AND NOBELECAROLINA GAZI

Ours are the plans of fair delightful peace, unwarp'd by party rage, to live like brothers."

THREE DOLLARS Per Annum? ONE HALF IN ADVANCE.

TUESDAY, DECEMBER 20, 1836.

PIECE RIBERTSTEE IS PUBLISHED EVERY TUESDAY, By Joseph Gales & San.

Those who do not, either at the time of subscribing or subsequently, give notice of their wish to have he Paper discontinued at the expiration of the year, will be presumed as desiring its continuance antil countermanded.

ADVERTISEMENTS,

times for a Dollar; and twenty-five cents for each marked on them, they will be continued until ordered out and charged accordingly.

ANNUAL TREASURY REPORT.

From the National Intelligencer.

Of this document, transmitted to both Houses of Congress on the first day of the session, we have thought our readers would not be dissatisfied, for the present, with an abridged account, which we have arranged under its several natural divisions, as follows ;

Receipts and Expenditures for 1836.

The balance in the Treasury on the 1st of January last, was \$26,749,803. The receipts for 1836 are estimated at \$47 691,898, of which the receipts from Customs for the three first quarters have been \$17,523,151, and the receipts from Lands \$20,048,029. The expenditures for 1836 are ascertained and estimated at \$31,435 032, of which the payments for the mili- 1 should have confined this letter to tary service (including fortifications) du- the single purpose of making this resignaring the three first quarters, have amoun- tion, if the obligations of truth and candor,

Deducting the expenditures of the year ascertained and probable, from the receipts, the balance which will be in the Treasury on the 1st of January 1837, is estimated at \$43,005,669, and deducting covered to exist, as to my motives for the " unavailable funds" of 1.080,000. leaving " the available balance" 41,925 This does not include the balance ment at the end of the year, estimated at had intimated very distinctly in my letter 513,920.

Revenue and Expenditures for 1837.

The receipts are estimated as follows Customs \$16,500,000; Lands 5,000,000; Bank Stock & Miscellaneous 2,500,000. The expenditures (including 1,000,000 for usual excess of appropriations beyond estimates) are estimated at 26,755,831.

Imports and Exports.

30th September, 1836, are ascertained by the instructions which the General Asand estimated at \$173,540,000, showing sembly gave me at its last session, and the an increase, compared with the preced resolution it thought proper to adopt, that ing year, of 23,644,258. The Exports I was bound to obey those instructions or during the same period are ascertained resign-so far, too, from being moved by and estimated at 121,789,000, of which any apprehension of the censure of the 101, 105,000 were domestic products, and General Assembly, or even of any public the residue foreign, exhibiting an aggre- odium I might incur by retaining my office, gate increase, compared with the preced. I placed my whole hope of the lasting aping year, of \$5,425, and an amount ex probation of my country upon my resistceeding the average of the last three years ance to the principles and doctrines asserby 5,829,150.

The Surplus Revenue.

The recommendations of the last Annual Report are renewed, and reductions Constitution of the Senate, to an alteration suggested of duties on raw materials of of the whole frame of the Federal Governforeign origin used in some of our impor- ment, and to the destruction of all the baltant manufactures, and next on articles ances wisely provided by the Constitution, of comfort and necessity for the People as well in respect to the relations of the settlers is also mentioned as another mode | whole towards the State Governments. of curtailing the revenue.

The Public Money.

An account is given of the measures adopted in pursuance of the act of June 23d, 1836, to regulate the deposites of the public money, and some recommendations are made of prospective provisions on the subject, such as authority to discontinue as deposite banks, when no longer necessary, those selected under the late act. &c.

The Mint and the Currency.

The coinage of the Mint, from the 1st of January to the 1st of November, 1836, bers. In the present Congress, the rep. ted, might the Legislature provide to give gold coim of one dollar is again urged up- same States will stand in the next Con- grievances as administer remedies for sons. the whole specie in the country in October, 1835, at thirty millions of dollars, and the whole specie now in the country and the whole specie now in the country and the whole specie now in the country at seventy-three millions. Various special country at seventy-three millions. Various special country at seventy-three millions. Various special country and the subject occupy a number of this body, the path of the country days of this shall be taken up except the revised static virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the taken up a responsible power, to shield him mornification of wounded pride and tritated senators.

