Fellow citizens of the Senate

and of the House of Representatives:
The brief space which has elapsed since the close of your last session has been marked by no extraordinary political event. The quadren nial election of Chief Magistrate has passed off with less than the usual excitement. However individuals and parties may have been disappointed in the result, it is nevertheless a sub ject of national congratulation that the choice has been effected by the independent suffrages of a free people, undisturbed by those influences which in other countries have too often affected the purity of popular elections.

Our grateful thanks are due to an All-merci

ful Providence, not only for staying the pestilence which in different forms has desolated some of our cities, but for crowning the labors of the husbandman with an abundant harvest, and the nation generally with the blessings of

peace and prosperity.

In the course of the last summer, considerable anxiety was caused for a short time by an ficial intimation from the government of Great Britain, that orders had been given for the protection of the fisheries upon the coast of the British province in North America against the alleged encroachments of the fishing vessels of the United States and France. The shortness of this notice and the season of the year seemed to make it a matter of urgent importance .-It was at first apprehended that an increased naval force had been ordered to the fishing grounds to carry into effect the British interpretation of those provisions in the convention of 1818, in reference to the true intent of which the two governments differ. It was soon discovered that such was not the design of Great Britain, and satisfactory explanations of the real objects of the measure have been given both here and in London.

The unadjusted difference, however, between the two governments, as to the interpretation of the first article of the convention of 1818, is still a matter of importance. American fishing vessels within nine or ten years have been excluded from waters to which they had free access for twenty-five years after the negotiation of the treaty. In 1845 this exclusion was relaxed so far as concerns the Bay of Fundy, but the just and liberal intention of the Home government, in compliance with what we think the true construction of the convention, to open all the other outer bays to our fishermen, was abandoned in consequence of the opposition of the colonies. Notwithstanding this, the United States have, since the Bay of Fundy was re-opened to our fishermen in 1845, pursued the most liberal course toward the colonial fishing interests .-By the revenue law of 1846, the duties on coloduty. In this way colonial fish has acquired the monopoly of the export trade in our market and is entering to some extent into the home consumption. These facts were among those which increased the sensibility of our fishing interest, at the movement in question.

These circumstances and the incidents above alluded to have led me to think the moment favorable for a reconsideration of the entire subject of the fisheries on the coasts of the British more liberal footing of reciprocal privilege. A Great Britain, with a desire on her part to include in one comprehensive settlement, as well this subject as the commercial intercourse between the United States and the British provinces. I have thought that whatever arrangements may be made on these two subjects, it is expedient that they should be embraced in separate conventions. The illness and death of the late Secretary of State prevented the commencement of the contemplated negotiation .-Pains have been taken to collect the information required by the details of such an arrangement. The subject is attended with considerable difficulty. If it is found practicable to come to an agreement mutually acceptable to the two parties, conventions may be concluded in the course of the present winter. The control of Congress over all of the provisions of such an arrangement, affecting the revenue, will of course be observed.

The affairs of Cuba formed a prominent to pic in my last annual messsage. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the island, and led to some acts of which we have a right to complain. But the Captain General of Cuba is clothed with no power to treat with foreign governments, not is he in any degree under the control of the Spanish Minister at Washington. Any communication which he may hold with an agent of a foreign power is informal and a matter of courtesy. Anxious to put an end to the existing inconveniences, (which seemed to rest on a misconception,) I directed the newly appointed Minister to Mexico to visit Havana, on his way to Vera Cruz. He was respectfully received by the Captain General, who conferred with him freely on the recent occurrences; but no permanent arrangement was effected.

In the mean time the refusal of the Captain General to allow passengers and the mail to be landed incertain cases, for a reason which does not furnish in the opinion of this Government even a good presumptive ground for such a prohibition, has been made the subject of a serious remonstrance at Madrid; and I have no reason to doubt that due respect will be paid by the government of Her Catholic Majesty to the representations which our Minister has been in structed to make on the subject.

It is but justice to the Captain General to add. that his conduct toward the steamers employed to carry the mails of the United States to Havana has, with the exceptions above alluded to, been marked with kindness and liberality, and indicates no general purpose of interfering with the commercial correspondence and intercourse between the island and this country.

Early in the present year official notes were received from the Ministers of France and England, inviting the Government of the United States to become a party with Great Britain and France to a tripartite Convention, in virtue of which the three powers should severally and collectively disclaim, and for the future, all intention to obtain possession of the Island of Cuba, and should bind themselves to discountenance all attempts to that effect on the part of any power or individual whatever. This invi- cres over the previous year. nation has been respectfully declined, for reasons which it would occupy too much space in this communication to state in detail, but which led me to think that the proposed measure would be of doubtful corstitutionality, impolitic, and unavailing. I have, however, in common with several of my predecessors, directed the Ministers of France and England to be assured that the United States entertain no designs against Cuba; but on the centrary, I should regard its incorporation into the Union at the present time as fraught with serious peril.

