

may be necessary in other cases, it ought not to weigh much upon the decision of the house as to the best organization of the other branch—its importance swells far above it; but he thought it might, with propriety, urge the impediment that multitudes in a deliberate body presented to the dispatch of business. Take the Senate and the House of Representatives, and compare their relative dispatch of business, and the history of the two branches informs us, that it has been at least in an inverse proportion to their numbers; I will not say that business is better done by this body, because it might be esteemed invidious. As to the precise number of which a deliberate body should be composed, to secure the wisest counsels, it is obvious there is no definite rule by which to govern it. We all agree upon the extremes—there may be too few or too many. If the body be so small as to enable the members to coalesce with impunity, no one hesitates to say, that the organization is vicious; on the contrary, if so multitudinous that a portion only can deliver their sentiments, and a few only hear, it is any thing but a deliberate body, in the just sense of the word. It has been remarked by a wise man, "Had every Athenian citizen been a Socrates, still every meeting of the Athenian People had been a mob." The happy medium between these extremes should be the object of inquiry. Happy will be the man to whose superior genius the secret shall be revealed. In the absence of this guide, we must content ourselves with the best lights we possess. If we were to decide on the number best calculated for a deliberate body, without reference to other considerations, the number now composing the Senate would be esteemed sufficient; but we are constrained to mix other considerations, namely, the necessity of such an intimate connexion between the representative and his constituents as will enable the former to become possessed of the feelings and views of the latter, by which he will be enabled successfully to fulfil the object of his appointment. Both considerations being entitled to great weight, the number prescribed must be influenced by both. But it is our peculiar happiness, from the fortunate arrangement of our institutions, that the necessity which dictates a very intimate connexion between the representative and his constituents, does not apply so strongly to the House of Representatives as to ordinary legislatures, to whom belongs the whole range of legislation. All the local subjects connected with municipal legislation are wisely assigned to the states. The subjects to be acted upon by the House of Representatives are of a national character, and necessarily of a general nature. The election districts, in the former case, may, therefore, be comparatively small; in the latter as extensive as a just regard to a consideration before alluded to will permit. And how infinite will be the advantage resulting from enlarging the sphere of selection! A candidate will then attract consideration only by his distinguished character for talents and patriotism. All the arts of personal solicitation will become unavailing, and the hero of the cross-roads and petty musters will recede from the contest.

There is a recommendation in favor of the smallest number consistent with the great principle of representation, growing out of our peculiar form of government. As you multiply the number of the House of Representatives, you give to it more the form, and eventually more of the character of a national, in contradistinction to a federal, government.

The immense influence of five hundred distinguished citizens, or a thousand, if to that point we should ever progress in the House of Representatives, diffused through every part of the republic, must be readily admitted. To prescribe its limits would be almost impracticable. To those who see, or think they see, a tendency in our government to consolidation, this argument, it is believed, will not be used in vain.—The number should be fixed by the Constitution: it should not be the result of a conflict every ten years. Let your former experience proclaim to you in language stronger and more impressive than any individual can employ, the indispensable necessity of a constitutional provision. It is not recollected by all who have been actors or eye-witnesses to the scene, that members will look at home for the rule of their decision? It is but too frequently the case that the abstract question of what is best, is lost in the selfish one of what will be our fraction in the state. Nor is this all. A member who has a little snug district where he has long walked over the course without a rival till his vanity has whispered him he has a freehold estate, is somewhat unwilling to enlarge it, by which he may introduce a successful rival.

