

North Carolina Legislature.

SENATE.—Monday, Dec. 30. Mr. Lindsay, from the Committee on the Literary Fund, reported a bill to consolidate and amend the Acts heretofore passed, on the subject of Common Schools.

On motion of Mr. Speight, the vote by which was passed the bill more effectually to prevent the imprisonment of honest debtors, was reconsidered.

The bill was then read again and passed—Ayes 25, Nays 23.

The Senate took up the bill authorizing the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of \$100,000, to redeem a like amount of Bonds, issued under the Act, entitled an Act for the relief of the Wilmington and Raleigh Rail Road Company.

Mr. Cameron moved to amend the bill, by adding to the 1st Section, the following Proviso: "Provided, That in addition to the mortgage which the State has upon the Road, the Stockholders in said Company, shall give their individual Bonds to the State, in a sum of sufficient to cover the liabilities of the individual Stockholders, for the amount which the State has already advanced on account of the said Road, and for their proportion of the amount as Stockholders in said Company, the State is now liable for, with the accruing interest."

This amendment effected considerable debate, which was pending, when the Senate took a recess until 3 o'clock.

EVENING SESSION. The Senate continued the discussion on Mr. Cameron's amendment to the bill relating to the Wilmington and Raleigh Rail Road Company, which was, after some time spent thereon, adopted by the following vote:

YEAS—Messrs. Albright, Beale, Boyden, Cameron, Dockery, Edwards, Elliott, Francis, Haisey, Helms, Hester, Hoke, Holmes, Joffrey, Melvin, McMillan, Pearson, Reich, Speight, Stallings, Stovall, Thompson, of Wake, Tomlinson, Walker, Wilson, 26.

NAYS—Messrs. Briggs, Boyd, Cowper, Drake, Eaton, Etheridge, Ewing, Gwynn, Haggrave, Hester, H. H. Holmes, Joffrey, Melvin, McMillan, Pearson, Reich, Speight, Stallings, Stovall, Thompson, of Wake, Tomlinson, Waddell, Walker, Wilson, Worth—21.

The bill was then rejected by the following vote: YEAS—Messrs. Albright, Beale, Boyden, Cameron, Dockery, Edwards, Elliott, Francis, Haisey, Helms, Hester, Hoke, Holmes, Joffrey, Melvin, McMillan, Pearson, Reich, Speight, Stallings, Stovall, Thompson, of Wake, Tomlinson, Walker, Wilson, Worth—21.

YEAS—Messrs. Albright, Beale, Boyden, Cameron, Dockery, Edwards, Elliott, Francis, Haisey, Helms, Hester, Hoke, Holmes, Joffrey, Melvin, McMillan, Pearson, Reich, Speight, Stallings, Stovall, Thompson, of Wake, Tomlinson, Walker, Wilson, Worth—21.

HOUSE OF COMMONS. Mr. Mills from the Finance Committee, reported the following Resolution, which was read the first time and passed:

Resolved, That the Public Treasurer be and he is hereby authorized to borrow from the fund set apart for Internal Improvement, the Literary Fund, or from either of the Banks in this State, such sum of money, from time to time, at six per cent interest, as may be necessary to meet the proper charges authorized by law against the State, until the next meeting of the General Assembly. Provided, That the amount so borrowed, shall not exceed one hundred and fifty thousand dollars, and provided further, that the sum or sums borrowed under the authority of this Resolution, shall be repaid by the Public Treasurer, as soon as the Treasury shall be in a condition to enable him to do so.

Mr. Mills moved that said Resolution be read the second time, which was agreed to.

Mr. Ellis said, he was willing to borrow money to meet the liabilities of the State, which will fall due on the 1st January, 1845, but he was opposed to extending the authority under the Resolution, to meet other liabilities subsequently, he would rather see some permanent proposition, by levying a tax to pay the debts. He therefore called for the YEAS and NAYS.