Were this island comparatively destitute of inhabitants, or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But, under existing circumstances, I should look upon its incorporation into our Union as a hazardous measure. It would bring into the Confederacy a population of a different national stock, speaking a different language, and not likely to hardustrial interests of the South; and it might

The correspondence of the late Secretary of State with the Peruvian charge d'affaires relative to the Lobes Islands was communicated to Congress toward the close of the last session .-Since that time, on further investigation of the subject, the doubts which had been entertained of the title of Peru to those islands have been removed; and I have deemed it just that the temporary wrong which had been unintention.

be repaired by an unreserved acknowledgment

carried into effect by the Peruvian Minister pleted, as otherwise the sums expended will, in here, by an arrangement which is believed to most cases, be lost. be advantageous to the parties in interest.

to the general purposes of navigation is becomceneficial intercourse. It is obvious that this attempt could be made by no power to so great | useful resuts. advantage as by the United States, whose constitutional system excludes every idea of distant colonial dependencies. I have accordingly been led to order an appropriate naval force to Japan, under the command of a discreet and intelligent officer of the highest rank known to our service. He is instructed to endeavor to obtain from the government of that country some relaxation of the inhospitable and antisocial system which it has pursued for about two centuries. He has been directed particularly to remonstrate in the strongest language against the cruel treatment to which our ship wrecked mariners have often been subjected and to insist that they shall be treated with humanity. He is instructed however at the same time to give that government the amplest assurances that the objects of the United States are such and such only as I have indicated, and that the expedition is friendly and peaceful .-Notwithstanding the jealousy with which the governments of Eastern Asia regard all overtures from foreigners, I am not without hopes of a beneficial result of the expedition. Should it be crowned with success, the advantages will not be confined to the United States, but, as in reduced, and by the warehousing act it is allow-ed to be entered in bond without payment of paratory to this expedition, the Government of the United States has been materially aided by the good offices of the King of the Netberlands.

The cash receipts into the Treasury for the fiscal year ending the 30th June last, exclusive of trust funds, were forty-nine millions seven hundred and twenty-eight thousand three hunprovinces, with a view to place them upon a dred and eighty-six dollars and eighty-nine cents, (\$49,728,386 89,) and the expenditures willingness to meet us in some arrangement of for the same period, likewise exclusive of trust partments of this Government to bear testimo- our peculias socition, to our fertile soil, and this kind is understood to exist, on the part of funds, were forty-six millions seven thousand eight hundered and ninety-six dollars and twenty cents, (\$46,007,896 20;) of which nine millions four hundred and fifty-five thousand eight hundred and fifteen dollars and eighty three administration and guardianship of the public cents (\$9,455,815 83) was on account of the ico, under the treaty of Guadalupe Hidalgo, ted with the settlement and adjustment of in population, intelligence, and wealth, one this latter period, further purchases of the prinsix thousand five hundred and forty-seven dolbe procured within the limits, as to price, authorized by law. \* \*

the only European power having any commer-

cial relations with Japan. \*

The value of foreign merchandise imported during the last fiscal year was two hundred and seven millions two hundred and forty thousand one hundred and one dollars, (\$207,240,101;) the subject, and to recommend that provision and the value of domestic productions export- be made by law for the punishment not only of ed was one hundred and forty-nine millions eight hundred and sixty-two thousand nine hundred and eleven dolars, (\$149,862,911;) besides to any of those officers or clerks a bribe or reseventeen millions two hundred and four thousand and twenty six dollars (\$17,204,026) ef foreign merchandise exported; making the aggregate of the entire exports one hundred and sixty-seven millions sixty-five thousand nine hundred and thirty-seven dollars, (\$167,065,-937 :) exclusive of the above there was exported forty-two millions five hundred and seven thousand two hundred and eighty-five dollars (\$42,507,285) in specie; and imported from foreign ports five millions two hundred and sixty- in which we have been compelled to engage, in two thousand six hundred and forty-three dol-

In my first annual message to Congress, I called your attention to what seemed to me some tion, which succeeded the French revolution, defects in the present tariff, and recommended we were enabled by the wisdom and firmness such modifications as in my judgment were best adapted to remedy its evils and promote the prosperity of the country. Nothing has since this wide-sweeping whirlpool, we sat quiet and occurred to change my views on this important unmoved upon our own shores. While the

The report from the General Land Office disease or perished by hundreds of thousands shows increased activity in its operations. The upon the battle-field, the youth of this favored survey of the northern boundary of Iowa has been completed with unexampled despatch.— peace beneath the paternal roof. While the Within the last year 9,522,953 acres of public brought into market. In the last fiscal year there were

1,553,071 acres. Located with bounty land war rants Located with other certificates, 115,682 4,870,067 In addition, there were-Reported under swamp land

For Internal Improvements. Railroads, &c. 3,025,920 Making an aggregate of Being an increase in the amount of lands sold and located under land warrants of 569,220 a-

The whole amount thus sold, located under land warrants, reported under swamp land grants, and selected for Internal Improvements. exceed that of the previous year by 3,342,372 acres; and the sales would, without doubt, have been much larger but for the extensive reservations for railroads in Missouri, Mississippi, and Alabama.

For the quarter ending 30th September, 1852, 243,255 acres. there were sold, Located with bounty land warrants. 15,649

Located with other certificates. Reported under swamp land 2,485,233

Making an aggregate for the

Measures have been taken to carry into effect the law of the last session making provision for the improvement of certain rivers and harbors, and it is believed that the arrangements made for that purpose will combine efficiency with econ-

ally done her, from want of information, should gard to many of the works beyond making the course which they pursued was dictated by a necessary preparations. With respect to a few of stern sense of international justice, by a states the improvements, the sums already appropria- manlike prudence and a far-seeing wisdom, be repaired by an unreserved acknowledgment of her sovereignty.

