

NUMBER 37

10. *There is a man who is not a student.* In logic, we have a man, called *student*, and

STATE LEGISLATURE.

Thursday, Dec. 1.

SENATE.

John Walker, Esq., Senator elect from the 7th Senatorial District, composed of the counties of Mecklenburg and Union, appeared, produced his credentials, was qualified and took his seat.

A message was received from the House, proposing to raise a joint select committee of three on the part of each House, to designate the time and manner of comparing the votes cast for Governor at the last August election, &c., which was agreed to.

A message was received from His Excellency, the Governor, transmitting the accounts for furniture purchased for the Government House; which was, on motion of Mr. Gilmer, ordered to be sent to the House of Commons, with a proposition to refer the same to the committee on Finance.

Mr. Patterson presented the memorial of sundry citizens of Wake, against the division of said county; which was referred to the committee on Propositions and Grievances.

Mr. Patterson, from the committee on Internal Improvements, reported the bill to amend an act entitled an act for a canal from the Cape Fear to the Lumber River, and recommended its passage. Ordered to lie on the table.

Mr. Ehringhaus reported, from the joint select committee on Military Affairs, the following bills, viz: a bill to incorporate the Perquimans and Pasquotank Guards; a bill to incorporate a volunteer corps of infantry at the line, styled "The Conestogues"; also a bill to incorporate the Pasquotank Artillery, with sundry amendments which were read and ordered to lie on the table.

Mr. Halsey, from the committee on Finance, reported, that upon a minute and careful examination, said committee found all the accounts in the Treasurer's and Comptroller's Departments, correctly stated, and that they had burned the sum of twenty-two dollars and seventy-five cents, in Treasury notes, which were found on hand in the former Department.

Mr. Halsey introduced the following resolution, which passed its first reading:

Resolved, That Charles L. Hinton, Public Treasurer, be allowed in the settlement of his accounts, twenty-two dollars and seventy-five cents, the amount of Treasury notes counted and burned by the present committee on Finance.

Mr. Francis introduced the following resolution, which passed its first reading:

Resolved, That Samuel J. Finch, Principal Doorkeeper of the House of Commons in 1810, and who attended and officiated as Doorkeeper for one day at the organization of the House of Commons in 1812, be allowed his mileage and pay for one day's attendance at that session.

Mr. Francis introduced the following resolution, which was adopted:

Resolved, That the Public Treasurer be, and he is hereby authorized and required to correspond with the Bank of the State and the Bank of Cape Fear, and ascertain whether they will, at the principal Banks and at their branches and offices of deposit or agencies, act as agents for the State to receive on deposit from the several sheriffs or coroners, the amount of taxes, payable yearly, (subject to the check of the Public Treasurer) from each of said sheriffs or coroners, into the Public Treasury, and that said Banks, branches or offices of deposit, will report to the Treasurer or Comptroller, as the case may be, any default in either of said officers, under the law now in force, or that may hereafter be enacted, for the collection of the revenue of the State.

Mr. Speight introduced a bill to restrain pauper free negroes from removing from one county to another; which passed first reading, and was referred to the committee on Propositions and Grievances.

On motion of Mr. Francis, the committee on Finance were instructed to inquire into the expediency of destroying all vouchers heretofore passed upon by them, now accumulating in the Comptroller's office, and that they report by bill or otherwise.

Mr. Gilmer introduced a bill concerning the trial of causes in the Superior Court; which passed first reading and was ordered to be referred to the committee on the Judiciary.

Mr. Carter introduced a bill to authorize the laying off and establishing a turnpike road from Mattamuskeet Lake, in Hyde county, and at the head of Carter's and Spencer's canal, to Columbia, in Tyrrell county; which passed first reading and was referred to the committee on Internal Improvements.

Mr. Waddell introduced a bill for declaring the true intent and meaning of an act passed at the session of the General Assembly begun and held on Monday, the 19th day of November, 1810, entitled an act to amend the Revised Statutes, entitled an act for preventing frauds and fraudulent conveyances, and to repeal the third section thereof; which passed first reading and was referred to the committee on the Judiciary.

Mr. Street introduced a bill to regulate the appointment of Principal Clerks of the two Houses, and for other purposes; which passed first reading.

The resolution in favor of Wm. Alexander was read the third time, and on motion of Mr. Patterson ordered to lie on the table.

