITION OF THE COMPANY

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Notes Discounted</td>
<td>1,849,539</td>
</tr>
<tr>
<td>Suspended Debt</td>
<td>1,973,498</td>
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<tr>
<td>U. S. 6 per cent. stock,</td>
<td>123,959</td>
</tr>
<tr>
<td>Bonds R. &amp; G. R. R. Company,</td>
<td>41,411</td>
</tr>
<tr>
<td>Rock Fish Stock,</td>
<td>10,000</td>
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<tr>
<td>Bills of Exchange</td>
<td>420,184</td>
</tr>
<tr>
<td>Real Estate,</td>
<td>61,635</td>
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<tr>
<td><strong>DUE FROM OTHER BANKS.</strong></td>
<td></td>
</tr>
<tr>
<td>Merchants' Bank, New York,</td>
<td>12,294</td>
</tr>
<tr>
<td>Fulton do do</td>
<td>919</td>
</tr>
<tr>
<td>Bank of North America, Philadelphia,</td>
<td>46</td>
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<tr>
<td>Farmers' and Mechanics' Bk. Do.</td>
<td>1,024</td>
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<tr>
<td>Merchants' Bank, Baltimore,</td>
<td>1,192</td>
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<tr>
<td>Farmers' Bank, Richmond,</td>
<td>95</td>
</tr>
<tr>
<td>Do Norfolk,</td>
<td>62</td>
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<tr>
<td>Do Danville,</td>
<td>1,575</td>
</tr>
<tr>
<td>Do Petersburg,</td>
<td>2,508</td>
</tr>
<tr>
<td>Exchange Bank, Clarksville,</td>
<td>66</td>
</tr>
<tr>
<td>Do Norfolk,</td>
<td>2,325</td>
</tr>
<tr>
<td>Bank of Virginia, Danville,</td>
<td>1,770</td>
</tr>
<tr>
<td>Bank of Cape Fear, Wilmington,</td>
<td>2,903</td>
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<tr>
<td>Commercial Bank, Do</td>
<td>6,430</td>
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<tr>
<td><strong>NOTES OF OTHER BANKS.</strong></td>
<td></td>
</tr>
<tr>
<td>Virginia,</td>
<td>5,564</td>
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<tr>
<td>South Carolina,</td>
<td>585</td>
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<tr>
<td>North Carolina,</td>
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<td><strong>SPECIE.</strong></td>
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<td>Silver,</td>
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<td>Lo Bullion,</td>
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<tr>
<td>Cents,</td>
<td>32</td>
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<tr>
<td>Vouchers unadjusted,</td>
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<td>Bills and Checks in Transitu,</td>
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<td><strong>DOLLARS</strong></td>
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<tr>
<td>Due by Directors</td>
<td>147,376</td>
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<tr>
<td><strong>Stockholders not Directors</strong></td>
<td>41,411</td>
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*Due by Directors,
 **Stockholders not Directors*
<table>
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<tr>
<th>Stock</th>
<th>1843</th>
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<tr>
<td>Total Stock</td>
<td>1,503,000 00</td>
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<tr>
<td>Total Profit and Loss</td>
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<td>Agent Fund</td>
<td>7,085 61</td>
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<tr>
<td>Treasurer of North Carolina, Due to Other Banks</td>
<td>205,973 81</td>
</tr>
<tr>
<td>C. DeWey, Cashier</td>
<td>23,094 35</td>
</tr>
<tr>
<td></td>
<td>36,334 77</td>
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<tr>
<td>Cammann, Cashier, New York, Do</td>
<td>1,674 95</td>
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<tr>
<td>nie's Bank</td>
<td>2,804 21</td>
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<tr>
<td>Bank Bkgs. Ins. Co. Newark, nie's Bank, Philadelphia</td>
<td>4,479 16</td>
</tr>
<tr>
<td>Do</td>
<td>1,133 84</td>
</tr>
<tr>
<td>Bank, Baltimore</td>
<td>816 84</td>
</tr>
<tr>
<td>Bank of Maryland, Baltimore</td>
<td>718 23</td>
</tr>
<tr>
<td></td>
<td>166 50</td>
</tr>
<tr>
<td>of Virginia, Petersburg</td>
<td>884 78</td>
</tr>
<tr>
<td>Norfolk</td>
<td>375 73</td>
</tr>
<tr>
<td></td>
<td>3,417 07</td>
</tr>
<tr>
<td>of Cape Fear, Fayetteville</td>
<td>7,984 05</td>
</tr>
<tr>
<td>Do</td>
<td>1,977,641 00</td>
</tr>
<tr>
<td>Washington</td>
<td>18,992 37</td>
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<tr>
<td>Branch, Newbern</td>
<td>129,481 00</td>
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<tr>
<td>Tarboro</td>
<td>136,723 00</td>
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<tr>
<td>Fayetteville</td>
<td>100,940 00</td>
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<tr>
<td>Wilmington</td>
<td>168,536 00</td>
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<tr>
<td>E. City</td>
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<tr>
<td>Charlotte</td>
<td>99,608 00</td>
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<tr>
<td>Milton</td>
<td>141,795 00</td>
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<tr>
<td>Morganton</td>
<td>105,884 00</td>
</tr>
<tr>
<td></td>
<td>1,197,641 00</td>
</tr>
<tr>
<td></td>
<td>1,327,122 00</td>
</tr>
<tr>
<td></td>
<td>1,327,122 00</td>
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<td></td>
<td>2,386 00</td>
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<td></td>
<td>210,678 34</td>
</tr>
<tr>
<td></td>
<td>3,384,581 64</td>
</tr>
<tr>
<td>C. DeWey, Cashier</td>
<td>3,384,581 64</td>
</tr>
</tbody>
</table>
MERCHANTS' BANK OF NEWBERN,}

December 5, 1848.

Charles L. Hinton, Esq., Pub. Treas. of N. C.:

Dear Sir—I send you herewith, for the General Assembly now in session,
a Statement shewing the condition of the Bank on the 27th ult.

I am, very respectfully, your ob't serv't.,

W. W. CLARK, Cashier.
A BILL

FOR THE

MORE SPEEDY

AND

CERTAIN ADMINISTRATION

OF

JUSTICE.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE.

1848.
House of Commons, Thursday, 14th Dec. 1843.

The Committee on the Judiciary to whom was referred "A Bill for the more speedy and certain administration of Justice," have instructed me to report the same back to the House and recommend its passage with the accompanying amendments, to-wit; strike out the first and second Sections of the Bill and insert the amendments marked "A." Strike out the sixteenth Section of said Bill and insert the amendment marked "B." In the third Section strike out the words, "and at the several times herein before specified."

R. T. Paine, Chairman.
A BILL

For the more speedy and certain administration of Justice.

SECTION I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter the State shall be divided into nine Judicial Circuits, as follows, viz:

1. The first circuit to be composed of the Counties of

2. The Second Circuit to be composed of the Counties of

3. The Third Circuit to be composed of the Counties of

4. The Fourth Circuit to be composed of the Counties of

5. The Fifth Circuit to be composed of the Counties of

6. The Sixth Circuit to be composed of the Counties of

7. The Seventh Circuit to be composed of the Counties of
The Eighth Circuit to be composed of the Counties of
The Ninth Circuit to be composed of the Counties of

Sec. II. Be it further enacted: That from and after the passage of this Act that there shall be held three Terms a year of the Superior Courts of Law and Equity in each County in this State; and said Courts shall be held under the same rule, regulations and provisions in all respects, as the Superior Courts of Law and Equity have heretofore been held, and at the times hereinafter expressed, (to-wit:)

In the First Circuit, in the County of
In the Second Circuit in the County of
In the Third Circuit in the County of
In the Fourth Circuit in the County of
In the Fifth Circuit in the County of
In the Sixth Circuit in the County of
In the Seventh Circuit in the County of
In the Eighth Circuit in the County of
In the Ninth Circuit in the County of

Sec. III. Be it further enacted: That the said Superior Courts of Law and Equity shall be held in the several Counties by the Judges thereof now in office, and by two additional Judges of said Courts to be appointed by virtue of this Act, and their successors in office.
Sec. IV. Be it further enacted: That there shall be two elected by the joint vote of the two Houses of this General Assembly two Judges in addition to the present number of Judges of the Superior Courts of Law and Equity, who shall be entitled to receive the same salaries as the Judges of said Courts have heretofore been allowed, and shall have and exercise the same power and authority, right and privileges, as the present Judges of said Courts have and exercise.

Sec. V. Be it further enacted: That said Superior Courts of Law and Equity shall continue to have and exercise the same jurisdiction, both civil and criminal, at Law, and in Equity, that the present Superior Courts of Law and Equity have and exercise; and in addition thereto the said Superior Courts of Law shall hereafter have and exercise sole and exclusive original jurisdiction of all pleas whatsoever requiring the intervention of a jury, whereof the present Superior Courts or the several Courts of Pleas and Quarter Sessions have heretofore had jurisdiction.

Sec. VI. Be it further enacted: That hereafter no suit, whether civil or criminal, wherein the intervention of a jury may be necessary, shall originate in any of the Courts of Pleas and Quarter Sessions for this State nor shall said Courts of Pleas and Quarter Sessions hereafter try any causes wherein a jury may be necessary, nor shall any juries be summoned to attend said Courts of Pleas and Quarter Sessions.

Sec. VII. Be it further enacted: That hereafter all appeals from judgments rendered by Justices of the Peace in civil cases, and all recognizances taken by Justices of the Peace in criminal proceedings shall be returnable to the next ensuing Superior Court of Law for the County in which they are taken, under the same rules and regulations now required by Law.
Sec. VIII. Be it further enacted: That the Courts of Pleas and Quarter Sessions for the several Counties in this State, are hereby required at their terms next after this Act goes into operation, to take up their respective State Dockets and in regular order bind over the parties therein, together with the witnesses, to the next ensuing Superior Court of Law for each County respectively.

Sec. IX. Be it further enacted: That it shall be the duty of the clerks of the several Courts of Pleas and Quarter Sessions in this State, within twenty days immediately after the terms of their respective Courts held next after this Act goes into effect, to make out a transcript of all suits whether civil or criminal, then pending in their respective Courts and deliver the same, together with all papers relating thereto, to the clerks of the Superior Courts of their respective Counties.

Sec. X. Be it further enacted: That it shall be the duty of the clerks of the several Superior Courts to receive such transcripts and original papers and immediately enter them in their respective dockets, in regular succession, observing the order of precedence of each suit as indicated by its number, and in such order said suits shall stand for trial.

Sec. XI. Be it further enacted: That hereafter when any will, or paper, purporting to be the last Will and Testament of any person, is brought into any of the Courts of Pleas and Quarter Sessions of this State, for probate, and the probate thereof is contested, and an issue of devisavit vel non is joined, the clerk of such Court shall make a record of such issue and shall within ten days after the rise of said Court make out a transcript of such record, which, together with the original will or paper purporting to be a will, shall be delivered by him to the clerk of the Superior Court.
12 of the County in which the same may be presented; 13 and the clerk of said Superior Court shall receive and enter the same on his Docket; and the several Superior Courts shall have full power and authority to try and determine all such cases; and it shall be the duty of the clerks of said Superior Courts, whenever any case may be determined in accordance with the above provisions, to issue a certificate thereof to the Court of Pleas and Quarter Sessions of the County from which the same may have originated, with the original will or paper, which shall be recorded by said Court of Pleas and Quarter Sessions as evidence of the probate or rejection of said will.

Sec. XII. Be it further enacted, That in all cases of Caveat for land, the same proceedings shall be had and observed by the clerks of the Courts of Pleas and Quarter Sessions and Superior Courts respectively, as are prescribed in the eleventh section of this Act in regard to Wills; and in all issues of Bastardy, in all issues of Fraud made up under the Insolvent Debtor's law, and in all other cases whatsoever, where the Courts of Pleas and Quarter Sessions properly have jurisdiction of the subject matter, but on issue being joined, the intervention of a Jury may be necessary to try the same, and where the said Courts have heretofore had the right to make up such issue and try the same, it shall be the duty of the clerks of said Courts to make out a transcript of the record of any such case within ten days after the rise of the Court at which such issue may have been joined, and deliver it with all papers relating thereto, to the clerk of the Superior Court of that County; and it shall be the duty of said Superior Court Clerk to receive and enter the same on his docket; and the said Superior Courts are hereby authorized to take such proceedings therein as required by law.
Sec. XIII. *Be it further enacted,* That on any cause or issue being removed into any of said Superior Courts from any Court of Pleas and Quarter Sessions or other inferior tribunal under the provisions of this act, it shall be the duty of the several clerks of said Courts on the application of either Plaintiff or Defendant to issue subpoenas and other process as now required by law.

Sec. XIV. *Be it further enacted,* That if any clerk of the several Courts of Pleas and Quarter Sessions or of the several Superior Courts shall either fail or neglect to perform the duties required of him by the several provisions of this act, such clerk shall forfeit and pay the sum of one hundred dollars for each and every case of failure or neglect, to be recovered by an action of debt in the name, and for the use, of the person injured by such failure or neglect.

Sec. XV. *Be it further enacted,* That the several Solicitors of the Superior Courts now in office shall be assigned to the Circuits in which they respectively reside, as follows, viz: John S. Hawks shall be the Solicitor of the Circuit; W. N. H. Smith shall be the Solicitor of the Circuit; Thomas S. Ashe shall be the Solicitor of the Circuit; John F. Poindexter shall be the Solicitor of the Circuit; Daniel Coleman shall be the Solicitor of the Circuit; Burgess S. Gaither shall be the Solicitor of the Circuit; and the Attorney General, B. F. Moore, shall be the Solicitor of the Circuit; and there shall be elected by the joint vote of the two Houses of this General Assembly, two other Solicitors of said Courts in addition to those now in office; one for the Circuit and one for the Circuit, who shall be allowed to re-
receive the same salaries and fees, and shall hold their offices for the same time and in all other respects, as the present Solicitors of said Courts.

Sec. XVI. Be it further enacted, That it shall be lawful for the several Judges of the Superior Courts of Law and Equity (if they so prefer) to arrange the nine Judicial Circuits into three divisions, as follows: the first, second and third Circuits shall constitute the Eastern Division; the fourth, fifth and sixth Circuits, shall constitute the Middle Division; and the seventh, eighth and ninth Circuits shall constitute the Western Division; and they may further allot themselves into three classes and assign one class to each Division, and the Judges allotted to each Division, shall hold the Courts in the several Circuits therein and shall so allot the Circuits in such Division among themselves, that no Judge shall be assigned to hold the Courts on the same Circuit twice in succession; provided that nothing herein contained shall prevent either of the Judges of one Division, at any time, from exchanging Circuits with either of the Judges of any other Division and alternating with each other throughout the State as heretofore.

Sec. XVII. Be it further enacted: That this Act shall be in force and take effect from and after the day of next

Sec. XVIII. Be it further enacted: That all laws and clauses of laws conflicting with the provisions of this Act be and the same are hereby repealed.
AMENDMENTS.

A

Sec. I. Be it enacted, &c., That hereafter the State shall be divided into nine Judicial Circuits, and there shall be held in each and every County therein three terms a year of the Superior Courts of Law and Equity.

Sec. II. Be it further enacted: That the present General Assembly shall provide for the division of the State into nine Judicial Circuits as aforesaid, and shall fix the terms for holding the several Courts therein.

B.

Sec. XVI. Be it further enacted: That in all elections hereafter to be made for Judges of the Superior Courts of Law and Equity, the election shall be made for some one Judicial Circuit in which there is no Judge resident, and it shall be the duty of the Judge so elected to reside in some one of the Counties of the circuit for which he shall have been chosen, so long as he may hold the office; Provided, however that this clause shall not be so construed as to alter the law which now requires the Judges of said Courts to allot the several circuits among themselves, and allows them to exchange Courts. Provided further, that nothing in this Act contained shall be so construed as to confine the election to any person residing in any particular circuit in the State.
A BILL
CONCERNING A CONVENTION
TO
AMEND
THE
CONSTITUTION
OF
NORTH CAROLINA.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE,
1848.
A BILL

Concerning a convention to amend the Constitution of the State of North Carolina.

Whereas it is strenuously insisted on by many of the citizens of this State, that the provisions in the Constitution, requiring a freehold qualification to entitle persons to vote for members of the Senate, in the General Assembly, operates as a heavy grievance upon a large portion, if not a majority of the freemen of the State; and whereas it is insisted by many that a majority of the freemen of the State demand a change in the constitution, so as to extend the right of voting for members of the Senate to all who are entitled to vote for members of the House of Commons; and whereas the General Assembly believe that if this be a grievance it should be remedied as soon as possible; and whereas they consider it their duty to adopt measures for ascertaining the will of their constituents and to provide the means for carrying that will into effect when ascertained; therefore,

Section I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of each and every County in the State, at the first term that shall be held after the
first day of January, eighteen hundred and forty nine shall appoint two inspectors to superintend the polls to be opened at each and every election precinct in said Counties, for ascertaining by ballot, the will of the freemen of North Carolina, relative to the meeting of a State Convention. And if any Court or Courts shall fail to make such appointments, or if any inspector, so appointed, shall fail to Act, it shall be the duty of the, Sheriff, or the person acting as his deputy on such occasion, with the advice of one Justice of the Peace; or if none present, with the advice of three freeholders, to appoint an inspector, or inspectors, in the place of him or them who failed to act, which inspectors, when duly sworn by some Justice of the Peace, or freeholder, to perform the duties of the place with fidelity, shall have the same authority as if appointed by the Court.

Sec. II. Be it further enacted: That it shall be the duty of the Sheriffs of the respective Counties in this State, to open polls at the several election precincts in said Counties on the first Thursday in April 1849, when and where all persons qualified by the Constitution to vote for members of the House of Commons, may vote for, or against a State Convention; those who wish a Convention voting with a printed or written ticket, "Convention," and those who do not want a Convention voting in the same way, "No Convention," or "against Convention."

Sec. III. Be it further enacted, That it shall be the duty of the Sheriffs to make duplicate statements of their polls in their respective Counties, sworn to before the Clerk of the County Court, one copy of which shall be deposited in said Clerk's office, and the other transmitted to the Governor of the State, at Raleigh, immediately after the election.

Sec. IV. Be it further enacted, That it shall be the duty of the Governor as soon as he shall have receiv-
ed the returns of the Sheriffs in the presence of the
4 Secretary of State, Public Treasurer and Comptroller,
5 to compare the number of votes for and against a
6 Convention; and if it shall appear that a majority of
7 the votes polled are in favor of it, he shall forthwith
8 publish a proclamation of the fact in such newspapers
9 as he may think proper; and he shall issue a writ of
10 election to every Sheriff of the State, requiring him
11 to open polls for the election of delegates in the Con-
12 vention, at the same places, and under the same rules
13 as prescribed for holding other State elections, and
14 at such time as the Governor may designate.

Sec. V. Be it further enacted, That the same persons
2 who were appointed to hold the polls in taking the
3 vote on Convention, shall hold them for the election of
4 delegates. Provided, that if any of such inspectors
5 shall fail to attend or act, the Sheriffs and their depu-
6 ties shall supply their places in the manner hereinbe-
7 fore pointed out.

