STATE LEGISLATURE.

SENATE.

THURSDAY, Nov. 11, 1852. Mr. Steele, from the Committee on Finance, to whem the subject had been referred, reported a sale of its bonds. The bill was read a first time. Mr. Washington from the Committee on the

Mr. Drake introduced a resolution in favor of nays 22. the Treasurer of the State, which was read a The House then adjourned. first time, and on motion of Mr. Thomas was referred to the Committee on Turnpike roads and Cherokee lands.

referred to the Committee on Internal Improve- grievances.

missioners appointed to revise and digest the ded its rejection. same. Concurred in.

County of Iredell. Read and referred to the recommended its passage. Committee on Propositions and Grievances.

Carolina Plank Road Company. Read and referred to the Committee on Corporations. Mr. T. F. Jones presented the memorial of sundry citizens of Pasquotank, praying the pas-

second time.

The bill to incorporate the Concord and An- ted. son Plank Road Company was read a second tion of Mr. Kelly and passed. The bill to incorporate the Haywood and

Pittsboro' Plank Road Company, and The bill to incorporate the Haywood and recommended its rejection. Raleigh Plank Road Company, were read a second time.

Court was read a third time and passed. Also the bill to incorporate Catawba College.

low grounds.

The bill to repeal the act establishing a new to the committee on finance. County by the name of Jackson was read a third | The following bills were read a third time, time, and on motion of Mr. Thomas it was post- and passed, viz: row at 12 o'clock.

of the 2nd chap, of the Revised Statutes was son plank read company, read a second time and rejected. The resolution in favor of Rufus H. Page was . Pittsboro' plank road company,

read a third time and passed. was read a third time and passed. State was referred to the Committee on Turn- charged.

pike Roads and Cherokee lands, was reconsider-

clock to-morrow.

HOUSE OF COMMONS.

citizens of Ashe and Watauga counties for the mended its passage. relief of Farklin Ray; Also one from citizens of and manufacture of this State may be exempted ommended its rejection. Mr. Watters, a memorial from citizens of edit rejection. which was referred to the Committee on Pri- metal d its passage.

the Literary Fund, and also into the expediens its third reading. ing for a repeal of an act to prevent obstructions tionment. by dams on Roaring River, reported that the charged from the further consideration of the

Also, the bill to lay off and establish a new County by the name of Blue Ridge, and recommended its passage.

Mr. Cook offered an amendment, proposing to portion of Wilkes County.

put upon the amendment, which was adopted. Mr. Carmichael moved that the vote, by which to be adopted without his having made some re- variance with the understanding upon which marks on the subject.

Mr. Cook opposed the motion to reconsider,

the motion. laid upon the table and made the order of the Judiciary Committee.

Carmichael, who was indisposed. Mr. Cherry, from the Committee on Education, to which was referred the bill to amend the 9th section of the act passed in 1844, conthe 9th section of the bill to amend the town of Plymouth,
ate the first case upon which his eye might hap.
The passed in the town of Plymouth,
ate the first case upon which his eye might hap.
The passed in the town of Plymouth,
ate the first case upon which his eye might hap.
The passed in 1844 and to begin act act the section of the believe the people desired it.
The passed in 1844 and the passed in the section of the s cerning Common Schools, reported the same whatever. It was very obvious, he thought, that If the desire was to democratize our institu- Leave being granted, back to the House and recommended its passage, the whole purpose was to stave off the question tions in this particular more than they were, Mr. Woodin said a majority of the commit-After an explanation by Mr. Cherry, the bill

passed its 2d reading. Mr. Dortch, from the Committee on the Ju-

Massrs, Dortch, Avery and Spruill spoke in favor of the bill; and Messrs. Unillips and W. ginal bill J. Long in opposition—the latter admitting the justice of the claim, but objecting to the princi-

postponed; which motion did not prevail. He Haywood, because he did not think they had was rejected. then moved to amend by inserting a section to the constitutional right to establish a County direct the Treasurer to refund to two purchasers and deny to that County a representative.

which amendment was rejected.

Spruill opposed.

Mr. Collins moved its indefinite postponement; decided in the negative-year 14, nays 88. The bill then passed its 2d reading.

but the motion did not prevail. Mr. D. F. Caldwell, from the Committee

act to regulate the pay of jurors and witnesses incorporate the Farmer's Bank of North Caro- which they would not justify. in the County of Craven and recommended its lina, reported the same to the House with certain amendments, and recommended its passage. the request of Mr. Gilmer from the Committee on the Ju- The amendments were adopted : and after a few ministration of justice, and recommended its well in support of the bill, and Mr. Wilder in Committee on the Judiciary. opposition, it passed its 2d reading-yeas 79,

SENATE.

FRIDAY, Nov. 12, 1852. Mr. Palmer presented sundry resolutions di- Mr. Caldwell presented the memorial of sun- than it could dispose of in a fortnight, and Mr. Webb then moved to amend by provid-Centre Plank Road Company. It was read and referred to the committee on propositions and Haywood. He felt the more unwilling that the on the passage of the bill,

the Charlotte, North Carolina and Cheraw South mended its passage. On motion of Mr. Washington, it was

sage of a bill to make certain trespasses indicta- of Commons, proposing to raise a joint select of the Indians had been kept there. ble. It was referred to the Committee on the Judiciary.