Mr. B. trusted he did not entertain a too unfavorable view of mankind—there was nothing in his nature that led him that way—nor was he disposed to speak harshly of them—but the truth ought not, on a subject like this, to be disguised; and a man ought to speak out, when it is necessary to speak intelligibly. No, sir, in deciding on the great question of the best organization of the House of Representatives, the mind should come free and unbiassed to the decision, with an ex-

clusive eye to its influence on the future destinies of our country. Nor are we alone interested in the decision. It is interesting to all mankind. The principle of representation is looked to by the philanthropist as the living spring of political reformation. The eye of all nations is upon us. Let the hireling scribblers of despotism arraign our vanity for believing that we are charged with the future hopes of mankind. For his part, Mr. B. said, he would never cease to cherish the proud reflection, and on all proper occasions to proclaim it, that, by our example, we had emancipated from bondage one hemisphere, and materially ameliorated the condition of the other. For, is any man such an infidel as not to believe that the efforts for liberty now making in the other America had their origin in our example, or that the great political drama which has been acted on the face of Europe for the last thirty years, does not claim the same descent? One among the most distinguished men Europe ever produced, proclaimed, contemporary with the French revolution, that the reform which had been banished from England to America was seen to advance, like the shepherd lad in holy writ, and overthrow Goliath—it returned riding on the wave of the Atlantic, and its spirit moved on the waters of Europe.

Let the despots combine against human freedom, and impiously baptize their alliances holy. If we can hold on in the splendid career we have commenced, the march of freedom cannot be stayed. Its progress may be temporarily arrested by their accursed machinations, but, sustained as it is, by the wishes of heaven and of earth, its triumph must be as certain as it will be glorious.

Mr. B. concluded, by remarking that he would not now further engage the attention of the Senate, as he would not permit himself to believe that any opposition would be made to the leave which he had asked. He would retain for the final discussion some other views which he had intended to have given.

Mr. Johnson, of Kentucky, having obtained leave, introduced the following resolution, proposing an

AMENDMENT OF THE CONSTITUTION:
Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendment to the constitution of the United States, be proposed to the legislatures of the several states, which, when ratified by the legislatures of three-fourths of the states, shall be valid to all intents and purposes, as part of the said constitution:

"That, in all controversies where the judicial power of the United States shall be so construed, as to extend to any case in law or equity, arising under this constitution, the laws of the United States, or treaties made or which shall be made under their authority, and to which a state shall be a party; and in all controversies in which a state may desire to become a party, in consequence of having the constitution or laws of such state questioned, the Senate of the United States shall have appellate jurisdiction."

When he yesterday gave notice of his intention to make his proposition, Mr. J. stated that it had originated from serious consequences which had lately taken place between several of the States and the judiciary of the United States. More especially a late decision of that Court which had declared unconstitutional a certain act of the Kentucky Legislature, called the Occupying Claimant Law, which would overturn the deliberate policy of the state for upwards of ten years past, the object of which was the settlement of conflicting land claims, which had been a serious evil to the prosperity of the State, and, if persisted in, would produce the most disastrous consequences in giving rise to much litigation where questions had been settled for years, and put every thing except landed property into the greatest confusion. He stated that no common consideration would ever induce him to propose an amendment to the constitution, but he considered the causes which had induced him to ask leave to propose this amendment, of no ordinary magnitude; he was not prepared to say that this was the best remedy that could be proposed, but he would say, that it was the duty of Congress to look into the matter before the subject assumed a more serious character, and it was for that object that he determined to introduce the amendment.

On offering this resolution to-day, Mr. J. further said, that on yesterday, when he had given notice to the Senate that he would ask leave to introduce the amendment to the constitution on a subject so vitally important to the harmony of the United States, he did not know, nor did he have the most distant intimation, that he should be anticipating the wishes of the Kentucky Legislature—the body which he had the honor in part to represent. But he was happy to discover that a resolution had been introduced into the Legislature of that State, declaring, that the Senate of the United States, or some other tribunal should be created to take appellate jurisdiction in cases where a State is concerned in judicial controversies in the Courts of the United States. He expressed a most decided preference for the Senatorial body, where all the States were equally represented; and

whatever was thus decided, without the trouble or expense of another tribunal, would be likely to quiet public excitement where a State considered her rights violated by the judgment of the federal judiciary.

