

State to repudiate her obligations, and her solemn compact? This House has already decided—and correctly decided—that it possesses no legal or constitutional power to repeal the Charter; that even if any fraud had been practised by the Stockholders, which has been more than insinuated by members on this floor, but which is wholly unsupported, and grossly unjust, that this House would not be the proper tribunal for the investigation; and that the Legislature could not take away, or repeal the Charter; though from the terms of it, evidence were adduced that it had been forfeited.—It is almost superfluous to add, that there is not a respectable Lawyer in North Carolina, who entertains such an opinion.—These resolutions, therefore, propose to do indirectly what it is admitted by all, whose opinions are worth having, cannot be done directly. And here I commend to the gentleman from Wayne, (Mr. Brogden,) who is regarded as being a friend of these resolutions—the doctrine contained in one of his own resolutions on the exciting subject of Negro Slavery.

If the purpose is not to affect the charter by crippling, or by rendering it a nullity, or by lessening the value of the stock: why pass the resolutions? And if this mode of attacking corporations receive the sanction of this Assembly, and thereby becomes a legislative precedent; what is likely soon to be the fate of all corporations in the State? By whose votes was the Wilmington and Raleigh Rail Road first passed, and by whose votes has that Road been, from time to time, sustained? The Cape Fear and Deep River Improvement? The Fayetteville Plank Road, and other improvements in the middle and eastern parts of the State? By the votes of the very men who represent on this floor, the friends of the North Carolina Rail Road! I ask the question—and I desire members to answer it—if the Stockholders in this Company, by a vote of this House, are asked to surrender their charter; why not ask the stockholders in all other improvement companies, nay, sir, in all corporations of whatsoever kind, to do the same thing? What superior rights, privileges, or franchises, have other corporate bodies over this? The Legislature at its last session, granted the charter upon certain conditions, and these conditions have been met, and fully and legally complied with by the stockholders; and the State is now one party to the solemn contract, and the Stockholders are the other party. And are not these stockholders, like others in similar companies, honest men? Are they deficient in probity, integrity or fidelity to the State? Sir, the man or member, who would make such a charge, would merit all the unenviable notoriety that he might and would acquire by its grossness and falsity.

I ask you, sir, if the principles promulgated in these resolutions were attempted to be carried out in the transactions of private life, between individuals, in their dealings, whether they would be countenanced or tolerated among men possessed of a proper sense of propriety or justice; and if not, are they entitled to the respectful consideration of this Body? In my humble judgment, a man should bring the same principles of action and conduct into public, as he would into private life. It seems to me there is no language that could be used, too strong to employ in deprecating, or protesting against such a step, or in raising the country and arousing the people against the precedent, and the injustice of such a proceeding, as the passage of these resolutions. Sir, is it possible that there are members on this floor prepared to vote for the resolutions—to present to the other States and to the world, the attitude of a State begging a portion of its citizens—yes! sir,

“The Monarch is a beggar to the man!”

A sovereign State on bended knees, with hat in hand begging a portion of its own citizens to surrender back their chartered rights?—Seeking indirectly, (for it has been tried directly and failed,) to repeal a sacred law—a solemn irrevocable compact entered into between the State in her sovereign capacity and her people; and that too in a case where her citizens have already vested their funds, and already expended a large amount; and yet, gentlemen argue there is nothing in all this that equates at repudiation. Against such a course, as an humble Representative, and against such doctrines, I enter my protest; and will never cast my vote to repudiate a contract, to repeal or beg for the repeal of the Charter of the North Carolina Rail Road Company.

Mine shall not be the vote to libel, or cast censure upon the last Legislature; mine shall not be the hand to assist in any way, in destroying this great measure of such wise and generous policy. Sir, I feel myself bound in sound principle, in honest sentiment and judgment, in common consistency and good faith, to exert whatever of influence I may have, against so enormous a doctrine. For sir, if these resolutions pass, I want to know what security the people of North Carolina can hereafter have in the plighted faith of the State, or in any of her professions, promises, or pledges.