Trustees of the Hillshoro Academy: the Lill to Jackson is a county as it now stands, and entiincorporate Science Hill Made and Female Athe dominities of the Hillshoro Academy: the Lill to Jackson is a county as it now stands, and entiincorporate Science Hill Made and Female Athe dominities of the House, to asfrom Craven, whether the Committee on the Juincorporate Science Hill Made and Female Athe dominities of the House, to asfrom Craven, whether the Committee on the Juincorporate Science Hill Made and Female Athe dominities of the House, to asfrom the very The bill to attach a portion of the County of certain and report to the General Assembly the dictary were yet ready to report on the question calenty, in the counties from which they were originally heel of the last session, a bill had been passed Wilkes to the County of Alexander was read a present condition of the Institution for the edu- to which he miluded." The bill to amend the Charter of the Town of in which the same has been and is conducted, for the reason that the Senator from Haywood, second time and passed. Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Salisbury was read a third time and passed.

Committee agreed to, further amended on mo- superior courts of Rand lph, Alamanco, and tec-until he could adduce the evidence. years and upwards from serving as Jurors, and the Committee.

ond time.

Lake View Division, No. 101, sons of Tempers gard to that matter, as in regard to this bill, Mr. Webb moved that the bill be laid upon ance in Hydr county; read a first time, and resultant there was no end to it. He felt satisfied the table; but the motion did not prevail. ferred to the committee on corporations. Also the bill concerning the embankment of whole amount of taxes paid by the people of was made; he did not believe the bill would be | Guilford, in opposition to it.

eigh plank road company. The bill to repeal the proviso to the 9th sec. The bill to incorporate the Concord and Au- ipso facto a County, but he desired to have his mays 19.

The bill to make certain bonds transferable tions reported back the bill to incorporate the pricileges which belong to a County, and who jets some remarks of Mr. Bynumin support of the the resolution in favor of the Treasurer of the further consideration; the committee were dis- | Court had decided that the legislature has a on its passage, and the bill was rejected.

New Hanover and Brunswick counties relative Also, the bill concerning public wards, fending about reversing By Mr. Dargan: A bill to incorporate Carotto a grant by the State for an Oyster Bed :- ces and bridges in Bladen county, and recom- the decision of the Supreme Court, Sir. I have line Lodge, No. 141, Ancient York Masons, in

Mr. Saunders, of Wake, a petition of Willis clary, to whom was referred the bill to amend to array the opinion of the Committee for or G. Hamilton, praying to be relieved from the the act concerning legacies, final portions, and against that decision. There are several applied penalty incurred for having married two wo- distributive shares, reported a substitute for carious for new Counties now before the legislamen—the second was living; which was refer- said bill, and recommended an adoption in lieu ture, and I say if you establish the practice of told that the people of that section of country

inquire into the expediency of amending the act county of Jackson, which had been made the plication for a separate County will not be able tions and Grievances.

of the Literary Fund to enter into any arrangs ment with the Trustees of the University in rement with the Trustees of the University in rement to the order of the Company and Interval and Interva ey of authorizing the President and Directors Mr. Thomas moved to amend the bill by strike not. ment with the Trustees of the University in re- ing a supplemental bill for the establishment of within a small company and recommended their pasgard to the subject matter embraced in said act. Jackson County, with a provision that the Couns, that is to be referred? Is it expected that the sage, sitions and Grievances, to which was referred the House of Commons, and that the act should struct question whether Jackson is now entitled and resolution. Adopted. the petition from citizens of Wilkes county, pray- not go into operation until after the next apport to send a member to the House of Commons, or ! Whenever, at a Session of the General Assem-

Committee, after search, could find no such act, and did not believe that one existed,—and that, the other advantages incident to having a separation of the River proposition, it can have any practical bearing through storm or sunshine—and he had known and did not believe that one existed,—and that, the other advantages incident to having a separation to be considered and decided by several instances in which persons had to be

The memorials in favor of the new County any action being had upon it on the part of the 'nity and self respect to do so. were read to the House; and the question was Senate. When the postponement until this day | The question upon the motion to refer was by and be forfeited -be it therefore had been proposed by the Senator and assented year 25, nays 22, decided in the affirmative. to by the Senate, for the purpose of accommodathe amendment was adopted, be reconsidered .- ting him, it was distinctly understood that he He stated that he had been taken by surprise, was to ask for no further delay. And now the or he would not have permitted the amendment. Senator came in with a proposition totally at

the postponement had been granted. Mr. Thomas said he desired the reference of and had some memorials on the subject read to the bill, in order to remove a doubt from the reported the same to the House, and recomminds of some of the friends of Jackson County, Mr. tiwynn addressed the House in favor of as to whether it could properly be constituted a the second time, County, without having the privilege to send a Mr. Munday moved to amend by inserting a Mr. Lane introduced a bill giving the elec-On motion of Mr. Cherry, by an agreement member to the House of Commons. This doubt section to promise for the election of County tion of Clerks and Masters in Equity to the peo-

day for Wednesday, the first of December. | Mr. | Mr. Thompson said it appeared to him that by consuming time unnecessarily.

slightest degree changed in regard to the constiremainder. He withdrew the motion to refer.

The question being upon striking out the ori-Mr. Steele demanded the year and nays.

