

others be constitutional? They both are issued by corporations. If it be unconstitutional to establish a corporation to bank on the funds of all the people of North-Carolina, where do you find the power to create a corporation to bank on the funds of a part of the people of North-Carolina? Will it be said that the circumstance of the funds belonging to the State makes the Bank unconstitutional? If so, then it must follow that the conjoint Bank, allowing to the State half of the stock, must, at least, be half unconstitutional; otherwise it amounts to this, that the State may constitutionally own all the stock in the conjoint Bank except one dollar; but the moment she buys that dollar, the whole becomes unconstitutional.

If it were necessary any further to advocate the right of a State to establish this Bank, we might do so under the power to tax—the taxing power. A short quotation from an able paper of Alexander Hamilton, will place this idea in a striking point of view: "A Bank relates to the collection of taxes in two ways: Indirectly, by increasing the quantity of circulating medium, and quickening circulation, which facilitates the means of paying; directly, by creating a convenient species of medium in which they are to be paid. To designate or appoint the money or thing in which taxes are to be paid, is not only a proper, but a necessary exercise of the power of collecting them."

The next ground on which the opponents of this measure object to it, is that of expediency. It is contended that the Legislature, from the nature of its organization, is wholly unqualified to select those who are to administer the Bank; and that this can be well done only by those whose senses are quickened by private interest. The Committee need not consume time in exposing this objection; for the experience of the past few years sufficiently does so. No Bank worthy of the name, under the control of any State, has ever yet failed, or ever been involved in serious danger; while it is a notorious fact that no fewer than 160 Banks, owned and managed by individuals, have failed in the United States since the close of the wars.

In remarking on this subject, Mr. Gallatin says, "On a total capital of one hundred and thirty millions, the failures have amounted to twenty-four and a half, or to about two elevenths of the whole." He further remarks, "We believe that the pecuniary loss sustained by the government on the loans raised during the suspension, and from Bank failures, exceeded four millions of dollars." These facts require no comment. They plainly show who are the most competent to manage a Bank—those whose character and salaries depend on good management, or those whose cupidity and thirst of gain impels them into illegal and corrupt practices.

But if this objection to the fitness of the Legislature to make selections be good in the case of the Bank, it must be equally good in all other appointments; and then we are brought to the anti-republican conclusion that the Legislature is not fit to make any appointments; otherwise we are driven to the absurdity, that the Legislature may be fit to choose Senators to Congress, Judges of the Superior and Supreme Courts, Governor and Public Treasurer; but it is not fit to elect a President and five Directors to manage a Bank!

The Committee might present the various branches of this subject in many other lights; but they have already extended their report beyond what they could desire, and will, therefore, now submit the whole subject to the consideration and decision of the Legislature. Respectfully submitted,
CHAS. FISHER, Chairman.

Western Rail-Road Line.



From Salem, N. C. to Blakely, end of the Petersburg Rail-Road, and to Suffolk, end of the Portsmouth and Norfolk Rail Road.

THIS Line will pass through Greensborough, Hillsborough, Oxford, Warrenton, Weldon, Blakely, Jackson and Jerusalem—and will leave Salem every Monday, Wednesday and Saturday mornings, at 2 o'clock, A. M. and arrive at Blakely next days in time for the Cars for Petersburg. Time—from Salem to Petersburg, two and a half days—240 miles. Leave Blakely every Monday and Friday mornings at 2 o'clock, A. M. and arrive at Portsmouth and Norfolk same days via Rail Road. Time—from Salem to Suffolk, three days—235 miles.

Persons from the South and South-West, are informed that my Line is intersected by Peck & Welford's Line from Lexington, N. C. to Fredericksburg, at Greensborough, and will leave Greensborough every Monday, Wednesday and Saturday mornings after the arrival of Peck & Welford's Line from Lexington. The public are informed that ample provision will be made at this point for their accommodation.

The public are further assured, that all those who may travel my Line, will reach any of the Atlantic cities one day in advance of any other Line.

This Line is now in full operation, and the Proprietor pledges himself to use every exertion to render satisfaction, and make this Line acceptable to the public.

The Coaches and Teams are of the best—drivers accommodating and attentive.

All baggage and parcels at the risk of the owners.

Fare from Salem to Blakely, \$11 00
Do. do. do. to Suffolk, 15 00
JAMES W. JEFFREYS,
Proprietor.

