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JUDICIARY REPORT.

Mr. Gaston, from the Select Joint Committee to whom was referred so much of the Governor's Message as relates to the Judiciary, submitted the following REPORT in the Senate a few days ago:

The committee entirely concur with the Governor in the sentiment expressed in his official communication to the Legislature, "that the defective organization and debased condition of the Judiciary, demand their best attention, and that a further forbearance to remove these evils would indicate a criminal disregard to the best interests of the community."

The committee will not attempt to point out all the defects which exist in our Judicial System. Anxious to perform the duties allotted to them in such manner as may be most useful, they purpose to bring before the notice of the General Assembly, in the first instance, those evils which most loudly call for redress, and at a subsequent period (should their labors be honored with the sanction of those from whom their power is derived) will direct the attention of the Legislature to others less urgent, but still deserving of consideration.

The faulty organization of the Supreme Court of the State is the most prominent—the most pernicious—the most extensively felt, of all the errors which attend our mode of administering justice. With our inadequate remedy for this great and universal mischief, minor and partial evils will be redressed in vain. If law be indeed "a certain rule of action, commanding what is right, and forbidding what is wrong," there must be in every free community, some Supreme Court of Judicature to decide conclusively on every question of Law, to compel all inferior tribunals to adhere to the same exposition of the public will, and to preserve the uniformity of the Law.

Without it, no individual can be certain that what is law to-day will be the same law to-morrow; or that what is right in his neighbor may not be adjudged wrong in himself. Property must become insecure, and liberty itself endangered by fluctuating and inconsistent adjudications. Miserable is that servitude where rights are ambiguous, and the law unknown. If the security of property and the preservation of civil freedom require that one Supreme Court shall be established and retained, with an universal jurisdiction over legal controversies, who can doubt but that the momentous duties entrusted to this court, should have all the securities for their faithful discharge which wisdom, leisure, impartiality and integrity can furnish? The People have a right to such security. It is the bounden duty of their Representatives to procure it for them. In the present organization of the Supreme Court, your Committee feel no hesitation in saying that such security is not to be found. They trust that they will not be understood as intending, directly or indirectly, to impeach the personal qualifications of the present Members of that Court. Such an impeachment would be as foreign from their duty, as it is repugnant to their sentiments, and unwarranted by fact. It is in the system, not in the men who administer it, that the fatal error lies. If "the wisdom of a learned man cometh by opportunity of leisure," how are they to acquire wisdom to whom is denied all opportunity of leisure? The Judges of our Superior Courts, as Circuit Judges, travel from a thousand to fifteen hundred miles, and are absent from home twenty-two weeks in the year. Their heavy expenses and insufficient salaries compel them, during the residue of the year, to apply themselves to other pursuits which may aid in the support of their families. Had not experience shewn the fact, reason would have taught us, that it was impossible to command from men, who have performed such labors, & whose attention is thus distracted, that patient research and profound investigation which are required for the correction of errors unavoidable on the Circuit. Let it be remembered too, how much more difficult is the task of revision, when the errors to be corrected are their own. The best and the wisest of men have often to deplore the frailty of human nature, in the obstinacy of pre-conceived opinions, and the tenacity of hasty impressions. If the Judges, conscious of this infirmity, wait for the fervor of the first opinion to change, and endeavor in the calmness of domestic retirement, to review their former thoughts, and to examine their books for analogous cases, a delay of final judgment is the unavoidable result, sometimes more totally injurious than an erroneous judgment. The dilemma, organized in our Supreme Court is unavoidable. We may have speedy decisions with a probability of error, or correct judgments after numerous delays.

