



“Ours are the plans of fate, delightful Peace,
“Downfall by party rage, to live like Brothers.”

Mr. MURPHY'S REPORT
ON INLAND NAVIGATION.

Concluded.
The Yadkin is the next river in size, in this state, to the Roanoke, and next in importance not only on account of its extent, but of the fertility of the country which it waters. More than eight millions of acres in this state are watered by the Yadkin and the various streams which run into it. From near its source to the county of Montgomery, there are but few obstructions to its navigation. But at sundry places from the upper limit of Montgomery county to a point more than six miles within the limits of South Carolina, great obstructions are to be found. The Narrows, the Falls, the Grassy Islands, all present serious difficulties. But no difficulties are here to be found which an enterprising perseverance cannot surmount; and the character of the state, no less than the interest of individuals, is deeply concerned in surmounting them. No section of the state of the same extent contains so numerous a population, none labours under such inconveniences in getting its produce to market, and none contains lands which are so far beneath their intrinsic value. In this state of things the heavy products of Agriculture perish in immense profusion upon the hands of the farmer, whilst those which are more portable are wagoned to the distant markets of Fayetteville, Camden, Charleston, Lynchburg and Petersburg. It is the duty of the Legislature to change this condition of things; to adopt a system of policy that shall ensure to industry a reward proportioned to its toils, which shall stimulate enterprise by opening a field for its exertion, and which, in fine, shall advance the wealth of individuals, and at the same time subserve the public prosperity. It is among the most important objects of state policy to improve the navigation of the Yadkin and its waters; and that such a direction, if practicable, be given to this navigation, that the commodities which are to be transported along it, shall find a market in this state. To effect the latter of these objects, it is proposed that a communication be opened between the Yadkin and the Cape Fear. The grounds between these two rivers have not been surveyed, and your committee cannot therefore speak with confidence, as to the practicability of opening such communication. They are informed that little doubt exists, with those who are well acquainted with the intermediate country; and so desirable, in a national point of view, is this communication, that your committee think no expense commensurate with the revenues of the state should be spared to effect it. Independent of this general consideration, the private interest of individuals inhabiting this section of the state, is deeply concerned.—This communication would double the lumber trade of the state & greatly increase the trade in naval stores; it would bring into activity a fund of wealth, which without it, is destined to remain for ever inactive and useless. Your committee do therefore recommend that companies be incorporated for improving the navigation of the Yadkin, and opening a communication between it and the Cape Fear.

As connected with this subject, your committee beg leave to draw the attention of the legislature to the opening of a communication between the Catawba and the navigable waters of Rocky River, which run into the Yadkin below the falls. Your committee are informed that it is probable such a communication may be opened, and they recommend that a survey be made, and if such a communication be found practicable, that the route be marked out. The utility of connecting the Catawba with the waters of the Yadkin, will depend upon connecting the Yadkin with the waters of Cape Fear, and enlarge and sustain the commercial towns upon that River.

If it should be found impracticable to unite the Yadkin with the Cape Fear, along the route proposed through the counties of Richmond and Cumberland, a communication may probably be opened along another route, which would still bring to the Cape Fear for shipment, the produce of the Yadkin, and draw with it a considerable portion of the commodities of a great part of North-Carolina. The

Yadkin discharges itself into Winya Bay. At a considerable distance from its mouth, the Lumber-River unites with it, and at a trifling expence a canalage may be made uniting the Lumber-River with the Wackama, and the Wackama with Elizabeth river, which runs into the Cape-Fear at Smithville, in the county of Brunswick. The town of Smithville is healthy and has a good port. Any vessel crossing the bar can reach the port without lightering. The objection to this route is, that to get to Smithville, boats must pass through a part of South-Carolina. Your committee however recommend that this route be surveyed and report made.

