BIENNIAL MESSAGE

Of HIS EXCELLENCY GOVERNOR REID, to the Legislature of North Carolina, at the Session,

commencing October 1852.

To the Honorable the General Assembly of the State of North Carolina :

the promotion of the substantial prosperity and its completion. Whether public opinion and ted. happiness of the people. These objects, con- the condition of the treasury will justify the trolled by constitutional limitations, constitute State at this time in embarking in other and and Executive action.

Among the subjects which claim the consid- prudence and wisdom of the General Assembly. cration of the General Assembly, is the question A wise and prudent system all should approve: of Constitutional Reform. At the session of a wild and extravugant scheme all should de-1850-51, the General Assembly passed, by a precate. constitutional majority, a bill to amend the Constitution, so as to extend to every freeman, ed, according to the terms of the Act passed at who now has the right to vote for the Commons, the right to vote also for the Senate. The Executive Proclamation on this subject, was published agreeably to the requirements of the Legislature. I carnestly recommend that said a ered over the Road and fixtures to the new Commendment be passed by the constitutional majority of the present General Assembly, and submitted to the voters of the State for ratifica-

The Constitution, as it now stands, prohibits every man who does not own fifty acres of land from voting in the Senate. This provision, it is believed, disfranchises in the Senate about one half of the free white men of the State, and embraces in its proscription a large class, who in point of merit, intelligence and patriotism, are not inferior to any portion of our populalation. The proposition is not to take from the landholders their just rights but to elevate another meritorious class of our people to equal privileges at the ballot box. It is a marked feature in the progress of this reform, that a great partion of the freeholders, with a commendable disinterestedness, regarded this as a question of principle, and of right, and among them were found its earliest advocates and most zealous supporters.

A large majority of the people, in every portion of the State, are in favor of Equal Suffrage, ins resolution, the President of the road pur- and condition of the Treasury. and prefer the Legislative mode of effecting The greater part of the expense necessary to attain Equal Suffrage has already been incurred ; and now to abandon the legislative mode, and to rely upon the Convention mode, would not only cause delay but an increase of expenditure, The Convention mode is impracticable. The Sustitutional majority cannot be obtained in favor of a Convention ; and, if the fate of this question is made to depend upon calling a Convention, its defeat may be regarded as certain. The Legislative mode is not only expressly provided for in our State Constitution, but is also recognized in the Constitution of the United States, as one of the modes for ratifving

amendments, by the States, to the Federal Constitution. This mode affords time for examination and reflection in relation to the amendment pro-

posed, and finally, when it shall have passed two successive Legislatures, it cannot be adopted without the sanction of a majority of the voters of the State at the ballot box. "A free, open and unrestricted Convention" could have no such restriction upon its power. Hence a ance. well founded annrehension exists in the minds

people of the State. Believing that the mem- It is uncertain, under the present Act, when bers of the General Assembly, coming from the a sufficient sum will be collected to defray various counties, will be fully prepared to give the expense of the survey. Should the Legisla-

benefit of the State.

oved by the State.

Under a Resolution passed at the last ses-

sion of the General Assembly, the Public Treas-

urer transferred two thousand shares of the

and Raleigh Railroad Company, to the Wil-

mington and Manchester Railroad Company,

whereby the State became a stockholder in the

important improvement under the charge of

that company. In directing the transfer of the

stock, the resolution did not make any change

in regard to the number of directors to which

the State should be entitled in the Wilmington

and Raleigh Railroad Company. Under the

circumstances, the Board of Internal Improve-

due consideration to the claims of every portion | ture desire it to be made at an early period, an of the State, I do not feel called upon to decide appropriation for that purpose will be the between the peculiar merits of the many public means by which it can surely be accomplished.

Favored by a bountiful Providence with Peace the State. Works of internal improvement nec- in course of extension. The whole amount of pointed commissioners, under the act of the lif it is perfectly competent for us now to transimprovements which demand the patronage of The Fayetteville and Western Plank Road is and Plenty, the present would seem a most aus- essarily involve a large expenditure, and should the State's subscription to this work has been picious period for directing our thoughts and be undertaken with due regard to their practi- paid. The stock has already been paying divenergies to such objects of legislation as are cability, and to the adequacy of the resources and idends into the State Treasury. This not only calculated to advance the great interests of the means necessary to complete them. The Gen-State, and to perpetuate the blessings of liberty. eral Assembly, which authorizes a work of in-Government was instituted for the security of ternal improvement, ought, as a general rule, for the State. The Report of the President and the rights of persons and of property, and for to provide for raising the means necessary for Directors of the Company is herewith transmit-

An Agent was appointed to superintend the construction of the Western Pike road. A conextent, is a question which is submitted to the made, and other parts of it are under contract. The Agent, it is believed, has faithfully performed his duty in superintending the work .-Toll gatherers have already been appointed on the

The requisite amount having been subscribthe last session of the General Assembly to in-It is respectfully submitted whether legislacorporate the Raleigh and Gaston Kailroad tive action is not necessary on the subject of Company, in the month of October last, the public high-ways. This is a subject of general Commissioners on the part of the State delivmportance to the State, and has been too much

neglected. Good roads will be found to ad- ent pany. Since that time, the Road has ceased to vance the interests of all the industrial pursuits be under the control and management of the of the State. The mode of assessing the labor State. Since the transfer to the new Company, to build and repair public high-ways is unequal the road has been undergoing an entirely new

superstructure, which is nearly complete. This improvement has already enhanced faperson of quite limited estate contributes in the cilities to the State. The stock has been subcourse of the year a considerable amount of lascribed to form the connecting link between this bor to Roads, while his nearest neighbor who Road and the Wilmington and Raleigh and Sea- has a large estate contributes but little or nothboard and Roanoke Kalroads, and this impor- ing at all for that purpose.