On motion of Mr. Halsey, a message was sent to the House of Commons, proposing that at half-past 11 o'clock, A. M., to the election of Comptroller, and at half-past 12 o'clock of the same day, to the election of Public Treasurer, and announcing to that House that William F. Collins is in nomination for the former, and Charles L. Hinton for the latter appointment.

The Senate, on motion of Mr. Francis, then proceeded to the reconsideration of the bill to incorporate the Camden and Charlotte Rail Road Company, together with the amendment proposed by Mr. Thomson, making the private property of the Stockholders liable for its debts. After a very lengthy discussion by Messrs. Francis, Patterson, Cameron, Thomson, Gilmer and Ashe, the Yeas and Nays were called for, and the amendment rejected—Yeas 19; Nays 29.

Mr. Ehringhaus moved an amendment to the bill, which was adopted, and the bill, as amended, passed second reading.

HOUSE OF COMMONS.

Mr. Williams of New Hanover, presented a memorial from the Wilmington Rail Road Company, praying an extension of credit on the debt due the Literary Fund, which was read and referred to the committee on Finance.

Mr. Fay of Jones, presented a memorial from certain citizens of the county of Jones, praying the enactment of a law providing for the payment of Jurors in said county, which was referred to the committee on Propositions and Grievances.

Mr. Washington of Craven, presented a bill in addition to the Revised Statutes, entitled Fraud and Fraudulent Conveyances, which passed first reading and was referred to the committee on the Judiciary.

Mr. Gilmer introduced a bill to regulate the

er purposes; which passed first reading and was referred to the committee on Propositions and Grievances.

Mr. Waddell of Wake, a bill to incorporate Manteo Lodge, number eight, in the city of Raleigh, of the Independent Order of Odd Fellows, which passed first reading and was referred to the committee on Private Bills.

Mr. Houser of Davidson, presented the following Resolution, which was adopted:

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of amending the Militia Laws in regard to the uniform of commissioned officers, and the number of drill and petty musters in a year.

Mr. Baxter of Henderson, presented a Resolution in favor of Clinton Moore, and Mr. Campbell of Wake, one in favor of W. H. Hill, which passed first reading and were referred to the committee on Claims.

Mr. Gilliam, from the committee on the Judiciary, to whom was referred the Bill to protect Real Estate, reported the same, with an amendment; which was adopted and the Bill passed second reading.

Mr. Gilliam, from the same committee, reported without amendment, the Bill to amend the Revised Statutes, entitled Deeds and Conveyances; which passed second reading, and on motion of Mr. Hicks, was ordered to be printed.

Mr. Washington, from the same committee, reported unfavorably on the Bill to amend the 2nd section of the 50th Chapter of the Revised Statutes; when the said Bill was postponed indefinitely.

Mr. Hawkins, from the committee on Claims, reported favorably on the following Resolutions: the Resolution in favor of Ezekiel Brown, and one in favor of John C. Knight, late Sheriff of Richmond; one in favor of Benjamin Morris, late Sheriff of Lincoln, and one in favor of P. B. Baker, Clerk and Master of Wake; which passed second reading.

Mr. McBane, from the committee on Propositions and Grievances, reported to the House the petition of John Cameron and other persons of the county of Cumberland, in relation to the emancipation of certain slaves, heretofore referred to them and prayed that the committee be discharged from the further consideration of the subject. The report was concurred in and the committee discharged.

Mr. McBane, from the same committee, reported without amendment, the Resolution in favor of Jos. Allison, which passed second reading.

Mr. Hawkins, from the committee on Military Affairs, with an amendment, the Bill to incorporate a corps of Cavalry in the county of Sampson; when the amendment was concurred in, and the Bill passed second reading.

Mr. Moye of Edgecomb, offered the following Resolution, which was adopted:

Resolved, That the committee on Military Affairs be instructed so to amend the Militia Laws, as to expedite the filling of vacancies among Field Officers, and that they report by bill or otherwise.

Mr. Person of Moore, introduced a Bill to repeal an Act passed at the Session of 1811, entitled an Act more effectually to prevent imprisonment of honest Debtors; which passed first reading.

Mr. Fagg of Buncombe, a Bill to extend to the county of Buncombe, the provisions of an Act of Assembly ratified the 26th January, 1813, entitled an Act for the relief of purchasers of lands sold for taxes in the counties of Haywood and Henderson, which passed first reading and was referred to the committee on the Judiciary.

