

guarded against as religious persecution; for both were productive of the worst effects. Although it was a principle of our government, that power was always to reside in the majority, yet its exercise, to be legitimate, must be reasonable and unoppressive. For in the speech alluded to, of Mr. Jefferson, which ought to be the text book of every republican, and he professed himself a disciple of that great man, he had this observation, "that altho' the will of a majority ought to rule, yet that will, to be rightful, must be reasonable." Mr. S. could see no good reason why the legislature should confer any employment upon a particular person, when its execution might be obtained for a much more moderate sum by allowing all our citizens an equal chance. In doing this did the legislature act according to the best dictates of reason? He apprehended they did not. He was decidedly of opinion that the resolution should be adopted. It was immaterial who had the printing, if it were done on moderate terms; and were the sum to come out of their own pockets, there was no doubt but the legislature would employ that person who should do the work for the lowest price.

Mr. S. remarked that when the resolution was called up he did not intend to have troubled the house with a single remark. The manner in which the gentlemen in the opposition had treated it, by endeavouring to throw every obstacle in the way, had induced him to come forward unprepared as he was.

Gen. Love declared himself in favor of economizing. It was perfectly correct. But he was opposed to letting out the public printing, because it might subject the house to imposition. It was true as the gentleman had stated that congress did let out their printing to the lowest bidder. But what did Mr. Blackledge tell the house the last year? Why, that congress were beginning to get tired of the measure, for that at the last session in which he served, two of the printers had combined, and only one of them had put in proposals, by which they charged more for the work by 25 per cent. than ever he had known. It was his wish that correct information respecting the real worth of the printing, might be had; and after that the legislature certainly was the proper tribunal to contract with the person who was to do it. He was not opposed to an investigation of the subject.

Mr. Seawell said he would notice an argument which he had forgot when he was up before. What the gentleman who preceded him had just said, was at variance with what he had asserted on a former occasion. The gentleman, (Gen. L.) was now contending that the house should fix the value; but he had before stated that they were not the proper judges themselves, and that if they went to one printer, he might answer one thing, a second might differ from him, and a third differ from the two first. This convinced Mr. S. that it was the real duty of the house. The persons undertaking the work were judges and should propose their terms, and they could either be accepted or rejected. This would be the correct course.

The gentleman had repeated what had been stated to the house at a former session. He could not believe that which was so much at variance with reason. If congress were tired of the method they had adopted, what was the reason that it was constantly kept up? Congress had never changed it. The gentleman seemed to suppose, that although there were several printers here now, yet in the course of a few years they would be all gone except one, and that one could then prey upon the vitals of the public. He would ask if there were any reason to apprehend that when the public printing was let out, the printers would take up their presses and remove to another country? The printers did not depend on this work alone for their living; they had other means of employing themselves and their hands. If each of the printers commenced business with the sole view of becoming public printer, and it was the public printing alone that would enable an editor to support his press, it was at least a little miraculous, that two papers should have been kept alive, one for ten and the other for two years, only by the hope of being public printer. Such suppositions were mere chimeras, mere spectres, which heated imaginations alone could produce. Nineteen persons out of twenty would be convinced that should the regulation proposed be adopted, no inconvenience would be experienced for want of a printer. The building of court-houses was put out in the same way; yet no combination or inconvenience was found respecting them. And so it was with all mechanical operations which were to be performed at the public expence. There was nothing so important in the mere printing of a collection of laws, which should render it necessary that the person should be elected by the legislature. Every one knew that the printer himself did not do the business. No, he left it entirely to his journeymen or apprentices. The work was entirely done by them, under the general superintendence of the editors. Where then was the secret, the important mystery which should prevent the house from having the business done on fair and equitable terms? Although the former practice had been persevered in for years; although their predecessors might have done wrong; although Messrs. Hodge and Boylan, and Gales might have received too much, these were no reasons why the legislature should continue in the same practice. The meetings of that body would be of little use; if they were merely to keep on in former courses; and their acts would be of small utility, were they not to attempt to retrieve former errors. He hoped the resolution would be adopted.

Gen. Love would make a few observations as to what had fallen from the gentleman just up. He had said he doubted whether the house were competent to tell whether the printing was done on reasonable terms or not. It was for that he wished such information to be obtained as would better qualify them to judge. And the amendment he wished to have read, would have, perhaps, pointed out the manner in which correct information might be obtained.

