

GENERAL ASSEMBLY.

SENATE.

TUESDAY, DEC. 2.

On motion of Mr. Wellborn,

Resolved that the Committee on the Judiciary be instructed to examine and report to this house, the expediency of so altering the present law, that a Ca. Sa. shall not issue against the body of any person while he is possessed of real or personal estate sufficient to satisfy the plaintiff's demand; and that they report by bill or otherwise.

Mr. Forney from the Committee of Propositions and Grievances, to whom was referred the petition of William Welsh and others of Stokes, praying for authority to erect Gates, reported a bill empowering the Courts of Pleas and Quarter Sessions to grant leave for the erection of Gates across public roads in their respective counties—Read the first time.

Mr. Forney from the same Committee reported unfavorably to the petition of Joseph Byers of Iredell.

Mr. Cameron from the Committee on Internal Improvements, to whom was referred a bill to authorize the making of a Turnpike road from Asheville by the Warm Springs to the Tennessee line, and to incorporate a Company for that purpose, reported the said bill with sundry amendments which were agreed to, and on motion of Mr. Love the further consideration of the bill was postponed until Thursday next.

The bill which originated in the House of Commons to incorporate a Light Infantry Company in the town of Edenton, was rejected on its second reading in this House.

The Senate entered upon the order of the day. The bill to extend and improve the two roads leading from Wilkesborough to the Tennessee line, so far as respects the appointment of commissioners, and for other purposes, was read a second time, and on motion of Mr. Callaway, amended by adding the following clause, "Provided always that nothing herein contained shall affect or repeal any act of the last General Assembly, so far as respects the great state road leading from Wilkesboro' to the Tennessee line by way of the town of Jeffersonton."

The bill to amend and extend an act passed in 1806, for the more convenient administration of justice, was amended by Mr. Seawell and Mr. Cameron, and on motion of Mr. Sneed, was committed to a committee of the whole, and made the order of the day for Thursday next.

The following bills were presented By Mr. Cameron, a bill to amend an act passed in 1818, concerning the Supreme Court.

Mr. Hill, of Franklin, a bill for the relief of Jordan Denson, late Sheriff of Franklin; and

Mr. Callaway, a bill to alter and amend the law now in force relative to the Supreme Court of North Carolina—Read the first time, and the latter referred to the committee on Criminal Law.

WEDNESDAY, DEC. 3.

Mr. Beasley from the balloting Committee for a Brigadier-General of the 17th brigade of militia, reported that Henry Blount was elected.

Mr. Bowers presented the following Resolution:

Resolved, that a select committee be appointed to enquire into the expediency of reducing the tax laid on trading vessels on navigable streams, and that they report by bill or otherwise.

This resolution was amended, on motion of Mr. Wellborn, by inserting the words "and on Pedlars" after the word "streams," and was further amended by Mr. Cameron, by striking out the words "a select committee be appointed," and inserting the words, "the committee of Finance be instructed"—and the resolution as amended, was agreed to.

Mr. Forney, from the Committee of Propositions and Grievances, reported a resolution favorable to the petition of Wm. Deloach, of Northampton, which was concurred in.

Mr. Martin, from the committee on Criminal Law, to whom was referred the bill to compel an executor or an executrix to give security in certain cases, reported the said bill with sundry amendments, which were agreed to, and on motion of Mr. Sneed, ordered to be printed.

Mr. Martin from the same committee, reported a bill for the relief of Amos Harman, of Wilkes county—which was read the first time.

The bill for the relief of Jordan Denson, was read a second time, amended by Mr. Seawell, and read a third time.

Mr. Pearsall presented the following Resolution, viz:

Whereas many of the good citizens of this State, sustain great inconvenience and injury from liberties given to slaves, on days of masters and elections within the several counties of this state to attend the same: Therefore resolved, that the committee of Propositions and Grievances, be instructed to enquire into the expediency of passing an act to prevent all slaves from attending masters and elections in this state, under proper restrictions; and that they report by bill or otherwise.—Agreed to.

The bill empowering County Courts to grant leave for the erection of gates

across public roads in their respective counties, was, on its second reading, on motion of Mr. Callaway, indefinitely postponed.

Mr. Seawell presented a bill to repeal so much of the several acts of Assembly in this State as requires persons who complain of injury done to the health of their families to petition to the County Court. Also a bill to amend the militia laws of this State—Read the first time, and the latter referred to the Military committee.