North-Carolina yet possesses on the bench of her highest court, men whose talents command respect, and whose integrity enforces confidence. When these shall die, or when they shall be compelled, as some of their most distinguished predecessors have been, to abandon a station, in which incessant labour is insufficient for the faithful discharge of duty, and receives from a dissatisfied community a penurious compensation, where are successors to be found competent to supply the vacancies? Can it be expected that the most eminent of the profession will be allured from a lucrative practice by scanty emolument and an oppressive service? Or must we be content to trust the best and dearest rights of our constituents to the custody of the second rate members of the bar—the care of men, whose honesty or whose talents are less beyond the reach of question? Your committee believe that the principal remedy for the ills which we suffer, & the greater which we apprehend, will be found in the establishment of a Supreme Court, composed of men of acknowledged ability & integrity, whose whole attention shall be devoted to the business of that Court. The labours of the judges of the Superior Courts will thus be lessened, and their ability to perform those labours comparatively increased. A court for the revision of errors will be formed, whose decisions shall command respect & produce uniformity. Every citizen will have it in his power to rescue his rights from the mistakes of a single judge, in a moment of improvidence and haste; and obtain for them a deliberate and patient re-examination. A co-ordinate Branch of the government will be raised from its present degradation to that dignity to which the theory of our constitution entitles it. And the Law's delay, one of the severest calamities for the trial of individual fortitude, and one of the most noxious of public evils, will receive an effectual check. With adequate compensation, it is in the power of the Legislature to procure some our best men to preside in such a court. They may be either selected from among our present Judges, or called from the bar.—The expense of such an establishment, if the public interest demand it, cannot be an objection. The Committee believe that it would be a libel against the State of North-Carolina to charge her with inability, or unwillingness to meet the expense of guarding the rights of her citizens, by a proper system for the administration of justice. She is not disqualified either by the poverty, or the niggardliness of her people, from exercising this highest function and performing this first duty of an independent State, in whatever mode may be most consistent with her honor and most conducive to their interests. The Committee beg leave to report the accompanying bill, entitled, "a bill concerning the Supreme Court."

Respectfully submitted, WILL GASTON, Chairman.

A BILL CONCERNING THE SUPREME COURT.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be appointed by joint ballot of the two houses of this General Assembly three Judges, being men of integrity and learning in the law, who shall be styled Judges of the Supreme Court of North-Carolina, shall be commissioned by the Governor, shall hold their offices during good behavior, and shall severally receive an annual salary of \$2,000 to be paid half yearly, and the first payment to be made on the last day of June, one thousand eight hundred and nineteen.

Be it further enacted, That it shall be the duty of the Judges appointed pursuant to this act, and of their successors in office, to hold the Supreme Court of this State at the City of Raleigh twice in every year, viz. on the first Monday of January and on the first Monday of July in every year, and that they shall keep the said Court open from day to day, Sundays excepted until every cause prepared for decision shall be heard and decided.

Be it further enacted, That all causes of whatever nature or description now pending in, or ordered to be removed to the Supreme Court, before the Judges at present authorised to hold the same shall be, and the same are hereby referred to the cognizance of the Judges appointed under this act, in the Supreme Court to be by them holden, and shall there be placed precisely in the same state & condition as that in which they now stand, or ought to stand in the Supreme Court under its present form, and the decisions of the Judges appointed under this act, or of the majority of them thereon, shall have in every respect the same legal effect and operation; and shall be certified and carried into effect, in the same manner, in all respects as though the said decisions had been made in the Supreme Court under its present form, and before the Judges now authorised to hold the same.

Be it further enacted, That no cause shall hereafter be transmitted to the Supreme Court, except as hereinafter provided, but on appeal of one of the parties hereunto, from the sentence, judgment or decree of a Superior Court; and that such appeal may take place in any cause,

either civil or criminal, on giving bond and adequate security to abide the sentence, judgment or decree of the Supreme Court; and that such bond may be proceeded on in the same manner as in the case of appeals from a county to a superior Court. Provided always, That no appeal shall be allowed until a final judgment, sentence or decree be allowed in the Superior Court. And provided also, That in every case the Supreme Court may render such sentence, judgment or decree, as on an inspection of the whole record it shall appear to them ought in law to be rendered thereon, and may cause the same to be enforced and executed by any proper process.

Be it further enacted, That in any case which now is or hereafter may be pending in any of the Superior Courts as a Court of Equity, it shall and may be lawful for such Court, on sufficient cause shewn by affidavit, rendering such removal necessary for the purpose of justice to order the said cause before a hearing to be removed into the Supreme Court. Provided, that such removal shall not be permitted until such cause shall have been set down for hearing; nor shall any parole evidence be received in the Supreme Court either before the Judges thereof, or the Jury whom they may cause to be empanelled for the trial of any issues of fact.

Be it further enacted, That so much of any act or acts as authorises or requires the Judges of the Superior Courts to hold the Supreme Court, and so much of any law as may be inconsistent with the provisions of this act, be, and the same are hereby repealed—and that this act shall commence and be in force from and immediately after the passage thereof.