Maj. Owen begged leave to submit to the house, a letter, which he said contained incontrovertible evidence that the legislature was grossly imposed upon in the article of printing.

Gen. Love desired to know from what source the letter was derived.

Maj. Owen said the letter would speak for itself, and if the gentleman could not then understand it, he would explain it to him.

The following letter was then read at the clerk's table:

"Raleigh, Nov. 22, 1810.

"Maj. James Owen,

"Sir,

"Having become owners of a printing office, and learning from the proceedings of the legislature, that the printing may possibly be let out to the lowest bidder, we offer to print the laws, journals, bills, &c. of the present session; and distribute the laws and journals together with the laws of Congress, to the several counties, for nine hundred dollars; being six hundred and sixty dollars less than what is now given for that labor. Should we obtain the contract, ample security will be given for the faithful discharge of the duty.

"Should you think proper, you are at liberty to communicate this proposition to the legislature.

"We are your obedient servants,

"ALEX: LUCAS,

"A. H. BOYLAN."

[Considerable debate now took place upon the question of order, whether it would be regular to receive the amendment of Gen. Love. The chair decided that it would not be in order.]

The question was then taken by yeas and nays on the amendment of Mr. Mumford, and lost—Ayes 17, Noes 108.

Yeas—T. Bell, Barnard, Burton, Ballard, Camp, Gamble, Horne, Hulme, D. Jones, K. Jones, E. Jones, Mumford, D. Miller, J. Nelson, Relf, Rainey, D. Sawyer, H. G. Williams.—18.

Noes—Avery, Armfield, Allen, Adams, Bunch, Britton, Boyd, T. Brown, C. Bryan, B. Bell, Bynum, Barringer, J. C. Bryan, Barber, Bowie, Bateman, Blount, H. Brown, Blackman, Culvason, Clarke, Caldwell, Copeland, Caldebaugh, Carr, Cameron, Chambers, Collins, Carter, G. L. Davidson, G. M. Davidson, Douglas, Deans, Edmonds, Evans, Felton, H. Flowers, Frink, Flower, Folson, Gilmore, Glisson, Guy, Gold, Goodman, Gentry, Gilchrist, Henderson, Hudgins, Hoke, Hoyle, Hannah, Hassel, Hughes, Horton, Wm. R. Johnson, Kilpatrick, Lenoir, Leonard, Lanier, Love, Linden, Lamb, M'Guire, M'Dowell, Moody, Mosely, Mebane, Matthews, W. Miller, Nance, Norsworthy, J. Nelson, Owen, Pinkham, Phifer, Peebles, Paine, Parsons, Pride, Relf, Ryan, Roberts, Reed, Speller, Steadman, Shepherd, Scott, H. Smith, N. Smith, Seawell, M. E. Sawyer, J. Thompson, Thomas, Van Hook, J. Williams, N. Williams, James Williams, E. Williams, Webb, Wright, Ward, Wilson.—108.

Gen. Love then submitted an amendment instructing the Treasurer to make such enquiries of person's residing out of the state, as might enable the legislature to judge correctly respecting the value of the public printing, and report the result to them at their next session.

Mr. Glisson could discover nothing in this amendment but to put off and delay the business. This subject had excited many rumors and much attention amongst the people; and it was necessary that some thing should be done respecting it, at an early period. He did not come here to legislate for any printer, but for the good of the community, and he felt himself bound to support such measures as should tend to that object. Doubts at least had arisen, that more money was paid to the public printer than his services were worth. It was high time that an enquiry should be made. And as the object of the amendment appeared to be delay, he hoped it would be rejected.

Gen. Love said if any gentleman would point out a more speedy and correct mode of obtaining the desired information, he would willingly adopt it.

Mr. H. W. Jones had hoped not to say any thing upon the present occasion, but the amendment proposed, appeared to him so inconsistent with the resolution, that he felt himself obliged to say a few words on the subject. The design of that amendment appeared pretty evidently to be to lay the business over for another year. A committee was to be appointed to make enquiries upon the subject. But where or when were they to enquire? Their enquiries were to be made out of the state, perhaps in Richmond or Philadelphia; and could it be imagined that persons residing out of the state could know the worth of labor here as well as those who lived in it? The idea was preposterous. Certainly those printers who resided here, and had been engaged in carrying on the business for years, could best tell what the public work could be done for. All the requisite information could be obtained from printers residing in this town. They had said that the public work could be done for a less sum than was annually given. This was information enough for the house to act upon. It could not be necessary that the business should be put off.

