

Assembly. The oath to support the Constitution of the United States "was scornfully refused"—the use of the State prisons and the judicial tribunals of the State. I do not allude to these facts, for the purpose of yielding to them even the feeble authority which they might derive from my sanction, but to illustrate from our own records, the disposition which prevailed to confine power within its prescribed limits, at the period when Washington, Jefferson and Hamilton presided in the Councils of our Country.

It is not difficult to perceive the origin of the excitement which then prevailed. It had been contended by the advocates of the Federal Constitution, in the Convention which rejected that instrument, that the great object to be accomplished was, the establishment of a government competent to conduct our intercourse with foreign nations, and exercise other delegated powers necessary to national prosperity at home and character abroad, which, in the nature of things, could not be exercised by individual States. That to those great purposes, the attention of the General Government would be confined by express limitations; while all powers connected with their internal government and police would be reserved to the States. That the General Government, claiming comparatively few powers, expressly and clearly granted, would not only wield them with greater effect, but with less expense to the people, than under the Confederation. I shall not repeat the reasons stated in my message, to prove that "at that period no doubt was entertained, upon the part of this State, that a comparatively small share of the taxes paid by her citizens would be required by the Federal Government."

The revenue which accrued to the national treasury during that year, was little more than two millions and a half of dollars, which was equivalent to a capitation tax of seventy-six cents on every individual of every caste in the United States. The State revenue on the other hand computed in like manner, was but nineteen cents, or precisely one fourth of the levy by the Federal authorities. And although we were then burthened with a debt of seventy-five millions, which was so far as money was concerned, the price of our liberties, we have seen that our first fiscal operations created universal alarm. Who that witnessed the excitement which prevailed then, could have anticipated the perfect complacency with which we contemplate the existing policy of the Government? Suffer me to continue this history as concisely as I can to the present period.

In 1800 (the last year of the administration of the elder Adams,) the national revenue was equal to a capitation tax of one dollar and forty-two cents—that of the State to fifteen cents. In 1810, (at the close of Mr. Jefferson's Administration,) the national levy had fallen to one dollar and thirty cents, and that of the State to twelve cents. In 1820, (in the 4th year of Mr. Monroe's Administration) the proportion was as one dollar and eighty-five cents to thirteen cents, and in 1830, (in the second year of General Jackson's Administration) as one dollar and ninety three cents, to twelve cents. In 1790, we placed ourselves in an attitude of almost direct hostility to the General Government, because we were required to contribute four times the amount, to the general treasury which we yielded to our own. In 1830, the national exaction was to that of the State, as sixteen to one. It is impossible to reconcile these facts with the idea of an economical administration of the affairs of the General Government. If it be contended that the country has increased in population, and that a proportionable increase of taxation, was to have been anticipated, it is admitted. But we are met, and astounded by the fact, that while the increase of population between 1790, and 1830, was something more than as three to one—the increase of taxation was more than nine to one. The same principle moreover, which would require us to anticipate an augmentation of the national revenue, from our growing population, would lead us to expect the same results with regard to our State finances. During the same period however, although the population of the State was doubled, the increase of revenue was but one-sixth. Astonishing as these results may seem, at the first glance, they may be accounted for upon the most obvious principles of our nature. The fiscal system of the General Government is indirect in its operation, and that is effected ineludibly which would not be tolerated, if like the pestilence, it did not walk in darkness. Let us state the case again.—In 1790, the General Government levied a contribution on each individual in the Union of 76 cents; in 1830, of \$1.93. The State on the other hand exacted 19 cents in 1790, and 12 cents in 1830. Why do we not witness an increase instead of a diminution of our levies? Because, gentlemen, your operations are seen and understood. You approach with trembling footsteps a guarded reservoir, while others have unforbidden access to the secret sources of the fountain.

And is there to be no end of these things? Never, if the States, forgetful of their own rights and dignity, heedless of the value of the checks provided by the Federal Constitution, unite their efforts, to destroy even those safeguards of our liberties. At all events no such prospect is presented to us

now. It has been announced to the American people by the highest authority, that even at this day in a period of profound peace, when the national debt is extinguished to the utmost farthing, that more than twenty millions are necessary to meet the ordinary expenses of the government. Or these twenty millions, North Carolina contributes more than a million, while you the representatives of the people will not, dare not, require a tenth part of the amount to answer all the purposes of the State Government. But if twenty millions are necessary now, what sum will suffice, in case of a foreign War, or the commencement of a national system of Internal Improvements?—A system of Internal Improvements, which proposes to lavish the treasure of the nation, upon those sections of the Union, where nature has been most prodigal of her bounties; and leave in utter destitution, those whose situation the most imperiously requires relief. A system which would improve the Hudson and the Mississippi to an almost indefinite extent, but would not extend above Wilmington on the Cape Fear, Newbern on the Neuse, Washington on the Tar, and Plymouth on the Roanoke. A national system which makes no provision for any portion of the Western, or for nine tenths of the Eastern section of the State.