Mr. Barbour, of Virginia, rose, as he said, to second the motion of his honorable friend—not from any apprehension that opposition would be made to the leave asked, because that would be a departure from the comity universally manifested to every member who tendered for consideration a subject of interest, but merely to bear testimony to its importance, and to the necessity that exists of a thorough investigation of the subject. There are, said he, other decisions which have been made by the Supreme Court, beside the decision on the occupancy law, alluded to by his friend, which have produced considerable excitement, and to allay which, if practicable, well becomes the wisdom of the Senate. I am very far from expressing an opinion for or against the proposed amendment. In a case of such consequence, opinions ought to be formed only after the most serious deliberation. That an evil exists in the collisions between the constituent members of our Union and the federal authority, as to the sphere of the powers of the latter, must be admitted, and is a just subject of deep regret. The investigation growing out of the proposed resolution may eventuate in its rejection, as being more inconvenient in its consequences than the constitution as now construed; or, on the other hand, it may be adopted as an effectual remedy to the existing evil—or, perhaps, by eliciting the whole wisdom of the Senate on this interesting subject, some other plan may be devised that will obviate the existing difficulties, give satisfaction to those now disquieted, and restore that confidence and good will on which alone, to any beneficial result, our institutions must rest.

The resolution was twice read by general consent; and, on motion of Mr. Holmes, of Maine, it was made the order of the day for the second Monday in January.

NORTH-CAROLINA LEGISLATURE.

Captions
Of the Laws enacted by the Legislature of N. Carolina, at its session in 1821.

PUBLIC ACTS.

1. An act to repeal an act passed in the year 1820, entitled "an act to provide for the payment of costs when a slave is convicted of a capital crime."
2. An act to amend an act passed in the year 1820, entitled an act granting further time to perfect titles to lands within this state. [Allowed till 1st January, 1823, to perfect titles.]
3. An act directing a Court of Oyer and Terminer to be held for the county of Craven. [The Governor is empowered to issue a commission to some one of the Judges to hold a court in January next.]
4. Supplemental to an act passed at the present session of the General Assembly, entitled an act directing a Court of Oyer and Terminer to be held for the county of Craven. [Provides that if the Judge shall not attend during the three first days, his commission shall expire.]
5. An act to alter and regulate the sittings of Camden County Court. [Alters the time of holding the Court to the seventh Monday after the fourth Mondays in March and September.]
6. An act to annex part of Bladen to Columbus county. [Appoints David Gillespie and Samuel B. Andrews of Bladen, Wm. Gore and L. R. Simmons, Commissioners.]
7. To amend an act, entitled an act to amend an act passed in the year 1816, entitled an act concerning the navigation of Tar River. [Sale of stock to be made in Louisburg.]
8. To amend the first section of an act passed in 1815, entitled an act concerning the Navigation of Cape Fear.—[Alters the place of selling the stock to Fayetteville.]
9. To amend the 1st section of an act passed in 1816, entitled "an act concerning the Navigation of Catawba river."—[Sales of Stock to take place hereafter in Lincolnton.]
10. To repeal part of the act of last session of the General Assembly, respecting the courts of pleas and quarter sessions of Pitt and Beaufort counties.
11. To alter the time of holding two of the courts of pleas and quarter sessions of the county of Burke.
12. For the better regulation of the courts of pleas and quarter sessions of Mecklenburg.
13. To alter the time of holding the superior courts of law and equity for the county of Haywood, and the superior courts of law and equity and courts of pleas and quarter sessions of Buncombe.
14. To repeal part of an act passed in the year 1816, entitled "an act to compel retailers of spirituous liquors by the small measure, to take a license from the county court, and for other purposes."
15. Making the affirmation of the people called Dunkards, evidence in criminal cases.