I have the satisfaction to inform you that the course pursued by Peru has been creditable to the motion of Mr. Long, of Randoking not merely to the present necessities to the improvements, the sums already appropriations of Saturday was restored acknowledgment the improvements, the sums already appropriations of Saturday was restored to the improvements, the sums already appropriations of Saturday was restored acknowledgment the improvements, the sums already appropriations of Saturday was restored acknowledgment the improvements, the sums already appropriation of Mr. Long, of Randoking to the improvements of the improvements and interest of the improvements of Saturday was restored acknowledgment the improvements and a far-seeing wisdom, and the improvements of Saturday was restored acknowledgment the improvements of Sat the liberality of her government. Before it was trust that these appropriations will be made, known by her that her title would be acknowl- and that this wise and beneficent policy, so auedged at Washington, her Minister of Foreign spiciously resumed, will be continued. Great Affairs had authorized our charge d'affaires at care should be taken, however, to commence no Limato announce to the American vessels, which | work which is not of sufficient importance to the had gone to the Lobos for guano, that the Peruvian Government was willing to freight them in its character. But works which have been on its own account. This intention has been commenced should not be discontinued until com-

The report from the Navy Department will in-Our settlements on the shores of the Pacific form you of the prosperous condition of the branch have already given a great extension, and in of the public service committed to its charge. It some respects a new direction, to our commerce presents to your consideration many topics and in that ocean. A direct and rapidly-increasing suggestions of which I ask your approval. It intercourse has sprung up with Eastern Asia. exhibits an unusual degree of activity in the op-The waters of the Northern Pacific, even into erations of the Department during the past year. the Arctic sea, have of late years been frequent- The preparations for the Japan expedition, to ed, by our whalemen. The application of steam | which I have already alluded; the arrangements made for the exploration and survey of the ing daily more common, and makes it desirable | China Seas, the Northern Pacific, and Behring's to obtain fuel and other necessary supplies at Straits; the incipient measures taken towards a convenient points on the route between Asia reconnoissance of the continent of Africa castand our Pacific shores. Our unfortunate coun- ward of Liberia; the preparation for an early trymen who from time to time suffer shipwreck examination of the tributaries of the River La on the coasts of the eastern seas are entitled to Plata, which a recent decree of the provisional protection. Besides these specific objects, the chief of the Argentine Confederation has opened general prosperity of our States on the Pacific to navigation; all these enterprises and the requires that an attempt should be made to o- means by which they are proposed to be accompen the opposite regions of Asia to a mutually plished, have commanded my full approbation, and I have no doubt will be productive of most

Two officers of the navy were heretofore instructed to explore the whole extent of the Amazon river from the confines of Peru to its mouth. The return of one of them has placed in the pos-session of the Government an interesting and valuable account of the character and resources of a country abounding in the materials of commerce, and which, if opened to the industry of the world, will prove an inexhaustable fund of weath. The report of this exploration will be communicated to you as soon as it is completed.

Your attention is respectfully called to the report of the Postmaster General for the detailed operations of his Department during the last fiscal year, from which it will be seen that the receipts from postages for that time were less by \$1,431,696 than for the preceeding fiscal year,

being a decrease of about 23 per cent. the unparalleled enterprise and success of a free This diminution is attributable to the reducwe live in an age of progress, and ours is tion in the rates of postage made by the act of March 3, 1851, which reduction took effect at the commencement of the last fiscal year.

Although in its operation during the last year the act referred to has not fulfilled the predictions of its friends by increasing the correspondence of the country in proportion to the reduc-tion of postage, I should nevertheless question the policy of returning to higher rates. Experience warrants the expectation that as the community becomes accustomed to cheap postage, correspondence will increase. It is believed that from this cause, and from the rapid growth of the country in population and business, the receipts of the Department must ultimately exceed its expenses, and that the country may safely rely upon the continuance of the present cheap

ny to the efficiency and integrity with which comparatively sparse population; but much of McClees, and Berry. perintendence which it is possible for the Heads | der which we live, to the freedom which every of those Departments to exercise, still the due money must very much depend on the vigilance, principal and interest of the public debt, includ- intelligence, and fidelity of the subordinate offiing the last instalment of the indemnity to Mex- cers and clerks, and especially on those entrusleaving a balance of \$14,632,136 37 in the claims and accounts. I am gratified to believe Treasury on the first day of July last. Since that they have generally performed their duties faithfully and well. They are appointed to cipal of the public debt have been made to the guard the approaches to the public Treasury, extent of two millions four hundred and fifty- and they occupy positions that expose them to all the temptations and seductions which the lars and forty-nine cents, (\$2,456,547 49,) and cupidity of peculators and fraudulent claimants the surplus in the Treasury will continue to be can prompt them to employ. It will be but a applied to that object, whenever the stock can wise precaution to protect the Government against that source of mischief and corruption. as far as it can be done, by the enactment of all proper legal penalties. The laws, in this respect, are supposed to be defective, and I therefore deem it my duty to call your attention to those who shall accept bribes, but also of those who shall either promise, give, or offer to give ward touching or relating to any matter of their