Mr. Caldwell said although he was opposed

the money paid into the Treasury by them; from Mecklenburg, that if this new County were Mr. Brooks offered a similar amendment in in reality a mere abstract question, whether it The bill then passed its second reading; and de facto a County, they could not deprive it of Cherry moved that the bill with the amend not. The committee had directed him to make having been suspended, on motion of the right to send a member to the House of ment he indefinitely postponed. Mr. Martin call the report, thus unformally, so that the acting Justices the rules having been suspended, on motion of the right to send a member to the House of ment be indefinitely postponed. Mr. Martin call the report, thus unformally, so that the action Mr. Dortch, the bill passed its 3d and last read- Commons. He moved to strike out that part of ed for the aves and noes, and the motion did not of the Senate might not be unnecessarily delayed. ing.

Mr. Wynne, from the Select Committee, to should not be entitled to a representative.—

Which was referred the bill to repeal an act en
While up, he would remark that he was sorry

While up, he would remark that he was sorry

Mr. Webb offered an amendment to provide

Mr. Thomas addressed the Chair.

The Speaker. There is no quest time before the Senate. titled an act to prevent obstructions to the pas- the Senator from Haywood had withdrawn his for the election of County Trustees by the peosage of Fish in the Inlets of this State, passed at motion to refer the bill to the Committee on the ple. Pending which, Mr. McDugald moved committee asked to be discharged from the furthe Session of 1850-'51, reported the same to Judiciary, not because he believed that a report that the bill be postponed, that he might have ther consideration of the subject?

passage of the bill, and Messrs. Collins and | wood an opportunity to supply a better argu- | House refused to postpone; and the question | repeal of Jackson County, to-wit, that if it were which was rejected -yeas 43, nays 63. and the aves and noes having been called, it was repealed, the effect upon the Western people of Mr. Spruill offered an amendment to provide Mr. Wynne then moved that the rules be suss it was a very unfortunate argument; and was After a little sharp shooting between Messrs. on stituents of that Senator would not be pleased nays 74.

> Mr. Gilmer withdrew his motion to amend at Mr. Thomas, who then renewed his motion to

The Committee on the Judiciary, he said, had ter now receives. Committee had now before it more business was taken, and the amendment rejected.

The Senator from Haywood had now offered a 37.

Mr. Washington said he was very glad to Also, the bill toappellat Tax Collectors for the Mr. Murray introduced a bill to line operate hear it, but was afraid it would turn out, in re- State; and recommended its rejection.

that the Senate was fully prepared to vote on | M. ssrs. Mills and Webbard lessed the House Mr. Cowper introduced a bill to ascertain the the bill and amendments, but if the reference in support of the bill, and Mr. Caldwell, of North Carolina; read a first time, and reterred disposed of in a fortnight—and he hoped, thereto the committee on finance.

Mr. Marshall then moved to amoud, by infore, that the motion would not prevail.

ence. He wanted a report from the Judiciary the question was taken on the amendment, on on plank read company.

The bill to incorporate the Haywood and sides, there were some Senators who were super the Light section of the 1024 chapter of the Reporting this bill to repeal the County on the ! vised Statutes, to provide for the collection of the Mr. Clark from the committee on corpora- supposition that it was not now entitled to the Revenue; and recommend d its rejection. Al-

E OF COMMONS.

THURSDAY, Nov. 11, 1852.

ted back the bill authorising justices of the he thought it ought not now to be repealed.

The following bills were introduced, passed.

The following bills were introduced, passed.

report from the Judiciary Committee to reverse | ferred : Also, the bill concerning the printing of the the decision of the Supreme Court. If the Sen-1 By Mr. Dobbin: A bill to incorporate a Muhereafter there shall be no Counties repealed, I | ville. the committee on Propositions and Grievances. Certain cases in courts of law, and recommend- Counties as they are: but a report from the of the Counties as they are: but a report from the each county is entitled to a member, and shows thought nothing on earth could induce him to Committee cannot affect this question.

not a hanced any such idea. I think the decis- the county of Anson. Mr. Kelly, from the Committee on the Julissian of the Court is wrong; but I do not want. The House then adjourned. red to the committee on the Judiciary.

On motion of Mr. Saunders, or Wake, the Committee on the Judiciary was instructed to the repeal the act establishing the committee on the Judiciary was instructed to the repeal the act establishing the subject of Committee on the Judiciary was instructed to the committee on the Judiciary was instructed to the committee on Proposition 1 and 1 deasure, there will be no nied by a mean representation in the Trust of Commons amongth various counties of the State Indicate the powers of Commons amongth various counties of the Town of Newbern; Here is on your statute book a county called to travel a very the subject of Counties; the people making approximation in the Trust of Commons amongth various counties of the State Indicate the proposition of the Judiciary was instructed to the committee on Proposition 1 and the Indicate the I of the last session to vest escheated property in special order for this day. The bill being upon to depend upon your action, and will not know | Mr. Clarke, from the committee on corporal islature has declared then according to the constitute on the constitute of the constitute of

will they report back the bill or the substitute. bly, held in the year 1810, an act was passed bal report, because, whether the majority of the Court had decided that the legislature passessed. Mr. Thomas said he was willing to relinquish and recommend its passage? The latter is the declaring valid the proceedings of the subscription from the abstract on horseback or in buggies, but in open carts,

HOUSE OF COMMONS.

which was referred the bill to give the election cause, have forfeited their right and control sons which brought them to their conclusion. of Clerks and Masters in Equity to the People, over the same.

with Mr. Cook, the motion to reconsider was could best be removed by obtaining the opinion Surveyors; and upon the amendment Mr. Wils, ple. The bill was read and referred to the comliams, of Warren, called for the ayes and nees, mittee on Propositions and Grievances.

ed his opinion. He had from the beginning Clerks and Masters were, he believed, faithful! Mr. Woodfin from the committee on the jubeen contending that this was a County to all and efficient officers; and there could be no good diciary asked leave to make a verbal report up. Court Reports at random and read to the Sen-

desired this change.

ted-yeas 41, noes 62.

ment than he had originally made against the was taken upon the amendment of Mr. Webb,

this State would be to change their feelings in for the election of County Registers, Overseers rules, it must be upon the table until to-mor- have no member, for it will then be no longer a verbally and without assigning any reason regard to the institution of slavery. He thought of Roads, Patrol, Solicitors, &c., by the people. row.