Sec. VI. Be it further enacted, That the several Coun-
2 ty Courts shall allow the Sheriffs the same compen-
3 sation for holding said elections that they usually al-
4 low for holding other State elections. And if any
5 Sheriff or other officer appointed to hold said elections
6 shall fail to comply with the requisitions of this act,
7 he shall be liable to a fine of one thousand dollars, re-
8 coverable before any competent jurisdiction, to the
9 use of the County whose officer he is, and it shall be
10 the duty of the County Solicitors to prosecute such
11 suits.

Sec. VII. Be it further enacted, That all persons qual-
2 ified to vote for members of the House of Commons,
3 under the present Constitution, shall be entitled to vote
4 for members to said Convention; and all free white
5 men, of the age of twenty one years, who shall have
6 been resident in the State one year previous to, and
7 shall continue to be so resident at the time of the election, shall be eligible to a seat in said Convention.

Sec. VIII. Be it further enacted, That each County in this State shall be entitled to elect the same number of delegates to said Convention, that said County is entitled to members of the House of Commons in the General Assembly, and no more.

Sec. XIII. Be it further enacted, That if any vacancy shall occur in any County delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the City of Raleigh on the first Thursday in June next, and provided that a quorum does not attend on that day, the delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

Sec. X. Be it further enacted, That no delegate elect shall be permitted to take his seat in Convention until he shall have taken and subscribed the following oath or affirmative: I, A. B. do solemnly swear (or affirm as the case may be) that I will not, either directly or indirectly evade or disregard the duties enjoined, or the limits fixed to this Convention by the people of North Carolina, as set forth in the Act of the General Assembly passed in 1818 entitled, “An Act concerning a Convention to amend the Constitution of the State of North Carolina,” which Act was ratified by the people; so help me God.”

Sec. XI. Be it further enacted, That the Public Treasurer be and he is hereby authorized to pay upon the warrant of the Governor such sums of money as may be necessary for the contingent charges of the Convention, and also to pay each member of the Convention one dollar and fifty cents per day, during his atten-
7 dance thereon, and five cents for every mile he may
8 travel to and from the Convention.

Sec. XII. Be it further enacted, That it shall be the
duty of the Governor, immediately after the ratifica-
tion of this act, to transmit a copy to each County
Court Clerk in the State, and to cause it to be pub-
lished until the meeting of the Convention, in the news-
papers of the State.

Sec. XIII. Be it further enacted, That the following
proposition shall be submitted to the people for their
assent or dissent to the same; the former of which
shall be understood as expressed by the votes for
"Convention," and the latter by the votes, "No Con-
vention," or "Against Convention," at the time and in
the mode hereinbefore provided, to-wit: That the
said Convention, when a quorum of the delegates who
shall be elected are assembled shall frame and devise
an amendment to the Constitution of this State, so as
to provide, that all persons entitled to vote for mem-
ers of the House of Commons, shall also be entitled to
vote for the members of the Senate in the General
Assembly—and that said Convention shall not make
any other alteration or amendment of the Consti-
tution.

Sec. XIV. Be it further enacted, That if a majority
of votes at the election first directed to be held by
this Act, shall be found "for Convention," it shall be
considered and understood that the people by their
vote as aforesaid, have conferred on the delegates to
said Convention, the power and authority to make
the alteration and amendment in the existing Constit-
tution of the State in the particular herein enumerated
but in no other.

Sec. XV. Be it further enacted, That the said Con-
vention after having adopted an amendment to the
Constitution in the said particular, shall prescribe the mode for the ratification of the same by the people, and shall prescribe all necessary ordinances and regulations for the purpose of giving full operation and effect to the Constitution as altered and amended.
A BILL TO ESTABLISH THE BANK OF FAYETTEVILLE.

RALEIGH: SEATON GALES, PRINTER FOR THE STATE.
1848.
A BILL

To establish the Bank of Fayetteville.

[INTRODUCED BY MR. DOBBIN.]

Sec. I. Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That a Bank shall be established in the Town of Fayetteville, the Capital Stock of which shall not exceed three hundred thousand dollars, divided into Shares of fifty dollars each and that for the purpose of receiving subscriptions for said Stock, books shall be opened on the first day of February, one thousand eight hundred and forty nine, and remain open for the space of sixty days, at Fayetteville, under the superintendance of the following persons or a majority of them, viz: James Kyle, Henry Lilly, J. D. Starr, James Martin, J. T. Gilmer, and at such other places, under the superintendance of such persons as said Commissioners may direct.

Sec. II. Be it further enacted, That one tenth of such Shares shall be paid in gold or silver or their equivalent to the Commissioners above named at the time of subscribing; that another tenth shall be paid within thirty days thereafter; that another tenth shall be paid within sixty days; that another tenth shall be paid within ninety days; that another tenth shall be
8 paid within one hundred and twenty days, and 9 that the remainder shall be paid as the President 10 and Directors, hereinafter provided to be elected, may 11 direct, and if any subscriber shall fail to pay any in-
12 stalment at the time stipulated, he shall pay interest 13 thereon, at the rate of six per cent per annum, and his 14 Stock shall be forfeited and may be sold by the Bank, 15 and the proceeds applied to the payment of the afore-
16 said deficient instalment, and he shall be held respon-
17 sible for the same at the option of the Bank, and the 18 balance if any of such sale, to be paid over to said 19 subscriber. Provided, that no dividend shall be de-
20clared until the whole amount of Stock subscribed 21 shall be paid in gold or silver or their equivalent.

Sec. III. Be it further enacted, That when two thou-
2 sand Shares are subscribed, and the sum of twenty-
3 five thousand dollars is actually paid to the Commis-
4 sioners, the subscribers to the said Bank, their succes-
5 sors and assignees shall be and are hereby created, a
6 body politic, in law and in fact, by the name and style 7 of the Bank of Fayetteville, and shall so continue un-
8 til the first day of January, one thousand eight hun-
9 dred and seventy-five; and by the name and style 9 aforesaid, they shall be and are hereby made able and 10 capable in law, to have; purchase receive, possess, en-
11 joy and retain to themselves, and successors, land, 12 tenements, rents, hereditaments, goods, chattels and 13 effects, and the same to grant, devise, alien and dis-
14 pose of, to sue and be sued, implead and be impleaded 15 answer and be answered, defend and be defended, in 16 Courts of record, or any other place whatsoever, and 17 also to make, have and use a common seal and the 18 same to break, alter or renew, at their pleasure, and 19 also to ordain, establish and put into execution such 20 bye-laws, ordinances and regulations as shall seem 21 necessary and convenient, for the government of said 22 corporation, and for the making whereof, general
23 meetings of the Stockholders may be called in the
24 manner hereafter specified; and generally to do and
25 execute all acts, matters and things, which a cor-
26 poration and body politic in law may or can lawfully
27 execute, and be subject to the rules, regulations, re-
29 strictions, and provisions hereafter prescribed and de-
30 clared.

Sec. IV. Be it further enacted, That as soon as two
2 thousand shares shall be taken in the stock of said
3 bank, and twenty five thousand dollars paid to the
4 Commissioners who keep the books, notice shall be
5 given in the Gazettes published at Fayetteville—
6 and a meeting of the subscribers, to be held ten days
7 at least after the date of the notice, shall be called.
8 If at this meeting, those or their agents, who have a
9 majority of votes, according to the rates hereinafter
10 described, be present (if not another meeting shall be
11 called) they shall proceed to the election of nine
12 directors, who shall take charge of the books and
13 money in the hands of the Commissioners and imme-
14 diately pursue the usual means to put the Bank in
15 operation. The said directors shall remain in office un-
16 til the first Monday in May, one thousand eight hun-
17 dred and fifty, or until their successors shall be ap-
18 pointed, and on the first Monday in May, in each year,
19 or at any time thereafter, meetings of the Stockholders
20 shall be held in the town of Fayetteville, for the pur-
21 pose of electing directors, inquiring into the affairs of
22 the institution and making such regulations as may
23 be deemed fit and necessary.

Sec. V. Be it further enacted, That the following
2 rules, regulations and provisions shall form and be the
3 fundamental articles of the Constitution and Corpora-
4 tion: A meeting of Stockholders cannot be held, un-
5 less those who have a majority of the whole number
6 of votes be present, and every act shall require the
sanction of the majority of the votes which may be present; every Stockholder holding one share, and not more than two, shall be entitled to one vote; for every two shares above two, and not exceeding ten one vote; for every three shares above ten and not exceed-
ing one hundred, one vote, and for every four shares above one hundred, one vote; after the first meeting no share or shares shall confer a right of voting, which shall not have been helden three calendar months, previous to the day of voting. Stockholders may vote at general meetings and elections by proxy, the proxy being himself a Stockholder. No President, Cashier, Agent or Clerk of the principal Bank, its offices and agencies, shall be permitted to vote, as proxy for another. None but a Stockholder, who is a citizen of the State, shall be eligible as a director, and the di-
rectors when appointed shall choose one of their num-
ber (which shall always be nine) to be President of the Bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the Stockholders; but compensation to the President and Directors shall be granted at the pleasure of the Stock-
holders. Not less than three Directors, of whom the President shall always be one, shall constitute a board for the transaction of business, except in case of ab-
sence or sickness of the President, when he may, by writing, nominate any other Director to supply his place. A number of Stockholders, not less than ten, who together shall be the owners of two hundred shares or upwards, shall have power at any time to call a gen-
eral meeting of the Stockholders, for purposes relative to the institution, giving at least twenty days notice in a public Gazette, and specifying the object or objects of such meeting. The Directors shall annually elect such officers as may be deemed necessary to perform the business of the Bank, and may remove them or either of them at pleasure; those officers shall be re-
quired to give bonds with two or more securities in sums not less than ten thousand dollars, with a condi
tion for good behaviour and faithful performance of
47 duty. The Cashier shall keep a book, to contain the
48 proceedings of the Board of Directors, the names of
49 those present, the date and day of each meeting, and
50 shall record the yeas and nays on any question, when
51 asked for by a Director. This book shall be evidence
52 in Courts of Justice against said Bank, and on enter-
53 ing on discharge of his duties, the Cashier shall take
54 the following oath or affirmation before some justice
55 of the peace, by whom it shall be deposited in the of-
56 fice of the Clerk of the County Court of Cumberland,
57 viz.: I. A. B. do solemnly swear (or affirm as the case
58 may be) to keep a just and true record, without alter-
59 ation in or erasure of the transactions of the Board
60 of Directors of the Bank of Fayetteville, in a book to be
61 kept by me for that purpose.” The said corporation
62 shall purchase, and hold only such lands, tenements,
63 rents and hereditaments as shall be required for the
64 convenient transaction of its business, or shall have
65 been bona fide mortgaged to it by way of security, or
66 conveyed to it in satisfaction of debts previously con-
67 tracted, in the course of its dealings, or purchased at
68 sale upon judgments which shall have been obtained
69 for such debts. The said corporation shall neither di-
70 rectly nor indirectly trade in any thing, except bills of
71 exchange, promissory notes, and bonds expressing on
72 the face of them, to be negotiable and payable at said
73 bank, gold or silver bullion, or in the sale of goods re-
74 ally and truly pledged for money lent, and not re-
75 deemed in due time, or in goods which shall be the
76 produce of its lands, mint certificates, the public
77 debts of the United States. Provided, the investment
78 in such stock shall not exceed one half of the capital
79 stock of this Bank, neither shall the said Corporation
80 take more than at a rate of six per cent per annum,
81 for or upon its loans and discounts, which interest may
82 be taken in advance at the time of discount. The total
83 amount of debts which said Corporation shall at one
84 time owe, shall not exceed twice the amount of the
stock actually paid in, over and above the sum then actually deposited in the Bank for safe keeping. If a vacancy in the directory shall occur, by death, resignation or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. The stock of the said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the laws and ordinances of the same. The officer at the head of the Treasury Department of the State shall be furnished once in six months with a statement of the amount of Capitol Stock of said corporation, and the debts due the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand, and shall have a right to inspect such general accounts, in the books of the Bank, as shall relate to the said statement. Provided, that this shall not be construed, to a right of inspecting the accounts of any private individual with the Bank, except of the directors. The bills obligatory and of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property therein, in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names, and bills or notes which may be issued by order of said corporation, signed by the President and countersigned by the Cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation shall be binding and obligatory on the same, in the like manner, and with the like force and effect, as upon any private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in
like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable and assignable by delivery only

Sec. VI. *Be it further enacted,* That if any person or persons, holding any note or notes of said Bank, shall present the same for payment, & payment shall be refused, the said note or notes shall draw interest at the rate of 12 per cent. per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes, of said bank, if not paid on demand, may bring an action of assumpsit against one or all of the Directors who may have consented to issue more than twice the Stock paid in; provided, the Bank be unable to pay the amount.

Sec. VII. *Be it further enacted,* That in case of an insolvency of the bank hereby created, or ultimate inability on the part of this corporation to pay, the individual Stockholders shall be liable to creditors in sums double the amounts of Stock by them respectively held in said corporation.

Sec. VIII. *Be it further enacted,* That the Directors shall be allowed to keep open the Subscription Books until the whole of the Stock shall be taken.

Sec. IX. *Be it further enacted,* That if a Director or any other Officer, Agent or Servant, of said Corporation, shall embezzle any of the funds belonging to said Bank, with the intent to defraud said Corporation, or make false entries upon the books of said Bank with intent to defraud said Corporation or any other person whatsoever, said Officer, Agent, or Servant, shall be held and deemed guilty of felony, and upon conviction thereof by due course of law, shall be punished by fine, at the discretion of Court, and imprisonment not exceeding five years.
Sec. X. Be it further enacted, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the President and Directors of the Bank of Fayetteville, or any order or check upon said Bank or Corporation, or any Cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the said Corporation, or any order or check on said Bank, or any Cashier thereof; or shall pass, or receive with intent to pass, alter or publish as true, any false, forged, or counterfeited bill or note, purporting to be a bill or note issued by order of said Corporation, or any false, forged, or counterfeited check, or order upon the said Bank or any Cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass or receive with intent to pass or publish as true any falsely altered bill or note issued by order of said Bank; or any falsely altered order or check on said Bank, or any Cashier thereof, knowing the same to be falsely altered with intent to defraud the said Corporation or any other body politic, or person or persons, every such person shall be deemed guilty of felony, and being thereof convicted by due course of law, shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars.

Sec. XI. Be it further enacted, That the President or Cashier of said Bank shall annually pay into the Treasury of the State, twelve and a half cents on each share of said Capital Stock, which may have been subscribed for and paid in; and the first payment of said Tax shall be made twelve months after said Bank shall have commenced operations.

Sec. XII. Be it further enacted, That the Directors of said Bank may declare semi-annual dividends of the
profits thereof; and if at any time more than the real profits are divided, the Directors assenting thereto, shall be responsible in their private capacities, to creditors, who have claims against the said institution.

Sec. XIII. Be it further enacted, That the President of this Bank shall, in the first week in December, in each and every year, transmit to the General Assembly a full statement of the condition of the Bank exhibiting the amount of Capital, Notes in circulation, debts due to other Banks, and to what Banks, deposits and all other particulars necessary to explain the debt side of the account; also, specie on hand, notes of other banks, and what banks, bills of exchange debt or bonds, and notes discounted, specifying in one item the amount due from Stockholders, and in another, the amount due from Directors, not however using, any persons name in either case, and the real estate.

Sec. XIV. Be it further enacted, That if any President, Cashier, Clerk, or other Officer of the aforesaid Bank, shall knowingly, willingly, and with intent to deceive, make, or cause to be made, or connive at making any false return, statement or exhibit of the condition of the Bank, either to the Treasury of the State, to the Legislature or to the Board of Directors, or to the Stockholders, or to any other person or persons, that may be authorized by the Legislature or by the Stockholders, to receive the same, such President, Directors, Cashier, Clerk, or other Officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for a misdemeanor in the Superior Courts, and upon conviction, shall be fined at the discretion of the Court and imprisoned not exceeding one year.

Sec. XV. Be it further enacted, That whenever the Legislature may be of opinion that the Charter of the
3 Corporation hereby granted shall have been violated,
4 it may be lawful by joint resolution, to direct the At-
5 torney General, with such assistant counsel as the
6 Governor or Legislature may think proper to engage,
7 to issue a writ *scire facias*, returnable before the
8 Judges of the Supreme Court, calling upon said cor-
9 poration to show cause why the Charter hereby grant-
10 ed shall not be forfeited, subject to the same proceed-
11 ings as are now prescribed by law, as in cases of oth-
12 er Corporations.

Sec. XVI. *Be it further enacted*, That if it shall hap-
2 pen, when the books shall be opened as aforesaid, that
3 a greater sum than three hundred thousand dollars
4 shall be subscribed by individuals or by bodies corpo-
5 rate, it shall be lawful for the Commissioners to re-
6 duce such subscriptions according to a scale by them
7 to be established for that purpose, to the aforesaid
8 amount, of three hundred thousand dollars: *provided,*
9 that no subscription of 2 shares or under shall be sca-
10 led until all larger subscriptions shall first be reduced
11 to an equality with them.

Sec. XVII. *Be it further enacted*, That whenever the
2 whole amount of the Capital Stock shall have been
3 subscribed and paid in, in gold or silver or its equiva-
4 lent, the President and Directors of said Bank shall
5 have power to establish a Branch or Agency at Wades-
6 boro', in the County of Anson, and at Greensboro', in
7 the County of Guilford—either or both places, at their
8 discretion.

Sec. XVIII. *Be it further enacted* That the Stockhol-
2 ders of said Bank shall have power to increase the
3 Capital Stock to Five Hundred Thousand Dollars,
4 whenever in their opinion, the wants of the communi-
5 ty may require it.
A BILL

TO

INCORPORATE

THE

NORTH CAROLINA

RAIL ROAD COMPANY,

AND FOR OTHER

PURPOSES.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE,

1848.
A BILL

To incorporate the North Carolina Rail Road Company, and for other purposes.

[REPORTED BY MR. SHEPARD.]