official action or duty. Government from its foundation to the present day to abstain from all interference in the doquence has been that while the Nations of Europe have been engaged in desolating wars, our country has pursued its peaceful course to unexampled prosperity and happiness. The wars defence of the rights and honor of the country. have been fortunately of short duration. Du ring the terriffic contest of nation against naof President Washington to maintain our neuflower of their numerous armies was wasted by tries for generations to come, the United States have once been enabled to exhibit the proud spectacle of a nation free from public debt; and permitted to pursue our prosperous way for few years longer in peace, we may do the

must be changed. Europe is no longer separated from us by a voyage of months, but steam navigation has brought her within a few days' sail of our shores. We see more of her movements, and take a deeper interest in her controversies. Although no one proposes that we should join the fraternity of potentates who have subjects in maintaining "the balance of power." vet it is said that we ought to interfere between contending sovereigns and their subjects, for the purpose of overthrowing the monarchies of Europe and establishing in their place reublican institutions. It is alleged that we have heretofore pursued a different course from a sense of our weakness, but that now our concions strength dictates a change of policy, and that it is consequently our duty to mingle in these contests and aid those who are strugg-

This is a most seductive but dangerous apocal to the generous sympathies of freemen .-Enjoying as we do the blessings of a free government, there is no man who has an American heart that would not rejoice to see these blessings extended to all other nations. We cannot quarter of 4,132,25 "
Much the larger portion of the labor of arranging and classifying the returns of the last census has been finished, and it will now devolve desire for his triumph. Nevertheless is it prohis oppressor anywhere without the deepest fidence. I claim only to have discharged them monize with the other members. It would for the publication of the results in such form as foreign wars? Is it indeed true that we have desire for his triumph. Nevertheless, is it prushall be deemed best. The apportionment of representation, on the basis of the new census, has the degrading motive of a conscious weakness? revive those conflicts of opinion between the different sections of the country, which lately conformity with the provisions of law relating to that subject, and the recent elections have been tion who drew the sword against the oppressions of the mother country, and pledged to Heaven "their lives, their fortunes, and their sacred honor," to maintain their freedom, could never have been actuated by so unworthy a motive. They knew no weakness or fear where right or duty pointed the way, and it is a libel upon their fair fame for us, while we enjoy the blessings for which they so nobly fought and bled, to insinuate it. The truth is that the

ed less by sympathy than by reason and force; that it was not possible for this nation to become a "propagandist" of free principles without arraying against it the combined powers of out arraying against it the combined powers of Europe; and that the result was more likely to said it was not a mere matter of convenience Mr. Am be the overthrow of republican liberty here than its establishment there. History has been written in vain for those who can doubt this .-France had no sooner established a republican form of government than she manifested a de- facilities were needed there; that they were insire to force its blessing on all the world. Her deed indispensable. What was the state of the year 38, nays 62. own historian informs us that, hearing of some case? It was well known that a large trade own instorian informs us that, hearing of some period on particularly in the article of lum- under a suspension of the rules, the bill was orpality, "The National Convention declared ber, and this trade was greatly obstructed and dered to be engrossed and sent to the Senate. that she would afford succor and fraternity to embarrassed by the want of money. They were all nations who wished to recover their liberty; unable to obtain accommodation at the Newbern and she gave it in charge to the executive pow- bank, for the reason, as the officers of that bank into the election of a Senator at half past one er to give orders to the generals of the French asserted, that they have a sufficient demand o'clock to-day. armies to aid all citizens who might have been within their own neighborhood, and are unwilor should be oppressed in the cause of liberty." ling to do business so far from home. The bank Here was the false step which led to her subse- of Washington could not half supply them, and quent misfortunes. She soon found herself in- men engaged in business at that place were concolved in war with all the rest of Europe. In sequently compelled to force their timber and less than ten years her government was chang- other articles of trade into the market at a time ed from a republic to an empire; and finally, of low prices, or else go to Norfolk to procure after shedding rivers of blood, foreign powers money. He had been informed within a few the special order for to-morrow at 12 o'clock. restored her exiled dynasty, and exhausted Eu- days past by a gentleman from that part of the rope sought peace and repose in the unques- country, he had gone to Tarboro' in the expectioned ascendency of monarchical principles .- | tation of getting some bills of exchange cashed. Let us learn wisdom from her example. Let but had been unable to do so. He was informus remember that revolutions do not always es- ed while there, that the bank at that place had a Senator at 11 o'clock to day. tablish freedom. Our own free institutions refused to purchase exchanges that were offered were not the offspring of our Revolution. They them to the extent of thirty thousand dollars. existed before. They were planted in the free charters of self government under which the English colonies grew up, and our Revolution | Plymouth and its neighborhood had to go to the only freed us from the dominion of a foreign | banks in Virginia to borrow money or to get power, whose government was at variance with their bills of exchange converted into money .those institutions. But European nations have | The Senator from Martin would bear him out had no such training for self government, and in saying that nothing like the amount of busievery effort to establish it by bloody revolutions ness was done, that might and would be done. has been, and must, without that preparation, continue to be a failure. Liberty, unregulated by law, degenerates into anarchy, which soon becomes the hiest herrid of all despotisms.— ment to grant the relief that was asked for by Our policy is wisely to govern ourselves, and passing this bill. thereby to set such an example of national jus-