On motion of Mr. Bryan,

Resolved, That the committee of the whole House, to whom was committed the bill to amend the act of 1816 for the more convenient administration of justice, be instructed to enquire into the expediency of dividing the State into Districts, composed of two or more counties each, for the purpose of holding a Superior Court of Law and Equity in each of said Districts, at some convenient place therein, and that they report thereon. Agreed to.

HOUSE OF COMMONS.

MONDAY, DECEMBER 1.

Mr. Hastings presented a bill to establish the mode of elections in the county of Wayne.

Mr. Flynt presented a bill providing for the more extensive distribution of the Journals of the General Assembly of this State—Read the first time.

Mr. Elliot presented the petition of the Justices of the Peace of Perquimons County, praying to be exempt from serving as Jurors.

Mr. Alston presented the petition of William Clifton and others of Halifax, praying for the appointment of special Justices in said county—which were referred to the Committee on the Judiciary.

Mr. Ward from the Committee of Claims, to whom was referred the petition of Jarratt Weaver of Halifax, made a report unfavorable to the petitioners—Concurred in.

Mr. Blackledge from the Committee to whom was referred the petition of Jacob Smith and others of Burke, reported unfavorably to the petitioners—Concurred in.

Mr. Blackledge from the Committee of Propositions and Grievances, to whom was referred the petition of Sally Hampton of Stokes, made a report favorable to the prayer of the petitioner, recommending the passage of a law to secure to her such property as she may hereafter acquire—Report concurred in, and bill read the first time.

Mr. Stanly from the Judiciary Committee, who were instructed to enquire into the expediency of altering the law of Landlord and Tenant, reported a bill to secure the rights of Landlords and Tenants, holding over after the expiration of their terms—Report concurred in—the bill read for the first time and ordered to be printed.

Mr. Shepherd presented a bill to amend an act passed in 1777 for appointing sheriffs, and directing their duty in office, and for obligating the late sheriffs and collectors who are in arrear to account for and pay the same, and for other purposes—Read the first time.

Mr. Blackledge presented a bill to alter the mode of electing sheriffs; and to vest the right thereof in the free people of this State—Read the first time and ordered to be printed.

Mr. M'Farland presented a bill to repeal in part an act passed in 1822, to regulate the patrol of Richmond county—Read the first time.

Mr. Blackledge, from the committee to whom the petition of William Nease of Rowan was referred, reported a bill favorable to his prayer—Which was read the first time.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill concerning the navigation of Neuse River, made a report recommending the passage of a bill to facilitate the Navigation of Neuse River—Report concurred in and bill read the first time.

The following resolution was submitted by Mr. Jos. A. Hill:

Resolved, That the committee on Education be instructed to enquire into the expediency of establishing by law schools throughout this State in conformity to the 41st section of the Constitution, which makes it the duty of the Legislature to establish Schools for the convenient instruction of the youth of the State, and to provide for the due encouragement and promotion of useful learning; and that the said committee report by bill or otherwise.

In submitting the above resolution, Mr. Hill made the following remarks:

The object of this resolution, sir, it will at once be perceived, is of the utmost importance, and I entertain a hope that some gentleman of greater experience and of more approved character, will think it worth his while to enlist in its support. In the mean time, I beg to be indulged in a few remarks calculated to exhibit the subject more fully to the attention of the House. It would be an idle and unprofitable consumption of your time to attempt to shew by argument what must already be sufficiently evident—that the object contemplated by the resolution, a greater and more general diffusion of Education among the people—is calculated to promote their individual happiness, and at the same time, to advance the general interests of the State. That the welfare and prosperity of a people is increased in proportion to the spread of useful knowledge among them, is a tried and familiar truth. If, indeed, Mr. Speaker, to enlighten the public mind, even in countries which are not free, be thought a measure of wisdom; with us, where the people are free and sovereign—where the vox populi is pa-