Sir, very little examination will satisfy any one, that war on this charter, is fighting against that which affects directly or indirectly, the interests of a sufficient number of freemen in this State to be remembered and felt not only in elections, but in legislative proceedings, when, hereafter, attempts shall be made to advance or destroy the interests of others. I do not say this by way of taunt or threat; but, sir, there are more than two hundred thousand souls deeply, intensely interested in this great work. And if gentlemen here, from the east, or any other section, or any member on this floor—who may hereafter aspire to any office in the gift of the Legislature, or of the people—shall aid by vote, or otherwise, in weakening or putting down this great improvement, of whatsoever party he may be, I tell such, that the votes and influence of this extensive and populous region can, and will be felt—can, and will exert a powerful influence, on any question, either touching Party or State policy. Is the gentleman from Franklin, (Mr. Bridgers,) and the friends of his resolutions, willing to pay back to the stockholders, the monies they have already expended, and in all things save them from loss? There is no such provision or resolution in the series, and no such proposition has come from that quarter. But, as I was going on to enquire, is the gentleman, and are his friends, willing to pay back the money expended, and save the Stockholders harmless in all other things; and let the western people have a Charter to build a Rail Road from Charlotte to Danville, to give us, of the west, a market out of the State, if they are unwilling we shall have one in the State. If, sir, his desire is to rid his constituents of the Rail Road, (now in such bad condition, but which would be resuscitated and become vastly important and valuable should the Central Road be completed,)—that runs through his county, this course would effect it most assuredly. If his wish is to create an extinguisher that will certainly kill off all improvements in the east, I submit, to his better judgment, whether he should not take this course, and effectually alienate the West from the East, by creating such a state of things as to make it no longer their interests to have anything further to do with their eastern brethren.

But, sir, does any member of this body, nay, does any man worthy the name of a North Carolinian—does any man whose bosom glows with one spark of patriotic sentiment or State pride, desire to see such a state of things as this brought about? The west and east severed and alienated in sympathy and interest, in heart and feeling! If there be such an one, I say (and I hope not irreverently) in the language of the Prayer Book, may the Lord have mercy upon him! I most sincerely hope, sir, that no such sad condition of things may ever exist. I want to see the various sectional feelings, and little jealousies, that now exist, to some extent, in the different parts of the old North State, harmonized. I want to see conciliation and compromise. I want to see the whole State brought together, so to speak; made social in its intercourse, united in feeling, compact in interest; carrying out, by its legislation, the true science of government, by taking care of all its citizens, by affecting the greatest amount of good to the greatest number, and by distributing its favors and dispensing its blessings among all. And what, sir, I ask, would be so likely to bring about in its train, and consequences, such a delightful state of things, as the construction of the North Carolina Rail Road. What man of enlightened and comprehensive views, looking a round at the wealth and prosperity of other States, and the causes, can doubt, but that such would be the tendency of this grand improvement.

Sir, it might not be altogether uninteresting or irrelevant to examine a little into the appropriations and expenditure that have been made by the different Legislatures of the State, in the east and the west, respectively.

(Concluded to-morrow.)

STATE LEGISLATURE.

SENATE.
FRIDAY, Dec. 20th, 1850.

Mr. Bower, from the Committee on Finance, to which was referred a memorial from sundry citizens of Mecklenburg County, relative to taxation of certain articles manufactured in other States, reported the same to the Senate, and asked to be discharged from its further consideration.

Mr. Haughton offered a resolution that the Commissioners of the Raleigh and Gaston R. Road be instructed to examine the claims of Messrs. Rencher & Manly, administrators of Thomas Thompson, dec'd, for certain fugitive slaves, which they allege the said Road improperly aided in escaping. Referred to Committee on the Judiciary.

Mr. Washington, from Select Committee upon a resolution regarding the Deaf and Dumb Asylum, made a report, which was ordered to be printed, with the accompanying documents.

Mr. Woodfin, from the Judiciary Committee, on the subject of emigration of Free Negroes, made a report thereon, and asked to be discharged from a further consideration of the subject.

Also, on the Revenue Law, reported that the subject did not require further legislation, and asked to be discharged.

Also on the subject of claims against the estate of deceased debtors, that the same did not require further legislation, and asked to be discharged.

Also, on a resolution in relation to paying

talis jurors; reported unfavorably and asked to be discharged.

Also, on resolution in relation to Attorney General and Solicitor General; reported unfavorably and asked to be discharged.

Also, on the memorial in behalf of insolvent debtors; reported adversely thereon and asked to be discharged.

Mr. Cameron, a bill to provide for the registration of births, marriages and deaths, in the State. Read first time, passed and referred.