On motion of Mr. Bryan, the bill to senators and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, nor innocence, well may be pause, and seek Senators; and they by resignation, will be spared the virtue, no of pages in this part of the report.

Miscellaneous.

The report concludes with several suggestions of a miscellaneous character, among which the renewed recommendation of the adoption of measures for regulating steamboat navigation must meet with very general approbation from all those who have as much horror as we have of these appalling catastrophes which class themselves under the head of 'Steamboat disasters !

THERE DOLLARS per annum-one halfin advance authorize," (though the people's repre- nessee, Kentucky, and Indiana. A gain of ity to look beyond the enactments of the act of Congress, which like all others, ticut bear this in mind next spring. can be altered or repealed by the Legislative power." So " can" a Legislature do many other things, as a matter of right, which common honesty requires that it Not exceeding sexteen lines, will be inserted three should not do. The Missouri Compromise stands on precisely the same footsubsequent publication: those of greater length, in ing that the Tariff Compromise doesproportion. If the number of insertions be not how would Gov. Spaight relish a repeal of that? Nay, how would he like an alteration of the Tariff Compromise, for the purpose of augmenting instead of reduc-ing the duties? Did the Tariff party outnumber their adversaries in Congress, such an attempt would be denounced as a breach of faith of the most flagrant stamp. Is it less so, when set at nought by Southern demagogues, for party purposes? We trow not .- Virginian.

Mr. LEIGH'S RESIGNATION .

On resigning his seat in the Senate of the United States, Mr. LEIGH addressed the last year, to pass the act now in questhe following communication to Lieut. GOV. ROBERTSON:

" Richmond, Dec. 5th, 1836.

"SIR-In the letter I addressed to the Speakers of the two houses of the General I now hereby resign the office.

the care I owe to my own reputation, and, in my sense of things, my duty to my country and its institutions, did not impose upon me the necessity of correcting some misapprehensions, which I have dis-

"I shall, therefore, avail myself of this opportunity to declare, in the most expliof the 2d March, above referred to, that my sole reason and motive for resigning my seat in the Senate, consist in the imperious necessity I am under of giving my whole attention to my private affairs, or rather in my sense of the duty which I owe to my family, and to all my personal relations the Senate, if I would; and I must ask leave to say further, that so far from being The Imports during the year ending the in the slightest degree influenced to resign ted in the resolutions of the last session; principles and doctrines, as novel in my opinion, as they are erroneous and dangerous, tending to an entire subversion of the generally. A prohibition of the sale several departments of the Government of the public domain to any but actual towards each other, as the relation of the

"I request you to communicate this letter to the General Assembly. I have the honor to be, Sir,

With all respect, Your obedient servant, B. W. LEIGH. To the Hom WYNDHAM ROBERTSON.

THE NEXT CONGRESS.

Lieut. Governor of Virginia."

next Congress has already taken place in more when it was authoritatively announthirteen States ; which choose 145 mem- |ced that the amendments had been adop-

100	Whig.	V. B.		Whig.	y. B.
Maine,	2	6	56.7	2	6
Vermont	5	. 0	× 1	4	1
Massachusetts	, 10	2	1	10	2
New York,	9	31	3	10	30
Pennsylvania	, 11	17		10	18
Delaware,	1-			1	0 .
South Carolin	18, Z	2		9.	0
Georgia,	-0	9		2	7
Louisiana,	2	1		2	1
Illinois,	0	3		0	3
Missouri,	1 =	1		0	2
Ohio,	10	9		11	8
New Jersey,	0	6		6	0
1 8:3	-	-			-

North-Carolina -Gov. Spaight, in his | Van Buren majority in these States in | unless the General Assembly shall sfix | upon the Senate, preceded by their Speak turn or certificate of our respective Sheriffal Is it

Boston Atlas.

