

to states and territories—the District of Columbia is now included.]

19 To direct the disposal of negroes, mulattoes and other persons of colour imported into this state, contrary to the provisions of an act of Congress of the United States, entitled "an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the 1st day of January 1808." [The sheriffs are required to seize and sell, for the use of the state, all negroes imported into this state since the passage and contrary to the provisions of the above recited act, with some exceptions, where the present holder has paid a valuable consideration, &c.]

20 Allowing further time for registering grants, proving and registering deeds, mesne conveyances, powers of attorney, bills of sale and deeds of trust. [Allows two years for registration.]

21 For opening a communication between the Yadkin and Cape Fear rivers. [Appoints commissioners to open locks on the first of April to receive subscriptions for 200,000 cobles—the locks to be closed the first of July—a subscription of 100,000 dollars will cut out the company to be organized. The State subscribes 20,000 dollars.]

22 Concerning the estate of persons dying intestate. [Authorizes three justices, if deemed necessary for the benefit of the estate to appoint a person to dispose of the property.]

23 Concerning public jails, court houses and stocks. [Empowers county courts to lay taxes to keep in repair the public buildings, and requires jailors to cleanse the jails every day, makes it the duty of grand juries to inspect the jails, &c.]

24 Making it the duty of sheriffs to serve notices of clerks of courts and masters in equity to parties concerned to attend on the days of conference at making up reports, and for other purposes.

25 To amend an act entitled "an act making further provisions in favour of the owners of slaves." [Allows the Ranger 50 cents for each horse &cetera.]

26 To amend the laws now in force respecting the trial of slaves in capital cases. [In capital cases slaves shall only be tried in the superior courts, and shall have, by their owners or counsel, the right of challenge for cause only, and also the right of having their trials removed.]

27 For removing logs, stumps and other impediments in Tar River below Washington in the county of Beaufort, and for other purposes. [Provides that the Collector of Washington shall collect a tax from shavers, drawers, gavers, feet water, oru wards, 20 cents per inch; and the money to be applied by commissioners in removing the obstructions.]

28 Declaring the duty of clerks and for other purposes. [Requires clerks of the county courts to issue summonses to all guarantors who fail to settle their accounts, under penalty of 50 pounds.]

29 To provide a suitable punishment for persons convicted of felonies within clergy. [Authority is given to the court to substitute whipping and fine instead of burning in the hand.]

30 To amend an act entitled "an act to prevent persons from stopping or obstructing ways leading to houses of public worship." [Damages may be recovered before a justice of the peace.]

31 Concerning Field Officers of Militia. [Field officers of Militia shall in future be appointed in conformity to the provisions of the act of Congress, passed 20th April, 1816, viz: one colonel, one lieutenant colonel and one major to each regiment, consisting of two battalions, and where there is only one battalion it shall be commanded by a major.]

32 To amend and explain an act entitled "an act for the relief of insolvent debtors with respect to imprisonment of their person, passed in 1773, chap. 4. [Declares that any justice in this state is competent to administer the debtor's oath to a prisoner, though the prisoner may be imprisoned under an execution from another county.]

33 To amend an act passed in the year 1814, entitled an act concerning divorce and alimony. [Provides that wherever a decree of separation is issued by court said decree shall secure to the wife such property as she may thereafter acquire.]

34 To extend the time of the several surveys of this state to complete their returns upon entries made and paid for since the year 1776. [Allowed till 1818.]

35 To raise a revenue for the payment of the Civil List & contingent charges of Government for the year 1817. [Land tax eight cents upon every hundred dollars value, the land to be estimated as high at least as under the direct tax; Poll tax twenty-five dollars per county; A tax of five dollars on every slave brought into the state and sold, or carried thro' it; the other features of the bill the same as last year.]

36 Concerning the Dismal Swamp Canal Company. [A further time of 7 years allowed to enlarge and complete the Canal, and the Directors empowered to call upon the stockholders for 20 per cent. on each share, and if necessary to enlarge their capital.]

37 Concerning the navigation of Neuse river and to amend an act passed in 1812, entitled "an act for opening and improving the navigation of Neuse river." [The same privilege is granted as to the Roanoke company; the treasurer is directed to subscribe \$5,000 in behalf of the state.]

38 To alter and amend the Charter of the State Bank of North-Carolina. [Directs the Treasurer to issue and pay to the Bank \$5,000 dollars in Treasury Notes, in part payment for stock owned by the state in said bank.]

PRIVATE ACTS.

1. An act for the better regulation of the town of Germanton, in Stokes county.

2. An act to confirm an accurate survey of the town of Beaufort, in the county of Carteret, and for other purposes.

3. An act appointing commissioners to run out and mark the dividing line between the counties of Buncombe and Rutherford, from the Sugar Loaf mountain to the Burke line.