16. To keep open Ivey River, in Buncombe county, up said river as far as Carter's Mills.
17. Concerning the county court of Person county.
18. To provide a Revenue for the payment of the civil list and contingent charges of Government, for the year 1822. [The tax on lands and polls the same as last year—the tax on pedlars \$20—on pedlars on navigable waters \$50—on merchants from 6 to 25 dollars, according to their capital, to be paid in April, and a license taken out—on billiard tables 200 dollars—stage players, &c. 30 dollars in every county—10 dollars on every slave brought from another state for sale—1000 dollars on every Broker, or exchange or lottery office—5 dollars on every turnpike road or toll gate.]
19. To alter the times of holding the courts of pleas and quarter sessions of Carteret county.
20. To amend the acts making provision for the poor.
21. To alter the time of holding the superior courts of law and equity for the counties of Carteret, Jones, Greene and Lenoir, and to alter the times of holding the courts of pleas and quarter sessions of the counties of Jones and Craven.
22. To consolidate into one, the several acts of the General Assembly of this state, relative to the appointment of Trustees of the University, for the government thereof, and for other purposes.
23. An act to authorize the distribution of copies of the late revision of the laws of North-Carolina, made under the authority of an act passed in the year 1817, entitled an act for the revision of the acts of the General Assembly.
24. An act respecting the Courts of Pleas and Quarter Sessions, for the counties of Wake, Beattie and Franklin.
25. An act directing the time and place of sales of Lands and Negroes under Execution. [At the Court House in each county on any Monday, in each week, or for want of time on the succeeding day or days.]
26. To explain and to amend an act passed at the last General Assembly, entitled an act limiting the time within which judgments before a Justice of the Peace may be revived. [Three years is the time limited.]
27. To promote the administration of justice. [Giving power to a Judge to remove any case to an adjoining county, on sufficient cause being shewn.]
28. Regulating the fees of Notaries.—[The fee of the Notary is hereafter to be 25 cents only.]
29. Imposing an annual tax on Stud Horses and Jack Asses. [The tax is the price paid for the season of one mare.]
30. To amend an act passed at the last Session of the General Assembly, entitled an act prohibiting white men from cultivating the lands reserved to the Cherokee Indians. [This act provides that purchasers of reserved Indian lands may purchase the rights of such Indians.—Penalties incurred by purchasers remitted.]
31. To amend an act passed in 1819, entitled an act directing a road to be laid off and opened from the town of Fayetteville to Morganton in Burke county, and also an act amendatory thereto, passed in 1818.
32. To increase the salary of the Secretary of State, and for other purposes.
33. To amend an act passed in 1777, for establishing courts of Law, and for regulating proceedings therein. [Directing the manner in which appeals, &c. from County Courts shall be taken.]
34. An act to amend an act, entitled an act to re-enact and amend an act, passed in the year one thousand eight hundred and sixteen, entitled an act to incorporate a company, to be called the Clubfoot and Harlow's Creek Company, and to increase the capital stock of said Company. [Books to be opened for subscribers not exceeding 240 shares of 100 dollars each, with those already subscribed. The State to subscribe for any number of shares, not exceeding 50.]
35. An act providing further punishment for harboring or maintaining runaway slaves. [Persons enticing Slaves to runaway, in addition to the present penalty, shall be subject to indictment.]
36. An act for incorporating a company to deepen the swash, called Blair's Channel, in Pamlico Sound. [Stock to be 50,000 dollars, in shares of 100 dollars each, to be under the management of five Directors.]
37. An act to amend an act passed in the year 1820, entitled an act to improve and repair the Turnpike road lately owned by Nathan Horton, in the county of Wilkes. [Authorizing the calling of hands to work on the road, and payment of 1000 dollars, from the fund appropriated for Internal Improvements.]
38. To enable infants who are seized or possessed of estates in fee in trust, or by way of Mortgage, to make conveyance of said estate. [By petition and order of court.]
39. To provide for the execution of process when there shall be no proper officer in the county to do the same. [The Judge may authorize an officer in an adjoining county for the purpose.]
40. To incorporate the Roanoke Inlet Company, and for other purposes. [The stock is to be 200,000 dollars, for opening