Sec. 1. Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open books in the City of Raleigh, under the direction of Wm. Boylan, Charles L. Hinton, William H. Haywood, Jr.,  Richard Smith, Josiah O. Watson and James F. Jordan, or any three of them. At Gaston, under the direction of Edmund Wilkins, Willis Sledge, Benjamin W. Edwards and James Grisham, or any three of them. At Warrenton, under the direction of William Eaton, Daniel Turner, Peter R. Davis and Wm. Plummer and Thomas T. Twitty, or any three of them. At Ridgeway, under the direction of George E. Baskerville, Weldon N. Edwards, Michael Collins and Alexander Brown, or any three of them. At Henderson, under the direction of John S. Eaton, John D. Hawkins, William Wandriers, Demetrius E. Young, or any three of them. At Franklinton, under the direction of Edward T. Fowlks, William H. Simons,
21 or any three of them. At Hillsborough, under the direction of D. F. Long, John Berry; Edmund Strudwick, and Col. Cadwallader Jones, or any three of them. At Chapel Hill, under the direction of Elisha Mitchell, William H. Merritt, Jesse Hargrave and P. H. Dade, or any three of them. At Asheboro', under the direction of Henry B. Elliot, Alexander Hujan, Jesse Harper and Jonathan Worth, or any three of them.—

At Greensboro', under the direction of John M. Morehead, John A. Gilmer, Wilson S. Hill, John A. Mebane and Jesse H. Lindsay, or any three of them. At James Town, under the direction of Richard Mendenhall, and drew Lindsay. At Haywood, under the direction of Spencer W. McClenahan, Robert Fawcet, P. Evans, or any three of them. At Pittsborough, under the direction of J. A. Stedman, Joseph Ramsay, Green Womack and

38 or any three of them. At Carthage, under the direction of A. Currie, John M. Cornelia Dowd and J. D. McNeil, or any three of them. At Lexington, under the direction of William P. Holt, John M. Leash, Charles L. Payne and

43 or any three of them. At Salisbury, under the direction of Archibald H. Caldwell, Chas. F. Fisher, Horace L. Robards, Maxwell Chambers and Thomas L. Cowan, or any three of them. At Charlotte, under the direction of David Parks, John A. Young, James W. Osborne, Joseph H. Wilson and William F. Davidson, or any three of them. At Statesville, under the direction of Theophilus Falls, William F. Cowan, Thomas A. Allison and or any three of them. At Concord, under the direction of Rufus Barringer, Kiah P. Harriss, Daniel Coleman and

64 or any three of them. At Mocksville, under the direction of John A. Lillington, Gustavus A. Miller, Archibald G. Carter and or any three of them. At Salem, under the direction of
or any three of them. And at such other places and
under the direction of such other persons, as any three
of the Commissioners herein before named, to super-
intend the receiving of subscriptions at Raleigh, shall
direct, for the purpose of receiving subscriptions to an
amount not exceeding two millions of dollars, in shares
of one hundred dollars each, for the purpose of affec-
ting a communication by Rail Road, from Gaston, on
the Roanoke River, by way of Raleigh, and by or near
Salisbury, to the town of Charlotte, in the County of
Mecklenburg; and for providing every thing necessa-
ry and convenient for the purpose of transportation
on the same.

Sec. II. The times and places for receiving subscrip-
tions shall be advertised in one or more newspapers
published in the City of Raleigh, and in such other
places as three of the Commissioners in Raleigh may
direct; and the Books for receiving the same, shall
not be closed in less than ten days: and if the whole
amount shall not be subscribed within ten days from
the time the Books shall be opened to receive sub-
scriptions, then the Books may be closed or continued
open, or closed and re-opened, without further notice,
as a majority of the above mentioned Commissioners
at Raleigh, may judge to be most expedient, until the
whole number of shares shall be subscribed.

Sec. III. When Five Thousand Shares shall be sub-
scribed for, in the manner aforesaid, the subscribers,
their executors, administrators or assignees, shall be,
and they are hereby declared to be incorporated into
a Company, by the name and style of the "North Car-
olina Rail Road Company;" and by that name shall
be capable in law, of purchasing, holding, selling,
leasing, and conveying estates, real, personal and
mixed, so far as shall be necessary for the purposes
hereinafter mentioned, and no further; and shall
have perpetual succession, and by said Corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at pleasure, and shall have and enjoy, and may exercise all the powers, rights and privileges which other Corporate bodies may lawfully do, for the purposes mentioned in this Bill: And may make all such bye-laws, rules and regulations, not inconsistent with the laws of this State, or of the United States, as shall be necessary for the well-ordering and conducting the affairs of the Company.

Sec. IV. So soon as the aforesaid sum of Five Hundred Thousand Dollars shall have been subscribed, by solvent individuals or corporations, (such solvency to be ascertained and certified by the Board of Internal Improvements,) it shall be the duty of the Governor, or, for the time being, to transfer under the great seal of the State, to the aforesaid "North Carolina Rail Road Company," the whole property of the State, in what is now known as the Raleigh and Gaston Rail Road, together with all its franchises, engines, fixtures, and equipments of every kind. Provided, That the "North Carolina Rail Road Company" shall, before said transfer is made, enter into a bond in the penal sum of one million of dollars, conditioned for the faithful application of the said sum of five hundred thousand dollars subscribed:—First, towards putting in good and thorough repair that portion of the said Road, now known as the Raleigh and Gaston Rail Road; and next, towards the construction of so much of said Road from Raleigh towards Charlotte, as the means of said Company shall enable them to do; and shall likewise execute to the State a mortgage upon the property so transferred, as a further security for the faithful application of the same to the aforesaid purposes, and upon said transfer being made, the State of North Carolina shall be held and deemed a Stockholder in said "North Carolina Rail Road Company,"
to the amount of five hundred thousand dollars, that
being the estimated and agreed value of said Raleigh
and Gaston Rail Road.

Sec. V. Be it further enacted, That as an inducement
to the old Stockholders in, and obligors for the said
Raleigh and Gaston Company to subscribe to, and
procure subscriptions for the construction of said Rail
Road, whenever the aforesaid sum of five hundred
c thousand dollars shall be subscribed by individuals or
corporations, whose solvency shall be ascertained and
certified by the Board of Internal Improvements, as
herein before provided, it shall be the duty of the
Governor, and he is hereby directed forthwith, to cause
all suits which are now, or may be hereafter pending
against said stockholders and obligors for the Raleigh
and Gaston Rail Road Company to be dismissed; and
the said Stockholders and obligors shall be and are
hereby declared to be forever released and discharged
from all liability for, or on account of said Raleigh and
Gaston Rail Road Company.

Sec. VI. Whenever a larger sum than five hundred
c thousand dollars shall be subscribed by individuals or
corporations, as herein before provided, the Treasurer
do the State, for the time being, shall be, and he is
hereby authorized and directed to subscribe a like a-
cditional sum, for and on behalf of the State, so that
the State shall hold an equal share of Stock in said
Company with individuals; and the Treasurer shall
from time to time, increase the subscription to the
Capitol Stock of said Company in the same proportion
with the other subscribers to the same. Provided,
however that the State shall not be called on to pay
any instalments of such additional subscription until
three fourths of such instalments shall have been paid
by individual and other Stockholders; such payment
to be certified by the President and Treasurer of said
Company
Sec. VII. Upon any subscription of stock, as aforesaid, there shall be paid at the time of subscribing, to the said commissioners or their agents, appointed to receive such subscriptions, the sum of two dollars on every share subscribed, and the residue thereof shall be paid in such instalments and at such times, as may be required by the President and Directors of said Company.

Sec. VIII. The said commissioners, or their agents, shall forthwith, after the first election of President and Directors of the Company, pay over to the said President and Directors all moneys received by them, and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by motion, on ten days previous notice, in the Court of Pleas and Quarter Sessions, or the Superior Court of Law, of any County wherein such commissioner or commissioners, their executors or administrators, may reside, or by a warrant before a Justice of Peace of said County.

Sec. IX. When five hundred thousand dollars or more of the Stock shall have been subscribed, public notice of that event shall be given by any three or more of the said Commissioners at Raleigh, who shall have power at the same time, to call a general meeting of subscribers, at such convenient place and time as they shall name in said notice.

Sec. X. To constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who attend shall have power to adjourn from time to time, until a meeting shall be formed.
Sec. XI. In all general meetings of the Stockholders 2 the Board of Internal Improvement, or such person or 3 persons, as they shall appoint, shall be entitled to re- 4 present the stock held by the State, and shall be enti- 5 tled to give one half of the whole number of votes, 6 which may be present at such meeting, either in per- 7 son or by proxy.

Sec. XII. The subscribers, at their general meeting 2 before directed, and the proprietors of stock, at every 3 annual meeting thereafter, shall elect a President 4 and nine Directors, who shall continue in office, unless 5 less sooner removed, until the next annual meeting af- 6 ter their election, and until their successors shall be 7 elected; but the President and Directors, or any of 8 them, may at any time be removed, and the vacancy 9 occasioned thereby be filled by a majority of the votes 10 given at any general meeting. The President, with 11 any two or more of the Directors, or in the event of 12 the sickness, absence or disability of the President, 13 any three or more of the Directors, who shall appoint 14 one of their own body President pro tem, shall consti- 15 tute a Board for the transaction of business. In case 16 of vacancy in the office of President or any Director, 17 happening from death, resignation, removal or disabil- 18 ity, such vacancy may be supplied by the appoint- 19 ment of the Board until the next annual meeting.

Sec. XIII. The President and Directors of said Com- 2 pany shall be, and they are hereby invested with all 3 the rights and powers necessary for the construction, 4 repair and maintaining of a Rail Road, to be located as 5 aforesaid, with as many tracks, as they or the majority of 6 them, may deem necessary, and may cause to be made 7 and also to make and construct, all works whatso- 8 ever, which may be necessary and expedient, in order 9 to the proper completion of said Rail Road.
Sec. XIV. The said President and Directors shall have power to make contracts with any person or persons on behalf of the Company, for making the said Rail Road, and performing all other works respecting the same, which they shall judge necessary and proper, and to require from the subscribers, from time to time, such advances of money on their respective shares, as the wants of the Company may demand, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the subscribers, giving one month's notice thereof in one of the newspapers printed in the city of Raleigh; to appoint a Treasurer, Clerk, and such other Officers as they may require, and to transact all the business of the Company during the intervals between the general meetings of the Stockholders.

Sec. XV. If any Stockholder shall fail to pay the sum required of him by the President and Directors, or by a majority of them, within one month after the same shall have been advertised in one of the newspapers published in the city of Raleigh, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction, and to convey to the purchaser, the share or shares of such stockholder, so failing or refusing, giving one month's previous notice of the time and place of sale, in manner aforesaid, and after retaining the sum due, and all charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner or his legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the President and Directors may recover the balance of the original proprietor or his assignee, or the executor or administrator of either of them, by suit in any Court of Record having jurisdiction thereof, or by warrant before a Justice of the Peace of the County of which he is a
22 resident; and any purchaser of the stock of the Com-
pany, under the sale of the President and Directors,
shall be subject to the same rules and regulations as
the original proprietor.

Sec. XVI. Be it further enacted, That if the capital
stock of the Company hereby incorporated, shall be
found insufficient for the purpose of this act, it shall
and may be lawful for the President and Directors of
the said Company, or a majority of them, from time
to time, to increase the said capital stock to an amount
not exceeding two and a half millions of dollars, by
the addition of as many shares as they may deem ne-
necessary; first giving the individual stockholders for
time being, or their legal representatives, the op-
tion of taking such additional shares, in proportion to
the amounts of stock respectively held by them; and
opening books in the city of Raleigh, and such other
places as the President and Directors may think prop-
er, for any balance of the capital stock created, which
may not be taken by the stockholders for the same be-
ing, or in their behalf; and the subscribers for such ad-
ditional shares of the capital stock in the said Com-
pany, are hereby declared to be thenceforward incorpor-
ted into the said Company, with all the privileges and
advantages, and subject to all the liabilities of the ori-
ginal stockholders.

Sec. XVII. Be it further enacted, That the President
2 and Directors, or a majority of them, shall have power
to borrow money for the objects of this Act, to issue
certificates or other evidences of such loans, and to
make the same convertible into the stock of the Com-
pany, at the pleasure of the holder: Provided, that the
capital shall not thereby be increased to an amount
exceeding two and a half millions of dollars, and to
pledge the property of the Company for the payment
of the same with its interest: Provided, that no cer-
tificate of loan, convertible into stock, or creating any
12 lieu or mortgage on the property of the Company, shall 13 be issued by the President and Directors, unless the 14 expediency of making a loan on such terms, and of 15 issuing such certificates, shall have been determined 16 on at a general meeting of the stockholders, by two- 17 thirds of the votes which could be legally given in fa- 18 vor of the same.

Sec. XVIII. Be it further enacted, That the said Pre- 2 sident and Directors, their officers, agents and servants, 3 shall have full power and authority to enter upon all 4 lands and tenements through which they may desire 5 to conduct their Rail Road, and to lay out the same 6 according to their pleasure, so that the dwelling-house, 7 yard, garden or curtelage of no person be invaded with- 8 out his consent; and that they shall have power to en- 9 ter in and lay out such contiguous lands as they may 10 desire to occupy, as sites for depots, toll-houses, ware-11 houses, engine-sheds, work-shops, water-stations, and 12 other buildings, for the necessary accommodation of 13 their officers, agents and servants, their horses, mules, 14 and other cattle, and for the protection of property en-15 trusted to their care: Provided, that the land so laid 16 out on the line of the Rail Road, shall not exceed (ex-17 cept at deep cuts and fillings,) eight feet in width, and 18 that the adjoining land for the sites of building (unless 19 the President and Directors can agree with the own-20 er or owners for the purchase of the same) shall not 21 exceed one and a half acres in any one parcel. If the 22 President and Directors cannot agree with the own-23 er or owners of the lands so entered and laid out by 24 them, as to the terms of purchase, it shall be lawful for 25 them to apply to the Courts of Pleas and Quarter 26 Sessions of the County in which said land, or the 27 greater part of it, may lie, and upon such application 28 the Court shall appoint five disinterested and impar-29 tial freeholders, to assess the damages to the owner 20 from the condemnation of the lands for the purposes 31 aforesaid; no appointment however shall be made.
29 unless ten days previous notice of the application shall have been given to the owner of the land, or the
30 guardian, if the owner be an infant or non compos mentis, if such owner can be found within the County; or
31 if he cannot be so found, then such appointment shall not be made unless notice of the application shall
32 have been published at least one month next preceding, in some newspaper printed as convenient as may be
33 to the Court House of the County, and shall have been posted at the door of the Court House, on the first
34 day, at least, at the next preceding term of said Court.

40 A day for the meeting of the said freeholders to perform the duty assigned them, shall be designated in
41 the order of appointing them; and any one or more of them attending on that day, may adjourn from time
42 to time, until their business shall be finished. Of the
43 five free holders so appointed, any three or more of
44 may act, after having been duly sworn or solemnly
45 affirmed before some Justice of the Peace, that they
46 will impartially and justly, to the best of their ability,
47 ascertain the damages that will be sustained by the
48 proprietor of the land, from the condemnation thereof
49 for the use of the Company, and that they will truly
50 certify their proceedings thereupon to the Court of
51 said County.

Sec. XIX. It shall be the duty of the said freeholders, in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after viewing the same, and having such proper evidence as either party may offer, they shall ascertain, according to their best judgment, the damages which the proprietor of the land will sustain by the condemnation thereof for the use of the Company. In performing this duty, they shall consider the proprietor of the land as being the owner of the whole fee simple interest thereon; they shall take into consideration the quality and quantity of the land to be condemned, the additional fencing that will be required thereby, and all the in-
convenience that will result to the proprietor from the condemnation thereof, and shall combine them with a just regard for the advantages which the owner of the land will derive from opening the Rail Road through the same.

Sec. XX. When the said freeholders shall have agreed upon the amount of damages, they shall forthwith make a written report of their proceedings, under their hands and seals, in substance as follows:

We, freeholders, appointed by an order of the Court of Pleas and Quarter Sessions, for the purpose of ascertaining the damages that will be sustained by the proprietor of certain lands in the said County, which the President and Directors of the North Carolina Rail Road Company propose to condemn for their use, do hereby certify, that we met together on the land aforesaid, on the day of , the day appointed therefor by the said order, (or the day to which we were regularly adjourned from the day appointed for our meeting by the same order,) and that, having been first duly sworn, (or affirmed as the case may be,) and having visited the premises, we proceeded to estimate the quantity and quality of the land aforesaid, the quantity of additional fencing which would probably be occasioned by its condemnation, and all other inconveniences which would probably result therefrom to the proprietor of said land, and that we combined with these considerations, as far as we could, a just regard to the advantages which would be derived by the proprietor of the said land from the opening of the afore-mentioned Rail Road through the same, that under the influence of these considerations, we have estimated and do hereby assess the damages aforesaid at the sum of . Given under our hands and seals, this day of At the foot of the report so made, the magistrates before whom the said freeholders were sworn shall
make a Certificate in substance as follows:

County. I, a Justice of the Peace of said County, do hereby certify that the above named free-holders, before they executed their duties, as above certified, were solemnly sworn (or affirmed) before me, that they would impartially and justly, to the best of their ability, ascertain the damages which would be sustained by the above named, by the condemnation of the aforementioned land for the use of the North Carolina Rail Road Company, and that they would certify truly their proceedings therein to the Court of said county.

Given under my hand this day of

Sec. XXI. The report of the free-holders so made, together with the Certificate of the Justice of the Peace, as aforesaid, shall be forthwith returned by the said free-holders to the Court of said county, and unless good cause can be shown against the report, it shall be confirmed by the Court and entered upon the record; but if the said report should be disaffirmed, or if the said freeholders, being unable to agree, should report their disagreement, or from any other cause, they should fail to make a report within a reasonable time after their appointment, the Court may in its discretion, as often as may be necessary, supersede them or any of them, appoint others in their stead, and direct another view and report to be made in the manner above prescribed.

Sec. XXII. On the confirmation of any such report, and on payment or tender to the proprietor of the land, of the damages so assessed, or the payment of said damages into Court, when for good cause shown, the Court shall have so ordered, the land received and assessed as aforesaid, shall be vested in the North Carolina Rail Road Company, and they shall be adjudged to hold the same in fee simple, in the same
Sec. XXIII. While these proceedings are pending, for the purpose of ascertaining the damages to the proprietor for the condemnation of his land, and even before they shall have been established, the President and Directors, if they think that the interest of the Company requires it, may by themselves, their officers, agents and servants, enter upon the lands laid out by them, as aforesaid, and which they desire to condemn and apply to the use of said Company. If, when they so take possession, proceedings to ascertain the damages as aforesaid, be pending, it shall be their duty diligently to prosecute them to conclusion; and when the report of the freeholders, ascertaining the damages, shall be returned and confirmed, the Court shall render judgment in favor of the proprietor of the land, for the amount thereof, and either compel its payment into Court, or award process of execution for its recovery, as to them shall seem right.

Sec. XIV. In the meantime no order shall be made, and no injunctions shall be awarded by any Court or Judge, to stay the proceedings of the Company in the prosecution of their work, unless it be manifest that their officers, agents or servants, are transcending the authority given them by this Act, and that the interposition of the Court is necessary to prevent injury that cannot be adequately compensated for in damages.

Sec. XXV. If the President and Directors shall take possession of any lands before the same shall have been purchased by them, or condemned and paid for according to the provisions of this act, and shall fail for forty days to institute proceedings for its condemnation as aforesaid, or shall not prosecute with due diligence the proceedings commenced for that pur-
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8 pose, it shall be law ful for the proprietor of the land
9 upon giving to the said President and Directors, or
10 any of them, ten days previous notice, to apply to
11 the Court of the County in which the land, or the
12 greater part thereof, shall lie; and upon such applica-
13 tion, the Court shall appoint five disinterested and im-
14 partial freeholders to assess the damages to the own-
15 er from the condemnation of his land to the use of the
16 Company, shall appoint a day for their meeting, to per-
17 form the duties assigned them, and shall dismiss at the
18 cost of the Company any proceeding then depending in
19 their behalf for the condemnation of the said land.
20 The freeholders so appointed, any three or more of
21 whom may act, shall proceed in the performance of
22 their duties, in all respects in the same manner as if
23 they had been appointed by the President and Direc-
24 tors of the Company; and the Court shall, in like
25 manner, confirm and disaffirm their report, supersede
26 them or any of them, and appoint others in their stead,
27 or direct another view and report to be made, as often
28 as may be necessary; and when any such report, as-
29 certaining the damages, shall be confirmed, the Court
30 shall render judgment in favor of the proprietor for
31 the damages so assessed and double costs, and shall
32 thereupon either compel the Company to pay into
33 Court the damages and costs so adjudged, or award
34 process of execution therefor, as to them shall seem
35 right.