The general views of your committee are therefore divided into three parts: the first respects the improvement of the Roanoke, and forming an outlet to the waters of the Albemarle; the second, connecting the waters of the Yadkin and the Catawba with those of the Cape-Fear; and the third, the improvement of the Tar and Neuse rivers, and the inlet at Ocracook. These views divide the state into three sections, and the plans of improvement which your committee have recommended, have for their objects, first, the directing of the whole trade of North-Carolina into these channels, each having an outlet in the state, thereby securing the growth of our commercial towns; and secondly, extending the convenience of inland navigation to every part of the State, thereby increasing the value of the lands, and encouraging industry and enterprise among all classes in the community.

Having submitted their views upon inland navigation of the different sections of the state, your committee proceed to consider the ways and means of effecting those improvements. Shall they be effected at the public expense? Shall they be effected at the expense of individuals? Or shall the expense be joint, the state contributing its patronage and part of the funds required, whilst individuals contribute their enterprise and the residue of the funds? Experience has proved, that in free states, the latter is the best plan which has yet been tried. These improvements require the operation of a strong and an uniform principle of action. In an absolute monarchy, the glory of the sovereign, and in a free state, private interest, are the principles which create and sustain public improvements. It is real economy in a state to aid with its patronage and its funds, the enterprise of individuals, when directed to great internal improvements. The wealth of the state is increased and the public revenue rendered more productive. Your committee rejoice that the time has at length arrived when, without imposing additional taxes, the state is able to make large advances of money for effecting those great objects which we all have so much at heart; and they recommend that the state should subscribe for such a portion of the capital stock of each navigation company as shall give to her a decided influence in all their proceedings; and to induce individuals to vest their capital in such stock, that favorable charters should be granted, giving to the subscribers ample privileges, rights and authorities to effect the objects of their charter, securing to them a permanency of interest, and the chances of annual profit, upon their capital stock sufficiently great, to make them resist the temptations of employing their capital otherwise. The capital expended in internal improvements operates as a direct bounty upon agriculture, by encouraging industry, stimulating enterprise, increasing the value of lands and the quantity of their produce.

As to the question whether charters granted to navigation companies should be limited in their duration, your committee answer, that if it be to the interest of the community that our inland navigation should be improved, by removing obstructions and by constructing locks, canals and sluices, it is necessary that there should always be a company, whose interest and whose duty it will be to remove other obstructions which accident or the common course of nature may produce, and to keep in repair the locks, canals and sluices, necessary for the navigation. Experience has proved to us that those works begin to decay, the moment they become the property of the public: It is the vigilance of pri-

vate interest alone, which will keep them in constant repair.

It will be essential to the success of any general plan for public improvements, that a board of commissioners be appointed to superintend and manage them on behalf of the state. The frequent changes in the representation in the General Assembly, renders it impossible to prosecute a systematic course of improvements without the aid of such a board. The men who compose this board should be men of industry and application to business. The President of the board should be a director in each navigation company, and annual reports should be made to the Board by the President and Directors of each company. Under their direction, surveys should be made; maps and charts of the coast and of various other parts of the state should be collected by them; they should make annual reports to the Legislature upon the state of inland navigation, and recommend such measures as they might think needful for furthering the views of the Legislature upon this subject. Your committee would gladly assign those duties to the Judges of the Supreme Court, if those gentlemen were not already too much burthened.

Your committee are of opinion that it is essential to the success of the plan proposed, that an engineer be kept in the employment of the State for several years. He will be wanted not only for the purpose of making surveys, but of locating the works necessary to be constructed. An error in locating a single lock would cost more than the sum required to employ an engineer for a year. One active engineer could superintend all the public works carried on in the state at any one time: and his services would save much expense to the State as well as to individuals.

Your committee have attended to the act of the General Assembly of Virginia, transmitted by his excellency the Governor of that State, relative to the Dismal Swamp Canal. The advantages of this canal both to this State and Virginia were experienced in a remarkable manner during the late war. Along this canal the trade of the Roanoke and the other rivers running into the Albemarle, passes to Norfolk. When this canal shall be widened and deepened as contemplated by the act of Virginia, it will afford a much more commodious navigation, and your committee are of opinion that all the provisions of this act, which require the sanction of this General Assembly should be passed into a law.