ramount in our councils—deciding the fate of every measure of government, and directing the course of national policy; such a measure would seem to be not only one of wisdom, but of absolute necessity. "In proportion," says the Address of President Washington, "as the structure of government gives force to public opinion, it is essential that public opinion should be enlightened." But the fate of this resolution will not, I apprehend, be decided solely by a reference to established maxims, or upon general considerations of policy. It contemplates a measure, sir, required by our situation, imperatively called for by the condition of the people. It has been a subject of observation, not only among ourselves, but likewise abroad, that the people of this State have failed to make those rapid advances towards refinement which was to have been expected from a young people springing into existence in the midst of civilization, and at a time too when the human mind had derived from peculiar circumstances, an unusual and powerful impulse. It is a source of mortification to every man whose heart has not discarded its local attachments and its pride of country, that his native State has been, by so many of her sister members of the confederation, so far outstripped in the great race of improvement; and that she has hitherto failed to attain to that comparative rank among them, which, from the extent of her territory and the number of her population she seems entitled to hold. Is any man at a loss to account for this apparent and mortifying inferiority? Has any one the weakness or the folly to suppose the existence of any principle in nature unfriendly to the growth and development of the human mind? Away with an idea so irrational and absurd. No, sir, it is not to our varying climate or our shifting skies; it is not to the unfavorable influence of any physical cause, but to the neglect of the means of improvement—to the shameful indifference which has been manifested on the subject of general Education, that we are to attribute our slow and tardy progress in refinement. No man, Mr. Speaker, of the slightest observation, who is at all conversant with the condition of society in this State, can fail to be convinced of the necessity of some act of legislation on this subject. No man, sir, whose opportunities of observation have been limited, can possibly form any thing like a just idea of the neglected state of education among us, or rather of the degree of ignorance in which so very considerable a portion of our citizens is sunk. Many, sir, are destitute of the knowledge necessary to the transaction of the ordinary business of life—many are ignorant of the simplest elements of education. The effect of this extreme ignorance on the part of the people, has been and will continue to be, to suppress and smother the energies of the state—its short-sighted prejudices will continually oppose themselves to the progress of improvement, and will fetter and impede the efforts of that more enlightened and liberal policy, to introduce which, some attempts have been made within the last few years.—But the most unhappy consequences of popular ignorance are to be conceived, not in the degraded character of our State—not in her humble posture as to power and influence—not yet in the absence of those wise and useful public institutions, which are at once the evidence and the effect of an enlightened population—but in the corruption of the public morals—the most pernicious habits—the most degrading, and, at the same time the most common vices of the people, may be all traced to this abundant source of public and private mischief. The people are uneducated—that they are vicious, it is not therefore surprising, since ignorance as always been found to maintain a close alliance with vice. This subject, sir, is perhaps, susceptible of easier illustration by facts, than by general remarks. I confess, sir, I resort more willingly to facts; because, being our usual and most certain sources of information, they more readily than argument, bring conviction to the mind. I shall be pardoned therefore for the introduction of an incident calculated to exhibit a picture of society as it exists in some parts of our state. Some time in the course of the year 1822, (I believe) a man of some property residing in one of the lower counties of this state, had a child taken sick, and employed a negro man to attend in the capacity of a physician. This coloured empyric finding his quackeries of no avail to counteract the effects of the disease, persuaded the ignorant and credulous father that his child had been bewitched by the necromantic arts of his neighbor's wife, and that the only way to abolish the charm, and to preserve the child's life was by burning down the residence of the witch. Acting upon this assurance, the miserable creature actually had the madness to set fire to and consume his neighbor's dwelling. It appeared, however, (if the house feel any curiosity as to the result of this novel prescription) that the child, unhappily for the parent, but perhaps fortunately for society, died. I say fortunately, sir, for had the event been otherwise, the ignorant and the credulous, would, doubtless, have imputed the child's recovery to the efficacy of the means employed to restore it, and the consequence would have been a confirmation in their superstitious belief; and thus, sir, might this new-discovered remedy—superceding the nostrums of the quack, and the healing medicines of the physician, have become the grand specific. Such, Mr. Speaker, are, briefly as I recollect them, the circumstances of this novel transaction. I cannot tell, sir, what ideas they may excite in the minds of other gentlemen, but they filled me with astonishment. I could scarcely be persuaded, sir, that in the nineteenth century, and in a free and christian community, such an instance of gross ignorance and degrading superstition could possibly have been found. I had thought, sir, that superstition had lighted her last fires and consumed her last victim. I had thought that witchcraft had woven her last mystic web, and charmed her last incantation—I had thought that Oberon and his spirits had vanished forever, or frolicked only in the moonlight of some deranged imagination. In a word, Mr. Speaker, I had thought that the clouds which had fallen on the human mind, like the shadows upon Egypt, had disappeared forever before that splendid pillar of intellect tual fire, which ever since the eleventh century, has been gradually diffusing its light through the world. Such, sir, had, indeed, been my impressions until after the occurrence of the incident I have related. I was informed that such superstitions were current among the less informed class of the community, and that, although they might not lead directly to the same acts of violence and outrage, yet that they exercised an habitual and unhappy influence upon the lives and habits of the people. These vulgar errors; these absurd superstitions; these monsters of the unenlightened imagination, are chiefly interesting and important, as they indicate the actual