He saw in the amendment another attempt to play off the question. The subject had been several times before the house, and every measure of the kind proposed had been actually played off. If gentlemen continued to do so much longer, they would receive a different kind of play from their constituents. When they came to be questioned respecting this business, they would answer very awkwardly at the muster grounds & court houses. And what was the reason assigned for the delay contemplated in the amendment? Because they were told, to obtain correct information, they must go out of the state for it. It was absurd to go out of the state for that which could better be obtained within a few yards. The people were generally well enough acquainted with the value of labor, to know from what would be before them, that more was paid to the printer for the work he executed, than was necessary. No doubt the people would be guided by the information received, and they would expect something to be done by their representatives. There was information enough before the legislature to enable them to decide, and it was right, nay it was their duty to decide at that time, and not throw away another 500 dollars for the purpose of playing the subject off.

Mr. Burton thought, if the public printer received a sum more than the worth of the labor he performed, that his salary ought to be reduced.

If the amendment authorised the committee to confer with the printers in this town, perhaps it would answer the purpose of the introducer, and be more palatable to the house. He conceived the subject ought not to be postponed. If the printer received too great a sum for his labors, a reduction ought to be made before the ensuing election took place. It was his opinion however, that the printing ought not to be let out to the lowest bidder. He objected to the principle altogether. He wished to give what the business was worth and no more. If it was only worth ten dollars, he would be for giving that sum.

The public printing for congress, he believed was done under the superintendence of the Secretary of State, and the printer was not answerable for the correctness of the work: here, it was made his business to correct the proof sheets.—The business of the printer was of but little consequence where he had merely to set his types. But here it was not merely mechanical as gentlemen had supposed. It was therefore necessary that the person who was employed, should be well qualified, & this might happen, were it given out to the lowest bidder, not to be the case. It might be possible that some person, who had it in his power, would offer to do the printing for less than it was really worth. He was of opinion that every man ought to receive from the public, full compensation for his labor. To meet his wishes, he would offer an amendment, which would enable the committee to be appointed, to obtain the information, and make their report to the house in as short a period as possible.

Maj. Owen objected to the amendment being received, as out of order.

Gen. Love consented to receive it as a modification of his amendment. It was then read in the following words:

Whereas it appears, from representations made to this legislature that impressions have gone abroad amongst the people of this state that the public printer receives a salary too high for his services: And whereas it is the duty of this general assembly to pay no more for any services, than they really deserve; but it unfortunately happens in this case that the members of this legislature, are not themselves competent judges of the value of the business, performed by this officer, nor is it believed that they have at hand the means of obtaining such impartial, disinterested information on the subject as would enable them to form a correct opinion upon it. It is therefore,

Resolved, That a committee of members be appointed by this House to confer with the heads of departments, or any other persons relative to the value of the public printing and report accordingly.

Mr. Phifer made a few remarks tending to shew that the adoption of the amendment could only answer the purposes of delay. If any one would point out gentlemen who understood the printing business sufficiently to give the desired information he would be willing to submit it to those persons. Those who did the work were, however, the best qualified to tell what it was worth; and in no other way could the information be correctly received. Let the original resolution be adopted and the house would not long want the necessary information.

The question was then taken on the amendment of Gen. Love, as connected with the one proposed by Mr. Burton, and lost—ayes 63, noes 64.

YEAS—Messrs. Allen, Bunch, T. Bell, Barnard, T. Brown, C. Bryan, Bynum, Burton, Barber, Blount, Ballard, Blackman, Clarke, Copeland, Camp, Carter, Douglas, Edmonds, Felton, H. Flowers, J. Flower, Gamble, Guy, Gold, Gentry, Henderson, Hudgins, Hoke, Hoyle, Horne, Hughes, Hulme, Horton, D. Jones, K. Jones, E. Jones, Johnson (of Warren), Kilpatrick, Lenoir, Love, Linden, M'Guire, M'Dowell, M. E. Mebane, Mumford, W. Miller, D. Miller, Norsworthy, Peebles, Paine, Relf, Rainey, Speller, Steadman, Scott, J. Thompson, H. Thompson, Van Hook, N. Williams, M. G. Williams, Ward, Wilson.—63.