ANNUAL TREASURY REPORT

Transmitted to both houses of Congress, Nov. 23.

In obedience to the directions of the "Act supplementary to the Act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following Report and Estimates.

REVENUE. The Net Revenue arising from duties upon imports and tonnage, internal duties, direct tax, public lands, postage and incidental receipts, during the year 1816, amounted to \$36,743,374 07

Table with 2 columns: Category and Amount. Includes Customs (27,569,769 71), Internal duties (4,396,133 25), Direct tax (2,765,343 30), Public lands (1,754,487 38), Postage and incidental receipts (237,840 53).

And that which accrued from the same sources during the year 1817, amounted to 24,387,993 08

Table with 2 columns: Category and Amount. Includes Customs (17,547,540 89), Internal duties and direct tax (4,512,287 81), Public lands (2,015,977), Postage and incidental receipts (312,197 33).

It is ascertained that the gross amount of duties on merchandise and tonnage, which have accrued during the three first quarters of the present year, exceeds \$21,000,000, and that the sales of the public lands, during the same period, greatly exceed, both in quantity and value those of the corresponding quarters of the last year.

Table with 2 columns: Category and Amount. Includes Customs (13,401,409 65), Internal revenue and direct tax (993,374 36), Public lands (1,875,731 20), Interest upon bank dividends (525,000), Postage and incidental receipts (49,438 19), Repayments into the Treasury (322,708 86).

And the payments into the Treasury during the fourth quarter of the year, from the same sources, are estimated at 5,000,000

Making the total amount estimated to be received into the Treasury during the year 1818 22,167,862 26 Which, added to the balance in the Treasury on the 1st day of January last, exclusive of \$8,809,872 10 in Treasury Notes, amounting to 6,179,883 38

Makes the aggregate amount of 28,347,745 64 The application of this sum, for the year 1818, is estimated as follows: viz. To the 30th September, there has been payments (exclusive of \$9,148,237 40 of Treasury Notes, which had been drawn from the Treasury and cancelled) have amounted to \$16,750,337 65

Table with 2 columns: Category and Amount. Includes Civil, diplomatic and miscellaneous expenses (3,289,806 38), Military service including arrears (5,629,265 08).

Naval service, including the permanent appropriation for the gradual increase of the Navy 2,383,000

Public debt, exclusive of the \$9,148,237 40 of Treasury notes, which have been drawn out of the Treasury and cancelled 5,467,567 69

During the 4th quarter it is estimated that the payments will amount to \$9,475,000

Table with 2 columns: Category and Amount. Includes Civil diplomatic & miscellaneous expenses (320,000), Military service (1,175,000), Naval service (375,000), Public debt to 1st of Jan. 1819 (7,205,000).

Making the aggregate amount of 26,235,337 05

And leaving, on the 1st day of January 1819, a balance in the Treasury, estimated at 2,112,408 59

OF THE PUBLIC DEBT

The Public Debt which was contracted before the year 1812, and which was unredeemed on the 1st day of October, 1817, as appears by statement (1) amounted to 31,835,788 29

By the same statement it appears that the funded debt contracted subsequent to the 1st day of January 1812, amounted to 68,071,933 14

Making together the aggregate amount of 99,907,721 43

Which sum agrees with the statement of the unredeemed amount, on the 1st day of October, 1817, as per last report, excepting the sum of \$4,123 98 over estimated, and which has not been corrected by actual settlement.

On the 1st day of January, there was added to the amount, for Treasury Notes brought into the Treasury and cancelled, & for which the following stock was issued, viz: In 6 per cent. stock 234,423 19 In 7 per cent. stock 99,019

333,441 30

100,241,162 53

From which deduct seven per cent. stock, purchased in the fourth quarter of 1817 332,985 60

And also the reimbursement of old six per cent. stock, & deferred, between 1st Oct. 1817, and 1st Jan'y, 1818 800,30 98

1,133,815 58

Making the public debt which was unredeemed on the 1st January, 1818, per statement (2) amount to 99,107,346 95

From the 1st January to 30th September, 1818, inclusive, there was, by issuing Treasury notes and 3 per cent. stock, (2008) issued, added to the public debt, as appears by statement (3) the amount of 73,795 49