STATE LEGISLATURE.

REPORT.

to the credit of the Post Office Depart- cit and solemn manner, what I thought I dopted by the popular vote. It was also dication, or by common consent, to wit apparent to them that unless they made pro that all acts are public, vision by law, before their adjournment, for advertisement of notice in pursuance of ally. hat ordinance, that no private Law whatever could be passed by the present Legislature, until it should have made and notice of thirty days should have been account public. in society. I could not retain my seat in given, according to its terms. In such circumstances, the propriety of the act is most manifest, if it were within the powers of the General Assembly. Your committee believe that the General Assembly, in which the Constitution expressly vests . the Legislative authority, have the right to pass any Law which is not inhibited by, or is not inconsistent with some provision of that instrument, or of the Federal Constitution. What clause of the Constitution. they would ask, is violated by the act before mentioned? Certainly none in the Constitution of 1776. If such an act had been passed, prior to the recent amendments by the Convention of 1835, it would unquestionably have been valid so long as the legislature would suffer it to be enforced. That convention has not only, not taken away the power to enact such a law, but virtually ordained that it should be passed. It is supposed that the right to pass it is de-

> on certain conditions. tively embrace any future contingency. subject. The law in question might have provided that in the event of the adoption of the amendments of the constitution, advertisement of application for private acts The election of Representatives to the should be made for thirty days, much

rived from the amendments and that it could

observed that the paragraph of the amend-

ments, now under discussion, confers no

new power on the General Assembly, but

your committee regret that their investi- time, and ordered to be engrossed. garion had not attained more definite results, or been more satisfactory to themthat by too strict an interpretation of the stitution forbidding the passage of Private tons, informing that they are now ready Laws, except on a particular condition, to receive the Senate to examine the re-

Annual Message to the Legislature of N. the present Congress, 29; in the next, 11: the proper constructions to this term, and er, proceeded to the Hall of the House even alleged that one of these Senators has received Carolina, insists upon it that Congress Van Buren loss, 15. The States which insist on its enforcement in every in- of Commons. should immediately redace the Tariff, re- yet to choose are New Hampshire, Rhode stance. It can hardly be supposed that gardless of the terms of the Compromise Island, Connecticut, Maryland, Virginia, the Judiciary branch of the Government Act, which he says " the people did not North Carolina, Alabama, Mississippi, Ten- will have either the disposition or author- Propositions and Grievances, reported sentatives, speaking their voice, did.) a few members in these States will give the Legislature, to ascertain whether they He adds in a strain worthy of the Penn. Whigs the ascendancy in the popular branch were passed with or without legal notice sylvania charter-breakers, " it is but an of the National Legislature. Let Connec- of their introduction. This clause of the amended constitution is binding, threfore, only on the conscience of the Legislatur, and is dependent upon this alone for its observance. Its true meaning is, for that reason, to be sought with the greater dil-REPORT of the Judiciary Committee, igence, and adhered to with the more concerning PUBLIC and PRIVATE vigour. Your Committee first directed their inquiries to the question, whether The Committee on the Judiciary, who were in Parliamentary language the terms pubinstructed by resolution to inquire wheth- lic and private acts have not a meaning er the act of the last General Assembly in some respects different from their le-entitled "An Act to regulate the mode gal signification. But are unable to find of passing private acts of the General Assemby" be applicable to the proceedings have therefore no other criteria for disof the Legislature under the amended tinguishing between public and private Constitution; and also to ascertain and Bills, but such as are furnished by the determine what Laws are properly de-Judicial tribunals and legal writers, and nominated public, and what private acts, these are far from being, in all cases, sathave bestowed on the whole subject the isfactory. In some statutes, special consideration due to its importance, and clauses have been inserted, declaring that those statutes shall be held and deemed That they entertain no doubt as to the to be public acts. But this, as your committee believe, has been properly concompetency of the General Assembly of strued not to change the character of tion, and that the same is to be regarded as the acts, but merely to determine the in full force, until it shall be repealed or manner in which they shall be alleged and modified. It is one of divers laws, passed proved in the Courts of Justice. Whethat the same session, which were conceived er a statute be public or private must deto be necessary to give effect to the amend. pend on its nature and objects. If these ments of the constitution, which had been be private, the statute itself cannot be Assembly, under date of the 2nd March recently sanctioned by the people, and their public, notwithstanding the declaration last, I announced my purpose to resign my enactment devolved as an imperious duty of the Legislature to the contrary; nor office of Senator of the U. States at the on the Legislature at that time, unless clear- should the evasion be allowed of insertcommencement of the present session; and ly forbidden by constitutional prohibition. ing provisions of a public kind for the The sovereign power had ordained that mere purpose of dispensing with the nefrom and after the first of January one cessity of advertisement, where they do thousand eight hundred and thirty six" not belong to the general scope of the certain alterations should obtain in the particular Bill. The general description constitution. Among others that "the of public acts is "that they relate to the General Assembly shall not pass any pri- interests of the public at large, and private Law unless it shall " be made to ap- vate to individuals, or individuals only." pear that thirty days notice of application This vague description, which pervades