NAYS—Avery, Armfield, Adams, Burton, Boyle, B. Bell, Barringer, J. C. Bryan, Bowie, Bateman, Culvason, Caldebaugh, Carr, Cameron, Chambers, Carthey, Collins, G. L. Davidson, G. W. Davidson, Dean, Evans, Frink, Folson, Gilmore, Glisson, Gandy, Goodman, Gilchrist, Hannah, Hassel, Johnson (of Anson), D. Jones, W. W. Jones, A. Jones, Leonard, Lanier, Lamb, Mosely, Matthews, Nance, Isaac Wilson, Owen, Pinkham, Phifer, Parsons, Pride, Russ, Ryan, Roberts, Reed, Shepherd, H. Smith, N. Smith, Seawell, M. E. Sawyer, D. Sawyer, Thomas, J. Williams, Jonas Williams, E. Williams, Webb, Wright.—64.

The question then recurred on the original resolution.

Mr. D. Jones (of Granville) rose to apologise to the house for the vote he should give on the present question. If he were convinced that the salary was too high he should be willing to lessen it: but as to giving it out to the lowest bidder, that he could not consent to. In this situation he did not know what to do. He was willing to reduce the salary of the public printer, if it appeared to be too much, but was opposed to letting out the printing, because he did not approve of that method of doing business. As well might a man employ an overseer or a carpenter, in every case, who would offer the cheapest terms, whether they were qualified or not. [Mr. Jones was proceeding, when he was interrupted as being out of order in his remarks.] He concluded by observing that he only wished to shew that he was not disposed to employ a person who might injure him and blast his character, merely because he could obtain his services at a lower price.

The main question on the original resolution was then taken by yeas and nays, and carried—ayes 91—nays 34.

YEAS—Avery, Armfield, Allen, Adams, Bunch, Britton, Barnard, Boyd, T. Brown, C. Bryan, Bynum, Barringer, Burton, J. C. Bryan, Bowie, Bateman, Blount, H. Brown, Blackman, Culvason, Caldwell, Copeland, Caldebaugh, Carr, Camp, Cameron, Chambers, Carthey, Collins, Carter, G. L. Davidson, G. W. Davidson, Dean, Evans, Frink, Folson, Gilmore, Glisson, Guy, Gold, Gandy Goodman, Gilchrist, Henderson, Hoke, Hannah, Hassel, Johnson (of Anson), D. Jones, K. Jones, W. W. Jones, E. Jones, A. Jones, Kilpatrick, Lenoir, Lanier, Lamb, Matthews, M'Dowell, Moody, Mosely, Nance, J. S. Nelson, Norsworthy, Owen, Pinkham, Phifer, Paine, Parsons, Pride, Russ, Roberts, Reed, Rainey, Steadman, Shepherd, H. Smith, N. Smith, Seawell, M. E. Sawyer, D. Sawyer, Thomas, Van Hook, J. Williams, Jonas Williams, Webb, Wright, Ward.—91.

NAYS—T. Bell, B. Bell, Barber, Ballard, Clarke, Douglas, Edmonds, Felton, H. Flowers, J. Flower, Gamble, Gentry, Hudgins, Hoyle, Horne, Hughes, Hulme, Horton, D. Jones, Johnson (of Warren), Love, Linden, M'Guire, Mebane, Mumford, W. Miller, D. Miller, J. Nelson, Peebles, Speller, Scott, J. Thompson, H. Thompson, N. Williams, H. G. Williams, Wilson.—34.

The house then adjourned.

Legislature of North Carolina

HOUSE OF COMMONS,

Thursday, November 21.

A bill to establish a separate election in the county of Currituck, and to remove one in said county—a bill to establish a bank, and to redeem the present paper currency—a bill respecting the places where future clerks of superior courts and justices are to hold their offices—and a bill to incorporate Hall Lodge, No. 53, in the county of Currituck, were severally presented and read the first time.

A petition was presented from a number of the inhabitants of Onslow county, praying to be added to that of Jones. [For proceedings on the resolution relative to public printing see the foregoing columns.]

Adjourned.

Friday, November 22.