Mr. Mills said, he could not account for the opposition of the gentleman from Rowan. He is willing to meet the present liabilities, but will not extend the authority of the Treasurer to borrow money to preserve the faith and credit of the State, after the first of January, 1845. Is the credit of North Carolina worth preserving now? Then it will be equally important to preserve it on the first of January, 1845, and on this good old State, on the first of January, 1845, and throughout all time to come. Sir, if reputation ever be resorted to in North Carolina, (God forbid it ever should) why not commence it now? Where is the necessity for cherishing and holding sacred the honor of the State for a day or a year, if it is to be abandoned or abandoned, and not worth preserving the next day or the next year. Why, sir, North Carolina becomes dearer to me every day of my life; and the longer we preserve her fair fame from even the breath of suspicion, the deeper would I deplore that she should be degraded, in the slightest degree, from that high character hitherto so nobly sustained. I trust, in all that is sacred to man and State, that the time may never arrive, in 1846, or any other time, when we, the representatives of an honest people, shall suffer the State to be dishonored. But, says the gentleman, lay a tax to extinguish the debt. Why, then, dear Sir, I am willing to deplore that we preserve the faith of the State, in all time to come, as this Resolution and it is safe. North Carolina will still occupy that high and enviable position which she now maintains among the States of this Union, and we shall have the high consolation of being the sons and faithful representatives of the proud State of North Carolina, rising in triumph over every difficulty, with a character as pure and unimpaired as it was when confided to our hands.

Mr. Jones of Currituck, remarked, as one of the Finance Committee, that he did hope this Resolution will pass. He was decidedly against re-levating, and for one, so long as there is a shot in the locker, he would vote it out to save her from this disgrace, and when she has nothing left in her Treasury, he would give the breach his gun.

Mr. Ellis perceiving he could not bring his party into the opposition to this Resolution, withdrew as called for the YEAS and NAYS. There was one, however, (Mr. Barnes of Edgecombe) who had not as much foresight as Mr. Ellis in the matter, and renewed the call for the YEAS and NAYS and read himself and Mr. Fleming the only two voting against its adoption. Mr. Ellis himself voting in the affirmative.

On motion, the said Resolution was read the second time and passed and ordered to be Engrossed. Mr. Mills from the same Committee reported a bill to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of \$100,000, to redeem a like amount of Bonds issued under the Act entitled an Act for the relief of the Wilmington and Raleigh Rail Road Company; ordered to be printed and made the special order of the day for to-morrow at 12 o'clock.

The Speaker laid before the House a communication from His Excellency the Governor, transmitting the resignation of George E. Badger, as a member of the University of North Carolina.

The said resignation was read and accepted, and ordered to be sent to the Senate.

The bill extending the time for perfecting claims to lands heretofore entered was read the third time, passed and ordered to be Engrossed.

Mr. Kirk who voted in the majority on the question by which the Bill to locate the residence of Judges of the Superior Courts hereafter to be elected, was rejected, now moved that the House do reconsider that vote. Mr. R. T. Payne moved that this motion to reconsider do lie on the table, and this motion prevailed.

A communication was received from His Excellency, the Governor, upon the subject of a correspondence printed by order of the Senate, between himself and John H. Wheeler, Public Treasurer.

Mr. Cherry moved that the said communication be sent to the Senate, with a proposition that it be printed and referred to a Select Committee, consisting of three on the part of each House.

Upon this motion, a discussion arose, pending which, the House took a recess until 3 o'clock.

EVENING SESSION. On motion of Mr. Hayes, Resolved, That the Judiciary Committee be instructed to inquire into the expediency of amending the law, as to give to any two Justices of the Peace of this State, jurisdiction of all cases of Assault and Battery or Affrays in their respective Counties, and that they report by bill or otherwise.

The House resumed the consideration of the subject in which it was engaged on taking recess, it being on referring the communication of His Excellency, the Governor, to a Select Committee.—Mr. Cherry being entitled to the floor.

[As this debate has been greatly misrepresented in the Standard, the excellent Speeches of Messrs. CHERRY and PAYNE shall appear hereafter.]