to pass such law shall have been given, all the elementary books, and has by umler such directions and in such manner many been mistaken for a definition, at as shall be provided by Law." This Or fords but an uncertain test for discrimidinance of the Constitution was known nation. Your committee believe that

to the Legislature of 1835, to have been a. the following points are settled by adju-1st, Which concern all persons gener

2nd. Which affect the sovereign in

any of his rights, whether of sovereignty or property; hence any act which gives a similar enactment to that now referred a malty or fine to the State, is on that

3rd, Which concern the officers of the State whether civil or military. 4th, Which concern the Legislature. 5th, Which relate to trade in general

or to public highways or navigable rivers. And of these some are termed public local acts, and others public general acts, according to their respective spheres of operation. The foregoing summary may not embrace all acts of a public nature but is supported by authority as far as it extends, and may be useful in drawing the line of distinction. Private acts, embrace all those not falling within any of the descriptions aforesaid; an attempt to define them more particularly is unnecessary. Your committee are aware that the precise boundary between public and private acts cannot in every instance be determined by the rules here furnished. but they are gratified by the reflection, that in the great majority of Bills there only be passed by a legislature convened can be no question as to their character. under the new Constitution? It must be and in any particular case where difficul ty may arise on the subject, the foreg ing classification may be found useful, it not decisive. To the wisdom of the forbids the exercise of an old one, except House it will belong to apply them with proper discrimination, in each case in The Legislative power of the General which their application becomes necessa

> Respectfully submitted. WILLIAM A. GRAHAM December 5, 1836.

SENATE.

Saturday, December 10. Mr Moseley, from the Judiciary Com-

On the other subject of their inquiry taken up, passed its second and third

porations, they shall exist for 30 years.

NUMBER 6.

HOUSE OF COMMONS.

infavorably on the Bill to repeal an Act, passed in 1835, to annex part of Wilkes rable Senator claims his own-their constitute o Ashe; and against the expediency of changing the time of keeping open polls, in elections. Concurred in.

Mr. Nye introduced a bill to regulate representatives, until the contrary is made legal, the County Courts of Ashe; which was manifest. How shall this be done? By stifling at ead the first time, passed and referred.

Mr. Coor presented a bill to incorporate the town of Waynesboro', together with a petition of sundry citizens of that tenth article of the constitution declares place on the subject. Read the first nate and House of Commons when met, shall be time, passed and referred

A message was sent to the Senate, informing that body of the readiness of this bours under any constitutional disability! Is the House to meet them in the Hall of the ipse dixit of any member, not under outh, satisfac-House of Commons, for the purpose of tory evidence, upon which you can ground the exexamining the votes given at the late pulsion of any other member. Is the criminate election of Governor of this State, and informing that Messrs. Cansler and Rayner constitute the Committee of exam may be said that the act of 1796, only applies to ination on the part of this House.

informing that Mr. Polk is appointed to superintend said examination on the part; of the Senate.