Red House, N. C. Jan. 4.

The Farmers' and Miners' Journal and Yorkville Patriot will insert the above two months, and the Rutherfordton Spectator three times, and forward their accounts to me for payment.

GENERAL ASSEMBLY.

SENATE.

Tuesday, Dec. 31.

Mr. Collins presented a bill to authorize the clerks of courts of record in this State, and those holding the office of clerk and master in equity, to act as notaries public, which was read the first time.

On motion of Mr. Morris, the vote of yesterday, rejecting the engrossed bill to incorporate the Fayetteville Transportation Company, was reconsidered.

The Senate took up the bill to regulate the practice of courts of justice in capital cases; when the said bill was read the second time and passed; and being read the third time, Mr. Mendenhall moved to strike out the second section. Mr. Martin, of Rockingham, then moved that the further consideration thereof be postponed indefinitely; which motion was agreed to—ayes 34, noes 26. Mr. Morris moved that the report of the committee of the Judiciary on the said bill be spread at length upon the Journal of the Senate; which motion was not agreed to.

Wednesday, Jan. 1, 1834.

On motion of Mr. Norman, the committee on Military Affairs were instructed to inquire into the expediency of providing by law for the trial of delinquents in militia companies which have not a sufficient number of officers to constitute a lawful court martial.

Mr. Meares presented a bill to repeal in part the act of 1818, laying duties on sales at auction of merchandize.

The resolution authorising the President and Directors of the Literary Fund, to drain the swamp lands, was rejected on its second reading by a vote of 33 to 27.

The bill concerning the Board of Internal Improvement, was indefinitely postponed on its second reading by a vote 36 to 27. A motion was subsequently made by Mr. Clayton to reconsider this vote; but it was not agreed to—ayes 25, noes 27.

Thursday, Jan. 2.

Mr. Montgomery, from the committee appointed to examine into and report the aggregate amount of dividends and bonus divided upon the capital stock of the several Banks in this State since their organization, made a detailed report thereon; which was laid on the table, and ordered to be printed.

Mr. Mendenhall submitted the following resolution, which was rejected by a vote of 34 to 30:

Whereas it is believed that the severity of punishment in many instances prescribed by the criminal law now in force in North Carolina is too frequently the cause of offenders eluding justice altogether, from the lenity of juries; and that a change in the criminal code of laws in this State would be of public benefit; and whereas it is further believed that the building of a Penitentiary in this State, and changing many of the punishments now attached to the commission of crimes and offences to a term of service therein, would ensure the more certain execution of the criminal law; and that this method of punishing offenders would not only be oftentimes suited more to our feelings of humanity, but cheaper to the people and less burdensome to the citizens at large: Therefore,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing by law for the amount of costs and charges annually expended throughout the State in criminal or State prosecutions to be ascertained and reported to the Legislature, and for such other information in regard to a Penitentiary as said Judiciary committee may deem advisable; and that they have leave to report by bill or otherwise.

The engrossed bill to recharter the Bank of Cape Fear, was amended, read the third time and passed—ayes 41, noes 16.

Friday, Jan. 3.

Mr. Cooper presented the following resolution, which was read and laid on the table:

Whereas it is desirable by the free white citizens of North Carolina that public schools should be established throughout the State: Therefore Resolved, That, for the purpose of carrying this grand object into effect on the best and safest principles, a joint select committee, consisting of ten members from each House, be raised, for the purpose of inquiring into the expediency of limiting the sessions of the General Assembly to forty days; and that they have leave to report by bill or otherwise.

Mr. Mendenhall presented a bill to incorporate the North Carolina Centre and Seaport Rail Road Company; which was read the first time and ordered to be printed.

The engrossed bill to establish the Merchants' Bank in Newbern, and the Albemarle Bank in Edenton, was read the second time and passed—ayes 39, noes 23.

The said bill then passed its third reading, and was sent to the other House for their concurrence in the amendment.

Saturday, Jan. 4.

Mr. Snaw presented a bill to establish the Merchants' and Farmers' Bank in the town of Washington; which was read the first time and passed.