It becomes the daty of the present General tant work is in course of construction. At the last session a Resolution was passed, Assembly to lay off the State into Electoral, authorizing the President and Commissioners Congressional, and Senatorial Districts ; and of the Raleigh and Gaston Railroad to antici- apportion the members of the House of Com- would premoto the objects of the survey. pate the receipts of the road by the purchase of mons among the several counties of the State. two hundred and fifty tons of iron, for the pur- It is respectfully submitted, whether public bose of repairing the road, and authorising them convenience and the ends of public justice do ures as are calculated to promote the honor and pledge the receipts of the road for the iron not require the formation of one or two addi-

thus purchased. It was provided that the State tional Judicial Circuits, and the election of a should, in no manner, or in any event, be held corresponding number of Judges. liable for the purchase money; and, when the The fiscal year closes on the 31st of October

new should be accepted, the iron should be sold when the Public Treasurer will submit his refor the benefit of the State. In pursuance of port giving a detailed account of the operations chased two hundred and fifty tons of iron from The State debt is as follows :---\$1,224,000

Mr. Anderson, of Richmond, and it was appli- State bonds already issued, Loans authorized by law for varied to repairing the Road. A part of the iron has been taken by the Company, and a part of ous works of Internal improveit, I presume, still remains on the road. The ment for which it is expected bonds new Company has made no proposition to purwill be issued during the next two chase the iron. Unless the Legislature shall years, otherwise direct, the iron will be sold for the Total

It is believed that, after the settlement of the The Report of the Comptroller for the fisaccounts and the payment of liabilities for the cal year, ending the 31st of October 1851, is expenses of the Road, there will be little, if any herewith communicated. thing, applicable to the payment of the debt It will be seen that the taxes paid into the contracted for this iron. If the Legislature re- Treasury during the year 1851, amounted to the quires the proceeds of the sale of the iron to sum of \$157,137 71. The Revenue Act, passed be placed in the Treasury, it would prevent Mr. at the last session, will, it is believed, increase Anderson from receiving any portion of his the revenue paid into the Treasury this year,

debt. Should the proceeds be applied to this about \$20,000. Neither the demands on the be prepared to present their report. Therefore debt they would not pay one half of it. I re- Treasury, nor public convenience would seem that part of the duty which we supposed we commend that the General Assembly authorize to require any increase of taxation during the should be called upon at this Session to perform the proceeds of the sale of the iron to be appli- next two years. No more money should be col- we shall be relieved from, and it is much the ed towards the payment of the debt contracted | lected from the people, than is necessary to de- most onerous of the duties imposed upon a Sesfor its purchase; and it is submitted, whether fray the expenses of a good and economical gov- sion of the General Assembly. Now, Sir, I an appropriation shall be made to pay the bal- ernment. Taxation is indispensable, but it is think we shall be able to get through with the

The Report of the President in relation to the deavor to equalize the burdens as well as the That will make a Session of two months, rather affairs of the Road, while under the control of | benefits of government. the State, will in due time be communicated to For many years the demands upon the Treas- we have had for the last four or five years. I the General Assembly. In enrolling the Bill ury were so limited, that but little attention believe the last three Sessions have all exceeded passed at the last Session to incorporate the was paid to the subject of taxation. Of late two months in length. At any rate the time Raleigh and Gaston Rail Road Company, it is vears, Internal improvements and other public which I propose for the duration of this Session believed that some of the sections as it passed were omitted, which renders farther legislation on the subject necessary. One of the omitted sections authorized the appointment of four di-sections authorized the appointment of four directors on the part of the State. The Board of Internal Improvements only appointed the num-ber provided for in the omitted section. But interest tax; and 12,822 61 on store tax; a-oath of office to the Governor at any time prethe State owns one half the stock, and it is be- mounting in the aggregate to the sum of \$111,- vious to the first of January, provided it be done lieved she ought to have the appointment of one 022 87, paid into the Treasury on these princi- in the presence of both Houses. In that way half of the Directors, and it is recommended pal items of taxaiton ; and \$46,014 84, paid in we shall fully meet the requisitions of the Conthat such provision be made by law. An Engineer was employed to survey Neuse to \$73, 192 39. The tax for county purposes is to detain us here beyond the time named in the River, and the balance of the appropriation collected entirely on land and polls; and the a- resolution, provided we now proceed with the

property tax, and an exemption of a like amount by adjourning now and meeting again on the involved in a difficulty property tax, and an exemption of a like amount might be made in favor of all others. A system of revenue, based upon these principles, is rec-law for the commencement of the regular bind to the senator. His position is I be-lieve that we at the regular session, are to re-lieve that we at the regular session, are to reof revenue, based upon these principles, is rec-ommended to the favorable consideration of the Sessions, we shall avoid the difficulty which be-lieve that we, at the regular session, are to re-and punishments. Passed first reading, and re-