state of Society. They denote it, Sir, in its rude state. They can exist only in the twilight of the understanding. If we view them as the indices of national character, they form a blot upon our State escutcheon, which it is time to wipe away. What, Sir, let me ask, would have been the astonishment of a foreigner, who should have been witness to the transaction I have recited? Can this, he would have asked, be a specimen of the character of a people who have so often vaunted themselves the favorite children of Liberty—who have so proudly ranked their country, not only among the most powerful, but among the most enlightened nations upon earth? and who have, indeed, by their achievements made the name of their country respected in every other part of the globe? Have the errors and superstitions discarded and driven forth by the people of the old world, found a home among the free, the brave, and the enlightened citizens of the new world? Such Sir, would very naturally have been the reflections of a man predisposed perhaps to form an unfavorable estimate of our character, and accustomed to view that character only through the partial light in which we have been pleased to exhibit it to the world.

It is here, after all, Mr. Speaker, that the manners of the people of our state, present nothing anomalous, nothing novel or peculiar—the same traits—the identical features of character, are exhibited by every people existing under similar circumstances. We have no free schools for the education of the indigent portion of our citizens—our other sources of instruction are few and limited, and in many instances beyond the reach of those who would be able to pay for the education of their children. Under these circumstances, it is not surprising that the people should be ignorant, or that the usual effects of ignorance should be perceived in their habits and manner of life. This state of society, however, is not the less lamentable because it is not without example. It is time that we should endeavor at reform; it is time that we should seek to remedy evils under which we have long and sensibly suffered. The most, indeed I apprehend, the only effectual remedy, will be found to be in the removal of their cause. Such is the remedy proposed by the resolution on the table—a remedy simple as it is effectual, since it simply proposes to dispel darkness by the admission of light.

I am sensible, Mr. Speaker, that I am encroaching on the attention of the House at an unusual time. I trust I am justified by the importance of the subject. It is one on which I feel an uncommon degree of solicitude. I know, sir, that some gentlemen who wish well to the cause of education, entertain an opinion that it is impracticable at this time to attain the object of the resolution.—I think otherwise. This, however, is not the time to enter into a minute discussion of the subject. I am aware that there are difficulties in our way, but I trust we shall encounter no insurmountable obstacles. Slight impediments might not to deter us in so interesting a pursuit.

We have of late manifested a more liberal spirit than has hitherto governed our policy. Subjects of public improvement have occupied much of our attention. I hail, sir, as a happy era, as a triumph of liberal and enlightened views over a narrow spirit of parsimony. I trust the triumph will be complete. I trust we will not stop where we ought to consider ourselves as having but begun. While we are attempting to explore and draw out the physical resources of our state, let us make an effort to develop its intellectual treasures. If, sir, we unite these great objects of public improvement, and pursue them steadily, they will infallibly lead us to State respectability and to individual wealth and happiness.

Mr. Mebane from the committee on that part of the Governor's Message which relates to the Cherokee Land—reported a bill concerning the public lands in Haywood county, and recommended its passage into a law—Concurred in and the bill read the first time.

Mr. Blackledge from the committee of Propositions and Grievances, reported a bill favorable to the prayer of Daniel Noomcaser of Davidson County—which was read the first time.

The bill for the better regulation of the Town of Windsor in Bertie county, was read the third time and ordered to be enrolled—It is therefore a law.

Mr. Blackledge from the Committee appointed to wait on the Governor and inform him of his re-election for the ensuing year, reported that he would on Saturday next at 12 o'clock take the oaths prescribed by law, in the Commons Hall in the presence of the Legislature.

Mr. Barnard presented a bill to add part of Currituck to Hyde County—read the first time.

Mr. Stanly from the Judiciary committee, to whom was referred the Bill to repeal the 5th and 6th sections of an act passed in the year 1820, to prevent the marriage of infant females, made a report, recommending that the said bill be passed into a law—The report was concurred in and the bill read the first and second time.

The House proceeded to consider the resolution presented by Mr. Alston on Saturday last, which being read, Mr. Iredell moved that it be amended by striking out the whole except the word "Resolved" and insert the following amendment, viz.

That the Public Treasurer be directed to report to this General Assembly, the amount of monies he has received during the last two years, appropriated to the Board of Internal Improvements, and the amount he has paid out of the said fund according to law; and

Resolved further, that the Board of Internal Improvements be directed to lay before this General Assembly a condensed statement of their operations, to the 1st of Nov. 1823, exhibiting an account of monies received from the Public Treasurer and of the disbursements made by them: specifying the objects to which such monies have been applied and accompanied with such remarks and explanations as the Board may think proper to make.

The amendment was concurred in, and the resolution as amended passed.

TUESDAY, DEC. 2.