- the Inlet, in shares of 100 dollars each.]
41. To repeal an act passed at the last session for the relief of Honest Debtors.
42. For the relief of Insolvent Debtors. [Which provides that creditors shall pay the prison expenses of his debtor for the first 20 days.]
43. To alter the time of holding the Superior Court of Martin County.
44. An act for the better regulation of the County Courts of Buncombe.—[A majority of the Justices required to elect five of their number to hold the County Court. Three to be competent to transact any business—to be paid \$2 per day.—The act to go into effect immediately.]
45. To amend an act passed in 1816, entitled an act 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.
46. To amend an act passed in the year 1820, entitled an act for the purpose of aiding the opening the state road from Jonathan Woody's blacksmith shop to the Tennessee line, in the counties of Wilkes and Ashe.
47. Making it an indictable offence to injure or deface the statue of General Washington.
48. To confirm the boundary line between this state and the state of Tennessee, and for other purposes.
49. To amend an act passed in the year 1796, entitled an act to remedy certain inconveniences arising under the present land laws.
50. To extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift.
51. An act to authorize the employment of an Architect for the State. [1600 dollars per year allowed him.]
52. An act to amend the act of 1784, to prevent the exportation of unmerchantable commodities. [Defines the kind of Lumber that is merchantable.]
53. To provide a fund for Internal Improvement. [Gives the Dividends on the stock owned by the State in the Newbern and Cape Fear Banks.]
54. An act to promote the Administration of Justice in this State, by requiring the production of papers in certain cases.
55. To compel the due execution of process by sheriffs and coroners.
56. To repeal an act passed in 1819, concerning militia fines and forfeitures.
57. An act respecting the arrangements of the circuits, among the judges of the superior courts.

PRIVATE ACTS.

An act to incorporate the Rowan and Morganton Agricultural Societies, and for other purposes.

Concerning the Poor House in the County of Rowan.

To increase the number of Jurors in the Superior Courts in the county of Lincoln, and for other purposes. [The number to be increased to 48.]

An act to amend an act passed in 1815, entitled "an act to authorize the County Court of Montgomery to appoint a Committee of Finance to settle with the officers of said county therein mentioned."

An act to authorize Paul Barringer to erect a gate across a public road.

To incorporate the Rutherford Agricultural Society.

Regulating the duties of the County Trustees of Randolph county.

To incorporate the Union Library Society, in the county of Iredell.

To authorize Daniel Jarris, of Surry, to erect a gate, &c. &c.

To incorporate the Lincolnton Female Academy.

To compel the clerks of the superior and county courts of Surry, to keep their offices at the court house.

Authorizing the laying off more lots in Lincolnton, and other purposes.

To compel the register of the county of Mecklenburg to keep his office at the court-house, in the town of Charlotte.

To amend an act passed in the year 1811, entitled an act directing how Patrollers shall in future be appointed in Mecklenburg county.

To incorporate the Lincolnton Fire Engine Company.

To establish the Spring Grove Academy, in the county of Anson, and to appoint and incorporate the Trustees thereof.

Concerning the town of Salisbury.

To repeal part of an act passed in the year 1820, entitled, an act to repeal an act passed in the year 1819, authorizing the commissioners of the town of Morganton to sell certain parts of the public square in the said town, and for other purposes; and to repeal an act passed in 1818, appointing commissioners to sell certain lots and town commons in the town of Morganton, and for other purposes.

To authorize the Smoky Mountain turnpike company to extend their turnpike road from the line of Tennessee to the mouth of Soco Creek, in Haywood county.

To alter part of the road laid out according to the act of Assembly of 1817, c. 30, from Fayetteville to Morganton.

To incorporate a Male and Female Academy in the town of Charlotte, in Mecklenburg county.

To incorporate the Morganton Agricultural Society.

To authorize Miner Smith and Lucy