4. An act concerning the town of Fayetteville.

5. An act to incorporate the Raleigh Library Company.

6. An act authorising the laying off more lots

in the town of Lincoln and for other purposes.

7. An act to establish and confirm the judgment of the Superior Court of Law of Randolph county, divorcing Hannah Bray and her husband Solomon Bray, from the bonds of matrimony.

8. An act to establish an academy in the county of Carteret.

9. An act to establish and confirm the judgment of the Superior court of law of Richmond county, divorcing Matthew Cole and his wife Elizabeth from the bonds of matrimony.

10. An act to authorise Isaac Barnes, of Perquimans county, to make a road, cut a canal to drain the same, and for other purposes.

11. To secure to Sarah Childs, of the county of Anson, wife of Thomas Childs, such estate as she may hereafter acquire.

12. An act to have transcribed and copied certain records in the Register's office of Bladen county, and for other purposes.

13. An act to establish and lay off a town on the lands of John Marine of Richmond county.

14. An act to incorporate the town of Oxford, in the county of Orange.

15. An act making an allowance to witnesses attending the superior or county courts of Cumberland.

16. Directing the manner in which patroles shall in future be appointed in the county of Richmond.

17. To establish and confirm the judgment of the superior court of law of Randolph county, divorcing Polly Shaw and her husband Haly Shaw, from the bonds of matrimony.

18. An act to make valid and confirm certain orders of the county court of Stokes.

19. An act concerning the Warrenton Academy.

20. To incorporate a company to build a bridge across the Yadkin river.

21. To authorise the county court of Pasquotank to raise the poor tax and for other purposes.

22. Relative to the county courts of Stokes and Surry.

23. To amend an act entitled an act to authorise the county of Wilkes to lay a tax for the purpose of building a new jail in said county and for other purposes.

24. Declaring the duty of the colonel or commanding officer in the county of Craven, and for other purposes.

25. To establish and incorporate an academy in the town of Greensborough, in the county of Guilford.

26. To repeal the existing laws relative to the improvement of the navigation of Hedgecock creek in Richmond county.

27. To amend an act passed in 1810, to incorporate the town of Greensborough, in the county of Guilford.

28. An act to authorise the county court of Chowan to lay an additional tax for the support of the poor of the said county.

29. To authorise the county court of Granville to appoint commissioners to dispose of a certain lot of ground in the town of Oxford, and for other purposes.

30. Respecting the academy and town of Smithville in Brunswick county.

31. To authorise Wm. Tatam and Thomas Gray of Currituck county, to erect Gates at the places therein mentioned.

32. To authorise the commissioners of the town of Edenton to lay a tax for the purpose of purchasing a Fire Engine.

33. To establish a turnpike road in the county of Burke.

34. To authorise the court of pleas and quarter sessions for Edgecombe county to lay an additional tax to pay their patroles.

35. To establish a seminary of learning at Mattamuskeet, in the county of Hyde, by the name of the Union Academy.

36. To repeal the act of 1816, altering the time of holding the county court of Hyde.

37. To establish Moore's Academy on ten mile creek, in the county of Sampson, and to incorporate the Trustees thereof.

38. Directing the officers of the 9th regiment of cavalry, attached to the 15th brigade, to hold their courts martial at Morganton, so far as respects the officers of the troops of Burke county.

39. To amend an act, passed in 1814, entitled "an act to amend an act entitled an act concerning the turnpike roads in Buncombe county, passed in 1813."

40. For the government of Elizabeth city, and for other purposes.

41. To establish battalion musters in Carteret county.

42. Declaring that the 2d regiment of militia of Anson county shall be reviewed by the general officers of the division and brigade to which the same is attached at the place of holding their regimental musters.

43. To repeal the 1st and 4th sections of an act passed in 1815, entitled "an act relative to Fish Traps on the Yadkin or Pee Dee river," and to amend said act.

44. To amend an act passed in 1814, chap. 45, entitled an act to incorporate the town of Hampton.

45. To restore to citizenship Robert Hall, Geo. Hall, Owen Hall, and Asa Mitchell of the county of Wilkes.

46. To authorise the court of pleas and quarter sessions of the county of Camden to lay an additional tax for the support of the poor of said county.

47. To establish and lay off a town on the lands of George D. Holcomb and Peter David, in the county of Surry.

48. To restore to Isham Sheppard of Richmond county, the privileges of a citizen.

49. To divide the Wakes regiment of militia, and to form the same into two separate distinct regiments.

50. Authorizing Jacob Fields to cut a road and Turnpike the same, in the county of Onslow.

51. To establish an Academy at Williamston, in the county of Martin.

52. To repeal an act passed in 1809, entitled "an act requiring a majority of the acting justices of Wayne and Montgomery counties to be present in certain cases," so far as respects the county of Wayne.

