

SENATE.

Tuesday, Jan. 17.

On motion of Mr. J. W. Bryan, ordered that a message be sent to the House of Commons, proposing to ballot immediately for a Trustee of the University, to supply the vacancy occasioned by the resignation of P. W. Kirtland, and informing that House that Col. Andrew Joyner was in nomination for the appointment. Mr. Marshall, from the Committee appointed to superintend the election, reported that Col. Joyner was duly elected.

Resolved (on the H. of Commons a message stating that they had passed the enclosed bill to confer Banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions, with sundry amendments, in which they ask the concurrence of the Senate.

Mr. Marshall moved that the bill and amendments be laid on the table. The question recurring thereon, it was decided in the affirmative—Yeas 24, Nays 13.—The Speaker voting in the negative, making an equal division, consequently the motion was lost. So the amendments proposed by the House of Commons were opposed by the House of Commons were opposed by the House of Commons were opposed by the House of Commons.

fifths of the Stock of the Central Rail Road. Agreed to, by a vote of 49 to 39.

The question on motion of Mr. Gwyn, was then taken by Yeas and Nays, separately, on each Resolution. The first Resolution is as follows:

Resolved, That the surplus money of the United States, to be deposited with North Carolina, ought not to be kept unless and profitable, but that the same shall be invested in such manner as to secure the capital, and also advance the great interests of the State.

The State debt of four hundred thousand dollars, shall be purchased in, and such provisions made by law, as will stop the interest and prohibit the re-issuance of the scrip, except it shall be made necessary, on a demand by the General Government, for repayment of the surplus money deposited in North Carolina.

This Resolution was adopted with but one dissenting voice—Mr. Chambers, of Person.

The second Resolution is as follows: The Literary Fund shall consist of the Swamp lands of this State, not heretofore disposed of by individuals, and also the following stock to wit:

6,000 share of stock in State Bank,	\$600,000
2,112 shares of stock in Bank of Cape Fear,	212,200
Cash to be immediately invested in (Bank Stock)	187,800

Making \$1,000,000 which is to accumulate as heretofore for the purposes of Education.

The Internal Improvement fund shall consist of Cherokee lands, not yet paid, as is now required by law, the Cherokee lands not sold, the debts owing to said land, as heretofore constituted, or in the State for lands loaned from the Internal Improvement Fund; and one hundred & twenty thousand dollars of the money now, or hereafter to be received into the Treasury, until otherwise provided by law.

The only dissenters to this Resolution were Messrs. Chambers, Gov. Daniel, Hawkins, J. W. Lane, J. F. Lee, Maclin, Rossbeck, and R. Whitley.

The third Resolution is as follows:

Resolved, That the President and Directors of the Literary Fund, shall be authorized to expend not exceeding \$200,000, to reclaim the Swamp lands belonging to said fund, and provide the same to be used for the benefit of said fund. It is expedient to provide by law for re-organizing the said fund, and to give them, with power, by themselves, or their agents, to enter on the lands of other persons, for the purpose of surveying, &c., to devise a system of equitable assessment on the lands which may be drained by the works belonging to individuals, which only be drained by their works and to enforce the payment thereof with proper restrictions, or to establish rates by which individuals may be allowed to drain their works when prosecuted, and be exempted from any assessment, and such other constitutional powers as may be needed to put into execution the great improvement herein contemplated, and also to sell the lands which may be reclaimed, but the canal, or canals that may be executed by them, shall, in no wise be sold to individuals. The board, however, shall drain the lands by contract, with others, as specified processes agreed on with contractors, who shall give bond and security to perform the contracts, under such restrictions, and upon such conditions as may be prescribed:

On this Resolution the vote stood,—Yeas 62 Nays 45.