> to Friday: which motion was lost. Mr. McDugald then offered an amen lment, committee, Jackson is a county.

providing that on the expiration of the term of

reported back the bill to amend the act to incor- the Senator from Haywood (as he alleged) was members who are absent an opportunity to vote, of the committee was incorrect. to that Senator, he had moved a reconsideration , tion of Clerks and Masters to the people was motion.

bill to incorporate the town of Jonesville in the . By incurred, and that action upon this matter separated? present condition of the Institution for the edge to which he alimided.

Separated:

The Senator from Pasquotank, with a good other officers of the counties of Haywood and thus accommodate.

The Senator from Pasquotank, with a good other officers of the counties of Haywood and thus accommodate.

to other important evidence which he did not to which was referred the bill to repeal in part committee ball determined to make their report think my friend from Pasquotank will, upon a in which the citizens of that territory were in-Mr. Lillington from the committee on the just then have before the Committee, and had asked the 31st section of the Hos, at once, so that the bill might be disposed of, little reflection, see that in this portion of his ar- terested, should be tried either in the county of time, the amendments recommended by the diciary reported back the bill concerning the and the gentleman be relieved from all further gument he was in error, that he has not with Haywood or Macon, as the case might be. Now ed the same to the Hare, and recommended suspense and scheiturle, which seems to have his usual clearness of perception taken the true if Jackson was a county "to all intents and Currituek counties, and recommend its passage. Mr. Thomas said he was happy to say that that it do not pass. Un motion, it was laid up- pressed upon him very severely, for the last ground, that he has overlooked the fact that al-Also, the bill to exempt persons of sixty-hive the evidence and documents were all now before, on the table in consequence of the absence of fortnight. But if the gentleman is so clear in though the people of that country are still reprethe gentleman who introduced it.

fore, that the motion would not prevail.

Mr. Kelly said he was in favor of the referbill to the county of Rutherford; but before poned and made the order of the day for to-mor- The bill to incorporate the Haywood and Ral- Committee as to whether Jackson is a County, anoth n of Mr. Martin, the bill, with the amend-

On motion of Mr. Drake, the vote by which Company, and asked to be discharged from its already a County. It was true the Supreme and Long, of Caswell, the question was taken and yet he is not permitted to exercise control.

harged.

Mr. Woodfin from the committee on the judis improper to pursue such a course; it tee to inquire into the expediency of amending by the act of the last Legislature, the county of Jackson is declared to be hereby established.

Mr. Jones. Does the certificate of Jackson is declared to be hereby established.

Mr. Jones. Does the certificate of Jackson is declared to be hereby established.

Mr. Gilmer. It does not I presu ed and the resolution was referred to the Com- ciary to whom had been referred the resolution was a dangerous precedent and one calculated the 5th section of an act passed at the session mittee on Finance. The cf 1850-51, so as to increase the tax on Circus. on motion, the Senate adjourned until 11 o'shock to-morrow.

The datas belonging to non-resident in 10 unsettle the existing state of things. The object is not required.

The datas belonging to non-resident in 10 unsettle the existing state of things. The object is not required and created with all the rights and minimum in so and committee deems of the other countries in North Carolina. To the Senator says we ought either to repeal the subject is not required.

County, if that question were now proposed as the countries of the other countries in the House of Commons is any extendible and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum in so and created with all the rights and minimum. The doctors are subject in the second countries in North Carolina. To the Senator says we ought either to repeal the of the other countries in North Carolina. To the Senator says we ought either to repeal the of the other countries in North Carolina.

Mr. Carmichael presented a memorial from ther purposes, with an amendment, and recom- Senator from Moore, it appears that he wants a their first reading, and were appropriately re-

Ashe county praying that all articles the growth private acts of the General Assembly, and rec- ator desires the passage of a bill declaring that all articles the growth private acts of the General Assembly, and recfrom taxation. Both of which were referred to Also, the bill to expedite the trial of suits in will go with him, heart and hand, to keep the By Mr. Stubber A bid to extend the powers

of Washington,

whether they have a County secured to them or tions, reported back the bill to incorporate the saintion is entitled to a member. The Legislass something of such difficulties and inconvenien-

Mr. Puryear, from the committee on Proposity should not be entitled to send a member to Committee will go into the discussion of the ab-

therefore, no legislation was necessary. The rate County organization, for the administration ty was not regarded as a County by the legislation was necessary. The rate County organization, for the administration ty was not regarded as a County by the legislation was necessary. The rate County organization, for the administration ty was not regarded as a County by the legislation and the Committee disconnected that the content of the best of pushes, we have a reference to the proceedings of the fore recited act it is further enacted that the content of the best of pushes, we have a reference to the proceedings of the fore recited act it is further enacted that the Mr. Steele asked for a division of the question, General Assembly will show that they author- following shall be, and make part of the Charso that it might be taken first on striking out.