General Assembly. On the 8th of May, 1851. Asa Bigs, B. F. entertained in regard to the constitutionality of entertained in regard to the constitutionality of Moore and R. M. Saunders, Esquires, were ap- considering this in the light of a regular Session. last session of the General Assembly, to revise act the business belonging to a regular Session herewith communicated. I have received no that we should take that course. official report from the commissioners; but in But there is another reason why we should

the latter part of the month of August last, it adjourn. I think there is much doubt whether came to my knowledge that the commissioners the newly elected members or the former ones trolled by constitutional limitations, constitute on the in embarking in other and construction of the western Pike road. A con-the great political chart to guide Legislative new objects of improvement, and if so, to what siderable portion of the Road has already been prior to the date of this resignation, had decided not to report the revisal to the present Leg- Session. I am not prepared to assert that the the subject was submitted to the General As- the subject. The tenure of the office of Governportion of the road completed, but a report of sembly. It is due to state that the commission- or commences from the day of installation and the amount of tolls collected has not been re- ers were appointed with the hope and expecta- not from the day of election. By what rule, fixed by law for the meeting of the regular ses- matter. tion that they would be able to complete their then, upon what process of reasoning do you

Legislature. They will, no doubt, in due time office two years from the day of their election, such action can be taken as may seem expedi- other officers of the State government is reckoned

of the State. The mode of assessing the labor to build and repair public high-ways is unequal and unjust. The work done on the public roads is a tax paid in labor. It often occurs that a the end be productive of highly beneficial re-

impulse, that will lead to the increased reward wisest course, and I hope the two houses will that this is a session of the General Assembly ter and provide some means for protecting it. of the husbandman. It is believed that an ad- adopt it.

ditional appropriation, to supply a boring apparatus, and to justify the collection of specimens. to be deposited at some suitable place or places, It will afford me great pleasure to co-operate with the General Assembly in all such measwelfare of the State.

DAVID S. REID. EXECUTIVE DEPARTMENT, Raleigh, Oct. 14, 1852.

RUNNING DEBATE

IN THE SENATE, OCT. 14TH.,

On Mr. Lillington's Resolution, directing that a message be sent to the House of Commons proposing that the two Houses of the General Assembly adjourn on the first Monday in December

Mr. LILLINGTON said he did not intend to 2,140,000 liscuss the resolution: he would merely state one reason for its adoption. It seems, said Mr. \$3,364,000

L., to be pretty well ascertained now to be the sense of both Houses of the General Assembly, that they are to remain in Session, that this is to be converted into a regular Session, and that we are to proceed to the transaction of the ordinary and regular business of the biennial Session. It is ascertained that the Commissioners appointed to revise the Code, will not

one of the first duties of the Statesman, to en- other business by the first Monday in December. under the average duration of the Sessions that third time, on all others. The land and poll tax amounted stitution. That being the case, there is nothing made under the Act of 1850-'51, after paying mount paid into the Public Treasury on these public business. We can easily get through the expenses of the survey, has been subscribed two items is small, when compared with the tax with all the legitimate business of the Session, to the Neuse River Navigation Company, as di- paid for county purposes. We have no returns by the first Monday in December, and by fixing rected by said Act, and a part of the appropri- to show the amount of county tax collected in the time of adjournment now, it will ensure ation paid to the Treasurer of the Company .- | the State. It is believed, however, that not promptness in the despatch of the business in This is a work of importance, and its comple- more than twenty per cent. of the whole amount both Houses. Believing this to be the case, and tion promises highly beneficial results. The collected on land and polls, goes into the Pub- being desirious of ascertaining the opinions of Report of the Engineer appointed to make the lic Treasury, and I have based the estimate of members on the subject, I will ask for the yeas

increase the reward of every industrial pursuit, means of convenient transportation, and are possess personal estate of the value of one hun- meeting of the Legislature? Because it is a law. For if we by our act now destroy the bi- priety of giving to Courts of Law jurisdiction

sets us now, arising from the doubts which are enact what we do at this.

MR. CALDWELL, Why Sir it will be dou-

2d day of August, 1852, R. M. Saunders sent in the contrary there will then be no doubt exist that is done by both Houses. So far as facili-2d day of August, 1852, K. M. Saunders sent in the contrary there will then have met according tating the business is concerned, it seems to me message to the Senate, proposing to raise a joint his resignation, which, in consequence of my ing, because we shall then have met according tating the business is concerned, it seems to me message to the Senate, proposing to raise a joint

sults to the agricultural and mining interests whatever may be the decision as to this being obey. of the State. Agriculture has been too long considered the regular biennial Session. Altoneglected, but it is hoped it may receive a new gether it does appear to me that it will be the erford does not understand my position. I hold the duty of the Legislature to look into the mat-

STATE LEGISLATURE.

SENATE.

FRIDAY, Oct. 15th, 1852. The Speaker laid before the Senate a commu nication from the Comptroller of public accounts accompanied by a report in answer to a call of the Senate, showing the amount of taxes received by the State for the years 1848-'9-'50.'51, and 1852.

On motion of Mr. Gilmer, ordered that the same be sent to the House of Commons with a proposition that said report be printed, one copy for each member of the Legislature.

Mr. Washington introduced a bill to amend an act passed at the session of 1850-51, entitled an act to regulate the pay of Jurors and witnesses in the county of Craven, which was read a first time, and referred to the committee on the Judiciary.