I do not hesitate to admit, that it is not the mere existence of large sums of money which startles me. I am one of those who entertain the opinion that governments were instituted among men to secure that protection which could not be afforded by a single arm, and to effect that improvement necessary to the well being of the community which could not be compassed by individual exertion. But these powers and these duties, gentlemen, belong appropriately and peculiarly to you, have not been delegated, and cannot safely be confided elsewhere.

It can scarcely be necessary to advert particularly to the evils which a redundant revenue, has inflicted and is now inflicting upon the country.—They are palpable to the observation of every one. It has corrupted the press, brought the patronage of the Government into conflict with the freedom of elections, and created associations of persons whose interests are directly at variance, with those of the great body of the people. It is impossible not to perceive that there are individuals rising up amongst us, who neither expect nor desire, by painful and laborious exertion to secure either fame or competence, but to reap the easier reward, which awaits the partizan politician.

I give it as an opinion, which is the result of some observation and with the most painful assurance of its truth, that the power and patronage of the General Government must be restricted to narrower limits, or liberty will but too soon exist only in name. My views as to the best measure of reform at present within our reach, were communicated in my message. The Tariff is adjusted for the present, and good faith requires that this adjustment shall not be disturbed. With regard to the public domain, however, the question presents itself with renewed force.—Will we, like improvident spendthrifts, having exhausted our ready funds, permit our real estate to pass into the hands of greedy adventurers? The question must be decided for yourselves and your constituents; and having endeavored to state it fairly, I commend it without further remark, to your consideration.

In conclusion, Gentlemen, allow me to say, that I yield to no one in admiration of the excellence of our form of Government. To secure the purposes of its founders, it is only necessary that it shall be administered with wisdom and purity manifested in its formation. It is with no misgivings therefore, no mental reservation, that I shall vow before my God and in the presence of this Assembly, to support, maintain and defend the Constitution of my Country; but with the determination to yield to all its requirements, hearty and cheerful obedience. I am now ready to take the oaths prescribed for my qualification and enter upon the duties of my Office.

A Testimony of Gratitude.—The following is an extract from the proceedings of the corporation of the city of New York: **Revolutionary Soldiers.**—The Special Committee appointed for that purpose reported, that by returns from the Department of State there appeared to be 127 surviving Revolutionary soldiers in this city, but, on inquiry, the Committee find there are less than 100. The report concludes with resolutions recommending that \$100 be presented, on the 1st day of January next, to every Revolutionary officer and soldier who shall prove himself entitled to draw a pension, provided the number do not exceed 100—that a special committee carry the resolutions into effect, and be authorized to draw the money from the Comptroller, and that \$10,000 be appropriated for the purpose of meeting the payment. The report was adopted 14 to 1—and Messrs. Tallmadge, Purdy and Smith, appointed such Special Committee.

Destructive Fire.—A letter from a friend at Waynesville, Haywood county, informs us that some malicious person set fire to a large barn, the property of James R. Love, Esq. in the vicinity of that place, on the night of the 14th inst. Six fine horses, a carriage, wagon and gears, and a large quantity of grain, were consumed. The incendiary had not been apprehended. The loss is estimated at about \$1,500.—R. Spec.

North-Carolina Legislature.

SENATE.

Tuesday, Dec. 9.

Mr. Sherard asked leave to introduce the memorial and petition of the religious society of Friends, convened at New Garden, in Guilford county, in November last, praying the Legislature to repeal all the acts of Assembly prohibiting the literary instruction of slaves, and also prohibiting all coloured persons in this State from preaching, exhorting, &c. Leave being objected to by Mr. Carson, the question thereon was taken and decided in the affirmative—ayes 39, noes 23. Mr. Sherard then moved that the said memorial lie on the table; which motion was agreed to—ayes 48, noes 14.