A bill to amend certain acts respecting separate elections in Duplin county—a bill to revive and amend an act to establish an academy in Currituck county—a bill to facilitate and open the navigation of Neuse river—a bill from the Senate directing the manner of appointing jurors for the county of Franklin—and a bill to alter the sittings of the County Court of Mecklenburg—were severally received and read the first time.

Daniel M. Forney was elected engrossing clerk.

A proposition from the Senate for the appointment of a joint committee to enquire into the expediency of establishing a uniform mode of elections throughout the state, was returned agreed to.

Adjourned.

Saturday, November 23.

A petition was presented from Unanimity Lodge, No. 54, of the town of Edenton, praying a lottery to raise a certain sum of money. Referred to a select committee.

A bill declaring that stills, the property of persons dying intestate, should not be considered as part of the real estate—a bill prescribing the manner in which the public printing shall in future be regulated—and a bill to prevent coloured persons from mustering and learning the military exercise, were severally received, read the first time, and that respecting printing referred to a select joint committee.

Adjourned.

Monday, November 25.

A bill altering the time of holding courts of pleas and quarter sessions for Rowan County—a bill to establish an academy in Plymouth, Washington County—a bill to establish an academy in the county of Camden—a bill to regulate the future sittings of the county and superior courts—a bill to amend an act of the last session, granting to the several counties all fines, forfeitures, amendments, and tax fees, for the purpose of conducting prosecutions and discharging contingent expenses—a bill to remove and prevent the obstructions to the passage of fish in Cape Fear River—a bill from the Senate to enable Sam'l Chadwick and others to haul seines in their own waters—and a bill to repeal an act making compensation to jurors, serving in the superior or county courts of Pasquotank, were severally received, and read the first time.

On motion, Resolved, that a joint committee be appointed to enquire into the expediency of revising and amending the militia laws of this state, with leave to report by bill or otherwise.

The bill to alter the sittings of the county court of Mecklenburg, and the bill to incorporate Hall Lodge, No. 53, in Currituck county, were returned from the Senate and read a second time.

The two houses jointly proceeded to ballot for an attorney general. William Miller, Joseph J. Daniel, and H. G. Barnes were candidates. No choice was made.

A committee was appointed to take into consideration, whether amendments, if any, were necessary in the laws relative to county trustees, and those respecting constables.

A bill from the Senate to regulate the inspection of flour in this state, was read the first time and returned with a proposition that it be referred to a select joint committee.

The bill respecting the establishment of an academy in Currituck county, was returned from the Senate, and read a second time.

Adjourned.

Tuesday, November 27.

A bill to alter the place of holding two separate elections in the county of Wilkes—a bill authorizing, under certain regulations, any judge of the superior court or any two justices within the state, to commit to prison fugitives who may have committed crimes in other states—a bill for the better regulation of the appointment of sheriffs, coroners, constables and other officers, except clerks, by the several county courts—a bill to prevent frauds by the secret holding of deeds of gift, bills of sale, mortgages, &c.—were severally received, and read the first time.

A committee was appointed to enquire what alterations were necessary to be made in an act passed in 1805, respecting the establishment of a mutual insurance company, in order to carry the same into operation.

Gen. Love, from the committee on the bill respecting public printing, reported the same without amendment. It was read the 6th time.

Mr. Seawell presented the petition of Henry Branson, contesting the election of John Cameron, returned for Fayetteville. Referred to the committee of privileges and elections.

Several petitions from inhabitants of Lincoln and Moore counties, were presented, remonstrating against the immoral tendency of horse racing, and praying that the same may be abolished by law.

Mr. Phifer, presented a bill to carry into effect the prayer of the above petitioners, and to prevent the recovery at law of any bet or wager made on a horse race. Read the first time.

A petition was presented, from Capt. A. Carlton, on behalf of the company of militia under his command, in the county of Wilkes, praying a revision of the 29th section of an act passed in 1805, to revise the militia laws of this state. Referred to the committee on that subject.

Mr. Love, from the committee to whom was referred the bill respecting the places in which future superior and county court clerks are to keep their offices, reported a new bill on the subject, which was read the first time.

Adjourned.

IN SENATE,

Monday, November 24.

The resolution from the house of commons respecting the public printing, was taken up.

Mr. Mebane proposed the following amendment: That a joint committee of both houses be appointed, whose duty it shall be to confer with the heads of departments of this state, and make use of any other means which to them may seem proper, to ascertain the true value of all the duties