99,181,142 44

From which deduct the amount of stock purchased and redeemed during that period, per statement (4) 415,993 87

And also the estimated amount of the final reimbursement of the old 6 per cent. stock 709,512 03

And the estimated reimbursement of the deferred 6 per cent. stock 230,401 76

909,713 79

1,555,707 66

Making on that day, as appears by statement (3) the aggregate amount of 97,825,434 78

Since the 30th September there has been redeemed, or provision made for the redemption of a moiety of the Louisiana stock, unpaid on the 1st Oct. 1818 4,977,950 00

And there will be reimbursed of the principal of the deferred 6 per cent. stock, on the 1st day of January 1819, by estimate 252,091 63

5,230,041 63

There will remain unredeemed, by estimate, on the first day of January 1819, the sum of 92,595,393 16

By statement (5) the Treasury Notes which are yet in circulation, are estimated at 297,536 00

By statement (6) it appears that the whole of the awards made by the commissioners appointed under the several acts for indemnifying certain claimants of public lands, amount to 4,282,151 12

Of which sum there has been received at the office of the Commissioner of the General Land Office, as appears by statement C, the sum of 1,026,684 90

Leaving outstanding at the date of the several returns from the Land Districts, the sum of 3,255,467 00

It is proper to observe, however, that extensive sales have been made in the Alabama Territory in the months of Sept. October and November, of which no returns have yet been received.

Of the estimates of the Public Revenue and expenditure for the year 1819.

In the Annual Report of the State of the Treasury, of the 5th of December, 1817, the permanent revenue was estimated at \$24,325,000 per annum; and the Annual Expenditure according to the then existing laws, was stated at \$21,946,351 75. By the acts of the last session of Congress, the internal duties, estimated at \$2,500,000 per annum, were repealed, and the expenditure was augmented to nearly \$25,000,000, & that of the ensuing year is estimated at not less than \$24,515,219 76.

The apparent deficit produced by these acts, and by the application of more than \$2,500,000 to the payment of the interest and redemption of the principal of the public debt, beyond the annual appropriation of \$10,000,000 for that object, has been supplied by the receipts into the Treasury on account of the arrearage of the direct tax and internal duties, and by the balance of more than \$6,000,000, which was in the Treasury on the 1st day of January, 1818.

These temporary sources of supply being nearly exhausted, the expenditure of the year 1819 must principally depend upon the receipts into the Treasury from the permanent revenue during that year. As was anticipated in the last Annual Report, the reaction produced by the excessive importations of foreign merchandise, during the years 1815 and 1816, acquired its greatest force in the year 1817.

It is presumed that the revenue which shall accrue during the present year from imports and tonnage, may be considered as the average amount which will be annually received from that source of the revenue.

It is ascertained that the bonds taken for securing duties, which were outstanding on the 30th day of September last, exceeded \$23,000,000; and the receipts into the Treasury, from that source of revenue, during the year 1819, is estimated at

Table with 2 columns: Category and Amount. Includes Public Lands (521,000 00), Direct Tax and Internal Duties (1,500 000), Bank Dividends (420,000), First payment of Bonds (500,000), Postage and incidental receipts (50,000).

Amounting together to \$24,210,000

Which, added to the balance in the Treasury on the 1st day of January, 1819 estimated at 2,112,408 54

Makes the aggregate amount of \$26,222,408 59

The probable authorised demands on the Treasury, during the year 1819, are estimated to amount to \$24,515,219 76

Civil, Diplomatic and miscellaneous expenses 1,519,526 51 Military Department including the Indian Department, permanent Indian annuities, military and revolutionary pensions and arming the militia 8,666,252 83

Navy Department, including \$1,000,000 for the gradual increase of the navy 3,802,486 60

Public Buildings, and for discharging the demands of the contractors for making the Cumberland road 326,644

Public debt 70,000,000 For building custom houses and public warehouses at New Orleans and other ports 100,000

Which, being deducted from the amount estimated to be received into the treasury, including the balance on the 1st day of January, 1819, leaves a balance in the Treasury, on the 1st day of January, 1820 of \$2,717,188 83

In presenting this estimate of receipts for the year 1819, it is necessary to premise, that the sum to be received from the customs is less than what, from the amount of the outstanding bonds, would, under ordinary circumstances, be received. The amount of the sales of public lands during the last year, and the sum