A message was received from the House o Commons transmitting the following engrossed bill in which they ask the concurrence of the Senate, viz : A bill to amend an act entitled an act to incorporate the Cape Fear and Deep River Steam-boat Company." The bill was read a first time and on motion of Mr. Murchison the rules were suspended, and it was read a second and third time and passed and ordered to be enrolled

A message was received from the House of Commons concurring in the proposition of the Senate to raise a joint select committee of two on the part of each House to cause a skeleton map to be prepared, dividing the same into counties, and informing the Senate that Messrs. Amis and McNeill form the House branch

increase the reward of every industrial pursuit, means of convenient transportation, and are and add to the wealth and prosperity of the therefore deeply interested in the subject.— Allow me to make one the formation of a like amount by adjourning now and meeting again on the therefore deeply interested in the subject.— Allow me to make one the loth resting of the loth resting of the loth resting of the loth resting of the loth resting again of a like amount by adjourning now and meeting again on the loth resting of the loth resting of the loth resting of the loth resting of the loth resting again aga

ferred to the committee on the Judiciary. MR. GILNER. That Sir is what I mean. Mr. Carmichael introduced a bill to attach a portion of the county of Wilkes to the county of

most convenient, the re-enacting the law which | was referred to the committee on Propositions Mr. Cherry presented a resolution to send a

nis resignation, which, in consequence of my ing, because we shall they a joint necessary absence, did not reach me till the 24th to the law of the Country. And if this is not it is much better to repeal and repass the law select Committee of five on the part of the llouse of that month. His letter of resignation is strictly speaking a Session, it is highly necessary respecting the biennial sessions than to undertake to re-enact every thing that may be done the Committee on the Swamp Lands, with power to send for persons and papers. by the Legislature in the intermediate time.

MR. BYNUM. If I understand the object of Mr. Avery suggested to the gentleman from the Senator from Mecklenburg in seeking the Bertie the propriety of laying the resolution on sions of the Legislature. The difficulty he as extraordinary proceeding in our legislation to islature. Under all the circumstances, it was meeting of the newly elected is not in accor- sumes to be this, that the present session of the empower a committee to send for persons and deemed advisable not to fill the vacancy until dance with law, but I have serious doubts on Legislature is an extra session and unless we papers, and as it might be attended with conpass the bill that is upon your table we shall be siderable expense, he thought it advisable to obliged to adjourn and meet again on the day give the members some time to look into the

Mr. Cherry thought the gentleman from Burka sion; that this extra session must terminate labor by the usual time of the meeting of the count the members of the Legislature out of previous to the third Monday in November was unnecessarily alarmed about the expense. when the regular session is to begin. And now He thought it probable that the committee report directly to the General Assembly, when while the term of office of the Governor and all I beg leave to ask the Senator from Mecklen-might find it important to examine some perburg when the regular session required by law sons in the city, to get the information which from the day of taking the oaths of office. I will begin, if you repeal the law requiring the was desirable, and they should have power to Professor Emmons was appointed under the can see no reason for the variance. I do not say Legislature to meet on the third Monday in No- compel their attendance. He questioned whethact passed at the last session to make a geologi- it is not all right, but I see no satisfactory rea- vember? It is declared in the constitution that er it would be necessary to send to a distance trespasses had been committed upon some of

the best portions of the land, and he thought it MR. CALDWELL. The Senator from Ruth-

and that by repealing the law which requires Mr. Avery was fully aware of the importance the Legislature to meet on the third Monday in of this land, and fully approved of the purpose which the gentleman had in view. His atten-November it becomes a biennial session. MR. BYNUM. It appears the Senator does tion was called to this matter of a trespass upnot exactly understand his own position. I on the land at the last session, and it was think he has got somewhat confused as to what | thought that the Literary Board would devise is the meaning of a session. Now the position measures for protecting it. But there may be assumed by the Senator from Guilford and to much expense attending the adoption of the resolution; and as a delay of a few days could which the Senator from Rutherford replied was this, that the call of the Governor, in pursuance do no injury, he preferred having some time to of the authority vested in him, of this meeting get information in regard to it.

of the General Assembly, constituted it a biennial session. The Senator from Mecklenburg the resolution. He stated that he lived in that objected to that position and said it was not cor- part of the State where the lands lie-that the rect. Well now he argues that this law which fixes the time of meeting must be repealed, and persons, in most cases, insolvent, so that no he leaves us then without a law requiring the remedy could be had against them. If meaholding of the regular session according to the sures were not speedily taken to prevent these provision of the constitution. Now, Sir, it oc- trespasses, gentlemen would find that the best curs to me that this is a question about which | timber had been removed. He hoped the resogentlemen have not yet informed themselves | lution would be adopted. sufficiently to make up a clear opinion, and if

that we are to repeal and is only for the purpose | vail. of removing a grievance which can arise only on the third Monday in November. I see no reason then why this bill should be pressed upon the consideration of the Senate at this time. pass it. And the Senator also speaks of con- on the Judiciary. [Provides for condemning stitutional scruples which exist in the minds of | land for embankments to prevent overflows.] some gentlemen on this subject, and he asks what harm can it do to pass this bill. I say if his argument is correct it does this harm, it leaves us under the necessity of providing by law for the holding of a session of the Legislature which the constitution requires us to hold. If. Sir, the position that this is a separate and

pased first reading, and was referred to the distinct session be true, and that if we remain committee on the Judiciary. Mr. McDugald introduced a bill to amend the here we must begin a new session on the third Monday in November, then I think the proper | 1st section of the 86th chapter of the Revised

Mr. Spruill made a few remarks in favor of trespasses were frequently committed, and by

Mr. Avery then moved that the resolution be this law takes effect, it can only be at last a law | laid on the table; but the motion did not pre-

The question was then taken on the resolution, and it was adopted.