As to the memorial of John Winslow, Esq. on behalf of the Cape-Fear Navigation Company, your committee find, that by some neglect of the Clerk who engrossed the bill passed at the last session of the General Assembly relative to this Company, one entire section was omitted, and the omission was not discovered until after the rise of the Assembly. This section directed the Treasurer to subscribe on behalf of the State one hundred and fifty shares of the capital stock of the company, which subscription was to be stricken off, if an amount equal to the entire capital was subscribed by individuals. This amount was subscribed by individuals; yet they being anxious that the State should be interested in their undertaking, resolved to increase their capital stock for the purpose of inviting the State to subscribe for the number of shares first contemplated. Your committee are of opinion that good policy requires that the State should subscribe for these shares. The company will find it to be its interest to aid the companies, which shall be formed for the Yadkin, and the communication between that river and the Cape-Fear; and its capital should be such as to enable it to render this aid.

Your committee will forthwith report bills and resolutions to carry into effect the various measures which they have recommended to the two Houses. Respectfully submitted,
A. D. MURPHEY, Ch'm.

NOTICE.
THE subscriber having taken out Letters of Administration upon the estate of JAMES BRIDGEMAN dec. at Nov. Term, 1816, of Johnson County Court, hereby gives notice to all the creditors of the said deceased, to present their claims within the time prescribed by law, or they will be barred of recovery; and all those who are indebted to make payment immediately.
SHERMAN JOHNSON, Adm.
Smithfield, Nov. 26. 99. 31

GENERAL ASSEMBLY.

DEBATE ON THE PENITENTIARY BILL.

IN SENATE.

MONDAY, DEC. 16.

The bill for amending the Penal Laws, having been read,

Mr. Plummer said this bill had been several times before the Legislature, and its principles were no doubt well understood. As he did not believe the Legislature was at present disposed to pass the bill, he did not wish the time of the Senate to be unnecessarily consumed upon it. He therefore moved that it be indefinitely postponed.

Mr. Sanders wished the gentleman from Warren would consent to withdraw his motion, to allow him to make one that would bring the matter to issue, perhaps, as soon as his, by taking the sense of the Senate at once on the principle of the bill. What he proposed was to strike out the whole of the bill except what relates to the building of a Penitentiary.

Mr. Plummer withdrew his motion.

Mr. Bower renewed it. He believed the sense of the House on the principle of the bill could be as well ascertained on the motion for an indefinite postponement as any other. Those opposed to the erection of a Penitentiary would, of course, vote for the motion, and those friendly to the establishment, against it.

The yeas and nays being called for, and the call agreed to,

Mr. Murphy hoped the motion for a postponement would not prevail.—There were few things he had more at heart than to see a Penitentiary erected in this State. The time was arrived when the State ought to act on this subject, if the Legislature was desirous of maintaining a liberal and humane character. The Penitentiary System had answered the expectation of its friends in other States, and he had no doubt it would do so in this State. Mr. M. did not expect to throw any new light on the subject, and, from having been closely engaged on other business, he had not been able to attend much to this question.

Our Penal Code, said he, was established at a period of time when things were in a very different state from what they are at present. It was just after the close of the Revolutionary war, in which the citizens of the country had been used to witness scenes of blood and misery. This may account for its sanguinary cast. The same reasons for severity in punishments do not now exist. Offenders against the laws of a country ought not to be punished more severely than the public safety requires. They ought to be regarded as instances of the weakness of human nature, and punished in a way best calculated to produce their reformation; they ought to be corrected, rather than cut off from Society altogether, to be confined to labour, rather than taken to the gallows. He was opposed to taking away the life of a criminal except for the crimes of murder and treason. He did not wish to enter into the enquiry, how far we are authorised by the laws of God to take away the life of our fellow man. He was not willing to take it away except for the crimes mentioned.

What, said he, is the proper object of punishment? It is two-fold—to set an example to others and to reclaim the offender. The last object is lost sight of in our present system, and he doubted whether the example of hanging had so good an effect, as the more certain, but milder punishment inflicted in a Penitentiary.