The fourth Resolution is in the following words:

Resolved, That the Board of Internal Improvement ought to be reorganized, and that they be authorized to subscribe two fifths of the amount of the Waterworks of the State, and also to subscribe three fifths of the said capital stock, and that they subscribe in like manner to the Fayetteville and Western Rail Road for the construction thereof from Fayetteville to the Yadkin River; and that they subscribe, in like manner, to the North Carolina Central Rail Road Company; provided however, that the State will not take stock unless individuals shall contribute five fifths of the whole amount of the capital, which competent Engineers shall report to be necessary, to complete the Road. Twenty-five percent, at most, on the shares of individuals, shall be actually paid, before the State shall be called on to pay anything on her subscription, so as to prevent any imposition on the State by individuals, first expending the money of the public and then failing to pay their own subscriptions, or to enforce collection from delinquents.

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hope that they will not now be suffered to insult the Senate, as they did when it was under the power of the Bank of the United States, when ruffians, with arms upon them, insulted us with impunity. Let them be taken and brought to the bar of the Senate. Here is one, just above me, that may easily be identified—the bank ruffian!

The order to clear the galleries was revoked, and the Sergeant-at-Arms directed to proceed into the galleries and apprehend the persons who had created the disorder. In a very few minutes the Sergeant at Arms returned, and reported to the Chair that he had apprehended an individual and had him in custody.

Mr. Benton moved that he be brought to the bar of the Senate.

Mr. Morris opposed the motion, and demanded the yeas and nays, which being ordered and taken stood yeas 17, nays 8. So the motion was carried.

It was suggested by Mr. Moore that there was not a quorum present, and the Chair at first so decided. But, on being reminded that one of the Senators from Louisiana had resigned, 25 was a majority of the 49 remaining. He declared that a quorum was present.

Mr. Moore now moved an adjournment; but the motion was lost.

The Sergeant-at-Arms now produced and presented an individual at the bar of the Senate.

[He was a tall, well-dressed man, wrapped in a black overcoat.

Mr. Benton said that, as the individual had been taken from among the respectable audience in this public manner with all eyes fixed upon him, he had perhaps been sufficiently punished in his feelings. Mr. B. was not disposed to push the proceedings any further, and therefore moved that he be discharged from custody.

Mr. Morris considered the whole proceedings as very extraordinary. If the individual had been worthy of arrest, he ought to have an opportunity of defence. A citizen had been brought to the bar of the Senate, and not informed for what reason, nor of what offence he stood charged; and now he was moved that, without a hearing, he be discharged from custody. Call you this (said Mr. M.) the justice of the Senate of the United States? Is it in this manner that citizens are to be treated? It appears to me a most extraordinary proceeding.

Mr. Sevier moved an adjournment but the motion did not prevail.

Mr. Robinson, near whose seat the person apprehended then stood, proposed that the individual have an opportunity to purge himself by oath from the contempt. The Senate were not to presume him guilty, & if he was willing to swear he intended no contempt, he ought to have an opportunity to do so.

Mr. Morris demanded the yeas and nays on the motion for his discharge; and they were ordered accordingly.

Mr. Benton observed that if the individual was ready to go to the Clerk's table, and there by oath to purge himself of the contempt, he had no objection. Let him do so.

Mr. Robinson now stated, on behalf of the person apprehended, that he intended to purify himself by taking an oath.

Mr. Benton thereupon withdrew his motion for his discharge.

The Chair remonstrated him that he could not do this, inasmuch as the yeas and nays upon it had been ordered.

Mr. Morris was strongly opposed to having the individual, suddenly without warning, and without opportunity to consult counsel, brought forward to take his oath and undergo interrogatories. It would be better to give him until to-morrow, that he might have some leisure for reflection. He had been brought up here before the Senate of the United States, and before the People of the United States, and to require them suddenly to be put upon oath in his defence was wrong.

He concluded by moving an adjournment.

The yeas and nays were demanded and ordered on the motion to adjourn.

Mr. Strange thought that if the individual was willing now to be sworn, and to undergo interrogatories, he was certainly the best judge of his own rights. He best knew what he could undergo, and there was no need that Senators should become his advocates.