Mr. Smith introduced a bill concerning the embankment of low grounds ; which passed its I can see no reason in the world why we should | first reading, and was referred to the Committee

Mr. D. F. Caldwell introduced a bill to incorporate the Gresnsborough Life Insurance and Trust Company ; which passed its first reading. was laid on the table and ordered to be printed. Mr. Albertson introduced a bill to facilitate the trial of civil causes in certain cases : which

of many ardent friends of constitutional reform, against the Convention mode of effecting it. A Convention is impracticable and inexpedient, and I regard the Legislative as the safe and only practicable mode, at this time, of amend ing the Constitution.

A change of the Basis of Representation would be fraught with mischief. Even the agitation of the subject is calculated to destroy that harmony among the various portions of the State, which is so essential to prosperity and happiness. Let us unite in directing our attention to the subjects that may produce more beneficial results.

It is a circumstance gratifying, and at the same time highly complimentary to the State, that however much the people may desire constitutional reform, they promptly reject any other than a constitutional mode to attain it.

The election of Judges and Justices of the Peace, by the people, for terms less than for life, are questions of constitutional reform, which I recommend to the favorable consideration of the General Assembly.

There is no object of more general importance than Common Schools, nor is there any survey is herewith transmitted. question more worthy of the favorable consideration of the General Assembly and the people of the State.

It is contended by some that the present mode of dividing the School Fund, is unjust, and that it ought to be divided according to white instead of federal population. The present basis of distribution has met the approval of many successive Legislatures, and I do not see any good reason to recommend a change in this respect No mode can be devised that will operate with equal benefit to all the counties.

It is submitted, whether the appointment of a general superintendant may not tend to improve common schools, and to advance the cause of education. Such an office recould no doubt do much to produce uniformity in the system, and to diffuse a proper spirit on the subject throughout the State. It is believed that the present system has greatly diminished the number of private schools. In many instances, it would seem that a reliance upon the common school prevents the district from providing a private school and it is often found that a district has a very imperfect school, and that only for a very short period during the year. The schools should, if possible, be of such a character as to make it the interests of all classes to patronize them ; for they are intended alike for the poor and the rich.

The execution of the system is more defective than the system itself. One cause why our schools are not in a more flourishing condition, arises from the fact that public attention has not been sufficiently aroused to the importance of ject would appear to be necessary. the subject. Spareness of population, and the The Wilmington and Raleigh Railroad, with want of adequate means to employ suitable energetic management, has of late overcome, to teachers, are the principal obstacles that ima considerable extent, the early embarrassments pede the progress of the system. The question this important work had to encounter. The arises, whether it is better to endure the sys-Company has commenced paying dividends, tem, with its present limited but gradually increasing benefits, or to improve it at once, by a resort to an increase of taxation. I can imagine Schools. no object for which an increase of taxation | would be more justifiable and commendable .--Contributions for public education have been aptly compared to the vapor drawn from the earth, not to exhaust, but to be returned in fer-

tilizing showers. Our common school system, however, im- tion of the State, heretofore deprived of such faperfect as it is, is producing lasting and bene-ficial effects. It will improve as we advance in due time, submit a report in relation to the pro-equivalent to one hundred per cent more. It is experience and increase in population. Dur- gress and condition of the work. ing the past year, upwards of one hundred and from the Literary Fund, among the several for the first instalment of the State's subscrip-

the average amount paid on land accordingly. | and nays. Three Commissioners were appointed under An examination into the existing revenue laws Mr. THOMAS moved that the resolution be

ment of Tar River. This is a desirable im- unequally. At present, \$1000, loaned at inter- they would be much better able to determine provement, but it is doubted whether the ap- est, pays 180 cents, while \$1000, hoarded against the time for adjournment after they had made propriation is sufficient to accomplish the object for which it was intended. the public convenience and public policy, pays some progress with the public business. [Upon the motion to lay on the table, the public during at all; \$1000 invested in land, pays [Upon the motion to lay on the table, the public during at all set of the public during at a

tion Company, has been paid. The work is be shown. progressing, and promises to open new and val-As a general rule, it is believed that the tax uable commercial advantages not hitherto enupon the estate of each person should be in pro-

portion to its value, subject to such exceptions only as circumstances and fundamental principles may justify. Inasmuch as property on the stock owned by the State, in the Wilmington lic privilege, neither on the other ought the absence of property to exempt the person from bearing an equitable share of the public burden. Therefore it is thought just and proper to impose capitation tax. Slaves are regarded to some extent as both persons and property. The following wise provision in our State Constitution, which ought not to be departed from. defines the power of legislation upon this subject :

"SECTION III.