Mr. Hogan, from the committee on Propositions and Grievances, to whom was referred a petition on the subject, reported a bill to divorce Isabella A. Potter from her husband, Robert Potter; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Hogan, from the committee on the Judiciary, to which was referred the bill supplemental to the act of 1802, empowering the County Courts to appoint patrols, recommending that the said bill be referred to the committee in which was referred the bill to amend the patrol laws. Concurred in.

Mr. Hogan, from the same committee, reported the bill to subject legacies, distributive shares, &c. to attachment in like manner as other property, with sundry amendments; when the bill was made the order of the day for to-morrow.

Mr. Montgomery, of Orange, presented a resolution providing for the appointment of a committee to make such examination into the condition of the Bank of the State of North Carolina, as is required by the act of its incorporation; which was read and laid on the table.

Wednesday, Dec. 10.

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

Resolved, That the Treasurer elect be allowed until the first day of January, 1835, to commence the duties of his office; and that the Public Treasurer now in office continue to discharge the duties until that day.

On motion of Mr. Montgomery, of Orange, the committee on the Judiciary were instructed to inquire into, and report to the Senate the propriety and the manner of amending the laws giving the courts of the State jurisdiction in cases of divorce and alimony.

Mr. Montgomery, of Orange, presented a bill to alter and amend the judiciary system of North Carolina. Read the first time and referred.

The proposition of the other House, to refer to a joint select committee so much of the Governor's message as relates to the interest of North Carolina in the public lands, was concurred in, and Messrs. Branch, Spaight, Sawyer, Holmes and Melbane were appointed the committee on the part of the Senate. The said committee, on the part of the House of Commons, consists of Messrs. Henderson, Marsteller, Graham, Daniel and Harper.

Thursday, Dec. 11.

Mr. Carson, from the select committee on so much of the Governor's message as relates to a Convention, to which was referred the bill concerning a Convention to amend the Constitution of the State, reported the same with sundry amendments. The bill and amendments were made the order of the day for Monday next.

The bill to incorporate the Burke County Gold Mining Company, was read three times and ordered to be engrossed.

Mr. Carson presented a bill more effectually to prevent litigation, and to avoid suits in law; which was read the first time and referred.

Friday, Dec. 12.

Mr. Hawkins, from the committee on Internal Improvement, to which was referred the petition of the Petersburg Rail Road Company, reported unfavorably on the same. Concurred in.

Bills presented.—By Mr. Shipp, a bill to incorporate the Lincoln Light Infantry Company, was read three times, passed and ordered to be engrossed. By Mr. Wilson, a bill giving compensation to Sheriffs and Coroners for executing writs of capias ad satisfaciendum in certain cases. Read the first time and laid on the table. By Mr. Wyche, a bill fixing the punishment for the crime of Bigamy. Read the first time and passed.

The bill for the relief of widows in certain cases, was rejected on its second reading.

The bill to subject legacies, distributive shares, &c. to attachment in like manner as other property, was read the second time, and, on motion of Mr. Wellborn, postponed indefinitely—ayes 23, noes 26.

Saturday, Dec. 13.

Mr. Wyche, from the committee on Finance, to whom was referred the resolution allowing compensation to William S. Moon for extra services rendered since the death of the late Comptroller, reported the same with an amendment; which was concurred in, and the resolution, as amended, was read three times, passed, and ordered to be engrossed.

On motion of Mr. Caldwell, a committee was appointed to inquire into the expediency of altering the times of holding the Superior Courts, in certain counties, in the

6th Judicial Circuit; and also of attaching some one county in that circuit to the 4th or 5th circuit. The committee consists of Messrs. Caldwell, Shipp, Dobson, Klatts and Durham.

On motion of Mr. Arrington, the bill to subject legacies, distributive shares, &c. to attachment in like manner as other property, was reconsidered, and laid on the table.

Mr. Hogan, from the Judiciary committee, to whom was referred the bill giving the County Courts authority to abolish the officers of county trustee, and treasurer or commissioner of public buildings, reported the same with an amendment; when the bill and amendment were made the order of the day for Monday next.

Mr. Hogan, from the same committee, reported the bill giving compensation to sheriffs and coroners for executing writs of capias ad satisfaciendum in certain cases, without amendment; when it was also made the order of the day for Monday.

Monday, Dec. 15.

Daniel L. Bateman, the Senator elect from Tyrrell county in the place of Ephraim Mann, deceased, appeared, was qualified, and took his seat.

The consideration of the bill concerning a Convention to amend the Constitution of the State, was postponed until Saturday next.