Sec. XXVI. When the judgment rendered for the
2 damages assessed and costs, shall be satisfied by the
3 payment of the money into Court, or otherwise, the ti-
4 tle of the land for which such damages are assessed
5 shall be vested in the Company, in the same manner
6 as if the proprietor had sold and conveyed it to them.
7 Be it further enacted, That the written consent of any
8 owner or proprietor of any lands through which the
9 said Road is to be constructed, showing his or their
10 agreement to the same, shall be valid and effectual to give the same power and authority over all land required for the construction of the Road, as if the same had been conveyed by deed of bargain and sale, or condemned upon petition, as aforesaid.

Sec XXVII. The said President and Directors, for the purpose of constructing their Rail Road aforesaid, and the works necessarily connected therewith, or of repairing the same after they shall have been made, or of en- larging or otherwise altering the same, shall be at liberty by themselves, their officers, agents or servants, at any time, to enter upon any adjacent lands, and to cut, quarry, dig, take and carry away therefrom, any wood, stone, gravel or earth, which they may deem necessary: Provided, however, that they shall not, without the consent of the owner, cut down any fruit tree, or any tree preserved in any lot or field, for shade or ornament, nor take any timber, gravel, stone or earth, constituting any part of any building. For all wood, stone, gravel, or earth, taken under authority of this Act, for all incidental injuries done to the inclosure, crops, wood or ground, in taking & carrying away the same, the said President & Directors shall make the owner a fair & reasonable compensation, to be ascertained, if the parties cannot agree, by any three impartial and disinterested freeholders, who being appointed for that purpose by any Justice of the Peace thereto required by the owner, shall be sworn by him, and shall then ascertain the compensation upon their own view, of the wood, ground, earth or stone taken, and for the injury done as aforesaid, in taking them. Provided, however, that it shall be the duty of the owner or owners to show to the Justice of the Peace to whom the application is made, that ten days' previous notice of making the same, has been given to the President or one of the principal agents of the Rail Road Company; and no award which may be given under any appointment, without such notice, shall be obligatory or binding on
34 the Company: Provided, however, that either party, 35 not satisfied with the award which may be given as 36 above, may appeal to the Court of Pleas and Quarter 37 Sessions of the County in which the land may be sit- 38 uated, who may, as in the case of assessments of lands, 39 confirm or disaffirm the report of the freeholders, su- 40 persede them or any of them, and appoint others in 41 their stead, or direct another view and report to be 42 made, as often as may be necessary.

Sec. XXVIII. If the President and Directors, in enter- 2 ing upon the land of any person under the authority of 3 this Act, for the purpose of laying out, constructing, 4 enlarging, altering or repairing any of their said works, 5 shall by themselves or their officers, do any wanton or 6 willful injury to such land or its appurtenances, or to 7 the crops growing or gathered, or any other property 8 thereon, the North Carolina Rail Road Company shall 9 pay to the person so injured double the amount of 10 damages which shall be assessed by a jury in any 11 proper action therefor; or if said injury be done by 12 any person or persons who may have contracted with 13 the Company for the construction of any portion of the 14 Road, or any works connected therewith, he or they 15 shall be responsible to the party injured in the like 16 amount.

Sec. XXIX. Whenever, in the construction of said 2 Rail Road, it shall be necessary to cross or intersect 3 any established Road or way, it shall be the duty of 4 the President and Directors, so to construct the said 5 Rail Road across such established roads or ways, 6 as not to impede the passage or transportation of per- 7 sons or property along the same, or when it shall be 8 necessary to pass through the land of any individual, 9 it shall also be their duty to provide for such individ- 10 ual a proper wagon way across said Rail Road from 11 one part of his land to the other: Provided, however, 12 that in order to prevent the frequent crossing of es-
tablished roads or ways, or in case it may be neces-
sary to occupy the same, it may be lawful for the
President and Directors to change the said roads at
points where they may deem it necessary to do so, and
that for entering upon or taking any land that may
be necessary therefor, they shall be, and are hereby
authorized to proceed under the provisions of this
Act, as in the case of land necessary for their Rail
Road; Provided, further, that previous to the making
of any such change, the said Company shall make
and prepare a road equally good with the portion of
the road proposed to be substituted; but nothing here-
 contained shall be so construed as to make it in-
cumbent on the Company to keep in repair the por-
tion of any road which they may have changed, as
aforesaid.

Sec. XXX. The said President and Directors, or a
majority of them, shall have power to purchase with
the funds of the Company, and place on the Rail Road
constructed under this Act, all machines, wagons, ve-
hicle, and carriages and teams of every description
whatsoever, which they may deem necessary or prop-
er for the transportation of persons or property; or,
if they should deem it more expedient to do so, they
may contract with any other Rail Road Company or
Companies, or with any individual or individuals, for
effecting the transportation on the same.

Sec. XXXI. All machines, wagons, vehicles and car-
riages, purchased as aforesaid, with the funds of the
Company, or engaged in the business of transportation
on the said Rail Road, and all the works of said
Company constructed, or property acquired under the
authority of this Act, and all profits which shall ac-
crue from the same, shall be vested in the respective
stockholders of the Company forever, in proportion to
their respective shares, and the same shall be deemed
personal estate, and shall be exempt from any public
11 charge or tax whatsoever for the term of fifteen years and thereafter the Legislature may impose a tax, not exceeding twenty five cents per annum per share on each share of the capital stock, whenever the annual profits thereof shall exceed six per cent.

Sec. XXXII. Upon the Road hereby authorized, the Company shall have the exclusive right of transportation. When it is so completed, they shall at all times furnish and keep in good repair the necessary carriages and other requisites for the safe and convenient transportation of persons and property; and it shall be their duty at all times, upon the payment or tender of the tolls allowed, to transport to any depot on the Road which the owner of the goods may indicate, and there to deliver all articles which shall be delivered to them for transportation, or offered to them in proper condition, to be transported at said depot on the Road most convenient for the reception thereof.

Sec. XXXIII. They shall give no undue preference to the property of one person over that of another; but so far as practicable, shall carry each in the order of time, it shall be delivered or offered for transportation with the tolls paid or tendered. If the Company, or any of its officers or agents shall fail to receive, transport or deliver in due time, any property so offered or delivered to them for transportation, or shall fail to take up or set down any passenger or passengers, at such convenient point as he, or they may desire, upon the payment or tender of the passage money hereby allowed, they shall forfeit and pay to the party so injured double the amount of the lawful toll paid or tendered, and shall moreover be liable to an action on the case, in which full damages and double costs shall be recovered.

Sec. XXXIV. So soon as any portion of the Rail Road hereby authorized, may be in readiness for transpor-
3 station, it shall be lawful for the said President and 4 Directors to transport by their Officers or Agents, 5 or by contractors under them, persons and property 6 on the same: and they shall have power to charge for 7 the transportation of persons, goods, produce, mer-8 chandize and other articles, and for the transportation 9 of the mail, any sum not exceeding the following 10 rates, viz: on persons, not exceeding six cents per mile 11 for each person, unless the distance, which any per-12 son to be transported, be less than ten miles, in 13 which case the President and Directors may be enti-14 led to make an extra charge of fifty cents for taking 15 up and putting down each person so transported; for 16 the transportation of goods, produce, merchandize 17 and other articles, not exceeding an average of ten 18 cents per ton per mile; and for the transportation of 19 mail, such sums as they may agree for; and the said 20 President and directors shall be furthermore entitled 21 to demand and receive for the weighing, storing and 22 delivering of produce and other commodities at their 23 depots and ware-houses, rates not exceeding the ordi-24 nary ware-house rates charged for such services.

**Sec. XXXV.** Be it further enacted. That if the said 2 President and Directors shall deem it advisable to 3 construct the bridges which may be necessary on the 4 line of their Rail Road of sufficient width to admit of 5 the passage of common roads, as well as their Rail 6 Road, over the same, they may be entitled to demand 7 and receive from all the persons, and for wagons, car-8 riages, and for four and two wheeled vehicles, and for 9 beasts of burden, sheep and hogs passing the same, the 10 tolls which may allowed by the Court of Pleas and 11 Quarter Sessions of the County in which the said 12 bridge may be.

XXXVI. As soon as ten miles of the Rail Road here-2 by authorized, shall be completed, the President and
3 Directors shall annually or semi-annually declare and
4 make such dividend as they may deem proper, of the
5 nett profits arising from the resources of said Com-
6 pany, after deducting the necessary current and pro-
7 bable contingent expenses of the said Company, and
8 shall divide the same among the proprietors of the
9 stock of said Company, in proportion to their respec-
10 tive shares.

Sec. XXXVII. An annual meeting of the subscribers
2 to the stock of the said Company, shall be held at such
3 time and place in each year, as the stockholders at
4 their first general meeting, or at any subsequent meet-
5 ing, may appoint, to constitute which or any general
6 meeting called by the President and Directors, accord-
7 ing to the provisions of this Act, the presence of the
8 proprietors entitled to a majority of all the votes which
9 could be given by all the stockholders, shall be neces-
10 sary, either in person or by proxy properly authorised,
11 and if a sufficient number do not attend on that day
12 or any day appointed for a general meeting called by
13 the Directors aforesaid, the proprietors who do attend
14 may adjourn from time to time until such general
15 meeting shall be had.

Sec. XXXVIII. In counting all the votes of the said
2 Company, each member shall be allowed for each
3 share, not exceeding two shares; one vote for every
4 two shares above two, and not exceeding ten; and
5 one vote for every five shares above ten, by him held
6 at the time in the stock of the Company:  Provided,
7 however, that no stockholders, whether an individual,
8 body politic, or corporate, shall be entitled to more
9 than sixty votes on any amount of the capital stock of
10 said Company, held by him or them.

Sec. XXXIX. The President and Directors shall render
2 distinct account of their proceedings and disbursements
3 of money, to the annual meeting of the Stockholders.
Sec. XL. The works hereby required of the North Carolina Rail Road Company, shall be executed with diligence; and if they be not commenced within five years after the passage of this Act, and finished with in twenty years after the first general meeting of the stockholders, then this Charter shall be forfeited.

Sec. XLI. The President and Directors shall cause to be written or printed, certificates of the shares of the stock in the said Company, and shall deliver one such certificate, signed by the President and counter signed by the Treasurer, to each person, for the number of shares subscribed by him, which certificate shall be transferred by him, subject, however, to all payments due or to become due thereon; and such assignee, having first caused the transfer or assignment to be entered on in a book of the Company, to be kept for the purpose, shall thenceforth become a member of the Company aforesaid, and shall be liable to pay all sums due or to become due upon the stock assigned him; Provided, however, that such assignment shall in no wise exempt the assignor or his representative from their liability to the said Company, for the payment of all such sums, if the assignee or his representative shall be unable to pay the same.

Sec. XLII. If any person or persons shall wilfully, by any means whatever, impede or hinder the construction of, injure, impair, or destroy any part of the Rail Road to be constructed under this Act, or any of the necessary works, machines, wagons, vehicles, carriages, or other property belonging to the said Company, or shall place any obstruction on said Road, shall be guilty of a misdemeanor, and on conviction thereof, in the Court of Pleas and Quarter Sessions or Superior Court of Law, of the County in which the offence may be committed, shall be fined and imprisoned at the discretion of the Court.
Sec. XLIII. Be it further enacted, That when the 2 General Assembly may be of opinion that the Charter 3 hereby granted shall have been violated, it may be 4 lawful, by joint resolution of the two Houses, to direct 5 the Attorney General, with such assistant counsel as 6 the Governor or Legislature may think proper to en- 7 gage, to issue a writ of scire facias, returnable before 8 the Judges of the Supreme Court, calling upon the 9 said Corporation to show cause why their Charter shall 10 not be forfeited, subject to the same proceedings as 11 are now prescribed by law in case of other Corpora- 12 tions. Their books shall at all times be open to the 13 inspection of a Committee of the General Assembly, 14 appointed for that purpose; and the President of said 15 Company shall biennially make a report to the Le- 16 gislature, on or before the third week of their session, 17 of their receipts and expenditures, and of such other 18 of their proceedings as he shall deem proper.

Sec. XLIV. Be it further enacted, That any Rail Road 2 which may hereafter be constructed by the State or 3 by any company incorporated by the Legislature, shall 4 be at liberty to cross the Road hereby allowed to be 5 constructed, upon a level or otherwise as may be ad- 6 vantageous: Provided, that the free passage of the 7 North Carolina Rail Road is not obstructed.

Sec. XLV. Be it further enacted, That whenever the 2 Rail Road shall be so crossed or approached by ano- 3 ther Rail Road incorporated by this State, the said 4 North Carolina Rail Road Company may erect a depot 5 at or near the point of intersection, when they may 6 recover and deliver passengers and freight, and take 7 therefor the same rates of compensation, and be sub- 8 ject to the same regulations, as at other depots; and 9 should they fail or refuse to erect such depots, the State 10 or Company owning such intersecting Road, may erect 11 one, and the Company incorporated shall receive and 12 deliver passengers and freight at such depots, under
the same rules and regulations as aforesaid, unless the same shall be rendered impracticable by the situation of the Rail Road at such place.

Sec. XLVI. To enable the State to pay her subscription to said stock, whenever the same shall be required, as herein before provided, the Treasurer of the State being, shall from time to time, issue bonds or certificates of debt under the great seal of the State, signed by the Governor, countersigned by the Treasurer, and guarantied by a pledge of the faith of the State, in sums not less than five hundred dollars, payable in currency of the United States or Great Britain, with interest at a rate not exceeding six per cent., payable semi-annually; the principal of which bonds shall be redeemable at the end of thirty years from the time the same shall be issued; but no greater amount of such bonds shall be issued at any one time, than may be sufficient to meet the instalment required to be made by the State at that time.

Sec. XLVII. Whenever it shall be necessary to issue said bonds or certificates of debt, the Treasurer shall advertise in one or more public newspapers, and invite sealed proposals for said loan; and it shall be his duty to accept those terms which may be most advantageous to the State; and any premium which may be obtained on said loan, shall be paid into the Public Treasury of the State, and invested by the Treasurer, by and with the advice and consent of the Governor, in stocks or other evidences of debt as a Savings Fund, to meet the payment of the interest on said loan, as the same may accrue.

Sec. XLVIII. As a security for the redemption of said bonds, the stock held by the State in the "North Carolina Rail Road Company," shall be, and the same is hereby pledged, for that purpose; and any dividends of profit, which may, from time to time, be declared on the stock so held by the State in said Com-
pany, shall be applied to the payment of the interest on said loan: but until such dividends of profit may be declared, it shall be the duty of the Treasurer, and he is hereby authorized and directed to pay all such interest as the same may accrue, out of any monies in the Treasury not otherwise appropriated.

Sec. XLIX. Be it further enacted, That it shall and may be lawful for said Company to increase their capital stock, by the additional sum of five hundred thousand dollars, for the purpose of constructing a lateral or branch Rail Road, from the City of Raleigh to such point on the Wilmington and Raleigh Rail Road, as may be selected by a majority of the subscribers to said stock; of which sum, whenever one-half may be subscribed by individuals or corporations, as herein before provided, for the subscription of the original stock, the Treasurer shall be authorized to subscribe on behalf of the State for the remaining half; Provided, however, that the State shall not be called on for the payment of any instalment of her said subscription, until three fourths of such instalments shall be paid by the said other subscribers; such payment to be certified by the President and Treasurer of said Company.

Sec. L. For the purpose of raising such additional subscription, Books shall be opened at Smithfield, under the direction of John McLeod, Bythan Bryan, William H. Watson and Alexander Telfair, or any three of them; at Goldsborough, under the direction of Richard Washington, James Griswold, John A. Green and William B. Lane, or any three of them; at Wilmington, under the direction of Alexander McRae, Edward B. Dudley, P. K. Dickinson, James T. Miller and Lewis H. Marsteller, or any three of them; at Warsaw, under the direction of or any three of them: and the subscribers shall de-
signate that the sums so respectively subscribed by
them, are intended solely for the construction of the
said Rail Road from Raleigh to some point on the
Wilmington and Raleigh Rail Road, and all sums so
subscribed shall be appropriated exclusively to the
construction of that portion of the said Rail Road, and
to no other purpose; and the sum to be so subscribed
by the State, shall, in like manner, be applied exclu-
sively to the construction of that portion of said Road,
and to no other purpose.

Sec. LI. Whenever the said sum shall be so subscribed
by individuals or corporations, the persons so sub-
scribing, shall be considered as stockholders in the
North Carolina Rail Road Company, and shall be en-
titled to all the privileges, franchises and immunities,
which are hereby conferred on said Company: and all
the provisions and conditions, herein before contained,
as to the payment of instalments, the construction of
the Road, the purchase of materials, engines, cars,
rates of toll, and regulations relative to the manage-
ment and running of said Road, shall be and the same
are hereby declared to apply to the said Rail Road
from Raleigh to the point of intersection with the Wil-
mington and Raleigh Rail Road; and the said stock-
holders shall be subject to the same penalties and en-
titled to the same advantages in the election of Presi-
dent and Directors, receiving dividends, &c., as the
subscribers to the principal Road from Gaston to
Charlotte.

Sec. LII. And be it further enacted, That it shall and
may be lawful for the said Company, to increase their
said capital, by the further sum of five hundred thou-
sand dollars, for the purpose of constructing a lateral
or branch road, from the town of Fayetteville to such
point on the said Rail Road from Raleigh to Charlotte,
as a majority of the subscribers for such additional
sum, may select; of which sum of five hundred thou-
9 sand dollars, whenever one half may be subscribed by 10 individuals or corporations, as herein before provided, 11 the Treasurer shall be authorized to subscribe on be- 12 half of the State, for the remaining half: Provided, 13 however, that the State shall not be called on for the 14 payment of any instalments on her said subscription 15 until three fourths of such instalments shall be paid 16 by the other subscribers; such payment to be certified 17 by the President and Treasurer of said Company.

Sec. LIII. For the purpose of raising such additional 2 subscription, Books shall be opened at Fayetteville 3 under the direction of 4 or any three of them, 5 and at such other places, as any three of the said 7 Commissioners at Fayetteville may direct; and the 8 subscribers shall designate, that the sums so respec- 9 tively subscribed by them, are intended solely for the 10 construction of said Road from Fayetteville to the 11 point of intersection with the Road from Raleigh to 12 Charlotte; and all sums so subscribed by individuals 13 and corporations, as likewise the sum so to be sub- 14 scribed by the State, shall be appropriated exclusive- 15 ly to the construction of that portion of said Rail Road 16 and to no other purpose.