ments did not feel authorized to make any 1. Capitation tax shall be equal throughout change in the number of directors appointed on the state upon all individuals subject to the the part of the State. The stock transferred, is

represented by the State in the Wilmington and 1. All free males over the age of twenty-one Manchester Railroad Company. If the Legisyears, and under the age of forty-five years, and lature intended that the number of directors on all slaves over the age of twelve years, and unthe part of the State, should only be in proporder the age of fifty years, shall be subject to caption to her stock, farther legislation on the sub-

such tax; provided that nothing herein contained | in November : shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily

infirmity. It will be seen that slave property must form thus enabling the Literary Board to distribute an an exception in framing a system of ad valorem increased amount for the support of Common | taxation. White males alone are subject to a poll tax, and a poll-tax is imposed on both male and

The North Carolina Railroad, it is believed. is progressing as rapidly as could be expected, ces nine years earlier and continues five years lon- journ for a few weeks in the intermediate time. considering the circumstances attending its ger. Thus it will appear that by taxing both commencement and prosecution. This improve- sexes the amount of revenue collected from the keep us occupied until the first of January. If ment promises to afford new and increased taxes on slaves is double the amount collected

It is probable that application will be made

the act of 1848-'9 to superintend the improve- will show that the present system operates very | laid upon the table, remarking that he thought

Upon the motion to lay on the table, the yeas The whole amount of subscription of the 300 cents, while \$1000 invested in trade, pays and nays were taken and resulted, yeas 21, nays State, to the Cape Fear and Deep River Naviga- 100 cents. Other unjust discriminations might 25; so the motion did not prevail, and, the question recurring upon the adoption of the resolu-

> Mr. HOKE asked leave to make a suggestion. This resolution, said Mr. II. proposes to adjourn on the first Monday in December. It strikes me the 3rd Monday in November to draw up a short that the time for counting the votes given for bill referring to all bills by their titles that Governor, a duty which devolves upon the General Assembly, is the second week in December. Mr. LILLINGTON observed that this objection might be very easily obviated. If the two houses should agree to adjourn at the time specified in the resolution, they could easily pass an act repealing the existing law so far as the time for counting the votes is concerned and fix an | earlier day for that ceremony, for it was but a

mere ceremony. The question was then put upon the passage of the resolution, and by yeas 33, nays 13, The resolution was adopted and sent to the House of Commons for its concurrence. The House refused to concur.

REMARKS OF MR. WOODFIN

On his resolution that the two Houses adjourn

Mr. WOODFIN. If we take it for granted, had adjourned in January last, but "a meeting iness of legislation, and if it be admitted that it session distinct from the biennial session.ary, as some affirm, to witness the inauguration of the Governor, yet, in view of the small amount It must adjourn or by some means be dissolved. I do not see what we have to do here that will we are to be here on the first of January, I ask before that day in order that the regular bienmeans of transportation to a considerable por- on white-polls, in proportion to the population Senators to show me what we have to do in the nial session may then commence. I differ from ceive no report from the Commissioners for re- that the call of this session of the General As- priately referred. equivalent to one hundred per cent more. It is vising our Code of laws. If we are to be here sembly by the Governor virtually repeals the therefore obvious that in proportion to the whole number of each, the poll-tax paid on the slaves three or four weeks and do all the business that in November. Well now I entertain a different twenty-eight thousand dollars were distributed during the present year, or early in the next, is three times as much as the poll-tax on the is to be done here besides. And it is highly im- opinion. I think it requires the same solemnicounties of the State, and an equal amount will tion to the stock of this road. To raise the sum, provision in the Constitution has imposed a tax time of year for the meeting of the Courts. In meeting at an earlier day under a call of the meeting at an earlier day under a call of the counties of the State, and an equal amount will be distributed during the present year. The principal of the fund is gradually but slowly in-creasing, and is becoming more productive. As yet, there has been nothing actually received better terms by authorizing the Public Trea-the terms to insue Coursen Bands. The state bands are authorized to be issued and sold. To shave in the two-fold character of persons and property being the principal ob-the terms to insue Coursen Bands. The state bands are authorized to be issued and sold. To shave in the two-fold character of persons and property being the Public Trea-the required by the state, can be procured up-the terms by authorizing the Public Trea-the terms to issue Coursen Bands. To mótion of Mr. Chestant, the committee on the state are the required to satisfy the serve. The state are all of the law is its certainty. The state ball will be active to issue Coursen Bands.

the committee on the subject; whereupon Messrs. Boyd and Willey were appointed the committee on the part of the Senate.

The Senate took up for consideration the engrossed bill to repeal in part the 25th Section of the 52nd chapter of the Statutes which fixes the session which the constitution requires? the time for the meeting of the biennial sessions But I think any one who examines the matof the Legislature. ter can have no difficulty in coming to a conclu-

The question being shall the bill be read a sion respecting it. By what power are you required to meet on the third Monday in Novem-