Mr. Benton said that if the man wished to purge himself on oath, now, here, in the presence of the Senate, it was very well. Let him do so. But if he wanted to go away and consult a lawyer, if he must ask a lawyer to-morrow before he could tell whether he meant to insult the Senate to night, he was opposed to it. If he was ready to swear, let him do it, but no consulting with lawyers.

The Chair stated to Mr. Morris that the individual in custody was not brought up without a charge, as that Senator seemed to intimate. He was charged with disorderly conduct in the presence of the Senate, and the law gave the Senate, as it gave a court of justice, power to protect itself in all such cases by a summary proceeding, and on the evidence of its own senses.

Mr. Robinson again said that the individual in custody was not an opportunity of purging himself from the contempt.

Some confusion prevailed. But the motion for his discharge being pressed, the question was put, and decided as follows:

Yeas—Messrs. Benton, Brown, Buchanan, Dana, Ewing, of Illinois, Fulton, Grady, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Rivers, Robinson, Roggles, Sevier, Tallmadge, Tipton, Walker, White, Wright—23.

NAV—Mr. Wall—1.

The individual was accordingly discharged from custody.

The individual, referred to thereupon advanced, and addressing the Chair, said

"Mr. President, I am not to be permitted to speak in my own defence?"

Chair, to the Sergeant-at-Arms, "Take him out!"

The Senate now adjourned.

THE WHITNEY COMMITTEE.

This committee has for several days been engaged in the duties assigned it. No great progress, however, has been made. Whitney has been called before the Committee, but refused to answer, without a week's delay—because, as he alleged, 'of the extraordinary character of the questions concerning his private affairs.' Mr. Peyton proposed to grant time on all questions of a private nature, requiring documents, and to proceed with questions admitted to the public. Mr. Hamer proposed to grant time for a week, for all questions—which prevailed 5 to 4. This was on the 12th. Since then, other witnesses have been examined. We obtain the following information from the Baltimore Patriot of Saturday:

Richard Whig.

'The committee of enquiry in Whitney's case are industriously pushing their investigations. Mr. Woodbury has been before them for two or three days; and enough has been derived from his testimony, it is said, entirely to sustain Messrs Wise and Peyton, and others who have an interest in ferreting out frauds and abuses, in the course they have hitherto pursued. Mr. Woodbury was asked whether R. M. Whitney was present at the Cabinet Council that decided on the issuing of the Treasury Circular—but he declined answering, on the ground that the question might lead to other queries requiring the disclosure of cabinet secrets! Subpoenas have been sent to Baltimore, New York, Philadelphia, Cincinnati, and other places, to compel the attendance of witnesses.'

The Charlottesville Advocate says—

'We understand Mr. Garland has been astonished at the investigation. Before he commenced the examination he thought all was right—but has been compelled to change his opinion.—Extraordinary disclosures are anticipated.'

Mr. Underwood of Ky. has brought forward a resolution, directing the clerk to lay before the H. of R. a statement showing the mileage claimed and received by the different members of Congress. Some sensitiveness was shown at this by several members; one of whom, (Mr. Claiborne of Miss.) moved, as an amendment, that a select committee be appointed, to report, what deduction, if any, had been made by members, from their per diem, compensation, when absent, in attendance of the Supreme Court, or on the Courts in adjacent States, or elsewhere, or on their private business; and another (Mr. Vell, of Arkansas), that the same Committee enquire into the expediency of reducing the per diem compensation from \$8 to \$6; and also into the expediency of providing for the removal of the seat of government to some point on the Ohio or Mississippi river, or to be before the 1st day of January, 1840. Whoever touches by members of Congress are to be prohibited, on enquiry is sure to be smothered under a mass of irrelevant topics. The physicians do not like to heal themselves.

[Lynchburg Virginia].

From the Rutherfordton Gazette...