the last half-century the number of States in this Union has nearly doubled, the population has almost quadrupled, and our boundaries have been extended from the Mississippi to the for patents for valuable improvements distinthat of another has annihilated distance in the bill, and he hoped it would pass. transmission of intelligence. The whole country is full of enterprise. Our common schools are diffusing intelligence among the people, and our industry is fast accumulating the comforts I think it due to the several Executive De and luxuries of life. This is in part owing to man feels to engage in any useful pursuit, acentire confidence that his person and property will be protected by the laws. But whatever may be the cause of this unparallelled growth thing is clear, that the Government must keen pace with the progress of the people. It must participate in their spirit of enterprise, and while it exacts obedience to the laws, and restrains all unauthorized invasions of the rights of neighboring States, it should foster and protect home industry, and lend its powerful strength to the improvement of such means of intercommunication as are necessary to promote our internal commerce and strengthen the ties which bind us together as a people.

emphatically a country of progress. Within

It is not strange, however much it may be reshould cause some individuals to mistake change for progress, and the invasion of the rights of others for national prowess and glory. The former are constantly agitating for some change in the organic law, or urging new and untried theories of human rights. The latter are ever ready to engage in any wild crusade against a neighboring people, regardless of the justice of the enterprise, and without looking at the fatal consequences to ourselves and the cause of popular government. Such expeditions, however, are often stimulated by mercenary individuals. who expect to share the plunder or profit of the enterprise, without exposing themselves to danger, and are led on by some irresponsible forigner, who abuses the hospitality of our own lovernment by seducing the young and ignorant to join in his scheme of personal ambition or revenge, under the false and delusive pretence of extending the area of freedom. These reprehensible aggressions but retard the true progress of our nation and tarnish its fair fame They should, therefore, receive the indignant frowns of every good citizen who sincerely loves his country and takes a a pride in its prosperi-

groan, and which must absorb no small part of ity and honor of the nation, whilst he will liberation of the Senate. the product of the honest industry of those coun- watch with jealousy any attempt to mutilate this charter of our liberties, or pervert its powers to acts of aggression or injustice. Thus shall conservatism and progress blend their harmonious action in preserving the form and fact, that they do not propose an innovation. spirit of the Constitution, and at the same time They are not founded upon any of the new lights country with a rapidity and energy which freemen only can display.

In closing this, my last annual communicapowers are friendly; its rights are respected, and its high place in the family of nations amount of happiness, public and private, which has probably never fallen to the lot of any other people. Besides affording to our own citizens a degree of prosperity, of which on so large a scale I know of no other instance, our country multitudes, altogether without example, from the common law is founded.

We owe these blessings, under Heaven, to the happy Constitution and Government which were bequeathed to us by our fathers, and which it is our sacred duty to transmit in all their integrity to our children. We must all consider it a great distinction and privilege to have been chosen by the people to bear a part in the administration of such a Government. Called by an unexpected dispensation to its highest trust at a season of embarrassment and alarm, I ento the best of an humble ability, with a single eye to the public good; and it is with devout the country in a state of peace and prosperity.

MILLARD FILLMORE.

Washington, December 6, 1852.

New ORLEANS, Dec. 4 .- The Ficayune has advices by letter from Mexico to the 12th ult. The Commandant of the National Guard at Tamaulipas has declared in favor of the recall of Santa Anna to preside over the affeirs of Mexico, with a similar form of government to that which,

## STATE LEGISLATURE.

DEBATE

of Plymouth, it being before the Senate on its amend the act, and one supplemental thereto, to my, in the County of Cumberlan

SATURDAY, Dec. 4, 1852. only, but it was a matter of actual necessity to showed clearly and conclusively that banking pared to vote upon it. solely for the want of funds. It was a thing of almost daily occurrence that business men of at the town of Plymouth, if they had banking facilities. Under these circumstances he

Mr. Joyner said he was averse to establishing tice, prosperity, and true glory, as shall teach to a multiplicity of banks, but he believed, at the all nations the blessings of self-government, and same time, that there were places where more banking facilities were wanted; and the place here designated was one of those places. The town of Plymouth was situated in a very fertile portion of the country, near the mouth of the Roanoke. It was a central point where a good deal of trade must naturally concentrate, and banking capital was essential to the carrying on that trade. It was a matter of vast importance Pacific. Our territory is chequered over with to the Farmers of Washington county, as well as railroads, and furrowed with canals. The in- to the merchants of Plymouth and others enventive talent of our country is excited to the gaged in business. It did seem to him that highest pitch, and the numerous applications there should be a bank there. There were men of capital in that section, men in whose hands guish this age and this people from all others. banking operations would be as safely conduct-The genius of one American has enabled our ed as they could possibly be in any portion of commerce to move against wind and tide, and North Carolina. He intended to vote for the

SENATE.