Mr. Gilmer said he thought it would be ber? It is by an act of the Legislature. Well scarcely necessary to pass this bill, for reanow this session is called. If we go on it only sons heretofore assigned by him. Had the constitutes one session. That is the only con-Governor called together the Assembly before the last election, it was clear to his mind that think the proper construction. That we are in such called session would have no right to session now there is no doubt. That this Genlegislate on the questions of Free Suffrage, the eral Assembly called by the Governor is in ses Senatorial Districts, or the apportioning of sion I think there is no doubt ; and if we go on the Representatives. That the members to the last Assembly were elected at a time when no such questions were before the people, to operate or be considered of in making a selection has been contended for and with very great proof members. A session, called after the election, continued Mr. Gilmer, may be a different ed by the fact, that in the very same law which affair. If the newly elected members are the persons properly called together, this can be place on the third Monday in November, it is sustained only on the idea that the law which requires the Assembly to meet in biennial session, also authorizes the Governor in cases of sembly together at an earlier period if necessaabsolute necessity to call the Assembly together at a day sooner than the same may be apare now in session, then is our meeting on the sion runs on, is not that a compliance with the ular in keeping them; and yet he presumed he pointed to meet. If the last elected members law? I will therefore, in order to give gentle-4th day of October, a substitute for, and a commen an opportunity to examine into the quespliance with the legal requisition to meet in bition, move that the further consideration of this ennial session on the 3rd Monday in November. bill be postponed until the first Monday in No-In this view of the question this must be the vember next. I cannot for my part conceive how regular biennial session. He further said that any of us can be influenced in our vote upon to obviate all difficulty, it was in his mind after this question except by a desire to do what is right; and if I should hereafter become satisfimight be passed before that time, re-enacting which he conceived would remove all difficulties der to remove all difficulty, I am perfectly wil--being passed at both sessions, if, in fact, our continued sitting shall be construed into two

sessions. Mr. Caldwell advocated the passage of the bill. He said he could see no objection to its passage. It could do no possible harm, but its rejection might. His opinion was that it was necessary to repeal this law unless they wanted two distinct sessions for which there was no necessity. It was admitted that this was a session, and it was also admitted that it had been called in accordance with law, the Governor having the right to call a session of the General Assembly. Now, Sir, continued Mr. Caldwell, if we look

at the wording of the act, we shall see that it

A message was recieved from the Senate aitation tax, and no other person shall be subject to on Oct. 15th, to meet again on the third Monday journed to meet on the third Monday in Novem- greeing to the porposition to print ten copies of the Governor's Messege for the use of each mem-

Mr. S. P. Hill submitted a resolution making sir, that it is perfectly regular and constitution- of the General Assembly." Therefore it is a a reference of the different parts of the Goveral for us now to proceed with the ordinary bus-distinct session of the General Assembly, and a nor's message to appropriate committees; which was adopted. The subject of Free Suffrage and is necessary for us to be here on the first of Jan- Then, Sir, it being a session, how can we dis- amendments to the Constitution was refered to pose of this session ? It must come to an end. | a select Committee of seven, as proposed in Mr. female slaves, and the period of taxation common-of business to be done, I think we ought to ad-And unless you repeal the law by which we are by Mr. Hill as a substitute for the one offered by Leach's resolution, this having been accepted compelled under the provisions of the constitu-

repeal it you leave us without any time fixed

by law for holding the session of the Legisla-

The question being put on the motion to

on a division, ayes 25, noes not counted, deci-

FRIDAY, Oct. 15th, 1852.

ture as required by the constitution.

ded in the affirmative.

tion to meet on the third Monday in November, Mr. Harris, of Cabarrus, presented two memwe shall be under the necessity of adjourning orials-one from 817 citizens of Iredell county. against the proposed division of said county; and the other from I20 citizens of Rowan, in mean time. It is understood that we are to re- the Senator from Guilford in this : He insists reference to a Plank Road. They were appro-

Leave of absence for eight days was granted to Mr. Christmas, of Warren ; and until Tuesday next to Mr. Williams, of the same county. white population. So it will be found that this portant that we should be at home. This is the ty to repeal a law that it does to pass it, and to the Senate proposing to raise a joint select

Statutes, entitled an act concerning the appointconclusion and the only conclusion at which any one can arrive is, that this, being an extra | ment and duties of a patrol in each county. Passed first reading, and referred to the committee session and not the regular session, if you repeal the law which requires the regular session on the Judiciary.

The Speaker announced the following comto commence on the third Monday in November, you leave us without any law for holding mittees :

On Corporations .- Messrs. D. F. Caldwell, Christmas, Perkins, Chestnut, and Matthews, On joint Committee to prepare a skeleton Map-Messrs. Amis and McNeill.

Mr. Puryear, from the committee to which was referred the resolution in favor of Jas. W. Lowe, Sheriff of Lincoln, reported the same back to the House and recommended its passtruction to be put upon it. And that is I sage.

Mr. McNeill said he had great respect for the Committee, and regretted that he felt compelled to differ from their views, but he hoped the resolution would be rejected. It was a bad preuntil after the third Monday in November it cedent, and he desired that a stop should be put will most assuredly continue to be one and the to it. The law has already made provisions to same session. But, Sir, the construction which | enable a Sheriff to collect the taxes, and if he fails to comply with it, he ought to suffer the priety by the Senator from Guilford is confirm- | consequences. By passing this resolution, they would, perhaps, have applications for similar directs the meeting of the Legislature to take ones from fifty out of the eighty Sheriffs in the State ; and it is placing in the hands of Sheriffs declared that the Governor, by the advice of the the power to harrass and perplex the people.council of the State, may call the General As-He could not swear that he had paid his tax for 1848, (as provided for in a bill before the House,) ry. What is the meaning of that? If he calls nor did he suppose he could produce the She-them together at an earlier period and the seshad paid it, or the Sheriff would have called on him for it.