Sec. LIV. Whenever the said sum shall likewise be 2 subscribed by individuals or corporations, the persons 3 so subscribing, shall be considered as stockholders in 4 the "North Carolina Rail Road Company," and shall 5 be entitled to all the privileges, franchises and immu- 6 nities: and all the provisions and conditions herein- 7 before contained, as to the construction of the Road, 8 the purchase of materials, engines, cars, &c.; the 9 rates of toll and regulations relative to the manage- 10 ment and running of said Road, shall be, and the same 11 are hereby declared to apply, to the said Rail Road 12 from Fayetteville to the point of intersection with the
Sec. LXI. *Be it enacted,* That whenever the contemplated Rail Road from Weldon to Portsmouth, in the State of Virginia, shall have been constructed, and the same shall be in operation for the transportation of persons and produce, the Governor is hereby authorized and required to subscribe on behalf of the State, in the capital stock of the Roanoke Rail Road Company, two-fifths of the sum which shall be necessary to construct a Rail Road from some convenient point on the Raleigh and Gaston Rail Road to the town of Weldon, whenever three-fifths of the said sum shall have been subscribed by solvent individuals; and the Public Treasurer is hereby authorized and directed to make payments out of the fund created by this Act, on account of the said subscription on the part of the State, pari passu, upon the requisitions of the President and Directors of the said Roanoke Rail Road Company, as individual subscribers shall pay for their subscriptions.
REPORT
UPON THE
CAPE FEAR
AND
DEEP RIVERS.

RALEIGH:
BEATON GALES, PRINTER FOR THE STATE.
1848.
REPORT
UPON THE
CAPE FEAR AND DEEP RIVERS.

To Messrs. Alex. MacRae, A. J. Derossett, A. S. McNeil and F. J Hill, composing the Committee, designated by the Pittsboro' Convention held in July last, to take in charge the obtaining of a survey and estimate of the probable cost of improving the Upper Cape Fear and Deep Rivers, as high up as Hancock's Mill, in Moore County, North Carolina.

Gentlemen:

Having been engaged by Major Walter Gwynn, on your behalf, to make a survey of the Cape Fear and Deep Rivers, with a view to the opening of the navigation as high up as Hancock's Mill in Moore County, and having completed the reconnoizances, together with such instrumental examinations of the most difficult portions of them, as the time allowed me would permit I have the honor herewith to report the results, including an estimate of the probable cost of a Slack Water navigation to be formed by a succession of Locks and Dams, with occasional short Canals.

This character of improvement is admirably adapted to these rivers, as indicated by their inconsiderable fall per mile, (it being somewhat less than two feet
throughout their whole length,) their consequently sluggish current, and the extensive natural pools already to be found throughout their length.

Knowing the importance to the friends of this improvement that the question should be ascertained in the shortest possible time, whether such a navigation could be obtained upon these rivers, to connect with the present Steamboat navigation upon the Cape Fear at Fayetteville, and with a view to expedite the work, after organizing a party and procuring a suitable boat, I began the descent of the river.

I found Hancock's dam 12 feet high, and was told by him that it backed the water up for five miles above, with a depth of not less than 3 feet. Thence descending the river, I found a succession of small shoals, until I passed the lower end of Murchison's Island, where I met, with the back water of Peter Evans', Jr. dam, 2½ miles from Hancocks.

From this point to Evans Mills, a distance of ten miles, I found a splendid pool of water with a depth ranging from 3 to 9 feet, at the then low stage, which was that of low summer water.

Evans Dam has just been rebuilt upon the rafter plan, and packed in with stone, about 3 feet in height. It is 190 feet long, and leaks to some extent; it did not in consequence hold a full head of water by 1½ feet; when this shall be the case by the deposit of mud and sand held in suspension by the water brought down the river, it will flow the water back to Hancocks Mill, 12½ miles.

In Evans Dam, a Lock will be placed of 9 feet lift, from which a boat will float directly into the back water from John Horton's mill dam, and through this fine pool of water for 6½ miles to Horton's mills. The depth of this pool, at its shoalest place, which is 200 yards below Evans Dam, is 2 feet for a short distance, from which it immediately deepens to 5 feet and continues from 5 to 8 throughout its length.
Horton's Dam is 374 feet long and eight feet high, over which the water was flowing at the time; showing thereby a plentiful supply. It is proposed to raise this dam one foot, which can be done at a small expense to insure 3 feet at all times back to Evans dam, and thus supposing a lock in Hancock's dam, we find already formed with a small outlay, a slack water navigation of 23 miles.

From the lock in this dam a boat will float into a pool of not less than 3 feet depth, to be formed by a dam to be erected 200 feet below Thomas Farish's fish dam. This dam will be 9 feet high, and 294 feet long, and will connect the pools at present existing and occasioned by the fish trap dams of Thomas Farish, and Peter Evans, Sen., forming one continuous pool for 83 miles from Horton's dam.

A Lock will be placed in this dam of 9 feet lift, from which a boat will float into a pool 7½ miles long and not less than 3 feet depth, extending to Claig's mill dam, a short distance below the mouth of Rocky River.

At this point, the first real difficulties are encountered and it becomes necessary to leave the bed of the river, for the first time in 39¼ miles. Nature has done much to smooth the way here, and we find a natural canal, or Sloo of 50 to 70 feet wide, which it is proposed to use for 2050 feet. It is now used as the race to Claigs mill; it will be necessary to take down Claig's river dam, which only holds water for 3 feet, and construct upon its site a dam 5 feet high, and 1023 feet long. This dam will give sufficient depth over the shoals at the mouth of Rocky River, and above that point back to the sill of the lock in the dam, at Farish's fish trap. Some clearing out and blasting will be required, the cost of which is embraced in the estimate.

A Dam must be raised over the sloo as far down as we use it, and in this dam a lock will be placed of 10½ feet lift, from which a boat will pass into a pool of three miles in length and of sufficient depth, formed by the
erection of a dam just below the head of Pullens Falls. Some cleaning out will be required in the upper part of this pool.

Pullens Falls are the chief obstacles to the opening of the navigation of Deep River, and to a casual observer, or those unacquainted with the means resorted to elsewhere in surmounting similar difficulties, they do appear to constitute a barrier to the navigation of the rich and fertile valley of that river. But they are by no means insurmountable—and when it is considered, as will be seen by the estimate, at what an inconsiderable cost the upper portion of the river can be rendered navigable, it will be understood that we can afford to expend an amount sufficient to overcome the difficulties at these falls, and yet leave the average cost of improving Deep river quite low.

These falls are formed by the river flowing over a succession of ledges running across its bed, with short pools of still water between them. The fall from the head to the foot below Pullens mill, is 34 feet 6 inches in a distance of 13/4 miles.

The 1st dam in the falls will be placed upon a ledge of rock making across the river 24 feet below the level of the water surface above, it will be 8 feet high, and 334 feet long, including the abutments. A lock will be placed in this dam of 8 feet lift.

A boat will float out of this lock into the pool below of sufficient depth, and 600 yards long, which brings us to the 2nd dam. This dam will also rest upon a rocky ledge, it will be 10½ feet high in the main river, but as it will cross two islands, its average height will be much less. It will be 800 feet long.

A lock will be placed in this dam of 10½ feet lift, from which a boat will pass into a pool formed by a dam 1300 yards below, built upon the site of Pullens dam, it will be 8 feet high and 446 feet long to the island, including the abutments. There also will be required 170 feet of damming to connect two other islands with the first.
From Pullens dam, it is intended to take out a canal through the level bottom in which his mill race is dug. It will be 1026 yards long, of easy excavation and will require one guard lock where it leaves the pool, and two lift locks of 10½ feet each, to drop the boats into the river, somewhere about the new bridge, being erected by Dr. Smith and others. It will also require a waggon ford where it crosses the main road.

From the outlet lock of this canal the boats will float into a pool 11½ miles long reaching to Buckhorn Falls, with no difficulty for that distance, even at this time, and of sufficient depth, excepting at two points, one at Dr. Smith's sein haul, the other at Hawkin's Island; the depth of water at which points, is now 18 inches.

About 2½ miles below Pullens Mill, and directly above the confluence of the Haw with Deep River, is the town of Haywood, finely situated upon an elevated second bottom, which is destined to become a place of considerable trade, when this improvement shall be opened. It has a rich back country in the Counties of Chatham, Randolph and neighboring Counties, and will be the point where all the surplus production of these Counties will concentrate, to be borne upon the navigation to the markets of Fayetteville and Wilmington.

At Buckhorn, the river falls 16 feet in ½ mile, where it becomes necessary for the third time to leave the bed of the river. Here nature has again stepped in to smooth the way for us, & we find a natural canal or sloo, which leaves the river just above the falls and running round the north side for ½ mile, again enters the river. This sloo has at this time a depth of from 12 to 18 inches in it, and is 60 to 70 feet wide.

It is proposed to erect a dam across the river at the head of the falls 5 feet high, and 720 feet long which will afford ample depth in the sloo, and back the water over the shoals above, so as to give at all times not less than 2 feet water upon them. The sloo will be followed 1 mile, at which point there will be a dam erected over it.
This dam will be 9 feet high, and 180 feet long, and in continuation of the same dam to the bank below the old canal, a dam of 198 feet long and 6 feet high, also 430 feet of damming 5½ feet high, to connect some islands above.

From the sluö through a guard lock, the boats will pass into the old canal which must be widened and cleared out for that purpose, as far down as the locks to be erected to lower them into the river.

There are the remains of several dams, two sets of locks, some half a mile apart, and the old canal alluded to; showing the efforts made in former years to improve the river. The general outline upon which these improvements were last projected was in the main current, but the details were so wretchedly carried out, as to render worse than useless all the money expended upon them. The canal was in the first place cut 1 mile in length from Buckhorn sluö, and locks erected to lower the boats into Parkers Creek, which it was intended they should follow to the river, about one-fourth of a mile. This creek is an inconsiderable stream of about 10 feet width and 6 inches depth, which would have been always filling up with the sediment brought down by it, to the obstruction of the navigation; even though the water of the river had have been backed into it by a dam from below.

It was afterwards concluded to throw away these locks together with half a mile of the canal, and returning back upon it, lock into the river half a mile above. This was accordingly carried out and the locks put up, which would have answered the purpose very well, if they had have been properly constructed, but the simplest laws of hydraulic pressure were totally disregarded. The sides of the locks were merely upright posts braced at each alternate post, with a single lining of one inch plank, and with no other support whatever. As might have been expected, they were forced open soon after being subjected
to the head necessary to pass a boat through them. They were miserable attempts at lock building, and it would have been far better had the money have been thrown into the river; as the effect of their failure, although some twenty years have past, is still found in the minds of many enterprising and intelligent gentlemen, who look upon any further attempt at improving this noble river, as utopian, merely because they failed at that time, without knowing or reflecting upon the cause: which was an utter want of skill in carrying out the improvement.

A spirit is now aroused however, which if properly directed and judiciously managed, will render the navigation of the Cape Fear and Deep Rivers, one of primary importance to the State at large, as well as to the Counties within its influence.

From the outlet lock in this canal, a boat will float into a pool 6 miles in length and of sufficient depth to Douglass’s Falls, half a mile below Norrington’s Ferry. This pool will be formed by a dam 8 feet high, and 750 long, to be raised upon the ledge of rock at that place. Here it is proposed to take out a short canal for 440 yards on the north side, through a level bottom of easy excavation, and by a lock drop into the river below.

The next pool will be 8 miles long and will extend one mile below McAllister ferry, where a dam will be built 8 feet high, and 527 feet long.

A lock in this dam will pass a boat into the next pool below, which will carry it four miles to the next dam, which is to be placed upon the first ledge in Smiley’s Falls. As these Falls are well known to be the greatest obstacle to the opening of the Navigation of the Cape Fear River above Fayetteville, I will give their physical character. These Falls extend for about five miles over a succession of rocky ledges, with no great fall at any one of them, leaving invariably between them, still pools of water, varying in depth from three to seven feet; and in length from 200 to 600 yards. The banks of the Riv-
er at the head of the Falls, are sixteen to eighteen feet high, but increase in height to thirty feet as we approach the foot of the Falls. It will be seen from this brief notice of their character—from the height of the banks and the admirable foundation offered for the dams and locks, as well as the existence of pools of still and deep water of considerable extent, that nature has marked out for us the plan of improvement to effect the navigation through this part of the river. In fact, there are natural excavations and benches formed in these ledges of rock, upon which dams can be erected to withstand any freshet that may arise, as is abundantly shown by the imperfectly constructed fish dams upon them, which have withstood all the freshets in the Cape Fear until the actual decay of the timbers in them, and yet the stones remain upon the foundations as they were originally placed.

The dam at this first ledge will be eight feet, nine inches high and 445 feet long, in which a lock will be placed of the same lift to lower the boats into the pool below, which will extend for 1¾ miles and of sufficient depth to the head of Big Island.

The site for this dam is remarkable—the fall at the ledge is only eighteen inches, but there is a rampart of rock running across the river seven feet above the surface of the water, except at three openings where the river has worn a channel through it. Upon this ledge, or rather across the channels through it, a dam will be raised of 10½ feet high—its total length from bank to bank being 500 feet.

In this dam a lock will be placed of 10½ feet lift, to float the boats into the pool below, which will carry them 1 3-5ths miles to the next dam, to be raised upon another ledge of rock. This dam will be 6 feet 4 inches high and 750 feet long. A lock in it will carry us through a pool of 1½ miles in length to the next dam, to be raised upon the ledge at Hodges' timber landing, which will be 6 feet high and 600 feet long—through a lock in this dam the boats float into a pool of water of 5 miles in length.

This pool is intended to afford sufficient depth over the shoals to Averysboro, and on to Doctor's shoals immedi-
ately below Smith's Ferry, at the mouth of Lower Little River.

The dam upon Doctor's Falls will be 9 feet high and 350 feet long; it will not only create the pool above named, but it will flow the water for some distance up Lower Little River, thereby facilitating the rafting of the clamps brought down it, and remove all danger of losing them, as is now frequently the case when they arrive at the mouth of the river.

From the lock in this last dam to Jones' Falls, the distance is five miles, which will be the length of the pool. Upon these Falls the last dam will be erected—it will be 9½ feet high and 400 feet long.

From the lock in this dam, of 9½ feet lift, the boats will float into a fine navigation to Fayetteville, 15 miles. Some outlay will be required in this distance to remove obstructions, which is provided for in the estimate.

The fall from the foot of Hancock's dam to Fayetteville is about 178 feet. The distance being about 100 miles.

PLAN OF THE DAMS.

The plan of Dams upon which the estimate is based, is what is termed a crib dam. It is formed by longitudinal timbers, well secured to the rock, connected by cross ties, with the down stream end of the ties kept at such an elevation above the upstream end, as will give the proper up stream slope of 2½ feet horizontal to 1 foot vertical. These timbers will be of yellow pine properly hewed, and well tree-nailed together, and the intermediate spaces or cribs, well packed in with stone. Upon timbers running length ways of the dam along the face of the upstream slope, will be laid the sheeting of 3 inch yellow pine plank, running up and down the slope, and well secured to these timbers by tree-nails.

PLAN OF THE LOCKS.

The locks will be a modification of the "Composite Lock"; the walls will be formed of well hewed yellow pine timbers laid length ways of the Lock, 10 feet apart,
connected by cross ties every 10 feet of their length. These cribs will be well packed with stone to the entire height of the Lock walls.

These Lock walls will rest upon timbers extending entirely across the Lock, laid close together, and upon which a double flooring will be laid to the extent of the lock chamber, and the lining of the chamber will also be double.

The Locks will be 100 feet long in the chamber, by 18 feet width, and are calculated for boats 100 feet long and 2 feet draft—and 30 to 40 tons burthen.

I learn from Capt. Dibbel, that his steam boat plying upon the Neuse River is 100 feet long by 17 feet wide, from the bow to the extremity of the paddle wheel, which is placed in the stern of the boat—its draft when light is 18 inches.

The depth provided for in this estimate is in no case less than 3 feet, and no doubt a boat can be constructed to draw less than the one named above.

These brief descriptions of the locks and dams are considered all that is necessary at this time, to an understanding of the character of the improvement contemplated.

It is necessary to say that when the work is laid off for construction, modifications of the plan of improvement above presented may be found advisable, and in all probability may lead to some saving in expense.

After a careful investigation of all the expenses necessary to accomplish this work, upon the plan proposed, the items for which are presented in a separated sheet, I find it amounts to (including ten per cent for contingencies) $185,600.

In order that the committee may have a clear understanding of the importance of this proposed improvement, to the interests not only of the country through which it will pass, but of the State at large, both social and commercial, I will endeavor to point out some of the physical features of the valley and of the country it will traverse. To do so, I will ask them to examine with me for
a few moments the map of the State of North Carolina; and beginning at Wilmington, the chief sea-port of the State, we find the Cape Fear River flowing through a broad and noble valley, and steam boats plying upon it for 100 miles above, to Fayetteville. Thence by this proposed improvement we find still, the broad and rich valley of the Cape Fear, pursuing a North west direction some 60 miles further, to the junction of the Haw with Deep river, and thence by the valley of Deep river, which now bears due west, 40 miles further: approaching at its nearest point to within 53 miles of the rich and fertile valley of the Yadkin river.

The highly productive lands of the Cape Fear and Deep rivers throughout the whole extent of this proposed improvement, are susceptible of an amount of surplus production, which it would be difficult to estimate, could the proprietors of them avail themselves of the easy and cheap mode of conveyance to market which this navigation would afford. Upon Deep River, 12 miles above its confluence with the Haw river, we first come upon the bituminous Coal deposit, which extends on both sides of that river for some 15 miles above, and forms one vast coal basin, as is clearly indicated by the openings which have been made upon the lands of Thomas Farish, on George’s Creek, on the branches of Buffaloe Creek, on the opposite side of the river, upon the lands of John Horton where the boring has been continued for some 20 feet without finding the thickness of the bed, and also higher up near Dr. Chalmer’s plantation in Moore County.

This coal burns with a brilliant flame; it is found from 3 to 5 feet below the surface, and is identical with the far famed bituminous coal of Alleghany County, Maryland, to transport which to her sea coast, there has been expended in the construction of the Chesapeake and Ohio Canal, $9,502,345, besides a new issue of bonds recently made of $1,700,000, making together, $11,202,345, for construction alone. To this must be added the interest and loss upon the sale of bonds up to this time, of $4,455,970; this swells the amount to $15,661,315.
The Report from which the above is extracted, says—
"The prominent and main purpose of the canal, as a work limited to the Valley of the Potomac, is to lay open to the inhabitants of the Atlantic States, the mineral treasures of Alleghany county; particularly its inexhaustible mines of Coal and Iron."

Now gentlemen, this immense outlay has been expended to construct a line of canal 185-4-10 miles long, less than the distance to the Deep River mineral region by 14 miles, and when we take into consideration the tariff of tolls necessary to pay the interest upon this large sum and compare it with that necessary to meet the interest upon the small expenditure necessary to accomplish this improvement, is it not as plain as the sun at noon day, that you can compete with the Maryland coals in any of the Atlantic seaports?