MONDAY, Dec. 6, 1852. The Speaker announced that the Senate's branch of the Committee on enrolled bills for the present week, consists of Messrs. Canaday,

which the bill to incorporate a bank in the said County; which was laid on the table. ton, was rejected, was now reconsidered; and on motion of Mr. McClees, said bill was made diency of imposing a tax upon incorporated sothe special order for Wednesday at 1 o'clock. A message was received from the House of Commons transmitting a bill to incorporate the Atlantic and North Carolina Rail Road Company, and asking the concurrence of the Senate in the same. Said bill was read a first time.

Mr. Canaday moved its reference to the Committee on Internal Improvements. The motion was not agreed to.

On motion of Mr. Thompson it was made the special order for Thursday next at 11 o'clock. A message was received from the House of Commons, proposing that the two Houses go into an election for U.S. Senator this day at half past one o'clock. The proposition was agreed to, gretted, that such an exuberance of enterprise and Mesers Hargrave and Thompson appointed to superintend the same. Mr. Steele, from the Select Committee on Ag-

riculture, reported back the bill to encourage agriculture, domestic manufactures, and the mechanic arts, with sundry amendments. On motion of Mr. Cunningham the bill and

amendments were ordered to be printed. The Senate proceeded to consider the special order, viz: The bill to attach a part of the County of Davidson to the County of Forsyth, on its econd reading.

Mr. Gilmer advocated the passage of the bill. and Messrs. Hargrave and Brogden opposed it. The question on the passage of the bill was. y yeas 8, nays 36, decided in the negative. The Senate then proceeded to the considera-

tion of the next special order, being the resolutions introduced by Mr. Bynum, in relation to the Supreme Court. The resolutions having been read by the

Mr. Bynum rose and said: I regret very much, Sir, that these resolutions, together with

the various bills which have been submitted to the Senate in relation to the same subject, could not have been considered at an earlier day .-The resolutions now under consideration were Our Constitution, though not perfect, is submitted to the Senate at an early period of doubtless the best that ever was formed .- the Session; and many of these bills which re-Therefore let every proposition to change it be late to the same subject were also among the well weighed, and if found beneficial, cautious- earliest that were submitted. They are bills, States of Europe incurred enormous debts, un- ly adopted. Every patriot will rejoice to see its Sir, of very great importance, I admit, and I land have been surveyed, and 8,032,463 acres der the burden of which their subjects still authority so exerted as to advance the prosper think they are such as require the serious de-The resolutions which I have had the honor

to introduce to the Schate propose a material alteration in the judiciary system of the State, but I wish to call the attention of the Senate to this carry foward the great improvements of the of a progressive age: they do not propose to introduce a system that is new in the State of North Carolina, nor one which is new so far as the judiciary system of other States of the Untion, permit me, fellow-citizens, to congratulate | ion is concerned, or the judiciary system of the you on the prosperous condition of our beloved U.S., or of that Country from which we have country. Abroad its relations with all foreign received all our notions of law. The resolutions which I have had the honor to introduce, propose that we shall go back to that system which for ages lavished the blood and treasure of their cheerfully recognised. At home we enjoy an is the one which has always prevailed in that Country from which we have received all our notions of law. I conceive that the present Supreme Court of North Carolina, so far from being consistent with the judiciary system of the States of this Union, is clearly an amomaly: it | subject. is annually affording a refuge and a home to is directly against the very principle upon which

Mr. Bynum was interrupted by a message from the House of Commons announcing that they would now receive the Senate with a view to execute the joint order of the two Houses, and proceed to count and compare the votes given for Governor in August last.

The Senate accordingly repaired to the Hall of the House of Commons; and having returned therefrom,

The consideration of the vesolutions relating to the Supreme Court was resumed. On motion of Mr. T. F. Jones, they were postponed and made the special order for to morrow

The bill relating to Executors of last Wills gratitude, in retiring from office, that I leave and Testaments was read a third time, and the pay of witnesses in the County of Buncombe. parliamentary practice, no bill can be substitute therefore reported by the country in a state of process of the country of Buncombe. substitute therefor reported by the Committee | The bill was read a first time. Mr. Bynum moved further to amend the same.

and after remarks by Messrs. Bynum, Kelly and to await the further action of the Senate. proceed to vote for U. S. Senator.

The bill to incorporate the Charleston and Chattanooga Rail Road Company was read a third time and passed. On motion, the Senate adjourned.

HOUSE OF COMMONS.

MONDAY, Dec. 6, 1852. The unfinished business of Saturday was reimprove the Cape Fear and Deep Rivers above time. Fayetteville. The motion to take up prevailed. Mr. Marshall moved that the bill be laid upon

Mr. Amis opposed the motion on the ground that it would facilitate business to dispose of it have a bank established at Plymouth. The sta- at once, particularly as the subject had been tistics sent up from the County of Washington | fully discussed, and the members were now pre-

The motion to may upon the table was lost-

The bill then passed its third reading, and, On motion of Mr. Williams, of Warren, a message was sent to the Senate proposing to go

On motion of Mr. Avery, the bill to incorporate the North Carolina and Tennessee Rail Road Company, which had been made the special order for to-day at 12 o'clock, was taken up. Mr. Avery offered an amendment, which was read for information, and ordered to be printed. The bill was then laid upon the table, and made

A message was received from the Senate, informing the House that they had rejected the engrossed bill to amend the Constitution; and also one, agreeing to the proposition to vote for der.