Mr. Lander said the resolution was local in its character, and could not affect the people in any other county than that of Lincoln. The people of his county would not be opposed to it. The Sheriff, during scarce years, had indulged the people; and now that the time allowed by ed that the commencing of a new session on the law, in which the tax must be collected, had exthird Monday in November is necessary in or- pired, some of them refuse to pay. This resolution simply authorises him to collect the arling to accede to that course. But I can at rearages of taxes due him. Similar resolutions present see no necessity whatever for repealing had frequently passed the Legislature. the law; when every one is aware that before

Mr. McNeill replied that he was aware that we adjourn we must re-enact it, because if you there were precedents on both sides. Application was made some years back for a similar resolution in favor of the Sheriff of Robeson county, which was rejected with great difficulty by the efforts of the members from that county; postpone the further consideration of the bill and, as he believed, its rejection prevented a seuntil the first Monday in November, it was, up- rious disturbance in that county.

Mr. Amis, of Granville, thought the gentleman from Robeson, (Mr. McNeill,) was certainly right in his views. In addition to what Mr. McNeill had urged, it struck him that the passage of this resolution would be interfering with the obligations of a contract. The debt was incurred under the law as it now stands, and having failed to collect it as provided for by that law, the Sheriff now asks the Legislature to make another law for his benefit. Whatever may have been the action of the Legislature heretofore in similar cases, he thought the resolution ought to be rejected.

Mr. Wheeler supported the resolution. He did not think it impaired the obligation of a contract. or was unconstitutional in its effect. "Tho latter day saints were wiser than those in former times." He could show one hundred precedents of a similar kind. If the Sheriff had been a hard-hearted, close-fisted man, he would have collected the tax under the law; but he would not oppress the poor, and take the bread out of the mouth of the wife, the little children, or the horse. The times were hard, and many wero unable to pay their tax; and the Sheriff, being kind-hearted, indulged them. He hoped, there-fore, the resolution would pass.

Mr. Amis replied briefly. . He remarked that is sheriff chose to indulge them, he ought

jects of taxation, they should bear a fair and clients must necessarily suffer. And I suppose And as I before remarked, to satisfy the scru- On motion of Mr. Chestnut, the committee on passed upon this subject at the last session, will in the course of time, greatly increase the Lit-Energy Ford a later and control of the last session of the former and control of the last session of the l law; and the glory of the law is its certainty. Mr. Miller, of Caldwell, opposed the resolution, and presented some views similar to those sand dollars, "out of the first moneys collected each person's estate, real and personal, inclu-The President and Directors of the Literary after the first day of January 1852, from the ding money, whether at interest or not, ought the Committee room? And from the present that this bill should be passed. advanced by Mr. Amis. Fund will in due time submit a report, showing Cherokee bonds, and from the sale of Cherokee to be taxed alike, according to value. This position of parties every one must know that no MR. GILMER. The difficulty in my mind, County Courts to compensate Justices Mr. Lander replied to Mr. Amis. He said the condition of the fund, and proceedings of lands," for the survey of a Railroad route from would require every person to contribute in pro-bill can pass that will be satisfactory to both and the only question that I have heard raised Peace for taking the tax list. he did not suppose there could be any serious On motion of Mr. Phillips, the committee on the Board in relation to other subjects commit- Salisbury to the Tennessee line. The Agent portion to the value of his or her estate, and parties. Now, to say nothing of the business is this, whether a session of the General Assemdoubt about the constitutionality of the resolu-Finance was instructed to inquire into the exstates, that only a small sum applicable to this appropriation has been collected. It was not that is neglected at home, the State will be great-appropriation has been collected. It was not that is neglected at home, the State will be great-by called by the Governor to meet at a different that is neglected at home, the state will be great-by called by the Governor to meet at a different that is neglected at home, the state will be great-by called by the Governor to meet at a different the mileage A judicious system of Internal Improvements by the State, has ever been regarded as a sub-by the State, has ever been regarded as a sub-by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the degree of protection by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the state in the power of the Board of Internal by the regular biennial session, may be considered by the regular biennial session, may be considered by the regular biennial session in the power of th passed to extend the time for registering deeds by the State, has ever been regarded as a sub-ject of great importance, and entitled to the fa-vorable consideration of the General Assembly. It is to be regretted, that this his estate requires from government, than by re-dollars a day. And we shall adjourn as soon That is the only difficulty. And Sir, if we pass they may be permitted to peddle in every counand grants. Mr. Phillips made a few remarks in reply to Mr. Lander. In reference to the deeds and grants, after the third Monday in November, if a confirmatory act, or if we continue and make ty in the State for the term of one year thereaf-The want of cheap transportation is deeply felt could not be done before the commencement of by the agricultural, commercial, manufacturing and mining interests of the whole State. To contemplated line runs through a portion of the continue in Session. Why was the continue in Session of it, it seems to me this difficulty, if there And on his motion, the Committee on the Juhe said he presumed it would be found that the laws had been passed before the two years had overcome this inconvenience could not fail to State, where the people are deprived of the sions, as is now done. Such persons as do not third Monday in November fixed by law for the is to be any, is going to arise from repealing the diciary was instructed to inquire into the proexpired in which they were to be registeredthat they only enlarged the time upon deeds

HOUSE OF COMMONS. does not say the General Assembly that adber, but simply 'shall call a meeting of the Gen-eral Assembly.' Not the General Assembly that ber.