Mr. Washington of Craven, a Bill to incorporate the Atlantic Fire Company, No. 1, in the Town of Newbern which was read the first time and referred to the committee on Private Bills.

Mr. Fleming of Yancy, called up for consideration the Bill, heretofore on his motion laid on the table, to change the location of the courthouse of the county of Lincoln, and for other purposes. The question being on its second reading.

Mr. Austin of Warren, moved that the Bill be postponed until the first day of March next. The question thereon was determined in the affirmative, yeas 49.

Mr. Hicks of Macon, introduced a Bill to pay the Field Officers of the Militia for the time occupied in reviewing; which passed first reading and was referred to the committee on Military Affairs. The House then adjourned.

Wednesday, Dec. 2.

SENATE.

Mr. Ehringhaus, reported from the committee on Military Affairs, a Bill to regulate the Distribution of the Public Arms; which passed first reading.

Mr. Albright reported from the committee on Propositions and Grievances, against the Bill to restrain Pauper Free Negroes from moving from one county to another, which was ordered to lie on the table.

Mr. Albright, from the same committee, reported to the Senate a Bill to lay off and establish a new county by the name of Gaston, with sundry amendments thereto. Ordered to lie on the table.

Mr. Melchor introduced a Bill to enable the people of Stanly county to restore their records and papers which were lost in the burning of the courthouse and clerk's office in Montgomery county; which passed first reading.

The resolutions in favor of James H. Wiggins, and A. Nichols, and the engrossed Bill to repeal an Act entitled an Act to repeal the 3d section of an Act passed in the year 1825, chap. 1271, entitled an Act to direct the manner in which licenses shall hereafter be issued to Retailers of Spirituous Liquors, so far as regards the counties of New Hanover and Richmond, were severally read the third time, passed and ordered to be enrolled.

The bill to amend an Act entitled an Act for a canal from Cape Fear to the Lumber River, was read the second time and passed.

Mr. Waller moved that a message be sent to the House of Commons, proposing to postpone the election of Attorney General until Tuesday next. The Yeas and Nays being called for, it was decided in the negative—Yeas 22, Nays 25.

Mr. Waddell, from the committee on the Judiciary, reported the following bills, viz: a bill to regulate arrests on mesne process in North Carolina, and recommended its rejection; also, a Bill supplemental to an Act entitled an Act to secure the State against liability for the Raleigh and Gaston Rail Road Company, and for the relief of the same; and a Bill to amend an Act entitled an Act to amend the Revised Statutes entitled an Act concerning last Wills and Testaments, and recommended their passage. The said bills and reports were ordered to lie on the table.

The Bill to provide for holding a Term of the Supreme Court once a year in the Western part of the State, passed its second reading.

Mr. Daniel moved to amend by striking out Anson and Montgomery, and substituting Union and Cabarrus, which was agreed to.

The Senate then proceeded to execute the joint order of the two Houses, by going into an election for Attorney General. Mr. Whitaker received 21 votes, Mr. Moore 10, Mr. Stanley 9, Mr. Kerr 2, Mr. Waddell 1, Mr. Elliot 1, Mr. Miller 1 and Mr. Gilmer 1. No gentleman having received a

majority of the whole number of votes cast, there was no election.

A message was received from His Excellency, the Governor, relative to a claim of John Noball, Agent for the Raleigh and Gaston Rail Road, which was read, and on motion of Mr. Francis, transmitted to the House of Commons, with a proposition to refer the same to a joint committee.

HOUSE OF COMMONS.

Mr. Steel of Richmond, introduced a bill to revise the Act of incorporation of the Richmond Academy; which passed first reading and was referred to the committee on Education.

Mr. Adams, of Guilford, a bill to alter the mode of electing the Warden court for Guilford county, and for other purposes; which passed first reading and was referred to the committee on Private Bills.

Mr. Ogborne of Guilford, a bill in reference to mortgages and deeds of trusts; which was read the first time and referred to the committee on the Judiciary.

Mr. Washington of Craven, a bill authorizing the Governor to establish a depot of arms at Newbern; which passed first reading and was referred to the committee on Military Affairs.