SENATE.

Minday, Dec. 12. Mr. Polk, from the Committee on Mili-Davidson county, to be exempted from in that case—he received the required notice, depoworking on Roads. Concurred in.

Mr. Arrington, a Resolution requesting the Governor to communicate any in- viewed this question as one of far more importance formation relative to the investment of than the predominance and success of one party of our portion of the surplus revenue at a ver the other. It is the high constitutional preroga profit; also, any proposals for borrowing

, received by him officially. Adopted. Mr. Mosely presented a Preamble and of individuals to hold seats in the Gene. he believe that the law of the land, will dis hundred acres of land in fee, both the quitable and legal interest in said dis ict, are entitled to seats; and that any of qualification, and to convey back after such purpose is answered, is a palpable evasion of the Constitution, and a fraud

upon its provisions. The 3rd Resolution affirms, that if, after his election, he shall at any time, cease to hold the freehold aforesaid, he is

The 4th Resolution affirms, that the judice of a majority? We should be cautio erm eligible, used in the Constitution, refers to the day of election, and that the election of any person who shall, on that day, hold any office or place of trust State, or under any other State or Government, the said election is null and

The 5th Resolution affirms, that the acceptance by any person elected, after his election to any office or place of trust or profit under the United States, &c., lisqualifies such person from holding a

of Postmaster to come within the prohibition in the Constitution, and declaring hat the election of any Senator holding such appointment is null and void.

Mr. Morehead introduced Resolutions, Assembly extends not merely to the pres- | ry. Your committee ask to be dischar- giving the Committee power to send for ent time and events, but may prospec. ged from the further consideration of the persons and papers, also prescribing what notice shall be given in taking depositions.

gold coin of one dollar is again urged upon Congress. The quantity of gold now
in the country is estimated at 15,000,000.

The Secretary of the Treasury calculates
the whole specie in the country in Octoselves. On the one hand, they have felt vides that where no limit is fixed to cor- plete casus omissus, on our Statute Book respecting article, if it should be in opposition to the o

would be wholly abrogated and annulled, turns of the election for Governor, where our seats by any other authority than that of the re-

any other notice of the intention to vacate their seats. other than by the introduction of the resolution, which, for the first time, conveyed to their ears the startling intelligence, that they were ineligible! Shall they be condemned unheard, by the declaratory resotheir seats by the same tenure by which this honothe same interest in upholding and maintaining the purity of their choice, and a like title to the same charitable presumption of the law, that they have acted in conformity thereto, in the selection of their impeding a just and legal investigation—by with holding from them the process of the law—by depriving them of the right, even to take testimony, to establish their innocence of the charges. True, judges of the qualifications and elections of their members. But where and in what manner are they to obtain the proof or evidence that any member, Senator to go unheard! This is a privilege which is guaranteed by the fundamental law of the land, to the meanest and humblest citizen in the State. It

cases where the right to a seat is contested by two or Received a message from the Senate, more opposing candidates for the same. If it be so, then this is a casus omissus—unprovided for by any existing law, and calls for the adoption of the resolutions offered by the Senator from Guilford. Our constitution was adopted in 1776, and if this act does not apply to cases like these, sixty years have now elapsed, without making any provision for such exigencies. The Senator, a number of years ago, from one of the counties which I have the honor to represent, had his seat contested on the ground tary Affairs, reported unfavorably on the that he had not the freehold required by the constipetition of the commissioned officers of tution. The requisitions of this act, were followed time, it was thought to apply, to such cases and Mr. Taylor presented a Resolution, deemed correct. He would not be understood as instructing the Judiciary Committee to claiming for this act any such exclusive powers, or enquire into the expediency of giving that it was intended to meet the cases now before Solicitors of the State a fixed salary .- the Senate, but in submitting it to their considera tion, it shewed the obvious necessity of adopting the