Mr. Woolen, a bill granting original and exclusive jurisdiction of all cases where the intervention of the jury may be necessary, to Superior Courts of Columbus County. Read 1st time, passed, and referred.

On motion of Mr. Arendel, Resolved, that the Committee on Education be instructed to enquire into the expediency of draining the prairie lands in the County of Carteret, known as the open ground, and report by bill or otherwise.

On motion of Mr. Bynum, the bill to provide for the Geological and Agricultural survey of the State was taken up, amended, and read 2d time and passed.

The Senate proceeded to the unfinished business.—Mr. Woodfin's resolutions.

Mr. Kelly moved to amend the same; pending the question, on motion of Mr. Nixon, the resolution and amendment were ordered to lay on the table.

On motion of Mr. Nixon, a bill relative to the Wilmington and Manchester R. R. Co., was taken up and made the special order of the day for to-morrow 10 o'clock. Senate adjourned.

HOUSE OF COMMONS.

The Journal of yesterday was read and approved.

The Speaker presented a communication from the President and Directors of the North Carolina Rail Road Company, which was sent to the Senate with a proposition to print.

The Speaker announced a message from the Senate transmitting a resolution which provides for raising a Joint Select Committee, on the subject of Common Schools, whose duty it shall be to supply defects in the existing laws; which was adopted; also, the bill to incorporate the Fayetteville and Centre Plank Road Company, with an amendment extending the charter to 50 years, in which they asked the concurrence of the House. The amendment was adopted.

BILLS AND RESOLUTIONS.

Mr. Pool presented a bill to provide for keeping a record of Marriages in this State. Passed first reading, and was referred to the Committee on Judiciary. [Provides that Ministers and Magistrates shall make returns to the Clerks of County Courts of all the Marriages solemnized by them, under a penalty of \$25; and the Clerks to record them in books kept for that purpose.]

Mr. Davidson presented a Resolution directing the Adjutant General to procure from the War Department at Washington City, copies of the Muster Rolls of troops from this State who have served in various wars, and making an appropriation to defray the expense thereof. Passed first reading and referred to Committee on Military Affairs.

Mr. McMillan presented a bill to open and improve the Road from the Virginia line to the State Road near Jadesville in Surry county; and

Mr. Bogle presented a bill to appoint commissioners to view and lay off a Public Road from Taylorsville in the county of Alexander, to Agulla Payne's, in Caldwell county, and for the purpose of improving the same; which said bills passed their first reading and referred to the Committee on Internal Improvements.

Mr. Kelly introduced a bill to extend the limits of the town of Kenansville, in Duplin, which passed its first reading, and referred to the Committee on Private Bills.

Mr. Avery presented two Resolutions in favor of Alexander Duckworth, which passed their first reading, and referred.

Mr. Swanner introduced a Resolution instructing the Committee on the Judiciary, to inquire into the expediency of passing a law to have marriages recorded. Adopted.

Mr. McDowell introduced a bill concerning the returns of civil process before Magistrates, in the county of Bladen, which passed its first reading and referred to Committee on Judiciary.

Mr. Rayner introduced a bill concerning the Raleigh and Gaston Rail Road, which passed its first reading, and referred to Committee on Internal Improvements.

Mr. J. M. Leach presented a Report from the Adjutant General, which was sent to the Senate.

Mr. Caldwell, of Guilford, introduced a resolution instructing the Committee on the Judiciary, to inquire into the expediency of passing a law to withhold the School fund from counties not laying a tax for the support of Common Schools.—Adopted.

Mr. Rayner, from the Committee on Internal Improvements, reported a Resolution making provisions for the safe keeping of Maps and Surveys of Public Improvements, with an amendment; which was read the 2nd and 3rd times, and passed, and ordered to be engrossed.

Mr. R., from the same Committee, reported unfavorably on the memorial from sundry citizens of Wilkes county, praying the establishment of a Public Road in said county, and asked to be discharged from its further consideration.

On motion of Mr. Gordon, the report and memorial were laid on the table.

Mr. Steele, from the Committee on Education, reported the bill to provide for the appointment of a Superintendent of Common Schools, and recommended its passage.

On motion of Mr. Wilson, the bill was laid on the table.

Also, the bill to amend an act of the General Assembly of 1848-'9, entitled "an act to amend an act on the subject of Common Schools," and recommended its rejection. Laid on the table, on motion of Mr. Webb.

Also, the bill for the better application of the

Common School Fund, and recommended its rejection.