A message was received from the House of Commons, announcing the death of William Adams, a Member of that House from Guilford county; and proposing the appointment of a joint select committee to make the necessary arrangements for his funeral, and that the members of the Legislature wear the usual badge of mourning for thirty days. The proposition was agreed to, and Messrs. Parker, Dowd and Moye of Greene were appointed the said committee on the part of the Senate.

The Senate then adjourned.

Tuesday, Dec. 16.

Mr. Moye reported against the expediency of reducing the number of commissioned officers in each company. Concurred in.

The Senate proceeded to the orders of the day, and took up the engrossed resolutions instructing Mr. Mangum to vote for expunging a certain resolution from the records of the Senate of the United States.—The resolutions were then read the first time; when Mr. Wilson moved that they be laid upon the table, which motion was not agreed to—ayes 29, noes 35.

Ayes.—Messrs. Baker, Barco, Bateman, Beard, Branch, Caldwell, Carson, Dowd, Fairly, Harrison, Hogan, Kendall, Klatts, Little, Lowry, McMillan, McQueen, McWilliams, Merritt, Most, Montgomery, Mott, Herlihy, Moye, Pitt, Parker, Phelps, Spenser, Shatard, Shipp, Wellborn, Wilson.

Noes.—Messrs. Arrington, Brittain, Burns, Cooper, of Martin, Cooper of Gates, Dobson, Durham, Edmonston, Edwards of Person, Edwards of Warren, Ennet, Flynt, Flowers, Gwyn, Hawkins, Holmes, Howell, Hussey, Kerr, Lindsay, Lockhart, McComick, McLeary Melbane, Montgomery of Orange, Moore, Moye of Greene, Staley, Spaight, Spenser, Stephens, Wilder, Whitaker, Whiteharst, Wyche.

The question then recurring on the passage of the resolutions, it was decided in the affirmative. Mr. Carson moved that the Senate resolve itself into a committee of the Whole House on said resolutions, and that they be made the order of the day for to-morrow; which motion was not agreed to—ayes 30, noes 33. Mr. Sawyer moved that the resolutions be postponed until to-morrow; which motion was not agreed to. Mr. Edwards, of Warren, then moved that the resolutions be read the second time; when Mr. Martin moved to amend the resolutions by striking out the whole except the word "Resolved," and inserting in lieu thereof resolutions of a different character, which will appear in our next paper. The Senate then adjourned until to-morrow, without the question being taken on either of said motions.

HOUSE OF COMMONS.

Tuesday, Dec. 9.

Mr. Guinn presented a bill concerning the liabilities of Sheriffs for claims put into the hands of themselves or their deputies for collection. Read the first time and ordered to be printed.

Mr. Manney presented a bill to construct a central rail road from the port of Beaufort to the Tennessee line. Read the first time, referred, and ordered to be printed.

Mr. Potter submitted the following resolution:

Whereas the State of the currency is a subject of a paramount importance, and demands the most anxious and attentive consideration of the Legislature; and whereas the enactment of laws, either by this Assembly or by Congress, resting the control over the currency in private corporations, is altogether at variance with the Constitution, and destructive to the welfare and independence of the people; and whereas the old currency of North Carolina, consisting of forty-shilling bills, resting on the faith of the State, was the soundest and best we ever had; and the said currency having been suppressed by unwise and unconstitutional legislation, it is expedient that the same be revived.—Therefore

Resolved, That a select committee be appointed to take into consideration the several matters embraced in the foregoing preamble, whose duty it shall be to ascertain the mode and means by which subscriptions for stock have been paid for in the Bank created by the last session of the General Assembly, entitled an act to establish a Bank in the State of North Carolina; that the committee report a plan for securing to the people of North Carolina the benefits of a sound and stable currency; and that, for the foregoing several purposes, the said committee have power to send for persons and papers.

The said resolution was rejected by a vote of 85 to 38.

The debate on the resolution of Mr. Potts was resumed, and continued to a late

hour, when the House adjourned without taking any question on them.

Wednesday, Dec. 10.

The Speaker laid before the House a communication from the Public Treasurer, transmitting official statements of the affairs of the several Banks of this State; which statements were ordered to be printed.

Received from the Governor a message, transmitting the annual report of the Board of Internal Improvement; which report was ordered to be printed.