Mr. Gilliam, from the committee on the Judiciary, reported, with an amendment, the bill in addition to the Revised Statutes, entitled an Act concerning mills and millers; the amendment was adopted and the bill passed second reading.

Mr. Gilliam, from the same committee, reported unfavorably on the bill to repeal the 88th section of the 102nd chapter of the Revised Statutes; when the said bill was read and on his motion laid on the table.

A message was received from the Senate, stating that they had passed the Engrossed bill to incorporate Buck Horn Academy, in the county of Hertford, and an Engrossed resolution in favor of James Page, and asking the concurrence of the House. The same were read first time and passed.

Mr. Hawkins, from the committee on Claims, reported the Resolution in favor of Clinton Moore and M. H. Hill, which passed second reading.

Mr. Hawkins, from the same committee, reported unfavorably on the memorial of David Patterson, asking additional compensation to be made him as State Architect in rebuilding the State Capitol; and asked that the Committee be discharged from the further consideration of the subject. The report was concurred in and the committee discharged accordingly.

Mr. D. A. Barnes, from the Committee on private bills, reported, without amendment, the Bill to incorporate Manteo Lodge, No. 8, in the city of Raleigh, of the Independent order of Odd Fellows; the bill to incorporate the Atlantic Fire Company, No. 1, in the Town of Newbern; and the bill to incorporate the Town of Windsor in Bertie County. The bills were read the second time and passed.

Mr. Williamson, from the same committee, reported, without amendment, the bill to incorporate Thaddeus Lodge, No. 1, of the Independent order of Odd Fellows, located in the town of Clinton; in Sampson County; which passed second reading.

Mr. Paryear, from the joint select committee on Cherokee Lands, reported, without amendment, the bill to amend an act entitled an act for the relief of certain purchasers of Cherokee Lands in 1839; which passed second reading.

A message was received from the Senate, stating that Spier Whitaker, Edw. Stanly and B. F. Moore, were in nomination for the office of Attorney General.

The hour having arrived for the execution of the joint order, messages were exchanged and the House proceeded to vote for Comptroller of State. There being no opposition, William F. Collins was declared duly elected.

The bill to establish a new County by the name of Gaston, and to annex a part of the County of Lincoln was called up by Mr. H. White, and considered.

Mr. Wilson of Lincoln, moved an amendment, which was rejected.

The hour having arrived, the House, according to joint order went into the election for Attorney General. Mr. Gilmer in the Chair. Mr. Whitaker received 51 votes, Mr. Stanley 49, and Mr. Moore 9—Neither of the gentlemen having a majority, there was no election.

The House also went into an election for State Treasurer. Mr. Hinton, having no opposition, was declared duly elected.

The House then adjourned, until to-morrow morning at 10 o'clock.

Thursday, Dec. 3.

SENATE.

Mr. Albright, from the committee on Propositions and Grievances, to whom the subject was referred, reported a bill to authorize John Malone, a free man of color, to emancipate his wife Cherry and his son Eldred, upon certain conditions; which was read the first time and passed.

Mr. Cameron, from the committee on Claims, to whom was referred the engrossed resolution in favor of Ezekiel Turner, reported the same to the Senate without amendment, and recommended its passage. Laid on the table.

Mr. Halsey, from the committee on Finance, reported that they had examined the accounts for expenditures on the Government House, and found them to accord with the provisions of law, and the books of the Comptroller, and asked to be discharged. The report was concurred in.

Mr. Ehringhaus, from the committee on Military Affairs, reported a bill to regulate the appointment of field officers for volunteers called into the service of the United States; which was laid on the table. Provides for their election by the privates and officers of the Regiment, and to go into effect immediately.

Mr. Gilchrist, from the committee of superintendence of the election of Treasurer of the State, reported that Charles H. Hinton, having received a majority of the whole number of votes, was duly elected. Concurred in.

On motion of Mr. Albright, the committee on the Judiciary were instructed to inquire into the expediency of preventing, by law, the denuding of timber within twenty feet of any public road.

Mr. Patterson presented a resolution requesting the Public Treasurer to communicate to the Senate a statement, exhibiting at one view the amount of stock held by the State in different companies, their present value, and the amount received from them during the last three years; also a like statement of the liabilities, &c. of the State; which was laid on the table.

Mr. Ehringhaus introduced a bill to regulate the issue of process in the Superior Court, which passed its first reading, and on his motion, was referred to the committee on the Judiciary.