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"Mr. President, I am not to be permitted to speak in my own defence?"

Chair, to the Sergeant-at-Arms, "Take him out!"

The Senate now adjourned.

The following is the arrangement of Judicial Circuits for the Spring of 1837.

Elenton Circuit, Judge Toomer.

Newbern " " Nash.

Raleigh " " Bailey.

Hillsboro' " " Dick.

Wilmington " " Settle.

Salisbury " " Saunders.

Mountain " " Pearson.

6th & 7th JUDICIAL CIRCUITS.

The following are the times of holding the Superior Courts in the 6th Judicial Circuit. And as the organization is a new one, we state the days of the month on which the next terms will happen.

Cabarrus, 2nd Monday in February and August. (1st Term 13th February.)

Mecklenburg, 3rd Monday in February and August. (1st Term 20th February; lasts 2 weeks.)

Lincoln, 2nd Monday after 3rd Monday in February & August. (1st Term 6th of March.)

Iredell, 3rd Monday after 3rd Monday in February & August. (1st Term 13th of March.)

Rowan, 4th Monday after 3rd Monday in February & August. (1st Term 20th of March.)

Surry, 5th Monday after 3rd Monday in February & August. (1st Term 27th of March.)

Ash, 6th Monday after 3rd Monday in February & August. (1st Term 3rd of April.)

Wilkes, 7th Monday after 3rd Monday in February & August. (1st Term 10th of April.)

Davie, 8th Monday after 3rd Monday in February & August. (1st Term 17th of April.)

7th CIRCUIT.

Macon, 4th Monday in March & September. (1st Term 27th March.)

Haywood, 1st Monday after 4th Monday in March & September. (1st Term 3rd of April.)

Yancey, 2nd Monday after 4th Monday of April.)

Buncombe, 3rd Monday after 4th Monday in March & September. (1st Term 17th of April; lasts 2 weeks.)

Rutherford, 5th Monday after 4th Monday in March & September. (1st Term 1st of May; lasts 2 weeks.)

Burke, 7th Monday after 4th Monday in March & September. (1st Term 15th of May; lasts 2 weeks.)

THE RAIL ROAD CHARTERS.

We have received, and will publish in our next, the original with the amended charter of the Fayetteville and Western Rail Road Company, and we think it will be considered as eminently favorable to such as have an inclination to forward the enterprise with their money. The important privilege of navigating the Yadkin River and of charging toll on the same in our opinion gives a perfect security that the stock will pay good profits. A good portion of that stream, as has been before demonstrated, can be easily brought into use when a Rail Road shall meet it above the narrows: Every mile of which will be equal to so much Rail Road ready made to hand: nay, we may say it will be better, for it will need no repairing.

We received by yesterday morning's mail the Standard, which contains several interesting acts of Assembly, among which is that in which we are so deeply interested concerning the Internal Improvement of the State, and we are greatly relieved at finding the impression which had so much dampened our hopes in this quarter, to wit: that one fourth of the amount of money paid in by individuals, was also to be laid out in work on the Road is altogether wrong. There is no such provision in the law, nor any thing that has the likeness of such! How, therefore, such a delusion found its way into the Captions is somewhat strange.

Upon the whole we have the thing perfectly and completely in our power on the very fairest footing, & if we ever did intend to go forward with the work, we should do so, or for ever after hold our peace.

We cannot dismiss this topic without adverting to the course pursued on this subject by Wm. H. Haywood: it was liberal, high-minded and disinterested beyond what is usually expected of modern politicians. It is a measure worthy of the man who mainly achieved the amendment of the State Constitution, and well entitled him to the thanks of the whole State.

What a pity it is that such a mind should get so far wrong in general politics. For ourselves, we tender to Mr. Haywood a receipt in full for his services to the State on the late occasion. He may not consider the favor it-

following as the amount of stock...



WATCHMAN.

Salisbury, Feb. 4, 1837.

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