Hematite Iron ore, is also found upon the banks of Deep River, soap stone, and also a substance very much resembling black lead.

Without desiring to weary you gentlemen, I must carry you along with me, either by water navigation, or if that is impracticable, by a portage Rail Road, over the country dividing the Deep and Yadkin Rivers, where we reach an immense and populous valley, rich in every variety of agricultural wealth—which would be collected and transported upon the Yadkin to the Rail Road; and if sectional boats are used, such as are in daily use upon the Canals in Pennsylvania, they would, with their freight, be transported over this short portage Rail Road, and launched upon Deep River for the seaport of the State.

It appears to me there can be no doubt as to the profits of this improvement. That it would render the stock of the lower Cape Fear valuable, must be admitted.

In conclusion, I would ask what Atlantic Seaport would have a more extended communication with the interior than Wilmington? Supposing the Yadkin Valley penetrated and improved, as I am informed it can be for some 150 miles above the "narrows," thus forming 400
miles of interior transportation, which for economy and low freights, would not be surpassed by any other improvement of the same length in the country.

North Carolina would then, from the products of her own bosom, from her own inexhaustible resources, assume that position among the Commercial States of the Atlantic Seaboard, to which she has a legitimate claim, and no longer witness the diversion of her products to the building up of the Commercial Cities in the States on her North and South; but accumulating upon the wharves of Wilmington, they would be shipped where the laws of trade might direct.

Respectfully submitted,

By your obedient servant,

WM. BEVERHANT THOMPSON,

Civil Engineer.

Raleigh, Dec. 23d, 1848.
I have carefully examined the notes and calculations upon which the above estimate of the cost of the improvement of the Cape Fear and Deep Rivers was made, and have no doubt that it is full and ample, with good management, under the direction of a competent Engineer, for the accomplishment of the objects contemplated, and I fully concur in all the views and deductions contained in the above report.

WALTER GWYNN.

Raleigh, Dec. 22d, 1848.
REPORT

OF THE

ATTORNEY GENERAL

UPON THE

CLAIMS

OF

WILLIAM CATHCART.

RALEIGH:

SEATON GALES, PRINTER FOR THE STATE

1848.
REPORT

To the General Assembly of the
State of North Carolina:

By a Resolution of the last General Assembly, the Attorney General was requested "to investigate the claim of the devisees of William Cathcart, deceased, set forth in the memorial of W. J. Brown, Agent and Attorney for said devisees, now pending before the General Assembly, and report the result of his investigation thereof to the next session of the General Assembly."

In obedience to this request, I have undertaken the investigation requested; and as a thorough examination of the whole matter demanded an inspection of many old documents and official books, which were accessible nowhere else, I repaired to this City, where they were to be found, and where, also, the Agent might be present and afford me all the proofs concerning the claim by which he expected to establish the right to redress.

The petitioners claim to have the sum of $5,375, with interest from the year 1796, refunded to them, on account of money alleged to have been paid into the Treasury of the State for land, for which no grant was ever obtained. The particular circumstances which, in the opinion of the memorialists, entitle them to make the application, are set forth in the memorial.

I have patiently examined all the documentary evidence offered, and such other of every kind as suggested itself to me, as likely to reflect light on the inquiry. And
By Indian treaties, subsequently made, the State acquired territory still more western, and granted it away. Many of these grants covered some of the lands which had been previously granted to Cathcart; and about the year 1841, his devisees instituted suit in the Federal Circuit Court, against the tenants in possession. After a decision of the cause against Cathcart's title in that court, an appeal was taken to the Supreme Court of the United States, and decided at the January term, 1840. The case is reported in 14 Peters, p. 4, under the name of "Lessee of Margaret Latimer and others, ex. William Poteet." — The great question in the cause was, whether the grant to Cathcart lay within the Indian country. During the pendency of this suit, to wit, in the year 1834, Col. Brown, on behalf of the present applicants, laid before the legislature a petition, asking that the purchase money, alleged to have been paid by Mr. Cathcart, for the entries aforesaid, should be returned. The Committee, through the Chairman, Judge Battle, amongst other things, reported, "In any aspect in which this case can be viewed, the committee find matter for long, patient, and thorough investigation, such as they are utterly unable at present to bestow upon it. The lands mentioned in this petition; lie in the immediate vicinity of other lands now in controversy between the State and the devisees of Cathcart, and it is possible that the State might be compromising her rights and interest by acting on the petition before the final settlement of the controversy."

The ensuing Legislature was again memorialized on the subject, and the Committee, through their chairman, Hugh Waddell, Esq., reported against the allowance of the claim.

Thus rested the matter till 1846, when the application was again renewed. In the consideration of the subject, the Committee appear to have been divided. I am in possession of the report of the minority of the committee, and am told by Mr. Speaker Graves of the Senate, who was on that committee, that the majority, of whom he was one, reported only that the subject presented so many
intrinsic difficulties, and required so much patient enquir-
ry, as to make it highly prudent to ask the investigation
which I am now reporting.

The minority reported strongly in favor of allowing the
claim.

Two questions of great importance arise in the case:

First. Was the tract of 107,500 acres subject to en-
try; or, rather, was it forbidden to be entered?

Second. Was it; or any part of it paid for?

I proceed to examine the first question. One of the
Cathcart grants before referred to, of 49,920 acres be-
came, as already stated, the subject of suit; and the great
question therein pending, to wit, whether the grant lay
within the Indian country, was decided in the affirma-
tive both in the Circuit and Supreme Court of the United
States. By this decision, the grant became, and is held
to be void. That case was ably prepared and argued by
the first lawyers of North Carolina, divided on opposite
sides, in the Court below, and by the first lawyers of the
Union in the court above. Much time was allowed for
the preparation of the trial, and a huge mass of testimo-
y was taken as to the Indian line of Holston treaty. I
have paid little attention to any survey made in that case,
other than Joseph Henry's; because he was mutually cho-

sed by both parties, and because he was accompanied in
his labors by Col. Brown, acting for the Cathcart claim-
ants, and by Joshua Robards, agent for the State. It was
the survey used mainly on the trial, and that which de-
cided the case, in which so much was at stake, that, it is
believed, that no exertions were spared to introduce evi-
dence of a line still more westward. The plot of this
survey, and the deposition of Mr. Henry accompanying,
and explanatory of the same, are to be found in the Clerk's
office of the Federal Court in this place. The line there-
on marked, stretching across the State, and designated
as "Hawkins' or Kilpatrick's line," is the line which the
Court declared to be the line that bounded the Indian
territory, from 1791 to 1798.
This decision of the court in regard to the Cathcart grant, necessarily decides the legality of the entries which constitute the subject of this application, if they be west of that line: and they are west of that line. One corner of the whole tract of 107,500 acres comes very near to the line, but is west of it. If, therefore, Cathcart had obtained a grant, he had been in no better situation than he was without it. The entries were void, and the grant must have been so too.

It is by the 6th section of the Act of 1783, p. 436, that the entries are made void. It declares that “no person shall enter and survey any lands within the bounds set apart for the Cherokee Indians, under the penalty of £50 specie for every entry, &c., and all grants thereon shall be utterly void.” The policy of this section is still further pursued in the same act, in sec. 8., whereby persons are prohibited from hunting, ranging or driving stocks of horses, cattle or hogs on the land set apart for them, under a penalty of £50 specie.

It has been supposed by some, that these sections were impliedly repealed by the Act of 1791, which established Buncombe County, and thereby introduced into the County a land office; and the case of Strother vs. Cathey, 1 Murph. 162, has been cited to prove that position. The argument which it is alleged that case authorizes, is this: All vacant lands within the limits of a County are subject to entry by the act of 1777. Buncombe County, as bounded by the Act creating it, contains the 107,500 acre tract, among the lands reserved to the Indians, and all such lands are vacant; therefore all land in Buncombe County, as it existed in 1796, was liable to be entered, surveyed and settled. The case in Murphy does not support this position. It was cited by the Court, in the case of Latimer vs. Poteet, to establish the contrary; and that great case itself directly decides the contrary; and the case of Euchelah vs. Welch, 3 Hawks, pages 162 and 163, decided in 1824, rebukes the position with great eloquence and power. Chief Justice Taylor, speaking in that case, of the treatment of the Indians before the Rev-
solution, says: “Their rights of property, though much circumscribed by the repeated cessions they have made by treaty, were respected as to what remained, and much solicitude is shown, in repeated enactments, to restrain the cupidity of the whites.” He shows that this policy became, at the formation of our Constitution, a part thereof under the 25th section of the Bill of Rights, and had continued ever since. Indeed, such an effect cannot be attributed to the Act of 1791, without an abrogation of solemn treaties made with the Indians; and of two especially, one of which was concluded only six months before, (I mean the treaty of Holston,) and the other made in 1795, four years afterwards (I mean the treaty of Greenville.) The true reading of the case of Strother vs. Cathey but establishes this point, that as the Indian title to land in Buncombe was extinguished, it became subject to entry and grant.

It has also been said that the various laws passed Session after Session, allowing further time to take out grants and complete titles, were intended to embrace such entries as this of Mr. Carthcart. The effect of that argument would be, to make entries better title, than the grants themselves if issued, would have been. Certainly only legal entries were intended to be favored.

It has also been urged that the proviso to the Act of 1796, p. 803, inserted in the 13 sec. thereof, which recognizes claims “to entries west of Pigeon River in Buncombe County,” legalizes this of Mr. Cathcart. In reply to this position, it is sufficient to say, that the case of Latimer vs. Poteet is decisive against it.

My investigation then, of the matter involved in the first question, authorises me to announce as the result, that each and every entry included in the 107,500 acre tract was not only not allowed, but was expressly and anxiously forbidden by the law of the State, and by the treaties between the United States and the Cherokee Indians; and that there has been, since the entries were
made, neither act nor intent, manifested by the Legislature of the State, to confirm them.

In connection with this part of my enquiries, I beg leave to say, that on the running of the line in 1797, many persons who had grants of land cut by the line were relieved of payment of further taxes on all such part as lay west of the line. Instances of this kind occurred in the cases of John Gray Blount and others, to the amount of many thousand acres. And there is no evidence shown to me, although the fact has been supposed, that taxes were ever paid by Cathcart on the tract of 107,500 acres. Indeed, the supposition is inadmissible, since the claim was never known to exist till long after the lands had been granted to the present occupants, or their assignors.

The second question I propose to answer is, whether the said entries or any of them, have ever been paid for. The entries amount to 168, and consist of two classes, all included under one survey. The first class contains ten, and are numbered 2729—30—31—32—33—34—35—36—2744—45. These were entered on the 25th day of Feb., 1795, and warrants of survey issued on 27th day of Aug., 1795. The Treasurers receipt for the entry money is on file in the Comptrollers office, and the money is charged on the Comptrollers books against the Public Treasurer. The entry on the books purports to have been made on the 8th day of June, 1796, and such is the date of the receipt. No grant for these numbers was ever issued to Cathcart, as the Secretary of the State certifies. Cathcart's grants, ten in number, and embracing three hundred and thirty five thousand, six hundred and forty acres, (335,640) all bear date on the 20th day of July, 1776, and were taken out under the agency of Col. Brown.

The second class of entries contains 158, numbering from 5597 to 5754, inclusive, embracing 101,120 acres—all these are entered on the 21st day of June, 1796; and the warrants of survey issued in September following, and purport to have been surveyed on the 1st day of October of the same year, 1796. No receipt can be found for any
money paid towards these entries. There is no receipt for any money paid by Cathcart on any account whatever, dated after the entry of the land. There is no charge on the books after that date, shewing such payment.—The dates of the receipts, and the charges on the books, are all fourteen days before the date of entry. The law did not require a pre-payment of entry money; in no case can it be presumed. In this case such pre-payment is rendered so highly improbable, as to be almost impossible; for, if made at the time the monies were charged on the books and receipted for, they must have been advanced by Col. Brown, who, it is stated, was never apprised of the entries till they were made known through an accident in 1830. Certainly, therefore, Col. Brown never paid it. Did Cathcart ever pay the money? If he did, then the Treasurer either failed to give a receipt therefor, or the Comptroller omitted to charge him, and destroyed or mislaid the receipt. The presumption in favor of the integrity of officers, forbids such a suggestion. The character of the officers forbids it. The neat and fair manner of book-keeping, as shown by an inspection, rejects all supposed carelessness. To find that there was a payment of the money, under such circumstances, would impeach the honesty and integrity of both Treasurer Haywood and Comptroller Craven, without the least particle of testimony offered to induce that conclusion.

The memorial indeed says, that the money must have been paid into the Treasury "from the fact that the same must by law have been paid before said warrants of survey could have issued to the Surveyor of Buncombe county."

If such had been the law, the payment is not proven; for the argument assumes that the officer who issued the warrants, certainly discharged his duties, and that the Treasurer and Comptroller both grossly failed to discharge theirs. But the memorialists have wholly mistaken the law. The Act of 1795 regulated these entries. By the fourth section thereof, it is declared that on all entries
thereafter made, the entry takers should issue warrants of survey at the expiration of three months from the date of each entry." And by the third section of the same Act, it is provided that on all entries made after the passage of the Act, the purchase money should "be paid to the Public Treasurer within six months from the date of the entry, if for a greater quantity than 300 acres."

If the argument offered by the memorialists to prove payment, (because otherwise, the entry-taker would have violated his duty,) be sound, it becomes doubly strong to prove that no payment was made, when, by it, not only the entry-taker is relieved from all imputation, but two high public officers are rescued from the charge of a fraudulent abstraction of money from the Treasury.

It was urged during my examination that the Comptroller's books showed payment of a larger sum than was demanded for the land granted. On examination, every charge on the books was supported by its appropriate receipt; each receipt specified the numbers of entry, and testified to the payment of money on entries made before the year 1796.

There is no evidence even that the entries were ever returned to the Comptroller's office, except that which arises from the charitable presumption that no officer is neglectful of his duty. But if, on this ground, I take it for granted that the entries were returned, there could not be expected any evidence of the return on the books, unless payment had been made; for the books only exhibit the charges against the Treasurer for money paid to him. So that in truth every fact of which there is any evidence, well consists with the integrity of the officers, and their faithful discharge of duty; none of them prove, and many of them disprove the payment alleged.

It was suggested that perhaps the 158 entries had been exchanged for other entries, and Mr. Hill stated that he had seen an agreement in writing between Col. Brown, acting for Cathcart, and the late Jno. Gray Blount, showing exchanges of this character; but these entries could
not have been embraced in that writing; first, because Col. Brown was ignorant of their existence; secondly, upon investigation, I saw in the grants to Cathcart, many exchanges of this kind, but these, as indeed all Cathcart’s grants are of a date prior to the survey of the 107,500 acre tract; thirdly, the survey of the entries composing this tract, exhibited by the memorialists, and alleged by them to be a duplicate, as do the entry books themselves, also, all show that these 153 entries were made in the name of Cathcart and surveyed for Cathcart; and it is for these entries and none other, that the application is made, and upon the ground too, that the State has put it beyond her reach to issue grants on them. If these entries were exchanged with Blount or others, it does not appear that the memorialists have been deprived of those taken in exchange, or that they have in any manner been made accountable for them to the persons with whom the exchange was made—until such fact appears, they, and not the present applicants, are the persons injured by the non-issue of grants.

For the first class of entries, ten in number, warrants of survey were issued on the 27th day of August, 1795. It being the duty of the entry taker to return the entries to the Comptroller, it is fair to presume that there was such return at the time of payment, to-wit: on June 8th, 1795. These entries are included in the same survey with the 158 entries: And while it is not only possible, but proven, that the ten entries were paid for, it is utterly impossible, and therefore certainly untrue, that payment was then or afterwards, on the 8th of June, made for them. I conclude therefore the enquiry on the second question and report the result of the investigation to be that the sum of $320 was paid for the ten entries, and that the other 158 entries were not paid for.

I resume the enquiry as to the ten entries. No grant for the numbers of these entries was ever issued to Cathcart, as Mr. Hill certifies. Why there was not, seems to be strange, if they were not exchanged with Mr. Blount
or some other person. I examined the agreement between Cathcart and Blount executed by their agents, and found that there was an exchange of forty-three entries, but the numbers are not given; and I could not trace the numbers in the grants beyond about twenty in number; but there is a remarkable coincidence between the Comptroller's books and the duplicates of Cathcart's grants. By the books it appears that Cathcart entered, including these ten entries, 325,760 acres of land, and paid for the whole $16,288, being 5 cents per acre. And the grants actually issued to Cathcart embrace 325,640 acres; showing that he obtained grants for as many acres as entered and paid for, lacking 120 acres. Perhaps a perfect and thorough examination of all the grants to Blount might explain the matter, but that would be an immense undertaking.

In this state of apparently conflicting evidence, and after so long a lapse of time, I cannot report that even the entry money of these ten entries has been paid without consideration. But if your honorable body shall be of a different opinion, the question will present itself, whether the sum of $320, the amount paid into the Treasury by Cathcart on the 8th day of June, 1796, for the ten entries made on the 25th day of February, 1795, should be repaid to his devisees and if so whether with interest.

This is an application to the justice and equity of the sovereign.

So far as our land laws afford any evidence of State policy on that subject, the only act that has the slightest apparent bearing on it, is that of 1791, ch. 350. By the provisions of this Act, persons who entered and paid for a greater quantity of land than could be surveyed, or "entered and paid for lands already taken by grants or entry of an elder date," were at liberty to surrender the entry and receive back the purchase money, or have a deduction for the deficiency. This Act, in my opinion, was intended for such entries as were made between adjacent tracts, or such as had been already, lawfully entered. It
was rendered necessary and just at that time, by the confusion into which entries had been thrown by the general law declaring a forfeiture of entries, unless the titles thereon were completed in a given time, and a subsequent remission of such forfeitures by repeated extensions of time. I give it as my opinion, that the Act was never intended to refer to entries forbidden by the law. Such entries do not come within the letter of the Act, and certainly, not within its spirit. This Act has ceased to be in force for a great while; and not for that cause, but because it is not applicable to this case, I lay it out of the argument, which should decide the question of repayment. And I proceed briefly to state the arguments which are urged for and against refunding.

On behalf of the applicants, it is said that the boundary line which separated the land liable to be entered from that which was forbidden, was not well known till 1797—that it was never run till after the entries were made—that there has been much difference of opinion whether it was correctly run—that even as run, the land lies just within the Indian bounds; and that Blount and others had made entries still further west; and that Cathcart was deceived, if he was in error as to the true line, by the example of our own citizens. It is also further said, that the State has received the money, and having given no consideration therefor, it is against good faith, and honor, and common honesty, to keep it; that the length of time elapsed, can, and ought to make no difference in settling the moral obligation to repay money obtained without consideration; and that a sovereign must stand disgraced who would shelter himself under such protection.