The hour having arrived for comparing and counting the votes for Governor, the members of the Senate were received into the Commons Hall and took their seats on the right of the Speaker's chair. The votes having been compared and counted, Mr. Boyd, from the Committee appointed to act as tellers, submitted a report, as follows: Whole number of votes cast ate," it was, by yeas 20, nays 20, 91.570. D. S. Reid received 48,567; John Kerr | the affirmative. received 43,003. Majority for Reid 5,564.

Mr. Edwards, Speaker of the Senate, then declared David S. Reid duly elected Governor of three-fifths for that purpose. the State for two years from the first of January next; and the Senators retired. The Speaker announced that the hour had ar-

rived for taking up the special order, viz: the We have a great many other measure bill to amend the Constitution of North Caro- this body which require to be acted up lina-the Free Suffrage Bill. On motion of Mr. Avery, consideration of the

bill was postponed and made the special order for Tuesday at one o'clock. The consideration of the bill to enlarge the powers of the commissioners of the town of

second reading—yeas 50, nays 43.

The hour having arrived for executing the oint order, to-wit: the election of a Senator, Mr. Miller put in nomination the Hon. Kenneth Rayner.

Mr. Love withdrew the name of the Hon. R. M. Saunders. Messrs, W. J. Long and Wheeler were appointed, on the part of the House, to superintend the election; and the two Houses proceeded to vote, with the following result :

Whole number of votes cast 160-81 necessa ry to a choice. Mr. Rayner received 79; Mr. Dobbin 73; scattering 8. No choice. The House took recess.

EVENING SESSION.

Mr. Norfleet presented instructions, from 813 bill, which comes before us contrary to the citizens of Edgecombe County, to their members of order, is going to be disposed of in the Legislature, to vote against a division of On motion of Mr. Tolson, the Committee on Finance was instructed to inquire into the expe-

cicties of Sons of Temperance, Odd Fellows, &c. Mr. Harris, of Cabarrus, introduced a bill to incorporate a bank to be established at Concord. Passed first reading, and referred to the Com-

mittee on Corporations. Mr. George introduced a bill to emancinate Rachel, a slave, the property of Wm. Gore. Mr. Miller moved that the bill be rejected; which was decided in the negative-yeas 45, nays 55 The bill passed its first reading, and was referred to the Committee on Propositions and Grie-

Mr. Carmichael introduced a bill to incorperate the Salisbury, Mocksville, and Wilkesboro' Plank Road Company. Passed first reading, and referred to the Committee on Corporations. Mr. Cotton presented a resolution requesting the Governor to inform the House what Chairmen of the Boards of Superintendents have reported, and what Chairmen have failed to report, for the last two years, &c.; which was ad-

Mr. Corbett : Abill to establish the Merchant's and Planter's Bank, in the town of Wilmington -Capital \$500,000. Passed first reading, and together with a memorial, was referred to the Committee on the Judiciary.

The House then adjourned to 10 o'clock to

TUESDAY, Dec. 7, 1852. The Speaker laid before the Senate a state-

ment of the affairs of the bank of Wadesboro' which was ordered to be printed. Mr. Clark, from the Committee on Corporations, reported back the bill for the better government of the town of Lincolnton, and to amend the existing corporate laws of said town, and re commended its passage.

Also the bill to consolidate and amend the several acts heretofore passed for the government of the town of Oxford. Mr. Bynum, from the committee to whom was referred the bill to authorise the business of

banking, reported the same back to the house and recommended its passage. A message was received from the House o Commons transmitting the following engrossed

bill: A bill to amend an act (and the supplement thereto,) entitled an act to improve the Cape Fear and Deep Rivers above Fayetteville. The bill was read a first time, and on motion of Mr. Hoke, was made the special order for Thursday next at 12 o'clock. Mr. Clark, from the Committee on Corpora-

tions, reported back the following bills, with a session. He appealed to Senators to all recommendation that no further action be taken A bill to incorporate the Burnsville Sons of Temperance, No. 209.

A bill to incorporate the Indian Lodge Divis ion. No. 220. A bill to incorporate Lake View Division.

No. 161. Troy Division, No. 130. Social Division, No. 58, and Sunsbury Division. Mr. Clark, from the same committee, reported back the bill to incorporate the True Brothers Society in the town of Wilmington, and recommended that no further action be had on the

Mr. Cunningham introduced the following resolution: Resolved. That from and after Thursday next the Senate will take a recess from 2 o'clock until half past three, P. M., each day.

Mr. Bynum moved that the resolution be laid upon the table. The motion did not prevail, yeas 18, navs 26. The resolution was then adopted. Mr. McCleese presented the petition of Chas.

Latham and others. Referred to the Committee Mr. Hargrave, from the Committee appointed a vote upon this amendment. to superintend the election of U. S. Senator, re-

Mr. McDowell introduced a bill to regulate no rule that provides for it, and ac On motion of Mr. Boyd it was Resolved, That a message be sent to the House

of Commons, proposing that a committee of one Woodfin, the said bill was laid upon the table on the part of the Senate and two on the part of A message was received from the House of upon his Excellency David S. Reid, and inform Commons, stating that the House was about to him of his election as Governor of North Carolina, for two years from the first day of Janua-The Senate then also proceeded to vote; after ry next; and to ascertain from him when it will suit his convenience to appear before the two Houses of the General Assembly, and take the oaths of office.