53. To incorporate the Plymouth Mechanical Society.

54. To prevent obstructions of Fish running up Trent river.

55. To establish an academy at Pleasant Grove in Plymouth county and incorporate the Trustees thereof.

56. Vesting in Benjamin Howorth of Buncombe county the profits arising from a turnpike road, and for other purposes.

57. To authorise the county court of Surry to lay a tax for the purpose of building a new jail in said county and for other purposes.

58. To alter the time of holding the county court of Iredell.

59. To authorize the county court of Halifax to lay a tax for the purpose of building a new jail in said county and for other purposes.

60. To establish and regulate a toll road from Skowasky landing to Oover's ferry on the south side of Roanoke river, or near where the old ferry is kept, and to grant to John Deereaux and Jerh. Stude and estate therein for the term of ninety-nine years.

61. For the better regulation of the city of Raleigh.

62. To regulate the conveying of Naval Stores and inspection of Staves, heading and shingles in the town of Wilmington.

63. To vest the power in the Commissioners of Pilotage and Navigation of the Port of Wilmington, to assess, fix and regulate the fees of the harbour master.

64. Allowing compensation to the Sheriff of Wake, for attending the Supreme Court.

65. To appoint Commissioners for the town of Jamestown in the County of Guilford, & to incorporate the same.

66. To increase the penalty on those residing in the town of Salem in the County of Stokes, who fail to work on the public roads and highways.

67. To establish and incorporate a Town by the name of Lenoxville in the county of Carteret.

68. To authorize James Moore of Martin to erect Gates on the road leading from Moore's Ferry to Moore's Store in said County.

69. To appoint Commissioners for the town and Port of Swansboro.

70. To authorize the County Court of Warren to lay tax for the purpose of building a jail in said county.

71. To establish an Academy in the county of Guilford.

72. To authorize the county Court of Duplin to appoint Commissioners to lay off a town on the public lands in said county.

73. To amend the act passed in 1810, entitled an act to appoint Commissioners for the town of Bath.

74. To amend an act passed in year 1807, chapter 89th, entitled "an act to establish two separate elections in the county Chatham, and to alter the mode of holding elections in said County."

75. To amend an act entitled an act to grant a separate regiment in the county of Robeson.

76. To correct the abuses of Commissioners appointed by an act of the last General Assembly entitled "an act to appoint commissioners to fix on a suitable place in the county of Nash for erecting a court house and other public buildings and for other purposes."

77. To authorize the Rose Bay turnpike company in the county of Hyde to cut a navigable canal from Mattamuskeet lake to the head of Rose bay in said county and for other purposes.

78. To amend an act entitled an act to establish a separate regiment in the county of Robeson passed in the year 1810.

79. To remove a separate election in the county of Stokes.

80. An act to authorise the inhabitants residing in the vicinity of Stewa's creek in the counties of Duplin and Sampson to make the said creek navigable.

81. To authorise John Miller of the county of Buncombe to erect and keep up a gate across the public road on his own land near the tree ferry on French-broad river.

82. To establish a separate election at the house of John Moody's in Haywood county and for other purposes.

83. To establish three other elections, and to remove two of those already established in the county of Pitt.

84. To appoint commissioners to open a navigable canal from Turnign bay to Long bay in Craven county.

85. To alter the time of holding two of the county courts of Rutherford.

86. To confirm and make valid the Registration of certain deeds, powers of attorney, and other instruments of writing in the county of Buncombe.

87. Authorising certain persons therein named to collect the arrears of taxes due them.

88. To annex a part of Beaufort to the county of Martin.

89. An act to restore to the rights of citizenship certain persons therein named.

90. To vest the power in commissioners of pilotage and navigation of the port of Wilmington, to assess, fix and regulate the fees of the harbour master.

91. To secure to the persons therein named such property as they may hereafter acquire.

92. To incorporate a company for the purpose of cutting a canal and improving the navigation of New-River in Onslow county.

93. To authorise Michael Barrey of New-Hanover county to cut a canal across the public road and erect a mill thereon; &c.

94. Naming the town laid off in Montgomery county, pursuant to an act passed last session for the removal of the public buildings in said county.

95. To open a Turnpike road at Mill's gap in Buncombe county.

96. To emancipate Hannah Howe, Balaam Howe, John Howe and Sally Howe, children of Balaam and Lucy How of the county of Brunswick.

97. To alter the places of holding separate elections in the county of Craven and for other purposes.

98. To amend the laws of this state concern-

ing wardens of the poor, so far as respects the county of Craven.