SENATE.—Tuesday, Dec. 31. Mr. Cameron, from the Joint Select Committee, raised to offer some testimonial of respect to the late Judge Gaston, made the following Report, which was unanimously adopted and ordered to be spread upon the Journal:

The Committee to whom was referred the resolution, in relation to the death of the late William Gaston, have had the matter under consideration and have instructed me to make the following report: The Legislature of North Carolina in General Assembly convened, have lamented the death of our late Judge Gaston, one of our most distinguished citizens has died.

On the 21st of January last, William Gaston, one of the Judges of the Supreme Court of North Carolina, after a illness of a few hours, departed this life.

The General Assembly of the State, from the unusual character and most noble worth of this distinguished citizen, is conscious that no acts or words can express their deep veneration for his character, or their sorrow for his irreparable loss. "Storied men or annals lived" cannot render us more sensibly of his exalted worth, for this is impressed deeply on every heart. Lately baptized in the blood of his distinguished ancestor, who fell in the revolutionary struggle of our country, he was early impressed with an abiding love of his native State, and devoted the whole energies of his rich disciplined mind to its service.

In all the varied stations of importance to which he was called by the confidence of his Fellow Citizens, he devoted his untiring energy, all the powers of his mind to the promotion of the public weal.

As a man, he was exemplary in all the relations of life—a devoted husband—an affectionate father—a Statesman, he was pure and patriotic—the honor of his country, was the chief object of his heart—as an advocate, he was faithful and zealous—as a Judge, he was learned and impartial, and he died, as the whole of his life had been spent, in the service of the State.

When such a man dies, the State may well mourn. The sensation caused by his death testified the estimation in which he was held by his countrymen.

Nothing could exceed his long, bright and glorious career in life, but the tranquil manner in which he left it.

We are informed by the proceedings of the Supreme Court on the unusual occasion of his death, that at the moment of his dissolution, he was cheerful, and his conversation unobscured. Full of years and full of honors, he left without a struggle or a murmur, a world of glory, and an eternity of glory. Truly was it said by one who knew him well, that he was "a good man and a great Judge."

The General Assembly of the State of North Carolina feel their inability to express their own feelings and those of their constituents in view of the loss which the State has sustained, yet they deem it due to the memory of departed talents and gratitude for his long and faithful services, to offer the following resolutions:

Resolved, by the General Assembly of the State of North Carolina, That in the death of William Gaston one of the Judges of the Supreme Court, the State has experienced a loss of one of its most patriotic citizens, a faithful public servant and a learned and impartial Judge.

That in the course of a long and varied life, his bright career is left to us an example worthy of all imitation, and his unaltered character one of the brightest jewels of the State.

That the Governor of the State transmit a copy of these Resolutions with the Preamble, to the family of the deceased, and that they be spread on the Journals of both branches of the General Assembly.

Mr. Boyden introduced a bill proposing an amendment to the Constitution of the State. [Proposes to elect by the People a Lieutenant Governor, who is to be President of the Senate.]

The bill more effectually to secure the debts due for Cherokee bonds; and to facilitate the collection of the same, was read the second time, amended by motion of Mr. Francis, and passed—Yeas 21, Nays 22. And.

On motion of Mr. Francis, it was read the third time, passed and ordered to be Engrossed.

The bill to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia, was read the second time.

Mr. Woodfin made an able and eloquent speech in advocacy of the bill.

Pending the question, the Senate adjourned until 3 o'clock.

EVENING SESSION. The Senate took up the unfinished business of the morning, being the bill to lay off and establish a Turnpike Road. The bill was rejected by the following vote:

YEAS—Messrs. Albright, Beale, Boyden, Cameron, Dockery, Edwards, Elliott, Francis, Haisey, Helms, Hester, Hoke, Holmes, Joffrey, Melvin, McMillan, Pearson, Reich, Speight, Stallings, Stovall, Thompson, of Wake, Tomlinson, Walker, Wilson, 27.

NAYS—Messrs. Briggs, Boyd, Cowper, Drake, Eaton, Etheridge, Ewing, Gwynn, Haggrave, Hester, H. H. Holmes, Joffrey, Melvin, McMillan, Pearson, Reich, Speight, Stallings, Stovall, Thompson, of Wake, Tomlinson, Walker, Wilson, 27.