If the Penitentiary system needed any other arguments to support it, than such as are drawn from the principles of justice, they might be drawn from the experience of our sister States who had adopted this system, and who are experiencing its beneficial effects. Which of the States that has embarked in this humane system, has expressed a willingness to give it up? The Penitentiaries of Pennsylvania, N. York and Virginia are, at the same time that they are Prisons for the punishment of offenders against the laws, Schools for their Reformation. These examples ought to have weight with us. The policy of this ameliorated system of punishment cannot longer be doubted. One fact is worth a great deal of reasoning, and cannot fail to operate on our judgments.

In this state, we must either continue to hang offenders, or provide some other mode of punishment. We cannot, as in England, transport them to a distant foreign land. If we could, he would be for adopting that course, and leave it to Providence to reform them there; but situated as we are, he was in favour of a system of labour and solitary confinement, rather than death, for all crime short of treason & murder.

The bill before the Senate has two objects in view—to reform the Penal Code, and to do it in such a way as to put the State to no expence.

For, it will be observed, that though these establishments are costly at the beginning, they afterwards become sources of Revenue. Do we, then, believe it better to confine criminals in a Penitentiary than to hang them? If better, what reason, can we give to our constituents for not adopting it? If we give any, it must be on the score of expence. And as to this there is not a citizen in the state that will ever feel it. The estimate of the Commissioners who have examined into this subject is, that the whole cost of the Building will be \$100,000, which they propose shall be appropriated in equal proportions in five years. Are we not able to do this? Yes, the Treasury of N. Carolina could pay it on demand, if we determine to keep the Revenues as at present. The consideration of expence vanishes into nothing, when we look into the sources of the Revenue which we now have, and are likely to enjoy. We could add this item to the burthens of the Treasury, and it would be able to meet it. If the project now before the Legislature, for selling the unsubscribed stock of the State Bank, be passed into a law, the State will derive as much profit from this source as will defray nearly one fourth part of the whole expence.

But, said Mr. M. without this we are able to meet the expence. He did not mean to go into a view of the state of the Treasury, in order to prove its ability to effect this object; because any man who will open his eyes to the subject, must not only be convinced of this, but that we can besides appropriate 100,000 dollars to objects of Internal Improvement.

The establishment of a Penitentiary said Mr. M. will be in conformity with that character for humanity, which he trusted N. Carolina would always exhibit as conspicuously as any of her sister States. He was not one of those who thought it right to get into a passion with a man when he had committed a crime; and at once take his life, he would rather treat him as a rational being, by correcting him with lenity and using measures to reform him. A government which adopts a course of this kind becomes dear to its citizens; it acquires strength from their esteem and love.

If, said Mr. M. in conclusion, I did not believe that the establishment of the Penitentiary System would have the desirable effects which have been stated, I would not have given it my support. And if after all, offenders be not reformed by this course, we shall have the satisfaction of having done our duty, by affording them an opportunity of becoming so.

The question on the indefinite postponement of the bill was negatived 41 to 10 as follows:

- YEAS—Albritton, Bower, Ballard, Farmer, Hawkins, Hulme, Jones, Longmire, Lewis, Ind. Moore, McKay, A. Perkins, Peebles, Plummer, Riddick, Speight, Sheppard, Vanhook, T. Williams.—19.
NAYS—Bell, Baker, Black, Caldwell, Carter, Campbell, Collins, Davidson, Douglas, Dudley, Frink, Crist, Gisson, Huckabee, Jno. Hinton, Wm. Hinton, Ingram, Loftin, Legrand, L. Moore, M. Bee, Murphy, M'Kinne, Nixon, Nelson, Norman, C. Perkins, Pearson, Roberts, Ralborne, Sparkman, Skinner, Sanders, Shine, Steele, J. Smith, B. Smith, J. Williams, Wynns, Wade, Wright.—41.

The bill was then read. After Mr. Sanders moved to strike the whole of the bill, except "A bill," and insert "A bill appropriating the sum of \$100,000 for erecting a Penitentiary in this state to be located in the city of Raleigh."

Mr. McKay thought it would be to retain the 25th and 26th sections of the bill, which relate to the erection of the Penitentiary, which were more particular than the motion proposed. Mr. Sanders withdrew his