Mr. Francis presented a memorial from citizens of Cherokee county, praying a grant of land for a burying-ground, with a proposition that it be referred to the Judiciary committee, with instructions that they report a bill in accordance with the prayer of the petitioners.

Messrs. Waddell and Graves resisted the reference, on the ground that the matter did not come legitimately before the committee, and such a reference would be a bad precedent, tending to

throw any and every thing upon that committee; and Mr. Francis insisted upon the reference because of the legal difficulties which would arise in making the law granting the land. It was a portion of the Cherokee lands which had been sold by the State, which had been used by the Indians and then by the Whites as a burying ground; and it had been surrendered to the State again.

The motion of Mr. Francis was agreed to. Mr. Bogle presented a petition; which, on his motion, was referred to the committee on Education and the Literary Fund.

Mr. Cowper presented a bill to repeal an act of 1811-'15, ch. 31, more effectually to prevent the imprisonment of honest debtors; which passed its first reading.

Mr. Ashe introduced a resolution instructing the committee on Finance to report on the expediency of imposing a State tax on all vessels, propelled by steam or sails, at home or abroad; on all public stocks and securities, all private investments, notes, &c. &c., at interest, whether in, or out of the State.

Mr. Wilson said, he was not satisfied at present as to whether it would not be best to refer the resolution to the Judiciary committee. If he understood it correctly, it proposed to tax vessels owned out of the State; and if so, there was constitutional question involved in the subject. The State could not tax tonnage without the consent of Congress. He therefore moved that, at present, he lay on the table, but withdrew his motion to allow an explanation from Mr. Ashe, who said he had proposed to refer it to the committee on Finance, because they had under consideration that portion of the Governor's Message which called their attention to the necessity of finding new objects of taxation for the increase of revenue. He had believed there were other objects of taxation, which ought to be made to bear a portion of the burden of Government; and to equalize the taxes borne by our citizens, he had proposed the items enumerated in the resolution. He did not believe it was constitutional to tax vessels on the ocean; but certainly the power could not be questioned as to those navigating our own waters; and he could see no reason why the capitalists, the owners of stock and those who had money at interest should not be taxed as well as those who held other species of property. Who, he would ask, had the most need of the protection of the government—who caused most labor and expense to the Government? Was it the independent farmer, or was it such as the very individuals now proposed to be taxed? If government conferred upon them such great benefits, what reason could there be for not requiring them, of their means, to contribute to the support of government?

Mr. Wilson said his friend from New Hanover had greatly misapprehended his motion to lay on the table. He had no objection to taxing any article enumerated; but was doubtful whether he had any right to tax vessels from abroad. He did not expect to call the gentleman up on the general principle; to which he entertained no hostility; and he repeated, he was not opposed to taxing any article, provided it was not forbidden by the Constitution. We should be careful not to adopt any measure which we have not the power to carry out. He renewed his motion to lay it on the table; which was carried. Subsequently, Mr. Wilson moved that the resolution be taken up, and remarked that he was not opposed to the resolution, but to avoid the difficulty of imposing duties which we would have no right to collect, he would propose an amendment, to insert after the word "sails," the words "owned in the State."—"The Constitution of the United States provides that "no State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net 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 again, as he stated before, it declared, "no State shall, without the consent of Congress, lay any duty of tonnage." Under these constitutional restrictions, he said it was difficult to say how far we could go. The Supreme Court, and he believed through Chief Justice Marshall, had acknowledged the difficulty on this point. The difficulty with him was as to vessels owned out of the State; and for the purpose of obviating it, he offered this amendment.

Mr. Ashe said, as the amendment was calculated to make his object more explicit, he was willing to accept it. The case referred to in the Supreme Court of the United States was from Maryland; it was familiar to him. It prescribed the rule to be observed, as far as possible, but it does not reach this case. The question here to be decided, is, whether we have a right to tax property out of the State, owned by our citizens?

Mr. Francis said the observations of the gentleman from Edgecomb struck him with force, and as it was necessary there should be time for reflection, he moved that the resolution, as amended, be laid upon the table; which was agreed to.