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questioning the payment of the amount due under the deposit act, was taken up.

Mr. Biggs moved to amend the Preamble and Resolutions, by striking out all after the word "Resolved" and insert as follows:

Resolved, That the General Government is now in debt about twenty-four millions of dollars, and whereas, it appears by the late Message of the President of the United States, that there will be in the Treasury of the United States at the close of the fiscal year, about seven millions of dollars which has unnecessarily accumulated and is applied to the payment of high Tariffs, but which can be applied to the benefit of the national debt by the creation of a sinking fund for that purpose, and to unnecessary surplus in future can be prevented by a reduction of the taxes according to the recommendation of said message, and the report of the Secretary of the Treasury; and although the present General Assembly is somewhat embarrassed in consequence of payments made and to be made for Rail Roads, yet North Carolina is willing and able, as she has always been, to meet her own liabilities without supplanting the General Government for relief.

Best Measure Resolved, That the Senators from this State be instructed and the Representatives requested by their most ardent exertions to reduce the present Tariffs to what the Government economically administered, and to apply any surplus in the Treasury to the extinguishment of the present national debt.

Mr. Joffrey was addressing the Senate, in advocacy of this amendment, when he gave way for a motion to adjourn.

HOUSE OF COMMONS. Mr. Guthrie, from the Joint Select Committee on the Literary to whom was referred the Memorial of the Synod of North Carolina, in relation to sending a special Agent to Europe, to procure copies of Official Documents relating to the History of the State, reported that it is not expedient at this time to make an appropriation for this purpose. The Report was concurred in.

On motion of Mr. Mills, the House proceeded to the unfinished business in which it was engaged on the last adjournment. Whereupon, it was ordered that the said Communication of His Excellency the Governor, be transmitted to His Excellency the Governor, to be transmitted to the Senate with a proposition that it be printed, and referred to a Joint Select Committee of three on the part of each House.

The bill to authorize the foreclosure of the mortgage of the Raleigh and Gaston Rail Road Company was read the third time.

On motion of Mr. Barnes, of Northampton, the bill in the 9th Section was filed up with the sum of \$100,000.

On motion of Mr. Melrose, the 6th Section was amended by striking out the President of the Bank of the State, and the Cashier of the Branch of the Cape Fear Bank at Raleigh, so as to leave the Governor, Treasurer and Comptroller to constitute the Board, as mentioned in Section 4th.

Mr. Walter moved to amend the 8th Section the following proviso: "Provided, That the Governor shall not sell the Road for a less sum than the State bids for the same."

This amendment was opposed by Messrs. Ellis and Graves, on the ground that if within two years, the State should become the purchaser, could not sell the Road for the sum bid in, they rather than make an appropriation for repairs, would sell the Road for \$100,000.

Mr. Graves was cut short in his remarks by Mr. Wilber withdrawing his amendment, remarking, that he perceived it received no favor from any quarter. The bill then passed its third reading—Yeas 63, Nays 49.

The bill to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of \$100,000, to redeem a like amount of Bonds issued under the Act, entitled an Act for the relief of the Wilmington and Raleigh Rail Road Company, was read the second time.

Mr. Fleming moved to amend the Bill by adding after the 1st Section, the following: "Provided, That before endorsing said Bonds, the Treasurer, the Stockholders shall give Bond and Security for the indemnity of the State against all loss, in consequence of such endorsement, to be approved by the Governor."