On the other hand it is argued that, although the treaty line of Holston had not been run, and, therefore, its exact locality could not be known in a mountainous region, yet that the State, by its act of 1783, had, in very strong terms, forbidden entries on the Indian territory, and by that act, had designated a clear line, west of which, entries were forbidden; and that although by the treaty
of Holston in 1791, territory west thereof had been acquired which thereby became the subject of entry, yet it was never the intention or wish of the State that even actual settlers, and much less, therefore, speculators, should push their entries upon doubtful territory. That those who did so, (and there were many,) did so recklessly; equally regardless of the faith of treaties, the policy and justice of the State towards the Indians, and of the rights of the natives: that it was well known that the Indians remonstrated against such entries, and consequent invasion of their lands, and that by such conduct, their hostility was so provoked that peace was endangered and broken, and only restored after mutual acts of rapine and plunder; that those who, with this knowledge, of a disputed boundary, and the avowed policy of the State to protect them in their rights, and her earnest desire to discourage every act that might lead to conflict, did nevertheless locate lands, on what ultimately proved to be Indian territory, occupy no higher position in morals than such as made entries, deliberately and with a full knowledge of the wrong: that it was a case where the duty of a good citizen was either to assure himself of the clear right to enter, or not to enter at all: that those who, under the lure of speculation, did either willfully or recklessly undertake to use the offices and officers of the sovereign in the perpetration of an outrage on a people, whom, of her will she desired, and, of her honor, she was bound to protect, deserves no audience for favor, when, ultimately, in order to do herself justice in redressing the outrage, she is compelled to disprove the speculator of his illegally sought gains: That it is the general policy of the sovereign, and the practice of all communities, in such cases, to keep the money as a forfeiture for an illegal act, precisely as she might conscientiously keep the penalty of fifty pounds imposed for a violation of the Act of 1783, for such entries on Indian lands: that, if the practice of returning money in such cases were once to prevail, the State would thereby encourage the violation of her own
laws by withdrawing all check on illegal speculations, as in every instance of such forbidden investment, the venture could never be unsafe, and might be rewarded with a princely return: that true it is that time does not weaken the force of an admitted obligation, but as its certain tendency is to destroy the evidence of the true character of the transaction on which is predicated the duty, every presumption is to be made against a claim that is urged after the lapse of nearly half a century: That if time be not regarded, the estate of Cathcart is justly subject to be indebted to the State in a penalty of $100 for every entry illegally made; and that the State may conscientiously retain out of any just demand upon it, such penalties for the yet unvindicated violations of the law: And, lastly, that in a case not clearly obligatory on the honor and justice of the sovereign, it would be pernicious to furnish a precedent which would draw within its reach, hundreds of cases of a similar character, and open the door for applications by many persons, who, on the establishment of the treaty line in 1798, relinquished their entries and grants lying within the Indian territories and ceased to pay taxes thereon.

Whether the one or the other argument be the more befitting the sovereign and necessary for the protection of the people, I must leave for the decision of the Legislature.

If, in their opinion, the sum should be allowed, I am clearly of opinion that no interest is due under the principles which govern Courts of Equity in similar cases.—And I feel it my duty here to state, that I learn [from Ex Governor Swain that the joint survey which was made in the case of Latimer vs. Poteet, and the cost of which amounted to $500, was to have followed the cause, has been paid for by the State, and in justice, therefore, ought to be refunded.

The Resolution of the General Assembly directs the Attorney General to report the results of his investigation. These results may consist of facts—of legal opinions affecting the case, and of moral considerations based
on the law and facts. In the absence of any express instruction to the Attorney General, to report his opinion of what it would become the Legislature to do, I have deemed my duty discharged in reporting the facts as I find them—the law as I believe it to be—and a summary of the opposing arguments on the law and the facts.

Respectfully submitted.


Dec. 19th, 1848.
A BILL

to

INCORPORATE

THE

FAYETTEVILLE

AND

WESTERN PLANK ROAD

COMPANY.

RALEIGH:
SEATON GALES, PRINTER FOR THE STATE
1848.
AN ACT

To incorporate the Fayetteville and Western Plank Road Company.

SECTION 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open Books in the Town of Fayetteville, under the direction of George McNeil, James Kyle, A. A. McKethan, John H Cook, E. J. Hall, Wm. H. Bayne, Charles Montague, Duncan G. McRae, Daniel McDearmid, Henry Elliott, Charles T. Haigh, John T. Gilmer, Benjamin W. Robinson, Thomas N. Cameron, Duncan Mur- chison and John Waddell. And in the town of Salisbury under the direction of D. A. Davis, John I. Shaver, Joseph F. Chambers, and Calvin S. Brown, and at such other places, and under the direction of such other persons as the Commissioners hereinbefore named to superintend the receiving of subscriptions in the town of Fayetteville, shall direct for the purpose of receiving subscriptions to an amount not exceeding one hundred and sixty thousand dollars in Shares of fifty dollars each, for the purpose of effecting a communication by means of a Plank Road, from the town of Fayetteville to the town of Salisbury, by the most
practicable route, to be determined by the said Company after the same shall have been formed.

Sec. II. **Be it further enacted**, That the times and places for receiving subscriptions, shall be advertised in one or more newspapers, printed in the towns of Fayetteville and Salisbury, and the Books for receiving the same, shall not be closed in less than thirty days. And the said Commissioners shall have power to open the Books from time to time as they think proper, until the sum of ninety six thousand dollars shall be subscribed.

Sec. III. **Be it further enacted**, That whenever the said amount of ninety six thousand dollars shall be subscribed, it shall and may be lawful for the Public Treasurer, and he is hereby directed to subscribe for, and in behalf of the State, the sum of sixty four thousand dollars, for the purpose of aiding to construct said Road, and that the part of the sums to be hereafter received from the payment of tolls, shall be paid to the State, in proportion to the amount owned by the State in said Road. **Provided**, nevertheless, and it is hereby declared to be the true meaning and intention of this Act, that if more than the sum of ninety six thousand dollars, shall be subscribed by individuals subscribers, then and in that case the Public Treasurer, shall only subscribe for the residue of said capital stock in said Company, for and in behalf of the State and no more. **Be it further enacted**, That when the sum of one hundred and sixty thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assignees, shall be and they are hereby declared to be incorporated into a Company by the name and style of the Fayetteville and Western Plank Road Company, and by that name shall be capable in law, of purchasing, holding, selling, leasing and conveying estate, real and
personal and mixed, so far as shall be necessary for the purposes of said Company, and shall have perpetual succession, and by said corporate name, may sue and be sued, and may have a common seal, which they shall have power to alter and renew at pleasure and shall have and enjoy, and may exercise all the powers, rights and privileges, which other corporate bodies may lawfully do for the purposes mentioned in this Act, and may make all such bye-laws, rules and regulations not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of said Company.

Sec. IV. Be it further enacted, Upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing to the said Commissioners or three agents appointed to receive such subscription, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times as may be required by the President and Directors of said Company.

Sec. V. Be it further enacted, That the said Commissioners or their Agents, shall forthwith, after the first election of President and Directors of the Company, pay over to the said President and Directors, all monies received by them, and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by legal process in the Court of Pleas and Quarter Sessions, or in the Superior Court of Law of any County, wherein such commissioner or commissioners, their executors, or administrators may reside, or by warrant before a Justice of the Peace of said County.

Sec. VI. Be it further enacted, That when one hundred and sixty thousand dollars of the stock shall have
been subscribed, public notice of that event shall be given by the said commissioners at Fayetteville, who shall have power at the same time to call a general meeting of the Stockholders at such convenient place and time as they shall name in said notice.

Sec. VII. Be it further enacted, That to constitute any such meeting, a number of persons, entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present either in person or by proxy, and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have the power to adjourn from time to time, until a meeting shall be formed.

Sec. VIII. Be it further enacted, That the subscribers at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter shall elect a President and nine directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected, but the said President and Directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The President with any three or more of the Directors, or in the event of the sickness and absence or disability of the President, any five or more of the Directors who shall appoint one of their own body President pro tem, shall constitute a board for the transaction of business. In case of vacancy in the office of President or any Director, happening from death resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Sec. IX. Be it further enacted, That the President and Directors of said Company, shall be and they
3 are hereby invested with all the rights and powers necessary for the construction, repairs, and maintaining of a Plank Road, to be located as aforesaid, with as many branches, diverging from the main stem as they, or a majority of them may deem necessary, and may cause to be made, and also to make and construct all works whatsoever, which may be necessary and expedient in order to the proper completion of the said Road and its branches.

Sec. X. Be it further enacted, That the said President and Directors, shall have power to make contracts with any person or persons on behalf of the Company for making the said Plank Road together with any branches of the same, and performing all other works respecting the same, which they shall judge necessary and proper, and to require from the subscribers from time to time, such advances of money on their respective shares, as the wants of the Company may demand, until the whole of their subscriptions shall be advanced; to call on any emergency, a general meeting of the stockholders, giving one month notice thereof in one of the newspapers printed in each of the towns of Fayetteville and Salisbury; to appoint a Treasurer, from among the Stockholders (but not of their own body) who shall give bond and security for the faithful discharge of his duty, and duly accounting for all the money which may come into his hand as Treasurer; to appoint a clerk and such managers and toll gatherers as they deem necessary, and to transact all the business of the Company during the intervals between the general meetings of the stockholders.

Sec. XI. Be it further enacted, That if any Stockholder shall fail to pay the sum required of him by the President and Directors, or by a majority of them, within one month after the same shall have been advertised in one of the newspapers, printed in each of the towns...
of Fayetteville and Salisbury, it shall and may be lawful for the President and Directors or a majority of them, to sell at public auction and to convey to the purchaser the share or shares of such stockholder so failing, or refusing, giving one month previous notice of the time and place of sale in manner aforesaid, and after retaining the sum due, and all the charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representative; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the President and Directors may recover the balance of the original proprietor or his assignee, or the executor or administrator or either of them, by suit in any Court of record having jurisdiction thereof, or by warrant before any Justice of the Peace of the County of which he is a resident, and any purchaser of the stock of the Company under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietors.

Sec. XII. Be it further enacted, That if the capital stock of the Company hereby incorporated shall be found insufficient for the purposes of this Act, it shall and may be lawful for the President and Directors of said Company or a majority of them from time to time to increase the said capital stock, to an amount not exceeding three hundred thousand dollars, by the addition of as many shares as they may deem necessary, first giving to the individual stockholders, for the time being or their legal representatives, the option of taking such additional shares in proportion to the amount of stock respectively held by them, and opening Books in the towns of Fayetteville and Salisbury, and such other places as the President and Directors may think proper for any balance of the capital stock created, which may not be taken by the stockholders for the
17 time being, or in their behalf, and the subscribers for
16 such additional shares of the capital stock in the said
19 Company, are hereby declared to be thenceforward in-
20 corporated into the said Company, with all the privi-
21 leges and advantages, and subject to all the liabilities
22 of the original stockholders.

Sec. XIII. Be it further enacted, That the President
2 and Directors, their officers, or agents, may agree with
3 the owners of any land, over which the said Road or
4 any of its branches is intended to pass, for the purchase
5 thereof, and in case of disagreement, or if the owner
6 shall be feme covert, under age, non compos, or out of
7 the State, on application to any two Justices of the
8 Peace of the County where the lands lie, the Justices
9 shall issue their warrant to the Sheriff of said County,
10 to summon eighteen freeholders to meet on the land to
11 be valued, on a day expressed in the said warrant,
12 not less than ten nor more than twenty days thereaf-
13 ter; and the Sheriff, on receipt of the warrant, shall
14 summon the freeholders accordingly, and when met,
15 shall draw twelve of them, who, after being duly
16 sworn, will impartially value the land in question,
17 and consider the damages the owner thereof may sus-
18 tain; and the inquisition so taken shall be signed by
19 the Sheriff and the Jury, and returned to the Clerk of
20 the County Court to be recorded. And in all cases, the
21 Jury is hereby directed to describe the land valued
22 and such valuation shall be conclusive: and the Pres-
23 ident and Directors shall pay the sum to the owner of
24 the land valued or his legal representatives; and if nei-
25 ther can be found in this State, or if they should refuse
26 to receive the money, then to the Clerk of the County
27 Court, and on payment thereof, the said corporation
28 shall be seized in fee of the land valued, as fully and
29 absolutely as if it had been conveyed to them by the
30 owner.
Sec. XIV. Be it further enacted, That the President and Directors may agree with the proprietor or proprietors for any quantity of land, not exceeding five acres, at or near each place or station intended for collecting tolls, for the purpose of erecting the necessary buildings, gates, &c., and in case of disagreement or any of the disabilities aforesaid, as the owner or owners being out of the State, the same proceedings may be had and the same conveyances shall follow as are described in the preceding Section.

Sec. XV. Be it enacted, That it shall and may be lawful for the said President and Directors to demand and receive at some convenient toll gates, to be by them erected, a reasonable toll from all persons using said Plank Road or any of its branches, which toll so to be collected shall be so regulated, that the profits shall not exceed twenty per cent, in the capital of said Company in any one year.

Sec. XVI. Be it further enacted, That the same Road hereby authorized to be made by the President and Directors shall not be less than ten feet nor more than thirty three feet wide. And that so soon as ten miles in extent shall have been constructed, it shall and may be lawful for the President and Directors of said Company to erect a toll gate, and collect such toll from persons using said road, as may be determined by the President and Directors in accordance with the rates imposed by the fifteenth Section of this Act, and in like proportion for a greater extent of road; and if any person or persons shall refuse to pay the toll at the time of offering to pass the place or places designated for their collection, and previous to passing the same, the toll gatherers respectively may refuse a passage to the person or persons so refusing to pay, and if any person or persons shall pass or drive through any wheeled carriage or animal liable to toll, without paying the same, he or they shall be liable to
a fine of five dollars, which fine may be recovered by warrant before any Justice of the Peace of the County, wherein such toll gate may be situate.

Sec. XVII. Be it further enacted, That if any person or persons shall wilfully or maliciously injure, or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons, to injure, hurt, damage, or obstruct the said Plank Road, toll gates, or toll houses, such person or persons so offending shall be liable to be indicted therefor, and on conviction, shall be imprisoned or fined at the discretion of the Court, before which said conviction shall take place.

Sec. XVIII. Be it further enacted, That the President and Directors shall render distinct accounts of their proceedings and disbursements of money to the annual meetings of the stockholders and to the Governor of the State; and the Governor is hereby authorized to appoint one or more persons, (not stockholders,) to represent the State in the annual meetings of said Company, in proportion to the amount of stock owned by the State.

Sec. XIX. Be it further enacted, That this Act shall be in force from and after the ratification thereof, and shall be regarded as a public Act, and continue in force for twenty-five years.
A BILL

For the relief of certain Citizens of Buncombe County.

Whereas, the Sheriff of Buncombe County, on the 26th day of November, 1800 offered for sale, (for the 3 taxes due thereon) that portion of a tract of three hundred and twenty thousand six hundred and forty acres 5 of land granted to John G. Blount, by Patent, bearing 6 date the 29th day of November 1796, which lies in 7 Buncombe County, and for want of bidders, struck off 8 the same to the Governor and executed a deed therefor 9 to the Governor, and filed it in the County Court 10 of said County, at the next term of the Court thereafter, 11 and had the same recorded in the Clerks office of said 12 County, and in April 1801, filed the said deed in the 13 office of the Secretary of State, whereby it was generally supposed that the title was again vested in this 15 State, and many of the citizens of said County made 16 entries of said land, and obtained grants from the 17 State therefor, and their right to do so was never 18 brought in question for about forty years, until about 19 the year 1840 or 41, the assignee of the said John G. 20 Blount, made claim for said land and his title was 21 sustained by the Supreme Court at June term 1845 on 22 account of certain defect in said Sale by the Sher-
23 iff, whereby many of the citizens who had not been
24 long in the actual possession under their Patent have
25 lost their land.
26 (For remedy whereof,) Be it enacted by the Gene-
27 ral Assembly of the State of North Carolina, and it
28 is hereby enacted by the authority of the same, That
29 whenever it shall be made appear to the satisfaction
30 of the County Court of Buncombe County that any
31 person or persons who may have obtained a Patent
32 for any part of said tract of three hundred and twen-
33 ty thousand six hundred and forty acres, that lies in
34 Buncombe County, and was included in the deed of
35 the Sheriff made to the Governor, has lost the same
36 by the superior title of the said John Gray Blount, or
37 his assignee, it shall be the the duty of the Court to
38 make a record thereof and to endorse the same upon
39 the Patent; which endorsement shall be certified by
40 the Clerk of said Court and upon the presentation of
41 said grant with the endorsement aforesaid, it shall be
42 the duty of the Public Treasurer to refund to the
43 enterer or his assignee the purchase money paid into
44 the Treasury therefor. Provided, such grant issued
45 between the years 1800 and 1840, and that the Treas-
46 urer be allowed the same in the settlement of his ac-
47 counts.
A BILL

For the relief of certain Citizens of Buncombe County.

WHEREAS, the Sheriff of Buncombe County, on the 26th day of November, 1800 offered for sale, (for the taxes due thereon) that portion of a tract of three hundred and twenty thousand six hundred and forty acres of land granted to John G. Blount, by Patent, bearing date the 29th day of November 1796, which lies in Buncombe County, and for want of bidders, struck off the same to the Governor and executed a deed therefor to the Governor, and filed it in the County Court of said County, at the next term of the Court thereafter, and had the same recorded in the Clerks office of said County, and in April 1801, filed the said deed in the office of the Secretary of State, whereby it was generally supposed that the title was again vested in this State, and many of the citizens of said County made entries of said land, and obtained grants from the State therefor, and their right to do so was never brought in question for about forty years, until about the year 1840 or 41, the assignee of the said John G. Blount, made claim for said land and his title was sustained by the Supreme Court at June term 1845 on account of certain defect in said Sale by the Sher-
23 iff, whereby many of the citizens who had not been 24 long in the actual possession under their Patent have 25 lost their land.
26 (For remedy whereof,) Be it enacted by the General Assembly of the State of North Carolina, and it 27 is hereby enacted by the authority of the same, That 28 whenener it shall be made appear to the satisfaction 29 of the County Court of Buncombe County that any 30 person or persons who may have obtained a Patent 31 for any part of said tract of three hundred and twenty 32 thousand six hundred and forty acres, that lies in 33 Buncombe County, and was included in the deed of 34 the Sheriff made to the Governor, has lost the same 35 by the superior title of the said John Gray Blount, or 36 his assignee, it shall be the duty of the Court to 37 make a record thereof and to endorse the same upon 38 the Patent; which endorsement shall be certified by 39 the Clerk of said Court and upon the presentation of 40 said grant with the endorsement aforesaid, it shall be 41 the duty of the Public Treasurer to refund to the 42 enterer or his assignee the purchase money paid into 43 the Treasury therefor. Provided, such grant issued 44 between the years 1800 and 1840, and that the Treas- 45 urer be allowed the same in the settlement of his ac- 46 counts.
Resolved. That the States came into the Union as equals; and that the citizens of each State are entitled to equal rights, privileges and immunities, under the Constitution of the United States.

Resolved, That the proceedings of the Convention, by which the Federal Constitution was framed, clearly demonstrate that the institution of slavery was maturely considered; and that the Union of the States was finally secured by incorporating into that instrument distinct and ample guarantees of the rights of the Slaveholder.

Resolved, That we view with deep concern and alarm the constant aggressions on the rights of the Slaveholder by certain reckless politicians of the North; and that the recent proceedings of Congress on the subject of slavery are fraught with mischief—well calculated to disturb the peace of our country, and should call forth the earnest and prompt disapprobation of every friend of the Union.