The bill to hold one term of the Supreme Court annually in the western part of the State, was taken up and read; when

Mr. Woodfin said he desired to explain the object of this bill in few words. He was satisfied it was not well understood. If it had been, there would have long since had the court. There was an extent of country embracing twenty-five counties, with a population of over 200,000, some residing over two hundred, and others over 400 miles from the seat of justice, as now established at the Capital; and from that portion of the State came at least one third of the appeals to the Supreme Court. It could hardly be said that such a tribunal, at such a distance, was at all for the accommodation of the citizens. It was impossible for them, at that distance, to secure the administration of justice. Many were deterred, by the difficulties attending it, from having their cases carried up; and many, in those carried up, had not the means of having their cases fully understood. Why so? Because of the distance, and the impracticability of travelling, to make the proper explanations to counsel, &c. When, then, the distance and the inconveniences of travel over that mountainous region, were considered, no one could hesitate to say they needed the term of the court for which they asked.

Then, continued Mr. W., it will be important to inquire whether, on the other hand, there will be any inconveniences attending the change proposed. It imposes no additional labor upon the Judges. It only proposes to take that portion of the labor transacted here for that section of the State, to a point more convenient to those interested; and to require its performance at a season of the year, when it is pleasant to travel for health and recreation; when it would be desirable to the Judges to visit that part of the State. It proposes no additional expense. The court is to be held by the same Judges and the same officers; and no doubt, after the first term, every member will be pleased with the change. On the score of economy and convenience, there can be no objection.

North Carolina, he said, is in length about 700 miles, the longest State, from East to West, in the

Union; and she had but one place for holding her Supreme Court. He had been examining the condition of the other States in reference to this matter, and found that there was not one in which there was not from two to four, and in some from eight to nine places of holding such Courts. He was familiar with the Judiciary system of Tennessee. They held one term in Knoxville, one in Nashville, and one in Jackson; and found no inconvenience. In South Carolina, two terms are held in Columbia, and one in Charleston, and no inconvenience resulted from the practice. In Virginia, they have two points at which to hold their Courts. In Pennsylvania, a Supreme Court was held once in the year at four several places; in New York, two; in Louisiana, two; in Georgia, in each Circuit in the State.

The Court should be held at places for the convenience of the community. It was upon this principle, the old Judicial Circuit system, in this State, was changed. The Courts for the Western part of the State were then held only at Hillsborough, Salisbury, and Morganton. The inconvenience was so great, they were changed to circuit courts for each county; and though that was done with caution, and by some with reluctance, no one would now change back again. We are in the same situation in regard to the Supreme Court. Parties cannot attend the Court with their exhibit, &c. Let this change be granted, and the people would be equally reluctant to abandon it.

It is from these considerations that we ask this court; and there is not an objection that is not met in the bill. We ask no additional expense. We ask no additional labor. We ask the court at a time when the West is a place of resort. We ask it but once a year. And we have an example of a sister State. In South Carolina, they hold a winter term in Charleston which is but a half day's run. We have seven days' travel through mud and mountains.

The objections that have been urged against this measure, are the same that were at first brought against the Superior Courts for the counties; but the facilities they afford for the due administration of Justice quickly caused them to vanish. Such, too, would be the effect in this case. With the disadvantages under which they labor, the people now believe it impossible for them to get justice; and whether the fact be so or not, it is to them cause of discontent, which nothing but a due regard to their convenience can remedy. That they may be satisfied with the laws, however justly administered, it is important that they also believe they have justice.

Mr. Francis said he would not intrude any remarks on the bill; but merely rose for the purpose of suggesting difficulties. He was the only member of the bar from the 7th circuit, who attended the Supreme Court—being the smallest among them. "Some idea of the diminutive dimensions of our mountain lawyers may be gathered from the fact that Mr. Francis weighs only between three and four hundred pounds!" It was upwards of 400 miles to his residence, and almost impossible to get home in the winter. He was compelled to go by Wilmington and Charleston. This was a difficulty under which the citizens in that region labored. The difficulties on the other hand he would candidly state. In 1840, he had a conversation with one of the Judges, who objected, in the first place, that the West had no libraries. It was true they were not as amply furnished with books as they might be; but they had enough for all practical purposes. The second objection to this important bill was that they would want their records, to refer to their decisions. This was met by the bill, as it required the attendance of the same Reporter. These are all the objections he had heard. He hesitated not to say, the Supreme Court of North Carolina is as high a judicial tribunal as any in the world. The ability, learning and integrity of the Judges are not to be disputed; tho' they are sometimes embarrassed by examples. Let them go to the West, become acquainted with the habits and condition of the people, and they may, in some instances, come to different conclusions from what they can get from books. There are progressive improvements in the State—the march is onward—we are a "progressive Democracy," if you please. South Carolina and Georgia: our citizens seek their improvements; they have minds to understand and appreciate them. And they ask the State to extend like advantages to them. Why can we not grant them?