Mr. Thomas said if it were in order to do so.

So that it might be taken first on striking out.

It is a strik Mr. Thomas said if it were in order to do so, law within this territory. Would they have Company shall not open and complete the navhe would move to refer the bill and proposed done so, if it had been regarded as a County? | igation of said River and the tributary streams amendment to the Committee on the Judiciary. There is no necessity for a reference at all f it thereof for the safe passage of boats within twen-Mr. Steele said it must be apparent to every is but trilling with the time and patience of the try years from and after the first day of Januastrike out that part of the bill which included a Senator that the object of the Senator from Hay- Senate. We ought to proceed and act upon the ry 1818, then all preference in favor of said wood was to stave off this bill, and to prevent bill at once. The Senate owes it to its own dig- company in the navigation of said River and

Resolved, That the Committee on Internal Improvement be instructed to enquire whether the Roanoke Navigation Company, in failing to the action of the Senate upon the question, (the improve that portion of Dan River, running time allowed the Committee being very limited) through the county of Rockingham, as set forth and not because they desired to withhold from Mr. Martin, from the select committee, to in the before recited act, or from any other the Senate or from the Country, any of the rea-

mended its passage. The bill having been read paying tales Jurors in the county of Northamp- tive and that it cannot be regarded as a county on; read a first time.

Mr. Cherry regretted to see this bill make its | The bill to extend the right of appeal in cer-C. made the motion as an act of courtesy to Mr. the Senator from Haywood had materially changing the motion as an act of courtesy to Mr. the Senator from Haywood had materially changing the present tain cases was read a second time and rejected.

Mr. Thomas denied that his views were in the ightest degree changed in regard to the consti
Mr. Martin briefly replied. He said the approximation of the people, not such as these.

Mr. Martin briefly replied. He said the approximation of the people of diciary, to which was referred the bill to contutional rights of Jackson County to a represenpointment of these officers was now made on tive? that in their opinion, it is such a countutional rights of Jackson County to a represenpointment of these officers was now made on tive? that in their opinion, it is such a countutional rights of Jackson County to a represenpointment of these officers was now made on tive? that in their opinion, it is such a countutional rights of Jackson County to a represenpointment of these officers was now made on tive? that in their opinion, it is such a countutional rights of Jackson County to a represenpointment of these officers was now made on tive? The Senate would reresolutions, which were read the first time and
County and that it is no argument against the day before yesterday. The Senate would rethe county and that it is no argument against the day before yesterday. firm a grant to B. H. Stammir, reported the tative, but said it became necessary sometimes the recommendation of lawyers, and frequently ty. The committee, however, were not unanisame to the House and recommended its pas- to sacrifice part of a right in order to secure the of one lawyer; and the people of his county mous. A minority of the committee believed, that further legislation was necessary, in rights—such as the right to have at least one The question was then taken on the amendorder to entitle it to representation. The mament offered by Mr. Monday, and it was role; forty of the committee were of opinion furthers, member in the Legislature—conferred upon it.

A bill to incorporate Catawba College;
A bill to amend the charter of the tow ment offered by Mr. Munday, and it was reject jority of the committee were of opinion further that the question, whether Jackson is now en-Mr. Webb moved to amend by inserting a titled to a representative or whether further legsection to prevent the provisions of the bill from islation is necessary, in order to give to it such to the repeal of Jackson County, he could not section to prevent the provisions of the bill from islation is necessary, in order to give to it such Mr. Styles moved that the bill be indefinitely vote for the proposition of the Senator from extending to the county of Rutherford; which representative, is a matter which has no practical bearing upon the subject embraced in the Mr. Dargan moved to amend by providing that the provisions of the bill shall not extend the provisions of t of a portion of the land embraced in the grant, Mr. Gilmer said he agreed with the Senator to the county of Anson; which was adopted. islature to repeal or confirmthe county, it was permitted to remain unrepealed and to become regard to the county of Pasquotank; when Mr. was now a county, in contemplation, of law or

> The Speaker. There is no question at this Mr. Thompson. Did I not understand that the

the House, and recommended its passage.

A discussion of some length ensued, in which Messrs. Wynne and Albertson advocated the local some length ensued it would give his friend from Hay-

if it is not out of order to take up the bill at air, conflict with the report of the committee? and Perquimans, decided that the county of reported back the bill, and according to our peals the act establishing the county, it will then trary to their views and wishes, had so reported

when the subject had been referred, reported a bill to increase the revenue of the State on the pended, and the bill put upon its 3d reading; afraid it had done his cause considerable injury. Miller and Spruill, the question was taken on there was a single question he read to this case? After a pause. Chairman of the Judiciary Committee as one of He thought it was an argument which the con- the amendment; and it was rejected—yeas 28. mittee, a mere question of law—and that they Mr. Washington from the Committee on the Judiciary, reported back the bill to amend an Corporations, to which was referred the bill to mistable be misunderstood if not misrepresent.

Mr. Webb moved that the bill to mistable be misunderstood if not misrepresent. bally, that in the opinion of a majority of the the report of the committee is right.

Mr. Parks introduced a bill for dividing the porate the western plank road company, and temporarily absent, and as an act of courtesy. The consideration of the bill to give the elec-Also, the bill to amend an act to incorporate of the vote upon an express understanding that resumed; and the question being taken, the Mr. Thompson. Yes, Sir, I move that the represented? Surely no Senator will insist that the Legislature that a certain portion of territoria.