land. Does the Senator from Warren believe that the law of the land, will sanction the monstrous doc-Resolutions, relative to the qualifications trines which he has advocated here to day! Does ral Assembly. The Resolutions declare, Senator of his privileges on this floor, by the ex-parthat no person who shall not have resided to statement of any postmaster of any other officer? Does he not know that this prosecution against these usually in the Senatorial district from Senators, is in the nature of an impeachment! Sir, which he is chosen, for twelve months is not your warrant to summon persons before this immediately preceding his election-that committee, limited, to the confines of this State !no person who does not possess three Will it be regarded beyond its limits! Can the testimony which is desired out of this State, be legally obtained in any other way than by depositions? conferred upon them? This will show you the nepromise or understanding, open or secret, cessity of proceeding in this matter according to the to receive the title for the mere purpose law of the land. The Senator from Warren hasdeclared that the certificate of the Postmaster General is all that is required.—That it bears the stamp and authority of a record. And is this all that is required? Are there no other matters-no interrogatory asked him-no explanations to be made-no resignations sent him-no communications pertinent to this issue made to him? Surely it will not be contended that these matters in pais, partake of the nature and infallibility of a record. What is the law of the land—is it the will of a party, or the stubborn seeking to maintain the purity of one article of the Constitution, at the expense and sacrifice of another -in avoiding Scylla, to rush upon Charybdis, Let not the dire influence of party feeling trample upon this great principle of the Constitution; for believe or profit, &c. under the United States or me it were better, far better that this Legislature any department thereof, or under this should be dissolved, and legislation for a season cease. than this Senate, the conservator of the great rights of our constituents, and the citadel of their hopes,hould become the foe and tyrant of their libe The Constitution declares that in all prosecutions. every man has a right to be informed of the accuse tion against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself. Is there any substantial reason, why the benefit and advantage of ators? Will you press their case to judgment with The 6th Resolution affirms the office out permitting them to confront the witnesses against them, with other testimony? Will you force them under the penalty of expulsion to give testimony aemselves? Party screws can wring from a eluctant partizan a disavowal of the true sentim of his heart, but the laws of freemen never can sanctrial—condemnation without a hearing according to the law of the land, and confession under the pains and penalties of punishment. This then is not a party question, for it involves the rights of all of us, Mr. Bryan, of Carteret and Jones, said the extra- and every Senator is deeply interested in preserving dinary excitement under which the Senate labours, its purity. If our party distinctions are founded up would seem to preclude the calm and dispassionate on principle, we should be emulous of each other, in ation of the grave and important matters in- maintaining unimpaired this great feature of the olved in the discussion of the subject before it. If constitution, which is alike essential to both, for their it could be stripped of the frightful mein, which par-ty feelings had thrown around it, it would be found of the Senator from Greene and Lenoir, came like that we were touching upon rights which are guar- oil over the troubled and agitated sea-they seemed anteed to the humblest citizen by the constitution of calculated to bring the glad tidings of peace to our of January to the 1st of November, 1836, bers. In the present Congress, the rep. has been of gold, \$3,619,440, and of silver, 2,877,000. The establishment of a silvery 2,877,000. The establishme they shall adopt, in the prosecution of the grave of the opinion of the Senate, upon the vexed que

> here, meet us at every step, and this debate has pro- pended until the resolutions came up. Men will difduced the conviction, that the law already existing fer, and differ honestly, upon the construction of a A bill concerning bodies corporate, was on the subject of contested elections, was made to constitution; and as a majority of the Senate is comread the third time and passed. FPro- meet the existing exigencies, or that this is a com- petent to give an authoritative construction to this it. The act of 1796, c 466, prescribes that it shall now entertained by these Senators, he felt a that by too strict an interpretation of the term Private Law, much useful legislation might be prevented at the present session, whilst on the contrary, the salutary operation of the Session of the Session of the Session of the Session of the Contrary. The salutary operation of the Session of the Contrary of the Contrary of the Session of the Session of the Session of the Contrary of the Session of the Session of the Contrary of the Session of the Session of the Contrary of the Session of the S