Resolved, That the enactment of any Law by Congress, which shall directly or indirectly deprive the citizens of any of the States, of the right of emigrating with their slave property into any of the territories of the United States, and of exercising ownership over the same while in said territories, will be an act not
7 only of gross injustice and wrong, but the exercise of
6 power contrary to the true meaning and spirit of the
9 Constitution, and never contemplated by the framers
10 thereof.

Resolved, That while we do not intend hereby to be
2 understood as conceding that Congress has the power
3 under the Constitution to enact a law prohibiting
4 slavery in any portion of the territories of the United
5 States; yet, for the sake of preserving the peace and
6 promoting the perpetuity of the Union, we are willing
7 that the basis of the Missouri Compromise should be
8 adopted in reference to the recently acquired territo-
9 ries of New Mexico and California, by extending the
10 line then agreed upon to the Pacific Ocean.

Resolved, That a copy of the foregoing resolutions be
2 signed by the Speakers of the Senate and House of
3 Commons, and forwarded to our Senators and Repre-
4 sentatives in Congress, with a request that they be
5 laid before their respective Houses.
A BILL TO AMEND THE SEVENTY-THIRD CHAPTER OF THE REVISED STATUTES, ENTITLED, "AN ACT CONCERNING THE MILITIA OF THIS STATE," AND FOR OTHER PURPOSES.
The Committee on Military Affairs, to whom was referred a "Bill to amend the 73d chapter of the Revised Statutes, entitled an Act concerning the Militia of this State, and for other purposes," together with sundry Resolutions and Memorials upon the same subject, have had the same under consideration, and have instructed me to report the accompanying Bill to the House, as a substitute for the one referred, and recommend its passage. They also ask to be discharged from the further consideration of the various Memorials and Resolutions which have been referred to them.

Respectfully submitted,

W. L. STEELE, Chairman.
A BILL

To amend the 73rd Chapter of the Revised Statutes, entitled "an Act concerning the Militia of this State," and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all free white persons, between the ages of eighteen and forty-five years, shall be enrolled in the manner prescribed in the first section of the above recited Act, and the returns of such enrollment shall continue to be made as heretofore; and all persons so enrolled, shall be kept on the muster rolls, and shall be liable to perform military duty, in times of war, insurrection or invasion, until the age of forty-five, as heretofore; but no person so enrolled, shall be required to perform military service, in times of peace, by way of drill, mustering,
11 training, or disciplinary exercise, after he shall have
15 attained the age of thirty-five years.

Sec. II. **Be it further enacted**, That it shall be the duty of all persons who shall have attained the age of thirty-five years, and who shall desire the benefit of the provisions of this Act, to appear before the Court-Martial of the Regiment in which they may reside, and make oath or affirmation that they have attained the age above described; and in that case, it shall be the duty of the Colonel Commandant, or the presiding officer of said Court-Martial, to give such person or persons, so swearing or affirming, a certificate, in writing, to the effect, that he or they are exempt from the performance of military duty, except in the cases above recited.

Sec. III. **Be it further enacted**, That whenever hereafter, any Volunteer Company may be formed, consisting of the number now required by law for the formation of volunteer companies, it shall be lawful for the Captain of such company, to make known in writing, such fact, to the Colonel Commandant of the Regiment in which such Company may be formed; and if the Colonel Commandant shall be satisfied that the statement made by said Captain is true, and that said company is uniformed, and equipped in all respects as required by law, except as to arms, it shall be his duty to give such Captain a certificate in writing, setting forth the fact; and every such company so constituted shall be entitled to make all such bye-laws, rules and regulations for the government of said company, as may be deemed necessary, not inconsistent with the Constitution of this State, or of the United States; and shall be invested with all the rights, powers, and privileges, usually incident and belonging to volunteer companies which are incorporated; Provided, such
company shall, as such, perform military duty, at least four times in each and every year.

Sec. IV. Be it further enacted, That hereafter, any person or persons, between the ages of eighteen and thirty-five, who shall join any regularly constituted company of volunteers, whether of infantry, cavalry, grenadiers, artillery, or riflemen, and shall serve as a volunteer in such company for the period of ten years, such person or persons, shall thereafter be exempt from military duty except in cases of insurrection or invasion.

Sec. V. Be it further enacted, That all officers who now are, or may be hereafter of and above the rank of Major, (Major and Brigadier Generals excepted) who shall equip themselves as the law directs, and shall perform Military duty in either one, or in all these offices for the period of seven years from the date of their first commission, shall thereafter be exempt from Military duty, except in cases of insurrection or invasion.

Sec. VI. Be it further enacted, That all commissioned officers who now are, or may be hereafter, of inferior grade to that of Major, who shall equip themselves as the law directs, and perform Military duty, in either one or in all these offices, for the period of nine years from the date of their first commission, shall be exempt thereafter, from Military service, except in cases of insurrection or invasion.

Sec. VII. Be it further enacted, That no persons of color shall be permitted to act as musicians, in any Company, Regiment, Brigade, Battalion or Division in this State; and all the regular musicians of any Regiment, shall be allowed to vote for the Field Officers thereof.
Sec. VIII. Be it further enacted, That should it be necessary in consequence of the passage of this Act, to enlarge the Captains' Districts, in any County in this State, it shall be the duty of the Regimental Court Martial to make such changes as may be necessary.

Sec. IX. Be it further enacted, That there shall hereafter be two company musters, in each and every 3 year.

Sec. X. Be it further enacted, That nothing in this Act contained, shall be so construed as to require those persons, now exempt, to perform Military duty; and that there shall be added to these exempts, County Trustees, Wardens of the poor, and Superintendants of Common Schools.

Sec. XI. Be it further enacted, That it shall be the duty of the Sheriffs, or their lawful deputies of each and every County in this State, to receive and collect all executions for fines and penalties, which may hereafter be issued, under the authority of any Company Battalion, Regimental or General Court Martial.

Sec. XII. Be it further enacted, That the provisions of this Act shall extend to those volunteer companies which have been or may be incorporated during the present Session.

Sec. XIII. Be it further enacted, That all the laws and clauses of laws, coming in conflict with the provisions of this Act be, and the same are hereby repealed, and this Act shall be in force from and after its ratification.
A BILL
To provide for the establishment of a Medical Board in and for the State of North Carolina.

Section 1. Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That there shall be established a Medical Board in and for this State, to consist of members, all of whom shall be practicing physicians, eminent for their science, skill and gentlemanly deportment, and to be elected every four years, by a joint vote of the two Houses of the General Assembly, who shall meet annually in the City of Raleigh, on the first Monday of June, for the purpose of examining all applicants for license to practice Medicine or Surgery within the limits of this State.

Sec. II. Be it further enacted, That for the purpose of carrying out the provisions of this Act, as hereinafter provided, the State shall be divided into five divisions—the first division to consist of the Counties of the second division to consist of the Counties of the third division to consist of the Counties of the fourth division to consist of the Counties of the fifth division to consist of the Counties of and that in
the election of the members of the said Board, one
member, and no more, shall be taken from each one of
the aforesaid divisions; and in case of the death or
resignation of any one of the aforesaid Board, during
the recess of the General Assembly, the Governor for
the time being, shall have the power to fill such va-
cancy; and the person so appointed by the Governor,
shall hold his appointment till the expiration of the
session of the General Assembly that shall first take
place, after the filling such vacancy by the Governor,
as aforesaid.

Sec. III. Be it further enacted, That every person who
shall hereafter design commencing the practice of
Medicine or Surgery within this State, shall, before
commencing such practice, appear before said Medi-
cal Board, at one of their regular annual meetings, and
be examined by the same on his attainments and qual-
isations, and if said Board, on such examination, shall
find said applicant qualified and competent to com-
mence the practice of Medicine or Surgery, said Board
shall grant a license to said applicant to practice Med-
icine or Surgery in this State: Provided, however,
That, before the issuing of said license, every such ap-
plicant for the same shall produce, and exhibit to said
Board, a receipt from the Treasurer of the State for
dollars, the amount hereby required to be paid
in advance as a license tax.

Sec. IV. Be it further enacted, That any person who
shall hereafter commence and pursue the practice of
Medicine or Surgery within this State, without hav-
ing first obtained a license from the Board, as afore-
said, shall not have any right of action at law for the
recovery of his fees, against any one who may employ
him as a physician; and the want of such license
shall be deemed a lawful plea, by any defendant a-
gainst whom any such action at law may be brought,
for the recovery of his fees, by any physician suing,
for the same: Provided, however, That in case any license issued, as aforesaid, may be lost by the owner, then the certificate of the Secretary of the Board, setting forth that such license has been issued, and that the same is of record on his books, shall be deemed and held, by any Justice of the Peace or Court of Record, before whom any action may be brought as aforesaid, as conclusive as the production of the license itself.

Sec. V. Be it further enacted, That the members of said Medical Board shall receive for their services, five hundred dollars each, payable immediately after each annual meeting.

Sec. VI. Be it further enacted, That for the purpose of providing the means to defray the cost of said Board, a tax of five dollars per annum shall be, and the same is hereby imposed on each and every practicing physician in this State, to be known and designated as “Physician's Shop Tax,” that every physician shall, on rendering his list of taxables to the Justice of the Peace authorized to receive the same, be required to designate his “Physician's Shop Tax,” and on failure to do the same, shall be liable to a double tax; and that every Justice of the Peace taking the list of taxables in his district shall have a column in his minute book headed “Physician's Shop Tax,” in which shall be noted down the same. Provided however, that when two physicians practice in copartnership, with but one shop, the firm shall be required to pay but one “Physician's Shop Tax,” unless each one of the firm has a separate shop, in which case each shall list and pay tax on his own shop: And provided further, that this “Physician's Shop Tax,” shall be in lieu and exemption of all other tax imposed by law on physicians as a profession, without reference however, to the other ordinary taxes imposed by law.
Sec. VII. Be it further enacted. That the balance of
the funds accruing from the "Physician's Shop Tax," after paying the salaries of the members of the Board and the Secretary, as hereinafter provided, for shall go into the Public Treasury as the common property of the State.

Sec. VII. Be it further enacted. That the Board, at its first meeting, shall appoint a Secretary who shall hold his appointment during the pleasure of the Board, whose duty it shall be to keep a record of the proceedings of said Board, in books suitable for that purpose: and the said Secretary shall also keep a register of the names of all persons to whom license shall be granted to practice medicine or surgery in this State, the date of issuing the same, and the place of residence of each licentiate.

Sec. IX. Be it further enacted. That the Secretary to the Board shall have a salary of one hundred dollars, to be paid to him annually, as heretofore provided for the payment of the salaries of the members of the Board.

Sec. X. Be it further enacted. That nothing herein contained shall be so construed as to make any discrimination between those who are Graduates of Medical Colleges and those who are not—nor to subject any one who may be a practicing physician at the time of the passage of this bill, to the necessity of obtaining license from the said Medical Board, or the penalty of failure for the same.

Sec. XI. Be it further enacted. That all laws and clauses of laws coming in conflict with the provisions of this Act, be and the same are hereby repealed.
A BILL
To authorize the Governor to convey certain lands in the County of Cherokee, to the Chairman of the County Court, for the use and benefit of said County.

[REPORTED BY THE JOINT SELECT COMMITTEE ON CHEROKEE LANDS.]

Whereas, it appears that, at the sales of the Cherokee lands held at Franklin, in September, 1838, there were 3 one hundred and ninety-one tracts of land offered for sale, which did not command the State price, and 5 which yet remain unsold: And whereas, it is desirable that some disposition should be made of the said 7 lands:

SEC. 1. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Peace for the County of Cherokee, a majority being present, may, if they think proper, at any time within six months from the passage of this Act, file their bonds, with good and sufficient security, with the
Agent of the State for collecting Cherokee bonds, for an amount equal to the sum which the aforesaid one hundred and ninety-one tracts of land may be ascertained to come to, at the prices fixed by the Act of 1836, as the minimum prices for lands of the quality that the said tracts were apportioned to be by the Commissioners who surveyed the same; which bonds shall be payable to the State in four equal annual installments without interest.

Sec. II. Be it further enacted, That when the said bonds, with security to the satisfaction of the Agent aforesaid, shall be filed with him, he shall give a certificate to that effect, after which, it shall and may be lawful for the Justices of said County, a majority being present, to dispose of said lands for the use and benefit of Cherokee County, under the direction of such Commissioners, at such time and place, and upon such terms as may be determined upon by a majority of said Justices: Provided however, That the proceeds arising from the sale of said lands by the said Justices, shall first be applied to the payment of the bonds given by them, and no part thereof shall be appropriated to any other use or purpose until the whole amount of said bonds is paid.

Sec. III. Be it further enacted, That the Justices of the County of Cherokee may, in like manner, if a majority think it proper, file with the Agent aforesaid, additional bonds, with good and sufficient security, for the sum of three thousand dollars, payable as aforesaid, which, when done, the said Agent shall certify as aforesaid, and the said Justices may proceed to have surveyed, under their own direction, and at the expense of the said County, thirty thousand acres of the unsurveyed lands in said County, to be laid off in tracts not less than fifty, nor more than two hundred acres, each; and when so laid off, the surveyor shall
13 make out two fair plats of each tract, one of which 14 shall be deposited in the office of the Secretary of State, 15 and the other filed with the Chairman of the Coun- 16 ty Court, for the use of the purchaser as hereinafter 17 provided: Provided, however, that in all cases where 18 occupants reside on the lands hereby authorized to be 19 surveyed, within one half mile or less of each other, 20 the Commissioners or Surveyor shall so cause the 21 lines to be run as to be equi-distant from the said oc- 22 cupants, unless otherwise agreed on by them.

Sec. IV. Be it further enacted, That when the lands 2 are laid off as aforesaid, the said Justices may proceed 3 to dispose of the same for the use and benefit of said 4 County, in the same manner as prescribed for the sur- 5 veyed lands mentioned in the second Section of this 6 Act. Provided, nevertheless, That where there are oc- 7 cupants on the said lands, or on the surveyed lands 8 above mentioned, they shall have a priority for the 9 term of six months to take the tracts on which they re- 10 side, and if not taken by them within that time, the 11 said Justices may dispose of them in any other man- 12 ner which a majority may prescribe. And provided 13 further, that the proceeds arising from the sale of the 14 aforesaid thirty thousand acres of land, shall first be 15 applied to the payment of the bonds given for the same, 16 until the said bonds are paid.

Sec. V. Be it further enacted, That the Chairman of 2 the County Court of Cherokee County, shall give to 3 each of the purchasers of the lands hereby author- 4 ized to be sold, a certificate, setting forth the number 5 of acres, the number of the tract, and the district in 6 which it lies, and the sum for which it sold, together 7 with a plat of the same, as provided for in the second 8 Section of this Act.

Sec. VI. Be it further enacted, That upon the pay- 2 ment of the bonds hereby authorized to be given, and
3 not before, the Governor of the State be, and he is
4 hereby empowered and directed to convey to the
5 Chairman of the County Court of Cherokee, for the use
6 and benefit of the said County, all the lands mention-
7 ed in this Act, and upon the said conveyance being
8 made to the Chairman aforesaid, he is hereby author-
9 ized and required to convey the same to the pur-
10 chasers of the same, their heirs, devisees or assignees, upon
11 the production to him of the certificate mentioned in
12 the last preceding Section, and upon such terms and
13 conditions as may be prescribed by a majority of the
14 Justices of said County in conformity with the powers
15 given to the said Justices by the second Section of this
16 Act.
RESOLUTIONS AND BILL.

RESOLUTIONS

Relative to Mr. Vattemare's system of Literary and Scientific Exchanges.

1. Resolved by the General Assembly of the State of North Carolina, and it is hereby resolved by the authority of the same, That we highly appreciate, and cordially approve, the system of International, Literary and Scientific Exchanges among the nations of the earth, proposed by Mr. Alexander Vattemare, to the establishment of which, he has so long devoted his energies and fortune; and that we regard it as a wise and feasible means of disseminating knowledge, and preserving the relations of peace among the nations of the earth.

H. Be it further Resolved, &c., That the need of our approbation is due, and is hereby tendered, to Mr. Vattemare, for his untiring perseverance and philanthropic labors, in carrying into execution his great
design; that he has our earnest hopes for its success; that he has our warmest thanks for his visit amongst us, and for the valuable donations in books and prints with which he has enriched our library.

III. Be it further Resolved, &c., That there be presented to Mr. Vattemare, as an humble token of our high appreciation of his system, under the direction of the Governor of this State, the following works, to wit:

5 six copies of the Debates in the North Carolina Convention of 1835; six copies of the Revised Statutes; six copies of Martin's History of North Carolina; six copies of William's do.; six copies of Iredell's Digest; two copies of the Reports of the Supreme Court; five copies of Index to Colonial Documents; two copies of the old Revival of the Laws by Potter, Taylor and Yancey; two copies of the Acts of Assembly since 1840; two copies of the Journals of the Legislature since 1840; six copies of Iredell's Manual; six copies of Jones' Defence of North Carolina; six copies of Foote's History of North Carolina; six copies of Olmstead's Geological Survey; six copies of all the Papers and Proceedings relating to the Mecklenburg Declaration of Independence, and two large Maps of this State, latest edition.

IV. Be it further Resolved, &c., That such of the above Works as cannot be conveniently furnished from the Library, be purchased and paid for under the warrant of the Governor, out of any money in the Treasury not otherwise appropriated.

V. Be it further enacted, &c., That there shall be annually transmitted hereafter, to Mr. Vattemare, under the superintendence and direction of the Governor, six copies of all books containing the Journals, Laws, Judicial Reports, &c. &c., and all other works published under the authority of this State, to be distributed by said Vattemare to such of the Institutions...
and authorities of France as he, in his discretion, may select.

VI. Be it further Resolved, &c., That one thousand two copies of the Proceedings of this General Assembly, in relation to this subject, together with the Address of Mr. Vattemare, and the “Instructions on the best mode of collecting, preserving and transporting objects of Natural History,” be printed, three copies for the use of each member, twelve copies for the University of the State, six copies for Wake Forest College, six copies for Davidson College, twelve copies for the State Library, one copy to be sent to the Governor of each State of the Union, and the balance to be distributed under the direction of the Governor of this State.
A BILL

To provide for the support of the system of International Literary and Scientific Exchanges.

Sec. I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sum of three hundred dollars be and the same is hereby appropriated annually, to defray the expenses of an agency in the City of Paris in France, for the purpose of receiving and transmitting such works as may be the subjects of international exchange between the State of North Carolina and France.

Sec. II. Be it further enacted, &c. That the Governor of this State be and he is hereby authorized to appoint some suitable person as agent for the State of North Carolina, at the City of Paris, in France.

Sec. III. Be it further enacted, &c., That the sum of three hundred dollars be transmitted by the Governor of this State to such agent, whenever such agency has been officially established; and that said agent be requested to report annually to the Governor of this State his proceedings and transactions relative thereto, to be by the Governor laid before the General Assembly biennially.

Sec. IV. Be it further enacted, &c., That this Act shall be in force, and take effect, from and after its passage.