> the next report be made in writing. fore all these exertions to repeal it? Why la- they choose to demand it. bur to repeal that which has no existence?

on to decide. The Constitution of the State | Mr. Gilmer. I understood the Senator as ar-Senator has not considered well the proposition the representative of Macon county. that a right cannot be held without being exer- | Mr. Jones. The Senator does not answer me cised. It is possible for infants to own estates, the question, whether either of them purports to infant cannot control that estate. It is possis ton, or from Macon and Jackson. over it. And the fact that no guardian is ap- er may give to the member. legislation in regard to this county, the consti- ture. We must either repeal the act, or pass a tution declares that each county shall have a supplemental bill. It must come to that at last, sheriff. Suppose the people of Jackson county | Mr. Washington said he was so heartily fired cleet a sheriff and elect a member, and send him | of hearing the bill for the repeal of the act esconstitution of the State, which declares that incidental questions, discussed, that he had that by your legislation, this has been estable make a single remark on the merits of the queslished as a distinc county, would not the legislast tion then before the Senate. But he occupied true there must be legislation to regulate the 'county of Jackson. He had voted two years ago vide for other municipal purposes, but the want done so according to the dictates of his con-

Mr. Lillington. I rise, Mr. Speaker, simply ly characterizes him, whenever Jackson County is named in his presence, to censure in severe terms the Committee on the Judiciary for not making their report in writing and fortifying it with the reason in extenso which influenced streams respectively so not improved shall cease have arrived and which, in the opinion of the them in coming to the conclusion at which they Senator, is so clearly absurd. The reason why the report was made verbally, has already been assigned by the Chairman. It was to expedite The gentleman is very clear that Jackson is not a county, that it is not entitled to a Representain making the apportionment of representation, and he reads from a decision of the Supreme Court which, in his opinion, is to sottle the question now and forever. Now I undertake to say S.r, that the decision read has nothing whatever to do with the question. It does not throw the slightest light upon it and the Senator might, when he found he was wrong, to ever get right, pen to fall. What is the gist of the decision read to us with so triumphane an air-which is to write down the majority of the committee maexistence of this power that, by its exercise, a have reported athrmatively, and I might, if it on the Judiciary. He, Mr. W., as a member of which was concurred in. with asking the Senator how does that decision and in the very face of his protest on the subof the Supreme Court in the case of Mills vs. ject. A majority of that Committee, contrary the Judiciary was instructed to inquire whether

Mr. Caldwell. I would inquire of the Chair | Williams, read by him with so complaisant an to the opinion of his friend from Pasquotank this time. I understand the committee have Of course, Sir, if the Legislature goes on and re- Jackson, as it now stands, is a county; and con-County. In this we all, I had supposed, agree. whatever for their decision. The SPEAKER. The Chair understands that I now ask the Senator what application has the He had been expressly referred to by the had not the bill before them at all. Upon that pose he cannot, and I still remain of the opin- that his silence on the question before the Sen-

Mr. Gilmer. I shall trouble you with but very concurred with the Senator from Pasquotank Mr. Thompson. If I had so understood it, few words Sir, and shall confine my remarks to and Perquimans, in the opinion that the soservice of the Clerks and Masters now in office, Sir, I should have insisted on a recommitment the proposition that has been discussed, and to called county of Jackson as it now stands is not Mr. Gilmer from the Committee on the distance of the Clerks and D. F. Cald-refer the bill and proposed amendment to the dictary reported back the bill for the better ad-refer the bill and proposed amendment to the the Clerks of the Superior Courts in each county shall discharge the duties of said office, and port in writing. The question submitted was representation of Jackson county, if the Gene- he asked, was a county? Could it be contend-Mr. Washington opposed the motion to refer, receive the same fees that the Clerk and Mas- whether Jackson is now a county, and entitled ral Assembly pass no supplemental bill? It is ed for a moment that an act of the General Asto send a member to the House of Commons. insisted on one side that if no supplemental bill sembly laying off a certain portion of the terribeen made during the whole session, a sort of After some remarks from Messrs. Cherry, The committee had no right to travel out of the is passed, according to the provisions of the act tory of the State and the inhabitants thereon "Omnibus, into which all the troublesome bu- McDugald, Avery and Lander in regard to the record, and say it might become a county by establishing the county, conferring the privisiness" of the session land been thrown. That probable effect of the amendment, the question future Legislation. They have not met the leges and immunities of other counties in the constituted a county? Some gentlemen had question. According to the plainest principles State, taken in connection with the article in contended that such was the effect and operation of common sense, it is not a county capable of the constitution which says that each county of the act of the last Legislature for the establishment of the last legislature for the last legislature recting the Treasurer to subscribe for eight hun- dry citizens of Iredell county protesting against among it some very perplexing matters, for in- ing for the election of Tax Collectors; which election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it some very perplexing matters, for in- ing for the election of Tax Collectors; which left among it is not to the election of the election of Tax Collectors; which left among it is not to the election of dred shares of the stock of the Fayetteville and a division of that county. The memorial was stance the "Indian affairs" of the Senator from he afterwards withdrew. Pending the question duct an election. Now then, can a member be would be entitled to be represented; and on the would most respectfully say that, in his judge. returned? It is absurd to say that the right other side this is denied. The strength, reason- ment, such was not the proper construction of Bill should be referred at this late period, for The Speaker announced that the hour had to separate representation is conferred by the ableness, correctness of a proposition is very of the act. It was likewise enacted in the first Mr. Lillington from the committee on the ju- the reason that he had been, in some degree, arrived for taking up the special order-it being Constitution. How can a man, or a society, or ten fairly tested by looking at the converse of clause of every Bank or Railroad charter that A message was received from the House of diciary reported back the bill to extend the instrumental in inflicting upon the Senate a the Free Suffrage Bill.