99. To authorise the commissioners of the town of Madison, in the county of Rockingham, to purchase the land on which the said town is situated, to make sale of the lots and to regulate the same.

(Total number of Acts 107.)

HOUSE OF COMMONS, DEC. 12.

Sketch of Mr. B. D. B. B.'s Speech on the motion to postpone indefinitely the Penitentiary Bill.

MR. BADGER said that believing, for reasons which he should state to the House, the Legislature ought not to say at this time that a Penitentiary should be established, he had submitted the motion to postpone as the proper means of trying the sense of the House on that question unincumbered by details; and there was no ground for the dislike of the motion expressed by the gentleman from Rutherford (Mr. Porter). It is not as that gentleman imagines giving a side blow to the bill; it leaves the whole subject open to debate and calls for the decision of the House on the very principle of the measure. The motion, if sustained, declares the opinion of the Legislature that a Penitentiary should be established at this time. If, six months of the House think thus, why should we be troubled with the details of the bill. If we are determined at this time to reject any bill on this subject, why should the friends of the bill occupy their time and that of the House in proposing and discussing amendments. Such a course would be not only troublesome but ridiculous. We should be engaged in the silly process of amending that which we were resolved to destroy however amended. To prevent such a course of inconvenience, and in doing the naked question of expediency before the House, Mr. B. said, was the object of submitting the motion to postpone, and such Mr. B. understood to be its legitimate parliamentary use. He had said thus much on the nature of the motion, because an attempt had been made to stamp upon it the character of unfairness, and thus to excite the prejudices of the House against its adoption. All ideas of narrowing the scope of debate had been claimed; and, said Mr. B. the gentleman from Rutherford well knows that he is now at liberty to examine the principles of the bill as fully as if it were now on its passage.

The subject on which this bill is designed to operate, is of no ordinary importance. In every country and in every age of the world the Penal Code has occupied the attention of Princes and Legislators and since the days of Draco, whose laws are said emphatically to have been written in blood, all have been engaged in endeavours to graduate punishment according to the malignity of offences. But so many are the crimes which have disgraced the annals of men, so various the modifications of guilt of which each crime is susceptible, that not much success could have been expected in the effort under any circumstances however favorable. Favorable circumstances however did not exist, and from other causes as well as the inherent difficulties of the subject, the systems of Europe have never possessed justice or humanity, have never exhibited much uniformity with one another or consistency in themselves. If such are the difficulties incident to the enquiry, if such has been the general failure of success, it should teach us diffidence of our own pretensions to improve and perfect; it should teach us, as the changes hitherto have been unsuccessful, not to alter the laws which we now have unless an evil be perfectly apparent, and unless the remedy proposed be indicated with equal plainness.

We have now a system of penal law under which the people of this state have lived and flourished for more than a century. This system, entitled to our veneration because it is ancient, and to our affection because it is the choice of our forefathers, the bill on your table proposes to subvert. And if, sir, it be true that this system is erroneous or imperfect, and if the plan exhibited in the bill be calculated to remove such imperfection and to reform such errors, no one will say more cheerfully than myself, let it be adopted—But as to this I must be permitted to doubt. That our laws are deficient in some cases cannot, I apprehend, be questioned, but that the innovation, designed to be made is the only measure which offers relief, or that has even a tendency to afford relief, is not to me so evident—And, sir, until it shall be rendered plain beyond reasonable doubt, that this last proposition is true, however defective or severe our penal laws may be, I shall raise my voice against the alteration contemplated by the bill.

The objects to be attained by the infliction of punishment are, first, reformation of the offender, and secondly and principally, the prevention of offences in others. Then, sir, let us enquire whether a Penitentiary or State Prison has a tendency to produce either of these effects. On this question, the information which we possess is indeed scanty. It will be sufficient for my purpose if it shall appear, that on this information, such as it is, the utility of the measure is doubtful. It rests with the advocates of the measure to remove the doubt, by showing the House, that the operation of the Penitentiary will repress the commission of crimes, by reforming offenders and holding out a salutary terror to those who are disposed to offend—I say our information is scanty, for what have your committee, appointed on this very subject last year, effected—Sir, they have effected nothing. Their report, as a vehicle of information, is indeed worthless. It presents you an imperfect view of the number of crimes for which prosecutions have been commenced, in part of the counties in this state, since 1811, and it contains a pound, stiling and pence calculation of the expense necessary for the erection of the prison. But on the only difficult subject of enquiry, the expediency of the measure, they have collected no facts to aid us in our deliberations. The committee, sir, may know you better than I do. They have addressed themselves entirely to your avarice—they have endeavoured to