Mr. Hall moved that the Senate do now resolve itself into a committee of the whole House, to take into consideration the bill to provide for ascertaining the sense of the people of North Carolina relative to amending the Constitution of the State. Mr. Edwards moved that the committee of the whole House be discharged from the further consideration of the bill; which motion having precedence, the question thereon was first taken, and decided in the affirmative—ayes 31, noes 30. On motion of Mr. Meares, the said bill was then ordered to be laid on the table—ayes 32, noes 20.

The engrossed bill supplemental to the act of 1809, directing how persons injured by the erection of public mills shall proceed to recover damages, was read the third time, passed, and ordered to be enrolled.

Monday, Jan. 6.

Mr. Mendenhall, from the committee on Education and the Literary Fund, who were instructed to inquire into the expediency of reducing the price of vacant or unappropriated land, or of so amending the law as to require the purchase money to be paid in proportion to the value, reported that the object of such inquiry has been answered by a bill which has been passed during the present session; when the committee was discharged from the further consideration of the subject.

The following bills were presented and read the first time: By Mr. Morrison, a bill to incorporate the Franklin Gold Mining Company, in Mecklenburg county. By Mr. Martin, of Rockingham, a bill to establish the Bank of Roanoke in the town of Leaksville.

The bill to provide for ascertaining the sense of the people relative to amending the Constitution of the State, was taken up, and, after considerable discussion, which continued to a late hour, the Senate adjourned.

Tuesday, Jan. 7.

The House of Commons having concurred in the amendments to the following engrossed bills, they were ordered to be enrolled: The bill to establish the Merchants' Bank in Newbern, and the Albemarle Bank in Edenton; and the bill to recharter the Bank of Cape Fear.

The bill to establish the Bank of Roanoke in the town of Leaksville, was rejected on its second reading by a vote of 33 to 21.

The Senate resumed the consideration of the bill to provide for ascertaining the sense of the people relative to amending the Constitution of the State. The question pending being on the indefinite postponement of the bill, it was put and decided in the negative—ayes 30, noes 32.

Mr. Meares moved to amend the bill by striking out all that part of it embracing the proposed amendments to the Constitution, and inserting in lieu thereof a substitute. The bill was then laid on the table, and the substitute ordered to be printed.

HOUSE OF COMMONS.

Tuesday Dec. 31.

Mr. Marsteller, from the committee on Military Affairs to which was referred the bill to amend the militia laws of this State and to promote military discipline, reported unfavorably thereon, and the said bill was indefinitely postponed.

Mr. Marsteller, from the same committee, reported a bill requiring Colonel Commandants to drill their officers twice a year, and a resolution directing the Adjutant General to collect the arms; which were read the first time and passed.

The following engrossed bills and resolutions passed their third reading, and were ordered to be enrolled: The bill to give further time for paying in entry money; the bill supplemental to the act of 1832, entitled an act to re-enact, with sundry alterations and additions, an act entitled an act to incorporate the Portsmouth and Roanoke Rail-Road Company, passed by the Legislature of Virginia on the 8th May, 1832.

The House resolved itself into a Committee of the Whole. Mr. Long in the Chair, on the bill creating seven Judicial Circuits in the State; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill to the House without amendment.—The bill was then read the second time and on motion of Mr. Willey, indefinitely postponed—Yeas 73, Nays 52.

Wednesday, Jan. 1, 1834.

Mr. Nixon presented a bill regulating appeals—Referred.

Mr. Barringer, from the committee on the Judiciary, who were instructed to inquire into the expediency of requiring the Judges of the Courts of Equity to take cognizance of all equitable demands, without regard to the amount in controversy, reported that it would be inexpedient to alter the law as proposed. Mr. B. also reported against the expediency of making any alteration in the law relative to the emancipation of slaves. Which reports were concurred in.

On motion of Mr. J. L. Smith, a select committee, consisting of one member from each of the counties composing the 6th judicial district, was appointed to arrange the said district so as to give to Haywood county one week at each term.—The committee consists of Messrs. Edmonston, Guinn, Henry, J. Horton, Martin, Courts, Wm. Potts, Barringer, Grier, Roberts, Moore and Burgin.

Thursday, Jan. 2.

Mr. Guinn, from the joint select committee on the Cherokee Indians, reported a memorial to Congress, on the subject of the Cherokee Lands; which was laid on the table, and ordered to be printed.

Mr. Barringer, from the select committee raised upon the subject, reported a bill to regulate the times of holding the Superior Courts in the 6th Judicial Circuit; which was read the first time and passed.