A message was received from the House of diciary reported back the bill to extend the instrumental in inflicting upon the Senate a the Free Suffrage Bill.

Commons transmitting the report of the Com- right of appeal in certain cases, and recommentation of Mr. Ayery, the bill was laid or thing, when they are not capable of exercise ture should, because we have the power, repeal constituted and appointed as a body corporate. ter. The bill, as the Senate would remember, upon the table and made the special order for ing it? Mr. Thompson read from a decision the law which gives to the country of Orange its &c., with all the rights, privileges and immunipublic statutes, with a proposition to print the Mr. Clark from the committee on corporations and passed its third reading on yesterday, when Friday next at 12 o'clock, in order to give the of the Supreme Court to show that the report county court. Suppose the law which gives to ties of other corporations of this State; and yet that county a Sheriff, a Clerk &c., be repealed, no one supposed for a moment that without furthe citizens of that county still be entitled to be any vitality or efficiency. So the delaration of Mr. Caldwell introduced a bill to incorporate the Lewis gold mining company, and recome the whole matter was to be disposed of to-day. bill passed its second reading—yeas 67, mays report be recommitted, and I shall insist that by the taking away of these officers the county ry should be erected into and constitute a county. is to be distranchised. Suppose this General ty of the State, was, without a supplemental Also, the bill concerning the Conrad Hill gold very important amendment, and moved to refer Mr. D. F. Caldwell, from the committee on Mr. Woodfin said if the gentleman had attenmining company, and recommended its passage, the bill and amendment to the Committee on corporations, reported the following bills and rethe Judiciary, where he would, no doubt, keep commended their passage, viz: the lill to in- ed that every point submitted had been met in under which a county was organized, would it without a bill establishing Courts and confer-Resolved. That a message be sent to the House | them as long as the question of the enumeration | corporate the Lumberton and Cape Fear Plank | the report. A majority of the committee, con-Resid Company: the bill to incorporate the tinued Mr. Woodan, were of the epinion that pealed, that he people living there would be in legislative powers and duties within the boundary

the gentleman from Bertie, who seemed to be deal of confidence, asked the question why it is Macon to execute process within said territory. his judgment that this is not a county, if it, &c., sented in connection with the counties of Hay- Haywood executed process within her borders? iscomme has matter of common sense, and soutterly wood and Macon, this does not destroy their He also desired to know by what authority the Lopes I dispute that it is no county, then where- right to a separate representation, whenever counties of Haywood and Macon took cogni-

The committee could not see the necessity for him whether any representative from that por- the criminal law of North Carolina, that the committing the report to writing. It is a very tion of the State is the representative of Hay- counties thereof, respectively, shall have exclushort report and relates simply to the point sub- wood and Jackson, or of Macon and Jackson? sive original jurisdiction of all crimes and mismitted whether Jackson as it now stands is a courty. This is the only point we were called which he is aiming.

gives to every county in North Carolina a mem- | guing that because it was not separately repreher in the House of Commons. But the Sena- | sented, it was not entitled to be so represented. There was no doubt in his own mind that it was | ment, was indefinitely, postponed - years 81, | for says it is impossible for a county to hold a It is true it is represented in part by the repreright which it cannot exercise. I imagine the sontative of Haywood county, and in part by

yet without the appointment of a Guardian, the | be the representative from Haywood and Jack-Greensbore' Mutual Life Insurance and Trust would vote otherwise if they believed it to be bill, and some objections to it by Messrs Miller, ble that an insane person may own an estate. It is possis ton, or from Macon and Jackson.

Mr. Gilmer. I suppose that will depend ve

pointed, does not destroy the right of property. Mr. Jones. Does the certificate of either of out of one, but the right to make one County of

and created with all the rights and immunities Mr. Gilmer. It does not I presume. But of the other counties in North Carolina. To the Schater says we ought either to repeal the question before the Senate was whether they Mr. Woodfin from the same committee report an original question, but it having been done, for the further consideration of the subject.— one of those rights; and I ask by what authoris pleamental bill. Well, Sir, we all agree in that, ty do you deprive the county of Jackson of this | and therefore all the discussion that has grown right? Suppose you take no further steps in out of this question is rather of an abstract na-