Bills presented.—By Mr. W. Jones, a bill to incorporate the Montgomerie Gold Mining Company. By Mr. Hutchison, a bill to incorporate the North Carolina Gold Mining Company. Which were read the first time and passed.

Mr. Smallwood, from the committee on Finance, reported against the expediency of increasing the tax on pedlars. Concurred in.

On motion of Mr. Weaver, the committee on the Judiciary were instructed to inquire into the expediency of so amending the law relative to any person, who may wish to evade the payment of any note or negotiable paper under seal by denying the same before any justice of the peace or court of record, that he shall answer upon oath as to the execution of the same.

On motion of Mr. Guinn, the committee on the Judiciary were instructed to report a bill providing that in all applications hereafter for divorces, the cause set forth by the petitioner in his petition to the court as a matter of fact, and if adjudged by a jury to be sufficient, under proper restrictions to divorce from the bonds of matrimony, or only from bed and board, the court shall give judgment accordingly.

Thursday, Dec. 11.

The engrossed bill to divorce Isabella A. Potter from her husband, Robert Potter, was read three times, passed, and ordered to be enrolled.

The House now proceeded to the orders of the day, and again resumed the consideration of the resolutions submitted by Mr. Potts; and the question being on the motion of Mr. Craige to postpone indefinitely the said resolutions, was decided in the negative—ayes 57, noes 71. The question now recurring on the adoption of the resolutions, Mr. Barringer moved to strike out the first resolution, and insert the following: "Resolved, that the sovereignty of the States is in the people thereof; that the Senators in Congress are the representatives of that sovereignty under the Federal Constitution, and that, therefore, the people in their primary assemblies, or by delegates elected for that purpose, have the right to instruct their Senators." Mr. Potts called for a division of the question, and the question being first taken on striking out the first resolution, it was decided in the negative—ayes 55, noes 71. Mr. Outlaw moved to amend by striking out the first resolution, and inserting the following: "Resolved, that the Legislature of North Carolina have no right, unless delegated for that purpose by the people, to instruct the Senators from this State in the Congress of the United States." On motion of Mr. Potts, the question was first taken on striking out the said resolution, and decided in the negative—ayes 53, noes 72. Mr. Harris moved to amend by striking out the second resolution, and inserting the following: "Resolved, that the Hon. Willie P. Mangum, one of the Senators from this State in the Congress of the United States, be, and is hereby informed that his vote upon the resolution declaring 'that the President, in his late Executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both,' does not meet the approbation of North Carolina; and that it is her sovereign will that the said resolution be expunged from the journals of the Senate." On motion of Mr. Potts, the question on striking out was taken, and decided in the negative—ayes 59, noes 69. Mr. Manly moved to strike out from the first resolution the words, "acting as the representative of the people of the State;" which motion was not agreed to—ayes 57, noes 70. The question was then taken on the adoption of the resolutions separately, and decided in the affirmative. They were then ordered to be engrossed, and sent to the Senate for concurrence.

The vote on the first resolution, which will be found in another part of to-days paper was—ayes 99 to 28 noes.

Mr. Long now moved an amendment to the resolutions, which the Speaker deemed to be out of order, as the question had been already put on the adoption of the whole resolutions—the voting of the House on each resolution separately not having changed the question. From this decision Mr. Long appealed to the House, which sustained the Speaker's decision by a vote of 84 to 42.

The vote on the second resolution was as follows:

Ayes.—Messrs. G. H. Alexander, Allison, Bedford, Boddie, Bragg, Basswell, Brown, Bynum, Byrum, Caswell, Carter, Coor, Cotton, Daniel, Davis, Dexton, Fort, Foshee, Fouches, Frink, Fitzmaurice, Ginn, Gwynn, Hamrick, Hawkins, Harrison, Harby, Haywood, Hill, Hoke, Houlder, Holtziron, Irion, R. Jones, W. Jones, Jordan, Juckett, Kenan, Latham, Lee, Lyon, Macklin, Marsteller, McNeil, McRae, Miller, Farris, Patton, Potts, Powell, Pugh, Redick, Register, Roebuck, Sanders, Sloan, J. L. Smith, S. Smith, Stockard, Tatham, Taylor, Tompkinson, Wadsworth, Walker, Waugh, Weaver, Whitfield Williamson, Witcher, Ziglar—69.

Noes.—Messrs. Albrighton, R. H. Alexander, Baker, Barringer, Battle, Bell, Blatchford, Blum, Bray, Brumfield, Clement, Clark, Craiger, Crump,