Mr. Martin offered the following resolution, which was laid on the table:

Resolved, That a message be sent to the Senate proposing to raise a joint select committee, of one member from each county in the 6th Judicial Circuit, to inquire into the mode of regulating the times of holding the Superior Courts in said Circuit, so as to afford additional courts to certain counties therein.

On motion of Mr. Seawell,

Resolved, That a select committee of three be appointed, to whom shall be assigned the duty of inquiring into the extent and beneficial effects of the improvements made by the Cape Fear Navigation Company upon the river between Fayetteville and Wilmington; and that the committee inquire whether any improvements have been made upon said river benefiting the navigation thereof in low tide or in times of dry weather; and that they report by bill or otherwise.

Messrs. Seawell, Marsteller and Poidexter were appointed the committee in pursuance of the foregoing resolution.

The engrossed bill to incorporate the Roanoke and Yadkin Rail Road Company, was read the third time; when Mr. Jordan moved to amend it by striking out in the 1st section the words "upon the Yadkin river above the place commonly called the Narrows," and inserting "in the county of Orange;" which amendment was rejected by a vote of 90 to 34. The bill after some further amendment, then passed its third reading—yeas 73, nays 50.

Friday, Jan. 3.

Mr. Wilson offered the following resolution, which was read and laid on the table:

Resolved, That a message be sent to the Senate, proposing that the two Houses adjourn sine die on Saturday the 11th instant; and that the Clerks of the two Houses make up the estimates to that day, inclusive.

The engrossed bill to establish a Bank in the State of North Carolina, was amended, read the third time and passed—yeas 95, nays 30.

Mr. Settle presented a bill to alter and amend the act of 1819, providing a revenue for the payment of the civil list and contingent charges of government.

Saturday, Jan. 4.

Mr. Fisher presented a bill authorizing a geological examination of the public lands in Macon county; which was read the first time and passed.

Mr. Bragg submitted the following resolutions:

Whereas a bill was passed by the last Congress of the United States providing for a recharter of the United States Bank, and was prevented from becoming a law by the constitutional exercise of the Executive veto; and whereas, notwithstanding said veto, the people of North Carolina, with great unanimity, supported General Jackson's re-election to the Presidency, thus evincing renewed confidence in his administration of the Government, and the main principles upon which he had conducted it: Be it

Resolved, That, although said veto compels this Legislature to admit that they cannot approve all the measures of Andrew Jackson's administration, yet very many of them they do cordially approve, as being founded on the true principles of the Constitution, and calculated to restrict the Government to its legitimate sphere of action.

Resolved, That among these this Legislature refer, with peculiar satisfaction, to the President's veto of the Maysville Road bill, the bill to recharter the United States Bank, and the bill providing for the distribution of the proceeds of the public lands among the several States.

Resolved, That his Excellency the Governor be requested to transmit to the President of the United States and each of our Representatives in Congress a copy of these resolutions.

In asking permission to introduce these resolutions, Mr. Bragg remarked, that it would be recollected by the House, that, sometime since, when he was detained from his seat by indisposition, a resolution had been laid upon the table instructing our Senators to vote for a recharter of the United States Bank. As every movement on the subject of the United States Bank must, under existing circumstances, necessarily assume in some degree a political aspect, he had thought proper to offer these resolutions as a set-off to those heretofore laid on the table, in order, if they should be called up, that the real issue might be fairly presented, and the whole question opened for full and fair discussion. He for one was not anxious to bring on discussion; but he notified the House that if the resolutions of instruction were taken up, he should offer these as a substitute. In the mean time he moved to lay them on the table, where he was content they should remain, unless the House, by taking up the others, (which he did not believe they would do) rendered further action necessary.

The resolutions were laid on the table.

Mr. Outlaw submitted the following resolutions, which were read, and, on his motion, laid on the table:

Whereas the act passed at the last session of the Congress of the United States, commonly known as the Force Bill, is deemed by the General Assembly inconsistent with the sovereignty of the people: Be it therefore

Resolved, by this General Assembly, that our Senators in Congress be instructed, and our Representatives requested to use all the means in their power to procure a repeal of the said act.

Be it further resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in the Congress of the United States.

Monday, Jan. 6.

Mr. Barringer, from the committee on the Judiciary, to which was referred the resolution in relation to the act of 1818, laying duties on sales at auction of merchandize, reported that the object proposed in the resolution is embraced in a bill communicated by the Senate. The committee was then discharged from the further consideration of the subject.