Mr. Gilmer moved to strike out the 6th section of the bill. It required the court to meet in May. This would subject the gentlemen of the bar to great inconvenience, without any good reason, as there was no sort of necessity for it; and he moved that it be stricken out; so that the Court here will remain as heretofore. The motion was agreed to.

Mr. Wilson said, as he had heretofore opposed this measure, and should now give a different vote from that which he had given on former occasions, he would state his reasons. It did not increase the expense, but very little, if any. It was to be held by the same Judges, and the same Reporter was requested to attend. The necessity for it—the grievances of the West—had been ably and well set forth by the Senator from Buncombe. We do not want to do such a favor, because we do not want it. Although the distance from Currituck may be as great as from Cherokee or Buncombe, we have not the necessity, in consequence of the facilities of travelling in that quarter. He adverted to the provisions which had been made in New York, Virginia and other States, for the accommodation of their citizens, and thought we ought to follow their example, particularly as it could be done without cost. He said we could, at least, try it. If it does not work well, we can repeal it. It need not be as the laws of the Medes and Persians. The only objection was the additional labor, but that would be light—nothing but the additional travelling; and that would be an advantage. The healthfulness, scenery and variety of the country would amply repay this trouble. He had the highest respect for the Judges. Having the pleasure of an intimate acquaintance with them, he should be reluctant to impose upon them additional labor. The passage of this bill would have the effect of giving stability to the system, and to prevent what has been threatened, the throwing us back on the old Conference system. It seemed then, that justice demanded this measure, and as it required no additional labor nor expense, he would give it his support. He acknowledged he was one of those, when expenditures were incurred, who stood sentinel at the door of the Treasury. Rigid economy in public expenditures was a cardinal principle of our republican government. It was his duty to guard the interests of his constituents. His county paid more taxes than any other in the State, except Orange; he meant land, store and other taxes, excepting billiard table tax; and they paid it cheerfully, and would continue to do so, so long as it was applied to necessary purposes; but they would very properly object to a wasteful and extravagant expenditure of the public money.

The question was taken, after Mr. Wilson had concluded his remarks, on the passage of the bill.

and it passed its second reading by the following vote:

Yeas—Messrs. Albright, Barnard, Bogler, Carter, Daniel, Eborn, Ehringhaus, Francis, Gilmer, Hargrave, Hogan, Kelly, Kerr, McMillan, Melchor, Mills, Moody, Patterson, Poindester, Street, Waddell, Walker, Ward, Wilson and Woodfin—25.

Nays—Messrs. Ashe, Floyd, Cameron, Cowper, Drake, Ezum, Fernald, Gavig, Gilchrist, Graves, Halsey, Heister, Hill, Howard, Speight, Stallings, Stowe, Thompson, Turbinton and Wooten—20.

A message was received from the Governor, transmitting the report of the Rev. Doctor Mitchell, the Engineer, appointed under the act of the last session, to make a survey for a Turnpike road from Raleigh to the Barcoche Turnpike, &c.; which, on motion of Mr. Woodfin, were ordered to be sent to the House of Commons, with a proposition to refer the same to the committee on Internal Improvements, and that they be printed.

Mr. Patterson moved that the bill to incorporate the Charlotte and Camden Rail Road Company be now taken up.

Mr. Wilson said he hoped this motion would not be pressed—that the question would not be precipitated upon them. He wanted to offer amendments, and desired a little further time for consideration.

Mr. Patterson had no desire to precipitate the matter. The bill requires to be re-enacted by the Legislature of S. C. That body will adjourn by the 20th of December; and if the bill was passed in time for the action of that body, there was no time for delay. He saw no reason for postponement. If gentlemen intended to throw obstacles in the way of its passage, and the Senate intended to reject it, let it be done at once.

Mr. Wilson then offered an amendment, providing that "the President and Directors shall not commence work on said road until one half the amount of stock authorized to be subscribed, shall be actually paid in; and the whole amount