On motion of Mr. Shepherd, a message was sent to the Senate, proposing to ballot immediately for Solicitor for the 6th Judicial Circuit and stating that the name of Hugh M. Stokes is withdrawn from nomination. The message was agreed to and a balloting took place which resulted in the election of Joseph Wilson Esq.

The House proceeded to consider the petition of sundry citizens of Bladen and Cumberland, presented by Mr. Ashe, on the 23d ult.—Referred to the Committee of Propositions and Grievances.

Mr. Stanly from the joint select Committee appointed to enquire whether the public printing can be done on terms of more economy, reported that no change in the mode of compensating the Public Printer or in the amount of compensation can at this time be advantageously made—Concurred in.

On motion of Mr. Stanly a message was sent to the Senate proposing to ballot immediately for a Public Printer for the ensuing year, and stating that the names of Bell & Lawrence are added to the nomination; and further proposing to ballot to-day for Brigadier General of the 17th brigade and stating that Henry Blount is nominated for that appointment.

The following gentlemen were appointed a standing Committee on Military Affairs, viz. Messrs. Holland, Lawrie, Hunter, Meicher, Bowers, M'Cauley, Wilkins, Stewart, Barrow, C. Barnard, Bryan, Watson, Ward, Leonard, Seawell and Sellers.

Mr. Stanly presented a bill authorizing certain limitations of Slaves by deed or writing.

Mr. Lowrie, a bill prescribing the manner in which the Sheriff of Beaufort county shall pay over the tax laid for building a Court-House in said county—Read the first time.

Mr. Croom, from the balloting committee for Brigadier General of the 17th Brigade, reported that Henry Blount was duly elected.

The resignations of Michael M'Cleary, Brigadier General of the 11th Brigade; John M. Bryan, Lieut. Col. of Craven County militia, and M. Pettaway Lieut. Col. of Onslow County, were read and accepted.

The bill introduced yesterday providing for the more extensive distribution of the Journals of the General Assembly, was on its second reading indefinitely postponed.

The following bills were read for the third time in the House viz. The Bill to incorporate Sandy Creek Library Society; the bill for the better regulation of the town of Statesville in Iredell County—the bill for the regulation of the town of Morganton—the bill to repeal the 5th and 6th sections of an act passed in 1820 to prevent the marriage of infant females, and the bill incorporating Morganton Academy.

Mr. Fisher presented the following Preamble and Resolutions:

The General Assembly of North Carolina cherish with zeal and veneration, the just principles on which the Constitution of the Union is established, and the pure spirit, but animates the federal system; and, we view with distrust, and apprehension, every practice which may have a tendency to impair these principles, or to violate this spirit. The history of all governments shows, that the Institutions of the people, are in less danger from open violence, than from secret and insidious encroachments. In the first instance, the people are apprized of the danger, and may guard against it; in the other, the evil is fatal,—coming under the mask of patriotism, suspicion is lulled, and its danger unperceived.

On the latter description we consider the practice, which heretofore has existed in the City of Washington of holding Congressional Cases, for the nomination of Presidents of the United States—a practice, directly opposed to the spirit of the Constitution, and finally calculated to subvert the principles of our Government.

The Constitution of the nation is, one of checks and of balances; its Framers knew the frailties of mankind, and to preserve pure the integrity of its agents, it completely keeping separate and distinct from each other, the Legislative and Executive branches of the Government. Members of Congress are chosen by the people for certain specific and defined purposes—to exercise the functions of legislation, and not to elect or to nominate Presidents except in the event as provided by the Constitution. In conformity to this caution of prudence and wisdom, the second article of the Constitution forbids members of either branch of Congress from acting as Electors of President. Guarding against their own frailty, the people by the Constitution, have taken from themselves, the power to elect a member of Congress as an Elector; yet by the practice of Caucusing; these members of Congress, indirectly do, what by the constitution they are prohibited from doing directly.

The election of President, under the Constitution, is removed one degree from the people by the intervention of the electoral College; it is by the practice of Caucus nominations, it is, in effect taken away from the people altogether, and exercised by a selfish combination of unauthorized individuals—usurping power, and leaving to the people the empty privilege of ratifying their decrees.

The advocates of Caucuses have in view to cause some one, by means of the nomination, to be elected President, who otherwise might not be elected. If this object be not effected by it, then the Caucus is useless; if it be attained, then the conclusion is irresistible, that the Members of Congress make the President, and in spirit violate that sacred instrument, which they have sworn to support.

We disapprove Congressional Caucuses for nominating Presidents, not only on Constitutional grounds, but on considerations of just