Mr. Grier presented a bill for the better

regulation of the Fire Company in Charlotte; also a bill to incorporate Providence Union Artillery Company, in Mecklenburg county.

Mr. Fisher presented a bill to attach the company of Cavalry in the county of Rowan, called the Rowan Troopers, to the Mecklenburg and Cabarrus regiment of Cavalry; which was read three times, passed, and ordered to be engrossed.

Mr. Whitehurst, from the select committee to which was referred the bill to incorporate the North Carolina Central Rail Road Company, reported the same with sundry amendments; when the bill and amendments were laid on the table.

Tuesday, Jan. 7.

Mr. Wyche, from the committee of Finance reported a resolution directing the Public Treasurer to publish the revenue laws with the acts of Assembly; and also a resolution concerning Treasury Notes sent by the committee of Finance. The former was read the first time, and the latter adopted and ordered to be engrossed.

Mr. Long submitted the following resolution, which was adopted:

Resolved, That a committee of five be appointed for the purpose of ascertaining whether the Attorney General of this State, Romulus M. Saunders, did not violate the 34th section of the Constitution in accepting an appointment under the General Government, and did not thereby create his said office; and that they report by bill or otherwise.

The said committee consists of Messrs. Long, Haughton, Graham, Barringer and Shepard.

The senate having concurred in the amendments to the bill to establish a Bank in the State of North Carolina, the said bill was ordered to be enrolled.

The bill for revising and digesting the public statute laws of this State, was read the third time when Mr. Stockard moved that it be indefinitely postponed; which motion was negatived by a vote of 83 to 12. The bill then passed its third reading, and was ordered to be engrossed.

Mr. Wilson offered the following resolution, which was rejected:

Resolved, That this House will not, after this day, receive any more bills of a private or particular nature during the sitting of the present Legislature.

From the Norfolk Herald.

In publishing the following communication of Major SMITH, we unite with him in the request that all Editors who have copied the article from our paper to which it refers, will also publish his. We simply intended to show how mischievous are the consequences of the slightest derangement of the currency—one of which is, the subtraction of the ignorant and unwary to the craft of the heartless extortioner.

From the Norfolk Herald.

The United States troops, which left Old Point a few days since, were paid in the Bank of Virginia notes, and these poor fellows had to pay twelve and a half cents for the dollar, at the moment of embarking to serve their country, to procure United States Bank notes that would be of use to them when they should arrive South; thus, they from a pittance of six dollars per month.

AN EYE WITNESS.

Mr. BROUGHTON: The foregoing article, which appeared in your paper of the 3d inst. is going the rounds of all the papers, and producing an effect which the facts of the case do not warrant or authorize.

As my agency in the affair may be misunderstood where I am not known, I must claim the use of your columns to make a short and simple statement of the facts.

I conceive it to be my duty to make my payments in the notes of the Bank in which I am required to keep my deposits. I am required to keep my deposits in the Bank of Virginia at this place. The recent payment of the troops at Fort Monroe, was accordingly made in notes of the Virginia Bank. These notes are of specie value and promptly redeemed whenever presented for payment. The payment at Fort Monroe was completed on the morning of the 25th ult. and the troops did not sail for Savannah until the 1st inst. There is a daily intercourse between that post and Norfolk, and every note which I had disbursed coincided with the utmost facility, have been exchanged at the Bank for either specie, United States notes, or drafts on New-York at par. Under these circumstances, it is idle to suppose that the evil complained of could have existed to any extent, and its blame rested on the heartless wretch who could have defrauded the poor soldier of his scanty pittance. I will further add, that no objection was made on the part of the officers or soldiers to the Virginia money, though I believe, as they were just embarking on a distant service, that United States notes would have been generally more acceptable to them. I say generally, because that preference was not universal. One soldier who had saved in United States notes, from former payments, about ninety dollars, brought them to me and requested Virginia notes for them, which I gave him after advising him that the United States notes would be better to take with him, and equally good to leave with his family.

Justice to the Government, to the Virginia Bank, and to myself, requires that those papers which published the above article, should give a place to this narration of facts.

I am, respectfully, your obt' servant,
CHAS. H. SMITH,
Paymaster U.S.A.

Norfolk, Dec. 24.