Mr. Munn in reply, said, he hoped the amendment proposed by the gentleman from Vance, requiring the private Stockholders to secure their individual bonds to secure the payment of the Company, would not prevail, because he believed that the effect would be to defeat the bill. If they were now going to guarantee a new loan for that Company, he would give for the amendment, or for any other indemnity necessary to secure the State against the possibility of loss; but, Mr. Speaker, this bill proposes to create a new debt, to incur a new liability on the part of the State, and is already bonded for the redemption of the Bonds of the Wilmington and Raleigh Rail Road Company, and the only question now, is one of time. It will be recollected, that under the Act of 1841, the State guaranteed the Bonds of that Company, to the amount of three hundred thousand dollars, (\$300,000) the interest on said bonds has been regularly and promptly paid by the Company up to this time—\$240,000 of the principal has been discharged, and the remainder of the Bonds would have been redeemed as they became due, had it not been for the heavy losses which the Company has sustained by fire and unavoidable accidents within the last two years. He alluded to the destruction of a Steam Boat, and the burning of a Depot and other property, to the amount (he believed) of \$100,000, to the rebuilding of which the proceeds of the Road have necessarily been applied. In consequence of which, the State has been compelled to redeem a large amount of those Bonds, on which, however, the State has not paid the interest. Fifty thousand dollars of said Bonds fall due to-morrow, and a like sum on the first of January, 1845, which the State will be called upon to redeem, and that too, without the means in the Treasury to do it. Now, sir, said Mr. Munn, the object of this bill, is simply to extend the time of those two payments to January 1st and 1st. Will it not be good policy on the part of the State, to consent to the indulgence, if any gentleman on this floor, who has read the Reports and statements of the President of that Company, made to the present General Assembly, could for a moment that the Road will still continue to pay the interest on those Bonds? Have we not every assurance, that with the indulgence asked for, that they will be able to meet the principal likewise? But, sir, should the Company fail, we are in no worse condition—we can but pay the debt at last, and that we are already bound to do, without the means to do it with. He asked gentlemen to take the matter to themselves, and see how a prudent man would manage his own private affairs, in the indulgence, to place himself in a situation to meet it without embarrassing your own condition? Would not every prudent man adopt the latter alternative? This, sir, is our condition now; it is even a stronger case than that. The State is bound for the redemption of those Bonds, under the Act of 1841; an Act for which he voted. If the State is in difficulty, we placed upon there, and the responsibility of that Act rests upon us, and those with whom we voted. He deduced no responsibility. He stood there ready to meet it, and he

called upon the gentleman to come forward and take their share of the responsibility. They stood side by side with him in 1841, in bringing this liability upon the State, as well as the gentleman who gave him good. He appealed to the gentlemen to give him their aid again, and let us be found side by side, endeavoring to relieve the State from her embarrassed condition. What, sir, is the object of this bill? To relieve the State from the payment of \$100,000, Road Company, before the meeting of the next Legislature, and to prevent the possibility of the public in view that, as to those who have another object in view, that is, to throw new burdens around the State, and take additional security for her indemnity, never doubting that we took a mortgage on all the property of the Road in 1841, but we have no lien on the property acquired since, to the amount of \$100,000. Then the object is not to increase the liability of the State one dollar, but to take a new in a new State, with new security, consisting of which have no lien on the bill, and all other property, on that no further lien shall be at all incurred, but makes provisions for enforcing the lien more effectually, by a foreclosure of all the mortgages, which are to be taken by the State, and to pay the interest and principal of the bonds, or any part thereof, and applying the proceeds to discharging all the liabilities of the State, of what he invited the attention of gentlemen to be asked, (Here Mr. Mills read a portion of the Bill.) Sir, it is interesting to see that the Committee had in view the interest of the whole State, and have made no stipulation in relation to secure it against every loss. The Company are willing to accept the bill, and give an additional security by a mortgage of all the corporate property at now bound. We are to say, that because they will take upon their private property, likewise, that we will take upon the State's property, to the amount of \$100,000, and refused to take it. Have we any right to expect that Company to give the private property of the Stockholders, to be the security of a corporation in which the State owns a proportion of stock. Why, sir, we are all Stockholders, and might as well have much reason and justice, be asked to give bonds, as those who are actual stockholders. He had proposed that the State should take a mortgage on the property of the Company, and that the State should be bound to pay the interest and principal of the bonds, or any part thereof, and applying the proceeds to discharging all the liabilities of the State, of what he invited the attention of gentlemen to be asked, (Here Mr. Mills read a portion of the Bill.) 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