> of these exampt deprive the county of the right science and to the best of his judgment, with it a County perfect and complete. Were they Satuaday, Nov. 13, 1852. In he represented. But you are now going to such lights as were then before him. He was prepared to do this? If not, they must vote aa member to it? If it be a county, as the leg- very inconvenient and uncomfortable modes of If he does not regard it as a county, he has cer- that respect than a large portion of the people ry trouble. The committee thought we might Many of the people of those counties had to of the Senator from Guilford was what the Senexpedite action upon the bill by making a ver- travel from thirty to forty miles to get to the, ator from Buncombe would call a "fancy questo the question to be considered and decided by several instances in which persons had to be such officers or not. out for two days and nights at the peril of their lives and then been compelled to pay the costs | Senator from Craven say that he had voted for of a goire facias, in order to be relieved from the the bill establishing the county of Jackson, unrors. He thought those very hard cases, and C.) was here and voted for it with a distinct unnever in his life had he taken a fee from any derstand ing that it did not possess the requiman for making his affidavit or making his mo- site population. The Senator from Buncombe tion under such circumstances. The people of had so stated at the time. these counties had asked for no relief, but his . heart to the complaint of others. He had been the bill-but on coming here this session, he of the last session; he found it admitted that ratio of population. the territory laid off and described as Jackson county, so far from containing the requisite federal population at the time of its establishment as a seperate county, did not have even at this time more than the two hundred and fortieth part of the federal population of the State. He our next, the remainder of the debate upon this found, therefore, that he had very innocently committed a wrong, and he had been taught throughout his life that the only way for a man was to retrace his steps-to go back where he He had, therefore, voted upon the year and nays the Committee on Corporations, and ordered to in a majority of eight in this body, for the bill be printed. [To be called the Bank of Roanoke, king this report as little less than asses ? It is repealing the net establishing the county of capital not to exceed \$400,000.] Sir, if I have read it correctly, that the Legis- Jackson on its second reading. He had also A message was received from the Senare lature has the constitutional power to repeal a voted on the third reading for that bill on the transmitting the following engrossed bills and member that when the bill was announced by passed, viz: County may be deprived of certain incidental the Chair for its third reading, the Senator from A bill to encourage the investment of capital Mecklenburg had stated that the Senator from for Mining and Manufacturing purposes; by the constitution, or in the words of the de- indicated by the Speaker was one in which that A bill to amend the charter of the town of inference, be made to interfere with the control within the bar of the Senate; whereupon, the Court; of the Legislature on the subject of Counties, as vote was taken, and the bill for repeal was pas- A bill to make the bonds of the State, issued instruments for the good government and man- sed through its third and last reading. The Sen- on account of the Fayetteville and Wester can have no legislative bearing upon the power under consideration until after the vote was ta- Rail Road Company; which last was referred to create and abolish counties. This being the ken. Whereupon, he, Mr. W., as an act of to the Committee on Internal Improvements. decision, will the gentleman please inform the courtesy to that Senator, had moved a reconsid- A resolution in favor of R. H. Page; and mitted to the Judiciary committee and now be- its third reading, with an understanding that to procure the names of all the acting Justices fore us for our consideration? The question the whole matter should be disposed of on the of the Peace in this State; which was adopted submitted was, in substance, whether, it no supplemental bill were passed, Jackson would be sued by the Senator from Haywood? After of to authorize the probate of all deeds, &c., rea county and as such entitled to a member un- fering a substitute for the bill, he had moved a quiring registration before Clerks of Courts at der the new apportionment. The committee reference of the whole matter to the Committee any time, by striking out the second section:

ed. He, therefore, felt bound to say that he giving authority to the Sheriffs, Constables and zance of criminal offences therein committed -Mr. Jones. Will the Senator allow me to ask for he considered it a well-settled principle of thereof even with the consent of the parties, except upon affidavits filed disclosing good and sufficient cause for a change of venire.

He was utilitarian in his notions of things and disliked exceedingly to consume the time of the Senate in discussing what Mr. Benton would call "Goat's Wool." He thought it wholly immaterial, so far as the question now before the Senate was concerned, whether Jackson could be considered as it now stands a County or not. For the Supreme Court of North Carolina had expressly decided that the Legislature had the power not only to create but to abolish Counties-not only the right to make two Counties two; and having that power which had not been and would not be denied by any one, the only would exercise it. Well, on that point, it was understood that Jackson County insisted upon having a member, notwithstanding the fact that there was not half the requisite population within her borders, and it would be for the Senate to say whether under the circumstances this request should be granted. He would, however, beg to remind Senators that the immediate queshere and he claims his seat and produces the tablishing the county of Jackson, with all the tion before the Senate was still more practical; for the Chair had already announced that the first question would be (as a division had been called for) upon striking out the original bill for the purpose of inserting the substitute offered ture be obliged to receive the member? It is a somewhat singular position in relation to the by the Senator from Haywood-and he wished Senators to understand that in voting to strike time and place of holding courts, and to pro- for the bill establishing that county, and he had out, they were voting to retain the County of Jackson, and to pass a supplemental bill to make gainst striking out. Such was the vote which he felt constrained by sense of duty to his constituents to give-and he should discharge that

> duty, regardless of consequences. Mr. Gilmer said he would like to be informed by the Senator from Craven, whether if Sheriffs. Clerks, &c., were taken from any County in the out such officers; but so far as the immediate Court had decided that the legislature possessed

> Mr. Caldwell said he was suprised to hear the

Mr. Washington said he of course did not knowledge of their grievances had opened his know upon what information the Senator from Mecklenburg acted in the matter, but he repeatassured that the territory laid off and designa- ed that he voted for the bill because he was asted as Jackson county, either possessed then, or sured by gentlemen from that immediate seccertainly would possess before the apportion. tion that the territory embraced either had, or ment, the requisite federal population to entitle | would have, before the apportionment, the reher to a member. He had, therefore, voted for quisite population, and that he would never have voted to establish any new county in the found a bill introduced for the repeal of the act | East or West, which did not have the requisite Mr. Gilmer. When this bill was before the

> Senate on a former day, I moved to strike out the proviso. The Speaker. That motion is first in order. We are necessarily compelled to omit, till

> > HOUSE OF COMMONS.

SATURDAY, Nov. 13, 1852. Mr. Phelps introduced a bill to incorporate a