Mr. W. McNeill addressed the House in favor of this bill; and on his motion it was ordered to be printed and laid on the table.

Mr. Jones, from the Committee on Propositions and Grievances, reported the bill to lay off and establish a county by the name of Wilson, and recommended its rejection. Laid on the table.

Also, the bill concerning a Penitentiary, and recommended its rejection. On motion of Mr. Rayner, it was laid on the table.

Also, the bill to repeal an act of the session of 1844-'5, entitled "an act to attach that portion of the county of Carteret, known as Ocrakee, to the county of Hyde," recommended its rejection.

Mr. Person, from the Joint Select Committee on Finance, reported adversely on the memorial from certain citizens of Guilford, praying the passage of an act imposing a tax on merchants or vendors of articles of Northern manufacture which come in competition with mechanical labor in this State, and asked to be discharged from its further consideration. Laid on the table, on motion of Mr. Wiley.

Also, the Bill to amend the 57th ch. 6th sec. of the act of 1846, relating to the tax on slaves; and recommended its rejection.

The question being shall this bill pass its second reading, a debate ensued in which Messrs. J. H. Hill, Barnes of Northampton, Stubbs, Person, Mautsly, Blow, Rayner and S. P. Hall participated.

Mr. Steenson moved that the Bill be indefinitely postponed.

Mr. Love moved that it be laid on the table; but the motion did not prevail.

The motion was then carried for its indefinite postponement.

UNFINISHED BUSINESS.

The Bill to amend the constitution of N. C. was then taken up.

Mr. Rayner, being entitled to the floor, continued his argument in opposition to the original Bill and in support of his amendment; and when he concluded,

Mr. Flemming took the floor and addressed the House for some time in favor of an unlimited Convention. Before Mr. F. had concluded,

On motion of Mr. Love, the House adjourned to half past 3 o'clock.

EVENING SESSION.

Mr. Flemming continued his remarks. He handed the editor of the Standard with some severity for reading him out of the Democratic party—claimed to be the senior of the editor and therefore denied his right to read him out, and showed that while that editor was praising Henry Clay, he was betting for the Democratic party. He advocated a change in the basis of representation.

Mr. Erwin took the floor, and addressed the House for a short time; but before concluding,

On motion of Mr. Love, the House adjourned.

DAILY REGISTER.



Saturday Morning, Dec. 21st.

STATE LEGISLATURE.

Both Houses, on yesterday, were, respectively, the scene of animated and interesting debate.

In the Senate, the order of the day still being the resolutions offered by Mr. Woodfin, on the subject of extending the Central Rail Road, Mr. GILMAN, being entitled to the floor, continued his remarks, began the day before, and argued at great length, and with his wonted force, upon the practicability and utility of the Rail Road system. He combated the argument, often resorted to, that the failure of the Raleigh and Gaston Road, was any criterion to govern the Legislature in projecting and executing similar works. He read copious extracts from Rail Road journals, showing their importance in a commercial and agricultural point of view, and concluded by making an earnest appeal to the Senate in support of the resolutions.

Mr. ARENDEL, of Carteret, next took the floor, and in a brief manner explained the importance of the port of Beaufort, its many advantages, as well for its safety as a harbor as for the general salubrity of climate. When he concluded, Mr. KELLY, of Moore, moved an amendment to the resolutions and addressed the Senate in support of his amendment and the resolutions. Mr. KELLY took the same view of the subject as those who had preceded him, adding, that the failure of the Raleigh & Gaston Road was the only failure in attempts to improve North Carolina, and diverting to the plan of improving the Cape Fear River above the town of Fayetteville by the old Navigation Company, and the Rail Road from Fayetteville to the river. All these things had occurred, he said, and yet, it furnished no argument against internal improvements. The subject will be resumed to-day.

In the House of Commons, Mr. BARNER concluded his argument in support of his bill for a limited Convention, and in reply to Messrs. Avery and Saunders. He will probably write out his remarks, when we shall have a better opportunity of judging of the merits of an effort, which is represented, on all hands, to have added to the already excellent reputation of the speaker.

Mr. FLEMING also addressed the House, in favor of an unlimited Convention, and it will be seen, by reference to the proceedings, Mr. Erwin is entitled to the floor, this morning.

Congress appropriated one million one hundred and sixteen thousand dollars to defray the expenses of taking the census.