Mr. Washington introduced a bill to amend an act concerning Courts of Justice, Pleas and parliamentary rule which is applicable

Process. Read, and on motion of Man referred to the Committee on Propo

Mr. Murchison introduced a bill b

Commons, transmitting a resolution in ing outline maps. And a bill to be stock from malicious destruction.

The bill was referred to the Commit Judiciary.

On motion of Mr. Lillington, it w that a message be sent to the House mons, proposing that the two House an election for Superintendant of Schools, this day at 1 before 12 o'clet

Mr. Berry introduced a bill to Constitution of North Carolina, (Free 8 The bill having been read, Mr. Joyner raised a question of bill for a similar purpose, he said, had fore the Senate and had been rejected bill, therefore, according to parliam could not be entertained and acted in could any bill, with similar prov troduced during this session. ing rule of the Senate, a bill with similar to those of a bill which ha

acted upon, could not be introduced Mr. Joyner read the rule and asked decision of the chair upon the point of The Speaker decided that the

Woodfin and Gilmer, who controvend cision of the Chair, and Mesers, Cale Thomas sustaining the decision. The question being but, "Shall of the Chair stand as the judgment of

The question recurred upon the per the bill on its first reading, requiring Mr. Woodfin. I hope, sir, the vote to bill will not now be taken, but that it made the special order for some future I think we ought not; until they are a of, to consume the time in the disca this. I will move that it be postponed The Speaker. What day does the

Newbern was taken up; and the bill passed its the day. I will say Tuesday next. Mr. Caldwell. It is usual to let a its first reading, and to debate it when up upon its second reading. I see nor why that course should be departed in this case. It is as important a bill as is before the legislature. Mr. Woodfin. I have no idea, sir, to bill will ever come up for a second resin therefore wish to discuss it upon is in ing. It was understood, when a bill sin this was before the Senate on a former and it was so announced by the friends bill, that the test would be upon its first ing. I do hope that we shall be also

transact some other business that requir

attention. It is not to be supposed the

and delay all other business for a cor ago, was for adhering very strictly to Now, sir, the rules of this body points proper time for the discussion of a measur that is, upon its second reading. Yeth

ator says this bill never shall have a

Mr. Woodfin. The Senator mistaken remarked that I hoped it would not. Mr. Caldwell. Well, sir, I do not know gentlemen on that side of the House prodo. I wish to see the question tested an they intend to kill the bill, let them a yeas and nays now. The Senator's mit Mr. Woodfin. The Senator is certain taken. If my motion violates the rule they not violated when the Senator from mond, early in the session, proposed to disposal of a similar bill upon its first should be a test of the question of is m and did not the Speaker and the whole sustain him? That bill required an aim vote of two-thirds; this one requires three

If a test vote upon the first reading want in that case, it is equally so in this. The question upon the motion to su until Tuesday at 12 o'clock was, by nays 27, decided in the negative.
Mr. Bynum. I move that the furthers eration of the bill be postponed until M next at 11 o'clock. I do not make this m sir, with any disposition to delay active

this bill, nor do I do it to avoid the respu ity of voting upon it. So far as I am cond am ready at any time to vote : but it w anticipated that this bill would be per for our consideration to-day, and it is the Senate somewhat by surprise. The order appointed for this day was postpar allow the ordinary morning business at ceeded with. I think, therefore, it will right and proper to appoint a time for it sideration, which I propose shall be at the I have named. Mr. Brogden made some remarks, after

Mr. Bynum said. It will be remember am sure, by the whole Senate, and I am the Senator from Wayne has forgotten 4 when the bill from the House of Commerciation to this question of Free Suffree brought before the Senate upon its first res briefly addressed the Senate, and insist the vote should be taken at that time, it Senator from Wayne objected, and despostponement, notwithstanding the subject een so long considered, and so much having been before the legislature at it bill to be postponed as a matter of course himself; and in obedience to this res was accordingly postponed to the times by him. And now he turns round and a the rule which requires him to do unto as he wishes others to do unto him. 1 se what surprised that the Senator should be sion. The question was taken on the me postpone the hill until Monday at 12 a

and by yeas 22, nays 27, it was decided negative. The question recurred upon the past

ment. I propose to amend the bill bra out all after the enacting clause and is that which I send to the Chair. I has that in ordinary cases a bill is read a is for in the control of the control for information only, and is not then say amendment. But this bill stands upon a cut footing. It is not to be treated as bills are treated; it is to be voted upon and nays at each reading it receives, sire to test the opinions of the Senate by

The Speaker. The Chair decided so ported that no person having received a majority of all the votes given, there was no election.

Mr. Maparelli it is not in order to offer an ment to a bill upon its first reading. upon its first reading. Mr. Lillington. I know that such is

in reference to ordinary legislation, but le that the Chair would make a distinction case, inasmuch as this bill is not real time for information merely but is to upon by year and nays, as if upon its is sage. I certainly hold that the amends in order, and shall be compelled to take peal from the decision of the Chair. The Speaker. The question will

appeal from the decision of the Chair.

Mr. Lillington. I do not desire to
argument upon the appeal, but I will